

**LONDON BOROUGH OF WALTHAM FOREST**

Committee/Date:	Planning – 01 November 2022
Application reference:	213777
Applicant:	Woolbro Evolution
Location:	806 High Road Leyton, London E10 6AE
Proposed development:	Retention of High Road facade and the demolition of existing buildings on site; construction of three blocks at five and six storeys height comprising a commercial space (Class E) fronting High Road Leyton and 83 residential flats, associated vehicle and cycle parking, servicing and landscaping; and the construction of a two-storey dwellinghouse fronting William Street.
Wards affected:	Forest
Appendices:	None

**1 RECOMMENDATION**

- 1.1 That planning permission be GRANTED subject to conditions and informatives and completion of a legal agreement under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) with the following Heads of Terms:

**Affordable homes:**

- The delivery of 35% affordable housing (by habitable room) with 70% affordable housing (by habitable room) as social rent and 30% (by habitable room) as London Shared Ownership.
- An early-stage viability review mechanism to be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted or otherwise agreed in writing by the LPA.

**Accessibility:**

- A wheelchair user dwellings marketing strategy.
- The requirement for all wheelchair user dwellings to be exclusively marketed as such for a minimum period of 12 months.

**Architecture:**

- The ongoing involvement of RMA Architects to monitor design quality through to the completion of the proposed development.

**Transport:**

- Enabling works will be required to convert the existing dropped kerb access to a construction standard crossover along with an amendment to the existing TMO (traffic management order) to install various parking suspensions along the construction route. A separate enabling works application will be required to be submitted by the developer prior to commencement on site. The enabling works will be carried out by a Minor Highways Agreement funded by the developer and carried out by the Council prior to commencement on site.
  - Highway works under a S278 will be required upon completion of the development, prior to occupation.
  - An application for Highway Works will be required. Extent of works will include but are not limited to:
    - Renewal of the footway along the frontage of the site along St Helier's Road. With full height kerbs.
    - Renewal of the footway along the frontage of the site along William Street
    - The introduction of suitable street lighting to the new extended footway along St Helier's Road
    - Changes to the existing parking provision along St Helier's Road with extension of existing CPZ parking bays.
    - The installation of Highway approved crossovers that meet the existing crossover standards.
    - Removal of all enabling works required for construction.
- A S106 contribution of £5,500.00 is required towards CLP monitoring.
- A S106 contribution of £75,000 is required towards safety improvement for walking and cycling in line with TfL's healthy streets objectives, improving road safety and connectivity for the new occupants of this site.
- Waltham Forest will identify opportunities to improve the public realm and Walking and Cycling Improvements in the local vicinity of the site. The improvements will seek to mitigate the impacts that the development will have based on the increased pedestrian and cycling movements as well as the increased servicing and delivery presence that the proposal will generate.
- The site will be car-free, residents will not be entitled to parking permits for any CPZ unless disabled/blue badge holder.
- Each new Residential Occupier of the development must be informed prior to occupying any residential unit that they shall not be entitled to a residents parking permit unless blue badge holder.

**Air quality:**

- A financial contribution of £8,300.00 towards mitigating the impact of existing poor air quality on the proposed development.

**Energy efficiency and carbon reductions:**

- To design and construct the whole development (with the exception of the single dwellinghouse fronting William Street) so that it is capable of connecting to a decentralised energy network, including associated reserved areas in the plant room and protected pipework routes within and adjacent to the development.
- Updated energy strategies for any phase of the development if details vary from the site energy plan provided.
- Updates based on As Built energy calculations for each phase.
- A financial contribution of £72,463.00 based on offset rate of £95 per tonne over 30 years (763 tonnes) towards a carbon offset fund. 100% upfront payment of the carbon offset payment to be made on implementation.
- Evidence confirming engagement has occurred with an energy supplier working towards registration with the Heat Trust scheme
- Measures to secure post-construction monitoring ("Be Seen").
- Post Construction monitoring (be seen):
  - A. Within 8 weeks of the grant of planning permission, to submit to the GLA accurate and verified estimates of the 'Be Seen' energy performance indicators.
  - B. Prior to occupation, the Owner shall provide updated accurate and verified 'as-built' design estimates of the 'Be Seen' energy performance indicators for each Reportable Unit of the development.
  - C. Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development.
  - In the event that the 'In-use stage' evidence submitted under Clause c) shows that the 'As-built stage' performance estimates derived from Clause b) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be Seen' in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA

should be implemented by the Owner as soon as reasonably practicable.)

**Epping Forest:**

- A financial contribution of £8,300.00 towards Strategic Access Management and Monitoring measures (SAMMs).

**Street Trees:**

- A financial contribution of £3,866.66 for an increased regime maintenance to 3 years.
- Payment of CAVAT value of £35,317 in the case of the loss or removal of single tree (Council trees ref: 9812) as a result of the demolition, construction or operation phases of the development.
- Payment of CAVAT value of £28,976 in the case of the loss or removal of single tree (Council trees ref: 9809) as a result of the demolition, construction or operation phases of the development.

**Offset Play Space Contribution:**

A financial contribution of £TBC towards investment in Leyton Manor park and also in Abbotts park for the use of resident children above 11 years old.

**Training, employment, and business:**

- An Employment and Skills Plan.
- The payment of £105,000.00 as a compensation for the loss of existing employment space.
- The provision of 10 apprentice posts for local residents in the construction trade during the construction phase of the development.
- The provision of four work placements for local residents in the construction trade during the construction phase of the development (2 weeks paid at London Living Wages).
- Measures to encourage applications for jobs during the construction phase of the development from local residents, with a target of offering 30% of all such jobs to local residents.
- Alternative financial contributions in the event of non-compliance with the recommended apprentice post, work placement, and jobs planning obligations.
- Measures to ensure that all suppliers during the construction phase of development are local to the London Borough of Waltham Forest, with a minimum of 20% being local suppliers, and including attendance at four “Meet the Buyer” events.

- The provision of monitoring information in relation to training and employment planning obligations.

**S106 preparation, completion, implementation, monitoring, and compliance:**

- The payment of the Council's legal fees for the preparation and completion of the S106.
  - A financial contribution towards the implementation and monitoring of and securing compliance with the S106, equal to 5% of the total of all other financial contributions.
- 1.2 That authority 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 and to agree any minor amendments to the conditions, informatives, and/or the S106 heads of terms.
- 1.3 If the S106 is not completed within a reasonable timeframe following the date of Planning Committee, that the Assistant Director of Development Management and Building Control is hereby authorised to refuse this application, if appropriate, in consultation with the Planning Committee Chair. In the absence of the S106 the proposed development would not be able to secure the provision of compatibility with the extant planning permission scheme; affordable homes; accessible homes; high-quality design; appropriate transport mitigation; air quality mitigation; energy efficiency and carbon reductions; acceptable impacts on Epping Forest; and local training, employment, and business opportunities.

**2 REASONS REFERRED TO COMMITTEE**

- 2.1 This application is before the Committee due to its size.
- 2.2 Major matters of planning policy are involved.

**3 SITE AND SURROUNDINGS**

- 3.1 The application site is 0.33 hectares in size with a triangular shape with two protruding plots; the north protruding plot faces onto William Street, and the southeast protruding plot faces onto High Road Leyton. The High Road Leyton frontage is a former cinema building, and its ground-floor currently has a betting office. The site's southwest part sits behind the row of buildings facing High Road Leyton, all have a commercial element to the ground floor, and some have flats on upper floors. The northwest sits behind the private rear gardens of dwellinghouses facing William Street, the east side of the site comprises a wide frontage on St Helier's Road, its bottom part sits adjacent to the Leyton Green Tower, a ten-storey residential building that rises above the road.
- 3.2 The site currently comprises a large former cinema building and a car parking area for approximately 30 vehicles accessed from St Helier's Road. The former cinema building comprises a series of business spaces, part of which had a children's nursery. The car park is used for a car rental service.



*Figure 1: Site location plan*

- 3.3 The rear of the site is within walking distance of secondary and primary shopping frontages, providing retail, supermarkets, restaurants, health, commercial and health services. It is also adjacent to a bus stop with nine services and sits within approximately 600 metres distance from Leyton Midland Road overground station. As such, the site has a Public Transport Accessibility Level (PTAL) of 5/6a, which means it has very good/ excellent access to public transport.
- 3.4 The site lies within an area of known archaeological potential for the historic settlement of Leyton; it is also adjacent to the Archaeological Priority Area for the projected Roman road that runs through Leyton. The site is not within a conservation area; however, it sits approximately 100 metres from the Bakers Arms Conservation Area, opposite the Grade II listed 807 Leyton High Road, and approximately 50 metres from the locally listed William IV public house. Additionally, the cinema building is a non-designated asset where its art deco frontage has a strong townscape presence.
- 3.5 The site is in the Waltham Forest Air Quality Management Area, which covers the entire Borough and is understood to be in place mainly due to vehicle emissions.
- 3.6 The site sits within Flood Zone 1, meaning it has a very low risk of flooding; however, it is located within a Critical Drainage Area (CDA) and has a 100% impermeable surface. There are no nearby ecological designations, but the site falls within the 0-3km zone of influence for Epping Forest SAC.
- 3.7 The site falls within the Bakers Arms District Centre and frontage on the High Road is a Secondary Shopping Frontage.

## 4 APPLICATION PROPOSAL

4.1 The development would include the demolition of existing buildings remaining on site (apart from the High Road façade) and site clearance works. The proposal is for a residential-led mixed-use scheme proposing a total of 83 residential units across three flatted blocks and an infill dwellinghouse onto William Street; it would also include 99sqm commercial space onto High Road frontage. The proposed blocks would comprise four main buildings as below:

- Block A: it would sit to the north part of the site, east-west orientation behind the rear gardens of the William Street terrace of dwellinghouses. It would have part four and part five storeys with a partial lower-ground level.
- Block B: it would sit to the south part of the site just above Leyton Tower with a north-south orientation along St Helier's Road. It would have part four, part five and part six storeys. Blocks A and B would have an L-shaped arrangement creating a communal landscaped area to the west behind block C.
- Block C: it would front High Road Leyton, an infill building behind the retained art deco façade of the existing cinema with the commercial space on the ground floor. It would have four storeys with a setback fifth floor.
- Dwellinghouse: an infill within William Street terrace between numbers 16 and 20. It would be a three-bedroom house, two storeys in height, with accommodation in the roof space. It would respect the existing terrace's design, front and rear building lines, with front and rear gardens.

4.2 The proposed schedule of accommodation would be as follows:

	<b>1b/1p</b>	<b>1b/2p</b>	<b>2b/3p</b>	<b>2b/4p</b>	<b>3B/5P</b>	<b>3B/6P</b>
<b>Block A</b>	-	14	6 (3 WC)	3	9	-
<b>Block B</b>	-	25	9 (5 WC)	1	5	-
<b>Block C</b>	4	4	-	2	-	-
<b>House</b>						1
<b>Total</b>	4	43	15	6	14	1
<b>Total by size</b>	1-bedroom at 47		2-bedroom at 21		3-bedroom at 15	

4.3 Block A would have two entrance lobbies, each with a lift and stair core, a refuse store, and a cycle store with a capacity for 46 bikes. Block B would have two entrance lobbies, one lift and stair core, a refuse store, two separate cycle stores with a capacity for 73 bikes, and plant rooms. Block C would have a commercial space to the front, side access for the residential lobby and core, and two separate cycle stores for commercial and residential with a capacity for four bikes and 15 bikes respectively.

4.4 The proposed site plan would include a private garden behind the dwellinghouse; an external cycle store for block A with capacity for 21 bikes; a communal amenity and a children play space to the east side of the site; three blue-badge parking bays, plus a landscape one blue-badge bay, a service delivery bay, visitor cycle racks, waste collection zone, a grow garden to the south of the site.

- 4.5 The proposed buildings would be arranged with hard and soft landscaping areas. Blocks A & B would have access from St. Helier's Road; block C would have access through High Road Leyton, and residents would have access to the communal amenity areas and ultimately to St. Helier's Road.



Figure 2: Proposed site plan

- 4.6 The proposed development would deliver 25 new affordable homes. Of these, 17 would be social rent homes and 8 would be shared ownership homes. Further information about affordable housing and home size mix is discussed in the relevant sections of this report and included in the application submission documents.

## 5 RELEVANT SITE HISTORY

### 5.1 Planning history

- 5.2 101184 - Retention of part of ground floor and first floor as training centre, meeting rooms and offices (use class D1). – Approved with Conditions and Informatives 09/02/2011.

- 5.3 There is not thought to be any relevant planning history relating to neighbouring sites.

### 5.4 Pre-Application

- 5.5 The site had been a subject of a number of pre-application discussions with officers and meetings in 2017, 2018, 2019, 2020 and 2021. As well as a Design Council Design



Review in May 2018. The submitted Planning Statement details these pre-application discussions.

- 5.6 The applicant also undertook community engagement prior to the submission of this application, which included webinars on 18 and 21 October 2021, and meeting with the Waltham Forest Civic Society on 8 October 2021 and local councillors on 11 October 2021. The submitted Statement of Community Involvement details this engagement.

## 6 PUBLIC CONSULTATIONS

- 6.1 Following the initial validation of this application, the Council sent notification letters to 344 neighbouring addresses and consultees on 10 January 2022. A press notice was published on 20 January 2022 and three notices were posted around the site on 02 February 2022.
- 6.2 Following the receipt of an amended scheme, the Council again sent notification letters to neighbours and consultees on 09 August 2022. Two site notices were posted around the site on 16 August 2022 and a press notice was published on 8 September 2022.
- 6.3 As a result of the initial round of public consultation, three objections were received from neighbouring properties; no response received following the re-consultation period. The table below summarises the issues raised in these letters:

Comment	Officer response
The proposal is an overdevelopment of the site.	Please refer to subsection 10A of this report.
Proposal should include a green area replacing one of the blocks.	The density of the scheme is acceptable and therefore there is no reason to remove one of the blocks. Please refer to subsection 10A of this report.
Block B would have a negative impact on light levels to its future occupiers and residents at Leyton Tower.	The application included a daylight and sunlight report was reviewed by a third-party consultant and did not raise concerns with light levels at either building.
Loss of light on William Street properties.	Please refer to subsection 10G of this report.
The “car free” nature of the development would put pressure on on-street car parking in the surrounding area.	New residents will not be eligible for CPZ permits Please refer to subsection 10H of this report.
Requesting development to have onsite parking to avoid impact on street parking.	Onsite parking is against the council and London policies which requires developments to be car-free. New residents will not be eligible for CPZ permits

Impact on local services such as schools and GP's.	Please refer to subsection 10K of this report.
Disturbance caused by construction works.	The construction phase of the development would be undertaken in accordance with measures to control impacts on sensitive receptors in the surrounding environment, including neighbouring properties. A Construction Environmental Management Plan (CEMP) would be requested by condition.
The proposed development would result in noise disturbance for neighbouring residents	<p>Please refer to subsection 10L of this report for an assessment of the proposed development's likely noise impacts. This considers the submitted Noise Impact Assessment, which assesses noise impact as a result of road traffic.</p> <p>In relation to any noise from play areas and communal amenity spaces, these spaces' location between the proposed buildings would shield their noise from neighbouring dwellinghouses.</p>

## 7 OTHER CONSULTATIONS

7.1 The table below summarises the comments received from London Borough of Waltham Forest (LBWF) officer consultees, including some statutory consultees.

<b>LBWF officer consultee</b>	<b>Comment</b>
Building control	Buildings are below 18 metres and do not require consultation from building control.
Conservation	Please refer to subsection 10F of this report.
Design	Please refer to subsections 10C, 10D, 10E, and 10F of this report.
Early Years Childcare and Business Developments	The Council's current Childcare Sufficiency Assessment evidence a surplus of early years full day care places in this ward, and therefore, we do not have an immediate need for additional Ofsted registered early years childcare places.
Employment, Business, and Skills	Planning obligations related to loss of employment space, training, employment, and business opportunities for local residents were requested.
Environmental health	<p>In relation to air quality, it was advised that the submission shows that the proposed development would be acceptable subject to the use of a planning obligation, conditions, and informatives.</p> <p>No responses received in relation to land contamination.</p>

	<p>With regard to noise, the response confirmed they were satisfied with the submitted noise report and requested conditions to ensure the development compliance to noise levels and measures states in the report.</p>
Highways	<p>Planning obligations were recommended to secure financial contributions that would help mitigate the transport impacts of the development.</p> <p>Some concerns were raised about the provision of suitable footways around the site. These concerns were addressed following clarifications from the applicant and amendments to the design of the proposed development. In any case, it was recommended that a Stage 1 and 2 Road Safety Audit (RSA) is secured via a planning condition.</p> <p>Planning obligations were recommended to ensure that the applicant enters into legal agreements under sections 38 and 278 of the Highways Act 1980 (as amended).</p> <p>A condition securing the details of any proposed street lighting and a street naming and building numbering informative were recommended.</p> <p>It was advised that the proposed cycle parking provision would be adequate.</p> <p>The “car free” nature of the proposed development was welcomed.</p> <p>Following clarifications from the applicant, it was accepted that the proposed disabled persons car parking arrangements would be acceptable, subject to planning conditions.</p> <p>Following clarifications from the application, it was accepted that the proposed arrangements in respect of deliveries and servicing would be acceptable, subject to a planning condition.</p> <p>Following revisions to the submitted Outline CLP, it was advised that this document was considered to be acceptable and a planning condition used should be used to secure a detailed CLP, with a planning obligation to secure a financial contribution towards its monitoring. A planning condition securing a provision of highway condition surveys was also recommended.</p>
Housing	<p>This application is proposing to deliver a 35% quantum of affordable housing, this would be in line with the Borough’s emerging Local Plan and the requirements of the current London Plan.</p> <p>The tenure split within the affordable is 70:30 between Social Rented and Intermediate. This is in line with both emerging Local Plan and current London Plan targets.</p> <p>The tenure mix within the social rent element proposes 35% one beds against an emerging local plan policy of 20%, a 29% provision of two beds against a 30% target</p>

	<p>and a 35% provision of three beds against a 50% target for three beds and larger.</p> <p>There is an over provision of rented one bed units. This is leading to an under provision of rented family sized units (three beds and larger). These larger units are a high priority for the borough and therefore this issue needs to be addressed. Switching 2 one bed units to 3 bed units would bring the offer much closer to the policy targets (i.e. 4x1bed, 5x2b, 8x3b).</p> <p>Within the intermediate element there is a 50% provision of one bed against a policy target of 30%, a 25% provision of two beds against a target of 50% and a 25% provision of three beds against a target of 20% for three beds and larger.</p> <p>Within the intermediate mix there is scope to better balance the one and two bed units, so they are closer to their respective policy targets.</p>
Lead Local Flood Authority (LLFA)	It was advised that the proposal would be acceptable in terms of flood risk and the mitigation that could be provided in line with the submitted drainage strategy. Requested pre-commencement conditions for infiltration test.
Sustainability and energy	<p>It was advised that the proposed development would be generally acceptable in respect of energy efficiency, carbon reductions, and other sustainable design and construction matters. A number of planning conditions and obligations were recommended.</p> <p>Further information was requested, including about photovoltaic panels and fabric efficiency, which was submitted by the applicant and found to be satisfactory.</p>
Transport policy	<p>Planning obligations securing car club membership for future residents and a financial contribution towards the provision of a cargo bike hire scheme were recommended.</p> <p>Some concerns were raised about the provision of suitable footways around the site. These concerns were addressed following clarifications from the applicant.</p> <p>Overall, the design and 'car-free' nature of the proposed development was welcomed.</p> <p>A planning condition was recommended to secure electric vehicle charging points.</p> <p>The level and design of the proposed cycle parking was queried but these queries were adequately addressed through clarifications from the applicant.</p>
Tree preservation and urban greening	Please refer to subsection 10L of this report.

- 7.2 Notifications were also sent to a number of other LBWF officer consultees, but no further responses had been received at the point that this report was submitted for publication.
- 7.3 The table below summarises the comments received from external consultees, which include some statutory consultees.

External consultee	Comment
Council for British Archaeology	<p>This prominent interwar cinema building has been correctly identified as a non-designated heritage asset. Its striking art deco facade, remaining interior detailed and continued public recreational use over a period of nearly 80 years give it architectural, aesthetic, historical and communal value. The 'false front' of the facade, rising higher than the building behind it, was a characteristic feature of architecture in the Western USA and was specifically intended to hide the more utilitarian structures behind.</p> <p>The CBA regret the loss of this site. However, understand that due to its use-specific construction and redundancy, its maintenance or adaptive reuse may not be possible. We note significant internal alterations reduced the aesthetic and architectural value of the interior. The CBA therefore do not object to the principle of the reconstruction of the rear parts of the building and the site's conversion to a residential use.</p> <p>However, the CBA object to the height of the proposed building which would overwhelm the iconic facade and would have a significant negative impact on the aesthetic and architectural value of the building. The scale and massing which rises above this frontage totally fails to respect the architectural design. We strongly recommend that the applicants revise their designs to reduce the proposed massing below the level of the 1930s facade.</p> <p>In its current form, we do not consider that this application meets the requirements of the NPPF, paragraphs 199 and 200. We recommend reducing the proposed scale and massing to be subservient to the historic facade, or that the application be refused.</p>
Environment Agency (EA)	The EA provided standard advice in relation to the protection of groundwater.
Health and Safety Executive (HSE)	<p>The HSE advised that it is satisfied with the information provided about the proposed development in terms of fire safety.</p> <p>The HSE initially requested that the applicant provide a fire statement form, which was submitted and deemed to be satisfactory.</p>
Historic England (HE) Greater London	HE GLAAS advised that archaeological remains may exist on site, particularly the car parking area, and the development could result in some harm to them. However, given the likely level of significance, it has no objection

Archaeology Advisory Service (HEGLAAS)	<p>subject to a two-stage condition and informative to ensure appropriate field evaluation and mitigation.</p> <p>HE GLAAS requested a pre-commencement Level 3 building recording Survey for the former cinema building including recording of the frontage, foyer and auditorium. The survey should include documentary and archive work to investigate further detail on the Chinese ceiling of the auditorium. Existing drawn plans can be annotated as long as they are checked on site for accuracy.</p>
London Fire Brigade (LFB)	LFB acknowledged the consultation, had no further observations to make and requested to be consulted on any material amendments.
Metropolitan Police Service (MPS)	The MPS advised that it has no objection subject to an appropriate Secured by Design (SbD) condition.
Natural England (NE)	<p>Epping Forest Special Area of Conservation (SAC) has no objection subject to mitigation in line with the emerging strategic approach relating to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy.</p> <p>This application site is within the 0-3km Zone of Influence for Epping Forest SAC. In line with Natural England's interim advice dated 6th March 2019, the development needs to provide appropriate financial contributions for Strategic Access Management Measures (SAMM).</p> <p>Natural England has not assessed this application for impacts on protected species. Recommending following their Standing Advice or consult your own ecology services for advice.</p>
Thames Water (TW)	TW confirmed sufficient surface and foul wastewater sewerage infrastructure capacity in the existing network for the proposed development but requested a condition to ensure that suitable water supply infrastructure is in place prior to the development being occupied. It also requested an informative to advise that the site is located near to existing underground wastewater and water assets.
Transport for London (TfL) Infrastructure Protection	<p>TfL had no comment in relation to infrastructure protection.</p> <p>Positive comments regarding the cycling provision with a slight concern regarding store for block C.</p> <p>Positive comments regarding the blue badge parking spaces.</p> <p>Raising informatives to avoid blocking High Road Leyton (A112) during construction.</p>
Twentieth Century Society	The society accepted the applicant's justification for the demolition and has no objection to the principle of the scheme, or the insertion of glazing to the elevation. Raised objection to the original zinc-clad addition. Following the amendments which changed the zinc-cladding to stone,

	the Society stated they did not wish to comment on the amendments.
Cinema Theatre Association	<p>CTA raised an objection to the original submission's zinc-clad addition. Following amendments, CTA stated that the revised elevation to High Road, Leyton still shows a new top storey, to which CTA objected previously. However, the detailed design better, and echoes the historic facade below. The perspective visual shown in the Summary of Amendments is encouraging.</p> <p>However, the ground floor plan shows that nothing would be retained of the surviving foyer and staircase to the original auditorium and no historic fabric kept behind the facade. It is essential that the fine decorative staircase balustrade is retained and re-used somewhere else in the development. Some imagination must be used to achieve this.</p>

## 8 DEVELOPMENT PLAN

- 8.1 Section 70(2) of the Town and Country Planning Act (1990) (as amended) sets out that in considering and determining applications for planning permission, the Local Planning Authority (LPA) must have regard to considerations including the provisions of the development plan and any local finance considerations, so far as material to the application, and any other material considerations.
- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 8.3 The Development Plan for the site, at the time of this report, comprises the London Plan (2021), and the Waltham Forest Local Plan Core Strategy (2012), and the Waltham Forest Local Plan Development Management Policies (2013). Other planning policies are material considerations.

### The London Plan (2021)

- 8.4 The London Plan is the overall strategic plan for London, and sets out an integrated economic, environmental, transport, and social framework for the development of London over a 20 to 25-year period.
- 8.5 The policies considered relevant to this application include:
- D2 - Infrastructure Requirements for Sustainable Densities
  - D3 - Optimising Site Capacity through the Design-Led Approach
  - D4 - Delivering Good Design
  - D5 - Inclusive Design
  - D6 - Housing Quality and Standards
  - D7 - Accessible Housing
  - D8 - Public Realm

- D11 - Safety, Security and Resilience to Emergency
- D12 - Fire Safety
- D13 - Agent of Change
- D14 - Noise
- H1 - Increasing Housing Supply
- H4 - Delivering Affordable Housing
- H5 - Threshold Approach to Applications
- H6 - Affordable Housing Tenure
- H10 - Housing Size Mix
- S3 - Education and Childcare Facilities
- S4 - Play and Informal Recreation
- E11 - Skills and Opportunities for All
- HC1 - Heritage Conservation and Growth
- G1 - Green Infrastructure
- G4 - Open Space
- G5 - Urban Greening
- G6 - Biodiversity and Access to Nature
- G7 - Trees and Woodlands
- SI 1 - Improving Air Quality
- SI 2 - Minimising Greenhouse Gas Emissions
- SI 3 - Energy Infrastructure
- SI 4 - Managing Heat Risk
- SI 5 - Water Infrastructure
- SI 6 - Digital Connectivity Infrastructure
- SI 7 - Reducing Waste and Supporting the Circular Economy
- SI 12 - Flood Risk Management
- SI 13 - Sustainable Drainage
- T1 - Strategic Approach to Transport
- T2 - Healthy Streets
- T4 - Assessing and Mitigating Transport Impacts
- T5 - Cycling
- T6 - Car Parking
- T6.1 - Residential Parking
- T7 - Deliveries, Servicing and Construction



Waltham Forest Local Plan Core Strategy (2012)

- 8.6 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 seek to direct and manage development and regeneration activity to 2026.
- 8.7 The policies considered relevant to this application include:
- CS1 - Location and Management of 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
  - CS10 - Creating More Jobs and Reducing Worklessness
  - CS12 - Protecting and Enhancing Heritage Assets
  - 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)

- 8.8 The Development Management Policies document sets out the borough-wide policies that implement the Core Strategy and deliver the long-term spatial vision and strategic place-shaping objectives.
- 8.9 The policies considered relevant to this application include:
- DM1 - Sustainable Development and Mixed Use Development
  - 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
  - DM12 - Open Space, Sports and Recreation
  - DM13 - Co-ordinating Land use and Transport
  - DM14 - Sustainable Transport Network
  - DM15 - Managing Private Motorised Transport
  - DM16 - Parking
  - DM17 - Social and Physical Infrastructure
  - DM21 - Improving Job Access and Training
  - DM23 - Health and Well Being

- DM24 - Environmental Protection
- DM28 - Heritage Assets
- 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
- DM36 - Working with Partners and Infrastructure

#### Emerging Development Plan

- 8.10 The council is currently preparing a new Local Plan. When adopted this will replace the currently adopted development plan documents including the Core Strategy (adopted 2012), Development Management Policies Document (adopted 2013) and the Area Action Plans for Walthamstow Town Centre (adopted 2014) and Blackhorse Lane (adopted 2015).
- 8.11 The emerging new Local Plan This plan has two parts:
- Waltham Forest Local Plan Part 1 (Strategic Policies) – LP1
  - Waltham Forest Local Plan Part 2 (Site Allocations) – LP2
- 8.12 LP1 (Strategic Policies) is currently at the Examination Stage. LP2 (Site Allocations) is at the statutory consultation stage. Both parts carry limited weight until their adoption. The relevant policies are listed under Section 10 of this report.

## **9 MATERIAL PLANNING CONSIDERATIONS**

#### National Planning Policy Framework (2021)

- 9.1 The National Planning Policy Framework (NPPF) 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 but does not change the legal status of the Development Plan. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 9.2 For decision-taking, the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay; or 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: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

'Be Seen' Energy Monitoring Guidance London Plan Guidance (2021)

- 9.3 The 'Be Seen' Energy Monitoring Guidance London Plan Guidance (LPG) explains the process that should be followed to comply with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.

Affordable Housing and Viability Supplementary Planning Document (2018)

- 9.4 The Affordable Housing and Viability Supplementary Planning Document (SPD) provides detailed guidance on Waltham Forest Local Plan Core Strategy and Development Management Policies related to affordable housing and viability.

Inclusive Housing Design Supplementary Planning Document (2011)

- 9.5 The Inclusive Housing Design SPD provides further detail in relation to Waltham Forest Local Plan Core Policies concerning the design of accessible housing.

Planning Obligations Supplementary Planning Document (2017)

- 9.6 The Planning Obligations SPD provides detailed guidance on planning obligations and Section 106 agreements and how these work alongside the Community Infrastructure Levy (CIL) to help deliver necessary infrastructure in the Borough, supplementing Waltham Forest Local Plan Core Strategy and Development Management Policies.

Waste & Recycling Guidance for Developers (2019)

- 9.7 The Waste & Recycling Guidance for Developers is to help those involved in designing new developments to ensure safe and secure refuse and recycling storage and collection.

Emerging strategic approach relating to the Epping Forest Special Area of Conservation Mitigation Strategy (2019)

- 9.8 NE issued a letter to relevant LPAs on 6 March 2019 providing interim advice relating to residential planning applications that have the potential to impact on the Epping Forest SAC to ensure compliance with the Habitats Regulations. It relates to potential recreational impacts only and does not cover potential air quality impacts.

Waltham Forest Local Plan (LP1) 2020-2035 (Proposed Submission Document) (2020)

- 9.9 Waltham Forest Local Plan (LP1) is intended to eventually replace the current Waltham Forest Local Plan Core Strategy and Development Management Policies. It has undergone consultation and was subject to an Examination in Public in March 2022. Whilst indicating the intended direction of future policy, its draft policies can only be given limited weight in decision making.

Local Finance Considerations

- 9.10 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 CIL. It is noted that:
- It is not thought that there are any grants which have been or will or could be received from central government in relation to this development.

- The Council expects to receive income from LBWF CIL in relation to this development.
- The Council expects to receive income from Mayoral CIL in relation to this development.

## **10 ASSESSMENT**

10.0 The main issues which shall be addressed within this report are as follows:

- A. Principle of development and land use
- B. Loss of employment land
- C. Affordable housing and housing mix
- D. Standard of residential accommodation
- E. Design
- F. Heritage
- G. Neighbouring amenity
- H. Transport
- I. Environmental impact
- J. Energy efficiency and sustainable design and construction
- K. Impact on infrastructure
- L. Trees, landscaping, and ecology
- M. Safety and security
- N. Planning obligations

### **A. PRINCIPLE OF DEVELOPMENT AND LAND USE**

- 10.1 Policy DM1 reflects the NPPF's presumption in favour of sustainable development, as discussed earlier in this report.
- 10.2 Whilst Policies CS1 and CS2 set out housing delivery targets for the Borough, it is noted that these are superseded by the new and ambitious ten-year housing target set out for Waltham Forest in London Plan Policy H1, which aims for the completion of 1,264 new homes per annum.
- 10.3 Policies CS1, CS2, and DM1 seek to direct development, including new housing, towards suitable locations, including key growth areas in the Borough, such as town centres. There is a particular focus in Policies CS1 and CS2 on accommodating development on previously developed land where possible and ensuring that redevelopment makes more efficient use of such land, as well as optimising housing densities. This focus is generally shared by Policy CS5 and London Plan Policy H1.
- 10.4 Policy CS7 seeks to ensure that developments are located in areas that are accessible. London Plan Policy H1 states that new housing should be focused on sites with a PTAL of between 3 and 6. London Plan Policy T1 sets out that development should make effective use of land, reflecting its connectivity and accessibility by sustainable modes of transport.

- 10.5 Policy CS14 states that the Council will seek to promote successful and vibrant town centres to serve the needs of residents, workers and visitors. Policy DM25 also seeks to strengthen and manage the role of town centres and the uses permissible in these areas stating that within identified shopping frontages, the Council will seek to maintain and encourage shops at ground floor level.
- 10.6 London Plan Policy D2 sets out that development densities should be proportionate to a site's connectivity and accessibility by walking, cycling, and public transport to jobs and services. It also generally requires that suitable levels of infrastructure are or will be in place to support the density of developments being proposed.
- 10.7 London Plan Policy D3 states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. It does not set out a prescriptive approach but rather seeks to ensure that all schemes achieve an appropriate density that responds to a site's context and capacity for growth, setting out considerations relating to form and layout, user experience, and quality and character.
- 10.8 London Plan Policy H3 states that to ensure housing targets are achieved, boroughs should optimise the potential for housing delivery on brownfield sites especially the sites with existing or planned PTALs 3-6 which are located within 800 metres distance of a station or a town centre boundary.
- 10.9 The 806 High Road Leyton frontage is identified as a key shopping frontage within current and emerging local planning policy. Core Strategy Policy CS14 states that the Council would seek to promote successful and vibrant town centres to serve the needs of residents, workers and visitors. Policy DM25 also seeks to strengthen and manage the role of town centres and the uses permissible in these areas stating that within identified shopping frontages, the Council will seek to maintain and encourage shops at ground floor level.
- 10.10 Policies 40, 41 and 42 of the Emerging Local Plan LP1 seek to protect and enhance the Borough's town centres and high streets to ensure that these areas remain distinctive and vibrant. Emerging Policy 40 states that designated centres, including District Centres, will be preferred locations for new retail and entertainment uses and that development proposals will be supported where the scale of the development is appropriate to the role and function of the particular centre or parade and its catchment. Emerging Policy 42 states that proposals for town centre uses will be encouraged in the primary shopping areas of Walthamstow and the District Centres.
- 10.11 The Emerging LP2 identifies the site as SA13 with an allocation for a redevelopment of multi-use facility to provide new homes and re-provide community facilities with an indicative development capacity of 90 homes.
- 10.12 The proposal is for a mixed-use development comprising 83 homes and 99sqm of commercial space. The proposed density of the development would be approximately 251 dwellings per hectare and would be less than the indicative development capacity of the site allocation.
- 10.13 Considering the above, the increased number of new homes proposed would help to achieve the Borough's housing delivery targets on an allocated site and in a sustainable location, at a density that would optimise the site considering both

infrastructure and design considerations. The development proposal would therefore comply with Policies CS1, CS2, CS7, CS14 and DM1, DM25, the Emerging Local Plan 1 policies 40,41 and 42 and the Emerging Local Plan 2 allocation and London Plan Policies D2 and D3, H3, and would be acceptable.

## **B. LOSS OF EMPLOYMENT LAND**

### Loss of Employment Land

- 10.14 Policy CS8 E states that development should a pragmatic approach to non-designated employment land and premises than can clearly be demonstrated to be surplus to requirement and no longer fit for purpose so it can be released for more productive uses and that priority will be given to mixed-use developments. Paragraph 11.25 of this policy states that the national planning policy advocates a flexible approach to employment land provision and the need to provide land for new homes, social infrastructures etc.
- 10.15 Policy 29 of the Draft Local Plan discusses approach to non-designated employment land, part B states that development which seeks to introduce residential or mixed-use elements to the employment location will only be supported where the proposed accord with an adopted allocation in a DPD for residential or mixed-use development. The development would fall under the Emerging LP2 Site Allocations (SA13).
- 10.16 The submitted planning statement included a letter from the site's owner explaining that the cinema use of the building ceased in 1979, after which the building was let for business use. The owner stated that it was difficult to attract occupiers due to the deteriorating condition of the building, with the final tenants vacating in 2020. The justification of employment size on site provided by the applicant explained the reasons the building is no longer fit for purpose, summarised below:
- Layout: the building comprises several small rooms, most for one and two employees, spread across the ground and first floor levels, with a small number of toilets and kitchens in addition to unused parts of the building associated with circulation and the cinema use. Accordingly, the layout translates to a co-working or a big business letting; instead of a flexible business letting space. Additionally, the building's plan results in a poor gross-to-net ratio that limits its ability to accommodate more employees.
  - Quality: the building is in a general state of disrepair. Additionally, the ground-floor rooms and most of the first-floor rooms do not have any windows and do not benefit from natural light. Additionally, there is no external amenity space for tenants. Accordingly, the appeal of the rooms on offer is poor; and many historic tenants used the rooms mainly for storage purposes.
  - Accessibility: the main entrance is via a narrow corridor off High Road Leyton that connects to a network of communal corridors; vertical connection is through many staircases across the building. The rooms are not DDA compliant, which added to its poor appeal to potential tenants.
  - Parking: the yard is already rented to a limousine business and was not available for the use of potential tenants.

- Sustainability: the building's age and lack of refurbishments translate to poor energy efficiency and poor internal temperatures for the rooms.
- 10.17 The later document also explained why the building would not be suitable for optimum employment opportunities in the future. The fundamental issues and limitations stated with the existing building would require internal layout changes, structural works to the inside and outside of the building and installing a new energy system and a lift. All of which would be expensive without a guaranteed income.
- 10.18 The above justification would be acceptable; the site is not used to its maximum employment potential and would not achieve it in the future and, as such, is a surplus to requirement of employment land in the borough. Additionally, the site is allocated for mixed-use residential use as per the current application. Accordingly, loss of employment onsite would be acceptable and in line with policy CS8 and the draft local plan policy 29.

#### Loss of Nursery Use

- 10.19 Policy DM17 states that the Council will resist the loss of an existing community, unless; no shortfall in provision will be created by the loss; adequate alternative facilities are already within walking distance in the area; the specific facility is no longer required in its current use, and the redevelopment of the site would secure an overriding public benefit.
- 10.20 Emerging LP1 Policy 48 states similar criteria to accepting the loss of a community facility.
- 10.21 The Council's Child Care and Early Years division advised that there is a surplus of spaces for early years spaces in this area, and a re-provision would not be required.
- 10.22 Some employment space on site was last used as a nursery which ceased as a business in March 2020. It had since been vacant, and the premises had been considered unsuitable to re-accommodate a similar use due to its location. The proposal would not be suitable to re-provide a nursery as residential use would require more open space and would result in compromised overlooking, and lack of opportunities for suitable drop-off and servicing. Accordingly, this would prove that the space is not required in its current use.
- 10.23 The public benefits from this development would cover social benefits to the area from diverse and additional residents, employment opportunities during construction and lifetime of the development, quality housing and improved public realm and an overarching optimising of a redundant derelict site.
- 10.24 Considering the above, the principle of development, both in terms of loss of employment space and loss of nursery existing and proposed land uses as well as proposed density would be acceptable. The development proposal would therefore comply with Policies CS8, and DM19, the Emerging Local Plan 1 policies 29 and 48 Plan 2 allocation.

**C. AFFORDABLE HOUSING & HOUSING MIX**

- 10.25 Policy CS2 seeks to maximise the number of affordable homes in the borough through the provision of at least 50% of new homes as affordable. Where less than 50% of new homes are proposed as affordable, viability evidence is required to demonstrate that the maximum number of affordable homes would be provided. If such a proposal is accepted, a later viability review would be required to ensure that any improvements in viability post planning permission could be reflected through an additional financial contribution. The Affordable Housing and Viability SPD provides further guidance in relation to these policies.
- 10.26 London Plan Policy H4 sets out a strategic target for the provision of 50% of new homes as affordable and lists specific measures that are intended to achieve this aim including the threshold approach under Policy H5. London Plan Policy H5 sets out that the threshold level of affordable housing is initially set at a minimum of 35 per cent, and that Fast Track Route (FTR) would be followed in applications which meet or exceed the relevant threshold level of affordable housing on site without public subsidy. Part E of this policy states that FTR applications are not required to provide a viability assessment at the application stage; however, there will be a requirement for an Early-Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted. Paragraph 4.5.3 of this policy states that the percentage of affordable housing on a scheme should be measured in habitable rooms.
- 10.27 Policy London Plan Policy H6 sets out requirements for affordable housing tenure, stating that a minimum of 30% low-cost rented homes, a minimum of 30% intermediate and the remaining 40% to be determined by the borough as either based on identified need. Policy DM3 sets out that the Council will seek an affordable housing tenure split of 60% social/affordable rented and 40% intermediate. Draft Local Plan Policy 14 sets out that a tenure split of 70% low-cost affordable rent and 30% intermediate would be expected on schemes of 10 or more units.
- 10.28 Policy DM3 also requires that developments are “tenure blind”, meaning that homes across different tenures should not be easily distinguishable based on their external appearance. London Plan Policy D6 has similar requirements, and Policy S4 sets out that play space should not be segregated by tenure.
- 10.29 The proposed development would deliver the following:

	<b><i>Affordable homes</i></b>	<b><i>Social rent homes</i></b>	<b><i>Shared ownership homes</i></b>
<b><i>Flats (units)</i></b>	25 (30%)	17 (68%)	8 (32%)
<b><i>Habitable rooms</i></b>	74 (35%)	52 (70%)	22 (30%)

- 10.30 The proposal would have flats in cores A2 and B2 as low-cost affordable rent, flats accessed from core A1 as intermediate. The flats accessed through cores A1 and B1, all of block C and the dwellinghouse would be available on the open market. The proposal would have eight wheelchair accessible flats, four of which would be within the low-cost affordable rent flats.
- 10.31 The proposal would have a 35% affordable housing offer by habitable rooms, per the requirements of policy H4 for an FTR approach, which would be acceptable. The s.106



agreement would capture the development commitment to the social rent homes to be provided at target rents, and shared ownership homes would meet London Shared Ownership affordability criteria.

- 10.32 Officers appreciate the response from the Housing delivery officer, who generally agreed with the affordable housing provision but highlighted the shortcomings of the proposed affordable units mix against the draft local plan. These shortcomings include:

	<b><i>Unit size</i></b>	<b><i>Proposal</i></b>	<b><i>DM5 LP 2013</i></b>	<b><i>Policy15 Draft Local Plan</i></b>
<b><i>Social rent</i></b>	1Bed Flats	35%	20%	20%
	2Bed Flats	29%	30%	30%
	3bed Flats	35%	30%	50%
<b><i>Intermediate</i></b>	1Bed Flats	50%	20%	35%
	2Bed Flats	25%	40%	50%
	3bed Flats	25%	30%	20%

- 10.33 Policy H10 of the London Plan states that schemes should generally consist of a range of unit sizes. Determining the appropriate mix of unit sizes should have regard to the nature and location of the site, with a higher proportion of one and two bed units generally more suitable closer to a town centre or station or those with high public transport access and connectivity. The application site sits within PTAL 5/6a, right onto a town centre and bus links and within 600 metres distance from Leyton Midland Road overground station. Accordingly, a higher proportion of one and two beds would be acceptable.
- 10.34 Emerging LP1 Policy 15B states that variations to the dwelling size mix would be allowed where it can be fully justified based on the tenures and type of housing proposed, site location, area characteristics, design constraints, scheme viability; and where shared ownership is proposed, the ability of potential occupiers to afford the homes proposed.
- 10.35 The application is taking an FTR approach, and its viability information is not shared. However, considering the proposal against other criteria; the area has mixed characteristics, comprising single-family dwellinghouses, smaller flats above commercial units along High Road Leyton and mixed-size flats in Leyton Tower. The size of the site restricted the number of potential buildings. The design needed to ensure that the social rent units would have their dedicated core. Any further changes to the housing mix would result in mixing private and social rent units which would not be acceptable to some housing associations, particularly the one in discussion regarding the site with the developer. This could risk the delivery of the social-rent units, as verified by the Council's housing officer. Some housing associations would require single cores for ease of management in perpetuity; this is not contradictory to policy DM3 which requires a tenure-blind approach to affordable housing units externally.
- 10.36 On the basis of the above, it is considered that the proposed affordable housing offer would be acceptable, subject to planning obligations. Whilst the proposal would have some shortcomings in terms of the tenure mix for the affordable housing family-sized units. It would deliver a significant number of affordable homes which would be a significant benefit of the proposed development. As such, the proposed development

would comply with Policies CS2 and DM3, Emerging Local Plan Policy 15B, and London Plan Policies D6, H4, H5, H6, H10 and S4.

#### **D. STANDARD OF RESIDENTIAL ACCOMMODATION**

- 10.37 Policy CS2 generally requires that new residential developments are of a high quality in terms of design. London Plan Policy D6 echoes this requirement and places an emphasis on well sized and laid out homes that meet the needs of future residents.

##### Internal Amenity

- 10.38 Policy DM7 sets out quantitative internal space standards, including minimum floorspace requirements, for new homes. Policy DM32 requires that suitable levels of outlook and privacy, as well as daylight and sunlight are provided for new homes.
- 10.39 London Plan Policy D6 provides more extensive quantitative and qualitative internal space standards. In particular, it specifically seeks design that maximises dual aspect homes, and provides sufficient daylight and sunlight.
- 10.40 The proposed homes would comply with and, in most cases, exceed the London Plan Policy D6 requirements. On this basis, officers consider that the proposed homes would provide an internal environment that would be both comfortable and functional. The proposed amenity areas would also provide adequate private and communal amenity spaces for future occupiers.
- 10.41 Concerning maximising the number of homes with dual aspects, 62 of the 83 new homes would be a dual or triple aspect, equating to 75% of the total proposed units. Additionally, all two- and three-bedroom flats would have dual or triple aspects. None of the single-aspect flats would be facing north, and all would be one-bedroom with both living rooms having adequate ventilation and outlook. Officers consider this acceptable, noting that other indicators of good internal amenity for the proposed homes discussed in this subsection are generally positive.
- 10.42 The original submission raised some concerns with the quality of units in block C, particularly as the retention of the façade limited the opportunities for windows' openings. The amended plans addressed these concerns by reducing the width of the building to the rear, thus opening a second aspect to the front-facing flats. These plans also reduced the width of the balconies behind the façade, which brought the rooms fenestration closer to the façade openings. Additionally, the submitted daylight and sunlight confirmed that the units facing the front on High Road would have adequate levels of light in line with the BRE guidance. Accordingly, the proposal would be considered to have addressed said concerns and the quality of units within block C would be acceptable.
- 10.43 The proposed L-shaped layout of blocks A and B would mean that flats would have their main outlook facing away from each other, and the siting of the four buildings would achieve the maximum distances from nearby existing buildings or each other. Officers note that there would be some pinch-points around the site, where windows serving habitable rooms would be in elevations that sit less than 18 metres from an opposing elevation. However, the proposed impact on outlook and privacy would be acceptable overall, not least because all flats, and sometimes the rooms involved

would have dual or triple aspect. Any residual risk of harm to privacy could generally be mitigated through a condition securing the use of obscure glazing and windows that would not open below a certain height where needed.

- 10.44 Some ground-floor windows would face out onto landscaped areas. Suitable landscaping and boundary treatment conditions would ensure that the final landscaping scheme would have acceptable levels of privacy for the relevant homes.
- 10.45 The application included a Daylight and Sunlight Report to support the quality of the proposed internal and external spaces. Officers note that this report followed the second edition of the BRE Site layout planning for daylight and sunlight: a guide to good practice guidance, published in 2011. Since its publication, it has been established best practice to use this guidance to assist in the design of developments and to help assess applications for planning permission.
- 10.46 Replacement guidance, also produced by the BRE, with the same title, was published in June 2022. Whilst there are some differences between the 2011 and 2022 versions of the BRE guidance, officers do not consider that it would be reasonable to require a new assessment to be submitted by the applicant at this late stage in the planning application process. While the design of the proposed development was informed using the 2011 version of the BRE guidance, this method would make no difference to its actual quality and impact assessment. As such, all references to the 'BRE guidance' in this report would relate to the 2011 version.
- 10.47 In any case, the BRE guidance is intended to be used flexibly and should not be applied as a strict set of rules to which new development must adhere. It states that the “advice given here is not mandatory and this document should not be seen as an instrument of planning policy; it aims to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.” The NPPF sets out that local planning authorities should take a flexible approach in applying both policies and guidance relating to daylight and sunlight on proposals for new homes so that it can be ensured that the need to provide acceptable living standards is appropriately balanced with the need to make efficient use of a site.
- 10.48 The Council’s specialist consultant, Avison Young (AY), has reviewed the submitted Daylight and Sunlight Report. In general, AY advised that the overall approach to assessment, including methodology and scope, was sound and acceptable. AY raised some queries, none of which were in relation to the internal assessment which is minded with the proposed units only.
- 10.49 All living rooms and bedrooms within block A would achieve full compliance against the BRE targets except for one single Living/Kitchen/Dining (LKD). This room would score 1.3% instead of the 1.5% ADF target. This minor deviation, at 0.2%, would not be noticeable to the occupants and would not impact the use of the space. Block B and the dwellinghouse would achieve full compliance against the BRE targets for their room uses.
- 10.50 All LKD, living rooms and bedrooms within block C would meet their ADF targets except four rooms. Three of these four rooms are studios with a minor deviation at 0.1-0.2% compared to their targets, which would be broadly unnoticeable to the occupants. The fourth room is a kitchen with a 0.1% deviation from the 2.0% target, which would

not be noticeable to future occupiers. The conclusion noted that a slightly lower ADF would be inevitable due to the inherent depth of the spaces in this block. However, the design maximised the glazing and ensured the main living spaces would be closer to the windows, i.e., very well-lit and had the sleeping areas to the rear.

- 10.51 Concerning sunlight levels, the assessment concluded that the scheme would perform well as 70% of the relevant living spaces would achieve the target Annual Probable Sunlight Hours levels (APSH). It stated that direct sunlight levels across the board would be generally high, and several figures would significantly exceed the 25% target APSH level. The deviations from this target were limited to windows within amenity terraces under an overhang. Explaining that it was a common trade-off in modern developments and recognised in the BRE guidance, adding a flexible approach would be applicable, particularly as the amenity spaces themselves will be well-sunlit.
- 10.52 The internal assessment concluded that the amended scheme would achieve a high level of conformity with the relevant BRE guidance with an overall compliance rate of 98%, across the scheme, against the Average Daylight Factor targets for their specific room use. This result is considered an excellent level of compliance for new-build development in an urban centre. Officers agree with the assessment and its conclusions, particularly as the third-party assessors confirmed their agreement and did not object to these findings.
- 10.53 Accordingly, Officers consider that the proposed homes would provide an acceptable level of internal amenity for future residents and high-quality internal environments. The proposed development would meet the objectives of all relevant policies CS2, DM7 and DM32 and London Plan Policy D6.

#### External amenity and Children Play Space

- 10.54 Policy DM7 seeks well-designed private and communal external amenity spaces for new homes and sets quantitative space standards. These standards include a minimum of 60sqm and 70sqm of private outdoor amenity space for three- and four-bedroom houses respectively. It also requires a minimum of 10sqm of private or communal external amenity space for each bedroom in a flatted development, provided some are private, and any balconies are at least 5 square metres in size. Emerging LP1 Policy 58 sets out better aligned quantitative space with the current expectations from developments. It seeks a minimum of 50sqm of private external amenity space for all houses, and a minimum of 10sqm of external amenity space for all flats, increasing by 1sqm for each additional resident in homes containing three or more bedrooms. As with the adopted standards, external amenity space for flats can be private or communal, provided that an individual flat has an element of private external amenity space measuring at least 3 square metres in size.
- 10.55 London Plan Policy D6 requires the design of outside spaces to minimise overshadowing to maximise their usability. The quantitative private external amenity space standards under the London Plan Policy D6 do not apply where a borough has higher local standards, which is the case with both adopted and emerging planning policies in Waltham Forest.
- 10.56 Policy CS5 encourages the adequate provision of quality play spaces. Policies DM7 and DM12 seek the provision of play space in line with London Plan requirements.

London Plan Policy S4 sets out that a development should provide at least 10 square metres of high-quality play space for each child, including incidental play space as part of large-scale developments and accessible routes linking the development with existing play space elsewhere.

- 10.57 The proposed development would include a private external amenity space for each flat; the dwellinghouse would have its own private garden separate from the main part of the development. The total requirement of amenity spaces would amount to 860sqm, the proposed total of private amenity spaces would be 641sqm, and the communal amenity spaces would be 341sqm, giving total amenity areas of 1006 sqm. Accordingly, the proposal would have adequate amenity provision for future occupiers in line with policy requirements.
- 10.58 The GLA population Yield Calculator accounted for 28 children within the development, which would require a total of 273.5sqm of play space. The proposed play space would sit south of block A and west of block B; this whole section would have an area of 259sqm, sufficient to hold the required play space. The decision notice would include a landscaping condition requiring the final design for the play space to show a minimum area of 273.5 sqm to satisfy the London Plan requirement.
- 10.59 As set out in more detail in *subsection 100*, the landscaping proposals would be of a high-quality, subject to the recommended planning conditions. As such, the proposed external amenity spaces, including play space, would be acceptable with high-quality design.
- 10.60 The submitted Daylight and Sunlight Report includes an assessment of overshadowing across the proposed amenity spaces. It confirmed that the scheme would have more than 50% of each area of the below figure receiving at least more than two hours of sunlight on March 21st. Accordingly, the proposed external amenity areas would fully meet the BRE guidance.



Figure 3: Sunlight test onto amenity areas, yellow colour showing sunlit areas.

- 10.61 As such, officers consider that the proposed development would provide suitable amenity and play space provision for future residents, subject to planning conditions. Also, whilst some individual external amenity spaces would perform poorly in terms of a strict application of the BRE guidance, the overall quality of the spaces provided across the site would be adequate in terms of the levels of sunlight received. The proposed development would, therefore, accord with Policies CS2, CS5, DM7, DM12 and DM32 and London Plan Policies D6 and S4.

Accessibility & Inclusivity

- 10.62 Policy CS2 states that new homes should be accessible to all members of the community and capable of adaptation as the needs of future residents change. Policy DM30 requires applying inclusive design principles at the outset of the design process for any new development.
- 10.63 London Plan Policy D5 requires inclusive design that takes accessibility, diversity, and the need for social interaction into account. It requires inclusive design, including fire evacuation lifts for people requiring level access in all proposed developments with lifts installed. Policy D7 requires that at least 10% of relevant new homes meet Building Regulation requirement M4(3) for wheelchair-user dwellings, with the remainder meeting requirement M4(2) for accessible and adaptable dwellings.
- 10.64 The Emerging LP1 Policy 16 have similar requirements to Policy D7 of the London Plan.
- 10.65 The proposed development would provide eight homes that would meet requirement M4(3); all other homes would meet requirement M4(2), thus achieving the requirements of LP Policy D7. The M4(3) homes would be equally divided between private and social rent tenures. Due to the number of buildings and floor stacking, all the M4(3) flats would be 2b/3p size flats. Officers note that there would not be any M4(3) flats within the shared ownership tenure; however, allocating 50% of the units within the social rent tenure was the Council Housing preference based on their demands.
- 10.66 A suitably worded condition would ensure that the proposed homes would be suitable for the benefit of the M4(3) users, including communal entrances and circulation areas per the proposed Building Regulation accessibility requirements. Noting that the M4(3) homes in a social-rent tenure would need to comply with Building Regulation requirement M4(3)(2)(b) to ensure that they are readily usable by a wheelchair user at the point of completion. Planning obligations would ensure that the M4(3) homes have suitable sale marketing exercises.
- 10.67 The proposed site plan shows small topography changes between parts of the site. The detailed landscaping plan would seek to accommodate level changes and provide suitable level access to buildings, amenity spaces, and blue-badge car parking spaces. The proposed landscaping conditions would allow the Council to secure said level access.
- 10.68 In light of the above, and subject to the recommended planning obligations and conditions, the proposed development would be acceptable in terms of the accessibility of the residential accommodation. As such, the proposal would be in

accordance with Policies CS2 and DM30, Emerging LP1 Policy 16 and London Plan Policies D5 and D7.

## **E. DESIGN**

- 10.69 Policy CS15 seeks the highest quality urban design and architecture for new developments to create functional and attractive places which respond positively to local context and character. Policy CS2 states that the Council will seek high-quality design for all housing developments. Policy DM29 provides further detail, including that proposals should provide clear connections with the surrounding area and a coherent layout with active street frontages, have an appropriate approach to massing, and make use of visually attractive architecture and high-quality materials.
- 10.70 London Plan Policy D6 sets out a range of considerations for the design of new housing, including the need to respect the surrounding context and create a legible layout, with street-based activity.
- 10.71 The Emerging Local Plan 1 Policy 56 states that development proposals should reinforce or enhance local character, taking in account existing patterns of development, townscape, skyline, urban forms, building typologies, architecture, materials, and other features of local and historical significance. It adds that developments should respond appropriately to their context in terms of scale, height and massing.
- 10.72 It is noted that the design officer has generally reviewed the submission in respect of design-related matters.

### Layout

- 10.73 The proposed siting of blocks A and C generally followed the existing footprint of buildings onsite. Block B would sit along St Helier's Road, creating a strong street edge, natural surveillance and completing the residential façade of the street. The proposed dwellinghouse would complete the existing terrace following its front and rear building line. The vehicular access would sit between blocks A & B, below the existing street trees, and the amenity area and the play space would sit centrally between the three blocks ensuring direct access for all. The proposed streetscene onto St Helier's Road would include a more generous pavement with planting creating a buffer between public and private spaces. Overall, the proposed layout would optimise the site while providing sufficient separation distances between the proposed and existing blocks. The private amenity spaces on the ground floor would have appropriate space and landscaping to provide privacy to their future occupiers.
- 10.74 As such, the design would provide a high-quality layout, which would enhance the existing street network, and optimise the delivery of housing on the site with a large amount of green space and improvements to the public realm.

### Massing

- 10.75 Policy CS15 requires that proposals take a sensitive approach towards height and scale, it states that medium-rise buildings ranging from 5-9 storeys in height may be appropriate in key growth areas.

- 10.76 The proposed development would include a contextually sensitive approach to massing that varies across the site in response to the area's character while seeking to optimise its development for much-needed housing, including affordable housing.
- 10.77 The proposed block A would have a shorter overall height when compared to the cinema building. While the cinema building had a hipped roof and block A has a flat roof, the stepping between four to five storeys would provide a successful transition behind the rear gardens of houses along William Street. Additionally, the recessed setback of the top floors would break up its form and massing and create a varied roofline.
- 10.78 The proposed block B would sit between block A, Leyton Tower and behind the part-three and part-four storey terraces along High Road Leyton. Its height would be part five and part six storeys which would be commensurate to its setting. Similarly, the recessed setback would break up its form and mass, creating a varied roofline while providing relief to the site boundary.
- 10.79 Block C along High Road Leyton would be five storeys, one recessed storey above existing, which would be commensurate to the historic status of the building in massing and prominence with the townscape. Its rear extension would follow the retained façade side lines resulting in an appropriate scale and mass for the building.
- 10.80 The proposed dwellinghouse would be an infill of the existing terrace. Its scale, massing and building-lines would mimic existing dwellinghouses resulting in full integration within the streetscene.
- 10.81 Considering the above, the proposed massing and height of the proposed buildings would fit with the existing context. Accordingly, the proposed development would have an appropriate scale and massing while seeking to optimise the development of the site for housing, in an appropriate location.

#### Appearance

- 10.82 Blocks A and B went through design amendments to achieve better articulation and variation in character across their elevations. The final product would include: varied toned brick, brick soldiers detailing, variation in the heights of the windows, more articulated and cleared entrance points; the balconies balustrade would have a built-in privacy screening to avoid mismatched screens in the future, and all windows would have one brick reveal to add depth to the facades. Nonetheless, the buildings would have a unified approach to their appearance, and their apparent residential character would fit with the context.
- 10.83 Block C would retain the existing cinema façade onto High Road Leyton while including glass panels to allow sunlight, daylight and outlook to the proposed units behind this façade. The panel's design would be sensitive to the art-deco style of the building. The final amendments saw the proposed additional floor in brick instead of the original zinc cladding; its material and recess would integrate with the main building. The proposed dwellinghouse would follow existing architectural cues and would blend with its surroundings.
- 10.84 The proposed palette of materials would seek to complement traditional materials used in the local area. It would include red and buff bricks and rusticated projecting brick detail in the plinth; the cinema building would be white render as existing, and its



additional floor would have a mix of render and white brickwork. The decision notice would include a planning condition to secure details of these materials.

- 10.85 It is, therefore, considered that the proposed development would be acceptable in respect of its appearance and would be considered to enhance its townscape.

#### Delivery

- 10.86 London Plan Policy D4 requires that measures are put in place to deliver good design, including the use of planning obligations to require the ongoing involvement of the original design team in monitoring the design quality of a development through to its completion. A planning obligation within the Section 106 Agreement would secure this outcome.
- 10.87 Considering all above, the design of the development would successfully optimise the site with acceptable layout, massing and appearance, the application would include appropriate conditions and obligations to ensure the delivery of the approved design. The proposal would be acceptable and would accord with Local Plan policies CS2, CS15 and DM29, the Emerging LP1 Policy 56, and London Plan Policies D4 and D6.

### **F. HERITAGE**

- 10.88 Paragraph 192 of the NPPF states that Local planning authorities should maintain or have access to historic environment records which contain up-to-date evidence about the historic environment in their areas. These records be used to assess the significance of heritage assets and their contribution to their environment, and predict the likelihood that currently unidentified heritage assets will be discovered in the future.
- 10.89 Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 10.90 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be, irrespective of the level of harm to the asset significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset from its alteration or destruction, or from development within its setting should require clear and convincing justification.
- 10.91 Paragraph 201 states that substantial harm to the significance of a designated heritage asset should lead to a refused consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 202 states that less than substantial to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including securing its optimum viable use.
- 10.92 Paragraph 203 of the NPPF states that the effect on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement required to have regard to the scale of any harm or loss

and the significance of the heritage asset. Paragraph 205 states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Impact on Archaeology

- 10.93 The application included a Desk-based Archaeological Assessment which was reviewed by Historic England (Archaeology)(HE). The site lies within an area of known archaeological potential for the historic settlement of Leyton and adjacent to the Archaeological Priority Area for the projected Roman road, which runs through Leyton. The archaeological desk-based assessment (HCUK 2021) identified a high potential for Roman and post-medieval remains on site and medium potential for medieval remains, as found directly to the south of the site. The construction of the former cinema had an impact on below-ground deposits; however, the car park area remains relatively undisturbed. Accordingly, HE advised that the development could cause harm to archaeological remains and that field evaluation would be needed to determine appropriate mitigation. The NPPF envisages undertaking evaluation before determination; however, this archaeological interest and practical constraints of this case would allow for a two-stage archaeological condition to provide acceptable safeguard. This condition would require an evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Impact on Conservation Area and Listed Assets

- 10.94 The site does not fall within a conservation area but sits approximately 100 metres from the Bakers Arms conservation area. The High Road façade also sits opposite the Grade II listed 807 Leyton High Road and circa 50 metres from the locally listed William IV public house. The potential impact on these assets have been taken into account when determining the application. The application was subject to consultation from Historic England (HE) and the Council's Conservation Officer.
- 10.95 Officers consider that the proposal would be acceptable in relation to the potential impact on the setting of the nearby listed buildings and conservation area. The High Road frontage would largely maintain its massing, but with the benefit of seeing the existing dilapidated facade restored, subsequently enhancing the surrounding area, benefitting the setting of the listed and locally listed buildings and enhancing views out of the conservation area looking south. The taller elements of the proposal, located to the rear of the site, would unlikely be visible from any of the heritage assets mentioned due to the tightly bounded nature of the site; as such, there would be no impact on their setting or significance.
- 10.96 Considering the above, Officers are in the view that the proposal would not harm the conservation area or nearby listed buildings. To the contrary, it would positively impact the immediate area and subsequently the setting of adjacent heritage assets and would be acceptable.

Impact on Non-Designated Heritage Assets

- 10.97 The existing building is the former Ritz Cinema Leyton, dating from 1938 and designed by W.R. Glen, an architect responsible for many cinemas of the period, including three listed as Grade II. The building has two distinct parts, the art deco frontage to Leyton High Road and the larger but largely obscured auditorium space to the rear. Its current condition appears to be poor, and most of it has been out of use for many years, resulting in a poor external and internal appearance. However, it remains something of a local landmark on the High Road. The building is neither listed nor locally listed and does not sit within a conservation area. However, it is considered a non-designated heritage asset, as identified through the planning process with the art deco frontage, in particular, having strong townscape presence.
- 10.98 The proposal seeks to demolish the majority of the existing buildings on site, save for the art deco façade, which would be part of the proposal for residential use with an additional set back building behind it. This approach would retain and restore the best surviving part of the building, with clear heritage and townscape benefits. Officers recognise that this would involve some alteration of the existing frontage, notably a large new glazed opening, but on balance, these changes would provide the building with a viable new use.
- 10.99 Officers consider that the loss of the foyer space and the auditorium would cause some harm to the non-designated heritage asset. The foyer space appears to retain more original fabric, including decorative art deco balustrades/handrails and floor detailing (potentially terrazzo). As the last remaining vestiges of the original decorative scheme, their loss through demolition would cause some harm to the non-designated heritage asset. This harm will need to be taken into account when determining the application. However, based on images from the submitted heritage report, little survives within the auditorium. As such, the demolition of the building would be generally acceptable., provided that suitable recording of the existing original fabric occurred prior to demolition.
- 10.100 The application was subject to consultation with a few heritage consultees, including statutory amenity societies. Most notably are Historic England and Twentieth Century Society, who did not object to the proposal, with the former requesting a condition for building recording in line with NPPF and the latter stating a wish for no comment on the application.
- 10.101 Officers note the objection from The Council for British Archaeology stated in the table under paragraph 7.3 above, which refers to Paragraph 200 of the NPPF. Paragraph 200 is not applicable in respect of this application as this concerns designated heritage assets, while the cinema building is a non-designated asset. Accordingly, the more relevant assessment should follow paragraph 203. This paragraph requires a balanced judgement between the scale of any harm against the significance of a non-designated heritage asset.
- 10.102 On balance, the application would result in the original frontage being restored and ensures its continued future use. The council sought revisions as part of the planning process to better preserve and enhance the significance of the non-designated heritage asset. Council officers are of the view that the proposed revised extension is a more appropriate design and one that is more harmonious with the existing art-deco

frontage. The choice of materials would complement the non-designated heritage asset; the setback would lessen any impact on the façade and allow the historic frontage to remain the main feature in the streetscape. The proposed additional floor would not be considered to amount to a level of harm that would justify refusal of this application.

10.103 Accordingly, Officers conclude that the scale of harm is relatively low, considering the main frontage, which is the primary significance of the non-designated heritage asset, is being retained and restored. And that the proposed extension at roof level is not considered to amount to a level of harm that would justify refusal of this application.

10.104 Considering the above, the assessment of the proposal against its impact on significance of heritage assets in the area would be considered acceptable. The development potential harm to archaeology would be mitigated, the proposal would not have any harm to designated assets, and the harm to the non-designated heritage asset would be on acceptable considering the state of the existing asset, the retention of the main façade and the recording of the little features existing in the main building.

#### **G. NEIGHBOURING AMENITY**

10.105 Policy DM32 seeks to ensure that the impact of new development on neighbouring amenity would be acceptable in terms of outlook and privacy, as well as in relation to daylight, sunlight, and overshadowing.

10.106 Emerging Local Plan LP1 Policy 59 states that new development should respect the amenity of existing and future occupiers, neighbours and the surrounding area by avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook and daylight/sunlight to adjacent residential properties.

10.107 The London Plan 2021 Policy D6 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

10.108 The objection letters raised concerns with the impact of block A onto the properties of William Street. These letters also raised concerns with the impact of block B onto Leyton Tower properties. The impact of the proposal is assessed below.

##### Outlook and Privacy

10.109 A separation distance of 18 metres is acceptable in urban environments, allowing suitable outlook and privacy. Officers are satisfied that the design would generally ensure protection to neighbouring outlook and privacy, as detailed below.

10.110 In terms of block A, it would sit at a general distance of 18 metres from the row of dwellinghouses on William Street; the northern façade would have angled windows to direct their visibility away from these neighbouring properties and their rear amenity areas. Figure 4 opposite shows the existing cinema building, in pink, which sits on the boundary of the rear gardens. Noting that, the proposed block A would sit at a longer distance from the neighbouring properties.



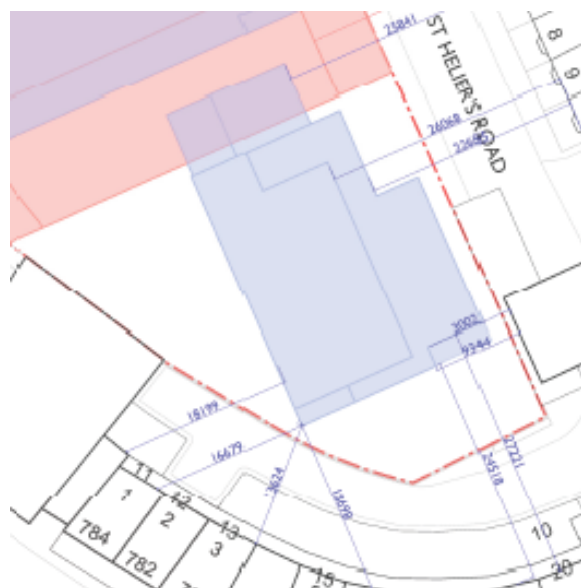
Figure 4: Distance from existing properties.

10.111 Additionally, the proposed block A would have a similar height to the existing cinema as per the below image, where the cinema is in red outline. The combined factors of distance from William Street properties and height of Block A, compared with the existing cinema building, would ensure reduced outlook impact onto the neighbouring dwellinghouses.

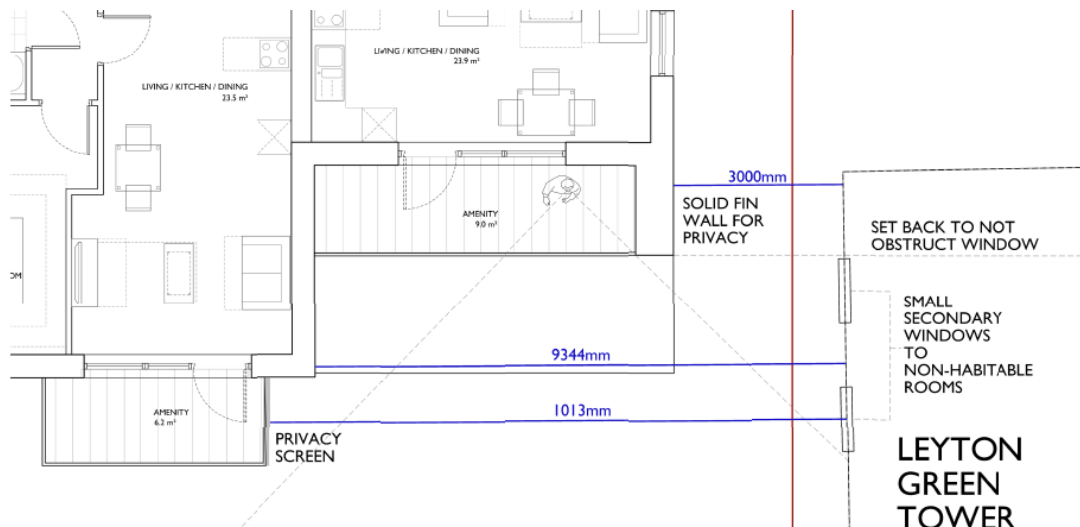


Figure 5: comparison between existing cinema frontage outline and proposed block A.

10.112 In terms of block B, it would sit at an angled axis diverting away from the rear of the row of buildings facing High Road Leyton. While the smallest separation distance to these buildings would be shorter than 18 metres, the windows would not have a direct looking onto the rear windows of the existing terrace, as per the image opposite. Additionally, the closest windows on Leyton Tower (facing north) sit onto an external corridor which would reduce any opportunities of



impacting their privacy, as per the *Figure 6: Distances from existing properties* image below.



*Figure 7: Detailed relationship with Leyton Tower nearest properties and block B.*

10.113 Block C and the dwellinghouse would sit in line with their row and would not have any side windows. Accordingly, all proposed blocks would be considered to have an acceptable impact on the outlook and privacy of the neighbouring properties.

#### Daylight, sunlight, and overshadowing

10.114 Policy DM32 and London Plan Policy D6 state that new development should be designed to allow sufficient daylight and sunlight to neighbouring housing.

10.115 The submitted Daylight and Sunlight Report provides an assessment of the impact of the development on neighbouring properties. This Report has been reviewed by the Council's specialist consultants, Avison Young (AY).

10.116 Generally, to assess the impact of the development on neighbouring properties internally, the Daylight and Sunlight Report employs the BRE guidance's Vertical Sky Component (VSC), and the No-Skyline (NSL). The BRE guidance suggests that these two measures would be noticeably affected by a new development if they are reduced below 0.8 times their former value and that they are only taken to habitable rooms. The Report also employed Annual Probable Sunlight Hours (APSH), which is only minded to windows orientated 90° south overlooking the development, the guidance suggests that noticeable loss would be less than 0.8 times its former value. The submitted assessment looked at neighbouring properties shown in figure 8 below:

- 2 – 28 William Street (odds) inclusive
- 30 William Street
- 1-10 St Heliers Road (inclusive)
- Leyton Green Towers
- Market Parade, 766 to 780 High Road Leyton
- 790-792 High Road Leyton (first floor and above)
- 794-796 High Road Leyton (first floor and above)
- 8. 808-814 High Road Leyton (first floor and above)

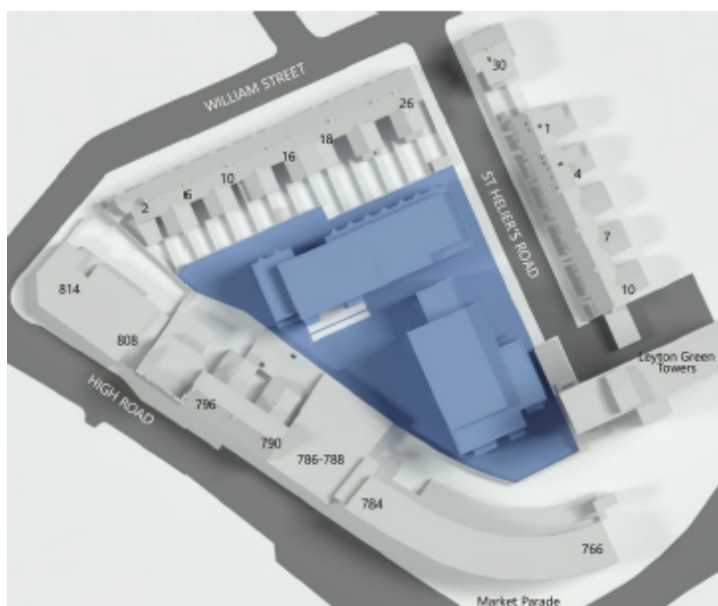


Figure 8: Daylight and sunlight assessed properties.

10.117 The results of these tests have shown that, whilst there will be some reductions to individual windows, the amount of daylight received within the majority of the neighbouring habitable rooms will remain high and in generally in excess of the BRE criteria, except for the properties discussed in detail below.

10.118 The impact on these neighbouring properties is detailed below.

#### *Leyton Green Towers*

This is a 10-storey residential tower located to the southeast of the site, its west side attaches to the southeast side of the site and its corner would be adjacent to block B.

The primary deviations from the BRE targets affect the lowest level of residential accommodation within the lowest residential floor of Leyton Green Towers where access decks limit existing daylight levels. Whilst these windows are particularly sensitive to neighbouring development, the analysis shows that the 'real-world' amenity of these secondary spaces will not be affected. In addition, a supplementary assessment demonstrates the impacts of the scheme to be wholly acceptable when the effect of these decks is taken into account.

#### *16 William Street*

This property is a single dwellinghouse; the VSC results show full adherence, and the NSL results show one room out of six failing to meet its criteria. However, this deviation would be moderate at a 35% loss. Considering the positive VSL results and most of the NSL results, the moderate nature of the NSL deviation on a single room, and the overall results on the property, this would be acceptable and not warrant a reason for refusal.

#### *790-792 High Road Leyton*

A mixed use, three floor building with commercial ground floor and residential above. It shares its northwest boundary with the site. The rear facing windows have direct outlook towards the cinema building. The NSL results show full adherence across



all the nine rooms, only one room would fail to achieve VSL criteria. However, this deviation would be moderate at a 27% loss. This window is serving a room that has two other windows of similar sizes, accordingly, the mean VSC of the room should be considered and not taken separately per window. On this basis, the changes to the VSC would fall within the BRE guidance, the daylight and sunlight impact for this building would be acceptable.

#### *796 High Road Leyton*

A mixed use, three floor building with commercial ground floor and residential above. It shares its northwest boundary with the site. The rear facing windows have direct outlook towards the cinema building. The VSC analysis indicates two out of five windows would meet the guidance. The three transgressions equate to losses of 89%, 30% and 36%. The latter two are moderate losses, the worst affected window reduced in absolute terms from 19.1% VSC to 2% VSC. This window sits on the flank wall facing northwest and the impact would certainly be noticeable.

The NSL analysis indicates two out of five rooms would meet the guidance. The three transgressions equate to relative losses of 96%, 36% and 31%. The latter two are moderate losses, the worst affected room is the aforementioned room above; it would see its view of the sky reduced from 88% of its total area to just 4% and would be noticeable.

However, the property is an HMO, directly adjacent on the boundary, on a flank wall. The plans of the HMO show this room as a living room with approximately 8sqm. The location of the window right on the boundary would mean that any development on site would have a noticeable impact on its BRE figures. Additionally, being on a flank wall contradicts the existing pattern of the terrace whereby outriggers are mainly served with windows to the rear. The combined factors of: 1) being in an unneighbourly position which prejudices development on adjacent sites, 2) not serving a traditional living room of a single dwelling, would put limited weight on the impact affecting this window and would not be sufficient reason to refuse the application on the balance against all other matters. Furthermore, the main larger living space and kitchen area would experience only moderate 30% VSC reduction and 36% NSL reduction but would retain a VSC of 16% and daylight distribution to over 50% of the space. The rear bedroom (bed 1) experiences a modest improvement in daylighting.

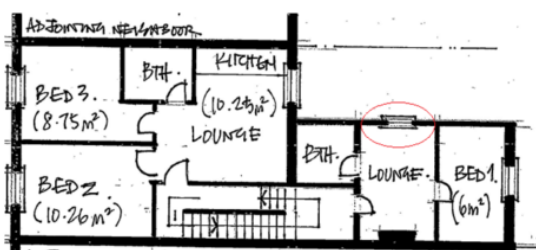


Figure 9: Property 796 High Road Leyton.

#### *808 High Road Leyton*

Mixed use, two-floors building with commercial on ground floor and residential on first floor with rear and side facing windows and shares its east boundary with the site. The VSC analysis indicates that three out of five windows would meet the



guidance. The two transgressions equate to relative losses of 61% and 27%. The worst affected window (room use not identified) would be reduced in absolute terms from 15.8% VSC to 6.2% VSC. This appears to be a window within the flank wall facing southeast and the impact would be noticeable.

The NSL analysis indicates two out of four rooms would meet the guidance. The two transgressions equate to relative losses of 62% and 29%. The worst affected window is the aforementioned window within the flank wall, which will see its view of sky reduced from 48% of its total area to 18% and the impact would likely be noticeable.

The assessment was not able to obtain the detailed floor plans for this property, however, it indicated that it was clear the main habitable rooms of the unit would face onto the road. Officers consider that indications such as the overall depth and width of the property indicate that it is a one-bedroom flat and would translate to the main windows facing the front and the rear of the building. Accordingly, the side window would either be secondary or serving a non-habitable room. As such, the impact on this property would be acceptable.

*Market Parade 766-780 High Road Leyton*

This four-storey mixed use property is located directly to the south of the site. The ground floor comprises the rear elements of commercial units with the upper floors being the secondary elevation of the of the residential units above which have their main aspect towards the High Road and Leyton Green Road to the south. The VSC results show number of properties, particularly on the first floor, where deviations would range between moderate and major losses. However, the submitted assessment explained that the residential windows overlooking the site at first floor are located beneath access deck which limit daylight and exacerbate their potential sensitivity to light loss by cutting out the sky view from above. The elevation is however secondary with entrance hallways, bathrooms and bedrooms overhung by the access decks. The main living rooms of this property face south away from the site and are unaffected by the proposal.

- 10.119 Therefore, it can be seen that, whilst there would be some transgressions from the BRE guidance in terms of the internal daylight and sunlight impacts on neighbouring properties, these would be acceptable when looked at as separate cases. Furthermore, some windows and rooms in neighbouring properties would experience improved sunlight and daylight levels due to the demolition of the existing monolithic cinema building and the new building blocks sitting further away from the site boundaries.
- 10.120 In respect of overshadowing to the neighbouring gardens to the north of the site which are already constrained by their proximity to the existing cinema building. The submitted assessment concluded that the majority of gardens to William Street and those to the northern part of St Helier's Road would experience improvements in the shading position as a result of the proposals. Where reductions do occur these affect spaces that already fall well below the BRE target values with further losses of only 1-2 sqm areas. Such changes would be imperceptible and have no material impact on the amenity and the use of the spaces. Overall, the scheme is considered to respond

appropriately to the site leading to some improvements in amenity levels to the most constrained neighbouring properties and limiting further reductions beyond the BRE targets.

- 10.121 The Council's third-party assessors did not raise concerns with the submitted results or the methodology used for these results. Accordingly, Officers consider that the daylight and sunlight impact of the development on neighbouring properties would be acceptable. There would be some deviations from the BRE guidance. However, this guidance should be used flexibly and should be considered on balance against the development plan overall and all other material considerations. Moreover, where harm was identified against some properties, Officers considered that the significant benefits of the scheme would outweigh such harm. Therefore, the development would be acceptable in respect of daylight and sunlight impacts on neighbouring properties, in general accordance with Policy DM32 and London Plan Policy D6.
- 10.122 Considering all above, the proposal would not be considered to result in an adverse harm to the amenities of neighbouring properties in terms of outlook, privacy and loss of sunlight and daylight to their internal and external areas. Accordingly, the proposal would accord with policies.

## **H. TRANSPORT**

- 10.123 Policy CS7 sets out that the Council will require developments to incorporate sustainable transport measures, including: encouragement and facilitation of walking, cycling, and public transport use and the appropriate management of private motorised transport. It states that transport assessments and travel plans will be required to help assess development proposals and provide mitigation where relevant. Policies DM13 and DM14 provide further detailed requirements, including links to the existing surrounding street network; creating an attractive on-site environment for walking and cycling; and providing off-site contributions to sustainable transport enhancements, where appropriate. Policy DM15 states that the Council will seek to ensure that streets successfully manage competing activities, including traffic and other urban activities, and that the public highway network is safe.
- 10.124 The Emerging Local Plan LP1 Policy 63 states that all new development will be expected to support a shift to active transport modes and encourage an increase in walking and cycling. Proposals should improve pedestrian environment and contribute and support the delivery of high quality and safe strategic or local cycle networks.
- 10.125 The London Plan is in general alignment with the Council policies. Policy T2 seeks the 'Healthy Streets' approach, and Policy T4 requires the submission of transport assessments for relevant proposals and appropriate mitigation to address any impacts. The application included said documents which were reviewed by the Council's highways and transport policy officers.
- 10.126 The site has a Public Transport Accessibility Level (PTAL) score ranging from 5 to 6a. The site is located within the Bakers Arms District Centre and thus situated within immediate proximity to several bus stops along High Road Leyton, providing services to destinations including Chingford, Higham Hill and Walthamstow. The site is also a circa 8-minute walk from Leyton Midland Road Station (serving London Overground

stations) and a 16-minute walk from Walthamstow Central Station (serving Victoria Line and London Overground stations).

#### Impact on Highways

- 10.127 The proposed development has been designed to incorporate a range of measures to encourage the use of sustainable transport, including walking and cycling, and is considered appropriate in this respect. The submitted Transport Assessment concluded that the development as a whole would follow the 'Healthy Streets' approach, sought to demonstrate that the proposed development would be acceptable in relation to transport impacts. The TA set out that there would not be unacceptable impacts on walking, cycling, public transport infrastructure, the highway network and car parking in terms of the number of trips that would be generated by the development. Officers agree that the transport impacts of the proposed development would be acceptable, subject to the mitigation set out in this subsection.
- 10.128 The s.106 agreement would include a financial contribution of £75,000 for safety improvements to walking and cycling in line with TfL's healthy streets objectives and Policy London Plan Policy T2 to improve road safety and connectivity for the new occupants of his site. The Council would be responsible for identifying opportunities for improving the public realm and Walking and Cycling Improvements in the local vicinity of the site. The improvements would seek to mitigate the impacts the development would have due to the increased pedestrian and cycling movements, and the increased servicing and delivery presence on site.
- 10.129 As such, subject to the recommended planning obligations, officers consider that the proposed development would have an acceptable overall transport impact and would incorporate an appropriate range of sustainable transport measures, in accordance with Policies CS7, DM13, DM14, and DM15, the Emerging LP1 Policy 65 and London Plan Policies T2 and T4.

#### Cycle parking

- 10.130 Policy DM14 requires that facilities for cycling, such as adequate provision of cycle parking. Policy DM16 provides further detail in relation to the Council's cycle parking standards. Emerging LP1 Policy 63 sets out more ambitious cycle parking standards based on up-to-date evidence. London Plan Policy T5 sets out cycle parking standards but also supports the Council's more ambitious approach in emerging LP1 Policy 63. The requirements are a space per studio, 1.5 space per 1-bed unit and two spaces for any other units, and one space for short-stay for visitors per 40 units. The requirements also include one cycle space per 50 sqm of commercial space and one short-stay space for visitors per 500sqm of commercial units.
- 10.131 The proposal would have several cycle stores distributed amongst the blocks. The final amendments would propose two cycle stores for block A, an external store along the northern boundary and an internal ground-floor store; both would have access through a gate along St Helier's Road between the block and the north boundary. Both stores would have a total of 67 spaces which would exceed the requirements for its unit mix (14 x 1-bed, 18 x 2-bed plus), which would be acceptable.
- 10.132 Block B would have two stores on the southeast corner of the ground floor of the building. Both stores would have their access direct from the pavement along St.

Helier's Road; the most southern store would have its door towards the south. Both stores would have a total of 73 spaces, which would exceed the requirements for its unit mix (25 x 1-bed, 15 x 3-bed plus), which would be acceptable.

- 10.133 Block C would have two stores to the rear of its ground floor. The residential cycle store would comprise 15 spaces which would exceed the requirements for its unit mix (8 x 1-bed, 2 x 2-bed) and would be acceptable. The commercial cycle store would comprise four spaces, double the requirements for its total floor space. The proposed dwellinghouse would have its cycle parking within its curtilage.
- 10.134 All stores would be conveniently accessed, would have a mix of double stack racks, Sheffield racks, accessible stands and larger bikes stands.
- 10.135 Therefore, the proposed development would be suitable in respect of cycle parking, subject the recommended condition, in accordance with Policies CS7, DM14, and DM16, Emerging LP1 Policy 63 and London Plan Policy T5. A planning condition to secure parking design and its management plan, including details of the cycle parking would be commensurate to ensure said provision would be successfully achieved.

#### Car parking

- 10.136 Policy DM16 sets out the Council's requirements for car parking, including: car-free development in accessible locations and electric vehicle charging. Officers note emerging LP1 Policy 68, based on the most up-to-date evidence available, includes a stronger requirement for all new residential development in the Borough to be car-free. It sets out that disabled persons' car parking spaces (blue-badge parking) should be provided for 5% of new homes from the outset, with passive provision made for a further 2% of new homes. For example, through areas of landscaping that would be ready for conversion to additional disabled persons car parking spaces should future demand arise.
- 10.137 London Plan Policy T6 requires that, as a starting point, development in accessible locations should be expected to be car-free but also supports the more restrictive approach set out in emerging LP1 Policy 68. London Plan Policy T6.1 requires that disabled persons car parking spaces are provided for 3% of new homes from the outset, with passive provision made for a further 7% of new homes and includes further design and management requirements for such spaces. London Plan Policy T6.1 also requires that 20% of all car parking spaces have electric vehicle charging points from the outset, with passive provision made for all remaining spaces.
- 10.138 Policy T6.1 of the London Plan 2021 notes that residential car parking should be restricted with the maximum car parking standards set out in Table 10.3 and that new residential developments should provide disabled person parking. Table 10.3 states that all areas of PTAL 5-6 should be car-free.
- 10.139 The final amendments to the scheme followed the requirements raised by the Highways Development team and moved the parking spaces inside the site through a single access point from St Helier's Road. These would ensure a safe pedestrian realm inside and outside the site, a betterment to the existing situation where the site has a double width gated vehicular entrance truncating the pedestrian pavement.
- 10.140 The proposal would not include any parking provision except for three blue badge parking spaces from the outset, plus one space allocated for future provision if the

need arise. Officers note that four spaces would fall short of the London Plan requirement for 10% (8 spaces). However, the site constraints in terms of size and limited access opportunities dictated location of parking and aimed to avoid exaggerated hardstanding onsite. On balance, the development would provide acceptable communal amenity area, high-quality private internal and external areas, safe and improved public realm inside and outside the site, as well as biodiversity net gain and improved landscaping opportunities and finally achieving the housing numbers in line with the site's allocation in the draft LP2 with appropriate levels of affordable housing. Accordingly, the wider benefit of the development would balance out the development's shortcomings for blue badge parking.

- 10.141 Objection letters raised concerns with the impact of the proposal on the highway and parking in the area, assuming lack of parking spaces onsite would result in future residents using on-street parking spaces. The application would include a legal head of term within the s.106 agreement to ensure the future occupiers would not have the right to park on the street within the existing controlled parking zone, thus mitigating any pressure on nearby on-street car parking spaces.
- 10.142 On this basis, subject to the recommended planning obligations and conditions, officers are supportive of the car-free nature of the proposed development, and the proposed approach to providing disabled persons car parking, which would be in general accordance with Policies DM16, the Emerging LP1 Policy 68, and London Plan Policies T6 and T6.1.

#### Deliveries and servicing

- 10.143 Policy DM16 requires that development makes provision for deliveries and servicing. London Plan Policies T6 and T7 have the same requirements, with the later specifying that a delivery and servicing plan (DSP) should be required for relevant proposals.
- 10.144 The final amendments to the scheme included a dedicated service bay on site, which would have an access through the single vehicular entrance on St Helier's Road. This service bay would aim to serve delivery vehicles for future residents. The application submission included a DSP which was reviewed by the Council's Highways. Highways officers raised few queries to the expected deliveries within the development, which were later clarified and agreed; accordingly, the DSP would be considered acceptable.
- 10.145 As such, the proposed development would be acceptable in terms of its provisions for deliveries and servicing, in accordance with Policies CS7, DM13, DM14, DM15, and DM16 and London Plan Policies T2, T4, T6 and T7.

#### Waste and Recycling Strategy

- 10.146 Policy CS6 requires that new development provides adequately sized, accessible, and generally well-designed provision for storage and collection of waste and recycling arising from its operation. Policy DM32 sets out further detailed requirements. London Plan Policies D6 and SI 7 have similar requirements.
- 10.147 The Council's Waste & Recycling Guidance for Developers provides further guidance on detailed matters. The proposed design would accord with this guidance, as demonstrated in the DSP. The proposal would have a bin store for block A close to its cores to accommodate the 30-metres carry distance for residents. A dedicated refuse

collection zone (RCZ) proposed along St Helier's Road to accommodate the 15-metres drag distance for collection contractors. The applicant explained that onsite management would move the bins to the RCZ on relevant days. Council officers suggested that the RCZ could be fenced-off and secured to avoid anti-social behaviours. However, the applicant explained that the RCZ would not be secure due to the need for it to be accessible for refuse collectors. Additionally, the RCZ would sit away from residents' amenity which would limit the impact on future residents.

- 10.148 The proposal would have a bin store for block B close to its core to accommodate the 30-metre carry-distance for residents. Both buildings would include wheelchair-accessible units, and the route to the bin stores would have an appropriate width with a turning circle of 1.5 metres inside the stores to accommodate wheelchair users.
- 10.149 The proposed bin strategy for block C would be a sack collection along High Road Leyton, as requested by Council officers. This was to ensure that the proposed units would follow existing waste and recycling collection arrangements on the road and avoid impact on the flow of traffic. Block C would have a small store for commercial waste storage only, to ensure that waste would not impede onto the access corridor from High Road Leyton.
- 10.150 Bulky waste for the whole development would sit within the bin store of Block A; the applicant explained that it would fall under onsite management to place the bulky items within the store and within the RCZ after, for collection.
- 10.151 The final submissions showed the location of the refuse collection vehicle stops along St Helier's Road. Highways officers explained that the location, and subsequent yellow-line restrictions would be agreed through the section 278 agreements for works on the highways with the aim of maximising parking opportunities along St Helier's Road.
- 10.152 As such, subject to the recommended condition, it is considered that the proposed development would be acceptable in respect of the provisions made for the storage and collection of waste and recycling, which would overall accord with Policies CS6 and DM32 and London Plan Policies D6 and SI 7.

#### Construction

- 10.153 Policy DM13 and London Plan Policy T7 both require that relevant development proposals are supported by a CLP.
- 10.154 The Council's Highways Officer reviewed the submitted Outline CLP and advised that it was acceptable at this stage. They requested a condition on the planning permission to secure a detailed CLP based on this draft document; this condition would encompass all phases of construction, including site set-up and demolition. The officer also requested a planning obligation to secure a financial contribution towards monitoring the detailed CLP.
- 10.155 Additionally, the highways officer recommended a condition requiring highway condition surveys. This would allow the Council to ensure that any damage to the surrounding highway network caused by the construction of the proposed development could be repaired using funds provided by the applicant. The highways condition survey would be required 30 metres either side of the frontage along William Street, 50 metres either side of the frontage along High Road Leyton and due to the proposed

construction routing via residential side roads, the condition survey must also include Belmont Park Road and the entire length of St Heliers Road.

10.156 Therefore, subject to the recommended planning conditions and obligation, it is considered that the proposal would be acceptable in respect of transport impacts during the construction phase of development, in accordance with Policies CS7, DM13, and DM15 and London Plan Policies T2, T4 and T7.

10.157 Considering all above, the development would not have an adverse impact on highways and parking during construction or operation of the development, it would provide sufficient and acceptable vehicle and cycle parking for future occupiers as well as sound servicing strategy for the development. The proposal would accord with Policies CS6, CS7, DM13, DM14, DM15, DM16, and DM32, the Emerging LP1 Policies 63 and 65, the London Plan Policies D6, SI 7, T2, T4, T5, T6, T6.1, T7.

## **I. ENVIRONMENTAL IMPACT**

10.158 Policy CS13 seeks to create healthy and sustainable places and communities through ensuring that development conforms to appropriate environmental standards, including those related to contamination, air quality, noise, light, and water quality.

### Contamination and water quality

10.159 Policy DM24 requires that proposals for sites that are potentially contaminated should ensure that development can be safely constructed and used. It also requires that measures are put in place to overcome any risk posed to water quality by new development.

10.160 The Emerging Local Plan LP1 Policy 92 states that the Council will manage contaminated land by: ensuring that site investigation and desk-based research for new developments on contaminated or potentially contaminated land, and agreeing remediation proposals; ensuring new developments address the impacts of contamination on/off-site during the construction and operation phases; and, requiring development that has the potential to contaminate land to include mitigation measures to prevent any adverse impacts on people and the environment, and to monitor any impact where appropriate.

10.161 The applicant has submitted the Geo-Environmental Site Assessment that identified contaminative or geotechnical issues associated with former land use on site, which might impact the site's redevelopment. This assessment included the findings of Phase 1 (Non-intrusive Investigation) and Phase 2a (Preliminary Exploratory Investigation) taken for the subject site. The assessment concluded that former uses of the site did not result in any significant contamination; however, it found isolated exceedances in soil lead concentrations when compared to residential screening values. It advised that imported clean certified topsoil for any proposed soft landscaping areas with appropriate thickness would be required to mitigate the recorded elevated lead concentrations. The conclusion added that the presence of cohesive soils beneath the site would not be suitable for soakaway design, adding that groundwater ingress would likely occur in shallow excavations. Therefore, the developer should allow for dewatering during the construction period, and that ground improvement (Vibro-stone columns) and piles would likely be required to form suitable foundations.

10.162 Considering the above, the decision notice would include a condition to ensure that appropriate remediation would be undertaken. In addition to a condition for appropriate removal and mitigation of asbestos, due to the demolition of existing buildings. As such, officers are satisfied that the proposed development would be acceptable in terms of the risks posed by contamination and associated impacts on water quality, as required by Policies CS13 and DM24, the Emerging LP1 Policy 92.

Air quality

10.163 Policy DM24 states that new developments should neither suffer from nor contribute to unacceptable levels of air pollution. London Plan SI 1 sets out rigorous air quality standards for a new development, including that it must be at least air quality neutral. It also puts requirements during the demolition and construction phases of development.

10.164 The Emerging Local Plan LP1 Policy 90 states that new developments should mitigate any adverse air pollution impacts.

10.165 The site is in the Waltham Forest Air Quality Management Area, which covers the entire Borough and is in place due to vehicle emissions. The application included an Air Quality Assessment that makes a series of recommendations to mitigate the air quality impacts of the development during demolition and construction, including due to dust. In terms of air quality impacts during the operation of the proposal, the assessment finds that the effect of the development on the surrounding area should be acceptable due to the limited number of generated vehicle movements when compared to the existing situation on site. It also found that the site should be suitable for its proposed use in terms of air quality and confirmed that the proposed development would be air quality neutral as per the London Plan Policy SI 1 and LP1 Policy 90.

10.166 The location of the site in an area with poor existing air quality and the proposed introduction of additional residents would require a planning obligation for a financial contribution of £100 per home towards the implementation of measures to improve air quality, including those identified within the Council's Air Quality Action Plan.

10.167 Therefore, it is concluded that the development would be acceptable in respect of its impact on air quality and the impact of existing air quality on future residents and other users, in accordance with Policies CS13 and DM24, the Emerging LP1 Policy 90 and London Plan Policy SI 1.

Noise

10.168 The Emerging Local Plan LP1 Policy 53 states that developers will be required to demonstrate the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing.

10.169 Policy D14 of the London Plan 2021 notes that residential proposals should seek to reduce, manage and mitigate noise to improve health and quality of life on, from, within, as a result of, or in the vicinity of new development, without placing unreasonable restrictions on existing noise-generating uses. The policy also encourages the mitigation of any potential adverse effects resulting from noise-generating sources



through applying good acoustic design principles within the development. Policy DM24 states that all major developments should aim to minimise the adverse impacts of noise through sensitive design, management and operation.

- 10.170 Objection letters raised concerns from noise arising from the number of future occupiers on site.
- 10.171 The application included a noise assessment that was based on a noise measurement survey carried out over five days on-site and identified the initial site risk assessment as 'Medium Risk'. This assessment included several mitigation strategies to ensure the lack of adverse noise impact on the surrounding buildings and the site including the screening for multiple facades and the design of the building envelope and ventilation, strategy to appropriately attenuate noise.
- 10.172 The Council's Environmental Health Officers reviewed this assessment and agreed with its findings and mitigation measures. The officers recommended conditions to ensure appropriate sound levels across the site, particularly between the commercial and residential elements, would be attained.
- 10.173 As such, it is concluded that the proposed development would be acceptable in terms of the environment provided for future residents and other users insofar as this is impacted on by noise, subject to a planning condition. The proposed development would therefore accord with Policies CS13, the Emerging LP1 Policy 52 and London Plan Policy D14.

#### External Lighting

- 10.174 Policy DM24 seeks to ensure that external lighting is kept to appropriate levels to avoid light pollution. London Plan Policy D8 has similar requirements in relation to lighting in the public realm. The Emerging Local Plan LP1 Policy 53 states that light pollution will be minimised by design measures that would ensure external lighting schemes should only illuminate intended areas.
- 10.175 The application did not include any information on the proposed lighting strategy within the red line boundary. The decision notice would include a pre-commencement condition requiring details for lighting specification, and lighting calculations to demonstrate appropriate lighting levels for public areas
- 10.176 On this basis, subject to condition, it is considered that the proposed development would be acceptable in terms of light pollution, in accordance with Policies CS13 and DM24, the Emerging LP1 Policy 53 and London Plan Policy D8.

### **J. ENERGY EFFICIENCY AND SUSTAINABLE DESIGN AND CONSTRUCTION**

- 10.177 Policy CS1 states that the Council will seek to ensure that development helps to tackle climate change, and Policies CS4, DM10, and DM11 provide further detail on how this should be achieved.
- 10.178 Policy CS4 and London Plan Policy D11 require that the resilience of development proposals is maximised and potential physical risks, including those related to extreme weather such as flooding, draught, and overheating, should be minimised.

10.179 Generally, it is noted that the application was assessed by the Council's sustainability and energy officers.

Energy efficiency and carbon reductions

10.180 Policies DM10 and DM11 require that development should achieve zero carbon targets and connect to a decentralised energy network. Similar policies are stated under the Emerging Local Plan LP1 Policies 87, 88, as well promoting sustainable design and construction under Policy 89.

10.181 London Plan Policy SI 2 sets out that new development should be net zero-carbon through implementing measures following its energy hierarchy. It also sets out requirements for minimum on-site carbon reductions and associated contributions to carbon offset funds. It has requirements for the submission of an energy strategy and whole life-cycle carbon (WLC) assessment with relevant planning applications. London Plan Policy SI 3 sets out requirements for developments in Heat Network Priority Areas to have a communal low-temperature heating system, with the source of heat obtained in line with its heating hierarchy.

10.182 The Council's sustainability and energy officer advised that the proposed residential development would achieve appropriate on-site carbon reductions exceeding the London Plan target of 10% and the Council's on-site reduction target of 35%. Officers noted that the assessment neglected the commercial unit due to its diminutive size, less than 250sqm, which would contribute to less than 5% of the residential CO2 emissions and did not request further information on the matter. Officers recommended a planning obligation to secure a financial contribution of £72,463 towards a carbon offset fund to achieve net-zero carbon and recommended a planning condition to secure carbon reductions.

10.183 The submitted energy strategy would seek to utilise Air Source Heat Pumps to provide energy for the proposed redevelopment. This would help the proposal to significantly exceed 35% above Part L of the Building Regulations 2013 as per the London Plan requirements. Additionally, it confirms that the development would be future proofed for connection to a district heating network should one become available.

10.184 Therefore, subject to planning obligations and conditions, it is considered that the development would be acceptable in respect of energy efficiency and carbon reductions, in accordance with Policies CS1, CS4, DM10, and DM11, the Emerging LP1 Policies 87,88 and 89 and the London Plan Policies D11, SI 2, SI 3 and SI 4.

Flood risk and drainage

10.185 Policy CS4 states that developments should be directed away from areas at high risk of flooding, and their design should minimise the potential for flooding and incorporate appropriate mitigation. Policy DM34 sets out various requirements for developments to manage flood risk, including aiming to achieve greenfield run-off rates via the maximisation of Sustainable Urban Drainage Systems (SuDS) where possible. The Emerging Local Plan Policy 93, have similar requirements. London Plan Policies SI 12 and SI 13 have similar requirements in terms of ensuring that development proposals minimise and mitigate flood risk and incorporate appropriate provisions for drainage, following the London Plan drainage hierarchy and other priorities.

- 10.186 The Flood Risk Assessment identified that the potential risk of flooding from sources at the site including from surface water, groundwater, sewers and artificial sources are considered low/very low risk following the implementation of mitigation measures proposed in the wider Assessment report. The decision notice would include a condition to ensure these mitigation measures would be adhered to.
- 10.187 The surface water drainage strategy will manage flood risk by restricting surface water to 2 l/s for all return period events up to and including the 1 in 100-year critical event (including a 40% allowance for climate change). The surface water from the site will be attenuated and temporarily stored within permeable paving and the attenuation tank, providing a combined storage volume of circa 140m<sup>3</sup>. It is proposed that foul flows from the development will discharge into Thames Water combined sewers along St Helier's Road. Based on Thames Water's foul flow loadings, the peak foul flow rate for the proposed development calculated to be 3.804 l/s. A management company will be appointed to maintain the proposed SuDS.
- 10.188 The Council's Local Lead Flooding Authority (LLFA) reviewed the flood risk assessment and the SuDs strategies. The LLFA agreed with the submitted details and noted that the developer identified opportunities for rainwater harvesting and green roofs as shown on the proposed roof plan. Accordingly, requested calculations and details of the proposed roof and rainwater harvesting systems in line with the London Plan and supplementary guidance. LLFA also requested the development to consider the provision of a rainwater harvesting system that could be used for external irrigation of the landscaped areas; this would provide environmental benefits such as reducing the potable water usage on site. LLFA also added that high level infiltration might be possible onsite as the London Clay might be at depth; an infiltration test in accordance with BRE Digest 365 should occur to determine whether permeable paving could be designed for the site.
- 10.189 Considering the above, the site is not at significant risk of flooding at present, and the proposed development would not increase flood risk elsewhere. The principles and strategies for SuDs are agreed upon; however, details are not finalised at this stage. Accordingly, a suitably worded condition requiring the submission and approval of a detailed drainage scheme prior to the commencement of the development would ensure these details are agreed upon with the LLFA.
- 10.190 As such, officers consider that the proposed development would be acceptable in terms of flood risk and drainage, subject to the recommended condition, in compliance with Policies CS1 and DM34, the Emerging LP1 Policy 93, and London Plan Policies SI 12, and SI 13.

## **K. IMPACT ON INFRASTRUCTURE**

- 10.191 Policy CS1 generally seeks to ensure that growth is supported by the timely delivery of essential infrastructure. Policy CS3 requires that new development contributes towards the provision of any necessary infrastructure, including social, utility, and other types of infrastructure and Policy DM17 provides some further detail, including in relation to healthcare infrastructure.
- 10.192 Policy DM34 specifically sets out that proposals for new development must either demonstrate that sufficient water supply and wastewater infrastructure exists, or that

sufficient extra capacity would be provided. Similarly, London Plan Policy SI 5 requires that new development ensures adequate wastewater capacity is provided.

10.193 London Plan Policy SI 6 requires that developments make adequate provision for digital connectivity infrastructure.

10.194 It is considered that the impact of the development on social infrastructure would be acceptable. The submitted Health Impact Assessment (HIA) assessed the impact of the proposed development on social infrastructure, including education and healthcare. Clearly the proposed new homes would increase the local population, affecting the number of people seeking to utilise social infrastructure. However, the HIA showed that sufficient capacity exists within primary and secondary schools, and the planned delivery of additional healthcare infrastructure, as set out in the Council's Draft Infrastructure Delivery Plan (2020), would address the relatively small amount of added demand.

10.195 In general, the submitted HIA concludes that the proposed development would not result in adverse health nor well-being impacts, and its high-quality design and location would benefit the health of the occupants and local residents. This demonstrates that the proposal would accord with Policies CS13 and DM23, which seek the delivery of healthy places and would be acceptable.

10.196 The NHS Infrastructure Planning reviewed the application and raised a request for a financial contribution of £270,690 and that they would welcome future discussion regarding CIL and other potential funding sources. Adding that the contribution's calculation used the health urban development units planning contribution model. This model calculates the cost of mitigating the impacts of the proposed development across different types of health infrastructures.

10.197 Officers acknowledge the response from the NHS team; however, such contributions are applicable on schemes of 100 units or more; accordingly, the proposed development with a total of 83 units would fall below this threshold. Raising this contribution would not pass the test discussed in detail under Section N of this report.

10.198 The applicant has submitted a Utilities Statement, which generally demonstrates that it would be possible to supply the necessary utilities infrastructure for the proposed development, including for telecommunications. As such, the impact on utilities infrastructure would also be acceptable.

10.199 Thames Water confirmed that there is sufficient surface and foul wastewater sewerage infrastructure capacity, as well as water supply infrastructure in the existing network for the proposed development. Thames Water requested informative advising that the site is located near existing underground wastewater and water assets to help ensure that these assets are adequately protected.

10.200 In terms of impacts on other types of infrastructure, it is noted that the development would contribute towards infrastructure provision generally through any local and Mayoral CIL income. Also, the scheme would contribute to infrastructure provision in several ways, including high-quality public realm outside the site and through the recommended planning obligations. Moreover, any Mayoral CIL income from the development would be allocated to be spent on public transport infrastructure.

- 10.201 It should be noted that the potential impacts of the proposed development on infrastructure in combination with other developments have been considered where relevant. Funding received via local and Mayoral CIL would be able to help address potential cumulative impacts.
- 10.202 Therefore, it is considered that the impact of the proposed development on infrastructure, including social and utility infrastructure, would be acceptable, subject to the recommended planning condition. It is also noted that the proposal would deliver some infrastructure, both on-site and off-site via recommended planning obligations and any local and Mayoral CIL income. The proposed development would accord with Policies CS1, CS3, CS13, DM17, DM23, and DM34 and London Plan Policy SI 6.

#### **L. TREES, LANDSCAPING, AND ECOLOGY**

- 10.203 Policy CS5 states that the Council will seek to ensure that development protects and enhances green infrastructure and biodiversity. This includes the protection of existing healthy trees; provision of new open spaces and landscaping; protection of Lee Valley, Epping Forest, and other biodiversity sites; and the creation of new habitats. Policy DM12 provides further detailed policy requirements. London Plan Policy G1 similarly requires that development proposals incorporate elements of green infrastructure to deliver multiple benefits.
- 10.204 It should be noted that the submission has been reviewed by the Council's tree preservation and urban greening officer in respect of trees, landscaping, and ecology.

##### Trees

- 10.205 Policy DM35 requires submission of an arboricultural report to assess the proposal's impact on existing trees. Requiring mitigation, compensation measures if the loss of tree was not avoidable. The Emerging Local Plan LP1 Policy 82 states that development proposals must retain and protect significant existing trees. London Plan Policy G7 has similar requirements; it also seeks the planting of additional appropriate, high-quality trees.
- 10.206 The existing site does not have any trees; however, two trees sit on the pavement adjacent to the cinema building outside the redline boundary. Due to their juxtaposition, the crown of the trees grows away from the building giving it an unbalanced appearance. The development would not require the removal of these trees, and block A would sit at a separation distance further away than the distance from the existing building.
- 10.207 Officers have reviewed the submitted Arboricultural Impact Assessment and note that it is generally acceptable. Officers note that good design should properly consider the juxtaposition of existing trees, as opposed to leaving associated problems in the future and possible additional costs for maintenance to the Council. While the proposed building would be further away from the existing trees, it would still be in sufficient proximity that would require more regular pruning. Considering their location on the street, the responsibility of this pruning and maintenance would fall on the Council. This maintenance and added pruning would ensure that the growth of the crowns would not impede onto the windows and amenity areas on block A's elevation facing

St Helier's Road. Thus, the development would create a situation that would need intervention from the Council's services. As a mitigation for this scenario, the Street Trees Team raised a financial contribution request through the s.106 agreement for £3,866.66. This contribution would pay for the required ongoing maintenance. Additionally, the s.106 would include a requirement for financial contribution in the case of the loss of these trees as a result from the construction or the operation of the development.

10.208 The decision notice would include a condition to ensure tree protection measures would be on site during construction. The recommended landscaping planning conditions would secure the planting of appropriate new trees and ongoing maintenance and management.

10.209 Therefore, subject to the recommended conditions, it is considered that the proposed development would be acceptable in relation to its impact on trees, with the proposed extensive new tree planting according with Policies CS5, DM12, and DM35, Emerging LP1 Policy 82 and London Plan Policies G1 and G7.

#### Landscaping

10.210 Policy DM29 states that proposals should include high-quality landscaping. The Emerging Local Plan LP1 Policy 79 states that major new developments should provide new high quality and usable open spaces and/or landscape infrastructure on-site. London Plan Policy D8 relates mainly to public realm proposals but includes the principle that landscaping, including planting, street furniture, and hard-surface materials, should be of a good quality. London Plan Policy G5 sets out that development should contribute towards the greening of London through a range of measures and requiring a target Urban Greening Factor of 0.4 for residential developments.

10.211 The application included a landscape masterplan for the soft and hard landscaping areas which would centre on the new communal open space to the rear of Blocks A and B. Its features include pergola, seating area, shrubs, mown grass and wildflowers, raised beds for allotment gardens to the south and low hedges and shrubbery to the edges. The play area would comprise informal plays and play mounds that overlooks the new play area, comprising informal play and play mounds. Additionally, green sedum roofs are proposed as part of the development to maximise the ecological benefits associated with the proposed development. The submitted landscape masterplan and subsequent details confirmed that the development would achieve a score of 0.45, which exceeds the requirements of the policy G5 of the LP and would be acceptable.

10.212 The Council's Trees Officer and Urban Greening Officer reviewed the landscape masterplan. They requested further details in order to agree the plan such as proposed tree species, shrubs and associated planting, and sizes, as well as detailed soft landscaping maintenance plan for all associated areas, including the intensive green roofs. The decision notice would include a pre-commencement condition to require these details.

10.213 As such, it is considered that the proposed landscaping would be of a high-quality, with suitable levels of greening, subject to the recommended conditions, in accordance with

Policies CS5, and DM29, the Emerging LP1 Policy 79 and London Plan Policies D8, G1, and G5.

#### Ecology

- 10.214 Policy DM35 seeks the avoidance of negative impacts on existing biodiversity resources, including protected sites. Generally, existing habitats should be retained on-site, if possible, and new habitats created through landscaping and other measures. The Emerging Local Plan LP1 Policy 81 states that Proposals should seek to protect and enhance biodiversity and geodiversity resources in the borough and will ensure that all development should maximise opportunities to create new or make improvements to existing natural environments, nature conservation areas, habitats or biodiversity features and link into the wider green infrastructure network.
- 10.215 London Plan Policy G6 specifically seeks the avoidance on negative impacts on SINCs and generally requires that development proposals manage impacts on biodiversity and aim to deliver BNG.
- 10.216 The application included an Ecological Impact Assessment that concluded the hardstanding dominating the site has negligible ecological interest. An assessment for several species, both flora and fauna, identified limited ecological value present on the site overall, and the small-sized ruderal habitat on site is of a minor ecological value.
- 10.217 The Council's officers reviewed this assessment, commented that the ecological assessment appeared fit for purpose and the recommend enhancements would achieve Biodiversity Net Gain. These enhancements include soft landscaping scheme with native trees planting, subsequently benefiting bats, birds and invertebrates, a 10% net gain in habitats and hedgerows: installing bird, bat and invertebrate boxes, biodiverse green roofs and creating log piles and hibernacula. Following the latest amendments to the scheme, the biodiversity net gain was confirmed to achieve 158.92% habitat units and 100.00% hedgerow units.
- 10.218 Officers requested further details as the submitted plan indicates approximate positions and types of habitat boxes. These details include the types and location of habitat boxes, such as Sparrow terraces and bat box types. Officers noted that certain boxes would have better warmth, protection from predation and longevity than others. The decision notice would include a condition requiring further details as requested.
- 10.219 Natural England response confirmed that the site is within the 0-3km Zone of Influence for Epping Forest SAC. In line with their emerging strategic approach to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy, the development would need to provide appropriate financial contributions for Strategic Access Management Measures (SAMM). This contribution would amount to £100 per unit, secured through s.106 legal agreement. The recommended SAMM financial contribution would go towards on-site mitigation measures at the SAC, such as traffic control, management of paths and tracks, signage, interpretation, visitor engagement, ongoing monitoring and visitor surveys.
- 10.220 On the basis of the above, it is considered that the proposed development would have an acceptable impact on ecology. As such, the proposed development would accord with Policies CS5, DM12, and DM35, and London Plan Policies G1 and G6.

10.221 In summary, the proposed development would have an acceptable impact on the trees onsite, would provide appropriate landscape and onsite greening, would provide biodiversity enhancement and positive ecological impact. As such, the proposal would accord with Policies CS5, DM12, DM29 and DM35, , Emerging LP1 Policies 79, 81 and 82, LP G1, G7 and the London Plan Policies D8, G1, G5, G6 and G7.

## **M. SAFETY AND SECURITY**

### Designing out crime

10.222 Policies CS16 and DM33 aim to improve community safety and cohesion through designing out crime measures, including the incorporation of SbD standards. London Plan Policy D11 also requires measures to design out crime.

10.223 The MPS Designing Out Crime Officer reviewed the application and confirmed that the latest amendments to the scheme were more in line with SBD Guidance and satisfied the concerns raised with the originally submitted plans. Whilst some aspects of the design were still not ideal, an appropriately worded condition and ongoing engagement with MPS Officers throughout the project would ensure compliance and achieving SBD Certification. The proposed conditions and informatives would ensure that the developers incorporate appropriate security measures to improve the overall safety and complying with a recognised successful crime reduction scheme.

10.224 Therefore, subject to the recommended condition, it is considered that the proposed development would be acceptable in terms of the measures proposed to design out crime, in accordance with Policies CS16 and DM33 and London Plan Policy D11.

### Fire safety

10.225 London Plan Policy D11 states that the design of development proposals should ensure resilience and minimise potential physical risks including fire. Policy D12 of the same document requires that all development proposals should achieve highest standards of fire safety. Planning applications for major development proposals should include a Fire Statement. While Part B of the Building Regulations covers fire safety compliance, the policy aims to ensure that fire safety is factored into building design from an early stage.

10.226 Additionally, London Plan Policy D5 sets out the requirement for the inclusion of fire evacuation lifts for people requiring level access in all proposed developments where lifts are to be installed. This additional requirement goes beyond the Building Regulations.

10.227 The application submission included a Fire Statement in support of the proposed development. This statement demonstrated that fire safety formed part of the early stage of the design process, and that the development meeting the buildings regulations would secure the necessary fire safety measures. The London Fire Brigade (LFB) confirmed that they had no further observations to make and requested notification of any material amendments to the application. The LFB did not provide further comments when consulted on the final scheme.

10.228 In light of the above, and provided that the recommended condition is attached to any planning permission, it is considered that the proposed development would overall



comply with London Plan Policies D5, D11, and D12 in respect of fire safety, including by providing means of escape for people requiring level access.

## **N. PLANNING OBLIGATIONS**

10.229 Policy CS3 requires that new development contributes towards the provision of any necessary infrastructure. DM36 sets out the Council's approach to securing such infrastructure and other relevant mitigation through planning obligations, with further guidance provided in the Planning Obligations SPD.

10.230 Additional policies and guidance specifically relevant to planning obligations related to affordable housing are set out in sections 8 and 9 of this report.

10.231 The NPPF sets out that a planning obligation should only be used where it is not possible to address unacceptable impacts through a planning condition and it would 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.

10.232 Heads of terms for the recommended planning obligations, which would be captured in a S106, are set out in section 1 of this report. Section 10 of this report gave justification to most all required obligations. However, it should also be noted that planning obligations are recommended to ensure that the development provides economic benefits in accordance with Policies CS10 and DM21 and London Plan Policy E11, which seek to maximise training, employment, and business opportunities available to local residents. Planning obligations are also recommended in relation to the preparation, completion, implementation, and monitoring of and securing compliance with the S106.

10.233 It is considered that the proposed planning obligations would accord with local plan policies, the London Plan and also conform to the requirement of the NPPF.

## **11 CONCLUSION**

11.1 Officers consider that the proposed development would provide the following significant benefits:

- The delivery of 83 much-needed, high-quality, new homes in a mix of tenures and sizes. Including the delivery of 25 new affordable homes; 17 of these new affordable homes would be in social rent tenure.
- Redevelopment of a derelict and non-optimised site within the centre of the borough.
- The delivery of a substantial amount of high-quality, green, external amenity space with urban greening and biodiversity net gains.
- The retention of High Road Leyton façade and enhancement to the heritage assets in the area.

- Enhanced streetscene and public realm along St Helier's Road.
- A car-free environment, compared with the existing car park onsite; and measures to encourage the use of more sustainable modes of transport.

11.2 Generally, it would be possible to use planning obligations and conditions to mitigate any negative effects that would otherwise be associated with the proposed development. However, it is noted that the development would result in some residual, unmitigated harm, including the following:

- The minor harm associated with potential requirement for more regular pruning to the street trees.
- The minor harm that would be caused to the daylight and sunlight amenities of the above referenced neighbouring properties.
- The shortfall in the full provision of blue-badge parking requirement.

11.3 On balance, it is considered that the significant benefits of the proposed development would outweigh the relatively small amount of residual, unmitigated harm. As such, officers recommend that planning permission is granted for the proposed development, subject to planning obligations and conditions and informatives, for the following reasons:

- It would be acceptable in principle and would deliver much-needed additional new homes.
- It would deliver the maximum reasonable amount of affordable housing.
- It would include a good mix of homes sizes, including relatively high proportion of family-sized social rent homes.
- It would provide an overall high standard of residential accommodation, including in terms of internal and external spaces and play space; the residential accommodation, and other parts of the site, would be generally accessible, and any residual, unmitigated minor harm would be outweighed by its significant benefits.
- Its design would be both high-quality and inclusive, including in respect of its layout, massing, and detailed design matters related to the proposed final appearance of the development.
- It would have an acceptable impact on heritage assets, with any residual, unmitigated minor harm being offset by its considerable benefits.
- It would have an, overall, acceptable impact on the amenities of neighbouring properties, with any residual, unmitigated harm being outweighed by its substantial benefits.
- It would have an overall acceptable impact in terms of transport-related considerations and would be car-free.
- It would make acceptable provisions for the storage and collection of waste and recycling arising from the operation of the development.
- It would have an acceptable environmental impact.

- The development would meet expectations in relation to energy efficiency and its approach to sustainable design and construction.
- It would have an acceptable impact on infrastructure, itself delivering some on- and off-site infrastructure.
- It would provide high-quality landscaping, including new trees, which would deliver urban greening and biodiversity net gain.
- It would have an acceptable impact on ecology, including in relation to the Epping Forest SAC and on the site.
- It would be designed to be safe in terms of the risks of crime and fire.
- The recommended use of planning obligations, as well as conditions, would be appropriate.

11.4 Overall, and for these reasons, officers consider that the proposed development would be of a high quality and accord with the development plan, and should, therefore, be approved without delay.

## 12 ADDITIONAL CONSIDERATIONS

### Public sector equality duty

12.1 In making its decision the Planning Committee must consider the public sector equality duty (PSED) under S149 of the Equality Act 2010 (as amended). This means that the Council, in the exercise of its functions, must have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.2 To advance equality of opportunity there should be due regard to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, including steps to take account of disabled persons' disabilities; and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

12.3 There should be due regard to the need to tackle prejudice and promote understanding to foster good relations.

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

- 12.5 The Planning Committee must consider the PSED in making its decision. However, the PSED is only one factor and may be balanced against other material considerations as part of the planning process.
- 12.6 It is considered that a decision to grant planning permission, as recommended, would comply with the PSED. Officers have set out the relevant issues throughout this report, including in subsection 10F.

#### Human Rights

- 12.7 In making its decision the Planning Committee must also be aware of and consider any implications that may arise relating to the Human Rights Act 1998 (as amended). Under the Human Rights Act, it is unlawful for a public authority, such as the Council, to act in a manner that is incompatible with the European Convention on Human Rights.
- 12.8 The Planning Committee is referred specifically to Article 8 of the Convention Rights and Freedoms (the “right to respect for private and family life”) and Article 1 of the First Protocol (the “protection of property”). It is not considered that a decision to grant planning permission, as recommended, would interfere with the right to respect for private and family life, including the home, 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, as would be the case if a decision were made to grant planning permission, as recommended. Again, this report sets out the relevant issues, including in subsection 10I.

### **13 CONDITIONS AND INFORMATIVES**

- 13.0 It is recommended that planning permission be GRANTED subject to conditions and informatives; and completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) (S106).
- 13.1 Recommended S106 heads of terms for planning obligations and most other details relating to this recommendation are set out in section 1 of this report. The recommended conditions and informatives are set out below:

#### Conditions

##### **1. Time Limit**

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

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

##### **2. Approved Drawings**

The development shall be carried out in accordance with the following approved drawings:

- 2172\_0001 Rev A

- 2172\_0002 Rev A
- 2172\_0003 Rev A
- 2172\_0004 Rev A
- 2172\_0005 Rev A
- 2172\_0006 Rev A
- 2172\_0007 Rev A
- 2172\_0099 Rev H
- 2172\_0100 Rev T
- 2172\_0101 Rev O
- 2172\_0102 Rev M
- 2172\_0103 Rev M
- 2172\_0104 Rev M
- 2172\_0105 Rev I
- 2172\_0106 Rev K
- 2172\_0200 Rev H
- 2172\_0201 Rev H
- 2172\_0202 Rev F
- 2172\_0203 Rev B
- 2172\_0204 Rev E
- 2172\_0205 Rev B
- 2172\_0206 Rev B
- 2172\_0207 Rev B
- 2172\_0250 Rev D
- 2172\_0251 Rev D
- 2172\_0252 Rev D
- 2172\_0300 Rev C
- 2172\_0301 Rev C
- 2172\_0302 Rev C
- 2172\_0303 Rev C
- 2172\_0303 Rev B

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

### **3. Obscure and Non-Openable Windows**

The following windows as shown on the approved drawings:

- Block A facing north and northwest on all floors above ground floor;
- Block C side windows on all floors above ground floor.

Shall be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. No occupation of the development shall take place until these windows have been installed, and the installed windows shall thereafter be retained and maintained as such for the lifetime of the development.

REASON: To protect the amenities of future and neighbouring residents, in accordance with Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013), and Policy D6 of the London Plan (2021).

#### **4. Accessibility**

- A. All dwellings shall be constructed to the Building Regulations 2010, Access to and use of Buildings, Approved Document M, Volume 1: Dwellings (2015 edition incorporating 2016 amendments), optional requirement M4(2), Sections 2A and 2B, as a minimum except for those units stated under point B below.
- B. All dwellings identified as 'WC' under submitted document Number 2172\_5001 Rev S, dated 22.07.22, prepared by RMA Architects; shall be constructed to the Building Regulations 2010, Access to and use of Buildings, Approved Document M, Volume 1: Dwellings (2015 edition incorporating 2016 amendments), optional requirement M4(3),
- C. All dwellings identified as 'WC' for 'Rental' under submitted document Number 2172\_5001 Rev S, dated 22.07.22, prepared by RMA Architects; shall be constructed to the Building Regulations 2010, Access to and use of Buildings, Approved Document M, Volume 1: Dwellings (2015 edition incorporating 2016 amendments), optional requirement M4(3)(b).

REASON: To ensure that accessible homes would be provided, in accordance with Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM30 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D5 and D7 of the London Plan (2021).

#### **5. Materials**

No above ground works for the development shall take place until details of all materials to be used in its external surfaces have been submitted to and approved in writing by the Local Planning Authority. The details shall include a schedule and samples, as agreed with the Local Planning Authority. The materials shall be based on the indications shown on the approved drawings and in Design and Access Statement Addendum – Summary of Amendments – August 2022, prepared by RMA Architects. No development shall take place except in accordance with the approved details, which shall thereafter be retained and maintained as such for the lifetime of the development.

REASON: To ensure that the appearance of the development would be satisfactory, in accordance with Policies CS2 and CS15 of the Waltham Forest Local Plan Core

Strategy (2012), Policy DM29 of the Waltham Forest Local Plan Development Management Policies (2013), and Policy D6 of the London Plan (2021).

## **6. Archaeology**

(1) 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.

(2) 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 and 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 approved Stage 2 WSI.)

REASON: In order to adequately mitigate any harm to the significance of heritage assets of archaeological interest, in accordance with Policy CS12 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM28 of the Waltham Forest Local Plan Development Management Policies (2013), and Policy HC1 of the London Plan (2021).

## **7. Historic Building Recording**

No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works,
- B. 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 WSI.

Reason: Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF.

#### **8. Parking Design and Management Plan**

No above ground works for the development shall take place until a Parking Design and Management Plan (PDMP) has been submitted to and approved in writing by the Local Planning Authority. The PDMP shall include design details related to cycle parking; cargo bike hire provisions; disabled persons car parking, including active provision for 3 such spaces and passive provision for a further 1; electric vehicle charging points, including 20% active provision as a minimum, with passive provision for the remainder of spaces. The PDMP shall include management details for access, appointment and maintenance of the provided spaces to future occupiers.

The approved PDMP shall be fully implemented, and the implemented measures shall thereafter be retained and maintained as such for the lifetime of the development.

REASON: To encourage sustainable transport and ensure accessibility, in accordance with Policy CS7 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM14, DM15, and DM16 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies T2, T5, T6, and T6.1 of the London Plan (2021).

#### **9. Waste Strategy, Delivery and Servicing Management Plan**

No above ground works for the development shall take place until a Waste Strategy, Delivery and Servicing Plan (DSP), has been submitted to and approved in writing by the Local Planning Authority. The approved DSP shall be fully implemented, and the implemented measures shall thereafter be retained and maintained as such for the lifetime of the development. The DSP shall be based on the following submitted documents, unless otherwise agreed with the Local Planning Authority:

- Outline Delivery and Servicing Management Plan, report Ref: 2102671-04, dated: November 2021, prepared by Ardent Consulting Engineers; superseded by
- Transport Technical Note – Report Ref; 2102671-08, dated August 2022, prepared by Ardent Consulting Engineers.
- Refuse Vehicle Swept Path Analysis Drawing – September 2022.

REASON: To encourage sustainable transport and ensure road safety and adequate provisions for the storage and collection of waste and recycling, in accordance with Policies CS6 and CS7 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM14, DM15, DM16, and DM32 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D6, SI 7, T2, T4, T6, and T7 of the London Plan (2021).

#### **10. Construction Logistics Plan**

No development shall take place until a detailed Construction Logistics Plan (CLP), based on the 806 High Road Leyton, Leyton – Outline Construction Logistics Plan,



Report Ref: 2102671-03A, dated July 22 and prepared by Ardent Consulting Engineers, has been submitted to and approved in writing by the Local Planning Authority. The CLP shall discuss all phases of the development including: i) site setup, ii) demolition of existing buildings, iii) below ground works, iv) above ground works. No development shall take place except in accordance with the approved detailed CLP.

REASON: To ensure considerate construction and road safety and protect the amenities of neighbouring residents, in accordance with Policy CS7 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM13 and DM15 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies T2, T4, and T7 of the London Plan (2021). The objectives and purposes of this condition are such that it is required to be complied with before commencement of development.

### **11. Highway Condition Survey**

- A. No development shall take place until a pre-commencement highway condition survey has been undertaken and submitted to and approved in writing by the Local Planning Authority.
- B. No occupation of the development shall take place until a post-completion highway condition survey has been undertaken and submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied.
- C. Any damage to the highway incurred as a result of demolition and construction works for the development, shall be re-instated by the Local Highway Authority but funded by the developer, in accordance with the details approved in the highway condition surveys.

The highway condition survey shall include a site location plan highlighting the location of the photographs, its scope of the survey shall cover:

- i. 30 metres either side of the frontage along William Street,
- ii. 50 metres either side of the frontage along High Road Leyton,
- iii. Affected areas on Belmont Park Road, and
- iv. St Heliers Road.

REASON: In the interests of highway safety, in accordance with Policy CS7 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM14 and DM15 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies T2 and T4 of the London Plan (2021).

### **12. Construction Environmental Management Plan**

No development shall take place until a Construction Environmental Management Plan (CEMP), has been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in accordance with the approved CEMP.

REASON: To ensure that the environmental impacts of the development during construction are appropriately mitigated, in accordance with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM24 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D14 and SI 1 of

the London Plan (2021). The objectives and purposes of this condition are such that it is required to be complied with before commencement of development.

### **13. Land Contamination**

- A. In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported immediately to the Local Planning Authority and no further development shall take place until a revised remediation strategy has been submitted to and approved in writing by the Local Planning Authority.
- B. No occupation of the development shall take place until a verification report providing details to demonstrate that the works set out in the approved remediation strategy and/or revised remediation strategy are complete has been submitted to and approved in writing by the Local Planning Authority (where applicable).

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

### **14. Asbestos**

- A. No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- Evidence that the existing buildings on site were built post-2000; or
  - An intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers and other users of the development. The scheme must be written by a suitably qualified person and demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed use.
- B. No occupation of the development shall take place until independent verification of the approved mitigation scheme has been submitted to and approved in writing by the Local Planning Authority (where applicable).

REASON: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and risks from potential contamination arising in connection with existing buildings to future users of the site and neighbouring land, together with those to controlled waters, property, and ecological systems, are minimised, in accordance with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM24 of the Waltham Forest Local Plan Development Management Policies (2013) The objectives and purposes of this condition are such that it is required to be complied with before commencement of development.

**15. Air Quality (Emissions from Non-Road Mobile Machinery)**

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

REASON: To ensure that air quality is not adversely affected by the development, in accordance with Policy SI 1 of the London Plan (2021).

**16. External Lighting**

No construction of the roof slab level for the development shall take place until details of any form of external illumination and/or external lighting on buildings and around the site, including any street lighting, have been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in accordance with the approved details, which shall be installed prior to the occupation of the development and thereafter be retained and maintained as such for the lifetime of the development.

REASON: To protect the amenities of future users of the site and neighbouring land, and ensure safety, in accordance with Policies CS7 and CS13 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM14, DM15, and DM24 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies T2, T4, and D8 of the London Plan (2021).

**17. Waste Strategy, Delivery and Servicing Management Plan**

- A. Prior to the occupation of the commercial unit a Waste Strategy, a Delivery and Servicing Plan (DSP), shall be submitted to and approved in writing by the Local Planning Authority. The approved DSP shall be fully implemented, and the implemented measures shall thereafter be retained and maintained as such for the continuation of the business.
- B. Prior to every change to the use nature of the commercial units, a Delivery and Servicing Plan (DSP), shall be submitted to and approved in writing by the Local Planning Authority. The approved DSP shall be fully implemented, and the implemented measures shall thereafter be retained and maintained as such for the continuation of the business.

REASON: The unit falls directly onto High Road Leyton and behind a bus stop, servicing arrangements needs to be agreed to avoid harm to traffic movement onto High Road Leyton, in accordance with Policies CS6 and CS7 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM14, DM15, DM16, and DM32 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D6, SI 7, T2, T4, T6, and T7 of the London Plan (2021).

**18. Noise**

No occupation of the development shall take place until noise mitigation measures have been fully implemented, and the implemented noise mitigation measures shall thereafter be retained and maintained as such for the lifetime of the development. Noise mitigation measures shall produce internal noise levels specified in table 4

section 7.7 of BS8233 and meet the WHO night-time noise standard of 45 dB LAmax. Where mechanical ventilation systems are required, they shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 (as amended) with regard to acoustic performance and airflow rates.

REASON: To protect the amenities of future residents and safeguard the potential future operation of the Lord Brooke Public House in its established lawful use, in accordance with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM24 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D13 and D14 of the London Plan (2021).

### **19. Carbon Reductions**

No occupation of the development shall take place until a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2013 Building Regulations has been submitted to and approved in writing by the Local Planning Authority. The report shall reference the measures set out in the Energy and Sustainability Statement, 806 High Road Leyton, E10 6AE, dated April 2022 and prepared by Integration Consultancy Limited, Project No. 679. It shall explain what measures have been implemented in the construction of the development. The implemented measures shall thereafter be retained and maintained as such for the lifetime of the development.

REASON: In the interests of sustainability and energy efficiency, in accordance with Policies CS1 and CS4 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D11, SI 2 and SI 4 of the London Plan (2021).

### **20. Energy Efficiency and Monitoring**

- A. Within 8 weeks of the grant of planning permission, the Owner shall submit to the GLA accurate and verified estimates of the 'Be Seen' energy performance indicators, as outlined in the 'Planning stage' section / chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it), for the consented development. This should be submitted to the GLA in accordance with the 'Be Seen' energy monitoring guidance using the 'Be Seen' planning stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/...>).
- B. Prior to each Building being occupied, the Owner shall provide updated accurate and verified 'as-built' design estimates of the 'Be Seen' energy performance indicators for each Reportable Unit of the development, as per the methodology outlined in the 'As-built stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' as-built stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/...>). The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in the 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it).

- C. Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development as per the methodology outlined in the 'In-use stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' in-use stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/...>). This obligation will be satisfied after the Owner has reported on all relevant indicators included in the 'In-use stage' chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it) for at least five years. Timings may need to be adjusted to account for the large phased developments, particularly for energy centre reporting, as per the relevant section of the 'Be Seen' energy monitoring guidance document.
- D. In the event that the 'In-use stage' evidence submitted under Clause c) shows that the 'As-built stage' performance estimates derived from Clause b) have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be Seen' in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.

REASON: In the interests of sustainability and energy efficiency, in accordance with Policies CS1 and CS4 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D11, SI 2 and SI 4 of the London Plan (2021).

## **21. Water Efficiency**

No above ground works for the development shall take place until details of measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day, have been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in accordance with the approved details, which shall be installed prior to the occupation of the development and thereafter be retained and maintained as such for the lifetime of the development.

REASON: To minimise the use of water within the development, in accordance with Policies CS1 and CS4 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM34 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D11 and SI 5 of the London Plan (2021).

## **22. Drainage**

No above ground works for the development shall take place until details of a drainage scheme based on the Flood Risk Assessment and Drainage Strategy, ref: 2106671-

01, prepared by Ardent Consulting Engineers, dated November 2011, have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include details of its design, implementation, adoption, maintenance, and management. It shall also include an infiltration test in accordance with BRE Digest 365 to determine whether permeable paving can be designed for the site and show Consideration to the provision of a rainwater harvesting system that can be used for external irrigation of the landscaped areas

No development shall take place except in accordance with the approved details, which shall be installed prior to the occupation of the development and thereafter be retained and maintained as such for the lifetime of the development.

REASON: To mitigate the risk of flooding, ensure that the development is adequately drained, and minimise the use of water within the development, in accordance with Policies CS1 and CS4 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM34 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D11, SI 5, SI 12, and SI 13 of the London Plan (2021).

### **23. Flood Risk**

The development shall adhere to the mitigation measures stated within the Flood Risk Assessment and Drainage Strategy, ref: 2106671-01, prepared by Ardent Consulting Engineers, dated November 2011.

REASON: To mitigate the risk of flooding, ensure that the development is adequately drained, and minimise the use of water within the development, in accordance with Policies CS1 and CS4 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM34 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D11, SI 5, SI 12, and SI 13 of the London Plan (2021).

### **24. Trees**

The development shall accord with the submitted Arboricultural Implications Report-Proposed re-development at 806 High Road Leyton, Leytonstone, London, Ref: SJA air 21443-01b, dated November 2021.

REASON: To ensure the protection of trees on land adjoining the site, in accordance with Policy CS5 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM12 and DM35 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies G1 and G7 of the London Plan (2021). The objectives and purposes of this condition are such that it is required to be complied with before commencement of development.

### **25. Landscaping**

- A. No above ground works for the development shall take place until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be based on the submitted Landscape Masterplan, drawing number; 06-1039-301 Rev G, dated 18/07/2022, prepared by ENPLAN, and shall include details of biodiverse roofs and vertical greening on buildings, the greening of boundaries, street furniture, play

space details, and level access to buildings, amenity areas, and disabled persons car parking spaces. No development shall take place except in accordance with the approved details.

- B. All planting approved as part of the hard and soft landscaping scheme shall be carried out in the first planting season following the practical completion or first occupation of the development, whichever is sooner. The approved hard and soft landscaping scheme shall otherwise be installed prior to the occupation of the development.
- C. No construction of the roof slab level for the development shall take place until a landscape maintenance and management plan has been submitted to and approved in writing by the Local Planning Authority. The landscape maintenance and management plan shall include long-term design objectives, management responsibilities, and maintenance schedules for the approved hard and soft landscaping scheme, and a commitment that any planting that dies, is removed, or becomes seriously damaged or diseased within a period of five years following the practical completion or first occupation of the development, whichever is sooner, shall be replaced with others of similar size and species. The approved hard and soft landscaping scheme shall be retained and maintained in accordance with the approved landscape maintenance and management plan for the lifetime of the development.

REASON: To secure the amenities of future residents and other users of the site; accessibility; and suitable landscaping, including urban greening, tree planting, and biodiversity net gain, in accordance with Policies CS2 and CS5 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM7, DM12, DM29, DM30, DM32 and DM35 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D5, D6, D8, S4, G1, G5, G6, G7, and T6.1 of the London Plan (2021).

## **26. Boundary Treatments**

No construction of the roof slab level for the development shall take place until details of the siting and design of bounding treatments, including railings, walls, gates, privacy screens, and other means of enclosure, have been submitted to and approved in writing by the Local Planning Authority.

Unless otherwise agreed, hardstanding levels within the red line boundary, and threshold levels should be designed to tie into existing public highway back of path levels.

No development shall take place except in accordance with the approved details, which shall be installed prior to the occupation of the development and thereafter be retained and maintained as such for the lifetime of the development.

REASON: To secure the amenities of future residents and suitable landscaping, in accordance with Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM7, DM29, and DM32 of the Waltham Forest Local Plan Development Management Policies (2013) and Policies D6 and D8 of the London Plan (2021).

## **27. Ecology**

A. No development shall take place except in accordance with the recommendations within Ecological Impact Assessment, ref: WOOL23524, dated; 19.11.21, prepared by ACD Environmental.

B. No above ground works for the development shall take place until details of the number, siting, and type of bat, bird, and bee boxes and bug hotels have been submitted to and approved in writing by the Local Planning Authority. Provision shall be made for a suitable range of species. No development shall take place except in accordance with the approved details, which shall be installed prior to the occupation of the development and thereafter be retained and maintained as such for the lifetime of the development.

REASON: To protect and enhance biodiversity on the site and in the surrounding area, in accordance with Policy CS5 of the Waltham Forest Local Plan Core Strategy (2012), Policies DM12 and DM35 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies G1 and G6 of the London Plan (2021).

## **28. Designing Out Crime**

A. No above ground works for the development shall take place until details of the measures required to achieve Secured by Design Certification have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police Service. No development shall take place except in accordance with the approved details, which shall thereafter be retained and maintained as such for the lifetime of the development.

B. No occupation of the development shall take place until it has achieved Secured by Design Certification, or otherwise agreed with the Local Planning Authority.

REASON: To ensure that designing out crime measures are incorporated to the development, in accordance with Policy CS16 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM33 of the Waltham Forest Local Plan Development Management Policies (2013), and Policy D11 of the London Plan (2021).

## **29. Fire Safety**

The development shall adhere to the mitigation measures stated within the Fire Statement titled: 806 High Street, Leyton, ref: D688\_21\_00001, dated 19/11/2021 and prepared by London Bridge Associates Ltd.

REASON: To ensure that the proposed development would ensure safety from fire risk, in accordance with Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012), Policy D30 of the Waltham Forest Local Plan Development Management Policies (2013), and Policies D5, D11, and D12 of the London Plan (2021).

## **Informatives**

1. To assist applicants, the Council has produced planning policies and guidance, which are available on its website. The Council also offers a pre-application advice service. The scheme was submitted in accordance with planning



policies and guidance, following pre application discussions. This decision was delivered in a timely manner.

2. The documents submitted in support of the planning application for this scheme (as amended) are listed below:
  - Architectural Plans/Drawings – please refer to the attached Drawing Schedule for a complete list of current drawings.
  - Planning Statement, 806 High Road, Leyton, Waltham Forest on behalf of Woobro Group, prepared by Savills, dated November 2021.
  - Letter titled: 806 High Road Leyton, E10 6AE (LPA Ref, 213777) - Submission of Amended Scheme, dated: 08 August 2022, prepared by Savills.
  - Design and Access Statement- 806 High Road Leyton - on behalf of Woolbro Group, prepared by RM-A, dated: November 2021.
  - Design and Access Statement Addendum – Summary of Amendments – on behalf of Woolbro Group, prepared by RM-A, dated: August 2022.
  - Air Quality Assessment – Ref: AQ58273R1, dated 18/11/2021, prepared by ENSAFE consultants.
  - Arboricultural Implications Report, Ref: SJA air 21443-01b, prepared by: SJA Trees, dated: November 2021.
  - Archaeological Desk-Based Assessment – 806 High Road, Leyton E10 6AE, Project Ref: 07243B, prepared by: HCUK Group, dated: November 2021.
  - The Biodiversity Metric 3.0 – Calculation Tool, Project name: 806 High Road Leyton, Assessment date: 10/12/021
  - Updated Biodiversity Net Gain Calculator Spreadsheet – September 2022.
  - Daylight & Sunlight Report – 806 High Road Leyton, E10 6AE, prepared by: EB7, Ref: 3869, dated 25 November 2021.
  - Internal Daylight Report 0- 806 High Leyton High Road, prepared by EB7, dated 25 July 2022.
  - Desktop Health Impact Assessment – January 2022.
  - Energy & Sustainability Statement -806 High Road Leyton, E10 6AE, prepared by Integration, dated 23 November 2021.
  - Carbon Emissions Update Letter – August 2022.
  - Fire Statement – 806 High Street, Leyton, ref: D688\_21\_00001, dated 19/11/2021 and prepared by London Bridge Associates Ltd.
  - Flood Risk Assessment and Drainage Strategy, ref: 2106671-01, prepared by Ardent Consulting Engineers, dated November 2011.
  - Framework Travel Plan, 806 High Road Leyton, Report Ref; 2102671-02, dated: November 2021, prepared by Ardent Consulting Engineers.

- Heritage Impact Assessment – 806 High Road Leyton, Project Ref: 7243, dated: November 2021, prepared by HCUK Group.
  - Landscape Masterplan, drawing number; 06-1039-301 Rev G, dated 18/07/2022, prepared by ENPLAN.
  - Noise Impact Assessment – 806 High Road, Leyton E10 6AE, Ref: 21-8435 Rev A, dated: November 2021, prepared by Sytegra Consulting.
  - Outline Construction Logistics Plan – 806 High Road Leyton, Leyton – Outline Construction Logistics Plan, Report Ref: 2102671-03A, dated July 22 and prepared by Ardent Consulting Engineers.
  - Outline Delivery and Servicing Management Plan, report Ref: 2102671-04, dated: November 2021, prepared by Ardent Consulting Engineers.
  - Overheating Analysis (TM59) -806 High Road Leyton, London E10 6AE, dated: 23rd November 2021, Project No. 679, prepared by Integration.
  - Phase 1 Geo-Environmental Assessment – 806 High Road Leyton, London, Ref: GEA-21912K-19-374, dated: September 2019.
  - Plant Noise Assessment – December 2021.
  - Ecological Impact Assessment, ref: WOOL23524, dated; 19.11.21, prepared by ACD Environmental.
  - Statement of Community Involvement -806 High Road, Leyton, dated: November 2021, prepared by BECG.
  - Healthy Street Transport Assessment- 806 High Road Leyton, Leyton, Report Ref; 2102671, dated November 2021, prepared by Ardent Consulting Engineers.
  - Transport Technical Note and Appendices - September 2022.
  - Refuse Vehicle Swept Path Analysis, Drawing Number 2102671-014 Rev B, dated– Sep 2022, prepared by Ardent Consulting Engineers.
  - Utilities & Services – 806 High Road Leyton, Leyton London E10 6AE, Report Ref: No.2102671, dated November 2021, prepared by Ardent Consulting Engineers.
  - Urban Greening Factor, Ref: 06-1039 High Road, Leyton, prepared by ENPLAN.
3. The WSI 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. Condition 6 is exempt from deemed discharge under Schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
4. 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/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto: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.

5. 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](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
6. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit: <http://nrmm.london/>.
7. It is the 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 Council's Street Naming/Numbering Officer.