
Planning Committee

Minutes of
16 July 2024 at 7.01 pm

Present:

Chair: Councillor Andrew Dixon

Vice-Chair: Councillor Sebastian Salek

Committee Members: Councillors Jenny Gray, Uzma Rasool and Emma Best

Councillors in Attendance: Cllr Rosalind Doré

Officers in Attendance:

Justin Carr	Assistant Director - Development Management and Building Control
Mahnaz Chowdhery	Planning Manager - North Area Team
Stanley Lau	Planning Manager – Majors Team
Sonia Malcolm	Planning Manager - South Area Team
Teodora Dimitrova	Planning Officer
Daniel Forde	Planning Officer
Kurt Henry	Planning Officer
Hughie Johnstone	Planning Officer
Denis Toomey	Planning Officer
Christina Zervou	Air Quality & Environmental Protection Service Manager
Conor Keappock	Design & Conservation Lead
Mike Fox	Conservation Officer
Joanna West	Planning Lawyer
Jenny Richards	Democratic Services Officer

155. Apologies for absence and substitute members

Apologies for absence were received from Cllr John Moss for whom Cllr Emma Best attended as substitute.

156. Declarations of interest

None.

157. Minutes of the previous meeting

The minutes of the meeting held on June 4, 2024 were agreed by the Committee.

158. Development management

The Committee considered applications for planning permission received by the Assistant Director – Development Management & Building Control under the Town and Country Planning Act 1990 and took into account the oral representations made by members of the public and applicants and their agents.

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

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

159. Lea Bridge Gas Works, 78 Perth Road, Leyton, London, E10 7PB (232678)

The Planning Officer introduced the report and stated that the recommendations should include referral to GLA for the Mayor of London's Stage 2 Report.

In accordance with Council Procedure Rules, a recorded vote was demanded by Councillor Emma Best.

For granting Officers' recommendations:

Councillor Andrew Dixon
Councillor Sebastian Salek
Councillor Jenny Gray
Councillor Uzma Rasool

For refusing Officers' recommendations:

Councillor Emma Best

It was therefore

Resolved:

That Planning Permission be granted for application 232678 in line with the recommendations and reasons contained in the committee report and update report, subject to:

- Resolution of the outstanding Environment Agency's objection under Delegated Authority;
- The conditions and informatives outlined in the committee report, update report and verbal introduction by the Planning Officer;
- Stage 2 referral to the GLA;
- Completion of a Section 106 Agreement with the following Heads of Terms:

Affordable Housing Provision

- 62 Shared Ownership home
- 104 London Affordable Rent
- Review mechanism – Early Stage Review required as per GLA comments
- Delivery clause –
 - Trigger 1; Not to occupy more than 50% of OMU until Blocks I and C are complete, ready for occupation and transferred to an RP.
 - Trigger 2; Not to occupy more than 80% of OMU until all affordable complete, ready for occupation and transferred to an RP.

Nursery

- St William to use reasonable endeavours to work with LBWF Early Years to secure a suitable operator, with LBWF confirmation that an operator is suitable not to be unreasonably withheld or delayed.
- St William only to enter into agreement with an Ofsted registered operator.
- Nursery to be occupied prior to final two open market dwellings are occupied.

Primary Healthcare Improvements

- Financial contribution of £280, 541.

Health NHS

- Lease offer requirements regarding the healthcare facility.
- If the healthcare provider enters into the agreement for lease, the developer will construct the primary care facility to shell and core within 24 (twenty-four) months of the date of the agreement for lease.
- Health Contribution sum to be paid by the developer if the healthcare facility is not provided.

Local Labour, Employment and Skills

- Construction Jobs –

- Local Labour – 35% Waltham Forest Residents to be employed on site
- Work Placements – 32
- Apprenticeships – 90
- Employment and Skills Plan - To be negotiated and prepared at least 6 weeks prior to implementation. Provide details of all new jobs created in the development to the Council in reasonable time.
- End Use – To procure that the end user is to liaise with the with the Employment, Business and Skills Service’s lead contact to ensure efficient management and supply of local Council residents for employment and training opportunities post Implementation of the Development.
- To ensure that all of the jobs that are generated by the operator to go through the Council’s Job brokerage service, Steps Into Work (SiW), in the End User Phase as local labour opportunities for Local Residents.
- To use reasonable endeavours to ensure that 50% (fifty percent) of non-technical jobs are taken up by Local People in the End-User Phase of the Development. If 50% is not achieved then the Developer shall demonstrate such reasonable endeavours to the Council’s satisfaction and agreed in writing by the Council. End Use employment anticipated to be limited - estate management and nursery staff.
- Default Payments – as set out in LBWF’s adopted Planning Obligations SPD if obligations above are not met.

Car Free Housing

- No residential unit eligible for parking space unless disabled/blue badge holder.
- Each new Residential Occupier of the development must be informed prior to occupying any residential unit that they shall not be entitled to a residents parking permit unless blue badge holder.

Wheelchair Housing

- St William to prepare a Wheelchair Accessible Dwelling Marketing Strategy for the Development that sets out how the wheelchair homes will be promoted and advertised during the exclusivity period - to be agreed prior to first launch.
- Not to commence first launch of off plan sales until the Wheelchair Accessible Dwelling Marketing Strategy is agreed by the Council.

Estate Management Plan

- To be agreed prior to first occupation. Details of EM company and CCTV to car parking areas.

Public Access and Public Realm

- A Public Realm Delivery Strategy is submitted to the Council prior to implementation of the development.

- The public realm and public access routes are constructed and completed.
- Developer to maintain and manage public access routes and public realm.
- Allow access for the public to the completed public access routes and public realm 24 hours a day subject to closure of gates installed on the public access routes that meet the boundary of Leyton Jubilee Park between the hours of 20:00 and 08:00.

Transport and Highways

- Financial Contribution £280,500 towards:
 - Orient Way Walking and Cycling improvements
 - Bus improvements along Orient Way and Church Road
- Section 278 Highways Agreement/Section 38 Agreement (if required)
 - S278 works in Clementina Road will be necessary to alter the two Clementina Road access points for pedestrians and cyclists, renewing and remodelling the existing access points, and relocating the existing cycle hanger.
 - The renewal of the footway on the Clementina Road frontage.
 - Removal of the existing vehicular access on Clementina Road and construction of a small dropped kerb to facilitate cycle and pedestrian access.
 - The revision of access points to facilitate walking and cycling.
 - The relocation of the existing bike hanger in Clementina Road.
 - Revision to parking bays and road markings as required including a traffic management order.
 - Renewal of the footway, cycle track, carriageway and road markings at the Orient Way access
- A financial contribution of £20,000 is requested towards CLP monitoring.
- A financial contribution of £25,000 for the consultation for extended CPZ hours in the neighbouring streets.
- A financial contribution of £20,000 for the purpose of introducing contraflows for cyclists on the one way streets in the Clementina Road area.
- A financial contribution of £20,000 is requested for off-site wayfinding.
- Car club membership for two years with an accredited car club operator. This means 1 transferable membership per household, with a maximum of 2 years per dwelling in total, regardless of any changes in ownership or occupation of a dwelling during this period
- Evidence of car club contract to be submitted prior to occupation.

Travel Plans

- Travel plan for nursery
- Travel Plan for residential

- Monitoring contribution of £8,000 – one off payment

Sustainability – Carbon Offset Fund

- A financial contribution of £652,423 towards a Carbon Offset Fund. 50% to be paid prior to implementation. The remainder of the contribution should become due prior to first occupation of any part of the development, with this final amount based on the findings of a post-construction Approved Carbon Emissions Report.
- Updated Energy Statements on commencement and completion based on As Built energy calculations.
- Construction of connection ready measures to Decentralised Energy Network
- The development is required to comply with Be Seen requirements as set out in Policy SI2 of the London Plan.

Epping Forest SAC

- Strategic Access Management and Marketing fee of approximately £101,050 towards mitigating the impact of the development on Epping Forest SAC
- Suitable Alternative Natural Greenspaces financial contribution towards the delivery of new footpaths in Leyton Jubilee Park as Suitable Alternative Natural Green Space improvements - to be delivered by the Highways Development team to an agreed financial cap of £400,566, subject to a step-in trigger date if highways fail to procure the contractor and/or delivery the works on time.
- To be installed prior to the first occupation of the development (obligation for the Highways Development Team).

Retention of Architect

- As a minimum, Architect (Pollard Thomas Edwards) to be retained in an oversight role to ensure the original design vision is achieved., unless otherwise agreed in writing with Local Planning Authority.

Monitoring and Implementation

- Contribution towards monitoring, implementation and compliance of the Section 106 legal agreement

Legal Fees

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

That authority to be given to the Assistant Director – Development Management and Building Control in consultation with the Environment Agency to resolve the outstanding objection subject to no material changes to the scheme.

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

In the event 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.

160. 491 - 495 Hale End Road, Chingford, London, E4 9PT (240280)

Resolved

That Planning Permission be granted for application 240280 in line with the reasons and recommendations contained in the committee report, subject to the conditions and informatives therein, and completion of a Section 106 Legal Agreement (S106) with the following Heads of Terms:

Cinema Use

- Use Restriction
 - The ground floor shall only be occupied as a cinema complex with an ancillary café bar/restaurant (Use Class E) (Former D Use Class) and for no other purpose, including any other use other than a cinema use within Use Class Sui Generis (Former D Use Class) of The Town and Country Planning (Use Classes) Order 1987 (as amended).
- Securing Cinema Operator
 - A marketing strategy to secure a cinema operator shall be submitted to the local planning authority for approval in writing prior to commencement of development and carried out as agreed. This will include suitably qualified consultant to be commissioned within three months of grant of planning permission and for the Marketing Strategy to be submitted within 6 months to be reviewed and then agreed in writing. The site will then be marketed as agreed over 24-month period, with 12 months of marketing efforts to be done before practical completion of the development and 12 months after. During the marketing period Bi-Monthly updated will be provided to the Council.
- Securing Implementation of the Cinema Use
 - a) Sales of residential units are limited to 50% (17 units) until the cinema has been completed to shell and core.

- b) No more than 84.84% (28 units) of the residential units can be occupied until the cinema is first brought into use, unless otherwise agreed in writing with the local planning authority.

Viability Reassessment – Affordable Housing

- Prior to the commencement of development, an early viability reassessment shall be submitted and agreed by the Council in writing, incorporating detailed evidence including costing relating to the cinema operator in order to determine whether affordable housing contribution can be provided.
- A second viability review shall be undertaken submitted to and agreed in writing by the Local Planning Authority, prior to more than 83.84ng% (28 units) of the residential units have been occupied, incorporating detailed evidence including costing relating to the cinema operator in order to determine whether an affordable housing contribution can be provided.
- The costs of the expert consultant commissioned by the Council shall be paid by the developer/applicant.

Wheelchair Housing:

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

Employment and Training Strategy

- Employment and Skills Plan to be submitted to Council, no later than 6 weeks prior to the commencement and agreed in writing which shall include:
 - 4 x Apprenticeships which lasts a minimum of 52 weeks per apprentice post and includes a salary of at least the London Living Wage.
 - At least 1 x work placement for a minimum of 26 weeks to a local resident during the construction phase.
 - To notify the Council of all jobs vacancies for the fit out of the development during the Construction Phase and to Encourage and procure 30% applications from Local Residents of all jobs or fit out of the Development during the Construction Phase are offered to Local Residents.
 - To advertise all site-based vacancies locally through the Council's Employment and Training services. If a suitable local resident isn't appointed within 60 days of notifying the Council about the job vacancy, or if a more qualified candidate is found elsewhere, then candidates outside the Borough may be appointed.

- To provide the Council with 3 monthly monitoring reports during the construction phase and the end of the development.

In the event that the Owner and the Developer fails to provide Employment opportunities a Default Payment shall become payable by the Owner and the Developer to the Council. The development must not be occupied unless and until the Default Employment Contributions, the Apprenticeship Default Payment and Work Placement have been paid in full to the Council.

Highways and Transportation:

- Car Free Housing
 - The site will be car-free, and residents (except blue badge holders) will not be entitled to parking permits for any CPZ.
- Facilitating Highway works
 - A S278 will be required upon development completion, prior to occupation. The works will be funded by the Developer and carried out by the Council:
 - Renewal of footways on both sides of the site.
 - Public realm improvements on both frontages, including the junctions.
 - Relocation of the existing zebra crossing.
 - Construction of a dropped kerb for bin collection.
 - Installation of a blue badge parking bay.
 - Changes to waiting and loading restrictions.
 - Stage 1 and 2 Road Safety Audits for the S287 design.
 - SS8 Agreement may be required in the case of the adoption of land as publicly maintainable footway.
 - A S38 Agreement may be required in the case of any areas proposed for future adoption.
- Pre and Post development Highway Condition Survey

Survey showing the footways adjacent to the site is also required, including photos before and after the development, to ensure that any damage to the public highway resulting from the construction works is reinstated by the Council and funded by the developer.
- Car Club

Contribution towards car club membership, with future residents provided with 2 years' free membership of a local car club.
- Travel Plan

Submission of Travel Plan Statement in support of sustainable means of travel, to be approved by the Local Planning Authority and thereafter to be adopted by the site management team.

- Highway Related Financial Contributions:
 - £ 40,000 for future CPZ consultation
 - £ 40,000 for walking and cycling
 - £7,500 for CLP Monitoring Fee
 - £7,000 A Travel Plan Monitoring Fee

Air Quality

- A financial contribution of £3,300 towards implementation of the Air Quality Action Plan.

Carbon Offset Fund

- A financial contribution of up to £25,474 towards the Carbon Offset Fund will be required to address any shortfall in carbon emission reductions for the residential development if Option 1 (Electric Panel Heaters (EPH) with Photovoltaics (PV)) is implemented. If the proposal fails to meet the Carbon Zero target as outlined in the approved energy report, any outstanding payment towards achieving Carbon Zero must be made in full prior to implementation.

Epping Forest Special Area of Conservation (SAC)

- A financial contribution of £627 per new homes towards Strategic Access Management and Monitoring (SAMM) with a total of £20,691.

Architect Retention

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

Monitoring and Implementation

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

Legal Fees

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

Minor Amendments

That authority to be given to the Assistant Director - Development Management and Building Control in consultation with the Council's Legal Services for the sealing of

the S106 Agreement and to agree any minor amendments to the conditions or the legal agreement on the terms set out above.

In the event that the S106 Agreement is not completed within a reasonable timeframe following the date of Planning Committee, the Assistant Director - Development Management and Building Control is hereby authorised to refuse the application in consultation with the Chair of the Planning Committee. In the absence of this S106 Agreement, the proposed development would not be able to deliver the development on the site. The implication of this happening is that the opportunity for securing the provision of affordable housing would be lost. Additionally, other financial and non-financial commitments would be lost, which otherwise would be secured by the S106 Agreement.

161. Chestnuts House, 398 Hoe Street, Walthamstow, E17 9AA (240470)

Resolved

That Planning Permission be granted for application 240470 in line with the reasons and recommendations contained in the committee report and update report, subject to the conditions and informatives set out in the committee report and update report.

162. Chestnuts House, 398 Hoe Street, Walthamstow, E17 9AA (240548)

Resolved

That Listed Building Consent be granted for application 240548 in line with the reasons and recommendations contained in the committee report and update report, subject to conditions and informatives set out in the committee report and update report.

163. Vestry House Museum, 2 Vestry Road, Walthamstow, London, E17 9NH (240859)

Resolved

That Planning Permission be granted for application 240859 in line with the reasons and recommendations contained in the committee report and update report, subject to the conditions and informatives set out in the committee report and update report.

164. Vestry House Museum, 2 Vestry Road, Walthamstow, London, E17 9NH (240862)

Resolved

That Listed Building Consent be granted for application 240862 in line with the reasons and recommendations contained in the committee report, subject to the conditions and informatives therein.

165. Yardley Primary School Hawkwood Crescent, Chingford, London, E4 7PH (240808)

Resolved

That full Planning Permission be granted for application 240808 in line with the reasons and recommendations contained in the committee report, subject to the conditions and informatives therein, and an update to condition 6 of section 13 of the committee report, re-worded to state that 'no external lighting shall be installed on the hereby approved development without written consent from the LPA'.

166. Public speakers

4.1	232678 Lea Bridge Gas Works 78 Perth Road, Leyton, London, E10 7PB	David Savage Edward George
4.2	240280 Regal 491 - 495 Hale End Road, Chingford, London, E4 9PT	Victoria Bryce Scott Rance Richard Simpson Dave Vanderson Cllr Rosalind Doré Andy Newcombe
4.3 4.4	240470 240548 Chestnuts House, 398 Hoe Street, Walthamstow, London, E17 9AA	Niall Hanrahan
4.5 4.6	240859 240862 Vestry House Museum, 2 Vestry Road, Walthamstow, London, E17 9NH	Eddie Blake Cllr Rosalind Doré
4.7	240808 Yardley Primary School Hawkwood Crescent, Chingford, London, E4 7PH	

The meeting closed at 9.23 pm

Chair's Signature _____

Date
