

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

07 November 2023 at 7.05 pm

PRESENT:

Chair: Councillor Jenny Gray

Vice-Chair: Councillor Sebastian Salek

Committee Members: Councillors Kira Lewis, John Moss and Keith Rayner

Councillors in Attendance: Councillors Andrew Dixon, Mitchell Goldie, Ahsan Khan and Miriam Mirwitch

Officers in Attendance:

Justin Carr Assistant Director - Development Management and Building Control

Stanley Lau Planning Manager - Majors

Mahnaz Chowdhery Planning Manager - North Area Team

Eshan Hussain Deputy Area Manager

Antonio Coquillat Deputy Area Manager

Karim Badawi Principal Planning Officer

Neil Holdsworth Principal Planning Officer - Majors

Daniel Forde Planning Officer

Lauren Kimpton Principal Planning Officer

Tania Drew Design & Conservation Lead

Conor Keappock Design & Conservation Lead

Mike Fox Conservation Officer

Joanna West Planning Lawyer

Jennifer Richards Democratic Services Officer

101. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

None.

102. DECLARATIONS OF INTEREST

None.

103. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 10 October 2023 were agreed by the Committee.

104. 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.

105. ST JAMES' HEALTH CENTRE, 47 ST JAMES STREET, WALTHAMSTOW, LONDON, E17 7PJ (230208)

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 230208 for 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, subject to:

- The conditions and informatives detailed in the committee report and update report;
- Completion of a Section 106 Agreement with the following Heads of Terms:

Affordable Student Accommodation:

- The majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provider.
- At least 35 per cent of the accommodation must be secured as affordable student accommodation (based on London Plan definitions). The affordable student accommodation bedrooms should be allocated by the higher education provider(s) that operates the accommodation, or has the nomination right to it, to students it considers most in need of the accommodation.

- 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 the NHS vacating the site.

Marketing of Student Accommodation:

- All living rooms to be marketed exclusively to Portsmouth University for a period of three months before marketing the shared living rooms on the open market.

Accessibility:

- A wheelchair user marketing strategy.
- Wheelchair rooms delivered as approved.
- The requirement for all wheelchair user rooms to be exclusively marketed as such for a minimum period of 12 months and re-lets for 3 months.
- Prepare a Wheelchair Accessible Dwelling Marketing Strategy for the Development that sets out how the wheelchair student accommodation will be promoted and advertised during the exclusivity period of one year, and the relet period, to be agreed prior commencement.

Architecture:

- The ongoing involvement of Carey Jones Chapman Tolcher to monitor design quality through to the completion of the proposed development.

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 **£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 **£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 £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.

Air quality:

- A financial contribution of £15,240 towards mitigating the impact of existing poor air quality on the proposed development.

Energy efficiency and carbon reductions:

- A financial contribution of £68,242 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-we-do/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.
- Measures to secure post-construction monitoring (“Be Seen”).
 - Decentralised Energy Network – Connection Ready

Epping Forest:

- A financial contribution of £250.8 (pro-rata) per bedspace towards Strategic Access Management and Monitoring (SAMM) with a total of £56,179.20

Training, employment, and business:

- An Employment and Skills Plan.
- The provision of 13 apprentice posts for local residents in the construction trade during the construction phase of the development.
- The provision of ten 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:
- Payment of the Council’s legal fees for the preparation and completion of the S106.
- Payment of 5% of the total amount of financial contributions towards completion, implementation and monitoring of the S106 Agreement.

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.

106. HEALTH CENTRE, 36A HURST ROAD, WALTHAMSTOW, LONDON, E17 3BL (214025)

That planning permission be granted in line with the recommendations, conditions, reasons and informatives as set out in the committee report for application 214025 for demolition of former health centre and the redevelopment of site to provide 37

residential units (Use Class C3) in a building ranging from 3 to 5 storeys with associated with associated vehicular access from Hurst Road, landscaping, refuse/recycling and cycle storage facilities, disabled persons' parking and service areas, subject to the conditions and informatives detailed in the committee report and completion of a Section 106 Agreement with the following Heads of Terms:

Affordable Housing Provision:

- Delivery of 3 affordable units (16% by habitable room) - London Affordable Rent homes
- Viability Review Mechanism (both early and late stage review) to capture any surplus in profit generated from the development

Wheelchair Housing:

- Prepare a Wheelchair Accessible Dwelling Marketing Strategy for the development that sets out how the wheelchair units will be promoted and advertised during the exclusivity period of one year, to be agreed prior to commencement of that relevant part of the development.
- The requirement for all wheelchair user dwellings to be exclusively marketed as such for a minimum period of 12 months.

Highways and Transportation:

- Highway works under a S278 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:
 - Removal of the existing radius kerb access and construction of a dropped kerb to prioritise pedestrians along Hurst Road. This level change must be taken into consideration.
- A S106 contribution of £1,500.00 is required towards CLP monitoring.
- A S106 request of £25,000.00 is requested toward improving sustainable modes of transport including walking and cycling in the sites vicinity which will directly benefit new residents in this development. This contribution will go towards the improvements on Forest Road.
- A condition survey to ensure, if the public highway is damaged as a result of the construction works, that any damage would be reinstated by the Council and funded by the developer.

Car Free Housing

- 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.

Employment and Training Strategy:

- Employment and Skills Plan to be sent over prior commencement on site
- Construction Jobs - Procure that 30% of all jobs available for the construction or fit-out of the Development during the Construction Phase are fulfilled by Local
- Residents. Local Residents defined as residents of Waltham Forest, Hackney and Newham.
- Local Labour – Apprenticeships - Provide a minimum of 2 Apprentice Posts in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents through the Council's Employment, Business and Skills Service. Default Payments to be applied if fall short.
- Work Placements - To provide a minimum 1 Work Placements, paid at London Living Wage (LLW) in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents through the Council's Employment, Business and Skills Service
- Default Payments – as set out in LBWF's adopted Planning Obligations SPD if obligations above are not met.

Air Quality:

- A financial contribution of **£3,700** towards implementation of the Air Quality Action Plan

Carbon Offset Fund:

- A financial contribution of up to **£79,061** towards the Carbon Offset Fund to address the shortfall in carbon emission reductions.

Epping Forest Special Area of Conservation (SAC):

- A financial contribution of £627 per new homes towards Strategic Access Management and Monitoring (SAMM) with a total of £23,199.

Loss of social infrastructure:

- A financial contribution of £60,000 towards the loss of social infrastructure and contribute to the funding of the continuation of a use that is a vital local community use for local residents.

Retention of Architect

- The applicant shall retain the architect during the build phase until completion unless otherwise agreed in writing by the Council.

Legal Fees:

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

Monitoring and Implementation:

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

Minor Amendments

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 S106 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 consultation with the Chair of the Planning Committee. In the absence of this S106 Agreement, the proposed development would not be able to deliver the development on the site. The implication of this happening is that the opportunity for securing the provision of affordable housing would be lost. Additionally, other financial and non-financial commitments would be lost, which otherwise would be secured by the S106 Agreement.

107. THE QUEEN ELIZABETH RIDING SCHOOL, FOREST SIDE, CHINGFORD, E4 6BA (222487)**Resolved**

That planning permission be granted, in line with the recommendations, conditions, reasons and informatives as set out in the committee report for application 222487 for demolition of existing buildings and structures and construction of a part three, part four storey building comprising seven flats (3x3-bed & 4x2-bed) (Use Class C3) and a two storey block comprising two semi-detached dwellinghouses (2x3-bed) (Use Class C3) (total 9 residential units) with associated parking spaces, a replacement sub-station, hard and soft landscaping, refuse and recycling stores and bicycle parking and associated works, subject to:

- The conditions and informatives detailed in the committee report;
- The additional informative agreed by the Committee:

The applicant is advised that the Chingford Historical Society have expressed an interest in reclaiming any materials from the stable building that are not being integrated into the landscaping scheme, and therefore, as part of salvage proposal in

relation to condition 5, the applicant is encouraged to engage with the Chingford Historical Society.

- Completion of a Section 106 Agreement with the following Heads of Terms:

Epping Forest

- A financial contribution of £5,623 (£627 x9) towards Strategic Access Management and Monitoring measures in relation to the Epping Forest Special Area of Conservation.
- A commitment to the display and maintenance of signage boards within the common parts of the development, explaining the special interest of the Epping Forest special area of Conservation, with particular reference to the risks associated with domestic pet predation within it.
- A commitment to restrict domestic fires within the development.

Energy Efficiency and Carbon Reduction

- In the event that a verification report submitted under the terms of planning conditions demonstrates that the 35% carbon reduction target has not been met, a financial contribution towards a carbon levy.

Transport

- A financial contribution of £500 towards Construction Logistics Plan Monitoring
- A condition survey to ensure, if the public highway is damaged as a result of the construction works, that any damage would be reinstated by the Council and funded by the developer.
- A financial Contribution of £15,000 towards improving sustainable modes of transport including walking and cycling in the vicinity of the site.
- In the event that a CPZ is implemented in the future, with the exception of existing blue badge holders, this site must be classified as permit - free with no existing or future residents being entitled to parking permits.

Design

- Design quality monitoring agreement for original architects to be retained during the construction to completion stage to ensure quality build, or with the written agreement of the Local Planning Authority an alternative suitably qualified Architect team to be procured.

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 total contributions.

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 on the basis of the harm that would arise through the absence of this Section 106 agreement and the contributions necessary to deliver the supporting infrastructure associated with the development. Financial contributions towards the following material planning considerations are the impact on the Epping Forest SAC and highways matters, which must be secured by the Section 106 Agreement.

108. STONEHILL COURT, 25 MARKFIELD GARDENS, E4 (231752)

Resolved

That Prior approval for application 231752 be granted in line with the recommendations, conditions, reasons and informatives as set out in the committee report for the construction of a roof extension to a detached residential building to add an additional floor (resulting in a 4 storey building) to provide 7 self-contained flats (1x2-bed, 2x1-bed & 4x3-bed) (Use Class C3) and associated works to include refuse/recycling storage and bicycle parking facilities, subject to the recommendations, conditions and informatives set out in the committee report and the following update to Condition 16.8 therein, agreed by the Committee:

Prior to the first occupation of the development, full details of refuse storage facilities, including the level and type of provision, location and impact on visual amenity, and refuse management plan (to maintain facilities and manage collection arrangements), shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall be provided prior to first occupation of the development hereby approved and shall thereafter be maintained as such for the lifetime of the development.

Reason: To ensure that adequate arrangements are made for the storage, management and collection of refuse and recycling and to comply with Policies CS6, CS13 and CS15 of the adopted Waltham Forest Local Plan - Core Strategy (2012) and Policies DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan - Development Management Policies (2013).

109. PUBLIC SPEAKERS

4.1	St James' Health Centre, 47 St James Street, Walthamstow, London, E17 7PJ (230208)	Ryan de Ste Croix Dijon Dajee Nick Lawernce
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4.2	Health Centre, 36a Hurst Road, Walthamstow, London, E17 3BL (214025)	Rob Lewis Statement read on behalf of Clare Richardson Iraah Wehner Hayden Todd Cllr Andrew Dixon
4.3	The Queen Elizabeth Riding School, Forest Side, Chingford, E4 6BA (222487)	Louise Street Mark Kempster Stuart Kestenbaum Max Plotnek Cllr Mitchell Goldie
4.4	Stonehill Court, 25 Markfield Gardens, E4 (231752)	Ninia Benjamin on behalf of Miltiades Karavasilis Ninia Benjamin on behalf of Philip Weaire-Gil Statement read on behalf of Kaitlin Basson Yuk Yee Phang

The meeting closed at 10.24 pm

Chair's Signature _____

Date _____