

## LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 7 <sup>th</sup> May 2024
Application reference:	240359
Applicant:	Blackhorse UK Propco
Location:	Altham House, 1 Blackhorse Lane, Walthamstow, London E17 6DS
Proposed development:	Variation of Condition 2 (Approved Plans) of planning permission reference 222417, dated 12/04/2023, involving minor material amendments to the approved development, comprising an uplift in co-living accommodation numbers and alterations to the massing, together with minor changes to the layout and landscaped public realm. For information only: The MMA would deliver an additional 49 purpose built shared living (co-living) units within two additional floor levels for accommodation together with a new commercial unit comprising a dedicated space the Creative Enterprise Zone at ground floor, community access at ground floor and additional communal amenity for residents across the development.
Wards affected:	St James, William Morris and High Street
Appendices:	None

### 1. RECOMMENDATION

1.1. That Planning Permission be **GRANTED** subject to conditions, informatives and completion of a Section 106 Agreement with the following Heads of Terms:

#### **Affordable Housing Provision:**

- A financial contribution of £602,292 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 two 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, 29 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 £280,000 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 £12,500 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 £321,000 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 £40,006.00 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 £387,240 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 £111,814 towards 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.

- 1.2. 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.
- 1.3. In the event 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 s106 Agreement, the proposed development would not be able to deliver the development on the site. Financial contributions towards the following material planning considerations are affordable housing, 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.
- 1.4. The proposed heads of terms are based on a new S106 Agreement to replace the existing agreement and the financial contributions have been increased proportionately, where justified. However, some contributions may have already been paid and other obligations fulfilled; therefore, a deed of variation to the existing agreement to account for this may be used instead.

**REASONS REFERRED TO COMMITTEE**

- 1.5. The case has been referred to Planning Committee due to the nature of the proposal, significant public interest and scale of the development.

**2. SITE AND SURROUNDINGS**

*The Site:*

- 2.1 The application site comprises an irregular parcel of land of approximately 0.234 hectares and is located on the northern side of the A503, at the junction between Forest Road and Blackhorse Lane, at the opposite side of the Blackhorse Road Underground and Overground Station. The site sits adjacent to the junction between Blackhorse Lane and Forest Road. It is known as the former public house "The Royal Standard",

which was a public house and music comedy venue that closed in March 2012. The site is currently under construction being built under planning permission reference 222471 as detailed in Section 4 of this report.

- 2.2 A number of planning applications have been approved within the surrounding area, as part of the transformation of Blackhorse Lane and designation as a Housing Zone. These are mainly residential-led, mixed use schemes with commercial floor space, public open spaces, and student accommodation.
- 2.3 The site is bound to the north by the 'Mandora' development, which comprises a mixed-use development of over 500 residential units, student accommodation, 1,385sqm of flexible commercial floor space and a linear park. The site is positioned at the south side of a student accommodation block within the 'Mandora' development (Mannequin House).
- 2.4 To the west, the site adjoins a two-storey workspace/commercial building that forms part of the Equipment Works scheme, which is primarily residential, to the north west. Additionally, the now-completed separate development at the 'TfL Car Park Site' (Blackhorse View) further west, involves a mixed-use residential-led development that contains a building that ranges between five and 21 storeys in height. The 'TfL Car Park Site' development provides 350 residential units and 1,653sqm of flexible commercial floor space at ground floor.
- 2.5 The site has a high Public Transport Accessibility Level (PTAL) rating of 5, by virtue of the public transport connections along this stretch of Forest Road and Blackhorse Lane, with Tottenham Hale to the west and the A406 North Circular Road to the east. Moreover, the site fronts Blackhorse Road Station, which provides regular underground services via the Victoria Line towards the south and overground services with direct links to Barking at the east and Gospel Oak at the west.
- 2.7 The application site does not fall within a Conservation Area and does not stand within proximity to statutorily listed buildings.



The Site Location Plan



View of the site from Blackhorse Road

*The Surroundings:*

- 2.8 The surrounding area has a mixed character with a variety of building typologies with industrial, commercial, residential, and educational uses. The site bounds Forest Road at the south side and Blackhorse Lane at the east side. Blackhorse Lane is formed by traditional two storey 19<sup>th</sup> century terrace buildings towards the east side, which contain a mix of commercial uses at street level and residential accommodation on the upper floors. Forest Road has no consistent building form and contains a dual carriageway with bus lanes that connect to the A10 at Tottenham Hale and eastwards to the north circular (A406) and the M11 motorway.
- 2.9 The surrounding area is changing and becoming a mixed-use neighbourhood and the industrial character towards the north of the site along Blackhorse Lane (Uplands) is also changing significantly, with masterplanning work being undertaken, which identifies the Blackhorse Lane SIL as an area suitable for significant growth. The Uplands Business Park development (222739) can be referenced where a mixed-use proposal involving up to 1,800 new homes was resolved to grant by Members of the Planning Committee in December 2023 and is required to be referred to the Mayor of London for the Stage 2 report.
- 2.10 Walthamstow town centre is located approximately 1,000m to the south-east side of the site and provides a range of amenities such as banks, shops, leisure, hospitality services and places of worship.

**APPLICATION PROPOSAL**

- 3.1 This proposal seeks to amend planning application Ref: 222417 that was granted planning permission on 12<sup>th</sup> April 2023 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.*

- 3.2 The key changes proposed to the extant planning permission Ref 222417 involve additional massing accommodating 49 rooms and providing a total 321 Shared-living private rooms over Ground plus ten storeys.

The proposed ground floor plan has the following key updates:

- Connecting the amenity space with the venue bar;
- Retail unit becomes dedicated CEZ space; and
- CEZ access to ground floor amenities.

The amendments to the extant consent, comprise the following key changes:

- Cultural venue (sui generis) measuring 610sqm – a decrease of 6sqm;
- Flexible retail (Class E) measuring 50sqm– a decrease of 20sqm;
- Bar (Sui-generis) measuring 91sqm – a decrease of 2sqm;
- Enhancements to co-living amenities increasing from 1,236sqm to 1,515sqm;
- Further enhancements to the co-living cycle store including additional spaces to reflect the increase in rooms;
- Amendments to the co-living waste store to reflect the increase in rooms; and
- One additional accessible parking space (three now proposed) to reflect the increase in rooms proposed.

## 4 RELEVANT SITE HISTORY

### 4.1 Planning History for the Site:

Reference	Description of Development	Decision Date
230963	Non-Material Amendment to planning permission reference 222417 granted 12 th April 2013 to allow for a minor reconfiguration of the basement and retaining wall in the south-west corner to ensure that this aligns with the ground floor; together with the addition of a mezzanine at basement level for additional cycle storage/plant space for the venue, including a new staircase to basement. The minor amendments to the layout include a reconfiguration of the ground floor cycle storage space, refuse storage and substation to increase bin store capacity from 36 to 39 total bins and increase cycle parking capacity from 142 to 161 spaces. The amendments also include a minor increase in floor height at levels 01 and 02	Approved 18.07.2023



	and a revision to the parapet detailing with a slight increase of 30 centimetres.	
222417	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.	Granted 12.04.2023
202561	Redevelopment of the site involving demolition of existing structures and the construction of a nine storey building (over basement) to provide 300 shared living rooms with associated internal and external amenity space (Sui generis), cultural venue (Sui generis) measuring 766 square metres, café/restaurant (Class E) measuring 362 square metres, bar (Sui-generis) measuring 161 square metres together with ancillary refuse/cycle stores, servicing areas, landscaping, associated public realm works and provision of two disabled car parking spaces.	Granted 18.02.2021
160256	Demolition of former public house “The Royal Standard” and associated land used as a car park, construction of a U-Shaped building comprising an eastern block of four to six storeys and a western block of six to seven storeys to form 50 residential units (14 x 1 bed, 28 x 2 bed, 8 x 3 bed) (Use Class C3), with associated ground floor supermarket (Use Class A1) 991.8m <sup>2</sup> , mezzanine bar (Use Class A4)/ basement music venue (Use Class D2) 749m <sup>2</sup> , ancillary community/exhibition space, communal and private space, 19 car parking spaces, 86 cycle spaces, bin store facilities, site landscaping and associated highways works.	Granted 18.12.2017

#### 4.2 Pre-Application History of the Site:

Reference	Description of Development	Decision Date
PRE_22_0015	Pre-application advice for the redevelopment of the existing site to deliver a new mixed form of development comprising employment floorspace and provision of co-living residential	Advice issued

	<p>accommodation together with the reinstatement of the Music Venue and associated landscaping, refuse and cycle parking facilities.</p> <p>Officers and the applicant organised a Design Review by Design Council CABA as part of the pre-application discussions. The review was held on the 29<sup>th</sup> June 2022 and was attended by members of the project team, officers and the CABA Design Advice Panel.</p>	
201273	<p>Pre-application for the re-development of the site and the construction of a nine-storey building over basement to provide shared co-living rooms, cultural venue, internal and external amenity spaces, and associated landscaping, refuse and cycle parking stores.</p> <p>Officers and the applicant organised a Design Review by Design Council CABA as part of the pre-application discussions. The review was held on the 2<sup>nd</sup> June 2020 and was attended by members of the project team, officers and the CABA Design Advice Panel.</p>	Advice issued
082040	<p>Pre-application for the re-development of the site to create a mixed-use scheme comprising a music venue, commercial floorspace, 70 apartments including an element of affordable housing, basement car parking and public square.</p>	Advice issued
121814	<p>Pre-application for the demolition of parts of the existing building and erection of a building on part 4, part 5, part 6 and part 7 stories over basement to provide a mixed-use development comprising a supermarket (A1) on ground and lower ground levels with car park and 45 self-contained residential units (C3) on the upper floors together with a roof garden at first floor level and external works.</p>	Advice issued

#### 4.3 Planning Enforcement:

No relevant planning enforcement investigations.

#### 4.4 Planning History of Neighbouring Sites:

A summary of relevant planning permissions within the surrounding area:

Reference	Site and Description of Development	Decision Date
2013/0554	<p><u>Mandora Site:</u>            "Retention, refurbishment and extension of Gnome House to provide 8 residential dwellings (extension) and change of use of</p>	<p>Granted            13.03.2014</p>

	ground floor to provide flexible A3, B1, D1 floor space; and demolition of all other buildings for mixed use re-development to provide blocks ranging from 3 – 8 storeys in height and comprising 476 residential dwellings (therefore a total of 484 dwellings) 519 rooms of student accommodation (sui generis) 1080 sqm of commercial (A1/A3) floor space and 305 sqm of commercial (B1) floor space with a linear park and associated landscaping access car and cycle parking and refuse and recycling storage.”	
161705	<u>Ferry Lane Industrial Estate:</u> “Redevelopment of the site to provide 440 residential units (use class C3) and 2069sqm of flexible commercial / community floorspace (Use classes A1-A4 / B1/D1/D2) in five new buildings (A-E) ranging from 2 to 16 storeys in height with associated plant at roof level, together with associated car parking, open space, landscaping, and public realm works.”	Granted 01.08.2017
170893	<u>Forest Works, 1 Forest Road:</u> “Demolition of existing building(s) and redevelopment of the site to provide three buildings ranging from 2 to 10 storeys in height, providing a residential led mixed-use development containing 337 residential units (Use Class C3) and 1750 sq.m (GIA) of commercial floorspace (Use Classes A1, A2, A3, A4, B1 and D2) with associated ancillary development to include 19 car parking spaces, cycle parking, hard and soft landscaping, and access roads.”	Granted 09.10.2017
172336	<u>4-10 Forest Road:</u> Demolition of existing buildings and construction of 9 to 17 storey (including mezzanine) student accommodation block to provide 353 student rooms (sui generis) and approximately 900 sqm of commercial floorspace (A1/A2/A3/A4/B1/B2/D1/D2) at ground floor and mezzanine levels with cycle parking, amenity space and other associated works. This application has been accompanied with an Environmental Statement (ES).	Granted 19.03.2018
182917	<u>Blackhorse Road Car Park (Forest Road):</u> Redevelopment of the existing car park site involving demolition of existing structures and the construction of a building ranging from 5 to 21 storeys in height comprising 350 residential units (Use Class C3) approximately 1,650 sqm of flexible commercial floor space (Use Class A1 to	Granted 18.02.2019

	A4, B1, D1 or D2), community cycle hub, ancillary refuse stores, servicing, parking, landscaping and associated public realm works.	
--	---	--

## 5.0 Consultations

### 5.1 Public Consultation

Site notices were displayed on 19<sup>th</sup> February 2024 around the site. In addition, 2,502 letters of consultation were sent out on 15<sup>th</sup> February 2024 to residents surrounding the site. The Council received 13 representations from the public consultation objecting to the development. The planning issues contained within the letters of objection are summarised within the table below:

Representations Received	Officer Response
<b>Impact on Design, Character and Street Scene</b>	
The intended height to 9 storeys would disrupt the harmonious design of the development.	The proposal is considered to be of exemplar design quality due to the contextual response, high quality materials, positive environmental and sustainability credentials and the contribution to the public realm on this important junction. The stepped approach design will still be maintained ensuring the massing is suitably distributed along the upper portions of the site.  Refer to Part E of the report for a full assessment.
Allowing a building of such height would compromise the aesthetics of our neighbourhood.  The massing is out of context and does not respect the clear stepping up pattern from the junction of Blackhorse Road and Forest Road that the original scheme had set out.	The proposed massing which represents an increase in height of two storeys, is considered acceptable given the scale, form and massing of the surrounding context. The proposed height is considered to achieve character-led intensification, in accordance with Policy 8 of the Local Plan.  Refer to Part E of the report for a full assessment.
The street elevations grey out the surrounding buildings which conceals the massing and surrounding context but it is clear from the visual impact assessment that this proposal is not in keeping with the context precedent.	The elevation drawings supporting the application provide clear illustrations of proposal and includes cross sections given the shape of the building. The Design and Access Statement also provides massing comparison diagrams.  The proposal is considered to be of exemplar design quality due to the contextual response, high quality materials, positive environmental and sustainability credentials and the contribution to the public realm on this important

	<p>junction. It is therefore considered that a successful tall buildings assessment has been undertaken in the evidence provided to support the application, and in design terms, this is endorsed. The site is therefore considered on balance, to be considered acceptable for a tall building of exemplar design quality, as is the case for this proposal.</p> <p>Refer to Part E of the report for a full assessment.</p>
<p>A council report, titled 'Shaping the Borough' - Waltham Forest Local Plan (LP1) Examination from January of last year, in which at point 6.5 it is stated that a "Tall Building" is considered to be one of 10 storeys or more, and this plot appears to be outside the zone deemed suitable for "Tall buildings" as defined by the council in figure 6.1 of the report.</p>	<p>The proposal is a tall building, as defined by the Local Plan. The site is not explicitly identified as a site for tall buildings in the Local Plan, however, the Tall Buildings Policy 54 part (C) does allow for the identification of sites outside this map. The site is located within a Strategic Location, it has good local public transport connectivity, and it is a site identified for Transformation to character-led intensification. The proposed height is considered to achieve character-led intensification, in accordance with Policy 8 of the Local Plan.</p> <p>Refer to Part E of the report for a full assessment.</p>
<p><b>Impact on Residential Amenity</b></p>	
<p>If the building is two additional stories, it will make a huge difference. The building height will not be in keeping with the student flats and it would have impact on living conditions and there will be an impact on natural light for nearby residents.</p>	<p>A Daylight and Sunlight report supports the application assessing the relationship between the proposed development and the neighbouring properties within the direct vicinity of the application site. This document was independently reviewed by a third-party consultant on behalf of the Local Planning Authority, whereby it was concluded that a suitable relationship with neighbouring properties would be achieved. On balance Officers consider the relationship to be acceptable in this urban location.</p> <p>Refer to Part F of the report for a full assessment.</p>
<p>Objection to the proposed elevation of the building at Altham House. The intended height of nine stories not only disrupts the harmonious design of our community but also poses a significant threat to the well-being of residents who depend on natural sunlight.</p>	<p>The proposed massing which represents an increase in height of two storeys, is considered acceptable given the scale, form and massing of the surrounding context within the direct vicinity of the application site.</p> <p>On balance it is considered that the proposed development would allow for suitable levels of natural sunlight to the neighbouring residential</p>

	<p>properties within the vicinity of the application site.</p> <p>Refer to Parts E and F of the report for a full assessment.</p>
<p>The proposed additional height would cast a perpetual shadow over local businesses, hindering their access to sunlight and, consequently, affecting their livelihoods.</p>	<p>The BRE guidance 2022 guidelines are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas, and garages need not be analysed. The guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops, and some offices. The nearby commercial space does not facilitate special interiors like hospital wards and infant school classrooms.</p>
<p>Granting approval to such a project would undermine the faith of many residents and the council's ability to prioritize the well-being and concerns of the Black Horse View community.</p>	<p>The proposals would deliver additional facilities that would contribute towards the on-going regeneration of the area. The proposal would provide a cultural venue and bar at basement level. The proposal seeks to engage with the wider community by providing a dedicated space for the Blackhorse CEZ within the ground floor. Given the Site's location opposite Blackhorse Road Station and the mix of complementary uses on the ground floor (workspace, bar / music venue), there is a real opportunity to create a visible 'front door' for the creative enterprise zone within the building. Providing spaces for the CEZ is strongly supported by emerging local plan (LP1) policy 38, Blackhorse Lane Creative Enterprise Zone.</p>
<p>The additional height would result in overshadowing to existing homes.</p>	<p>The Daylight and Sunlight Assessment reveals that retained levels of amenity are generally good for neighbouring properties and compare favourably with those appropriate for this urban location.</p> <p>Refer to Part E of the report for a full assessment.</p>
<p>The addition of two floors will create significant loss of light to the east facing properties of Regal House, Rosebay House and Wren House. The loss of sunlight to these neighbouring buildings is a concern.</p>	<p>A Daylight and Sunlight report supports the application assessing the relationship between the proposed development and the neighbouring properties within the direct vicinity of the application site. This document was independently reviewed by a third-party consultant on behalf of the Local Planning Authority. It was concluded that the proposal</p>

	<p>would allow for a suitable relationship with the neighbouring properties surrounding the site.</p> <p>Refer to Part F of the report for a full assessment.</p>
<p>The Sunlight and Daylight document provided with the revised application unfortunately does not consider the 3 homes at 65 Forest Rd.</p>	<p>The subject property is positioned a considerable distance from the proposed development. Visual evidence of this relationship is illustrated on Page 28 of the Daylight and Sunlight Report supporting the application.</p>
<p>The loss of sunlight caused would be extraordinary to Regal House, as well as to Rosebay House and Wren House. This building is to the east of the proposed structure and its main elevation faces in a roughly south west direction, crucially this is less than 90 degrees from south.</p>	<p>With regard to assessing Sunlight, the BRE Report gives recommendations for the assessment of the effect on sunlight enjoyed by individual windows. When considering sunlight, in the northern hemisphere, it is only those windows that face within 90 degrees of due south that will enjoy significant amounts of Sunlight. The BRE Report limits the extent of assessments required to only these windows. Sunlight Amenity is measured in terms of Annual Probable Sunlight Hours (APSH). Where the areas that require assessment as per the BRE guidelines, the conditions meet the recommendations.</p>
<p>The % loss is significant and the daylight and sunlight report does not clearly identify which units are losing this much light.</p>	<p>The application is supported by a Daylight and Sunlight assessment which measures the impact upon neighbouring properties. The assessment shows that retained levels of amenity are generally good for neighbouring properties and compare favourably with those appropriate for the urban location. Appendix 2 of the document includes the precise daylight and sunlight technical analysis.</p>
<p>Concerns raised in relation to overlooking to the units north east facing Mannequin House and distance between units.</p>	<p>The separation distance achieved with the neighbouring building north of the site would not change to that of the original consent on site i.e. Ref: 222417. The proposed windows overlooking this building have been designed at a 90-degree angles, in order to restrict any ability to overlook the windows that conform the south elevation of Mannequin House.</p> <p>Refer to Part E of the report for a full assessment</p>
<p>The building height will not be in keeping with the student flats and it would impact my living conditions.</p>	<p>Mannequin House is a part 8 part 9 storey building, (9 storeys including ground when viewed from Spowith Avenue), with a lower section along Blackhorse Lane. It is built on land</p>

	<p>which is predominantly set at a much lower level than the application site.</p> <p>Daylight and sunlight assessment shows that retained levels of amenity are generally good for neighbouring properties and compare favourably with those appropriate for the urban location.</p>
<b>Density</b>	
The proposal would result in additional overcrowding and additional stress on public services.	The expected increase in demand for infrastructure facilities, which would result from the development, would be catered for via CIL contributions. The Council's Infrastructure Planning Team raised no objections against the development as part of the original consent Ref: 222417. As agreed as part of the original consent the proposal would result in numerous financial contributions that would benefit the area and the uplift in units is considered in the updated financial contributions listed in Section 1 of the report. The Council's Infrastructure Delivery Plan seeks to improve numerous healthy streets initiatives in the area.
Insufficient health facilities within the area.	The development would respond to the physical and environmental infrastructure capacity of the surrounding area. The expected increase in demand for infrastructure facilities, which would result from the development, would be catered for via CIL contributions. The Council's Infrastructure Planning Team raised no objections against the development as part of the original consent Ref: 222417. Furthermore, NHS Northeast London raised no objections to original application.
<b>Other Matters</b>	
Several of these styles of buildings in the area are grossly overpriced, only available to the wealthy and are not providing the affordable housing.	<p>The applicant has committed to making an increased financial contribution towards off site affordable housing in line with policy which requires a payment in lieu from shared living schemes not the provision of on-site affordable housing.</p> <p>Refer to Section B of the report for a full assessment.</p>
The proposed changes do not constitute minor material amendment for the following reasons:	Section 73 of the Town and Country Planning Act (1990) allows applicants to submit schemes which include alterations to the approved plans. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously



<p>The currently approved scheme is for a 10-storey building (Level B1 to Level 08) with 272 shared-living private rooms.</p> <p>The Application is for additional 49 shared-living units and two additional floors.</p> <p>The additional units imply an increase in occupancy of 18%.</p> <p>The two additional floors imply that the building would be 2-3 storeys taller than the surrounding buildings</p>	<p>permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and un-amended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.</p> <p>An application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. Case law has established that there is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.</p> <p>There is no statutory definition of a 'minor material amendment but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.'</p> <p>Given the nature of the proposed alterations set out in the application, officers consider the external changes, internal re-arrangements and uplift in purpose built shared living units are minor material amendments as set out in the report.</p>
---	--

## 5.2 Other Consultation

Internal Consultation	Comments
Urban Design & Conservation Team	<p>No objections raised.</p> <ul style="list-style-type: none"> <li>- Design, architectural quality and detailing have not changed since the previous application (222417).</li> <li>- The site is not explicitly identified as a site for tall buildings in the Local Plan, however, the Tall Buildings Policy (C) does allow for the identification of sites outside this map.</li> <li>- The site is located within a Strategic Location, it has good local public transport connectivity and it is a site identified for Transformation to character-led intensification.</li> <li>- The proposal is considered to be of exemplar design quality due to the contextual response, high quality materials, positive environmental and sustainability credentials and the</li> </ul>

	<p>contribution to the public realm on this important junction.</p> <ul style="list-style-type: none"> <li>- A successful tall buildings assessment has been undertaken in the evidence provided to support the application, and in design terms, this is endorsed.</li> <li>- The site is therefore considered on balance, to be considered acceptable for a tall building of exemplar design quality, as is the case for this proposal.</li> <li>- The proposed massing which represents an increase in height of two storeys, is considered acceptable given the scale, form and massing of the surrounding context.</li> <li>- The proposed height is considered to achieve character-led intensification, in accordance with Policy 8 of the Local Plan.</li> <li>- The ratio of external amenity per resident has increased which is welcome.</li> <li>- The provision of a significant rooftop amenity space is considered to be successful and will offer a distinct space of high quality, which is an improvement on the existing consent.</li> </ul>
Regeneration	No comments received at the time of writing the report.
Highways	- No objections raised.
Transport Policy Officer	<ul style="list-style-type: none"> <li>- Has swept path analysis been provided showing servicing around the building with the additional Blue Badge Bay?</li> <li>- How is safety of people accessing the commercial cycle store from the service lane (via Blackhorse Lane) designed into the scheme? How is conflict minimised with other mode users and large vehicles?</li> <li>- The Site benefits from a highly accessible location, with a PTAL of 5 – representing an ‘excellent’ level of accessibility to public transport.</li> <li>- Transport Policy welcome that there will be no car parking provided under the proposals for both residential and commercial elements.</li> <li>- What will the applicant do should demand for blue badge spaces go above the one additional bay provided? How will further provision be made available?</li> <li>- The Blue Badge parking should have charging facilities according to Local Plan Policy 69, 20%</li> </ul>

	<p>of car parking spaces should have active EV charging.</p> <ul style="list-style-type: none"><li>- Considerable improvements are proposed to the residential cycle store, which include the addition of natural light, repairs area, and a platform lift providing level access between the ground and basement stores. The quality of the spaces has been well considered and represents a significant benefit for residents.</li><li>- Concerns that no more long stay cycle parking is being provided.</li><li>- There does not seem to be any short stay cycle stands for the residential element of the scheme.</li><li>- Concerns that a huge proportion of long –stay residential spaces will be shared-use via a rental scheme, the Travel Plan should outline how this is done.</li><li>- A Travel Plan Monitoring Fee of £8,000 should be secured through agreement to fund the monitoring of measures included within each Travel Plan.</li></ul> <p><u>Officer Comments:</u></p> <ul style="list-style-type: none"><li>- Tracking drawings are included in the Delivery &amp; Servicing Management Plan.</li><li>- Officers believe there will be no safety concerns with pedestrian/cycle movements given that vehicles will be unable to move at speed and therefore they will be some caution. The layout also does not drastically alter from the principles agreed as part of the original consent on site (i.e. Ref: 222417).</li><li>- The applicant has suggested long stay shared cycles could be phased in gradually and include an uplift in response to demand. operational experience points towards low level demand for individual cycle storage so we expect the shared scheme to be successful and well used over time, as residents don't need their own bike and they like the convenience.</li><li>- The uplift in 2 visitor cycle parking spaces reflects the increase in co-living rooms. The 321 shared-living rooms could create a demand for up to 9 spaces (2 spaces for the first 40 rooms and 1 per 40 rooms thereafter), leaving a further 13 spaces for guests and visitors associated with the other uses.</li></ul>
--	---

	<ul style="list-style-type: none"> <li>- The proposal improves the blue badge ratio from 1 space per 136 rooms in the extant, implemented permission, to 1 space per 107 rooms in the proposal. The proposed blue badge parking aligns and in general exceeds the level of parking provided at other comparable planning permissions across London. The provision of 3 spaces is therefore seen as appropriate and reasonable in this context and will meet the future demand for spaces at the site.</li> <li>- It is worth noting that the extant scheme which this S.73 application amends did not include car club memberships. Such a provision would incentivise car use (even if limited) and the proposal has sought to reduce any car travel by only offering parking for residents with a blue badge, reflecting the highly accessible location of the site. The applicant would be committed to a financial contribution towards sustainable travel in the local area as per the previous consent.</li> </ul>
Sustainability and Energy Officer	<p>No objections.</p> <ul style="list-style-type: none"> <li>- An updated BREEAM report is provided showing that Excellent should be achievable meeting the required standards.</li> <li>- Compared to the previous energy strategy the Be Lean carbon savings have improved from 15% to 17% and the total onsite savings have decreased from 27% to 26%.</li> <li>- The carbon offset is now calculated as £387,240.</li> <li>- The window u-value has altered from 0.85 to 1.3.</li> <li>- The proposed air permeability has also increased from 1 m<sup>3</sup>/h.m<sup>2</sup> at 50 Pa to 2.</li> <li>- The number and total output of PV panels has slightly reduced from 48 to 43 mWh per year.</li> <li>- The overheating analysis has been updated with the targets still met and with a reduced energy demand for active cooling.</li> </ul>
Landscaping and Trees Officer	<ul style="list-style-type: none"> <li>- The species of trees in north-western corner of the site is unacceptable. It would be better to plant one large tree as originally proposed, accompanied by a compact, shade tolerant tree.</li> <li>- The London plane tree in the north-eastern corner of the site is not suitable as it will become too large. A tree species with a more upright habit should be selected for this corner of the site.</li> </ul>

	<ul style="list-style-type: none"> <li>- As a positive, the planting beds on the communal terrace are now shown as more substantial spaces, rather than being the smaller, fractured spaces as previously proposed. Therefore, this aspect of the proposal is supported.</li> <li>- A small uplift to the Urban Greening Factor, from 0.36 to 0.361 is highlighted.</li> <li>- The specified planting is also acceptable, though more detail on plant sizes, positions, and densities is required, as is the maintenance and management of the soft landscaped areas. This aspect could be addressed through suitable conditions.</li> </ul> <p><u>Officer Comments:</u></p> <ul style="list-style-type: none"> <li>- The applicant and design team provided updated plans to include amended tree specifications to overcome the above issues.</li> </ul>
Refuse and Recycling Officer	No comments received. However, a condition requiring a detailed Waste Management Strategy is recommended via Condition 26.
Business Investment and Employment Officer	No comments received at the time of writing the committee report.
Environmental Health Team	<p>No objections raised.</p> <ul style="list-style-type: none"> <li>- Proposal should be built in accordance with the details previously approved in relation to Condition 34 Parts A and B via application Ref: 230956.</li> <li>- Air Quality: All conditions, s106 requirements and informatives from the previous consent should be considered.</li> <li>- Development should be built in accordance with the previously agreed Dust Management Plan.</li> <li>- Condition No's 13, 14, 15, 18, 19, 20 of the planning permission of application ref. 222417 are still valid.</li> </ul> <p><u>Officer Comments:</u></p> <ul style="list-style-type: none"> <li>- Condition 34 ensures the proposal is built in accordance with details agreed via application Ref: 230956.</li> <li>- All relevant air quality conditions, s106 requirements and informatives are considered and updated where required.</li> <li>- Condition 17 (Air Quality and Dust Management Plan) is updated to ensure the development is built in accordance with the we previously agreed details via Ref: 230949.</li> </ul>

Planning Policy Team	No comments received at the time of writing the committee report.
Licensing Team	No comments on this application.
Infrastructure Planning Team	No comments received at the time of writing the committee report.
Housing Delivery Officer	No comments received at the time of writing the committee report.
CIL Officer	No comments received at the time of writing the committee report.
Building Control Team	No comments received at the time of writing the committee report.

<b>External Consultation</b>	<b>Comments</b>
Greater London Authority	<ul style="list-style-type: none"> <li>- Given the scale and nature of the proposals, the GLA conclude that the amendments do not give rise any new strategic planning issues.</li> <li>- Under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this application. Your Council may, therefore, proceed to determine the application without further reference to the GLA.</li> </ul>
Thames Water	No comments to make on this application.
Metropolitan Police – Secure by Design	<ul style="list-style-type: none"> <li>- The proposals and additional floors do not unduly impact upon previous security advice (provided in application 222417).</li> <li>- Specific internal layouts need further review.</li> <li>- No objections subject to conditions requiring Secured by Design accreditation.</li> </ul> <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> <li>- The applicant and design team are in dialogue with the Secure by Design Officer.</li> <li>- The applicant will ensure a good management strategy is in place and extensive CCTV coverage is in place.</li> <li>- Internal connection between amenity and bar space is no longer being pursued by the client team.</li> <li>- The location of the reception and design and position of the spiral staircase is suited to facilitate natural surveillance of this space , the access control system can be extended to the amenity space on L1 so that residents will have to fob out to access the residential floor plate, this access control system integrate data logging so usage can be monitored.</li> </ul>

	- All matters can be resolved appropriately via Planning Conditions 35 and 36.
London Fire Brigade	No further observations to make.
Natural England	<p>Initial concerns raised over the Habitat Regulations Assessment addressed by the re-submission of an additional HRA document covering the uplift in homes. No objections subject to financial contribution towards the Strategic Access Management Measures (SAMM) and financial obligations towards SANGS to be dealt with by CIL contributions.</p> <p><u>Officer Comments:</u></p> <ul style="list-style-type: none"> <li>- The applicant explained that the bio-diversity and HRA baseline remain unchanged from the extent scheme.</li> <li>- The Planning Statement supporting the application identifies the uplift SAMMs and the potential uplift in SANGs via Borough wide CIL contributions.</li> <li>- In light of this, Natural England can be satisfied that the impacts of the development on the Epping Forest SAC will be mitigated.</li> </ul>
London Underground	London Underground / DLR Infrastructure Protection has no comment to make on this planning application as submitted.
Transport for London, Crime Reduction	No comments received at the time of writing the report.
Network Rail	No comments received at the time of writing the report.
London Borough of Haringey	No objection to the proposal.

## 6. DEVELOPMENT PLAN

- 6.1 The NPPF 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.
- 6.2 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”.
- 6.3 The Development Plan for the site, at the time of this report, comprises the London Plan (2021), and the Waltham Forest Local Plan 2024 (LP1). The NPPF does not change the legal status of the development plan.

The London Plan (2021)

6.4 The London Plan is the overall strategic plan for London and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital from 2019 to 2041. The relevant policies within the London Plan 2021 relevant to this application are considered to include but not limited to:

- GG1 – Building strong and inclusive communities
- GG2 – Making the best use of land
- GG4 – Delivering the homes Londoners need
- GG5 – Growing a good economy
- GG6 – Increasing efficiency and resilience
- SD1 – Opportunity areas
- SD10 – Strategic and local regeneration
- D1 – London’s form, character, and capacity for growth
- D2 – Infrastructure requirements for sustainable densities
- D3 – Optimising site capacity through design-led approach
- D4 – Delivering good design
- D5 – Inclusive design
- D6 – Housing quality and standards
- D7 – Accessible housing
- D8 – Public realm
- D9 – Tall buildings
- D11 – Safety, security, and resilience to emergency
- D12 – Fire safety
- D14 – Noise
- H1 – Increasing housing supply
- H4 – Delivering affordable housing
- H5 – Threshold approach to applications
- H6 – Affordable housing tenure
- H7 – Monitoring of affordable housing
- H16 – Large scale purpose-built shared living
- S1 – Delivering London’s social infrastructure
- E9 – Retail, markets, and hot food takeaway
- HC1 – Heritage, conservation, and growth
- HC5 – Supporting London’s cultural and creative industries
- HC6 – Supporting the nighttime economy
- G5 – Urban greening
- G6 – Biodiversity and access to nature
- G7 – Trees and woodlands
- S11 – Improving air quality
- S12 – Minimising greenhouse gas emissions
- S13 – Energy infrastructure
- S14 – Managing heat risk
- S15 – Water infrastructure
- S17 – Reducing waste and supporting the circular economy
- S18 – Waste capacity and net waste self-sufficiency
- S112 – Flood risk management
- S113 – Sustainable drainage
- T1 – Strategic approach to transport



- T2 – Healthy streets
- T3 – Transport capacity, connectivity and safeguarding
- T4 – Assessing and mitigating transport impact
- T5 – Cycling
- T6 – Car parking
- T6.1 - Residential parking
- T6.2 Office parking
- T6.3 Retail parking
- T6.4 Hotel and leisure uses parking
- T6.5 Non-residential disabled persons parking
- T7 – Deliveries, servicing, and construction
- DF1 – Delivery of the plan and planning obligations
- M1 – Monitoring

#### Waltham Forest Local Plan LP1 (2024)

6.5 The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October 2020 and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1.

6.6 The relevant policies are:

- Policy 1 Sustainable Development and Mixed-Use Development
- Policy 2 Scale of Growth
- Policy 3 Infrastructure for Growth
- Policy 4 Location of Growth
- Policy 5 Management of Growth
- Policy 6 Ensuring Good Growth
- Policy 7 Encouraging Mixed Use Development
- Policy 8 Character-Led Intensification
- Policy 9 South Waltham Forest
- Policy 12 Increasing Housing Supply
- Policy 13 Delivering Genuinely Affordable Housing
- Policy 14 Affordable Housing Tenure
- Policy 15 Housing Size and Mix
- Policy 16 Accessible and Adaptable Housing
- Policy 18 Other Forms of Housing
- Policy 24 Supporting Economic Growth
- Policy 31 Workspaces
- Policy 33 Local Jobs, Skills, Training and Procurement
- Policy 35 Promoting Culture and Creativity
- Policy 36 Protecting Public Houses
- Policy 37 Blackhorse Lane Creative Enterprise Zone
- Policy 39 New Retail, Office and Leisure Developments
- Policy 44 Evening and Night-Time Economy Uses
- Policy 50 Noise, Vibration and Light Pollution
- Policy 53 Delivering High Quality Design

- Policy 54 Tall Buildings
- Policy 55 Building Heights
- Policy 56 Residential Space Standards
- Policy 57 Amenity
- Policy 58 Making Places Safer and Designing Out Crime
- Policy 60 Promoting Sustainable Transport
- Policy 61 Active Travel
- Policy 62 Public Transport
- Policy 63 Development and Transport Impacts
- Policy 64 Deliveries, Freight and Servicing
- Policy 65 Construction Logistics Plans
- Policy 66 Managing
- Policy 67 Electric Vehicles
- Policy 68 Utilities Infrastructure
- Policy 70 Designated Heritage Assets
- Policy 71 Listed Buildings
- Policy 72 Conservation Area
- Policy 73 Archaeological Assesses and Archaeological Priority Areas
- Policy 74 Non-Designated Heritage Assesses
- Policy 75 Locally Listed Heritage Assets
- Policy 77 Green Infrastructure and the Natural Environment
- Policy 79 Biodiversity and Geodiversity
- Policy 80 Trees
- Policy 81 Epping Forest and the Epping Forest Special Area of Conservation
- Policy 82 The Lee Valley Regional Park
- Policy 85 A Zero Carbon Borough
- Policy 86 Decentralised Energy
- Policy 87 Sustainable Design and Construction
- Policy 88 Air Pollution
- Policy 89 Water Quality and Water Resources
- Policy 90 Contamination Land
- Policy 91 Managing Flood Risk
- Policy 92 Overheating
- Policy 93 Waste Management
- Policy 94 Infrastructure and Developer Contributions

## **7. MATERIAL PLANNING CONSIDERATIONS**

### National Planning Policy Framework (2023)

- 7.1 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. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 7.2 For decision-taking the NPPF states that the presumption means "*approving development proposals that accord with an up-to-date development plan without delay*" and 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 "*...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*".

- 7.3 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high-quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes.
- 7.4 The specific policy areas of the NPPF considered to be most relevant to the of this application are as follows:
- Promoting healthy and safe communities.
  - Promoting sustainable transport.
  - Making sufficient use of land
  - Delivering a wide choice of high-quality homes.
  - Achieve well-designed places
  - Promoting Healthy Communities.
  - Meeting the challenge of climate change, flooding, and coastal change; and,
  - Conserving and enhancing the natural environment.

Waltham Forest Local Plan (LP2) – Site Allocations (Proposed Submission):

- 7.5 The Site Allocations Document (Draft Waltham Forest Local Plan Part 2: Site Allocations Document (2021 – Reg 19) seeks to ensure that the London Borough of Waltham Forest promotes the right development in the right places at the right scale, creating attractive sustainable neighbourhoods as well as economic opportunities. The Council are in the process of preparing Local Plan Part 2: Site Allocations (LP2). The document has been subject to 2 public consultations, and the Council will hold a further statutory consultation on the document in the summer/ autumn 2024. The most recent version of the document was published for consultation in November 2021.
- 7.6 When adopted, the Site Allocations Document will represent Part 2 of the Council's Local Plan. This would complement the Waltham Forest Local Plan LP1 (2024).

Mayor's Large-Scale Purpose-Built Shared Living LPG – January 2024

- 7.7 The Large-scale purpose-built shared living (LSPBSL) London Plan Guidance (LPG) provides advice on how to apply London Plan Policy H16 to best meet London's needs. This document provides design guidance on large-scale purpose-built living accommodation proposals, particularly with regards to internal and external spatial and communal requirements and the impact of deliveries and servicing on transport infrastructure.

Mayor's Housing Design Standards London Plan Guidance – June 2023

- 7.8 The Housing Design Standards guidance brings together, and helps to interpret, the housing-related design guidance and policies in the London Plan.

London Plan Affordable Housing and Viability SPG - 2017

- 7.9 This supplementary planning guidance (SPG) focuses on affordable housing and viability. It includes four distinct parts: background and approach; the threshold approach to viability assessments and detailed guidance on viability assessments.

London Plan the Sustainable Design and Construction SPG – April 2014

- 7.10 The Mayor published supplementary planning guidance (SPG) on sustainable design and construction.  
Mayor's Housing Supplementary Planning Guidance (SPG) - March 2016
- 7.11 This document provides guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and viability appraisals.  
Mayor's 'Be Seen' energy monitoring guidance (2021)
- 7.12 This guidance explains the process that needs to be followed to comply with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.  
Mayor's Fire Safety London Plan Guidance – February 2022
- 7.13 The Fire Safety LPG reiterates that the fire safety of developments needs to be considered from the outset.  
Mayor's Urban Greening Factor London Plan Guidance – February 2023
- 7.14 The guidance helps support boroughs and applicants in meeting the requirements of policy G5. It provides guidance to boroughs to inform the local application of the policy and information to help applicants to apply the UGF to proposed developments.  
Mayor's Air Quality Positive London Plan Guidance – February 2023
- 7.15 The guidance provides support to the Air Quality Positive approach by identifying and implementing ways to push development beyond compliance with both the Air Quality Neutral benchmarks and the minimum requirements of an air quality assessment.  
Mayor's Circular Economy Statements London Plan Guidance – March 2022
- 7.16 The London Plan Guidance Circular Economy Statements puts circular economy principles at the heart of designing new buildings, requiring buildings that can more easily be dismantled and adapted over their lifetime.  
Mayor's Whole Life-Cycle Carbon Assessments London Plan Guidance – March 2022
- 7.17 This guidance explains how to prepare a Whole Life-Cycle Carbon (WLC) assessment in line with Policy SI 2 F of the London Plan 2021 using the WLC assessment template.  
Mayor's Air Quality Neutral London Plan Guidance – February 2023
- 7.18 This guidance sets out the benchmarks for an Air Quality Neutral development.  
Waltham Forest - Urban Design SPD - 2010
- 7.19 This document has the aim of raising the quality of design within the Borough. The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability.  
Waltham Forest - Affordable Housing & Viability SPD - 2018
- 7.20 This supplementary planning document (SPD) has been prepared to provide further detailed guidance on affordable housing and viability. The document provides further guidance on how the Council will take viability into account when considering planning applications and what supporting information applicants will be required to produce. The Council does not intend to apply this guidance retrospectively to any planning applications being processed or determined.  
Waltham Forest - Planning Obligations SPD - 2017
- 7.21 This document seeks to provide transparent, clear, and consistent information for the negotiation of planning contributions and Section 106 Agreements and how these work

alongside the Community Infrastructure Levy (CIL) to help deliver necessary infrastructure in the Borough.

Waltham Forest - Waste & Recycling Guidance for Developers (2019)

- 7.22 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.

Local Finance Considerations

- 7.23 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.

Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standard (2015)

- 7.24 This standard deals with internal space within new dwellings and is suitable for an application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

BRE Guidance – Site layout planning for daylight and sunlight – A guide to good practice – 2022

- 7.25 This guide gives advice on site layout planning to achieve good sunlighting and daylighting, both within buildings and in the open spaces between them. It is intended to be used in conjunction with the interior daylight recommendations for new buildings in the British Standard Daylight in buildings, BS EN 17037.

## **8 ASSESSMENT**

- 8.1 The main issues relate to the following:
- A. Principle of Development.
  - B. Provision of Affordable Housing.
  - C. Density of Development.
  - D. Standard of Accommodation.
  - E. Design of Development.
  - F. Amenity.
  - G. Transport and Highways.
  - H. Waste Management.
  - I. The Environmental Impact of the Development.
  - J. Energy Efficiency.
  - K. Trees and Landscaping.

- L. Archaeology and Heritage.
- M. Safety and Security.
- N. Planning Contributions.

**A) PRINCIPLE OF DEVELOPMENT**

- 8.2 National Planning Policy Framework (NPPF) (2023) places a presumption in favour of *“sustainable development”* and states that there should be a *“golden thread”* running through plan and decision making. These principles are reflected in Policy 1 of Policy GG1 of the London Plan (2021) and Policy 1 of the Waltham Forest Local Plan LP1 (2024).
- 8.3 Policy D2 of the London Plan (2021) 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 tall proposed.
- 8.4 Policy D3 of the London Plan (2021) 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.
- 8.5 The site is also allocated in the draft Site Allocations Document (SA33) LP2, which seeks for the re-provision of the music venue and has an indicative development capacity of 100 homes.
- 8.6 The site is currently under construction and being built out as part of the extant planning permission ref: 222417. Given the realistic fallback position provided by the extant planning permission scheme, which should be given considerable weight, the redevelopment of the site would continue to be acceptable and the main point of principle to be addressed is whether an increase in scale and density would be appropriate.
- 8.7 The approved scheme 222417 delivers:
  - 272 shared living rooms (sui generis) (25sqm room sizes);
  - A cultural venue and bar at basement level (sui generis); and
  - Class E Commercial, Business and Service accommodation at ground level.
- 8.8 This proposal seeks to create the following:
  - 321 shared living rooms (sui generis) (25sqm room sizes);
  - A cultural venue and bar at basement level (sui generis); and
  - Class E Commercial, Business and Service accommodation at ground level that includes a dedicated space for the Creative Enterprise Zone (replacing the retail unit).
- 8.9 The proposed amendments can be summarised as follows:
  - 49 additional purpose-built shared living rooms;
  - Improved amenity spaces for future residents;
  - Dedicate space for the Creative Enterprise Zone (replacing the retail unit);

- Providing community access to the ground floor workspace (ancillary to the residential amenity use);
- Additional, on-site, blue badge car parking space;
- Enhanced landscaping and urban greening;
- Improved cycle store facilities (including level access);
- Increase in CIL financial contributions; and
- Increase in S.106 financial contributions.

8.10 Due to these considerations, the proposed re-instatement of the cultural venue was supported under previously approved planning applications for the site, considering that this element of the proposed development would contribute to the area's local identity and cultural heritage whilst restoring the site's historic connection as an entertainment and cultural venue. As such, the proposed cultural venue is consistent with Policies HC5 and HC6 of the London Plan (2021) and the draft Site Allocations LP2. The delivery of the music venue will be secured via appropriate clauses in the Section 106 Agreement.

8.11 The principle of shared-living residential accommodation was also assessed and considered acceptable under the extant planning permission number 222417, considering that the approved scheme comprised 300 shared living residential units within the site (sui generis use class). Large-scale purpose-built shared living is a relatively new approach to housing with a growing market interest across London. It offers a particular form of accommodation for single person households that meets specific housing needs, for example single people moving to London for work and recent graduates.

8.12 Notwithstanding the fact that the acceptability of shared living accommodation on the site was accepted by previous consents, this updated proposal can be assessed against Policy H16 of the London Plan (2021), which supports large-scale shared living accommodation for a single person household who cannot or chooses not to live in self-contained homes or HMOs. The development is therefore examined against the following criteria:

- The development is of good quality and design.
- The development contributes towards mixed and inclusive neighbourhoods.
- The development is well connected to local services and its design does not contribute to car dependency.
- The units are all for rent with a minimum tenancy length of no less than three months.
- The development provides sufficient communal facilities, which should include a communal kitchen, outdoor amenity space, acceptable provision of internal amenity spaces, laundry/drying facilities, a concierge, and room cleaning services.
- The private units have an acceptable layout and are not capable of being used as self-contained homes.
- The planning application includes a management plan; and,
- The development delivers a cash in lieu contribution towards affordable housing and is expected to provide a contribution that is equivalent to 35% of the units or 50% if the development is on public sector land or industrial land appropriate for residential units, subject to viability.

- 8.13 The development would further meet the above material planning considerations for assessing the acceptability of this type of housing (*sui generis*), particularly with regards to good quality design with appropriate communal facilities that are well connected to local services. Given the high-level transport accessibility of the site (PTAL 5) and due to the adequate links of the site to local services within the wider context of the site, the principle of introducing a shared-living residential model that co-exists with a cultural venue is supported. This type of accommodation would be consistent with the long-term vision to support the formation of a thriving community, in accordance with the objectives of Policies SD1, SD10, D3 and H16 of the London Plan (2021).

## **B) PROVISION OF AFFORDABLE HOUSING**

- 8.14 Policy H16 of the London Plan (2021) seeks for large-scale purpose-built shared living developments to deliver a cash in lieu contribution towards affordable housing, which should be secured for either an upfront cash in lieu payment to the Local Authority or in perpetuity as an annual payment to the Local Authority. Additionally, Policy H4 of the London Plan (2021) seeks to maximise affordable housing to meet the need of approximately 43,500 affordable homes per year, as established in the 2017 Strategic Housing Market Assessment. The Mayor's Housing SPG (2016) also provides guidance on the overall approach to estimate the needs of different sorts on the role of planning in facilitating private rented housing and addressing the requirements of distinct groups.
- 8.15 At a local level, Policy 13 of the Waltham Forest Local Plan LP1 (2024) seeks to deliver genuinely affordable housing by aiming to provide at least 50% affordable housing.
- 8.16 The extant planning permission Ref: 222417 secured a financial contribution of £500,000 towards offsite affordable housing provision. A Financial Viability Assessment dated February 2024 has been submitted with this planning application and independently reviewed by BPS Surveyors. It was concluded that the scheme with no affordable housing provision was in surplus and therefore a financial contribution towards affordable housing provision elsewhere in the borough would be secured.
- 8.17 A financial contribution of £602,292 towards affordable housing offsite has been secured, which is welcomed. Officers will continue to liaise with the applicant team and the Council's viability consultant to establish if this figure can be increased in advance of Members' consideration.

## **C) DENSITY OF DEVELOPMENT**

- 8.18 Whilst the NPPF (2023) does not set out a prescriptive guidance with regards to residential density, it encourages development proposals for residential development to optimise the capacity of sites in a way that these are compatible with the use, character, and urban grain of the surrounding area. The proposed co-living residential model is distinctively different from the C3 residential housing category and this is reflected in the *sui generis* classification for more flexible and relatively affordable accommodation that is excluded from the housing market. Although there are no specific density guidelines that would be applicable under the London Plan (2021), the quantum of the proposed development should be examined against broader design principles, in accordance with the requirements of Policy D2 (Infrastructure requirements for sustainable densities) of the London Plan (2021), which seeks for any form of development to consider the provision of infrastructure and future planned levels of capacity, particularly with regards to connectivity.
- 8.19 Policy D3 (Optimising site capacity through design-led approach) of the London Plan (2021) also states that development proposals should make the best use of land by



following a design-led approach that optimises site capacity and considers the characteristics of the site and its surrounding context in terms of capacity for growth and connectivity.

- 8.19 Policy 8 of the Waltham Forest Local Plan LP1 (2024) seeks to promote opportunities for intensification of development involving housing and employment uses at appropriate locations.
- 8.20 Policy 54 of the Waltham Forest Local Plan LP1 (2024) states tall buildings may be supported in some identified locations subject to meeting particular criteria. A tall building can be defined as ten or more storeys or any building that measures 30m or more from the ground level.
- 8.21 In accordance with Policy 54, the proposal would result in a tall building as it would be 11 storeys in height. Whilst adjacent to, the site is not identified as a site for tall buildings. Notwithstanding, section C of Policy 54 (Tall Buildings) does allow for the identification of sites outside identified areas.
- 8.22 The site is located within a Strategic Location, it has good local public transport connectivity and it is a site identified for Transformation to Character-Led intensification. The proposal is considered to be of exemplar design quality due to the contextual response, high quality materials, positive environmental and sustainability credentials and the contribution to the public realm on this important junction. Officers consider that a successful tall buildings assessment has been undertaken in the evidence provided to support the application, and in design terms, this is supported. The site is therefore considered on balance, to be considered acceptable for a tall building of exemplar design quality, as is the case for this proposal.
- 8.23 The proposed massing, which represents an increase in height of two storeys, is considered acceptable given the scale, form and massing of the surrounding context. The proposed height is considered to achieve character-led intensification, in accordance with Policy 8 of the Waltham Forest Local Plan LP1 (2024).
- 8.24 Due to the above, the proposed intensification of the site is supported and considered intensification with the requirements of Policies D2 and D3 of the London Plan (2021) and Policies 8 and 54 of the Waltham Forest Local Plan LP1 (2024) in that the design and quantum of development would respond to the urban context and aspirations to increase the density of the site.

#### **D) STANDARD OF ACCOMMODATION**

##### Quality of Accommodation for Shared Living Units

- 8.24 The proposed development involves the creation of an additional two storeys to create 49 shared living rooms to the approved nine-storey development comprising 272 shared living rooms under Ref: 222417.
- 8.25 Although Policy H16 of the London Plan (2021) provides no minimum requirements with regards to space standards for large-scale shared accommodation development, the policy seeks for high-quality rooms that are functional in terms of layout and size to ultimately provide an adequate residential environment for future residents with sufficient daylight/sunlight and suitable provision of en-suite bathrooms, kitchenettes, and storage. The development would provide a mix of shared living private room typologies that would range in floor area between 20sqm and 40sqm including DDA rooms. The detailed schedule of residential accommodation types is summarised below:

Room Type	Accommodation Size	Number and Mix
Room Type A	20-22sqm	47 (15%)
Room Type B	24sqm	182 (57%)
Room Type C	26sqm	49 (15%)
Room Type D	27sqm	11 (3%)
Room DDA	Between 30 sqm and 40 sqm	32 (10%)

8.26 As with the approved scheme Ref 222417, it is considered that the proposed shared living accommodation rooms would fall somewhere in between the requirements set out under Policy D6 of the London Plan (2021) for a single bedroom (7.5 sqm) and a one-person residential dwelling (37sqm), in that these would have a minimum of 20sqm in floor area and a maximum of 40sqm, with an integrated kitchenette and ensuite bathroom. Furthermore, the additional rooms would be in accordance with the requirements set out by the Large-scale Purpose-built Shared Living LPG (2024), which stipulates how units should be no less than 18sqm in floor area. The proposed size of the additional units is therefore considered acceptable for this type of accommodation.

8.27 The size of each co-living room has been accepted in principle and it is the additional number of rooms, its design and the quality of the internal and external amenity spaces that should also be assessed to ensure that the communal facilities would still provide a collective living environment, in accordance with the requirements of Policy H16 of the London Plan (2021), which states how meeting spaces should be provided within large-scale purpose-built shared living developments, to secure social interaction and community engagement.

#### Internal Amenity

8.28 The development would provide a ratio of 1:4.37sqm per room and seeks to improve the overall quality and variety of amenity spaces within the building. The proposal seeks to rebalance the distribution of amenity space onto the upper floors, adding a sky lounge on level 10, which would directly open out onto a large external terrace. The sky lounge is envisaged as a special space for all residents to use, similar to the destination spaces on the lower floors. Level 9 would have a large breakout space in the southern core which would directly open out onto a large external terrace, providing residents further away from the destination amenity spaces on the lower levels with spacious supporting amenity options.

8.29 Although there would be a marginal reduction in internal amenity space from the approved scheme of 4.54sqm per room, factoring in the distribution of spaces, this is considered acceptable.

#### External Amenity

8.30 External amenity would be provided at a ratio of 1:2.05sqm per room. The external space strategy continues the approved principles, adding four large terraces on the upper floors (Levels 9 & 10). On both of the new floors, a large internal amenity space has been paired and would open out directly onto a large external terrace, improving the overall quality and relationship between the communal spaces.

8.31 With regards to dining communal spaces, the proposed dining space (150 sqm) would equate to 0.55 sqm per resident, exceeding the recommended minimum recommendation of 0.5sqm. Moreover, the external amenity space would

accommodate a BBQ area within the main courtyard and the total external amenity space would be 660sqm (an increase from the approved 460sqm), which would result in 2.05sqm per resident and therefore exceed the minimum recommendation of 1sqm of external amenity space per resident under the adopted LPG (2024).

- 8.32 With regards to wheelchair accessible rooms, Policy H16 of the London Plan (2021) sets no minimum requirements for large-scale purpose-built shared living accommodation. However, the 10% requirement for M4 (3) 'wheelchair user dwellings' is set out by Policy D7 (accessible housing) of the London Plan (2021) and this requirement is consistent with the recommendations given by the Large-scale Purpose-built Shared Living LPG (2024). There would be a total of 32 wheelchair rooms distributed within all floor levels of the building. These shared living rooms would contain between 30.00 sqm and 40.00 sqm in floor area, exceeding the minimum recommendation given by the LPG, which states that these shared-living rooms should measure between 28.00 sqm and 37 sqm. The wheelchair shared-living units would also be secured as M4 (3) adaptable dwellings by condition. Moreover, a marketing period of one year has been secured under the S106 Agreement for the wheelchair units.
- 8.33 Overall, access to all communal areas within the proposed building would be inclusive and accessible with a clear link via the front colonnade and main access point to the lobby with the two disabled car parking spaces at the northeast side of the site, in accordance with the requirements of the Building Regulations Approved Documents M and K (2013). The provision of accessible routes via two lift cores and internal corridors that would measure no less than 1.5m in width is considered to be acceptable, as these would be well connected to the external communal amenity spaces at first and second floor levels, with step-free access and surface level ground design.
- 8.34 Considering the above, the proposed development would be consistent with the criteria outlined under Policies H16 and D7 of the London Plan (2021) and the Large-scale Purpose-built Shared Living LPG (2024) in terms of quality of living environment. Although the size of the communal kitchen facilities is considered limited in terms of spatial requirements, it is noted that the shared-living rooms would be linked to two 'refreshment bar' areas at ground and first floor levels and additional café / bar facilities would be located on the music venue at ground floor. These additional communal spaces would reduce any pressure over the limited size of the communal kitchen. And, unlike some shared living schemes the individual rooms would have some cooking facilities which would reduce demand on the communal facilities. On balance, the proposed layout would ensure that the communal amenity spaces co-exist well with the private shared-living accommodation within the upper floor levels, with a clear perception between the distinction between public/communal areas and more private spaces within floor levels three to eight. The standard of residential accommodation is therefore supported.

#### Quality of Cultural Venue and Commercial Floorspace:

- 8.35 Policy HC5 (Supporting London's Culture and Creative Industries) of the London Plan (2021) seeks to promote the growth and evolution of cultural facilities and creative industries. The policy supports the development of new cultural venue in places with good transport public connectivity and considers that these performance environments are valuable contributions to local regeneration and important features for residents, workers, and visitors.
- 8.36 The cultural venue would be positioned at basement level and its design seeks to create a flexible environment that would be accessible and adaptable to different disciplines and art forms, such as exhibitions, community meetings, cinema, or

workshops. The venue would have the capacity to accommodate approximately 500 people, depending on the type of event and would be accessed via Forest Road through a bar / café area at ground floor area that would be perceived as a foyer to the double-height performance environment at basement level.

- 8.37 The venue would have an active frontage along Forest Road and would be accessed via a colonnade that would wrap-around the frontage of the building to provide a more civic character. The colonnade would be perceived as an intermediary lobby that would shelter visitors while queuing or gathering.
- 8.38 Access to the venue from the bar would be provided by dedicated stairs and a lift that would connect the two floors, serving as an acoustic lobby that would separate basement and ground floor levels with adequate provision of wheelchair access through a side ramp and lift. The design of the venue has been carried out with Sound Diplomacy together with specialists and venue advisors and operators, to ensure that the acoustic performance of the space is solid and satisfactory.
- 8.39 The submitted Fire Statement 2024 provides details of evacuation (i.e. for all occupants of the bar, venue, and adjacent basement spaces) upon detection of fire anywhere in those areas, including a warning signal to the residential concierge to alert the shared-living residential element of an event of a fire. In addition, the Noise and Vibration Assessment 2024 considers key issues with regards to noise attenuation with details of the design approach of the venue, which includes an inner structural concrete box and an outer box made of 200mm of concrete or of a material of equivalent density to isolate the venue and maximise noise attenuation. The basement has therefore been designed to withstand music for prolonged periods and includes a 'buffer of volumes' approach around the performance space, to absorb additional noise and vibration.
- 8.40 Notwithstanding the proposed design and safety measures for delivering a secured cultural venue, a condition requiring an updated Fire Safety Statement is recommended, to ensure that details with reference to fire escape, means of access to fire personnel / equipment and fire suppression methods are fully incorporated, in agreement with the London Fire Brigade. In addition, the Council's Environmental Health Team recommended planning conditions to minimise any excessive noise and disturbance, including restricted operating hours of the Music Venue, Café / Restaurant and Bar.
- 8.41 Due to the above, the quality of the cultural venue and integrated café / bar raises no concerns in terms of design, size, amenity, and safety. The proposed venue would not only re-instate the cultural heritage of 'The Royal Standard' but would also seek to provide regeneration benefits for the locality. Given its acceptable design and presence along the street scene, the proposed venue is strongly supported and considered consistent with policy HC5 of the London Plan (2021) and Policies 3 and 46 of the Waltham Forest Local Plan LP1 (2024) in that it would provide a valuable contribution to the social infrastructure and identity of the surrounding area in a way that it would also be compatible with the introduction of a shared-living residential accommodation model within the site.

## **E) DESIGN OF DEVELOPMENT**

- 8.42 Policies D3 (Optimising Site Capacity through Design-led Approach) and D4 (Delivering Good Design) of the London Plan (2021) seek for a design-led approach that optimises site capacity in a way that the local context of a site is enhanced by buildings that respond to local distinctiveness by appropriate layout, orientation, scale, and appearance, taking into consideration street hierarchy, building types and proportions. The design guidelines should be street-based with defined public and private environments with efficient servicing and maintenance strategies that protect

the public realm. The design should also incorporate high quality materials that respond to the character and pattern of development of the site and its surroundings.

- 8.43 Policy 53 of the Waltham Forest Local Plan LP1 (2024) seeks to ensure high quality design. As with the approved scheme, the proposed building would have an irregular form that would respond to the corner and prominent position of the junction between Forest Road and Blackhorse Lane. The building would have three distinct entrances, which would be evenly distributed along the frontage, which would serve the three main elements of the development separately, comprising the 'New Standard Venue' fronting Forest Road, Scape Living at the corner and the retail and CEZ element at Blackhorse Lane. Notwithstanding the common language along the frontage at ground floor, the corner entrance serving the shared-living residential element would be more prominent, by virtue of its corner and focal position at the street junction and its double height design, which would seek to provide a clear and direct access to the two cores that serve the upper floor levels of the building.
- 8.44 The building would retain an acceptable separation from neighbouring buildings (and consistent with the extant planning permission ref: 222417, as it would introduce a one-way vehicular access route along the perimeter of the building at the north and east sides, which would enable servicing and provision of cycle and disabled parking). The proposed separation distance would therefore protect the integrity of the neighbouring two-storey workshop building at the west side and the four to eight storeys building at 'Mannequin House' at the north side, and would also enable pedestrian links towards the north side through a connection route that could result in greater permeability within the different sites that conform the Blackhorse Lane Masterplan. The proposed one-way route and links would therefore ensure that there is an acceptable level of urban connectivity between sites with matching hardscape finishes.
- 8.45 The proposed ground floor element would be set in from the main footprint of the building to provide a greater sense of openness through a colonnade along Forest Road and Blackhorse Lane, in order to extend the public realm and maximise active frontages while providing a covered public space towards the entrance to the venue. The colonnade would result in an improved street zone that would respond to the prominent position of the site fronting Blackhorse Road Station and would therefore achieve a good relationship with the streetscape by also offering a distinctive design approach to the corner site. Furthermore, the enlarged street zone would enhance the site's green and landscaped areas at ground floor level and external amenity spaces within each floor level while would also retain the existing tree on the southwest side of the site. Minor amendments were requested by the Council's Design Team, to ensure that the layout responds to the Large-scale Purpose-built Shared Living LPG (2024). As such, the plans have been updated to respond to these comments, particularly with regards to details of the breakout areas and the clarification of width of corridors to ensure that the journeys between the wheelchair accessible rooms and shared amenity spaces are not compromised.
- 8.46 With regards to height and massing, the proposed 11-storey building height would conform to the proportions of the surrounding urban grain. Given the prominent position of the corner site, the proposed building's stepped building form would achieve a transition between the higher building form on the west side of the site, which is defined by the twenty-one-storey tower that has been recently built at the TfL car park site and the lower-rise terraced properties towards the east side of the site. The proposed building articulation with stepped terraces around a central courtyard also seeks to respond to the prominence of the key local junction while also respond to the building's orientation to maximise south-facing terraces and a courtyard, which would provide good quality external amenity spaces with maximisation of direct sunlight to enable the creation of landscaped areas at second floor level. The Council's Design Team therefore supports the application and advised how the building would have an

acceptable form and scale in a manner that the stepping down building form would enhance daylight and visual outlook for residents by providing an appropriate façade articulation along Forest Road.

- 8.47 The proposed building would therefore represent a visual transition in height and massing within its context, by responding to the ‘stepping-down’ building height that is defined by the TfL Car Park site with its twenty-one down to five storeys building height, the two storey terraces at the east side Blackhorse Lane and the four to seven building height at ‘Mannequin House’, towards the north side of the site. Due to the setback element at ground floor and the stepping down building form, the building would not be ‘square-off’ when seen from public vantage points at Forest Road and Blackhorse Lane and would therefore be visually articulated with neighbouring developments. The proposed building layout, massing and form is therefore accepted, by virtue of the façade articulation and creation of an enhanced public space along Forest Road and Blackhorse Lane, which would represent a defining landmark building within a prominent street junction.
- 8.48 In terms of facade articulation and materials, the building would introduce horizontal brown brick spandrels that would wrap around each floor level. The horizontal spandrels would have sawtooth brick coursing that would seek to provide a form of visual consistency with rich texture and would be infilled with concrete panels that would have varied terracotta tones. The concrete panels would blend in with the ground floor columns, that would also be built in concrete. The proposed windows would be installed with metallic finish that would also respond to the bronze-coloured balustrades and planters at the courtyard and terraces.
- 8.49 The proposed façade treatment is considered acceptable, as it would be in keeping with the wide variety of brick tones within neighbouring developments that form part of the Blackhorse Lane Masterplan and would therefore respond to the Victorian Industrial heritage of the surrounding area by providing brick details with a modern interpretation that acknowledges the predominant character of the locality.
- 8.50 In summary, the proposed building’s design and visual articulation is considered acceptable, by reason that it would respond to the forms of development that are considered appropriate within the Station Hub and Waterfront development sites. The proposed building would not only reinforce a sense of place that would serve as a visual landmark when viewed from public vantage points at Forest Road and Blackhorse Lane but would also be linked to neighbouring development sites in terms of building layout, articulation, and materiality. The proposal is therefore consistent with the objectives of Policies D3 and D4 of the London Plan (2021) and Policy 53 of the Waltham Forest Local Plan LP1 (2024) in achieving high quality design.

## **F) AMENITY**

### Daylight and Sunlight:

- 8.51 Policy D6 (Housing Quality and Standards) of the London Plan (2021) states that the design of development proposals should respect daylight and sunlight to surrounding residential dwellings with an appropriate approach to the context of the site, while minimising overshadowing and maximising the usability of outside amenity space. In addition to this, Policy 57 of the Waltham Forest Local Plan LP1 (2024) highlights that development should respect the amenity of neighbours by avoiding loss of daylight and sunlight.
- 8.52 The BRE report ‘Site layout planning for daylight and sunlight – A guide for good practice’ has been updated and a new version was published in June 2022. The submitted ‘Sunlight, Daylight and Overshadowing Report’ dated July 2022 therefore reflects the

new version and considers how the new 'Climate Based Daylight Modelling (CBDM) methodology, which is based on British Standard 'Daylight in Buildings' (BS EN17037), supersedes the previous 'Average Daylight Factor' (ADF) methodology. As noted, the new methodology is more complex and has targets that are generally more difficult to achieve in an urban context, as it uses more accurate sky models that simulate the movement of the sun throughout the day and takes into consideration weather conditions and the orientation of windows. With regards to recommendations for indoor lighting levels (Lux) under the UK National Annex, the recommendations of 100 Lux in bedrooms, 150 Lux in living rooms and 200 Lux in kitchens are considered appropriate as median illuminances to be achieved. The BRE guidelines are not mandatory, and they explicitly state that the numerical target values should be interpreted with some flexibility. The acceptability of a proposed scheme in relation to BRE guidance, consideration will be given to the context within which a scheme is located, and daylight and sunlight will be one of a number of planning considerations.

- 8.53 The submitted 'Sunlight, Daylight and Overshadowing Report' provides Vertical Sky Component (VSC) and No-Sky Line (NSL) analysis to review the relationship with the neighbouring properties. VSC is a measure of the amount of light falling on a window and it is quantified as a ratio of the direct sky illuminance falling on the surface at a specific reference point against the horizontal illuminance under an unobstructed vertical wall. The target value recommended is 27% but this is not to be strictly applied if the VSC for a window is less than 27% and is less than 0.8 times its former value. The NSL method measures the distribution of daylight within a room and maps out the region within a room where light can penetrate directly from the sky. After a development is complete, the area of a room with visible sky should, ideally be 0.8 times or more of the former area on the working plane prior to the development.
- 8.54 In addition to this, the VSC targets between 15% and 18% remain an appropriate benchmark for the urban location. The guidance allows different target values in cases where there is densification and high-rise buildings form part of the surrounding context of a site. Where balconies or walkways are present, the report provides two sets of VSC figures (one with obstruction in place and one with the effect removed from the calculations).
- 8.55 The impact following an examination of the location of neighbouring properties and the figures for each window/room that would be affected by the development are assessed as follows:
- 8.56 4 Forest Road is located at the southwest of the site and any impact on daylight would be unlikely noticed, by reason of the considerable separation distance. The percentage of VSC are not significant and would fully accord with the relevant BRE numerical targets. Moreover, given that the application site is located at the north side of this building, the development would not cause an impact on sunlight.
- 8.57 Rosebay House and Wren House, 4-8 Frank Searle Passage relates to recently constructed properties located to the west of the site with residential flats above ground floor commercial spaces. This property contains several windows with balconies overlooking the application site. There would be some noticeable reductions in daylight levels reaching these properties when compared to the current consent on site. However, with balcony effects removed from the calculations, the largest reduction in VSC to any window would be 11.8%. The BRE guidance highlights that the VSC figures under balconies should not be used to judge the acceptability of proposed massing. This would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light. As such, discounting the effects of the balconies, all the windows would retain VSC values in excess of 18% after development which is considered a good level of daylight for the urban characteristics of the site and its direct surroundings. This would be within the

recommended target between 15%-18% for an urban location. As the site facing elevation of these blocks do not face within 90 degrees of south, sunlight is not an issue.

- 8.58 When assessing the impact on 'Annual Probable Sunlight Hours' (APSH), all windows that face at 90 degrees angle of south, would achieve the recommended 25% minimum probable sunlight hours annually or 5% during wintertime.
- 8.59 Forest Works (Regal House, 4 Vanguard Way) recently constructed residential development is positioned at the northwest side of the site. The analysis reveals that reductions in VSC to 65 of the 70 windows assessed would meet the BRE numerical guidance. The reductions in VSC to the remaining 5 windows will be no more than 23.7% and this would not be considerably in excess of the guideline 20%. Additionally, NSL analysis reveals that only 2 windows are less than the guideline of 20% and 42 of the rooms assessed will not experience any NSL reductions. Overall, the effects on daylight to this property will be minor. In terms of sunlight, there are no windows within 90 degrees of south that would require assessing.
- 8.60 Mannequin House (5 Blackhorse Lane): This development is to the north of the application site and contains numerous windows on its south elevation, which face the proposed development. This property facilitates student accommodation. There will be no evident reductions in daylight to the student rooms at the lower levels of the building when compared to the consented position. At ground to 2nd floor level the largest proportional reduction in VSC to any window compared to the consented position would be 16.7%, resulting from an absolute change of 1.4%. This level of change in daylight is not considered radical. The sunlight and daylight assessment supporting the application undertook a mirrored massing VSC assessment. There would be some larger differences at upper levels, at ground, 1st and 2nd floor levels and there would not be a material difference between the mirrored baseline and proposed positions.
- 8.61 The assessment concludes that 76 out of the 93 windows tested would meet the BRE APSH assessment. It is noted that 17 rooms are in excess of the guidance, in all but 3 cases which is solely due to the reduction in winter sunlight. Nevertheless, this is not uncommon within an urban location. The retained levels of sunlight to the property will remain very good after the development with 3 student rooms retaining 19%, 24% and 24% of total APSH. This would be suitable relationship for an urban location. Further to this, there would be no material difference between the retained levels of sunlight when compared to the consented massing.
- 8.62 Although the development would cause a reduction in sunlight, the impact would be also minimised by reason of the considerably large windows on the south elevation of this building. Additionally, this neighbouring building provides student transient (and not permanent) residential accommodation.
- 8.63 6 – 26 Blackhorse Lane: This row of terrace properties is located at the east of the site and contain retail units at ground floor with residential properties above. There will be no noticeable changes in daylight amenity to 18, 20 or 26 Blackhorse Lane. The reductions here are minor and would meet default BRE numerical targets. It is noted that there will be some reductions to windows serving No's 12, 14, 16 and 22-24 ranging from 21.8% to 29.9% VSC levels. However, NSL reductions to these 4 properties would fully accord with guidance. Reductions in VSC to the first floor windows serving 6, 8, and 10 Blackhorse Lane range from 33.2% to 36.1%, all these windows retain VSC values of at least 20%. This would represent an acceptable level of daylight for an urban location. As the site facing windows serving these properties do not face within 90 degrees of south, sunlight is therefore not an issue.
- 8.64 Latchington Court (26 Forest Road): This residential block is positioned at the opposite side of the junction between Forest Road and Blackhorse Lane south-east of the



application site, towards the southeast side of the site. The impact on daylight and sunlight is very small and would not be noticeable.

Conclusion:

- 8.65 The Daylight and Sunlight Report supporting the application was further assessed by an independent third party consultant on behalf of Local Planning Authority. The accuracy of the model was tested through the selection of critical points and it was concluded that the technical review is sufficient. A review has been undertaken for the neighbouring consented schemes and schemes at the subject site. The consultant noted that majority of the neighbouring developments resulted in an overall compliance rate between 60-75% on the VSC and DD tests. The retained VSC levels did vary throughout the developments but were generally between 14-18% as acceptable. Whilst this was widely considered acceptable; all of the neighbouring developments, including the consented development, resulted in some areas where these alternative targets were not met.
- 8.66 The site, given its neighbouring context, is under-developed. It benefits from several consented developments that demonstrated the potential degree of harm to daylight and sunlight was acceptable. All of the previous consents at the site have used a mirror massing exercise to demonstrate the appropriateness of the development in daylight and sunlight terms. The mirror massing exercise is a useful tool, when looking to increase the massing of an underdeveloped site as it provides an equitable daylight and sunlight solution. The third party consultant confirmed that this is a fair approach to demonstrate equal daylight levels to all properties in the built environment.
- 8.67 The third party consultant is satisfied with the balcony tests set out in the assessment as it provides an alternative target measure which demonstrates the presence of self-injurious building features. The result without the balconies still demonstrates reductions greater than the BRE, but they are degraded when balconies are included. The extent of these reductions have been reviewed and there will be instances where neighbouring occupiers will likely notice changes to their Daylight and Sunlight levels. However, the neighbouring developments had the same effect on the subject site when planning was submitted and this should not be disregarded. Nonetheless, the importance of balconies providing private amenity space provision would outweigh this matter.
- 8.68 The daylight has been assessed to 438 windows using Vertical Sky Component, the results demonstrate that 250 windows will meet the BRE recommendations. Internal daylight has been assessed to 342 rooms using Daylight Distribution. The results demonstrate that 240 rooms will meet the recommendations in the BRE. The sunlight has been assessed 126 rooms using Annual Probable Sunlight Hours and 122 met the recommendations. The results from the consented versus proposed development demonstrate marginal degree of further reduction to the Daylight and Sunlight, the main receptor of this deviation is Mannequin House.
- 8.69 The site is located within an area of high-density buildings. A 'first come first served' approach would be appropriate as all the development caused equal harm on one another. Therefore, the retained levels of Daylight and Sunlight should take precedence over the percentage changes in daylight and sunlight. Whilst the development would result in some decrease in Daylight, the retained VSC levels are reasonable and should be considered acceptable.
- 8.70 The mirror test with Mannequin House provides an equitable expectation for Daylight and Sunlight levels. Both are of transient nature, rather than traditional C3 and both will have communal areas which will likely have sufficient Daylight and Sunlight providing all occupiers use. It is therefore acknowledged that the communal areas will provide sufficient mitigation against the reductions to some of the student bedrooms in

Mannequin House. This neighbouring property does not support a traditional C3 residential use and generally occupiers of the student accommodation rely more heavily on communal areas.

- 8.71 Precedent for alternative Daylight and Sunlight levels has been set from consented development (now built). All of the properties have access to similar levels of retained daylight level with the proposal in situ. Whilst there will be areas that do not meet this, these are mostly found at lower levels and are further hindered by the inclusion of self-injurious building features, like balconies.

#### Privacy and Overlooking

- 8.72 In terms of any impact on the privacy afforded to neighbouring properties, the impact is reviewed as follows:
- 8.73 The proposal would achieve approximately 9.7m separation distance when considering the closest point (north western portion of the development) from the southern elevation of the student accommodation block at Mannequin House, which forms part of the Mandora development. This separation distance then expands to 10m-11m further east of the northern elevation of the development. The proposed windows overlooking this building have been designed at a 90-degree angles, in order to restrict any ability to overlook the windows that conform the south elevation of Mannequin House. The proposed north-facing window arrangement and profile would follow the design of the recent extant planning permission at the site, which allowed for a similar separation distance between Mannequin House and the consented scheme whilst reducing any ability to overlook by designing windows with a 90 degrees angle.
- 8.74 As per the recent consent on site the proposal would maintain an approximately 8.00 metres separation distance from the side elevation of the two-storey workshop building that forms part of the Blackhorse Mills Development and approximately 28.00 metres from the east elevation on the TFL car park site development. Although the separation distance from the two-storey workshop building would be limited, this building contains employment floorspace and therefore there would be no harm on residential amenity in this instance. Moreover, any ability to overlook the first-floor residential windows on the western elevation of the proposed development would be limited, by virtue of the small addition in height of the application building's ground floor level and the slight sloping ground level, which restricts any direct overlooking between windows.
- 8.75 The separation distance from the side windows on the TFL car park site/Rosebay House and Wren House would exceed 18.00 metres and therefore the development would not affect the visual outlook or privacy of neighbouring residents on this neighbouring development.
- 8.76 The application site is positioned at the junction between Forest Road and Blackhorse Lane and the building would front Blackhorse Road Station towards the south side and the two-storey terrace properties towards the east side, which contain a small retail parade at ground floor with various residential flats at first floor level. The proposed building would have an acceptable separation allowing for over 18.00 metres from the front elevations of this row of terrace properties and would therefore have no harmful impact on the visual outlook or privacy afforded to the front windows of the first-floor levels on these terrace properties.
- 8.77 Due to the above considerations, the proposed development would be acceptable in terms of impact on residential amenity of neighbouring properties with regards to privacy and overlooking. As such, the development would accord with Policy D6 of the London Plan (2021) and Policy 57 of the Waltham Forest Local Plan LP1 (2024) and

would be also on balance consistent with the advice given by the Mayoral Housing SPG (2016).

## **G) TRANSPORT AND HIGHWAYS**

- 8.78 Policy T1 of the London Plan (2021) states that proposals should support the delivery of the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle, and public transport by 2041. Policy T1 of the London Plan (2021) requires developments to make the most effective use of land, in a way that reflects its connectivity and accessibility by existing and future transport links, walking and cycling routes to ensure that any impact on the London's transport networks and supporting infrastructure is mitigated. In addition, Policy T6 of the London Plan (2021) encourages car-free forms of development as a starting point for all development proposals in places that are well connected to public transport. Car-free developments should still provide disabled parking.
- 8.79 At a local level, Policy 60 of the Waltham Forest Local Plan LP1 (2024) sets out that new development will be expected to contribute to the Council's objective to deliver more attractive, accessible, healthy and safe streets, places and neighbourhoods for all residents in Waltham Forest.
- 8.80 The site contained 67 car parking spaces, which were accessed via Blackhorse Lane. Due to the sustainable location of the site, the removal of the existing car parking spaces is welcomed. Whilst the site is not positioned within a Town Centre, it is well served by local buses and fronts the Blackhorse Road Underground and Overground Station. The site therefore has a very good PTAL level of 5 and the introduction of a car-free form of development is strongly supported. The development would provide two disabled parking spaces, which would be located on the north-eastern side of the site, and which would be used by blue-badge holders that would reside in the shared living floor space of the development. The extant permission provided two disabled car parking spaces. This proposal would result in an additional on-site blue badge parking space.
- 8.81 In terms of layout, the development would have a dedicated one-way delivery access road, as previously agreed under the extant permission Ref 222417, with pedestrian access at Forest Road and Blackhorse Lane. The proposed one-way access route would be gated, to address concerns raised by the Metropolitan Police as a measure to prevent anti-social behaviour overnight. The gates could be mainly open during daytime by reason of permeability and would also be designed to open automatically when servicing vehicles arrive. These would be controlled by CCTV cameras, that are being secured as part of the S278 works.
- 8.82 The Council's Highways Team raises no objections, considering that the submitted Delivery and Servicing Plan has been updated to address issues regarding access of vehicles and how loading / unloading servicing vehicles would operate consistently without any conflict with other users of the one-way route. Condition 9 requests a finalised Servicing and Delivery Plan.
- 8.83 The Section 278 Agreement would require the following works:
- 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 stage;
  - 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.
- 8.84 With regards to the venue and its operational requirements, a Venue Statement prepared by Sound Diplomacy (2024) has been submitted, which provides details of programming and operational strategies that are being considered for an efficient, safe, and attractive cultural space. A Transport Assessment that includes a Healthy Street Audit (2024) has also been provided and considers how the events within the venue would be managed. The Transport Assessment of the extant scheme confirmed that the development would generate up to 44 vehicle movements per day (22 vehicles arriving and departing) which equates to 1 to 2 vehicles per hour. This resembles the previous consent Ref: 222417. The level of vehicular activity is therefore considered minor and unlikely to cause a material harm on the capacity and operation of the highways network. Notwithstanding, a detailed Operational Management Plan is recommended for further review by condition.
- 8.85 No objections are raised from the Council's Highways Team, subject to the identified S278 works and S106 contributions. Details with regards to the following requirements would also be dealt with by planning conditions: submission of a road safety audit to establish if the banned turn for Forest Road would remain, submission of a detailed 'Construction Logistics Plan', a 'Highways Condition Survey', a 'Parking Management Plan' and further details of boundary treatment, lighting specifications, wayfinding/signage and drainage strategy/operations plan for the development.
- 8.86 In terms of cycle parking, London Plan Policy T5 (2021) sets out the minimum standards for new developments. At a local level, Policy 61 of the Waltham Forest Local Plan LP1 (2024) sets out that all new development will be expected to support a shift to active transport modes and encourage an increase in walking and cycling.
- 8.87 The proposed scheme seeks to increase the number of rooms to 321 and therefore to accommodate the uplift in rooms the cycle parking ratio of 0.5 cycle parking spaces per room has been maintained. The co-living cycle store will be separated across ground floor and basement mezzanine levels connected via a platform lift and a cycle stair. In accordance with the Extant Consent, the approach to cycle parking is underpinned by the implementation of a pooled cycle scheme whereby, 50 will be 'shared use' cycles which can be taken by residents. Morro pioneer the provision of bicycles which are leased to residents for their use as they wish. Morro will provide a number of bicycles which are owned and maintained by them and available to be used by members at any time.
- 8.88 A total of 161 residential long stay spaces and 22 commercial long stay spaces would be provided. Significant improvements have been made to the layout and design of the cycle store which Officers welcome. Short-stay cycle parking has been provided with 22 No. spaces provided comprising 11 No. Sheffield cycle stands which are distributed across the site boundary on Forest Road and Blackhorse Lane within the red-line of the site and not on the public highway. The quality of the cycle store has been increased in its accessibility and design, incorporating natural daylight and clear circulation.
- 8.88 Notwithstanding the submitted Transport Statement (2024), Condition 8 requests a detailed cycle parking strategy, to ensure finalised details are agreed with Officers
- 8.90 In light of the above considerations, Highways Services have no objections against the proposed development, subject that a Section 278 notice is secured for the works,

which would be required on completion with financial contributions and conditions that are also recommended. The development would therefore be consistent with London Plan Policies T1 and T6 (2021) and Policy 60 of the Waltham Forest Local Plan LP1 (2024).

## **H) WASTE MANAGEMENT**

- 8.91 Policy SI7 of the London Plan (2021) promotes a more circular economy that improves resource efficiency that encourages waste minimisation and waste prevention through the re-use of materials. Additionally, Policy SI8 of the London Plan (2021) states how developments should plan for identified waste needs and measures for reducing waste, in line with the Circular Economy. Policy 87 of the Waltham Forest Local Plan LP1 (2024) seeks to minimise waste during the construction and operation phases of development in line with the Circular Economy Statement and Whole Lifecycle Carbon assessment, as required by the London Plan, to cover the whole lifecycle of the development on referable schemes.
- 8.92 The proposed building would contain two refuse stores serving the commercial and residential shared living floor space, which would be linked to two loading bays within a refuse collection area at the west side of the site within the one-way access way. The collection points would be within an acceptable distance from the refuse stores that would not exceed 15m and the proposed refuse strategy would be in line with the extant planning permission number 222417.
- 8.93 Vehicles would enter the site via Blackhorse Lane through the one-way route and leave the site at Forest Road (turning left). The proposed space for vehicle movement and loading activities is accepted by the Council's Highways Team and would be monitored by CCTV enforcement, as secured by the S278 works. Whilst the proposed refuse and recycling provision is considered adequate, a condition is recommended, to review a detailed refuse strategy and Delivery and Servicing Management Plan for the physical operation of the site in compliance with Policy 87 of the Waltham Forest Local Plan LP1 (2024).

## **I) ENVIRONMENTAL IMPACT OF THE DEVELOPMENT**

- 8.94 Policy 50 of the Waltham Forest Local Plan LP1 (2024) seeks to minimise the impact of noise, vibration and light pollution. The Council's Environmental Health Team reviewed the proposed development of the extant scheme and considered that the development would be acceptable subject to mitigation measures to reduce any detrimental impact on amenity, to ensure that an acceptable living environment is delivered for the shared living element of the development and that the proposed venue would not be unneighbourly in terms of noise and nuisance. The environmental issues of the development reviewed:

### Noise

- 8.95 The submitted Noise and Vibration Impact Assessment (2024) was reviewed against the requirements of Policy D14 (noise) of the London Plan (2021) with regards to mitigation measures on existing and potential adverse impact in terms of noise as a result of a new development, to ensure that the acoustic environment of the site is enhanced. The proposed Noise and Vibration Impact Assessment is examined by identifying the potential impact that noise from surrounding sources would have on the development and by also reviewing the potential noise that would be generated from the development and its impact on existing receptors that occupy neighbouring sites.

- 8.96 Long-term noise measurements and surveys were undertaken as part of the assessment to establish the background levels and the maximum noise level conditions of the proposed development. It is noted that the development would involve a substantial reduction in road traffic, by virtue of the loss of the existing 67 car parking spaces within the site. As concluded, the maximum noise levels within the proposed shared-living units would be generated by traffic noise and the maximum noise level at the nearest sensitive receptors would be caused by plant equipment and the operation of the venue, with vibration levels that would remain acceptable. However, the design approach includes façade insulation measures that would include acoustic barriers for the venue and controls over plant equipment, which would be reviewed in detail at condition.
- 8.97 Subject to conditions requiring details of sound insulation and noise levels controlled from plants/machineries and specifications of sound insulation between the shared living residential element and the non-residential floor space, the development would be acceptable in terms of noise and vibration and consistent with Policy D14 of the London Plan (2021) and Policy 50 of the Waltham Forest Local Plan LP1 (2024).

#### Air Quality

- 8.98 Policy S11 of the London Plan (2021) sets out the requirements for new development to address poor air quality. All forms of development must be at least air quality neutral. At a local level, Policy 88 of the Waltham Forest Local Plan LP1 (2024) states that new development should ensure the avoidance of any adverse air pollution impacts and aim to improve air quality in the borough. All major applications should demonstrate appropriate mitigation measures through an Air Quality Assessment.
- 8.99 An Air Quality Assessment (2024) has been submitted with this application, which is an update on the document submitted as part of the extant scheme. This proposal has been evaluated in terms of potential changes to the assessed air quality impacts associated with the site.
- 8.100 A review of the historic assessments in terms of air quality for the borough confirms that the annual means of objectives for air quality have been exceeded across the Borough, primarily on the main roads. These exceedances are predicted to continue and therefore the Air Quality Management Area encompasses the entire Borough. Due to these conditions, the site is located within an air quality management area (AQMA) and requirements to reduce the level of nitrogen dioxide and other particular matter emissions.
- 8.101 As advised by the Council's Environmental Health Section for the extant scheme, the assessment is considered satisfactory and therefore air quality would not pose a constraint for the development. It would be subject to a financial contribution of £40,006 for the commercial floor space and the shared living accommodation. The financial contribution has been secured towards the implementation of the Air Quality Action Plan and maintenance of the Air Quality monitoring network. Additionally, conditions requiring compliance with the non-road mobile machinery (NRMM) Low Emission Zone and the submission of an Air Quality and Dust Management Plan are recommended.
- 8.102 Due to the above, the development would be acceptable with regards to air quality and pollution and in accordance with policy S11 of the London Plan (2021) and Policy 88 of the Waltham Forest Local Plan LP1 (2024), subject to conditions and a financial contribution that would ensure that the development protects the amenity and health of neighbouring properties in terms of air quality and pollution.

#### Water Efficiency

- 8.103 Policy SI5 of the London Plan (2021) states that development proposals should minimise the use of mains water in line with the operational requirements of the Building Regulations to achieve mains water consumption of 105 litres or less per head per day. These requirements can be met through the capture and re-use of surface, greywater, and rainwater.
- 8.104 Policy 89 of the Waltham Forest Local Plan LP1 (2024) seeks to prevent any adverse impacts on water quality and water supply through a number of measures including residential development must not exceed a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption).
- 8.105 The submitted Sustainability Statement (2024) includes measures which should achieve the 105 litres per person per day and drainage calculations. However, a condition requiring details of measures to reduce water use within the development to achieve the 105 litres per person per day is recommended as advised by the Council's Sustainability Consultant, to ensure that the requirements of Policy SI5 of the London Plan (2021) and Policy 89 of the Waltham Forest Local Plan LP1 (2024) are met.

#### Flood Risk and Urban Drainage

- 8.106 A Flood Risk Assessment and Drainage Strategy (2024) was submitted with the application and concludes that the site has very low flood risk from all sources of flooding with the exception of artificial flooding from the local Waltham Reservoir complex at the west side. However, the likelihood of this occurring is very low, and the site is within a Flood Zone 1.
- 8.107 Notwithstanding the low risk of flooding, the proposed drainage strategy, and SuDS features, which include porous paving, rain gardens, green roofs, and attenuation tanks to control and provide treatment for runoff in storm events have been examined and considered acceptable. The existing site had a high run-off rate due to the 100% hard surfacing; the SuDS proposals will achieve a greenfield run-off rate, representing a significant improvement on the current situation. As such, Thames Water raises no concerns in relation to the proposed development, subject to a condition requiring information and agreement on foul water drainage. Subject to the condition, the development would be consistent with the requirements of policy SI12 of the London Plan (2021) and Policy 91 of the Waltham Forest Local Plan LP1 (2024), in that it would not pose a risk of flooding, by virtue of its position within a Flood Zone 1 and the acceptable drainage mitigation measures.

#### Land Contamination

- 8.108 Policy SD1 (Opportunity Areas) of the London Plan (2021) only supports developments that take appropriate measures that deal with contamination that may existing within a site. Policy 90 of the Waltham Forest Local Plan LP1 (2024) seeks to manage contaminated land and prevent the spread of contamination.
- 8.109 The submitted Land Quality (Contamination) Statement (2024) identifies potential sources of contamination around the site in connection to soils, groundwater and ground gas and outlines remedial recommendations and verification controls. Whilst the remedial recommendations are accepted, conditions requiring an asbestos survey, ground investigation reports and verification reports are recommended, to ensure that the development does not pose a risk for future occupiers of the site with regards to contamination, as required by Policy SD1 of the London Plan (2021) and Policy 90 of the Waltham Forest Local Plan LP1 (2024).

## Ecology

- 8.110 Policy G6 of the London Plan (2021) states that *'development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best ecological information and addressed from the start of the development process'*.
- 8.111 Policy 53 of the Waltham Forest Local Plan LP1 (2024) seeks to deliver high quality design through incorporating high quality landscaping, tree planting and urban greening measures to maximise biodiversity and ecological value in accordance with Policy 77 'Green Infrastructure and the Natural Environment', Policy 78 'Parks, Open Spaces and Recreation ', Policy 79 'Biodiversity and Geodiversity' and Policy 80 'Trees'.
- 8.112 The application site was used as a car park and is currently under construction, therefore has no ecological value. However, the site falls within 0.6 to 2.0 kilometres from the zone of influence to the Epping Forest SAC and therefore poses an effect to the SAC. Natural England reviewed the submitted 'Biodiversity Survey Habitats Assessment' dated July 2022, which confirms that there would be no residual effects on habitats or protected species from the development and the proposed landscaping strategy involving tree planting would result in a net gain in biodiversity for the site. The Council and Natural England have agreed an approach to address the impact of residential development on the SAC, including Suitable Alternative Natural Greenspace (SANGS) strategy, which has been published as part of the Local Plan process. The development would support 460.00 sqm of communal external space that would be utilised by residents. Notwithstanding this, Natural England requested an updated 'Habitat Regulations Assessment' (HRA), which was issued October 2022. The submitted HRA provides details of mitigation measures in the form of a contribution towards the Strategic Access Management Measures (SAMM) and the maintenance and access of the Walthamstow Wetlands project. Financial contributions towards the SANGS would be secured via the Community Infrastructure Levy (CIL) and would be allocated to projects within the relevant catchment area as identified in the strategy.. The proposed financial contribution of £111,813.93 towards the SAMMS is accepted and in accordance with the revised approach agreed with Natural England.
- 8.113 On balance, the development would represent an improvement to the landscaping of the area provide net gains in biodiversity and urban greening. Natural England therefore accepts the financial contribution of £627.00 per unit on the basis of a 1.8 per unit ratio by reason of the type of shared living accommodation, as set out by paragraph 4.1.9 under London Plan Policy H1 (2021). As such, the proposed mitigation measures on the SAC are accepted and the development would be consistent with Policy G6 of the London Plan (2021) and Policies 53, 77, 78, 79 and 80 of the Waltham Forest Local Plan LP1 (2024).

## **J) ENERGY EFFICIENCY**

- 8.114 Policy SI2 of the London Plan (2021) sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013 using SAP10 carbon factors as calculated using the GLA Energy Reporting Tool.
- 8.115 Policy 85 of the Waltham Forest Local Plan LP1 (2024) seeks to reduce carbon footprint. One of the criteria of the policy specifies that all development of more than one home or greater than 100sqm to be supported by an Energy Assessment (for major development schemes this must be undertaken in accordance with GLA's latest Energy



Assessment Guidance) setting out energy information for the development to demonstrate compliance with the following:

- All new major development must meet or exceed the net zero-carbon emissions target in line with the London Plan energy hierarchy and in line with best practice guidance including the GLA's latest energy planning guidance.
- All new build development of more than one home or greater than 100sqm must achieve a minimum of 35% reduction below Part L of the Building Regulations on-site, targeting net zero carbon where possible, in line with the London Plan energy hierarchy and with best practice guidance, including the GLA's Energy Planning Guidance. Development should meet the following London Plan 'Be Lean' stage (energy efficiency) carbon reduction targets before other measures are incorporated to meet the overall 35% reduction target, achieving a minimum of:
  - a. 10% reduction below Part L of the Building Regulations for residential development
  - b. 15% reduction below Part L of the Building Regulations for non-residential development
- Carbon Offset Fund (COF) contributions will then be required for any shortfall in emission reductions.

#### Carbon Emissions

- 8.116 The submitted Energy Assessment (2024) has been reviewed by the Council's Energy and Sustainability Consultant. The development would meet the London Plan target of 10% for domestic and 15% for non-domestic floorspace from Be Lean measures. However, a standard carbon condition is recommended to ensure that the development reduces the carbon dioxide emissions of at least 35% compared to the 2013 Building Regulations. Whilst the development exceeds the on-site reduction target of 35% when allowed to compare to the previous Building Regulations as is the GLA guidance at the time of the report, Waltham Forest policies currently require an on-site emissions reduction of 35% for non-residential development. This is therefore covered by a standard carbon condition.
- 8.117 The energy statement proposes a site only ASHP option, based on an offset rate of £95 per tonne over 30 years. Notwithstanding the fact that this rate matches carbon emission calculations resulting in a carbon offset payment of £387,240, an updated calculation will be required once the energy strategy and estimated carbon offset payment is agreed upon the alternative to connect to the existing adjacent Blackhorse Lane heat network (BLHN) is explored further. The revised energy strategy and option to replace the ASHP solution with a connection to the BLHN should depend on if the four tests that are stipulated within the S106 are deemed to be passed and the Council's Energy and Sustainability Consultant have agreed to this position in writing, to ensure that the option of a "sleeved" low carbon heat is fully considered as part of the four tests. If the tests are not passed, then the on-site ASHP solution should be progressed.

#### Sustainable Design

- 8.118 The submitted BREEAM Pre Assessment (2024) was produced by Whitecode Consulting Ltd for the applicant and who is licensed by BRE to carry out BREEAM New Construction assessments.

- 8.119 Two BREEAM pre-assessments had been prepared for the proposed development to cover the student accommodation and commercial units, which resulted in a BREEAM “Excellent” being achieved for the development.
- 8.120 This latest BREEAM pre-assessment confirms an overall predicted score for the fully fitted accommodation of 74.11% and for the music venue units of 78.50%, which equates to a BREEAM ‘Excellent’ rating.
- 8.121 Notwithstanding the BREEAM pre-assessment, a condition is recommended, which requires non-residential floorspace to achieve no less than the BREEAM ‘Very Good’ and that the units shall not be occupied until formal certification has been issued.
- 8.122 The submitted Energy Assessment (2024) confirms that the demand reduction measures deliver a 26% saving against the baseline for the entire development, therefore meeting the GLA target of 15% energy efficiency savings. As advised by the Council’s Energy and Sustainability Consultant, the U-values that are being proposed are of reasonable standards and the air permeability that is being proposed for both the residential and non-residential elements of the development would have a very good air permeability value, by reason of the mechanical ventilation with heat recovery. Furthermore, the proposed approach to lighting and lighting controls are accepted and the artificial cooling for when windows cannot be opened is also considered adequate. Furthermore, the thermal modelling and assumption underlining the modelling are considered reasonable.

#### Low Carbon Supply

- 8.123 The submitted Energy Assessment (2024) confirms that it is technically feasible to connect to an existing District Heating Network (DHN). Notwithstanding the energy strategy, connection should be actively assessed on the basis of the “sleeved” low carbon heat as part of the requirements of the heads of terms. Whilst the Energy Assessment (2024) does not propose to connect to an existing network, connection should be actively considered as part of the four feasibility tests that were recommended by the Council’s Sustainability Team, which are outlined in the S106 Heads of Terms.
- 8.124 The development would be provided with heating and hot water via a communal heat network, served by air source heat pumps. Although not using the on-site CHP systems is accepted, the use of on-site ASHP should be re-considered as part of the potential to use a lower carbon heat “sleeved” through a revised energy statement, as per the requirements of the heads of terms.

#### Renewable Energy Supply

- 8.125 304sqm of roof mounted Solar PVs are proposed to provide on-site renewable energy provision. As confirmed by the Council’s Energy and Sustainability Consultant, the quantity of the panels has been maximised when reviewing the roof plans of the building. The panels contribute to the 26% carbon savings and the proposed renewable energy supply is therefore acceptable in accordance with Policy 85 of the Waltham Forest Local Plan LP1 (2024), and no further details are required on this basis.

### **K) TREES AND LANDSCAPING**

- 8.126 Policy D8 of the London Plan (2021) requires development proposals to encourage and explore opportunities to create new public realm where appropriate. Development

proposals should provide well-designed, safe, accessible, inclusive, and attractive public realm spaces that relate to the local context of the site. Landscaping proposals, including planting, street furniture and surface materials should be of good quality and sustainable. Additionally, lighting should be well-designed to minimise light pollution and reduce intrusive forms of illumination.

- 8.127 At a local level, Policy 77 of the Waltham Forest Local Plan LP1 (2024) ~~OBJ:OBJ:~~ states development proposals should optimise physical and visual access between the built environment and open space. The policy also seeks to enhance green infrastructure and maximise access to open spaces within the borough by improving connectivity within the green infrastructure network.
- 8.128 The submitted Arboricultural Impact Assessment (2024) confirms that no trees will be removed as a result of this development. Given that the site is currently built over with no ecological value and a very poor street interface, the introduction of soft and permeable landscaping features, including planting of new trees, planters and street furniture would result in a suitable approach that provides a diverse garden within the courtyard with year-round flowering and habitat for migration.
- 8.129 Although the Council's Tree and Landscaping Officers initially raised concerns over the limited greenspace within the courtyard resulting in an urban greening factor (UGF) of 0.36, which is marginally below the London Plan target of 0.4, there is limited scope to increase the on-site planting without compromising the function of the amenity spaces and the on-site renewables. A UGF score of 0.36 was agreed as part of the current consent Ref: 222417. As such, the Tree and Landscaping Officers accept the proposed landscaping strategy and how this has been designed to balance the visual, amenity and ecological needs of the development considering the constraints of the site. The applicant and design team provided amended plans during the course of the application to incorporate the tree species requested by the Council's Tree and Landscaping Officers. Notwithstanding the acceptability of the landscaping strategy, and how the introduction of natural vegetation, tree planting and extensive green roofs would contribute to the biodiversity of the site, conditions requiring details of planting and soft and hard landscaping are recommended, in accordance with the requirements of policy D8 of the London Plan (2021) and Policy 77 of the Waltham Forest Local Plan LP1 (2024).

## **K) ARCHAEOLOGY AND HERITAGE**

- 8.130 Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets and their setting should be sympathetic to the assets' significance and appreciation within their surroundings. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations in the design process.
- 8.131 Policy 73 of the Waltham Forest Local Plan LP1 (2024) seeks to protect archaeological assets and Archaeological Priority Areas.
- 8.132 The previous application included a Historic Environment / Desk Based Heritage Assessment dated July 2022, which has been reviewed in the context of the site at the edge of an Archaeological Priority Zone. Historic England (Archaeology) were previously consulted on this application (Ref: 222417) and raised no concerns. As confirmed by this heritage assessment, the site contains no significant archaeological assets, by reason of the limited historic settlement activity within the site and the historical agrarian landscape of the locality. Therefore, given the nature of the proposed changes set out in the current application the proposal would not result in any additional harm and principles agreed previously remain relevant. As such, the development

would accord with the provisions of policy HC1 of the London Plan (2021) and Policy 73 of the Waltham Forest Local Plan LP1 (2024).

## **M) SAFETY AND SECURITY**

### Secured by Design

- 8.133 Policy D11 of the London Plan (2021) sets out policy requirements that ensure all new forms of development to incorporate acceptable levels of safety and security measures and ensure that buildings remain resilient to emergencies.
- 8.134 Policy 58 of the Waltham Forest Local Plan LP1 (2024) seeks to make places safer and design out crime.
- 8.135 The submitted Design and Access Statement (2024) sets out measures to tackle crime prevention, which include maximising active frontages at Forest Road and Blackhorse Lane to increase surveillance. Moreover, the erection of gates to separate the one-way servicing route from the public realm seeks to control this space to prevent anti-social behaviour and crime during night hours. With regards to counter terrorism and any threat to the venue, bollard protection along the edge of the colonnade would be integrated in the form of solid features that would serve as planters and seating as part of the landscaping strategy, to restrict any potential attack.
- 8.136 These measures are accepted by the Metropolitan Police. Notwithstanding minor concerns over the design of the central staircase and how this feature would enable access to the first floor, it is noted that access to each shared living room would be restricted, and a concierge would be present at ground floor level. The Metropolitan Police therefore raises no objections, subject to a condition that secures SBD accreditation. In addition, further safety, and security measures, including details of boundary treatment and external illumination would also be dealt with by conditions. The development would therefore meet the requirements of Policy D11 of the London Plan (2021) and Policy 58 of the Waltham Forest Local Plan LP1 (2024) with regards to security and designing out crime.

### Fire Safety

- 8.137 Policy D12 of the London Plan (2021) requires the submission of a Fire Safety Statement for all major forms of development proposals. This strategy should be produced by a third-party, independent, and suitably qualified assessor and should aim for design proposals that incorporate appropriate features to reduce the risk of a fire. The strategy should include appropriate fire alarm systems, measures for minimising the risk of fire spread, details of means of evacuation and passive/active fire safety measures. The Health & Safety Executive have been consulted, as the development involves a residential building of more than 18metres.
- 8.138 A Fire Statement and Gateway 1 Form (2024) has been submitted, which provides details of evacuation routes and fire exits, fire safety systems including detectors and alarm systems, internal fire spread prevention measures and accessibility for firefighting rescue vehicles and access points to the different elements of the proposed building.
- 8.139 Given that the HSE is satisfied with the fire safety design, no condition requiring the re-submission of a fire strategy is required in this instance and only a compliance condition that ensures that the development is carried out in accordance with the submitted fire safety measures is recommended.

## **N) PLANNING OBLIGATIONS**

- 8.140 Section 106 Agreements are a material consideration in the determination of a planning application. The purpose of such an Agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all of the following tests: i) Necessary to make the development acceptable in planning terms, ii) Directly related to the development and iii) Fairly and reasonably related in scale and kind to the development.
- 8.141 The following S106 Heads of Terms are recommended, having regard to planning policy:
- Financial Contribution towards Affordable Housing (PIL).
  - Financial Contribution towards the Employment and Training Strategy.
  - Financial Contribution towards Highways Infrastructure.
  - A Section 278 Agreement with Highways.
  - Financial Contribution towards the Walthamstow Marshes Flood Study.
  - Financial Contribution towards monitoring the Construction Logistics Plan.
  - Car-Free Development.
  - Financial Contribution towards Local Community Infrastructure.
  - Financial Contribution towards Walthamstow Wetlands.
  - Financial Contribution towards the implementation of an Air Quality Action Plan.
  - Financial Contribution towards a Carbon Offset Fund and the re-calculation after the energy strategy has been updated to account for the option to connect via a lower carbon DHN connection.
  - Financial Contribution towards the Strategic Access Management Measures (SAMMs).
  - Payment of 5% of the total amount of contributions towards monitoring, implementation, and compliance of the S106 Agreement.
  - Retention of Architect during build phase of the development.
  - Legal Fees.
- 8.142 The details of these requirements are set out in the Recommendation section of this report, paragraph 1.1.

## **9 CONCLUSION**

- 9.1 The proposed building would be acceptable in terms of scale, height, and massing. The design of the building would provide an adequate articulation approach when assessed on the basis of the context of the site and the proposed materiality would be of high quality. The proposed building would respond to the context of the site and the prominence of its corner position at the junction between Forest Road and Blackhorse Lane and would enable suitable street activation to provide a sense of place for the site.
- 9.2 The proposed development would have an impact on the amenities in terms of sunlight and daylight of the neighbouring building at the north side of the site (Mannequin House), which accommodates student housing and to the west (Rosebay House and Wren House). With respect to Rosebay House and Wren House the impact is exacerbated by the design of the buildings, with projecting balconies. When these are

omitted, which is an accepted methodology, the impacts are within an acceptable range in an urban area. Some harm to amenity has also been identified to Mannequin House, however, this impact is considered minor and is therefore outweighed by the benefits of the proposed development, particularly in terms of the re-introduction of the music venue and provision of a particular type of residential accommodation within the locality.

- 9.3 The proposed shared living accommodation would provide an acceptable living environment and would be consistent with the criteria outlined by Policy H16 of the London Plan (2021) in terms of spatial requirements and provision of internal and external amenity spaces. In addition, the proposed music venue would be acceptable in terms of design, size, amenity, and security and would ultimately contribute to the social infrastructure and identity of the locality, in accordance with Policy HC5 of the London Plan (2021).
- 9.4 The proposed development would have an acceptable impact on highway safety and would involve highways works that would aim to enhance the public realm and the pedestrian safety of residents. The development would provide acceptable waste and cycle stores and the provision of two disabled parking facilities is accepted, as it would be in line with the extant planning permission number 222417 and therefore considered in proportion with the scale of the development.
- 9.5 The development would incorporate the highest environmental standards and would be sustainable, in that it would deliver acceptable energy reduction measures and meet the required carbon dioxide reduction targets. The option to connect to the Blackhorse Lane Heat Network (BLHN) would be secured in the S106 agreement, in connection to four tests that should be undertaken by the developer involving revisions to the energy strategy to ensure that the option of a “sleeved” low carbon heat approach is fully considered as part of forthcoming energy efficiency solutions for the development. Furthermore, the development would achieve an ‘outstanding’ BREEAM and the development would also consider proper measures to minimise impact on air quality, flood risk and contamination. Conditions are also recommended requiring further details to ensure that the development meets the highest standards in terms of sustainability.
- 9.6 The development would not involve the removal of trees and would enhance the green infrastructure and natural vegetation of the site with tree planting and extensive green roofs that would contribute to the biodiversity of the site. Notwithstanding the uplifted ecological value, conditions requiring details of planting and soft/hard landscaping are recommended. The development would also achieve a greenfield run-off rate as a result of SuDS; a significant improvement on the current situation.
- 9.7 The development would achieve appropriate safety and security measures and a condition requiring Secured by Design certification is recommended to address concerns over anti-social behaviour, as advised by the Metropolitan Police. In addition, a financial contribution towards road safety improvements has been secured, which includes CCTV coverage.
- 9.8 The conditions and planning obligations set out in the S106 Heads of Terms would ensure that any adverse impact of the scheme is mitigated against the positive aspects of the proposed development. All material planning considerations have been considered, including responses to consultation. On balance, it is not considered that there are any material planning considerations in this scheme that would warrant a refusal of the planning application.
- 9.9 Due to the above considerations and considering the planning merits of the scheme and the consistency of the development when assessed against the Development Plan, the

proposed development is acceptable when reviewed against the relevant planning policies mentioned above.

## 10 ADDITIONAL CONSIDERATIONS

### Public Sector Equality Duty

10.1 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balance against other relevant factors.
- It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

### Human Rights:

10.2 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.

10.3 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, 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 and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## 11 RECOMMENDATION

11.1 The Planning Committee is recommended to **GRANT** planning permission subject to conditions and informatives and prior completion of a Section 106 Agreement with the Heads of Terms as set out in paragraph 1.1 of this report. Conditions that have been discharged or part discharged as a result of the commencement of the previous consent will be appropriately amended.

## CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of planning permission Ref: 222417 (dated 12<sup>th</sup> April 2023).

REASON: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in accordance with the following drawings and documents:

### Documents:

Design & Access Statement, including Townscape and Visual Impact Assessment by Allford Hall Monaghan Morris (2024)  
Planning Statement by CMA Planning (2024)  
Transport Assessment in TfL Healthy Streets format including Car Park Management Plan by Caneparo Associates (2024)  
Travel Plan by Caneparo Associates (2024)  
BREEAM Pre Assessment by Whitecode Consulting (2024)  
Biodiversity Survey Habitats Assessment by Delta Simons (2022)  
Arboricultural Impact Assessment by Delta Simons (2024)  
Energy Assessment by Max Fordham (2024)  
Land Quality Statement (Contamination) by CampbellReith (2024)  
Flood Risk Assessment & Drainage Strategy by CampbellReith (2024)  
Sustainability Statement by Max Fordham (2024)  
Venue Statement by Sound Diplomacy (2024)  
Financial Viability Assessment by DS2 (2024)  
Fire Statement and Gateway 1 by Fire Dynamics (2024)  
Shadow Habitats Regulations Assessment and Appropriate Assessment by Delta Simons (2022)  
Circular Economy Statement by Max Fordham (2024)  
WLC Assessment by Max Fordham (2024)  
Operational Waste Management Plan by Morro (2024)  
Construction Logistics Plan (in line with TfL guidance) by Caneparo Associates (2024)  
Statement of Community Involvement by Kanda Consulting (2024)  
Operational Management Plan (Shared Living) by Morro (2024)  
Noise and Vibration Impact Assessment Issue 2 by Max Fordham (2024)  
Utilities Statement by Max Fordham (2024)  
Air Quality Assessment by XCO2 (2024)  
Daylight & Sunlight Report by Point 2 Surveyors (2024)  
Historic Environment / Desk Based Heritage Assessment by Pre-Construct Archaeology (2024)

### Drawings:

21116\_X\_(00)\_P002 Rev 2  
21116\_A\_(00)\_P001 Rev. 3  
21116\_A\_(00)\_P098 Rev. 1  
21116\_A\_(00)\_P099 Rev. 2  
21116\_A\_(00)\_P100 Rev. 4  
21116\_A\_(00)\_P101 Rev. 2  
21116\_A\_(00)\_P102 Rev. 2  
1116\_A\_(00)\_P103 Rev. 2  
21116\_A\_(00)\_P104 Rev. 2



21116\_A\_(00)\_P105 Rev. 2  
21116\_A\_(00)\_P106 Rev. 2  
21116\_A\_(00)\_P107 Rev. 2  
21116\_A\_(00)\_P108 Rev. 3  
21116\_A\_(00)\_P109 Rev. 2  
21116\_A\_(00)\_P110  
21116\_A\_(00)\_P111  
21116\_A\_(00)\_P200 Rev. 2  
21116\_A\_(00)\_P201 Rev. 2  
21116\_A\_(00)\_P202 Rev. 2  
21116\_A\_(00)\_P203 Rev. 2  
21116\_A\_(00)\_P300 Rev. 2  
21116\_A\_(00)\_P301 Rev. 2  
21116\_A\_(00)\_P302 Rev. 2  
21116\_A\_(00)\_P303 Rev. 2  
0189-LIC-ZZ-00-DR-L-1100 Rev. P06  
0189-LIC-ZZ-00-DR-L-1111 Rev. P03  
0189-LIC-ZZ-00-DR-L-1120 Rev. P05  
0189-LIC-ZZ-00-DR-L-1300 Rev. P03  
0189-LIC-ZZ-00-DR-L-1400 Rev. P03

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

**Materials:**

3. Prior to commencement of the development (excluding ground works and substructure), and notwithstanding any indications shown on the submitted plans, samples, and a schedule of materials to be used in the external surfaces of the development hereby permitted 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 and thereafter retained as such for the lifetime of the development.

REASON: To ensure a satisfactory appearance in accordance with Policy D4 of the London Plan (2021) and Policy 53 of the Waltham Forest Local Plan LP1 (2024).

**Signage Strategy:**

4. Prior to completion of the development, a proposed shopfront and signage strategy for the music venue and retail unit within the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall thereafter be included in any sale or lease documents issued in relation of the retail units and any signage displayed shall accord with the approved strategy and shall be retained in accordance with the strategy for as long as it is displayed.

REASON: To ensure a satisfactory appearance in accordance with Policy D4 of the London Plan (2021) and Policies 45 and 53 of the Waltham Forest Local Plan LP1 (2024).

**Highways and Parking:**

5. The development shall be carried out in accordance with the Construction Logistics Plan that was partially discharged under reference 230947 for the demolition construction phase.

A detailed finalised Construction Logistics Plan is required to be submitted for approval by the Local Planning Authority considering the construction phase of the development using the TfL template and guidance, which include inter alia:

- Journey planning, highlighting access routes.
- Method of access and parking of construction vehicles.
- Measures to prevent deposition of mud on the highway.
- Dust mitigation and suppression measures to control the spread of dust from demolition, disposal, and construction.
- Site operation times.
- Loading and unloading locations, taking into consideration existing parking restrictions.

The development shall be implemented in accordance with the approved details.

REASON: In the interests of highway and pedestrian safety in accordance with Policy 65 of the Waltham Forest Local Plan LP1 (2024).

6. The development shall be carried out in accordance with the Highways Condition Survey approved under reference 230948 unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of pedestrian and highway safety, to comply with Policy 63 of the Waltham Forest Local Plan LP1 (2024).

7. Prior to occupation of the development hereby approved, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be laid out and allocated in accordance with the approved management plan and shall be made available for the purposes of parking private motor vehicles in association with the development and for no other purpose. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

REASON: In the interests of highway and pedestrian safety in accordance with Policy 66 of the Waltham Forest Local Plan LP1 (2024).

8. Prior to first occupation of the development and notwithstanding any indication on the submitted drawings, a schedule showing the number and location of all cycle parking spaces and details of secure and sheltered cycle storage facilities, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed facilities shall be fully implemented prior to occupation and shall be permanently retained thereafter.

REASON: In the interest of security and sustainable development, in compliance with Policies 60 and 61 of the Waltham Forest Local Plan LP1 (2024).

9. Prior to first occupation of the development, a detailed Servicing and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall make reference to safety measures that will be in place to reduce conflicts between service vehicles and other users (cycle stores, disabled parking and any other pedestrians) and shall also include details on how delivery vehicles are restricted during peak periods.

REASON: In the interest of highway safety, in compliance with Policy 64 of the Waltham Forest Local Plan LP1 (2024).

10. Prior to the commencement of development (other than demolition, site clearance and preparation, ground works and development below DPC level), a drainage strategy detailing any on and/or off-site drainage works, shall be submitted to, and approved by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: In the interests of future health of occupiers to accord with Policy 91 of the Waltham Forest Local Plan LP1 (2024).

11. Prior to occupation, details of any form of external illumination and / or external lighting on the buildings and around the site including any street lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of any part of the development hereby permitted and retained as such for the lifetime of the development.

REASON: In the interest of health and to protect the living conditions of existing and future residents in the locality in accordance with Policy 50 of the Waltham Forest Local Plan LP1 (2024).

12. No development (other than demolition, site clearance and preparation, groundwork, and development below DPC level) shall take place until a Stage 1 and 2 Road Safety Audit of the approved private road layout is commissioned and a 'Road Safety Audit Response Report' is submitted to and approved in writing by the Local Planning Authority detailing how the recommendations of the audit have been addressed, implemented, and retained as such for the lifetime of the development.

REASON. In the interest of highway safety, in compliance with Policy 63 of the Waltham Forest Local Plan LP1 (2024).

**Air Quality and Noise:**

13. The development shall be carried out in accordance with the Demolition Environmental Management Plan approved under reference 230947 unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policy 87 of the Waltham Forest Local Plan LP1 (2024).

14. Before the hereby approved Music Venue is first brought into use, an Operational Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of is to be produced to the satisfaction of the Council's Environmental Protection Team, and should include:

- Crowd management and dispersal.
- Deliveries material handling; and.
- Servicing Plan.

The development shall thereafter be operated in accordance with the approved details unless otherwise agreed in writing.

REASON: To protect the amenities of adjoining occupiers and the surrounding area to comply with Policy 50 of the Waltham Forest Local Plan LP1 (2024).

15. The development shall be carried out in accordance with the Acoustic Technical Report approved under reference 233099 unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the amenities of occupiers and the surrounding area, to comply with Policy 50 of the Waltham Forest Local Plan LP1 (2024).

16. No non-road mobile machinery (NRMM) shall be used on the site 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 line with Policy 7.14 of the London Plan (2024) and the Mayor's SPG: The Control of Dust and Emissions during Construction and Demolition.

17. The development shall be carried out in accordance with the Air Quality Dust Management Plan approved under reference 230949 unless otherwise agreed in writing with the Local Planning Authority.

REASON: To manage and mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole, and to avoid irreversible and unacceptable damage to the environment in accordance with Policies 5.3 and 7.14 of the London Plan (2021), and the London Plan SPGs for Sustainable Design and Construction and Control of Dust and Emissions during Construction and Demolition and Policy 88 of the Waltham Forest Local Plan LP1 (2024).

18. The noise of all new plant shall be 10dB(A) below the underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment must be completed in accordance with BS4142: 2014 Method for rating industrial noise affecting mixed residential and industrial areas.

REASON: To protect the amenities of adjoining occupiers and the surrounding area, in order to comply with Policy 50 of the Waltham Forest Local Plan LP1 (2024).

**Hours of Operation:**

19. The non-residential premises within the development shall operate between the following hours and at no other times without prior written consent having first obtained from the Local Planning Authority:

Music Venue and Bar:

- Mondays to Wednesdays: 09:00 to 22:00;
- Thursdays to Saturday/Sunday (morning): 09:00 to 03:00;
- Sunday to Monday (morning): 09:00 to 01:00.

Retail Floorspace:

- Mondays to Wednesdays: 09:00 to 22:00;
- Thursdays to Sunday: 09:00 to 12:00;

All customers and staff shall vacate the premises within 30 minutes of service ceasing.

REASON: To protect the amenities of occupiers and the surrounding area, in order to comply with Policy 50 of the Waltham Forest Local Plan LP1 (2024).

20. No deliveries shall be taken to or dispatched from, the site, other than between the hours of 8:00AM and 23:00 Mondays to Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays.

REASON: To safeguard the amenities of occupiers are protected from the poor air quality in the vicinity. In the interests of the future health of the occupiers of the development in accordance with Policy 50 of the Waltham Forest Local Plan LP1 (2024).

### **Landscaping:**

21. Prior to the occupation of the development a scheme of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers/densities within a planting schedule, also the method of planting including soil composition, tying, and staking, a maintenance care regime including mulching and watering and the replacement of any species that die within 5 years of planting. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

REASON: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies 53, 77 and 79 of the Waltham Forest Local Plan LP1 (2024).

22. The development shall be carried out in accordance with the Arboricultural Method Statement approved under reference 231516 unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies 53, 77, 79 and 80 of the Waltham Forest Local Plan LP1 (2024).

23. All planting, seeding, or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons prior to the completion of the development. Any new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the Local Planning Authority agrees any variation in writing.

REASON: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies 53, 77, 79 and 80 of the Waltham Forest Local Plan LP1 (2024).

24. All trees shall be planted in accordance with British Standard BS4043 - *Transplanting Root-balled Trees* and BS4428 - *Code of Practice for General*.

REASON: In the interest of biodiversity and local amenity, in accordance with Policies 53, 77, 79 and 80 of the Waltham Forest Local Plan LP1 (2024).

25. Prior to the occupation of the development, a Habitat Enhancement Report shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the number, positioning and type of habitat bricks, boxes, and hibernacula proposed for birds, bats, and invertebrates.

REASON: In the interest of biodiversity in accordance with Policies 53, 77, 79 and 80 of the Waltham Forest Local Plan LP1 (2024).

**Waste Management:**

26. Prior to occupation of the development hereby approved, an updated Waste Management Strategy which sets out a scheme for the storage and disposal of waste and recycling, including details of methods for collection and enclosures, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details and the refuse stores brought into use prior to the occupation of the dwellings hereby permitted and shall be retained as such together with the approved Waste Management Strategy being operated for the lifetime of the development.

REASON: In the interests of highway and pedestrian safety in accordance with Policy 93 of the Waltham Forest Local Plan LP1 (2024).

**Energy and Sustainability:**

27. The non-residential floor space hereby permitted shall be constructed to achieve not less than BREEAM 'Very Good' in accordance with the submitted Energy Report (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). The units shall not be occupied until formal certification has been issued confirming that not less than "Very Good" has been achieved for each, and this certification has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the sustainability and energy efficiency and to provide high quality development in accordance with Policy 87 of the Waltham Forest Local Plan LP1 (2024).

28. Prior to the occupation of any part of the development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2013 Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained.

REASON: In the interest of sustainability and energy efficiency of the development and to meet the requirements of Policy S12 of the London Plan (2021) and Policy 87 of the Waltham Forest Local Plan LP1 (2024).

**Water and Drainage:**

29. The development shall be carried out in accordance with the Reduced Water Use details approved under reference 232754 unless otherwise agreed in writing with the Local Planning Authority.

REASON: To minimise the water use of the development, in accordance with the requirements of Policy SI5 of the London Plan (2021) and Policy 89 of the Waltham Forest Local Plan LP1 (2024).

30. No drainage systems for the infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater in accordance with Policies 90 and 91 of the Waltham Forest Local Plan LP1 (2024).

31. The development shall be carried out in accordance with the Secant Piled Wall Design Report, CFA and Bored Piling Design Report, Bored No-Working Test Pile Design, Bored Piling Design Report and Work Package Plan, Piling Method Statement approved under reference 231515 unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater in accordance with Policy 50 of the Waltham Forest Local Plan LP1 (2024).

32. The development shall be carried out in accordance with the details approved under reference 233098 unless otherwise agreed in writing with the Local Planning Authority.

REASON: Network reinforcement works maybe required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents of groundwater in accordance with Policy 68 of the Waltham Forest Local Plan LP1 (2024).

**Contamination:**

33. The development shall be carried out in accordance with the Refurbishment Survey for Asbestos Containing Materials Document and Asbestos Report for Pre- Demolition Survey approved under reference 230950 unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 90 of the Waltham Forest Local Plan LP1 (2024).

34. The development shall be carried out in accordance with the Phase 1 Preliminary Risk Assessment and Phase 2 Ground investigation Report, Land Quality Statement

and Remediation Specification Report partially approved under reference 230956 unless otherwise agreed in writing with the Local Planning Authority.

Further to this, a scheme including the following components (where applicable) to address the risk associated with site contamination shall be submitted to and approved in writing by the Local Planning Authority (LPA).

A) 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.

B) 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

Any investigation and risk assessment must be undertaken in accordance with the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR11). In the event that additional significant contamination is found at any time when carryout the approved development it must be reported immediately to the LPA.

For the avoidance of doubt, this condition can be discharged on a section-by-section basis.

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 90 of the Waltham Forest Local Plan LP1 (2024).

#### **Safety and Security:**

35. Prior to commencement of development (other than demolition, site clearance and preparation, groundwork, and development below DPC level), notwithstanding the information shown on the submitted plans, details of measures to be incorporated into the development demonstrating how the development can achieve Secured by Design Certification, shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out of Crime Officers. The development shall be carried out in accordance with the agreed details and maintained as such thereafter.

REASON: In the interest of security and to protect the living conditions of existing and future residents in the locality in accordance with Policy D11 of the London Plan (2021) and Policy 58 of the Waltham Forest Local Plan LP1 (2024).

36. Prior to occupation, notwithstanding the information shown on the submitted plans, an Access Control and Counterterrorism Security Strategy shall be confidentially submitted to and approved in writing by the Local Planning Authority, in conjunction with the Metropolitan Police. The strategy shall include the following details:

- A Dynamic Lockdown Plan for the building, which includes measures for restricting access and egress to the building and details of physical secured access/egress points, potential areas to be locked down, policies and procedures for staff and communication system.
- CCTV coverage.
- Security Lighting.
- Hostile Vehicle Mitigation (MCM) measures.
- Postal Screening Measures



The development shall be implemented in accordance with the approved details and the approved measures shall be brought into operation prior to the first occupation of any part of the development hereby approved.

REASON: In the interest of creating safer, sustainable communities, in compliance with Policy 58 of the Waltham Forest Local Plan LP1 (2024).

37. The development shall be carried out in accordance with the submitted 'Fire Strategy and Gateway 1 Form' dated July 2022. The hereby permitted building's construction method shall be implemented with the detailed means of escape for all building users with the specifications given for access for fire service personnel and equipment and installation of fire appliances. The development shall be implemented with the details contained within the hereby approved 'Fire Strategy and Gateway 1 Form' dated July 2022 and retained as such for the lifetime of the development.

REASON: In order to protect the living conditions and safety and security of the occupants in line with Policy D12 of the London Plan (2021).

**Boundary Treatment:**

38. Prior to the construction of roof slab level, details relating to the siting, design and height and finish of all new walls, gates, fencing, railings, and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the use hereby approved and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

REASON: In the interest of general visual amenity, and amenity of neighbouring occupants, in accordance with Policy 53 of the Waltham Forest Local Plan LP1 (2024).

**Wheelchair User Units:**

39. At least 32 of the shared-living units hereby permitted shall be built in accordance with Approved Document M 2015, M4 Category 3: Wheelchair user dwellings, category M4(3)(2)(a) "Adaptable". All wheelchair user dwellings must provide sufficient footprint and drawings must demonstrate that they can achieve a fully accessible layout. To ensure compliance with this condition, contact should be made with the Council's Senior Occupational Therapist in Housing both before and during the build.

REASON: To ensure inclusive development in accordance with Policy D7 of the London Plan (2021) and Policy 16 of the Waltham Forest Local Plan LP1 (2024).

**Operational Management Plan:**

40. The development shall be carried out in accordance with the Co-Living Operational Management Plan approved under reference 240372 unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that adequate arrangements are made for maintenance and servicing to the site and to ensure that the operational management of the development has no harm on the amenity of local residents in accordance with Policy H16 of the London Plan (2021) and Policy 64 of the Waltham Forest Local Plan LP1 (2024).

**INFORMATIVES**

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website, and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions and the decision was delivered in a timely manner.
2. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800- and 1800-hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.
3. The developer is to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. 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. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
4. The application is subject to both the Mayoral and the Waltham Forest Council Community Infrastructure Levy.
5. If approved 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 Councils Street Naming/Numbering Officer.
6. The proposed development is located within 15 metres of Thames Waters underground assets. As such, the development could cause the assets to fail if appropriate measures are not taken. Please read the guide 'working near our assets' to ensure works are in line with the necessary processes that should be followed if it's considered working above or near Thames Water Pipes or other structures.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
7. A detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a 'competent person', e.g., a suitably qualified hydrogeologist.

In the absence of any applicable on-site data, an arrange of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>

Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and works-case exposure conditions, leaching mechanisms, and study objectives. During risk assessment one should characterise the leaching behaviour of contaminated solid using an appropriate suite of tests. As a minimum, these tests should be:

- Up flow percolation column test, run to LS 2 – to derive kappa values.
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario; and
- LS 2 batch test – to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL 11.

The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g., monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with guidance **Verification of Remediation of Land Contamination:**

<http://publications.environmentagency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>

8. Infiltration of surface water has the potential to mobilise contamination present within the soil. Where the proposal involves the discharge of anything other than clean roof water via sealed drainage, within sensitive groundwater locations, a risk assessment and suitable level of treatment may be required. In certain circumstances, the discharge may be classified as a groundwater activity and require an environmental permit.
9. The Air Quality Development Management Plan QDMP can form part of the Construction Environmental Management Plan (CEMP). The AQDMP shall include the following for each relevant phase of work (demolition, earthworks, construction and track out):
  - a) A summary of work to be carried out.
  - b) Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage, and enclosed areas to prevent contaminated water leaving the site.
  - c) Inventory and timetable of all dust and NOx air pollutant generating activities.
  - d) List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment.
  - e) Details of any fuel stored on-site.
  - f) Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions).
  - g) Summary of monitoring protocols and agreed procedure of notification to the local authority; and

h) A logbook for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring.

Developments assessed to be medium risk or greater for any of the steps required in an Air Quality and Dust Risk Assessment (AQDRA) regular or continuous PM10 monitoring should be carried out on site. Baseline monitoring should commence before the commencement of works and continue throughout all construction phases. Details of the equipment to be used, its positioning, additional mitigation to be employed during high pollution episodes and a proposed alert system should be submitted to the Council for approval.

No demolition or development shall commence until all necessary pre-commencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The IAQM "Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites" details appropriate monitoring for the scale of the site or project.

10. The applicant must seek the advice of the MPS Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813.
11. The plan drawings appear to demonstrate that the 3rd, 4th, 5th, 6th, 7th and 8th floor amenity areas are located within the means of escape corridors. The amenity areas should be enclosed from the protected corridors by suitable fire-resisting separation and having lobbied access. Design changes necessary may not affect land use planning considerations in this instance, where only internal alterations are required.
12. Lobby protection will also be required to the northern lift area as it forms part of the firefighting shaft at ground floor level. The firefighting lift should not be accessed via such a large entrance lobby/amenity area. Fire safety standards state that a firefighting lift lobby should be of sufficient size and design to enable the fire and rescue service to carry out the following tasks without undue congestion, but not so large as to encourage any form of storage or unauthorised use. Suitable lobby ventilation will also be required in accordance with Clause 27 of British Standard 9999, owing to the risk of smoke entry into the firefighting staircase. Resolving this issue is unlikely to affect land use planning considerations in this instance, where, for example, the installation of an internal door separating the firefighting lift from the ground floor amenity area, is provided.
13. Section 13 of the fire statement states that the reliance on existing hydrants for the proposed development is not known. Without confirmation that there is a suitable water supply and that the existing hydrants are useable, the proposal might be relying on a disused water main or faulty hydrant. Resolving this issue may affect land use planning considerations such as the landscaping around the development, should additional hydrant installations be required.
14. Section 6 of the fire statement states that there are no balconies proposed. It is noted that 2 nd, 3rd, 4th , 5 th, 6th, 7th and 8th floor plan drawings identify

external access to resident terraces. It should be assured that the external wall systems for the development meet the required classification of A2-s1, d0 or better.

15. The roof plan indicates the proposal to install photovoltaic panels (PV) panels. Fire safety standards require suitable support of cabling to avoid obstruction of escape routes and firefighting access due to the failure of fixings. Where PV panels are proposed, consideration should be given to ensure that all power supplies, electrical wiring and control equipment is provided with appropriate levels of protection against fire.