

# **LONDON BOROUGH OF WALTHAM FOREST MINUTES OF THE PLANNING COMMITTEE**

**06 December 2022 at 7.06 pm**

**PRESENT:**

**Chair:** Councillor Jenny Gray

**Committee Members:** Councillors Afzal Akram, Kira Lewis, Keith Rayner and Steve Terry

**Councillors in Virtual Attendance:** Councillors Clyde Loakes and Marie Pye

**Officers in Attendance:**

Justin Carr	Assistant Director – Development Management & Building Control
Alpa Depani	Head of Strategic Planning and Design
Stanley Lau	Planning Manager - Majors
Mahnaz Chowdhery	Interim Planning Manager - North Area Team
Teodora Dimitrova	Planning Officer
Pedro Rizo	Planning Officer
Joanna West	Planning Lawyer
Perminder Purewal	Democratic Services Officer

## **34. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS**

Apologies for absence were received from Cllrs John Moss and Sebastian Salek.

The following substitute arrangements were in place:

Cllr Afzal Akram was present as a substitute for Cllr John Moss; and  
Cllr Steve Terry was present as a substitute for Cllr Sebastian Salek

## **35. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **36. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meetings held on 1 November 2022 were agreed by the Committee.

## **37. DEVELOPMENT MANAGEMENT**

The Committee considered applications for planning permission received by the Assistant Director – Development Management & Building Control under the Town

and Country Planning Act 1990 and took into account the oral representations made by members of the public and applicants and their agents.

The update report of the Assistant Director – Development Management & Building Control was noted in accordance with the urgency provisions of Section 100 B (4) of the Local Government Act 1972 to ensure that Members had before them all the relevant facts and information about the planning applications set out in the agenda.

The Committee resolved that, in the event of recommendations being amended at the meeting in light of debate, or other representations made by members of the public, applicants or their agents, the task of formalising the wording of conditions and/or reasons for refusal is to be delegated to the Assistant Director – Development Management & Building Control.

**38. STANDARD MUSIC VENUE THE TRYST, 1 BLACKHORSE LANE, WALTHAMSTOW, LONDON, E17 6DS (222417)**

**RESOLVED:**

That planning permission be GRANTED in line with the recommendations, conditions, reasons and informatives as set out in the committee report and update report for application 222417 for redevelopment of the site involving the demolition of existing structures/building and the construction of a mixed-use two to nine storey building (over basement) to provide a new music/cultural venue (sui generis), bar (sui generis), retail unit (Use Class E) and shared co-living accommodation with associated internal and external amenity space (sui generis) together with ancillary refuse/cycle stores, servicing areas, landscaping, public realm works and disabled car parking subject to the conditions and informatives detailed in the committee report and update report and completion of a Section 106 Agreement with the following Heads of Terms:

**Affordable Housing Provision:**

- A financial contribution of £500,000.00 towards offsite affordable housing provision
- An early-stage review of the development viability would be required if the applicant could not demonstrate substantial implementation of the scheme within 2 years of granting planning permission.

**Marketing of Shared Living Rooms:**

- All shared living rooms to be marketed exclusively to key workers and local residents for a period of three months before marketing the shared living rooms on the open market.

**Music Venue:**

- Within six months of the date of the planning permission, the applicant (or successor in title) shall confirm the retention of the music venue consultant and submit a marketing strategy for approval by the Local Planning Authority.
- The marketing strategy will set out timescales for marketing the venue with the aim of maximising the response from the music industry. The strategy will also

set out proposed general lease terms and details of any potential rent free or financial contributions towards the music venue fit-out.

- Following the approval of the marketing strategy the applicant (or successor in title) shall market the property in accordance with the approved strategy to secure a music venue operator. The marketing exercise shall be carried out for a minimum of 1 year before practical completion, retaining the expertise of the music industry consultants to achieve this. The applicant is required to notify the Local Planning Authority when they have commenced with the marketing exercise.
- During the marketing period, regular (bi-monthly) updates on the marketing exercise shall be submitted to the LPA. The applicant will be required to report on the following as part of the update:
  - Who is the venue being marketed to and what platform the applicant/music venue consultant using to generate interest.
  - General lease terms.
  - Details on any potential rent free or financial contribution towards music venue fit out.

In the event that terms are reached with a third-party operator, the applicant will provide the local authority with the heads of terms of the agreement.

- The music venue shall be provided to shell and core before any co-living units are occupied.
- In the event that the music venue is not occupied by a third-party operator, after 1 year post practical completion and marketing, the applicant will agree with the Local Planning Authority how it will fit-out, manage and operate the space as a publicly accessible cultural/music venue, which it will then implemented.

#### **Employment and Training Strategy:**

- Provide a minimum of 30% local labour, 20% local spend, 25 apprentice posts in the construction trade during the Construction Phase of the Development and 10 work placements in the Construction Phase of the Development with such posts being first offered to Local Residents. In the event that obligations towards apprenticeships and work placements remain unfulfilled, then the developer should pay a default payment of £3,234 per work placement towards employment training and business and £16,458 per apprentice, towards employment, training, and business, to be used for residents, payable to the Council upon practical completion of the development.

#### **Wheelchair Housing:**

- Wheelchair accessible shared-living units to be exclusively marketed to disabled occupiers for a period of 1 year from launch.
- Prepare a Wheelchair Accessible Dwelling Marketing Strategy for the Development that sets out how the wheelchair shared-living units will be promoted and advertised during the exclusivity period of one year, to be agreed prior commencement.

**Highways and Public Realm:**

- S.278: Highway works will be required upon completion of the works relating to the development prior to occupation. These will require a S278 agreement and would include but would not be limited to:
  - Renewal of the footway and cycle track along the frontage of the development along Blackhorse Lane and Forest Road.
  - Construction of a vehicle crossover on Forest Road.
  - Renewal of vehicle crossover on Blackhorse Lane.
  - Accommodation works to tie into existing levels where necessary.
  - CCTV column and system including maintenance costs to be installed on Blackhorse Lane to enforce access manoeuvres. The exact location should be determined during detailed design.
  - Relocation of lamp columns and existing street furniture where necessary subject underground utilities; and,
  - Any works in relation to tree protection required by the Street Tree Team.
- A financial contribution of £250,000 towards improving sustainable modes of transport including walking and cycling in the vicinity which will directly benefit new residents in the car free development.
- A financial contribution of £15,000 towards the Walthamstow Marshes flood study to identify strategic flood mitigation options for the area.
- A financial contribution of £7,500 towards monitoring the Construction Logistics Plan.
- The development would be car free except for two disabled parking spaces.
- 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.

**Walthamstow Wetlands:**

- A financial contribution of £272,000 towards management, maintenance, development, and access of the Walthamstow Wetlands project that should be paid prior implementation.

**Local Community Infrastructure:**

- A financial contribution of £10,000 towards local community infrastructure and/or the Creative Enterprise Zone.

**Air Quality Contributions:**

- A financial contribution of £33,900.00 towards the implementation of an Air Quality Action Plan. 50% to be paid prior to commencement of development. The remainder of the contribution due prior to first occupation of any part of the development.

**Sustainability:**

- A financial contribution of £334,153.00 towards a carbon offset fund should be made prior implementation. This financial contribution will need re-calculation after the strategy has been updated to account for the requirements to consider a connection via the Blackhorse Lane Heat Network (BLHN).
- Once full details of the proposals ("the Proposals") from E.ON to connect the site to the Blackhorse Lane Heat Network (BLHN) have been provided by the applicant and subject to such "Proposals" passing the following tests ("the

Tests”), a revised Energy Strategy for the Site setting out that the proposed on site ASHP solution (“OSS”) will be replaced by a connection to the BLHN shall be submitted by the Applicant.

- The Tests shall be deemed to be passed and a connection to the BHLN made, if E.ON’s proposals confirm that:
  - i) Heat can be supplied from the BLHN to meet the heat on date required by the Applicant (acting reasonably) for the Site.
  - ii) Heat can be supplied from the BLHN that shall have a “sleeved” carbon content in accordance with the GLA Energy Assessment Guidance no greater than the OSS;
  - ii) The connection charge levied by E.ON for these supplies to the Applicant shall be no greater than the capital costs that would otherwise have been incurred in delivering the OSS including all costs, utility costs and building fabric/spatial costs.
  - iii) The bulk heat supply charges shall be no greater than the whole life cycle cost of generating such heat through the OSS.
- “The Applicant” shall provide monthly updates to the Local Planning Authority on its receipt and review on the E.ON Proposals;
- “The Applicant” shall advise the Local Planning Authority within no more than two months of receipt of the proposals from E.ON whether to not the Tests have been passed and if “The Applicant” believes that the Tests have not been passed, they should provide a detailed report setting out why this is the case for the Local Planning Authority to review and confirm whether or not this analysis is agreed.
- “The Applicant” shall not commence any works on the Site which shall prevent or frustrate the option to connect to BHLN until it has been determined by “The Applicant” whether or not the Tests have been passed and the Local Planning Authority has agreed this position in writing.
- Once the Tests are undertaken and assessed, the Energy Strategy shall be re-submitted in agreement in writing with the Local Planning Authority and a revised estimated carbon offset payment to connect to the existing adjacent Blackhorse Lane DE Network shall be agreed. If the tests are not passed, then the on-site ASHP solution shall be progressed. The development shall be designed and constructed 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.

#### **Architects:**

- The proposed architects or any suitably qualified architect shall be retained throughout the construction phase of the development.

#### **Epping Forest Special Area of Conservation (SAC):**

- Financial contribution of £94,746.00 towards the Strategic Access Management Measures (SAMMS).

#### **Legal Fees:**

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

**Monitoring Fee:**

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

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

In the event that the S106 agreement is not completed within a reasonable timeframe following the date of Planning Committee, the Assistant Director - Development Management and Building Control is hereby authorised to refuse the application. In the absence of this Section 106 agreement, the proposed development would not be able to deliver the development on the site. Financial contributions towards the following material planning considerations are air quality, carbon offset fund (COF), the Walthamstow Wetlands Project, Epping Forest SAC, sustainability, employment and training strategies and highways, which must be secured by the Section 106 Agreement.

**39. FLATS 1-15 CORRIGAN COURT, 3 BROCKWAY CLOSE, E11 (222535)****RESOLVED:**

That prior approval be granted in line with the recommendations, conditions, reasons and informatives as detailed in the committee report and update report for application 222535 for the construction of a roof extension on a residential block to create a full 3rd floor providing 3 self-contained flats (2x1-bed and 1x2-bed) (Use Class C3). Works include the provision of refuse storage, secure cycle storage and associated landscaping.

**40. FLATS 1-12 BARBARA WARD COURT, 4 BROCKWAY CLOSE, E11 (222536)****RESOLVED:**

That prior approval be granted in line with the recommendations, conditions, reasons and informatives as detailed in the committee report and update report for application 222536 for the construction of a roof extension on a residential block to create a 3rd floor providing 2 self-contained flats (2 x 2 - bed) (Use Class C3). Works include the provision of refuse storage and secure cycle storage.

**41. FLATS 1-15 NOEL BAKER COURT, 2 BROCKWAY CLOSE, E11 (222537)****RESOLVED:**

That prior approval be granted in line with the recommendations, conditions, reasons and informatives as detailed in the committee report and update report for application 222537 for the construction of a roof extension on a residential block to create a 3rd floor providing 5 self-contained flats (5x2-bed) (Use Class C3). Works include the provision of refuse storage, secure cycle storage and associated landscaping.

## 42. PUBLIC SPEAKERS

4.1	Standard Music Venue The Tryst, 1 Blackhorse Lane, Walthamstow, London, E17 6DS 22417	Charles Moran
4.2	Flats 1-15 Corrigan Court, 3 Brockway Close, E11 222535	Stephen Copella Gemma Oke Eleanor Lyden-Vieten – statement read by clerk Noah Blackmore David Whitehead Jerry Bell /Tas Alexandrou Cllr Marie Pye Cllr Clyde Loakes
4.3	Flats 1-12 Barbara Ward Court, 4 Brockway Close, E11 222536	
4.4	Flats 1-15 Noel Baker Court, 2 Brockway Close, E11 222537	

**The meeting closed at 8.46 pm**

**Chair's Signature** \_\_\_\_\_

**Date** \_\_\_\_\_