

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

26 January 2023 at 7.08 pm

PRESENT:

Chair: Councillor Jenny Gray

Vice-Chair: Councillor Sebastian Salek

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

Councillors in Attendance: Councillor Sally Littlejohn

Officers in Attendance:

Ian Rae	Corporate Director – Regeneration, Planning & Delivery
Stanley Lau	Planning Manager
Karim Badawi	Principal Planning Officer – Majors Team
Joanna West	Planning Lawyer
Perminder Purewal	Democratic Services Officer

51. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

Apologies for absence were received from Cllr John Moss and Cllr Afzal Akram was present as a substitute.

52. DECLARATIONS OF INTEREST

There were no declarations of interest.

53. 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.

54. AVENUE ROAD ESTATE, WALTHAM FOREST, LONDON, E11 (222588)

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 222588 for demolition of the existing buildings and structures and comprehensive redevelopment to provide replacement and additional homes (Use Class C3), replacement and additional community floorspace (Use Classes F2b, Ee, Ef & Sui Generis), new commercial floorspace (Use Classes Ea, Eb, Ec, Ee, Ef & Sui Generis) and new public realm, together with associated car parking, cycle parking, landscaping, highways works, and infrastructure works, subject to the conditions and informatives set out in the report and update report, Stage 2 Referral to the Greater London Authority (GLA) and completion of a Section 106 Legal Agreement with the Heads of Terms below. (Information only: The development shall provide 617 residential dwellings, *836sqm (GIA) of community floorspace and 211sqm (GIA) of commercial floorspace all within buildings of up to 23 storeys only*).

Heads of Terms:

Affordable homes:

- The delivery of 50.3% (by habitable room) of homes as affordable divided as below:
 - 242 units for the existing social rent homes as replacement to the existing estate residents.
 - 8 units as London Affordable Rent homes.
 - 23 units as Shared Ownership homes.
- An early-stage viability review mechanism.
- A Mid-stage viability review mechanism.
- A late-stage viability review mechanism.

Accessibility:

- A wheelchair user dwellings marketing strategy.
- Wheelchair homes delivered as approved.
- 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 PRP to monitor design quality through to the completion of the proposed development.

Transport and Highways:

- A financial contribution of £8,000 towards Travel Plan monitoring.
- A S106 contribution of £550,000 for the following:
 - towards improvements to access for walking and cycling towards Leyton tube and Drapers Field, with measures such as allowing contraflow cycling on one-way streets, traffic calming at additional junctions and other measures than facilitate car free access.
 - to provide wayfinding around the site and the surrounding area to key destinations for those walking and cycling between High Road E11, Crownfield Road, and Leyton tube.
 - towards a scheme on High Road E11 to provide high quality continuous separated, protected space for people walking and cycling, and will also

include sustainable transport improvements and public realm enhancements, and other improvements that facilitate car free access.

- A S106 contribution of £50,000 is requested for CLP monitoring of the agreed CLP measures throughout construction.
- The requirement for the development to be “car free” except for disabled persons car parking.
- A financial contribution of £30,000 for the consultation of two Controlled Parking Zones (CPZ) on the extension of CPZ hours to prevent overspill in the surrounding area.
- A S38 agreement will be required for new areas of footway that will dedicated as public highway.
- A S278 agreement will be required, to include but not limited to the highways works listed in section 15. An indicative GA of the S278 works must be appended to the S106 agreement.
- Car Park Management Plan to ensure phasing out of standard car parking spaces as agreed.

Flooding and Drainage:

- A S106 contribution of £15,000 is requested towards a flood study to identify strategic flood mitigation opportunities in the area.
- A S106 contribution of £50,000 is requested towards a future partnership funded strategic flood mitigation scheme for the area.

Air quality:

- A financial contribution of £95,910 towards mitigating the impact of existing poor air quality on the proposed development.

Energy efficiency and carbon reductions:

- A financial contribution of £788,866 towards a carbon offset fund with 100% upfront payment.
- Second COF payment
- Updated Energy Statements on commencement and completion based on As Built energy calculations.
- Measures to secure post-construction monitoring (“Be Seen”).
 - a) 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-wedo/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). 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).
 - b) 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-londonplan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). 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. c) In the event that the 'In-use stage' evidence submitted under Clause b) shows that the 'As-built stage' performance estimates derived from Clause a) 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 b) 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.

- Decentralised Energy Network – Connection Ready.

Street Trees:

- Any tree losses should be mitigated in a replanting program, the Council's own policy is 5 replacement trees for each tree lost. Any tree losses not compensated by 5 trees would amount to a financial compensation relative to the CAVAT of the said trees. Total amount agreed with the Parks and Open Spaces department is £300,000.

Epping Forest:

- A financial contribution of £627 per new homes towards Strategic Access Management and Monitoring (SAMM) with a total of £225,093

Offsite Play space:

- Suitable mitigation for any required offsite play space in nearby facilities. A financial contribution of £80,000 towards building a play space with a minimum of 20sqm in the nearby park facilities such as Langthorne Park, Drapers Fields and Chandos Road Gardens.

Training, employment, and business:

- An Employment and Skills Plan.
- The provision of 31 apprentice posts for local residents in the construction trade during the construction phase of the development.
- The provision of seven work placements for local residents in the construction trade during the construction phase of the development.
- 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 £75,000.00)

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.

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.

In addition, in order to make any subsequent changes to the conditions and/or S106 associated with planning permission reference 151652 required as a result of planning permission being granted for the proposed development, that authority be given to the Assistant Director of Development Management and Building Control, in consultation with the Council’s Legal Services, for the agreement of any application(s) pursuant to Sections 73 and/or 96A of the Town and Country Planning Act 1900 (as amended) (TCPA) and/or Deed of Variation.

55. PUBLIC SPEAKERS

3.1	Avenue Road, E11	Cllr Sally Littlejohn
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The meeting closed at 7.54 pm

Chair’s Signature _____

Date _____