

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 07 November 2023
Application reference:	230208
Applicant:	Tribe St James Street Ltd C/O Agent
Location:	St James Street Health Centre, 47 St James Street, Walthamstow, London, E17 7PJ
Proposed development:	<p>Demolition of the existing building and construction of new buildings ranging from 3 to 6 storeys to provide commercial floorspace (Use Class E); student accommodation, public realm and amenity spaces; refuse and recycling facilities; cycle parking; servicing, plant; highway improvements and other associated works.</p> <p><i>(For Information Only: proposal comprises 224 rooms and studios, and 628sqm of commercial space).</i></p>
Wards affected:	High Street
Appendices:	None

1 AMENDMENTS/ADDITIONS TO PUBLISHED PLANNING COMMITTEE REPORT

- 1.1 Small amendments or additions to published text are highlighted in ***bold and italics*** font, changed paragraphs and conditions are in *italics* font.
- 1.2 The Council received amended plans and amended landscape plans following the publication of the Planning Committee Report. The changes were the following
- Adding a disclaimer to any plan showing landscaping outside the building lines to state: '*Landscaping on adopted highways land is indicative only and will be subject to s.278 works*'. This would ensure that landscaping on highways adopted land would be subject to the Highways department standards in design and fittings while according with the overall public realm masterplan for the area without restrictions from indicative landscaping shown on the proposed plans.
 - Showing obscure windows on the east elevation.

SECTION 1. RECOMMENDATION

- 1.3 The following heads of term was further discussed with the applicant, they should read as below:

Highways and Public Realm:

- Enabling works will be required to convert the existing dropped kerb access to a construction standard crossover, further works may be included based on the

approved Detailed CLP. 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.

- 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:
 - Relocation of the existing lamp columns along Brunner Road, the applicant is expected to provide both plan and elevation drawings to ensure that consideration of entrances and other features are considered during design.
 - Renewal of the footway along the frontage of the site along Brunner Road using materials agreed as part of the wider regeneration scheme.
 - Renewal of the footway along the frontage of the site along St James's Street using materials agreed as part of the wider regeneration scheme.
 - Installation of public realm upgrades along the footway link between St James's Street and Brunner Road designed and developed with the Council's Regeneration, Street Trees, Highway Projects, Highway Maintenance and Highway Lighting Teams.
 - Possible installation of bollards around the main core entrance.
 - Removal of all required enabling works installed for construction.
- Highway works under a S38 will be required upon completion of the development, prior to occupation. The works will be funded by the Developer and carried out by the Council. Extent of works will include but are not limited to adoption of the footway / public realm area on the northern, eastern and southern frontages to facilitate widening of the public footway and installation of rain gardens, plan to be embedded within the S106.
- *A financial contribution of ~~£200,000.0~~ **£150,000.0** towards design and implementation of walking and cycle infrastructure in the Leyton - Blackhorse Route Scheme. In line with TfL's healthy streets objectives, improving road safety and connectivity for the additional occupants of this 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. In accordance with Policy T2 Healthy Streets from the London Plan so space is used more efficiently, and streets are safer and more pleasant.*
- *A financial contribution of ~~£10,000.0~~ **£7,500.0** towards monitoring the Construction Logistics Plan.*
- The development would be car free; residents will not be entitled to parking permits for any CPZ.
- A financial contribution of £8,000 towards Travel Plan monitoring.

St James Street Station Access Improvement

- A financial contribution of ~~£268,000.0~~ **£100,000.0** to deliver step-free access at St James Street Station.
- Claw back mechanism if the money is not spent within 5 years.

~~Flooding and Drainage:~~ (completely removed)

- ~~A financial contribution of £60,000 towards the community flood mitigation projects within the area and towards Waltham Forest Southwest (Walthamstow Marshes) Flood Study projects.~~

SECTION 4. APPLICATION PROPOSAL

- 1.4 Paragraph 3.6 contained an error; it should read s below:

*The proposed development comprises demolition of the existing health centre and the construction of a mixed-use development comprising a total of 224 student bed spaces, broken down as 99 ensuite bedrooms in cluster flats and 125 studios, and ~~525~~ **628**sqm of commercial space (use class E) on the ground floor.*

SECTION 6. PUBLIC CONSULTATIONS

- 1.5 The Council received seven additional letters since those reported in the Planning Committee Report (Report). These letters raised the same points to their predecessors, in addition to the point below:

Point of Concern	Officer's Response
The lower floors of Essex Brewery block facing the site is for affordable housing. These floors would be most affected and there was no suitable impact assessment carried out to ensure lack of disproportionate impact on these residents and the Council's equality, diversity and inclusion strategy.	The Essex Brewery site delivered 25 shared ownership units. This an intermediate form of affordable housing where occupiers have choice over where to live, that is not afforded to social rented tenants. Occupation of affordable housing is not itself a protected characteristic and shared ownership occupiers would not have the same level of housing and other complex needs as social rented tenants. As set out in the main report, there are daylight sunlight impacts on properties within the Essex Brewery development. However, it should be noted that, as identified in the South Grove & St James PSD, the redevelopment of this site to a similar height to Essex Brewery was always planned. The layout of both sites was part of a wider masterplan and these units in Essex Brewery benefit from a westerly aspect within a central location close to a range of town

	centre services and public transport options. The current nature of the site, with a single storey medical centre, provides for high levels of daylight/sunlight currently which would be uncommon in such an urban location, and any development of this site would lead to daylight/sunlight impacts.
Unclear to where the route leading to the existing service and delivery bay is.	For clarification, this is an existing kerbside bay on Brunner Road opposite the site. The location and size of this bay would be subject to s.278 works.
Could you please clarify how waste from the storage in the building facing St James Street, which seem to be in the courtyard area?	Building 2 waste strategy would follow other buildings on St James's Street which is a bag collection for commercial. The building's management also have an option of bringing the bins to the other stores in Building 1 on collection day.

SECTION 9. MATERIAL PLANNING CONSIDERATIONS

- 1.6 Paragraph 3.44 contained an additional word in error; it should read s below:

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. ~~Enroute~~*

SECTION 10. ASSESSMENT

- 1.7 Paragraph 3.78 needs a clarification; it should read as below:

*All internal amenity spaces would be circa 771 sqm across all buildings, up to an average amenity space of 3.4 sqm per student. The proposal would also include a courtyard garden with an area of 615 sqm and a roof terrace with an area of 194 sqm, up to an average external amenity space of circa 3.6 sqm per student. While there are no direct standards for PBSA amenity provision, these figures would not be too dissimilar to the **Draft** GLA guidance for amenities per resident in a purpose-built shared living accommodation requirement of 5 sqm for internal and 1 sqm for external amenities and would be acceptable.*

- 1.8 Figure 5 contained old images in error, for clarity it should appear as below:

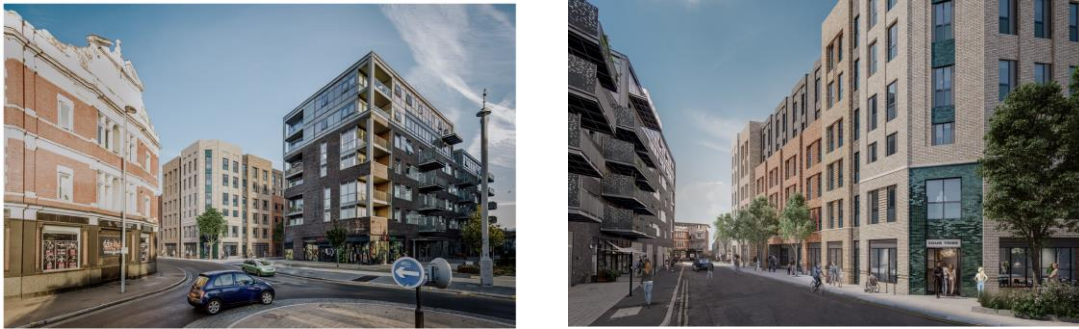


Figure 5: The building as seen from Markhouse Road (top left) and Brunner Road (top right).

- 1.9 Figure 6 contained an old image in error; for clarity it should appear as bellow.



Figure 6: The building on St James's Street (South).

- 1.10 Paragraph 10.66 contained an error in the assessment in relation to identifying windows within the proposal that would have an impact on the neighbouring Essex Brewery, the relevant text in error has strikethrough below:

In terms of privacy, the southern corner element of the proposal would have five windows looking east, ~~the three southern windows would belong to a circulation corridor, the middle one would be secondary to a communal cluster, and the final window would sit at 13 metres which would be sufficient to overcome privacy concerns~~ The decision notice would include a condition to ensure that ~~corridor and edge cluster windows would have an obscure mechanism~~ to stop directly overlooking the Essex Brewery facing windows.

The paragraph should read as below:

*In terms of privacy, the southern corner element of the proposal would have five windows looking east, **the two most southern windows would overlook the space***

just south of the Essex Brewery building and would not impact it. The one right to their north would serve a corridor and overlook the corner of the Essex Brewery building; due to its use, it would not present a regular viewing window that would raise concerns with privacy. The two windows north of these would face the Essex Brewery at a distance of 11-12 metres and would serve ensuite rooms. The bottom window would directly overlook a wall at this neighbouring building, while the top window would face bedroom windows on floors one to five and wall plus a small part of a bedroom window on floor six. The decision notice would include a condition to ensure that any window on the east elevation sitting below 12 metres and facing a habitable room window of Essex Brewery building should provide an obscure mechanism to stop directly overlooking the Essex Brewery facing windows.

SECTION 11. PLANNING BALANCE AND CONCLUSION

- 1.11 Correction to Paragraph 11.2 as per below:

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:

- Outlook impact on set of bedroom windows at Essex Brewery which would sit at ~~43~~ 11-12 metres from the proposal.*
- The daylight on one for one first-floor window at No. 43-45 St James Street.*

SECTION 13. RECOMMENDED CONDITIONS AND INFORMATIVES

- 1.12 Amendment to Condition 3 due to receipt of new plans. It would now read as below:

3. Approved Drawings

*The development shall be carried out in accordance with **the final version of the approved drawings** listed under document titled: Drawing Issue – St. James Street, Walthamstow, Job Number 36030, File Reference PF-DC-002, Last date of Issue: **30/10/23**.*

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

- 1.13 Amendment to Condition 5 as per assessment set out above, it would now read as below:

5. Obscure and Non-Openable Windows

*Notwithstanding the approved plans, **an obscure windows strategy for the east elevation, to avoid overlooking, shall be submitted to and approved in writing by the Local Planning Authority for any windows sitting below 14 metres from the Essex Brewery elevation facing the development.***

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).

- 1.14 Amendment to Condition 12 to change its trigger; it would now read as below:

12. Travel Plan

*No **occupation** shall take place until a final Travel Plan based on document titled: **TRIBE ST JAMES STREET LIMITED-PROPOSED MIXED USE DEVELOPMENT: ST JAMES MEDICAL CENTRE, WALTHAMSTOW – FRAMEWORK TRAVEL PLAN**, Report Reference 2201421-02B, dated 22/09/2023, prepared by Ardent Consulting Engineers, been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be fully implemented, and the implemented measures shall thereafter be retained and maintained as such for the lifetime of the development.*

REASON: To ensure incorporation of sustainable transport measures to comply with Policies CS7 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012), Policies DM13 and DM14 of the adopted Waltham Forest Local Plan - Development Management Policies (2013), and Policy T4 of the London Plan (2021).

- 1.15 Amendment to Condition 16 following confirmation from EH that a desk study formed part of the application; it would now read as below:

16. Land Contamination

No development shall take place until a scheme including the following components (where applicable), **based on the submitted report titled: Phase 1 Desk Study and Stage 1 & 2 (Screening and Scoping) Basement Impact Assessment for St James Street Health Centre, Walthamstow, E17 7PE; Job No: P456J2637/JLW; Version V1.1; dated: 16/12/2022**, to address the risk associated with site contamination has been submitted to and approved in writing by the Local Planning Authority:

- a. A ground investigation based on the findings of the Desk Study Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b. The results of the investigation and revised risk assessment and based on these, in the event that remediation measures are identified necessary a remediation strategy shall be submitted giving full details of the remediation measures required and how they will be undertaken.
- c. A verification report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete.

- d. 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.

Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR11).

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).

- 1.16 Correction to Condition 21 as a result of a typing error, it would now read as below:

21. Archaeology

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

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

- a. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.*
- b. Where appropriate, details of a programme for delivering related positive public benefits.*
- c. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.*

REASON: 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).

- 1.17 Amendment to Condition 24 to clarify the requirements, it would now read as below:

24. Carbon Reductions

*Prior to the commencement of any part of the development hereby permitted, an Updated Energy Statement (including a summary of the modelling work output i.e., Building Regulation UK Part L (BRUKL) reports for non-residential and, TER/DER worksheets for dwellings) shall be submitted to, and approved in writing by, the Local Planning Authority. **This report /these reports shall demonstrate:***

- A) how the scheme reduces the carbon dioxide emissions of the residential element of the development by at least 25% compared to the 2021 Building Regulations, and***
- B) how the scheme reduces the carbon dioxide emissions of the commercial element of the development by at least 35% compared to the 2021 Building Regulations,***
- C) An Energy use Intensity matching the requirements of the table in section 4.2 for each type of unit of and Space Heating of 15kWh/m²/year needs to be demonstrated.***

The Updated Energy Statement shall reference the measures set out in documents titled: St James Road, London Borough of Waltham Forest - Overheating Assessment, Version 01, dated 17th November 2022, prepared by: JAW Sustainability; and St James Road, London Borough of Waltham Forest – Energy and Sustainability Strategy, Version 1.1, dated 24th January 2023, prepared by: JAW Sustainability;

and shall explain what measures have been implemented in the construction of the development (As Built). The approved measures shall be fully implemented in accordance with the approved details prior occupation.

The Updated Energy Statement must include analysis of the potential for Wastewater Heat Recovery and triple glazing and inclusion of these into the design if found to be feasible and to have a significant impact on carbon reduction.

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)).

- 1.18 Amendment to Condition 25 to clarify the requirements, it would now read as below:

25. BREEAM

- A) Prior to the commencement of any part of the development hereby permitted, a Design Stage Certificate(s) showing how the commercial floor space hereby permitted shall be constructed to achieve not less than BREEAM ‘Very Good’ (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme) shall be submitted to, and approved in writing by, the Local Planning Authority.***
- B) Prior to the occupation of any part of the development hereby permitted, a Design Stage Certificate(s) showing how the commercial floor space hereby permitted shall be constructed to achieve not less than BREEAM ‘Very Good’***

(or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme) shall be submitted to, and approved in writing by, the Local Planning Authority.

- C) Prior to the commencement of any part of the development hereby permitted, a Design Stage Certificate(s) showing how the residence floor space hereby permitted shall be constructed to achieve not less than BREEAM 'Very Good' (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme) shall be submitted to, and approved in writing by, the Local Planning Authority.**
- D) Prior to the occupation of any part of the development hereby permitted, a Design Stage Certificate(s) showing how the residence floor space hereby permitted shall be constructed to achieve not less than BREEAM 'Very Good' (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme) shall be submitted to, and approved in writing by, the Local Planning Authority.**

REASON: In the interest of sustainability, energy efficiency and to provide a high-quality development in accordance with Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013) and Policies SI2 and SI3 of the London Plan (2021).

- 1.19 Correction to Condition 27 to rectify a typing error; it would now read as below:

27. Drainage

*No above ground works for the development shall take place until details of a drainage scheme based on the drainage strategy in the document titled: **TRIBE ST JAMES STREET LIMITED, ST JAMES MEDICAL CENTRE, WALTHAMSTOW – Flood Risk Statement and Drainage Strategy, Report Ref. 2201421-09C, dated 28/09/2023,** have been submitted to and approved in writing by the Local Planning Authority.*

The drainage scheme shall include flow control design, discharge hydrograph, construction details.

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).

2 RECOMMENDATION

- 2.1 The officer recommendation remains unchanged subject to the amendments to the conditions and informatives set out above.