

## LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 2 <sup>nd</sup> May 2023
Application reference:	220695
Applicant:	Aitch Group
Location:	Percy Ingle Site, 210 Church Lane, Leyton E10 7BL
Proposed development:	The demolition of the existing single storey industrial building and structures that contain 4,013 sqm of light industrial floorspace Class E (g) (iii) and office accommodation (Class E (g) (i) and the construction of new building blocks that would range between three to seventeen storeys in height to accommodate 213 residential homes (Use Class C3), new light industrial floorspace (Class E (g) (iii) and office workspace (Class E (g) (i) together with the creation of new public realm and landscaping improvements, provision of 11 disabled parking spaces, cycle parking, refuse stores, new servicing arrangements, highways works and associated developments.
Wards affected:	Leyton and Lea Bridge
Appendices:	None

**RECOMMENDATION**

That Planning Permission be GRANTED under reference 220695 subject to Stage 2 referral to the Greater London Authority (GLA), conditions, informatives and completion of a Section 106 Agreement with the following Heads of Terms:

**Affordable Housing:**

- The provision of 20% affordable housing on a habitable room basis with a tenure split comprising 73% affordable rent (23 affordable units) and 27% intermediate (9 intermediate units).
- An Early (if the applicant could not demonstrate substantial implementation of the scheme within 2 years of granting planning permission) and Late-Stage Review Mechanism of the development's viability required, based on GLA SPG terms.

**Employment and Training Strategy:**

- Provide a minimum of 30% local labour, 20% local spend, 36 apprentice posts in the construction trade during the Construction Phase of the Development and 11 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 residential 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:
  - The renewal of the footways and kerbs on both sides of Marsh Lane with new materials to be agreed.
  - Carriageway resurfacing.
  - Areas of footway widening.
  - Landscaping in the footway including SUDS features and planting subject to the location of utilities.
  - Formation of new access points and dropped kerbs for bin collection for the development.
  - Any street lighting changes required for the S278 works including any impacts of changes on the wider street lighting design.
  - The realignment in the public realm design will consider – the school entrance points, new access points to the development, emergency vehicle access stopping points on Marsh Lane, and Waste vehicle collection points on Marsh Lane
  - Rationalisation of street furniture
  - Reprioritising space from motorised travel to sustainable travel modes for the benefit of the new residents.
  - Review and amendment to Traffic Management restrictions and parking, including signage, road markings and traffic management orders.
- A financial contribution of £20,000.00 towards the design of the S278 works. Preliminary design shall be carried out by a public realm design specialist working in collaboration with the Council's Highways Team.
- financial contribution of £160,000.00 towards walking and cycling works beyond the limit of the S278 works.
- A financial contribution of £25,000.00 towards CPZ consultation on surrounding residents.
- A financial contribution of £10,000.00 towards monitoring the Construction Logistics Plan.
- A financial contribution of £8,000.00 towards monitoring measures within the Framework Travel Plan and Full Travel Plan.

- The development would be car free except for 11 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.

**Dagenham Brook River Restoration Strategy:**

- A financial contribution of £75,000 towards feasibility studies and a wider strategy of interventions for proposed improvements to biodiversity, invasive species management, water quality, flood risk, access, and safety to the Dagenham Brook together with design and delivery of physical improvements and maintenance towards this section of the Dagenham Brook.

**Local Community Infrastructure:**

- A financial contribution of £75,000 towards the Greening Markhouse Corner (public realm and high street improvements).

**Air Quality Contributions:**

- A financial contribution of £61,430 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 £284,668.00 towards a carbon offset fund should be made prior implementation.
- The development should be capable of being connected to a decentralised energy network, including associated reserved areas in the plant room and protected pipework routes within and adjacent to the development.
- Measures to secure post-construction monitoring (“Be Seen”).

**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 £133,551.00 towards the Strategic Access Management and Monitoring Strategy (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.

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

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

In the event that the S106 agreement is not completed within a reasonable timeframe following the date of Planning Committee, the Assistant Director - Development Management and Building Control is hereby authorised to refuse the application. In the absence of this Section 106 agreement, the proposed development would not be able to deliver the development on the site. Financial contributions towards the following material planning considerations are air quality, carbon offset fund (COF), the Dagenham Brook River Restoration Corridor Strategy, Epping Forest SAC, sustainability, employment and training strategies and highways, which must be secured by the Section 106 Agreement.

### **REASONS REFERRED TO COMMITTEE**

The case has been referred to Committee due to the nature of the proposal and significant scale of the development.

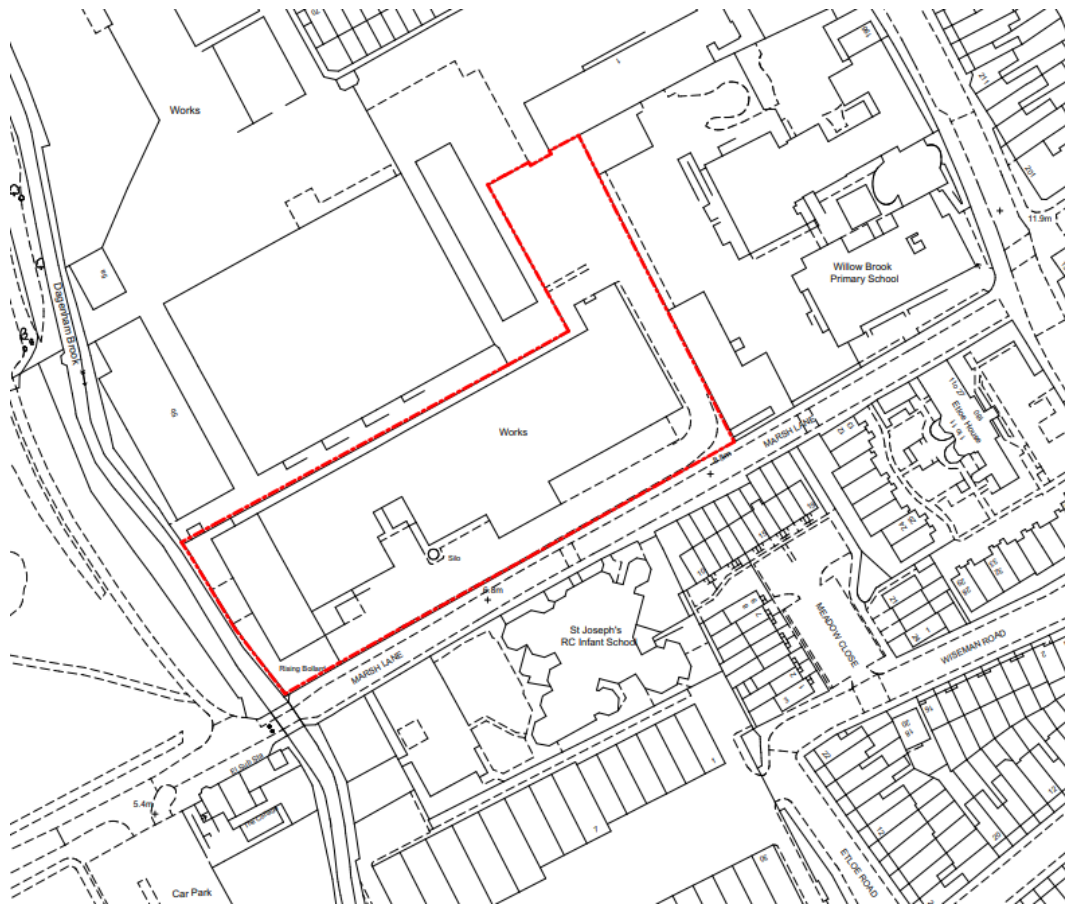
#### **SITE AND surroundings**

##### *The Site:*

- 2.1 The application site is a broadly rectangular parcel of land with an extended 'arm' or 'L-shaped' element on its north-east side, towards Estate Way, in Lea Bridge. The site comprises approximately 0.83 hectares and contains vehicular access from Church Road to the east of the site via Marsh Lane and a secondary access towards the north, via Estate Way. The site bounds Dagenham Brook and the Leyton Jubilee Park to the west, Marsh Lane to the south, the Willow Brook Primary School to the east and the industrial land of Estate Way to the north. The St Joseph's Catholic Infant School is also positioned at the opposite side of Marsh Lane, towards the south, which is accessed via Etloe Road.
- 2.2 The site contains a single-storey industrial building that is subdivided into two sections, which is enclosed with a high brick wall that fronts Marsh Lane. Unit 01 is positioned to the west side of the site and measures 490.00 sqm in floor area. This section accommodates a sausage factory (P&M Sausages). Unit 02 contains 3,521 sqm in floor area and was used as a commercial retail baker business, which closed operations when Percy Ingle Limited ceased trading in June 2020. The entire building accommodates 4,013 sqm of employment floor space, which comprises 3,479 sqm of light industrial floor space Class E (g) (iii) and 534 sqm of office floorspace Class E (g) (i). The existing footprint of the building occupies approximately 52% of the site, as there is a yard space with a car park area with a capacity to park 20 vehicles. The site has a continuous building frontage of approximately 130 metres along Marsh Lane with a level difference, as it sits on a slight downhill slope between east and west, with a level difference between Church Road and Dagenham Brook.
- 2.3 The site is designated as a Borough Employment Area (BEA) in the adopted Proposals Map, this designation is being taken forward in the emerging Waltham Forest Local Plan (LP2) (Regulation 19 Stage, dated November 2021) as part of the Church Road/Estate Way Locally Significant Industrial Site (LSIS) within. It is also part of the larger Church Road/Estate Way LSIS site allocation (SA08) in the draft Local Plan Part 2 (Regulation 19 Stage dated November 2021). The site allocation seeks for a "comprehensive redevelopment of existing industrial location to provide an "industrial-

led mixed-use neighbourhood subject to a two-stage industrial masterplan process” with an indicative capacity for 700 new homes and 24,000 sqm of industrial floor space. In addition, the site falls within an Archaeological Priority Area and is also located within the Olympic Legacy Opportunity Area.

- 2.4 The site has a low Public Transport Accessibility Level (PTAL) rating of 1b, by reason that Leyton Underground Station is positioned at approximately 1.9 kilometres to the southeast, Leyton Midland Road Overground Station is 1.2km to east and Lea Bridge Road Station is approximately 870 metres to the northwest of the site. The nearest part of the Transport for London Road Network (TLRN) is the A12, which is at approximately 1,500 metres south of the site. The nearest part of the Strategic Road Network (SRN) is at Lea Bridge Road, which is at a distance of approximately 350 metres north of the site. Lea Bridge Road forms part of a Mini Holland Route with a segregated cycle route in both directions that connects Lea Bridge Roundabout and Whipps Cross. The site also bounds Marsh Lane, which is a designated school street and extends to the west with cycle links through Leyton Jubilee Park and onto Orient Way. Marsh Lane provides access to nearby bus routes 58 and 158 along Church Road, with services to Chingford Mount, East Ham and Walthamstow Central.
- 2.5 The adopted Local Plan Proposals Map notes that most of the site does not fall within a flood zone. However, a portion of the site towards the west is located within a Flood Zone 2 (medium risk of river flooding). Dagenham Brook, which is located towards the west, is also designated as Flood Zone 3 (high risk of river flooding)
- 2.6 The site does not fall within a Conservation Area. However, the site is located at approximately 1 kilometre from the Thornhill Road Conservation Area. Etloe House, which fronts Church Road at the junction with Marsh Lane, is a Grade II listed building. There are also Grade II listed structures within the playground of the St Joseph’s School towards the south side of the site, which were part of the Etloe House grounds and the Willow Brook School at the east side of the site, is locally listed. The site is also positioned within the ‘London-Great Dunmow Roman Road Archaeological Priority Area’ and at the north side of the ‘River Lea Archaeological Priority Area (APA)’.



The Site Location Plan



Image of the site from Marsh Lane

*The Surrounding Context of the Site:*

- 2.7 The surrounding area has a mixed character with a variety of building typologies with industrial, educational, residential, and recreational uses. Notwithstanding the varied building typology and uses, the Church Road/Estate Way BEA/LSIS site allocation is characterised as a well-established industrial estate that contains 6.62 hectares with a number of warehouses and a former waste recycling depot, with access from two

different points at Estate Way via Church Road. The BEA/LSIS is identified as being suitable for mixed-use development, by virtue that several industrial units are currently vacant (including part of the application site), and the industrial estate abuts the rear gardens of residential terrace houses at Tallack Road and the Marconi Estate.

- 2.8 The industrial estate has grown organically with a variety of industrial buildings that have been built without a consistent alignment, orientation or legibility, as many of these contain open storage within their individual compounds and shared car parking areas that are partly fenced. At a wider context, the north and east sides of the Estate Way industrial estate are defined by low-rise terraced properties and some taller purpose-built residential blocks with no consistent architectural character.
- 2.9 The west of the site is bounded by Dagenham Brook, with a large public allotment plot and the Leyton Jubilee Park behind, which provide valuable open amenity spaces. The Lammas Secondary School is also positioned towards the west of the site and Hackney Marshes and Lea Valley Park are located further afield. Notwithstanding the fact that Dagenham Brook is identified as a Site of Importance to Natural Conservation and as a key north-south link that connects Walthamstow Reservoirs at the north with the Olympic Park at the south, the watercourse of the brook and open spaces of the Leyton Jubilee Park are not well integrated to the residential and industrial properties towards Estate Way, by reason of inadequate building configuration, poor permeability and lack of maintenance.
- 2.10 The south side of the site at the opposite side of Marsh Lane contains the single storey St Joseph's Roman Catholic School and its playground area towards the west. Additionally, there is a two-storey row of terrace houses at the south side of the site towards the east side of the school at 10 -17 Meadow Close, which are accessed from Meadow Close. These houses have their rear gardens along Marsh Lane, which are fully enclosed with brick boundary walls that measure approximately 2.50 metres in height.
- 2.11 There is an emerging character within the wider context of the site, formed by higher density developments within key nodes along a linear corridor that are connected to the railway lines that link Stratford, Lea Bridge Road and Tottenham Hale. A number of planning applications have been therefore approved within the surrounding area, which are mainly residential-led, mixed use schemes with commercial floor space and public open spaces, such as Lea Bridge Gasworks (maximum height of 18 storeys) and the Lea Bridge Station Site (maximum height of 26 storeys) towards the northwest. Furthermore, the Motion development (maximum height of 18 storeys) that accommodates residential, commercial and leisure floorspace was completed in 2020 and sits adjacent to Lea Bridge Road Station, towards the north of the site.
- 2.12 The Bakers Arms District Town Centre is positioned at approximately 1.5 kilometres and the Walthamstow Major Town Centre is located further north, at a distance of approximately 2 kilometres, with a range of amenities such as banks, shops, leisure, hospitality services and places of worship.

#### APPLICATION PROPOSAL

- 3.1 The proposed development involves the demolition of the existing single-storey industrial building and the construction of five building blocks (A to E) which would provide a mixed-use development containing 213 residential dwellings and 4,294 sqm of flexible industrial-related employment workspace (Class E (g) (iii) and office accommodation (Class E (g) (i)). The proposed buildings would have a maximum height of seventeen storeys towards the west of the site and would step down to six storeys towards the east. The building layout would re-inforce a residential frontage on to

Marsh Lane with the light industrial and employment floorspace towards the north, with access via Estate Way South.

- 3.2 The residential element of the development would deliver the following mix and tenure:

Unit Size	London Affordable Rent	Intermediate	Private Sale	Total	% Mix
1 bed unit	3	2	75	80	37.6%
2 bed unit	8	3	84	95	44.6%
3 bed unit	12	4	22	38	17.8%
<b>Total</b>	<b>23</b>	<b>9</b>	<b>181</b>	<b>213</b>	<b>100%</b>

Table 1 – Unit Mix

- 3.3 The application proposes 20% affordable housing by habitable room, with a tenure split of 73% affordable rent and 27% intermediate. The development would include 21 homes (10%) that would comply with Building Regulations Part M4(3) ('Wheelchair User Dwellings') that would be distributed across all tenures and that would also provide a mix of unit sizes. In addition, the development would accommodate 4,294 sqm of flexible light industrial/employment floorspace that would include 2,294 sqm of Class E (g) (iii) use class within Blocks B, C and D and an additional quantum of Class E (g) (iii) of 1,956 sqm within Block E.
- 3.4 The proposed building layout would be formed by a detached seventeen-storey urban block that would be the tallest building element (Block A), which would adjoin the open spaces towards the west of the site and would therefore be seen as the 'marker' building that would seek to define the open spaces of Dagenham Brook and Jubilee Park towards the west. The three other building blocks (Blocks B, C and D) would have a maximum height of nine-storeys towards the west side and would step down to six-storeys towards the east. The three building blocks would be linked by two rows of three-storey townhouses that would front Marsh Lane. Blocks B, C and D would have communal courtyards towards the rear at podium level, which would enclose the light industrial units creating a clear separation between the residential element at the front and the light industrial units and commercial yard at the rear.
- 3.5 Block E would be a commercial and uniform detached block positioned at the northeast side of the site within the projected 'arm' element of the site towards Estate Way South. The building would contain seven-storeys in height and an element of amenity space at roof level. The building would be slightly shifted off the proposed building grid, as it would respond to the key route towards the north of the site and the east boundary shared with the Willow Brook Primary School.
- 3.6 Each residential unit would have an element of private amenity space by either inset or projecting balconies for the flats and gardens for the townhouses. In addition, additional communal amenity spaces at podium level would be provided between Blocks B, C and D and two roof terraces overlooking the open spaces at the west side of the site would be built on Blocks A and B. The development would therefore provide 1,298 sqm of communal amenity spaces. 73% of the residential units would be dual aspect and the maximum number of units served by a stair core would be seven.



- 3.7 The proposed façade articulation would be defined by base, body and top elements for all building blocks that would include pre-cast concrete panels for the bases/entrances combined with a variety of white/grey, red/dark and bright/light buff variegated stretcher bond brickwork with powder coated aluminium/timber composite windows and deep reveals. The balconies would be enclosed by metal balustrades with integrated handrails with colours that would match the proposed windows.
- 3.8 The development would provide 11 disabled car parking spaces that would be located within the areas of public realm adjacent to Blocks A and D, which would be accessed via Marsh Lane. In terms of cycle parking, 424 long-stay and 25 short-stay cycle spaces would be provided for the residential element of the development, that would be accommodated in dedicated cycle stores at ground floor levels. Although vehicular access for disabled parking and refuse collection would be provided at Marsh Lane, deliveries and servicing for residential and non-residential uses would be undertaken on-site via Estate Way South.
- 3.9 Extensive landscaping and public realm works would be provided as part of the proposed scheme for the benefit of future residents of the site with the introduction of a 'Brook Play Park' around Block A, which would seek to connect the site with the green spaces along Dagenham Brook. Play space would be provided for children under five years old at podium level and at ground floor level, at the side of Block A. Additional space for older children (5 – 11 years old) and twelve years old or older would be positioned towards the west side of the site.
- 3.10 The proposed front building line would be set further back from the current brick boundary wall that encloses the site, to create an enhanced street zone at Marsh Lane. The three-storey townhouses would also have a staggered building frontage with a setback from the south elevation of the building blocks fronting Marsh Lane, to improve the visual relationship between the front building line and the streetscape.
- 3.11 The plans propose accessible communal refuse facilities for each residential block, that would be well integrated and conveniently located for collection via Marsh Lane.
- Amendments post planning submission:*
- 3.12 The plans and elevations were amended in January 2023. The initially proposed quantum of 221 residential units was reduced to 213 residential unit and the flexible industrial/employment floorspace was increased by 26 sqm. The amendments can be summarised as follows:
- 3.13 Block A: Initially proposed basement level plant and cycle parking removed and re-located to the ground floor. An additional core added with two lifts and staircases. The number of units per core has been reduced from seven to six and the window arrangement on the east elevation has been amended to address concerns in connection to privacy and overlooking between Blocks A and B.
- 3.14 Blocks B and C: A second core has been added to both building blocks with an additional lift and staircase. The quantum of light industrial floorspace has been reduced, to enhance the residential living environment for future residents. The layout has also been revised to ensure that the cycle stores are directly accessed from Marsh Lane and the public realm.
- 3.15 Block D: The elevations have been updated and additional windows have been added to the ground floor, to increase surveillance on the parking area at the east side of the site. The internal layout of the building block has also been updated to introduce four dual aspect wheelchair accessible units.
- 3.16 Block E: The quantum of light industrial floorspace has been increased by the addition of a floor level (seventh floor). The footprint of the building has also been increased by

1.0 metre towards the north and by 2.0 metres towards the south. The elevational treatment of the building block has been updated and the layout has been reviewed to add a second core to accommodate two lifts and two staircases. In addition, an element of outdoor amenity space for future employees has been added at roof level.

- 3.17 Other amendments include the reconfiguration of blue badge parking bays to enhance the pedestrian zones along Marsh Lane and the introduction of a loading bay next to Block D. Moreover, a short-stay cycle parking and café has been introduced to Block A to activate the ground floor of the tall building.
- 3.18 The second stair core has been introduced to respond to the Government consultation requiring a second staircase in taller building, which took place in December 2023, nine months after the application was originally submitted.

#### 4 RELEVANT SITE HISTORY

##### 4.1 Planning History for the Site:

Reference	Description of Development	Decision Date
214007	Request for EIA Screening Opinion in relation to proposed re-development at the Percy Ingle Site, Marsh Lane.	Screening Issued 21 <sup>st</sup> January 2022

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

Reference	Description of Development	Decision Date
PRE_21_0077	<p>Pre-application advice for a mixed-use re-development of the site comprising workspace and housing.</p> <p>The applicant was involved in an extensive programme of pre-application discussions with officers since March 2021 and included engagement through a Planning Performance Agreement (PPA), which included a programme of eight meetings to review material planning considerations such as design, highways, landscaping, waste and transport policy.</p> <p>In addition, officers and the applicant organized a Design Review by the Design Council, and a review was held on the 1<sup>st</sup> September 2021. To summarise, the Design Council's response supported the design guidelines and place-making principles, including a landscape-led approach towards the west, and further permeability. Notwithstanding the support, advice was given on how the scheme should manage the mixed-use and potential tensions between residential units and industrial activities with regards to typology arrangements, servicing, and amenity.</p>	Pre-planning application advise issued May 2021.

**4.3 Planning Enforcement:**

No relevant planning enforcement investigations.

**4.4 Planning History of Adjoining Sites:**

Please find a table below listing a summary of relevant planning permissions within the surrounding area:

<b>Reference</b>	<b>Site and Description of Development</b>	<b>Decision Date</b>
230086	Former RVL Site, Estate Way: "Demolition of the existing buildings and the construction of five buildings that would be subdivided into nine small to medium commercial units with mezzanine levels for industrial uses to accommodate 17,658 sqm of new Use Classes E (g) (i) (ii) (iii) (light industrial), B2 (general industrial) and B8 (warehousing and storage) together with new pedestrian and cycle links, car and cycle parking and landscaping."	Application validated on the 20 <sup>th</sup> January 2023 and not yet determined.
212685	Lea Bridge Station Sites: "Demolition of existing structures and redevelopment of three land parcels to deliver 345 x residential units (Use Class C3), commercial floorspace (Use Class E) and community floorspace (Use Class F.2) in buildings of up to 26 storeys. Associated development including new public realm areas, tree planting and landscaping, accesses, parking and servicing facilities."	Planning Permission Granted on the 10 <sup>th</sup> February 2023
213171	Former RVL Site, Estate Way: "A comprehensive phased development comprising the demolition of all existing buildings and structures, the erection of buildings to provide a mixed-use scheme, comprising 496 homes (Use Class C3) 15,029 sqm of Class E (g) office, light industrial and B8 floorspace and 166 sqm of E (am b, and c) retail floor space, in 13 buildings ranging from 2 to 12 storeys, together with associated landscaping and parking".	Withdrawn 18 <sup>th</sup> March 2022.
201329	Lea Bridge Gasworks, Clementina Road: "A comprehensive phased development comprising demolition of existing buildings and structures and erection of buildings to provide a mixed use scheme, including 573 residential units (Use Class C30 in 10 buildings ranging from 2 to 18 storeys, 582 sqm of flexible residential facilities and commercial uses (Use Classes A1, A2, A3, A4, B1, C3, D1 and D2), together with public open space; public realm works and landscaping; car and cycle parking, servicing arrangements, sustainable energy measures; formation of new pedestrian and cycle access onto Clementina Road; formation of new pedestrian, cycle and vehicular access onto Orient Way, means	Planning Permission Granted on the 9 <sup>th</sup> July 2021.

	of access and circulation within the site, site preparation and enabling works.”	
193694	The Score Centre, 100 Oliver Road: “The demolition of existing buildings and structures on site, creation of five blocks (Blocks A-E) ranging from 3 to 18 storeys in height, providing the following: re-provision of new internal sports and leisure facilities comprising 4,851sqm of Class D2 floorspace; re-provision of new community facilities comprising 1,141sqm of flexible Class D1/D2 floorspace; re-provision of new nursery comprising 988sqm of Class D1 floorspace; provision of a new health centre comprising 2,315sqm of Class D1 floorspace; provision of 1,762sqm of commercial floorspace to include flexible Class A1, A2, A3, A4, B1, D1 and / or D2 uses; creation of 750 residential units; construction of District Heating Network (comprising 750sqm); and areas of public realm, car and cycle parking and landscaping including a new public square, and extension of Auckland Road.”	Planning Permission Granted on the 23 <sup>rd</sup> December 2020.
191876	Pocket Living, 9 Osier Way: “Demolition of existing building and redevelopment of the site for a residential led, mixed-use development comprising five blocks of between 6 and 13 storeys, providing 196 affordable residential homes (Use Class C3), ancillary residential Coro industrial/commercial floorspace (B1c) and 50.10sqm of cafe floorspace(A1/A3), servicing vehicle access, cycle parking and storage accessible car parking spaces and public realm works. (Revised description).”	Planning Permission Granted on the 18 <sup>th</sup> February 2021.

## 5.0 Consultations

### 5.1 Public Consultation:

Four site notices were displayed on the 22<sup>nd</sup> March 2022 around the site and a press advert notice dated the 24<sup>th</sup> March 2022 was published in Waltham Forest News. In addition, 553 letters of consultation were sent out on the 18<sup>th</sup> March 2022 to occupiers of neighbouring properties within the wider setting of the site.

5.2 Due to the amendments received in January 2023, 553 letters of re-consultation were sent to neighbouring occupiers on the 27<sup>th</sup> January 2023.

5.3 Six letters of objection, including one letter signed by 21 residents, were received in response to the consultation process. In addition, one letter of support also received. The comments received in connection to both consultation procedures are summarised below:

Objection received	LPA Response
A) The development would constitute an over-development and the proposed density would be too high.	The proposed density would be in accordance with the strategic aim to intensify the site and make a more efficient use of the land, by reason of the position of

	<p>its position within the emerging Site Allocation 'Church Road/Estate Way LSIS - SA08) Local Plan (LP2), which seeks to an indicative re-development of the site allocation with an indicative capacity of 700 new homes and 24,000 sqm of industrial floorspace. In addition, the proposed density would conform with the approved density of approved applications within the wider context of the site.</p> <p>A further assessment of this planning consideration is in Section C of the committee report.</p>
<p>B) The building would be too high and out of scale with the surrounding built form, by reason of the introduction of a seventeen-storey tall building.</p>	<p>The proposed height is considered acceptable and would respond to the prominence of the site as a gateway to the Leyton Jubilee Park. The acceptability of introducing a seventeen-storey building element is therefore supported, by virtue of the height variation and the orientation of this building element towards the west side of the site, having regard to the aspirations and design guidelines set out by the Draft Site Allocations Plan (2020). Given the acceptable separation distance from the more consistent built form towards the east of the site at Church Road, the building would not appear as an incongruous form of development within its setting. An assessment of this planning consideration is reviewed in Section F of the committee report.</p>
<p>C) The development would overshadow neighbouring sites, including the Leyton Jubilee Park.</p>	<p>A Daylight and Sunlight Report (dated 15<sup>th</sup> December 2022) was submitted and confirms that all neighbouring sites, including the amenity spaces at the Leyton Jubilee Park, would receive at least 2 hours of direct sunlight on the 21<sup>st</sup> March (equinox). The tall building would acknowledge its relationship with the Leyton Jubilee Park, by reason of the considerable public realm around the tall building and its limited footprint.</p> <p>An assessment of this planning consideration is in Section G of the committee report.</p>
<p>D) The proposed development would cause increased traffic pressure on Marsh Lane and would have a harmful impact on neighbouring schools.</p>	<p>The proposed Transport Assessment secures the removal of residential servicing from Marsh Lane, by reason of the school street restrictions. On balance, it is considered that the development would</p>

	<p>constitute an improvement to the previous condition and servicing movements to and from the site, which had no restrictions, by virtue of the car-free restriction and the traffic calming measures, which are supported by the Council's Highways Team. Additionally, the S278 works would include design works that would ensure traffic management restrictions and parking along Marsh Lane.</p> <p>An assessment of this planning consideration is in Section H of the committee report.</p>
<p>E) The development would cause pressure on the existing café car park in Leyton Jubilee Park and therefore increase traffic at the park entrance.</p>	<p>The development would not have a harmful impact on existing parking infrastructure within the locality, by reason that the scheme would not generate a significant increase in trips and over 80% of these would be active and under public transport modes, as outlined under the submitted Healthy Street Transport Assessment.</p> <p>A detailed evaluation of this planning consideration is in Section H of the committee report.</p>
<p>F) The development would have an adverse impact on neighbouring sites in terms of loss of privacy and loss of sunlight/daylight.</p>	<p>The proposed buildings would have an acceptable separation distance from neighbouring buildings and would cause no unreasonable harm in terms of visual intrusion and loss of sunlight and daylight.</p> <p>A full assessment of this planning consideration is in Section G of the committee report.</p>
<p>G) The development would fail to consider fire safety regulations.</p>	<p>The proposed amendments include the provision of an additional stair core within the taller building elements of the development, in line with emerging fire safety regulations. The London Fire Brigade therefore raised no objections. Notwithstanding the acceptability of the fire strategy, a condition is also recommended requiring a revised fire safety strategy with additional details, which should be reviewed in consultation with the London Fire Brigade and the HSE.</p> <p>An assessment of this planning consideration is in Section N of the committee report.</p>
<p>H) The development would cause anti-social behaviour and higher levels of crime within the area.</p>	<p>The submitted 'Design and Access Statement' sets out measures to tackle crime prevention. Moreover, a condition requiring Secured by Design accreditation is being recommended to address concerns</p>

	<p>over anti-social behaviour, in accordance with the recommendations given by the Metropolitan Police. This should therefore include details of access control systems, intruder alarms, security doors and delivery details.</p> <p>An assessment of this planning consideration is in Section N of the committee report.</p>
l) The development would be at risk of flooding.	<p>A 'Flood Risk Assessment and SUDS Strategy' dated January 2022 was submitted and identifies potential flood risks on the site with measures to mitigate any risk of flooding. The Proposed SuDS have been considered as part of the design strategy and would seek to address concerns with regards to flooding. Given that the site is built over, the introduction of measures such as porous paving, green roofs, attenuation tanks and features for the disposal of water runoff from the site as welcomed. As such, the development would not pose a risk in terms of flooding and the Environment Agency raises no concerns with regards to this consideration.</p> <p>An assessment of this planning consideration is in Section J of the committee report.</p>

Supporting Representation	LPA Response
<p>The current condition of the site is poor, and the proposed development is well-designed. The proposed townhouses are welcomed and whilst the proposed seventeen-storey building would be high, this would be compliant with the emerging Local Plan (LP2). Overall, the proposed development would be an improvement when compared to the existing state of the site.</p>	<p>The landscape-led approach of the development and creation of public realm around Dagenham Brook is welcomed and considered a valuable contribution to the character of the site and its surrounding area.</p> <p>A full assessment of the design of the development is in Section F of the committee report.</p>

#### 5.4 Other Consultation:

Internal Consultation:	Comments:
Urban Design & Conservation Team	<p>No objections raised. The development would not cause a significant impact on heritage assets closest to the site and would therefore be acceptable in relation to build heritage.</p> <p>The broad design principles are supported. Clarifications requested with regards to building</p>

## (Item 4.1)

	articulation and ground floor activity at the base of Block A and these points are addressed in the addendum to the Design and Access Statement.
Strategic Regeneration Team	No objections raised subject to financial contributions towards a feasibility study to enhance the biodiversity of the Dagenham Brook River Restoration Corridor and the greening of Markhouse Corner, including public realm and street improvements. In addition, conditions requiring a Travel Plan, details of boundary treatment, removal of permitted development rights on Class E floor space, Management Plan of footway along Dagenham Brook and details of CCTV across the site recommended.
Highways Team	No objections raised subject to financial contributions towards walking and cycling works beyond the S278 works, CPZ consultation, CLP monitoring and completion of a condition survey of the carriageway and footway fronting the site. As advised, the S278 works should require preliminary design works, due to the constraints and low traffic nature of Marsh Lane. As such, a separate financial contribution has been secured, to review and lead on the S278 design works. Moreover, conditions recommended requiring details of a drainage strategy, detailed Construction Logistics Plan, Servicing and Delivery Plan, Car Parking Management Plan and specifications of new lighting, which have been agreed with the developer.
Transport Policy Officer	The proposed eleven blue badge bays would be consistent with emerging LBWF Local Plan Policies and are therefore accepted. A condition requiring a Car Park Management Plan is recommended to provide a minimum of 20% active electric vehicle charging points and 80% passive infrastructure.  The quantum of residential cycle parking would also be acceptable. However, conditions requiring a cycle parking strategy, travel plan and car parking management strategy are also recommended.
Parks and Open Spaces	No comments received at the time of writing the committee report.
Sustainability and Energy Officer	No objections subject to financial contribution towards carbon offset payment, 'be-seen' monitoring and ensuring that the development is 'connection ready' to a decentralised energy network. Conditions also recommended, requiring the development to achieve no less than BREEAM 'very good' certification, details of at least 35%



## (Item 4.1)

	carbon dioxide emissions and details of water use reduction measures.
Landscaping and Trees Officer	<p>No objections. The conclusions set out under the Arboricultural Impact Assessment are acceptable. Additionally, the recommendations given by the Arboricultural Method Statement are generally accepted, but a condition requiring an updated Arboricultural Method Statement is recommended to assess protection measures, root barriers and foundation design.</p> <p>The proposed urban greening approach is supported. However, conditions requiring details of soft landscaping and habitat enhancement are also recommended.</p>
Waste and Recycling Officer	No comments received. However, a condition requiring a detailed Waste Management Strategy is recommended.
Business Investment and Employment Officer	No objections subject to planning obligations for the provision of a minimum of 30% local labour, 36 apprentice posts and 11 work placements in the construction phase of the development or a financial contribution in case the apprenticeships and work placements remain unfulfilled. Moreover, 20% local spend and commitment to support local businesses is recommended and therefore secured in the heads of terms.
Environmental Health Team	No objections subject to conditions requiring ground investigation/verification report on contamination, asbestos survey, a Construction Method Statement, Sound Insulation Scheme, Acoustic Barriers, Air Quality Assessment, details of Internal Noise Levels and restriction of hours of operation for non-residential premises. In addition, a financial contribution towards the Air Quality Action Plan required.
Housing Delivery	No comments received at the time of writing the committee report.
Planning Policy Team	No comments received at the time of writing the committee report.
Schools	No objections.
Early Years, Childcare and Business Development Services	No comments received at the time of writing the committee report.
Infrastructure Planning	No comments received at the time of writing the committee report.
CIL Officer	No comments received at the time of writing the committee report.

## (Item 4.1)

CCTV	No comments received at the time of writing the committee report.
Allotments	No comments received at the time of writing the committee report.
Building Control	No comments received at the time of writing the committee report.

<b>External Consultation:</b>	<b>Comments:</b>
Greater London Authority	<p>The principle of the re-development of the site for a mixed-use residential and industrial development is supported by the GLA, subject to the industrial floor space being demonstrably re-provided. Additionally, the introduction of a tall building is supported. Further information is required with regards to Be Lean, Be Clean, Be Green and Be Seen, overheating and circular economy, together with details of sustainable drainage, flood risk, water efficiency, air quality and urban greening.</p> <p>Furthermore, additional information is required with regards to trip generation, Healthy Streets, car and cycle parking, delivery and servicing and travel plan. In terms of affordable housing, the scheme must follow the viability tested route and the GLA will assess in detail the viability assessment to ensure that the maximum amount of affordable housing is delivered.</p> <p>Officer's Response: The applicant has provided clarification information to the GLA to address the comments raised. Outstanding details with regards to car and cycle parking, delivery and servicing, travel plan, drainage and water efficiency are being secured by condition.</p>
Thames Water	No objections subject to condition requiring a Piling Method Statement and Informatives with regards to surface water drainage and foul water sewerage network infrastructure capacity.
Transport for London - TfL	No comments received at the time of writing the committee report.
Metropolitan Police	No objections raised subject to conditions requiring Secured by Design accreditation.
North London Waste Authority	No comments received at the time of writing the committee report.
London Legacy Development Corporation	No comments received at the time of writing the committee report.
London Wildlife Trust	No comments received at the time of writing the committee report.
London Fire Brigade	No observations on the proposed fire strategy therefore no objections raised.

Canal and River Trust	No comments received at the time of writing the committee report.
Leyton Allotment Society	No comments received at the time of writing the committee report.
Natural England	Initial concerns raised over the Habitat Regulations Assessment addressed by the re-submission of a HRA. No objections subject to mitigation measures requiring a financial contribution towards the Strategic Access Management and Monitoring (SAMM) and financial obligations towards SANGS to be dealt with by CIL contributions.
Environment Agency	No objections and informative recommended with further guidance on flood risk activity permits.
The National Amenities Society	No comments received at the time of writing the committee report.
Transport for London, Crime Reduction	No comments received at the time of writing the committee report.
Network Rail	No comments received at the time of writing the committee report.
NHS Northeast London	No objections subject to financial contributions for capital collection for health in London. Notwithstanding the request, it is advised that the proposed calculation would not meet the S106 test, in that there would be no details of where this would be directly linked to, or considerations of a specific project connected to the development. Given the concerns over viability, it is agreed that the requested contribution would not be secured in this instance and any financial contribution towards health infrastructure would be dealt with by CIL.
Health and Safety Executive (HSE)	Initial comments received in response to first consultation (received September 2022), noting concerns on how a single staircase descended to basement level (Block A) and provision of single staircases within taller building elements. Amendments were therefore carried out involving the removal of basement in Block A and introduction of two cores within Building Blocks A, B, C and E. Whilst no comments were received in response to the re-consultation sent in January, initial concerns raised by the HSE have been addressed by the applicant.
London Borough of Haringey	No objections raised.

#### Development Plan

- 6.1 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 Core Strategy (2012), and the Waltham Forest Local Plan Development Management Policies (2013). Other planning policies are material considerations.

#### The London Plan (2021)

- 6.4 On the 2<sup>nd</sup> of March 2021, the Mayor of London published the replacement London Plan. From this date, it forms part of the Development Plan for the purpose of determining planning applications. The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect. 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;
- H10 – Housing Size and Mix;
- S1 – Delivering London’s Social Infrastructure;
- S4 – Playspace and Informal Recreation;
- E1 – Offices;

- E2 – Providing Suitable Business Space;
- E3 – Affordable Workspace;
- E4 – Land for Industry, Logistics and Services to Support London’s Economic Function;
- E6 – Locally Significant Industrial Sites;
- E7 – Industrial Intensification, Co-location and Substitution;
- E11 – Skills and Opportunities for All;
- HC1 – Heritage, Conservation, and Growth;
- HC5 – Supporting London’s Cultural and Creative Industries;
- HC3 – Strategic and Local Views;
- G1 – Green Infrastructure;
- G4 – Open Space;
- 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;
- T7 – Deliveries, Servicing, and Construction;
- DF1 – Delivery of the Plan and Planning Obligations; and,
- M1 – Monitoring.

Waltham Forest Local Plan Core Strategy (2012)

- 6.5 The Waltham Forest Local Plan Core Strategy (2012) was adopted on 1<sup>st</sup> March 2012. The Core Strategy contains 16 policies designed to deliver the Council’s vision for the physical, economic, environmental, and social development of the Borough. These policies will be used to direct and manage development and regeneration activity up to 2026.
- 6.6 The policies considered relevant to this application are the following:
- CS1: Location and Management of Growth;
  - CS2: Improving Housing Quality and Choice;
  - CS4: Minimising and Adapting to Climate Change;
  - CS5: Enhancing Green Infrastructure and Biodiversity;
  - CS6: Promoting Sustainable Waste Management and Recycling;
  - CS7: Developing Sustainable Transport;
  - CS8: Making Efficient Use of Employment Land;
  - CS10: Creating More Jobs and Reducing Worklessness;

- CS13: Promoting Health and Well Being;
- CS15: Well Designed Buildings, Places and Spaces; and,
- CS16: Making Waltham Forest Safer.

Waltham Forest Local Plan Development Management Policies (2013)

6.7 The document was adopted on 1<sup>st</sup> November 2013. The policies considered relevant to this application are the following:

- DM1: Sustainable Development and Mixed-Use Development;
- DM2: Meeting Housing Targets;
- DM3: Affordable Housing Provision;
- DM5: Housing Mix;
- DM7: External Amenity and Internal Space Standards;
- DM10: Resource Efficiency and High Environmental Standards;
- DM11: Decentralised and Renewable Energy;
- DM13: Coordinating Land-use and Transport;
- DM14: Sustainable Transport Network;
- DM15: Managing Private Motorised Transport;
- DM16: Parking;
- DM17: Social and Physical Infrastructure;
- DM18: Strategic Industrial Locations;
- DM19: Borough Employment Areas;
- DM21: Improving Job Access and Training;
- DM23 Health and Well Being;
- DM24: Environmental Protection;
- DM28: Heritage Assets
- DM29: Design Principles, Standards and Local Distinctiveness;
- DM30: Inclusive Design and the Built Environment;
- DM31: Tall Buildings;
- DM32: Managing Impact of Development on Occupiers and Neighbours;
- DM33: Improving Community Safety;
- DM34: Water;
- DM35: Biodiversity and Geodiversity;
- DM36: Working with Partners and Infrastructure;
- Appendix 2 – Policies Map Changes;
- Appendix 4 – Parking Standards; and,
- Schedule 11 – Strategic Road Network.

## **7. MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework (2021)

- 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;
  - 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 (LP1) 2020 – 2035 (Proposed Submission Document)

- 7.5 The Waltham Forest Local Plan (LP1) will replace the current Waltham Forest Local Plan Core Strategy and Development Management Policies. It has undergone consultation and is currently undergoing an Examination in Public. Whilst indicating the intended direction of future policy, its draft policies can only be given limited weight in decision making.

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

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. It underwent consultation from November 2021 until January 2022. When adopted, the Site Allocations Document will represent Part 2 of the Council's Local Plan. It complements the Draft Local Plan

Urban Design SPD - 2010

- 7.7 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.

Inclusive Housing Design SPD - 2011

- 7.8 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

- 7.9 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.

London Plan Affordable Housing and Viability SPG - 2017

- 7.10 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.

Waltham Forest Planning Obligations SPD - 2017

- 7.11 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.
- 7.12 Housing Supplementary Planning Guidance SPG (2016)  
The Housing SPG provides guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and viability.
- Waste & Recycling Guidance for Developers (2019)
- 7.13 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.
- London Plan Practice Note – Industrial Intensification and co-location through plan-led and masterplan approaches
- 7.14 The London Practice Note sets out good practice principles for plan-led or masterplan approaches to industrial intensification and co-location in the context of London Plan Policy E7. The note seeks to provide a high-level land use strategy for designated and non-designated industrial sites.
- Local Finance Considerations
- 7.15 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.

## 8. ASSESSMENT

- 8.1 The main issues which shall be addressed within this report relate to the following:
- A. Principle of Development;
  - B. Provision of Affordable Housing;
  - C. Density;
  - D. Housing Mix;
  - E. Standard of Accommodation;
  - F. Layout, Scale and Design of Development;
  - G. Impact on Amenity;
  - H. Transport and Highways;
  - I. Waste Management;
  - J. The Environmental Impact of the Development;
  - K. Sustainable Design and Energy Efficiency;



- L. Trees and Landscaping;
- M. Archaeology and Heritage;
- N. Safety and Security;
- O. Planning Contributions

#### A) Principle of Development

- 8.2 The National Planning Policy Framework (NPPF) (2021) 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 GG1 of the London Plan (2021), policy CS1 of the WFLP Core Strategy (2012) and policy DM1 of the WFLP Development Management Policies (2013), which also seek for forms of development proposals to achieve an appropriate balance between physical, social, environmental, and economic considerations to ensure that these deliver key benefits to the locality.
- 8.3 In the context of making effective use of land, the NPPF (2021) states that planning policies and decisions should promote an effective use of land to meet the need for homes and that planning decisions should also give weight to economic growth and productivity. Development proposals should therefore promote, and support identified needs for housing and encourage sustainable economic growth, having regard to Local Industrial Strategies within Locally Significant Industrial Sites (LSIS) and local policies for economic development and regeneration.
- 8.4 The site contains a single storey industrial building that is subdivided into industrial units, which comprise 3,479.00 sqm of light industrial floorspace (Use Class E (g)(iii) and 534.00 sqm of office accommodation (Use Class E (g)(i)). The co-location scheme would consist of two main use classes: the re-provision of light industrial employment floorspace at ground level towards the north of the site and the introduction of 213 residential units towards the south and west sides. Both uses would function independently from each other.
- 8.5 The development would provide the following quantum of employment floorspace by block:

<b>Block</b>	<b>Use</b>	<b>Floorspace</b>
Block A	Class E (g)(i) workspace	44.00 sqm (Cycle Hub Café)
Blocks B, C and D	Class E (g) (iii) Light Industrial	2,294.00 sqm
Block E	Class E (g) (iii) Light Industrial	1,956.00 sqm
Total Light Industrial		4,250.00 sqm
Total Employment Floorspace		4,294.00 sqm

Table 2 – Employment Floorspace

- 8.6 The site is designated as a Borough Employment Area (BEA) and falls within the Northern Olympic Fringe Area Action Plan area within the Waltham Forest Adopted Policies Map (2013). In addition, the site is identified as part of the Church Road/Estate Way Locally Significant Industrial Site (LSIS) within the emerging Waltham Forest

Local Plan (LP2) (Regulation 19 Stage, dated November 2021). The site also forms part of the larger proposed Site Allocation (SA08) for a “comprehensive redevelopment of the existing industrial location to provide an industrial-led mixed-use neighbourhood, subject to a two-stage masterplan process” in the draft Site Allocations (LP2).

- 8.7 The draft site allocation also sets out development guidelines under a ‘Placemaking Plan’ that considers site requirements and opportunities, connections across Dagenham Brook and ecological/biodiversity enhancements. Development proposals should seek to re-provide replacement LSIS-compliant uses with a minimum of 24,000 sqm of industrial floorspace while delivering approximately 700 new residential units. The entire LSIS covers an area of 6.62 hectares and is currently occupied by low/medium rise warehouse buildings that provide a mix of business, industrial and storage activities.
- 8.8 Policies E4 and E6 of the London Plan (2021) seek to manage industrial land by placing a significant emphasis on the importance of retaining and increasing industrial capacity. Policy E4 of the London Plan (2021) states that sufficient supply of industrial land should be maintained to meet current and future demand for industrial and related functions. It also states that any release of industrial land to achieve wider planning objectives, should be facilitated through the process of industrial intensification, co-location and substitution set out in Policy E7 of the London Plan (2021).
- 8.9 Policy E7 of the London Plan (2021) sets out a masterplan approach to manage change and development proposals that include co-location through a coordinated process that considers the entire LSIS and the potential for other sites to be redeveloped for industrial intensification and/or residential co-location. Policy E7 is also supported by the Mayor of London’s ‘Industrial intensification and co-location through plan-led and masterplan approaches’ Practice Note dated November 2018, which sets out good practice principles for a plan-led approach to industrial intensification and co-location. The Practice Note also requires the intensified industrial uses to be completed prior any residential component is occupied.
- 8.10 At a local level, Policy CS1 of the WFLP Core Strategy (2012) states that growth should be distributed and managed within the borough by focusing regeneration activities in key Growth Areas. Policy CS1 further states that, within these areas, the Council will seek to accommodate growth in housing and jobs. Policy CS8 of the WFLP Core Strategy (2012) also seeks to retain a healthy supply of land for high quality, sustainable industrial uses by protecting and managing industrial locations. The principle of industrial intensification and co-location with residential floorspace is therefore in accordance with the adopted WFLP Core Strategy (2012).
- 8.11 The applicant has fully engaged in delivering the ‘Estate Way Masterplan Framework’ Report dated January 2023, as required by Policy E7 of the London Plan (2021). The masterplan reflects the strategic approach for intensification, consolidation, and substitution of industrial capacity within the LSIS with an aspiration to intensify industrial capacity, in response to the site allocation (SA08) target of 24,000 sqm of industrial floorspace, which is the benchmark minimum figure for reprovision set out by the Employment Land Audit (2021). The masterplan has been prepared in collaboration with Council Officers and other stakeholders, including the GLA, and includes a comprehensive plot analysis and assessment of eight character areas to determine adequate development principles, typologies and capacity for each site, in accordance with the requirements of Policy E7 of the London Plan (2021), which accepts co-location of light industrial uses with residential uses through the plan-led process of consolidation and intensification.
- 8.12 Policy 30 of the LBWF draft new Local Plan Proposed Submission Document (Regulation 19), seeks for no net loss of industrial capacity and sets a positive policy framework for intensification and co-location development in appropriate industrial

locations. The policy supports master planning frameworks with a comprehensive approach that uplifts employment floorspace capacity with upgraded facilities that are fit for purpose and consider an understanding of the character/vision of the site. Under these terms, the 'Estate Way Masterplan Framework' seeks for no net loss of employment floorspace within each individual site.

- 8.13 The whole BEA/LSIS contains approximately 23,956.00 sqm of combined Class E (g) (iii), B2 and B8 uses and the site capacity testing within the masterplan outlines a proposed industrial floorspace capacity of 26,136.00 sqm, resulting in an increase of approximately 2,180.00 sqm of employment floorspace and the introduction of approximately 410 residential units. The proposed development would uplift light industrial floorspace by 815.00 sqm and would result in an overall increase of employment floorspace (281.00 sqm), which would be in line with the targets set out by the draft Site Allocation (SA08). As such, the development would provide an acceptable quantum of replacement LSIS compliant industrial floorspace that would ultimately increase workspace capacity.
- 8.14 The 'Estate Way Masterplan Framework' considers the potential for other sites within the BEA/LSIS that could be re-developed for intensification for industrial uses and/or residential co-location, which follows the local evidence contained within the Employment Land Audit (2021) in terms of demand, supply and market evidence. The analysis of site capacity, access and servicing requirements and agent of change contained within the 'Estate Way Masterplan Framework' confirm that the proposed quantum of employment floorspace for the site of 4,294.00 sqm is appropriate in terms of land use and capacity for development, as it would not compromise the industrial function and consolidation of the BEA/LSIS.
- 8.15 In light of the acceptability of the proposed employment floorspace described in the above table (paragraph 8.3), the proposed co-location and introduction of residential accommodation in a way that blends in with the industrial and public realm to secure employment retention, is acceptable and consistent with policy GG2 of the London Plan (2021), which seeks for the optimisation of land as a key part of a strategy to deliver new homes. In addition, policy GG2 of the London Plan (2021) outlines how mixed-use developments provide the best use of land, particularly in opportunity areas through a design-led approach to maximise development capacity through key design principles that ensure appropriate place-making strategies with acceptable accessibility and amenity. As noted, the site falls within the Northern Olympic Fringe Area Action Plan area, which is also identified as a key opportunity area under policy SD1 of the London Plan (2021) and that sets a baseline for indicative development capacity target of 39,000 new homes and 65,000 new jobs.
- 8.16 At a local level, emerging policy 12 of the draft new Local Plan Proposed Submission Document (Regulation 19), confirms the Council's commitment to deliver 27,000 new homes by 2035, focusing delivery on strategic locations, opportunity locations and accessible locations around transport hubs. This includes maximizing opportunities to increase the supply of homes on all suitable, appropriate and available sites including re-developing industrial land, surplus public sector land and encouraging residential intensification. Given that the site is currently partially vacant and underused, and it is identified as having the potential for delivering new homes while uplifting employment floorspace by a plan-led approach, the principle of the co-location land use approach is supported. The development would be consistent with the aspirations set out in the draft Site Allocation (SA08) under the Local Plan (LP2) and would represent an opportunity to optimise the potential and industrial capacity of the site in a sustainable manner, by virtue that it would also introduce publicly accessible open space towards Dagenham Brook.

- 8.17 In light of the above policy considerations, the principle of development is supported under a land use point of view, as the development would uplift employment floorspace capacity within the site to secure intensification and consolidation of the BEA/LSIS through a plan-led approach contained within the 'Masterplan Framework for Estate Way (January 2023)', which includes sound design and place making principles that mitigate any potential conflict between industrial and employment activities and residential living environment. The GLA has confirmed that the masterplan work which has been carried out by the applicant broadly meets the guidelines outlined in the Mayor's Practice Note. The Council's Regeneration Team are also broadly satisfied with the vision contained within the masterplan document.
- 8.18 As such, the development is acceptable in terms of land use and the principle of co-location is supported and considered consistent with policies E4, E6 and E7 of the London Plan (2021), policies CS1, CS2, CS3 and CS8 of the WFLP Core Strategy (2012), policies DM1, DM2, DM12 and DM17 of the WFLP Development Management Policies (2013) and policies 12, 30 and 31 the Draft Waltham Forest Local Plan Part 1 (LP1) and Draft Waltham Forest Local Plan Part 2 (LP2) (Site Allocations).

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

- 8.19 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 policy sets out a strategic target for 50% of all new homes delivered across London to be genuinely affordable. The Mayor's Housing SPG (2016) also provides guidance on the overall approach to estimate the needs of different sorts and the role of planning in facilitating private rented housing.
- 8.20 Policy H5 of the London Plan (2021) sets out a threshold approach that applies to major development proposals which trigger affordable requirements with a minimum of 35% affordable housing or 50% affordable housing on Locally Significant Industrial Sites LSIS, that are appropriate for residential uses in accordance with policy E7 of the London Plan (2021) for introducing co-location.
- 8.21 The policy requires an application to follow the Viability Tested Route when it does not meet the threshold requirements set out by policy H5 of the London Plan (2021) which should include detailed supporting viability evidence in a standardised format to ascertain the maximum level of affordable housing using the methodology and assumption set out in the London Plan and the Affordable Housing and Viability SPG. In addition, policy H6 of the London Plan (2021) sets out the split of affordable products that should be applied to residential developments, which is summarised as follows:
- 1) A minimum of 30 per cent low cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes;
  - 2) A minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared Ownership; and,
  - 3) The remaining 40 per cent to be determined by the borough as low cost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need.
- 8.22 At a local level, Policy CS2 of the WFLP Core Strategy (2012) seeks to maximise the number of quality affordable homes in the borough by aiming to provide at least 50% affordable housing over the plan period. Policy CS2 provides flexibility in assessing the level of affordable housing on a site-by-site basis to achieve the maximum available capacity.

- 8.23 Originally the application proposed 36% affordable housing. However, the requirement for an additional stair core has increased build costs while the total number of homes has reduced. As a result, the affordable offer has reduced to 20% affordable housing by habitable room (15% on a per unit basis), with a tenure split of 73% affordable rent and 27% intermediate. The development is required to follow the Viability Tested Route and therefore a financial viability report (dated January 2022 with an addendum dated January 2023) was reviewed by BPS Surveyors on behalf of the Council and has been also assessed by GLA officers to ensure the application delivers the maximum quantum of affordable housing. BPS agree that the scheme is in deficit and that no further affordable housing can viably be provided. The applicant could not have reasonably foreseen the proposed new requirements for additional stair cores as these were announced some nine months after the application was submitted. The applicant has also explored options to recoup lost value by increasing height, reducing the industrial floorspace or changing the tenure mix, but none of these would have been acceptable. Given the conclusions of the BPS assessment the proposed level of affordable housing is accepted as the maximum amount that can be viably delivered. However, early and late-stage review mechanisms are recommended.
- 8.24 In terms of tenure mix, the proposed affordable units would be weighed 73% affordable rent and 27% intermediate, comprising 23 affordable rent units (3 x 1 bed, 8 x 2 bed and 12 x 3 bed units) and 9 intermediate units (2 x 1 bed, 3 x 2 bed and 4 x 3 bed units). The intermediate units would be secured as affordable to a range of incomes below the upper limit of £90,000 per annum for at least the first three months of marketing and would be benchmarked against the monitoring figure in the London Plan Annual Monitoring Report. This cap and other eligibility criteria, such as annual housing costs not exceeding 40% of the net household income, would be secured by appropriate clauses in the legal agreement.
- 8.25 The application would provide a slightly higher than policy proportion of affordable rent units (73%) and therefore the proposed affordable tenure mix would not be fully consistent with policy H6 of the London Plan (2021), by reason that the development would not meet a minimum of 30% intermediate products and only nine units (27%) would be shared ownership. However, the development would respond to the Council's identified housing need, particularly as it would comprise a higher provision of family sized (three-bed units) affordable rented homes, which include the six three-storey townhouses. Given that both the adopted and emerging Local Plan (policy 15 of the draft new Local Plan) seek for 50% of affordable rented homes to be provided as family sized units and the proposed 12 x 3 bed affordable rent units would exceed this target, the proposed tenure mix of affordable homes is accepted.
- 8.26 In terms of the position of affordable units, the term 'pepper-potting' is a form of mixed-use tenure development whereby affordable homes, including social rent, are sprinkled amongst privately-owned housing. The proposed affordable units would be located within Blocks C and D. Block C would have a mixed tenure comprising private and shared ownership units and Block D would accommodate both shared ownership and affordable rent units. Whilst the affordable rent units would not be sprinkled amongst the private units within Blocks A, B and C and these would be only located within Block D, the six affordable rent townhouses would be positioned between Blocks B, C and D and would therefore adjoin privately-owned units within Blocks B and C.
- 8.27 In the absence of adopted or emerging local or London Plan policy that requires developers to pepper-pot affordable units throughout blocks, additional changes to the location of units in response to tenure would be difficult to justify on a mixed-tenure scheme. The development would provide an element of mixture of tenures within Block D (Affordable Rent and Shared Ownership) and within Block C (Shared Ownership and Private Units). It is worth noting that the preference to 'pepper-pot' affordable rent and

private accommodation is generally not accepted by Registered Providers, by reason of complex management and maintenance liabilities for mixed tenure buildings.

- 8.28 Notwithstanding the above, all the residential units would be 'tenure blind' and each unit would feature the same high-quality elevations, entrances and common areas with each resident having access to all the landscaped open spaces and play areas across the development. No communal amenity space within the development would be restricted to a specific tenure and the two open amenity spaces at podium level between Blocks B, C and D would be accessed by all residents within privately owned, intermediate and affordable rent units. The external amenity spaces would also be maintained to the same standard in accordance with a Landscaping Management Plan, which would be secured by condition.
- 8.29 In conclusion and taking into consideration the viability report, it is acknowledged that the development would not be able to deliver an additional quantum of affordable housing, and therefore the proposed 20% affordable housing can be accepted, subject to an early and late-stage review clauses. This would require the applicant to submit a viability re-assessment after 30% of sales of the units, that would be accompanied with an updated build contract for the scheme. This would require an open book assessment with the potential for securing additional affordable housing or a financial contribution being payable towards the delivery of affordable housing in the Borough, in the scenario that the viability of the scheme improves, as required by policies, H4, H5 and H6 of the London Plan (2021) and the Mayor's Affordable Housing and Viability SPG (2017).

### **C) DENSITY**

- 8.30 Whilst the NPPF (2021) 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.
- 8.31 Policy D3 (Optimising site capacity through design-led approach) of the London Plan (2021) also states that all forms of development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. The policy does not contain a density matrix and seeks to ensure that all design options are fully considered in a way that development proposals respond to the context of the surrounding area, with regards to capacity for growth and existing/planned infrastructure.
- 8.32 The site has a Public Transport Accessibility Level (PTAL) of 1b, which is low. However, the site is located within an identified Opportunity Area. The development would have a residential density of 256 units per hectare and 719 habitable rooms per hectare, based on a site area of 0.83 hectares and would therefore fall within an acceptable density range that would relate with the approved density of recent planning approvals within the surrounding context of the site. This point of reference includes Coronation Square with a density of 256 units per hectare (Council Reference 193694), Lea Bridge Gasworks with a density of 219 unit per hectare (Council Reference 201329) and Pocket Living with a density of 265 units per hectare (Council Reference 191876).
- 8.33 The proposed densification of the site and quantum of development would be consistent with the strategic aspiration to intensify the site and make a more efficient use of the land. The development would also encourage active travel for pedestrians and cycling routes and enhance the public realm along Dagenham Brook, in accordance with policy D3 of the London Plan (2021), which seeks for development proposals to make the best use of land in terms of design and efficiency.

- 8.34 In the absence of concerns regarding impact on social and transport infrastructure, the proposed densification of the site is acceptable and consistent with the requirements of policies D2 and D3 of the London Plan (2021), in that the design and quantum of development would respond to the urban context and aspirations to increase the efficiency of a strategic site.

#### **D) HOUSING MIX**

- 8.35 The NPPF (2019) states that “sustainable development involves seeking positive improvements in the quality of the built environment, including widening the choice of high-quality homes”. The NPPF recognises that to create sustainable, inclusive, and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.
- 8.36 Policy H10 of the London Plan (2021) states that development should generally consist of a range of unit sizes and to determine the appropriate mix of unit sizes, developments should have regard to robust local evidence of need in line with the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment. The policy adds how developments should deliver mixed and inclusive neighbourhoods by providing a range of unit types at different price points across London, also considering the range of tenures within the same scheme.
- 8.37 At a local level, Policy CS2 of the WFLP Core Strategy (2012) requires mixed and balanced communities and sets out the Council’s priority for larger homes (three bedrooms or more) in new developments. Policy DM5 of the WFLP Development Management Policies (2013) supports the aspirations set out by Core Strategy Policy CS2 and outlines the Council’s preferred housing mix for residential developments. There should be a varied mix of units across a development, with the preferred percentage being as follows: 20% 1-bedroom units, 30% 2-bedroom units, 40% 3-bedroom units and 10% 4-bedroom units.
- 8.38 Table 1 (paragraph 3.2 of the committee report) sets out the proposed residential mix, which would consist of 80 x 1 bed units (37.6%), 95 x bed units (44.6%) and 38 three bed units (17.8%). Although the percentage of family units is not entirely consistent with the requirements set out by policy DM5 of the WFLP Development Management Policies (2013), by reason of an uplift of one-bed units, policy H10 of the London Plan (2021) and the Mayor’s Housing SPG (2016) accept a level of flexibility in terms of housing mix and acknowledge the role smaller units may play in freeing up existing family sized housing stock. The provision of an increased number of smaller units can therefore be accepted, considering that the site is positioned within an Opportunity Area.
- 8.39 Although the development would not deliver 4-bedroom dwellings, the proposed mix would deliver a mixed and balanced community with an acceptable quantum of units able to accommodate a small family, particularly by reason that the mix would deliver 29 x 3 bed capable to accommodate 5 people, while also meet other needs to cater single occupants for older people in need to downsize or younger people willing to access the housing market. The development is therefore consistent with the objectives of London Plan Policy H10 (2021), WFLP Core Strategy Policy CS2 (2012) and WFLP Development Management Policy DM5 (2013).

#### **E) STANDARD OF ACCOMMODATION**

- 8.40 London Plan Policies D4 ‘Delivering Good Design’ and D6 ‘Housing Quality and Standards’ (2021) seek to scrutinise the qualitative aspects of a development in terms of living environment, design quality and spatial standards. Given the high-density of the development and the proposed mixed uses that would comprise light industrial,

office accommodation and residential homes, careful consideration should be given to the proposed form, layout, external amenity space and accessibility to ensure that the proposed employment floorspace co-exists in an acceptable form with the residential accommodation.

- 8.41 At a local level, policy CS2 of the WFLP Core Strategy (2012) requires high quality design for any new housing development, which should have the ability to adapt to changing needs of residents with appropriate spatial standards. In addition, policy CS8 of the WFLP Core Strategy (2012) encourages a mix of employment facilities and types, including the provision of employment spaces that are suitable for small and medium sized enterprises and creative cultural industries.
- 8.42 The proposed building layout would ensure that there is a clear separation between the five light industrial units (located in the base of blocks B, C and D) and commercial yard towards the north and the residential uses and domestic character towards the south along the Marsh Lane frontage. The proposed design approach therefore follows the co-location typology as described in draft policy 31 of the Local Plan (LP1), which seeks for a high-quality design approach with a buffer between commercial and residential uses with appropriate design mitigation measures to address impacts on amenity, particularly with regards to vibration, noise, air quality and odour emissions.
- 8.43 This approach would be in line with the aspirations set out by policy E7 of the London Plan (2021), which also requires appropriate design mitigation measures for developments that involve co-location. The building layout therefore seeks to respond to the co-location design approach and integrate the non-residential floorspace with the industrial sites that conform the Church Road/Estate Way BEA/LSIS and ensure that there is a clear separation between commercial and residential movements. The quality of accommodation for non-residential and residential floorspace is reviewed in detail against policy requirements as follows:

Non-residential Floorspace (Class E (g) (i) and (iii)):

- 8.44 The five light industrial units would be positioned at the north side of the site and would be accessed via Estate Way South. The units would range in size between 154.50 sqm and 473.90 sqm at ground floor with smaller/flexible mezzanine spaces. The units would have a clear and functional industrial frontage towards the north along the proposed commercial yard and would accommodate double height and flexible employment floorspace to accommodate smaller multi-level workshop-type spaces.
- 8.45 The approach to the design of the five light industrial units would respond to a variety of potential activities. The internal spaces would have acceptable levels of daylight, sunlight and ventilation, by reason of the articulation of the north façades of Blocks B, C and D, which would include large openings and sliding/folding industrial doors that would ensure that the light industrial warehouse units are well integrated to the servicing yard towards the north with access from Estate Way South. The proposed layout would also ensure that there is active surveillance.
- 8.46 An additional element of Class E (g) (iii) industrial processes floorspace would be accommodated within Block E, which would be positioned at the northeast side of the site fronting the key servicing route via Estate Way South. The amendments received January 2023 involved the addition of a floor level and a slight increase in footprint of Block E, by reason that an additional stair core was added in response to fire safety requirements. The amended floorplans seek to rationalise the upper floors of the building block to provide flexible industrial processes within Class E (g) (iii) with large open internal layouts within the upper floor levels that would be capable of being subdivided to respond to different businesses and requirements.



- 8.47 The revisions to the ground floor layout within Block E have also been reviewed to enhance street activation. In addition, an element of external amenity space would be provided at the west side of the roof level, which would have the ability to overlook the servicing yard towards the west, would serve employees. The industrial-related units at the rear of Blocks B, C and D and within Block E would also accommodate oversized lifts to enable transportation of goods and machinery from street level to upper floors.
- 8.48 Overall, the quality of the light industrial units raises no concerns in terms of the size, typology, layout, orientation and safety for each unit and these would respond to the character of the industrial estate towards the north. The proposed flexible approach and modulation for each commercial unit would also be reflected in the façade articulation, by providing a more industrial character towards the north in relation to the domestic character of the residential blocks fronting Marsh Lane. The proposed facades would optimise the opening sizes and allow different window opening options, depending on the office layout, as the internal modulation concept will be optimised by the repetition of the fenestration, particularly in Block E.
- 8.49 Given the proposed layout and clear separation between the light industrial units and residential dwellings, which would include the introduction of isolating structural elements between the uses that would enable the podiums above the light industrial floorspace to achieve acoustic, vibration and fire separation, the design of the light industrial units would be acceptable and consistent with policies D4 and E7 of the London Plan (2021) and policy CS8 of the WFLP Core Strategy (2012). The varying size of the non-residential units and the flexible modulation approach of the layout would be reflected by the façade articulation, which would ensure that these spaces are fit for purpose and not compromised in terms of servicing requirements with proper regard to the type of uses in response to potential different operational requirements.

Residential Floorspace (Class C3):

*Internal Residential Spatial Standards*

- 8.50 Table 3.1 under London Plan Policy D6 (2021) 'Housing Quality and Standards' state the minimum internal floor areas expected for the proposed residential units. The policy seeks for high quality and functional layouts that are fit for purpose. In addition, Table 3.2 under London Plan Policy D6 (2021) provides qualitative aspects that should be taken into consideration, such as legibility, orientation, privacy, visual outlook, and circulation.
- 8.51 Policy CS3 of the WFLP Core Strategy (2012) requires high quality design for new residential developments, which should have an ability to adapt to changing needs for residents and ultimately create healthy and sustainable communities with appropriate spatial standards and adequate levels of amenity.
- 8.52 The proposed development would accommodate 113 residential dwellings (including six three-storey townhouses). The table below sets out the range of floor areas provided per each type of unit and the proposed spatial standards compared to the expected sizes that should be provided.

<b>Unit Type</b>	<b>Accommodation Sizes</b>	<b>Policy Requirement</b>
1 Bed – 2 People (80 units)	50.40 m <sup>2</sup> – 54.79 m <sup>2</sup>	50 m <sup>2</sup>
2 bed – 3 people (53 units)	62.30 m <sup>2</sup> – 67.85 m <sup>2</sup>	61 m <sup>2</sup>

2 bed – 4 people (42 units)	73.00 m <sup>2</sup> – 78.92 m <sup>2</sup>	70 m <sup>2</sup>
3 bed – 4 people (9 units)	74.10 m <sup>2</sup> – 80.50m <sup>2</sup>	74 m <sup>2</sup>
3 bed – 5 people (23 units)	86.00 m <sup>2</sup> – 91.10 m <sup>2</sup>	86 m <sup>2</sup>
3 bed – 5 people (three storeys- 6 units)	123.60 m <sup>2</sup> – 123.80 m <sup>2</sup>	99.00 m <sup>2</sup>

Table 3 – Internal Floor Areas

- 8.53 The proposed residential flats would meet the minimum spatial requirements in terms of floor area and the habitable rooms within each unit would also meet the minimum spatial requirements in that double bedrooms would exceed 11.50 sqm and single bedrooms would exceed 7.50 sqm. The floor to ceiling height of each dwelling would exceed 2.50 metres in height and the dwellings would also have open-plan living areas with integrated kitchen and dining areas with built-in storage that would exceed the minimum standards, as required by policy D6 of the London Plan (2021).
- 8.54 The proposed six three-bed townhouses would have an acceptable internal layout with a more social public layout at the ground floor fronting Marsh Lane, which would be screened by a front garden space that would serve as a buffer and a gradual transition towards the more private space within the upper floors, to accommodate three bedrooms and private terraces overlooking the internal courtyards at podium level. Overall, the residential rooms within the proposed townhouses would be well connected through an open stairwell (with skylight above) to create an open sense of space with acceptable levels of sunlight and daylight. The habitable rooms would also meet the minimum spatial requirements set out by policy D6 of the London Plan (2021).
- Dual Aspect Units and Units per Core:*
- 8.55 Policy D6 of the London Plan (2021) states that housing developments should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect units. A single aspect dwelling should only be provided when it can be demonstrated that all habitable rooms contain adequate ventilation, privacy, acceptable levels of daylight and appropriate orientation.
- 8.56 156 residential dwellings would be dual aspect, which would result in an acceptable percentage of 73%. There would be no north-facing single aspect units. As noted, 23 out of the 57 single aspect units would be positioned within Block B and most of these units would be east facing, to maximise visual outlook towards the proposed landscaped public realm around Block A and Dagenham Brook. The proposed design of the single aspect units would therefore be in accordance with the aspirations set out by policy D6 of the London Plan (2021), in that the habitable rooms and kitchens would have adequate ventilation, privacy and daylight. Furthermore, their orientation would enhance amenity, including views and an acceptable visual outlook.
- 8.57 In the absence of north-facing residential units and considering that the proposed podiums and internal courtyards between Blocks B, C and D would also serve as a buffer between the residential and employment uses, the residential living environment for future residents would be acceptable, as the spatial configuration would ensure that future residents are protected from noise, disturbance and poor visual outlook.
- 8.58 The proposed internal layout would also limit the number of residential units per core by a maximum of seven dwellings per floor level within Block B, which would contain two stair core lobbies per floor. Blocks A and C would also contain two stair cores and each floor level would accommodate a maximum of six units. Block D would contain one stair core (by reason of the building height not exceeding 18.00 metres) and each floor level within Block D would accommodate five residential flats. The stair cores would be suitably sized and given the acceptable number of units per core within the

minimum threshold of eight, there are no concerns with regards to how the internal layout would fail to enable proper evacuation and safety procedures, in accordance with policies D6 and D12 of the London Plan (2021).

*Privacy and Visual Outlook:*

- 8.59 The Mayoral Housing SPG (2016) states that development should maintain between 18.00 metres to 21.00 metres between habitable windows. The SPG adds how there should be adequate levels of privacy in relation to neighbouring properties, the street scene and other public places. Any impact on amenity in terms of neighbouring sites is assessed in Section G of the committee report (paragraphs 8.112 to 8.116).
- 8.60 The proposed courtyards at podium level would have a considerable size and the minimum distance between the internal residential windows overlooking the courtyards would be 18.40 metres. Moreover, the north-facing roof terraces on each townhouse overlooking the courtyards would be at 90 degrees angle when seen from the internal residential windows in Blocks B, C and D and therefore the external roof terraces within the townhouses would have no ability to overlook internal habitable rooms overlooking the podiums within these three building blocks.
- 8.61 Although the minimum separation distance between Blocks A and B would be 13.50 metres and east facing windows on Block A overlooking west-facing windows on Block B would have a lower than recommended separation distance, the updated plans address initial officer concerns by mitigating any ability to overlook through the arrangement of balconies and primary windows serving habitable rooms, as windows and balconies would face different directions.
- 8.62 In terms of visual outlook, policy DM32 of the WFLP Development Management Policies (2013) defines outlook as the visual amenity afforded by a dwelling's immediate surroundings. Given the acceptable separation distance between building blocks and the orientation of these with some windows and balconies at an angle within Block A to reduce any dominating effect, the development raises no concerns in terms of visual outlook. The building blocks would respond to the emerging context of the area, by maximising visual outlook towards the west along Dagenham Brook and Jubilee Park.
- 8.63 It is considered that the separation distances between the proposed building blocks and windows serving habitable rooms, would preserve the privacy levels to future residents of the development and would provide acceptable levels of visual outlook, in accordance with policy D6 of the London Plan (2021) and policy DM32 of the WFLP DM Policies (2013).

*Wheelchair Accessible Units and Inclusive Design:*

- 8.64 Policy D7 of the London Plan (2021) states that 10% of new housing must meet Building Regulations requirement Part M4 (3) 'wheelchair user dwellings' and that all other dwellings should meet the Building Regulations under Part M4 (2) 'accessible and adaptable dwellings'.
- 8.65 The development proposes to deliver 21 wheelchair accessible dwellings that meet the Part M (4) Category 3, which is 10% of overall provision, as set out in Table 4 below. The remaining 90% of flats have been also designed to be accessible, adaptable and would be fully in compliance with Building Regulations Part M4 (2). The development would deliver accessible homes across the private sale and affordable rent tenure. The low-cost rent wheelchair homes will be accessible from the outset, while the market wheelchair homes will be adaptable. The accessible homes would be located within different floor levels of Blocks A, C and D and would be well linked to the disabled parking areas at the east side of Block D and between Blocks A and B.

	<b>1 Bed 2 Person</b>	<b>2 Bed 3 Person</b>	<b>3 Bed 4 Person</b>	
<b>Market</b>	3	13	0	
<b>Low-Cost Rent</b>	0	5	0	
<b>Total</b>	3	18	0	21

Table 4 – Schedule of Wheelchair Accessible Units

8.66 The four residential lobbies would be accessible by stairs and lifts that would exceed the minimum requirement of 1.10 metres x 1.40 metres with clear landings that would exceed the minimum requirement of 1.5 metres x 1.5 metres. The staircases would meet the recommendations set out in Part M and Part K (General Access Stairs) of Building Regulations with handrails that would continue around half landings. In addition, the internal corridors within the building blocks would also meet the minimum requirement of 1.50 metres in width, to allow convenient access and manoeuvring for wheelchair users.

8.67 In summary, the proposed development would provide acceptable inclusive design guidelines and an acceptable quantum, mix and tenure of wheelchair accessible units, in compliance with policy D7 of the London Plan (2021).

*Daylight and Sunlight for Proposed Residential Accommodation:*

8.68 An assessment of the impact of the development on the residential amenities of neighbouring sites is included within Section G of this committee report. However, the provision of internal daylight and sunlight for future occupiers of the development is also reviewed against the submitted 'Daylight and Sunlight Assessment' document, which was revised on the 15<sup>th</sup> December 2022, by reason to changes of building footprint.

8.69 The 200 habitable rooms within the proposed residential flats have been assessed using the Average Daylight Factor (ADF) metric and Annual Probable Sunlight Hours (APSH) tests. The assessment concludes that 178 proposed habitable rooms (89%) would meet or exceed the recommended daylight target levels (ADF), which is a high level of compliance. In addition, the habitable rooms would have an adequate depth, as these have been designed with good proportions of daylight distribution. As noted, the shortfalls mainly occur in living spaces that are served by balconies, but notwithstanding the shortfalls, these are generally minor shifts of 0.1 – 0.3% and fall below the 1.5% ADF target.

8.70 In terms of overshadowing, the 'Sunlight and Daylight Assessment' confirms that all shared amenity spaces, including play areas, within the scheme would achieve sunlight levels that would exceed the BRE recommendations in the existing baseline condition and at least 93% of the total amenity space would receive 2 hours or more of direct sunlight on the 21<sup>st</sup> March. The proposed amenity spaces would therefore enjoy adequate levels of sunlight throughout the year in accordance with the BRE guidelines.

8.71 The development would therefore provide very good levels of residential amenity in terms of daylight and sunlight and as such, the dwellings and amenity spaces would meet the requirements of policy H6 of the London Plan (2021), which seeks for new residential developments to provide acceptable levels of amenity with a high level of compliance with the BRE recommendations, as set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'.

*External Amenity Space and Children's Play Space:*

- 8.72 Policy D6 of the London Plan (2021) states that where there are no higher local standards in the Borough Development Plan Documents, a minimum of 5 square metres of private outdoor space should be provided for 1 – 2 person dwellings with an extra 1 square metres for additional occupant, with a minimum depth and width of 1.5 metres. In addition, policy S4 of the London Plan (2021) states that formal play area provision should normally be made on-site and should provide at least 10 square metres per child to satisfy child occupancy and play space requirements.
- 8.73 At a local level, policy DM7 of the WFLP Development Management Policies (2013) states that 10.00 sqm of amenity space should be provided per bedroom and balconies should have a minimum size of 5 sqm. Each flat should include an element of private amenity space, but the overall provision can be a combination of private and communal space. As such, the development would have a total requirement to deliver 3,840.00 sqm of external amenity space. The development would deliver a total of 3,055.89 sqm of which 1,618 sqm would be through private balconies and terraces, 328.98 sqm would be through communal roof terraces within Blocks A and B, 589.31 would be provided through the two podiums and 519.60 would be provided through publicly accessible open space at ground floor.
- 8.74 In light of the above provision of amenity space, the development would have a shortfall of 784.11 sqm. However, the shortfall is justified in this instance, by virtue that a financial contribution towards the development, access and maintenance of the Dagenham Brook has been secured and considering that the development would create a link between the urban areas at the east side of the site towards Church Road and Leyton Jubilee Park. Given that the development would introduce new and publicly accessible communal open spaces that would ultimately benefit future and existing residents in the local area, the proposed level of communal amenity space is accepted.
- 8.75 In terms of children play space, London Plan Policy S4 (2021) requires the provision of 10 sqm of play space per child. The requirements have been calculated using the proposed housing mix and the GLA's Population Yield Calculator, which resulted in a child yield of 88 children within the site (879.70 sqm requirement). The development would meet this requirement, by introducing 520 sqm for children aged between 0 and 4 years at podium level and at the south side of Block A. Additionally, 322.00 sqm of play space for children aged between 5 and 11 would be located at the northwest side of Block A towards Dagenham Brook and an additional play space of 270 sqm for older children aged between 12 and 17 years would be introduced along the boundary shared with the Willow Brook Primary School.
- 8.76 The proposed play spaces at podium level (400.00 sqm) for younger children aged 0 to 4 years would be well-designed and integrated with direct access from Blocks B, C and D. Moreover, the additional play space for younger children aged 0 to 4 years adjoining Block A (120.00 sqm) would also be acceptable with designated spaces for gatherings and playing, that would be well connected to multi-functional outdoor spaces and seating areas within the proposed open spaces along Dagenham Brook. Whilst the proposed play space for older children would be a linear open space along the east boundary of the site with limited provision of multi-functional usable outdoor space, due to the position of the site adjacent to the Leyton Jubilee Park, the play strategy is accepted, as this would respond to the hierarchy of spaces and site-specific activities within the different areas of the development.

Conclusion on Standard of Accommodation:

- 8.77 Overall, the proposed development would deliver an acceptable living environment for future residents and the quality of non-residential floor space is considered acceptable. The proposed residential units would meet the minimum requirements in terms of floor space and would enjoy acceptable levels of visual outlook and sunlight/daylight. Whilst the development would have a shortfall of communal amenity space, this shortfall

would be justified, by reason that the private amenity space for each unit would be well designed and would largely exceed the minimum requirements set out by Policy D6 of the London Plan (2021). Moreover, given the location of the application site at the east side of the Leyton Jubilee Park and the financial contribution towards the Dagenham Brook, the development would provide acceptable mitigation measures to justify the shortfall.

- 8.78 Due to the reasons outlined above, the quality of the proposed accommodation is supported and consistent with policies D6, D7 and S4 of the London Plan (2021) and policy DM7 of the WFLP Development Management Policies (2013).

## **F) LAYOUT, SCALE AND DESIGN OF DEVELOPMENT**

- 8.79 The NPPF (2021) states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect on sustainable development, to ensure that any form of development creates better places that improve the way these function by promoting a strong sense of place and identity.

- 8.80 Policy D4 of the London Plan (2021) states that the design of development proposals should be thoroughly scrutinised, and borough and applicants should make use of the design review process to assess and inform design options early in the planning process. The policy states how boroughs and applicants should make use of the design review process to assess and inform design options during the planning process. The format of design review should consider the following guidelines:

- Design review should be carried out transparently by independent experts in relevant disciplines.
- Design review comments should be mindful of the wider policy context and focus on interpreting policy for the specific scheme.
- Where a scheme is reviewed more than once, subsequent design reviews reference and build on the recommendations of previous design reviews should be noted.
- Design review recommendations should be appropriately recorded and communicated to officers and decision makers.
- Schemes show how they have considered and addressed the design review recommendations.
- Planning decisions demonstrate how design review has been addressed.

- 8.81 In addition, policy D9 of the London Plan (2021) states that Local Authorities should determine if there are locations where tall buildings (exceeding six storeys in height or 18 metres in height) may be accepted, subject to meeting all other material planning considerations. The policy also states that tall buildings should only be developed in locations that are identified as suitable in Development Plans. Tall buildings should be assessed in terms of the form, proportions, composition, scale and character of surrounding buildings and urban grain.

- 8.82 At a local level, policies CS2 and CS15 of the WFLP Core Strategy (2012) require development proposals to be of a high standard and design quality that respond to the local context and the character of the surrounding area, while promoting local distinctiveness and a strong sense of place. Policies DM29, DM30 and DM31 of the WFLP Development Management Policies (2013) also seek for high standard of urban and architectural design for all new forms of development, particularly with regards to how a taller building element maximises the use of the site by creating sustainable places within key locations that are well served by public transport and local services.

- 8.83 The key considerations when assessing the design aspects of the development against the requirements of the policies listed above are addressed as follows:

*Building Layout and Spatial Configuration:*

- 8.84 The proposed building arrangement would be formed by linear building blocks that would seek to respond to the rectangular form of the site. The proposed development would follow the following key design principles, which result from an analysis of the site, and its opportunities or constraints for integrating the development with the emerging vision for the Church Road/Estate Way BEA/LSIS.
- Provide a clear separation between the employment floorspace at the north of the site towards the industrial uses at Estate Way and the more domestic character at the south side along Marsh Lane. The proposed two podiums would also provide a vertical separation between the light industrial units and the residential units to achieve acceptable levels of acoustic screening.
  - Introduce a slenderer stand-alone building element (Block A) to provide a more generous open and green space towards the west side of the site along Dagenham Brook by introducing a play park and connecting the development with the Leyton Jubilee Park and Dagenham Brook.
  - Introduce a detached commercial building (Block E) which would be rationalised to optimise commercial floorspace towards the north side of the site, which would be slightly shifted off to the proposed grid to respond to the key servicing route linking the site with Estate Way South.
  - Create three-storey family sized homes with private amenity between the linear blocks (B, C and D) that would reduce height to the southern parts of the site to maximise sunlight penetration to the courtyards at podium level and maximise surveillance at Marsh Lane.
  - Re-inforce existing routes and introduce new pedestrian and cycle routes to link the north, east and west sides of the site with surrounding sites. The proposed building layout would provide vehicular access to a shared service yard at the north to allow access from Estate Way South and improve Marsh Lane for pedestrians and cyclists by introducing a more landscape-led approach towards the south to respond to the constraints of the 'school street'. The development would therefore provide a new residential frontage at Marsh Lane, with a building line that would be set in from the existing building footprint to provide a greater sense of openness and extend the public realm along Marsh Lane.
  - Locate the tallest building element to the west of the site to introduce a 'marker building' in response to the Site Allocations draft document (2021), which emphasizes the strategic significance of this side of the site to mark the entrance to Jubilee Park.
  - Deliver a building layout that provides acceptable separation distances between the proposed blocks and neighbouring buildings.
- 8.85 The development would respond to the above spatial principles by its regular configuration that would also seek to acknowledge the continuous and considerable building frontage along Marsh Lane and the slightly sloping profile of the site with a level difference between Church Road and Dagenham Brook of approximately 5.5 metres. The building blocks would contain four main residential entrances at Marsh Lane, which would be well distributed along the street frontage, and which would be separated from the employment floorspaces at the north side.
- 8.86 The proposed combination of urban blocks with a landscape-led green character along Marsh Lane is considered appropriate in this setting, as the enhanced public realm towards the south and west sides of the site would avoid a perception of an over-dominating building form and would ultimately respond to the existing natural features that surround the site towards the west. The proposed pedestrian and cycle routes

would not only improve the public realm but would also connect the development with its wider context towards the north, east and west. As such, the proposed building layout and spatial configuration is supported and considered consistent with policies D4 of the London Plan (2021) and policy DM29 of the WFLP Development Management Policies (2012).

*Height, Massing and Building Articulation:*

- 8.87 Policy D9 of the London Plan (2021) states that tall buildings should only be developed in locations that are identified on maps in Development Plans and that these should form part of a strategic approach to meet the regeneration and economic development goals laid out in the London Plan, particularly to make optimal use of the capacity of sites. Policy D9 of the London Plan (2021) adds how tall buildings should address visual, functional, environmental, and cumulative impacts and should be scrutinised in terms of safety considerations that should be central to their design and operation, particularly with regards to measures to minimise the threats from fire, floor and any other hazard.
- 8.88 At a local level, policy CS15 of the WFLP Core Strategy (2012) directs tall buildings to key growth areas, such as the Walthamstow Town Centre, Blackhorse Lane and the Northern Olympic Fringe Area Action Plan area. Policy DM31 of the WFLP DM Policy (2013) also adds how tall buildings should maximise the use of land and create sustainable buildings at locations that are well-served by public transport and local services.
- 8.89 The site sits within the Northern Olympic Fringe Area Action Plan area and the draft Local Plan (LP2) – Site Allocations identifies the western side of the site as suitable for additional height, subject to building articulation. The proposed height, massing and articulation of each building element is therefore assessed as follows:

*Block A:*

- 8.90 Block A would be located at the west side of the site and would have seventeen storeys in height. The building would therefore constitute the highest building element within the development and its design approach seeks to reduce the footprint of the building to maximise the potential of the site around the building by improving the public realm towards Marsh Lane and Dagenham Brook. The reduced footprint would result in a slenderer building form that would reduce a sense of massing, which would also minimise the impact on surrounding sites by maximising a setback from neighbouring buildings towards the north and south. The proposed building articulation would retain a two-storey base with recessed balconies, a middle element with horizontal window arrangement and balcony articulation and a top crown element formed by a setback that would enable the installation of a green roof.
- 8.91 Due to the design approach involving a limited building footprint and its separation from Blocks B, C and D, Block A would achieve an acceptable relationship with the streetscape and the green areas of Dagenham Brook and Leyton Jubilee Park. The slender design approach would provide a greater sense of space between the tall building element and its immediate surroundings and would also serve as a landmark ‘marker entrance’ to the Leyton Jubilee Park, in accordance with the ‘placemaking plan’ under the draft Local Plan (LP2) – Site Allocations. Under these terms, the GLA have confirmed in their Stage 1 response that the proposed tall building at the west side of the site can be supported and the proposed bulk and massing of Block A is considered acceptable and consistent with policy D9 of the London Plan (2021).

*Blocks B, C and D:*

- 8.92 The three buildings blocks B, C and D would be linked by two rows of three-storey townhouses and would have a maximum height of nine storeys at the west side (Block



B) and would step down to six storeys towards east side. The proposed stepped-roofline with the taller block towards the west and a considerable visual break between each building block of 18.40 metres, which would result from the three-storey townhouses between each building, would avoid the formation of a monolithic building form when viewed from different vantage points across Marsh Lane or Estate Way. Due to the varying building height and the maximum height of six-storeys towards the east, it is considered that the development would relate to the neighbouring Willow Brook Primary School, particularly by virtue of the considerable separation distance of 45.30 metres between Block D and the west elevation of the two-storey building that accommodates the school.

- 8.93 In terms of building articulation, the proposed building blocks would also have clear base, middle and top sections, which would reduce a sense of massing and provide a sense of visual consistency throughout the three building blocks that would be linked by the three-storey brick townhouses.

*Block E:*

- 8.94 Block E would be seven-storeys in height and would be positioned towards the northeast side of the site. The building would meet the definition of a tall building as described by London Plan Policy D9 (2021), which states that based on local context, the definition would be applicable for buildings that exceed six storeys or 18.00 metres in height. Notwithstanding the proposed height of seven-storeys, which would present a step away from the predominant two-storey building height towards the east side of this part of the site at the Willow Brook Primary School, the building would optimise opening glazed windows through a modulation approach (except towards the east to avoid any overlooking towards the school), which would restrict any perception of massing and bulk, particularly by reason of the building articulation formed by a white stone base, middle brickwork section and top white parapet.
- 8.95 Given the separation distance of 32.70 metres from the west elevation of the two-storey Willow Brook Primary School, the proposed Block E would respect the integrity of neighbouring buildings towards the east and north sides and would retain an acceptable separation of 8.00 metres from the north side of the proposed Block D.

*Townscape Views:*

- 8.96 Policy HC3 of the London Plan (2021) states that several views make a significant contribution to the image and of London at a strategic level and that these contribute to the legibility of the city and form part of the key landmarks that form the broader townscape. A 'Heritage, Townscape and Visual Appraisal' dated February 2022 has been submitted, which identifies three Townscape Character Areas (TCAs) within the immediate context of the site ("Dagenham Brook/Mixed Industrial and Residential Areas", "Jubilee Park Area" and the "North Leyton Residential Area"), which conform an overall mix of industrial and residential uses that result in varied townscape values formed by the accessible open spaces of Jubilee Park towards the west, a generally consistent terraced housing with infill developments towards North Leyton and a fragmented townscape towards the north with the industrial uses within Estate Way.
- 8.97 A sequential view study depicting the application site from different viewpoints with proposed verified views of the proposed development with Ordinance Datum measurements, which also show the proposed approach views from Leyton Jubilee Park (west side) and Marsh Lane (east side), demonstrate the anticipated effects of the development in terms of townscape views from several vantage points. Upon completion, the development would introduce a new residential land use that would result in a more domestic character along Marsh Lane and would also enhance permeability, resulting in new views within the surrounding townscape.

- 8.98 The site is within the Protected Vista Extension of the strategic view from City Hall to the Tower of London and therefore any potential impact on the protected view would be assessed at Stage 2, as confirmed by the GLA. As noted, the view was tested and a response was given to the GLA, confirming that the development would have no adverse impact on the strategic view.
- 8.99 Notwithstanding further details with regards to the protected vista, given that the development would define a new active frontage along Marsh Lane and would also introduce natural surveillance to Marsh Lane and Jubilee Park while it would enhance Dagenham Brook as a townscape asset, the submitted 'Heritage, Townscape and Visual Appraisal' concludes that the development would result in a moderate to major beneficial effect on the townscape character of the site and its surrounding context.
- 8.100 Moreover, the development would form part of a sequence of approved landmark buildings that would be visible from Jubilee Park. Considering the adequate level of visual analysis that has been undertaken to assess the potential townscape impact and the moderate to beneficial effect to the townscape views, the development would be consistent with policy HC3 of the London Plan (2021) and policy DM31 of the WFLP DM Policies (2013).

*Materiality and Façade Articulation:*

- 8.101 The proposed building blocks would have three distinct elements formed by a lower base, brickwork middle element and a top floor element, with vertical grouping of windows and balconies that would blend in with the proposed vertical proportions of the building blocks. The proposed concept of introducing a base, middle and top sections for the buildings and a variation of brickwork would seek to reduce a sense of massing, which would be re-enforced by the stepped building line approach between Blocks B, C and D and the window alignment, as a design guideline mentioned above. Additionally, the proposed pre-cast stone base on Blocks A, B, C and D would ensure that there is a visual continuity along the Marsh Lane frontage, which would reinforce building articulation.
- 8.102 The proposed building blocks would contain brickwork as the main feature, with mainly white/grey variegated stretcher bond brickwork in Block A to provide a lighter visual approach that reduces a sense of massing and blends in with the pre-cast concrete panels at the base. Blocks B, C and D would mainly contain red variegated stretcher bond brickwork to acknowledge the industrial heritage of the site. The three-storey townhouses would mainly contain bright buff variegated stretcher bond brickwork to achieve visual interest. Block E would have a more modular façade articulation formed by lighter cream buff brickwork to reduce a sense of massing that would also result from the horizontal rhythm of the window openings.
- 8.103 Overall, it is considered that the building blocks would be visually integrated and there would be an acceptable visual consistency through different tones, material features and façade articulation, which would also result from vertical groups of windows and balconies. The proposed palette would contain a combination of darker and lighter tones to achieve visual interest and reduce a sense of massing on the taller building blocks. Final details of external materials, including balustrades, metalwork, cladding and mortar joints would be secured by condition. Due to the above considerations, the development would be acceptable in terms of elevational treatment and materials and would be in accordance with policy D4 of the London Plan (2021) and policy DM29 of the WFLP Development Management Policies (2013).

*Public Realm:*

- 8.104 Policy D8 of the London Plan (2021) states that every form of development should contain well-designed, safe, accessible, inclusive, and well-connected public spaces, with appropriate landscaping treatment, planting, street furniture and surface materials

that are durable and sustainable. The design of the public amenity spaces should follow an understanding of how the public realm in the area functions to create a sense of place during different times of day, including different times of the year.

- 8.105 The existing site is entirely enclosed and built over and therefore has no ecological value. Given the site's unique setting at the edge of Jubilee Park and adjacent to Dagenham Brook, the proposed design concept would be landscape-led with a focus to maximise wildlife and soft landscaping elements, particularly around Dagenham Brook, where a play park area would be introduced, which would also define a potential cycle and pedestrian route along the length of Dagenham Brook, towards the north. In addition, the proposed green roofs and provision of communal amenity spaces at podium level would also constitute new and acceptable public realm provisions.
- 8.106 The proposed public realm would be defined by three key character areas that would respond to use classes and site conditions. These include a wildlife space towards the brook, a more civic space along Marsh Lane with an improved and wider school street that includes communal amenity spaces at podium level and a more functional yard spaces with buffer zones that would serve the proposed light industrial units towards Estate Way South.
- 8.107 Given that the development would maximise a focus on soft landscaping and would also include permeable paths through the soft landscaping areas, it is considered that the design approach would recognise an opportunity to improve the quality of the public realm, considering the fact that the site is currently enclosed, built over and has no ecological value. Moreover, the proposed approach to introduce a play park and extensive open spaces around Block A is strongly supported, as the public realm around the tall building would provide a visual break to achieve a positive relationship between the tallest building element and the streetscape, particularly when viewed from Marsh Lane.
- 8.108 Due to the above, the proposed public realm is supported and considered consistent with policy D8 of the London Plan (2021), by virtue that the proposed landscape-led approach would result in well-designed, safe, accessible and inclusive public realm spaces that would also respond to the scale, height and location of the proposed building blocks.

Conclusion on Layout, Scale and Design:

- 8.109 The proposed development would be acceptable under design, visual and massing terms, in that it would respond to the concept of a landmark 'marker entrance' to the Leyton Jubilee Park in accordance with the 'placemaking plan' under the draft Local Plan (LP2) – Site Allocations and the aspirations set out by the designated opportunity area (Northern Olympic Fringe Area), which justifies densification and the formation of a sense of place for the strategic site. The proposed building configuration and articulation is also welcomed, as it would include an appropriate height variation and a lighter material palette that would reduce a sense of massing. The proposed design guidelines are therefore consistent with the objectives of policies D4 and D9 of the London Plan (2021), policies CS2 and CS15 of the WFLP Core Strategy (2012) and policies DM29, DM31 and DM32 of the WFLP Development Management Policies (2013).

**G. IMPACT ON AMENITY**

- 8.110 Policy D6 of the London Plan (2021) states that design of development should provide sufficient daylight and sunlight to new and surrounding housing, including amenity space, and should therefore be appropriate within its context. New development should avoid overheating, minimise overshadowing, and maximise outdoor amenity space. Whilst there is no policy for assessing the impact on any loss of daylight and sunlight

on neighbouring sites, guidance is provided within the 'BRE – Site Layout Planning for Daylight and Sunlight'.

- 8.111 Policy DM32 of the WFLP Development Management Policies (2013) states that when considering the impact of a new development on neighbouring amenity, the Council should have regards to (among other aspects) access to daylight and sunlight and shall only find development acceptable where it would not cause a detrimental impact on amenity of adjoining or future occupiers. The main issues with regards to the requirements of policies D6 of the London Plan (2021) and DM32 of the WFLP Development Management Policies (2013) with regards to impact on amenity are reviewed as follows:

*Privacy and Overlooking:*

- 8.112 The Mayoral Housing SPG (2016) states that development should maintain a distance between habitable windows that exceeds 18.00 metres. The SPG adds how there should be adequate levels of privacy in relation to neighbouring properties, the street scene, and other public places. The proposed building blocks raise no concerns in terms of impact on privacy and overlooking on neighbouring sites, by reason that the proposed building line would have a considerable separation from neighbouring buildings at the north, east and south of the site. Any visual outlook towards the west side of the site would overlook Dagenham Brook and the Leyton Jubilee Park.
- 8.113 The proposed building blocks would have a setback of 8.60 metres from the boundary shared with the industrial site at the north, which currently contains the RVL industrial buildings. The separation distance from the proposed building developments on this neighbouring site would be approximately 15.40 metres. Whilst north-facing windows overlooking the industrial estate at the north would have a lower separation distance than the recommended distance within the Housing SPG (2016), this neighbouring site is industrial in use and any forthcoming development proposals would contain lower rise industrial building forms with no residential windows. Moreover, the primary windows and arrangement of balconies would mainly face south, east, and west directions and would not overlook towards the northern industrial estate. The development would therefore raise no concerns in terms of visual intrusion and overlooking towards the north side of the site.
- 8.114 In terms of any ability to overlook the St Joseph's Catholic School towards the south side, it is noted that the proposed minimum separation distance from the boundary shared with this neighbouring site would be 12.40 metres. Whilst the proposed separation distance towards the south would also be limited, the school is enclosed by a brick wall that measures approximately 2.50 metres in height, which restricts any ability to overlook when viewed from public vantage points at Marsh Lane. In the absence of north-facing windows at the school overlooking the site and because the school building contains angled windows with limited any ability to overlook, which are broadly screened by a solid brick wall that is approximately 2.50 metres in height, the proposed separation distance of 12.40 metres is accepted and the development would cause no harmful impact in terms of loss of privacy and overlooking towards the south.
- 8.115 With regards to any ability to overlook other neighbouring sites further to the south and east sides of the site, the proposed building line would retain a considerable separation from other neighbouring buildings, in that the proposed Block D at the east side of the site would be positioned at a distance of 21.00 metres from 10 – 19 Meadows Close (south side of Marsh Lane) and at a considerable distance of 45.30 metres from the west-facing elevation at the Willow Brook Primary School. Moreover, the proposed Block E would retain an acceptable separation of 32.70 metres from the Willow Brook Primary School.

- 8.116 In light of the above considerations, the development would have no harmful impact on residential amenity in terms of loss of privacy. On this basis, no objections have been raised from neighbouring residents and the development would meet the requirements of policy D6 of the London Plan (2021) and the Mayor's Housing SPG (2016), which recommends a minimum separation of 18.00 to 21.00 metres between habitable windows to ensure protection of privacy for residents.

*Daylight, Sunlight and Overshadowing:*

- 8.117 A 'Daylight and Sunlight Report' was revised (dated 15<sup>th</sup> December 2022) and provides a detailed assessment of the impact that the development would cause on neighbouring residential and non-residential properties, including amenity spaces. The submitted reports undertakes Vertical Sky Component (VSC), no-skyline daylight distribution (NSL) and Average Daylight Factor (ADF) analysis to measure the impact on daylight and sunlight, including the Annual Probable Sunlight Hours (APSH) to test the percentage of probable hours of sunlight received by a window or room over the course of a year. The guide suggests that neighbouring residents would only notice the loss of sunlight if the APSH to main living rooms is both less than 25% annually (with 5% during winter) and if the amount of sunlight, following the proposed development, is reduced by more than 4% to less than 0.8 times its former value. Additionally, the guidance suggests that daylight will be adversely affected if any window achieves a VSC below 27% and has its levels reduced to less than 0.8 times its former value.
- 8.118 The report includes an overshadowing assessment with an analysis that follows that guideline, which suggest that if at least 50% of an amenity area receives at least 2 hours of sun on the 21<sup>st</sup> March, then it is likely to be adequately lit throughout the year. Notwithstanding the recommendations under the BRE guidelines and numerical values, it is important to note that this guideline is not mandatory and is only seen as an instrument to assess any impact on natural lighting. For that reason, the guideline should be interpreted in a flexible manner.
- 8.119 The updated report provides detailed results of the daylight and sunlight assessments in the context of neighbouring properties. In the absence of residential windows at the north within the RVL site, no impact on sunlight and daylight is assessed against the industrial warehouse buildings and any forthcoming proposals within the industrial sites at Estate Way South. The assessment is therefore carried out on the following sites:
- St Joseph's Roman Catholic School:
- 8.120 Th St Joseph's Roman Catholic School comprises a single storey building, which is at the south side of Marsh Lane. The results of the VSC assessment show that the effects to the windows serving classrooms would comply with the BRE targets. Whilst there would be a proportional reduction to secondary spaces such as staff rooms and the reception area, this is considered inevitable by reason of the low-rise nature of the existing application site. With regards to no-skyline, all but one of the rooms would achieve the BRE recommendations retaining 0.80 times their former level. Overall, any degree of change from the prevailing daylight conditions to the school would not be noticeable and the good levels of amenity in terms of daylight and sunlight to the school would be retained.
- 10-19 Meadow Close:
- 8.121 The two-storey row of terrace houses forming 10-19 Meadow Close is located at the southeast of the site at the opposite side of Marsh Lane. The properties front Meadow Close with the main living space towards Meadow Close, and not Marsh Lane. The report concludes that Nos 15-19 Meadow Close would retain 0.80 times their current level and a VSC that would exceed 27%. However, the properties at 10-14 Meadow Close would experience moderate changes in the VSC, by reason that the rear

windows on these two-storey terrace houses currently overlook an underdeveloped site comprising a single storey partially occupied building. Notwithstanding that the ground floor level kitchens at the rear of the properties would experience a loss of daylight and sunlight, the provision for these windows would exceed 20% VSC, which is considered acceptable for an urban context. Due to the acceptable VSC on the context of these properties, the effect on daylight is limited and also confirmed by the NSL results, which show that there would be no noticeable shift in daylight penetration.

Willow Brook Primary School:

- 8.122 The Willow Brook School is situated at the east of the site and contains windows facing towards the application site. However, due to the considerable separation distance, the VSC and NSL results for the school confirm that all windows and rooms would retain at least 0.80 times their former level if the proposed development is built. The school would not experience change in daylight in compliance with BRE guidelines. Moreover, all rooms within the school would meet the BRE targets either exceeding the 25% target for total annual levels and 5% for winter. As such, there would be no material change in sunlight levels on the Willow Brook Primary School.

Conclusion on Impact on Amenity:

- 8.123 The proposed development would be acceptable in terms of impact on amenity of neighbouring properties with regards to privacy, loss of sunlight/daylight and visual outlook. On this basis, the proposed building blocks would not represent an un-neighbourly form of development. As such, the development would accord with policy D6 of the London Plan (2021) and policy DM32 of the WFLP Development Management Policies (2013) and would be also on balance consistent with the advice given by the Mayoral Housing SPG (2016).

#### H) TRANSPORT AND HIGHWAYS

- 8.124 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) also requires development proposals to make the most effective use of land, in a way that these acknowledge the 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. Car-free developments should still provide disabled parking.
- 8.125 At a local level, Core Strategy Policy CS7 (2012) sets out that the Council will promote sustainable travel by guiding developments to accessible locations, to reduce the need to travel by car and to encourage walking, cycling and the use of public transport. Additionally, policy DM14 of the WFLP Development Management Policies (2013) states that the Council will encourage sustainable modes of travel. Major developments should be developed and contribute to a well-connected network of streets to optimise permeability and legibility. In addition, proposed developments should seek to enhance the walking and cycling environment of the areas surrounding an application site. The key highways and transport issues are reviewed below as follows:

*Trip Generation:*

- 8.126 Policy T3 of the London Plan (2021) seeks for development proposals to connect to local public transport and active travel networks by facilitating the delivery of local

connections. In addition, policy T4 of the London Plan (2021) aims to minimise the cumulative impact of development on public transport to reduce any associated effects on safety and public health.

- 8.127 The submitted Healthy Street Transport Assessment (February 2023) provides full details of trip generation forecasts, which indicate that the proposed development is expected to generate a total of 466 weekday (AM and PM) two-way trips per day. 361 of the daily trips would be generated by the residential element of the development and 105 daily trips would be generated by the industrial-related units.
- 8.128 As noted, the vacant element of the existing site was occupied by a large-scale commercial bakery and distribution centre, which generated a high number of vehicular movements when the bakery was in operation 24 hours a day, considering that deliveries from suppliers and to bakery locations were carried out throughout the day from and to the site. Given that the bakery is no longer in operation, it is not possible to compare vehicular trip generation. Notwithstanding that calculations comparing the previous use of the site can only be estimated, the development would not represent a significant increase in trips and over 80% of the trips would be active and under public transport modes, in accordance with the Mayor's Strategic Transport target, which seeks to increase walking, cycling and public transport. TfL therefore has raised no concerns in terms of impact on the highways network. A condition requiring a travel plan is recommended and a financial contribution towards monitoring measures of the full travel plan has been secured in the Heads of terms, as advised by the Council's Transport Policy Section, to ensure that residents are encouraged to use sustainable modes of travel.

*Car Parking and Highways Works:*

- 8.129 The site is located within a Controlled Parking Zone (CPZ) and a car-free restriction is secured in the S106 Agreement. The development includes two separate parking areas that would accommodate eleven blue badge car parking bays with access from two points along Marsh Lane. The Transport Assessment also demonstrates how an additional provision of four blue badge spaces could be provided if there is demand, in accordance with the emerging LBWF Local Plan (2021) on blue badge car parking. A condition requiring a Car Parking Management Plan is recommended, which should also secure 20% active electric vehicle charging points and remaining 80% passive infrastructure with the possibility of being activated in accordance with demand.
- 8.130 The Council's Highways Team have considered the proposed car parking layout and no objections are raised, subject to identified S278 works, and a S106 contribution for walking and cycling and highways works in Marsh Lane beyond the limit of the S278 works, to mitigate the impact of any vehicles using Marsh Lane on those walking and cycling to the site. Additionally, financial contributions towards the monitoring of the Construction Logistics Plan and for a consultation to extend the times or days of their CPZ to prevent overspill parking is secured in the Heads of Terms.
- 8.131 Given the low traffic nature of Marsh Lane and the existing School Street restriction, the preliminary design of the S278 works will require further collaboration with the Council's Highways Team, to ensure high quality features and levels of materials are agreed. As such, an additional financial contribution towards the design of the S278 works have been secured, as requested by the Council's Highways Team to ensure that the design of highways works, which should include the following, is satisfactory:
- The renewal of the footways and kerbs on both sides of Marsh Lane with new materials to be agreed.
  - Carriageway resurfacing.
  - Areas of footway widening.

- Landscaping in the footway including SUDS features and planting subject to the location of utilities.
- Formation of new access points and dropped kerbs for bin collection for the development.
- Any street lighting changes required for the S278 works including any impacts of changes on the wider street lighting design.
- The realignment in the public realm design will consider – the school entrance points, new access points to the development, emergency vehicle access stopping points on Marsh Lane, and Waste vehicle collection points on Marsh Lane
- Rationalisation of street furniture
- Reprioritising space from motorised travel to sustainable travel modes for the benefit of the new residents.
- Review and amendment to Traffic Management restrictions and parking, including signage, road markings and traffic management orders.

8.132 In terms of servicing, a Delivery and Servicing Plan is recommended by condition and a financial contribution towards monitoring has been agreed. The amendments to the Transport Assessment (February 2023) include the removal of servicing from Marsh Lane, by reason of the School Restrictions. The proposed removal of servicing vehicles from Marsh Lane, which would include postal/courier deliveries, grocery shopping and occasional delivery is therefore welcomed, to ensure that the school restriction is not contravened.

8.133 The Council's Highways Team requested a number of changes and clarifications to the submitted Outline Construction Logistics Plan. Revisions were therefore carried out and a full Construction Logistics Plan in line with policy T7 of the London Plan (2021) is secured by condition, which should be approved in consultation with TfL.

*Cycle Parking:*

8.134 Table 10.2 under London Plan Policy T5 (2021) sets out the minimum standards for new developments. At a local level, WFLP Core Strategy Policy CS7 (2012) sets out that cycle parking should be provided in accordance with the minimum standards set out in the London Plan. In addition, WFLP Development Management Policy DM16 (2013) mentions that the Council would seek to effectively manage parking to ensure the provision of safe and attractive parking facilities by requiring development proposals to provide well-designed, high-quality parking stores in accordance with the Council's minimum cycle parking standards.

8.135 The quantum of residential cycle parking has been appropriately set out within the revised Transport Assessment, which includes a minimum of 424 long stay cycle parking spaces and 7 short stay cycle parking spaces for the proposed residential units and would therefore comply with the minimum standards set out in policy T5 of the London Plan (2021), which requires one space per one-bedroom dwelling and two spaces for any other dwellings (long stay) and two spaces for 5 to 40 two-people dwellings and one additional space per 40 dwellings (short stay).

8.136 In addition, short stay cycle parking spaces are proposed at the south and north sections of Block E, which would serve the non-residential floorspace. Notwithstanding the acceptability of the proposed quantum of cycle parking provision, a cycle parking strategy is recommended by condition, to ensure that the number of Sheffield stands are in accordance with the minimum of 30% requirement and to assess in detail the proposed short-stay cycle parking provision for future employees accessing the site via Estate Way South.



- 8.137 Subject to a condition that secures an adequate ratio in accordance with the requirements of Policy T5 of the London Plan (2021) with an acceptable provision of two-tier stands, Sheffield stands and secured lockers, the development would provide an acceptable quantum of cycle parking that would be secured, sheltered and well-integrated, with suitably sized doorways as access points. The Council's Transport Policy Team therefore supports the submitted cycle parking strategy.

Conclusion on Highways and Transport:

- 8.138 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 proposed highways works on Marsh Lane, to support its designation as a school street and delivery and servicing from Estate Way are significant improvements on the existing situation. The development would therefore be consistent with London Plan Policies T1 and T6 (2021) and policies DM13, DM14 and DM16 of the WFLP Development Management Policies (2013).

**I) WASTE MANAGEMENT**

- 8.139 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 DM32 of the Development Management Local Plan (2013) also states that new developments should ensure that the provision of adequate facilities for the storage, collection and disposal of refuse is well secured. Development proposals should be consistent with the 'Waste & Recycling Guidance for Developers' (2019) in terms of design to ensure safe and secure storage facilities with appropriate collection arrangements.
- 8.140 Refuse stores would be accommodated in each building block, which would be linked to four refuse vehicle bays within refuse collection areas at Marsh Lane. The refuse stores would be rotated by the site concierge team, by reason of the limited floor area of each individual residential refuse store. Additionally, three refuse vehicle bays would be positioned towards the north side of the site, which would serve the non-residential floorspace at Block E and light industrial units, with direct access from Estate Way South. The commercial bin stores would be stored within each commercial unit. The proposed collection points are considered adequate, as these would be within an acceptable distance from the refuse stores that would not exceed 15.00 metres, in accordance with the recommendations set out by the 'Waste & Recycling Guidance for Developers' (2019).
- 8.141 Refuse vehicles servicing the residential units would enter the site via Marsh Lane and would turn around the public space between Blocks A and B. The proposed space for refuse vehicle movement and loading activities is accepted by the Council's Highways Team. Notwithstanding the acceptability of the proposed refuse and recycling provision, 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 DM32 of the Development Management Local Plan (2013).

**J) ENVIRONMENTAL IMPACT OF THE DEVELOPMENT**

- 8.142 Policy DM24 of the WFLP Development Management Policies (2013) seeks to control and mitigate pollution in all its forms, including noise, vibration, lighting, smell as well

as land, water, and air-based considerations. The Council's Environmental Health Team reviewed the proposed development and considered that the development would be acceptable subject to mitigation measures to reduce any detrimental impact on amenity. The environmental issues of the development are therefore reviewed as follows:

*Agent of Change:*

- 8.143 Policy D13 of the London Plan (2021) sets out the agent of change principles, which requires mitigating measures with regards to noise and other nuisance-generating activities on proposed noise-sensitive developments. In addition, policy E7 of the London Plan (2013) sets out principles of industrial intensification, co-location and substitution and requires mixed-use development proposals that introduce residential uses with industrial-related uses to consider adequate operational requirements and design mitigation measures to minimise conflict and provide adequate levels of amenity for residents. Policies D13 and E7 therefore seek for appropriate design measures with regards to building layout and configuration that consider acceptable mitigation measures.
- 8.144 The proposed development would consider 'Agent of Change' principles in respect of noise-generating uses and would address concerns with regards to pedestrian safety, dust, odour, light and vibration, by reason of the separation between industrial-related uses and the residential units. Given that the development would adjoin existing and proposed industrial uses at the former RVL site at the north, the residential elements within Blocks A, B, C and D would be positioned towards the south side of the site along Marsh Lane. The proposed layout would therefore respond to the immediate context of the by positioning the light industrial units and service yards at the north side of the site towards the former RVL site, with separate access from Estate Way South. Furthermore, the proposed podiums would split the residential uses from the light industrial floorspace, providing isolating structural features that would result in appropriate acoustic and fire separation. The proposed double glazing to the windows would also be in line with the recommendations to meet acceptable 'Agent of Change' principles.
- 8.145 In terms of operating hours for the light industrial units, a condition restricting working hours for future light industrial occupiers is recommended, to ensure that the amenities of residential units is protected. The proposed hours of operation would be Mondays to Fridays (7AM – 10PM), Saturdays (8AM – 8PM) and Sundays/Bank Holidays (10AM – 4PM).
- 8.146 The GLA confirmed that the proposed development broadly satisfy the requirements of policies D13 and E7 of the London Plan (2013), provided that appropriate mitigation measures for the envelope of the proposed buildings are secured by condition, to ensure good living conditions for future residential occupiers. Details of mitigation measures are therefore recommended by condition.

*Noise and Vibration:*

- 8.147 Policy D14 of the London Plan (2021) requires mitigation measures on existing and potential adverse impacts with regards to noise as a result of new development proposals, to enhance the acoustic environment of the site and its surroundings. In addition, policy DM24 of the WFLP DM Policies (2013) states that all major developments should aim to minimise the adverse impacts of noise through design, management, and operation.
- 8.148 The submitted 'Noise and Vibration Assessment' (dated 24<sup>th</sup> January 2022) sets out the methodology and results of a long-term survey that was undertaken between 17<sup>th</sup> – 24<sup>th</sup> August 2021. The survey identifies the potential impact that noise generated from surrounding sources would have on the development. In addition, the assessment

reviews the potential noise that would be generated from the development and its impact on neighbouring receptors. As concluded in the report, the proposed residential development is of low risk. Appropriate design measures, such as double glazing and sound insulation measures are also recommended by condition, which should be implemented to ensure that there is an adequate internal and external acoustic environment with regards to British Standard 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings'.

- 8.149 In view of the above, the Council's Environmental Health Team raises no objections, subject to conditions requiring a construction/demolition method statement, details of noise mitigation measures, noise levels controlled from plants and details of sound insulation between residential and light industrial uses. The proposed development would therefore meet the requirements of policy D14 of the London Plan (2021) and policy DM24 of the WFLP Development Management Policies (2013).

*Air Quality:*

- 8.150 Policy SI1 of the London Plan (2021) sets out the requirements for new development proposals to address poor air quality. All forms of development must be at least air quality neutral. At a local level, policy DM24 of the WFLP Development Management Policies (2013) states that new developments should neither contribute nor suffer from unacceptable levels of air pollution. All major applications should demonstrate appropriate mitigation measures through an Air Quality Assessment.
- 8.151 At a local level, policy DM24 of the WFLP Development Management Policies (2013) states that new development should neither contribute nor suffer from unacceptable levels of air pollution. A borough-wide air quality management area (AQMA) has been declared in the London Borough of Waltham Forest and therefore there is the requirement to reduce the level of nitrogen dioxide and other particular matter emissions.
- 8.152 The submitted 'Air Quality Assessment' dated 21<sup>st</sup> January 2022 was reviewed by the Council's Air Quality Officer. The report provides details of the baseline air quality conditions of the site and covers the impact that would result from the construction phase of the development, particularly with regards to dust emissions. In addition, the assessment includes a detailed evaluation of the operational phase of the development with impacts on future occupiers and their exposure to the prevailing levels of air pollution.
- 8.153 As advised by the Council's Environmental Health Team, the submitted assessment is satisfactory and therefore air quality would not pose a constraint for the development, as future occupiers are predicted to be within the relevant health-based air quality objectives. As such, the Air Quality Officer supports the application subject to a financial contribution of £61,430.00 towards the Air Quality Action Plan and conditions requiring compliance with the non-road mobile machinery (NRMM) Low Emission Zone and the submission of an Air Quality and Dust Management Plan.
- 8.154 Due to the above, the development would be acceptable with regards to air quality and pollution and in accordance with policy SI1 of the London Plan (2021) and policy DM24 of the WFLP Development Management Policies (2013), 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:*

- 8.155 Policy SI5 of the London Plan (2021) states that development proposals should minimise the use of water in line with the operational requirements of 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. In addition, policy DM34 of the WFLP Development Management Policies (2013) states that every form of development should implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per day for residential use and to incorporate measures for saving water for any new development involving more than 100 sqm, as per the requirements of policy SI5 of the London Plan (2021).

- 8.156 The submitted 'Sustainability Statement' (dated 24<sup>th</sup> January 2022) includes measures which should achieve the 105 litres per person per day, such as smart metering and recycling measures including retrofitting. In terms of the non-residential floorspace, the light industrial units would be 'shell only' and therefore these would not contain any sanitaryware. Notwithstanding the submitted 'Sustainability Statement', 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 DM34 of the WFLP Development Management Policies (2013) and policy SI5 of the London Plan (2021) are met.

*Flood Risk and Urban Drainage:*

- 8.157 A 'Flood Risk Assessment and SUDS Strategy' dated January 2022 was submitted and identifies potential flood risks on the site with measures to mitigate any identified risk. The submitted details address potential sources of flooding (fluvial, tidal, sewers, surface water and ground water), which are identified as low. Given that the site is located within Flood Zones 1 and 2 and part of the western portion of the site towards Dagenham Brook falls within Flood Zone 2, the Environment Agency requested modelled flood level data, which is included in the submitted 'Flood Risk Assessment and SUDS Strategy'. The report also confirms that the site has not been recorded to have been historically affected by fluvial flooding.
- 8.158 Notwithstanding the low risk of flooding, the proposed surface water drainage strategy and drainage systems (SuDS) have been considered as part of the design process, which include porous paving, green roofs, rainwater harvesting, modular underground attenuation tanks and features for the disposal of surface water runoff from the site. As such, the Environment Agency supports the application and Thames Water raises no concerns in relation to flooding, subject to conditions requiring a Piling Method Statement. The existing site is impermeable and drains straight into the existing mains sewage system, therefore the introduction of SuDS and achievement of greenfield runoff rates is a significant improvement.
- 8.159 Overall, the submitted 'Flood Risk Assessment' confirms that the development would be safe and would not increase the risk of flooding within the site or elsewhere. Moreover, the development would incorporate acceptable flood risk reduction measures and would therefore be consistent with policy SI12 of the London Plan (2021) and policy CS5 of the WFLP Core Strategy (2012).

*Land Contamination:*

- 8.160 Policy SD1 of the London Plan (2021) only supports developments that take appropriate measures that deal with contamination that may exist within a site. Policy CS13 of the WFLP Core Strategy (2012) sets out that the Council will aim to create and develop healthy and sustainable places and communities. Development proposals are required to meet appropriate standards that address the risks arising from contaminated land and hazardous substances. In addition, policy DM24 of the WFLP Development Management Policies (2013) states that sites which are potentially contaminated should identify risks and agree on a strategy to overcome these risks.
- 8.161 The submitted 'Contaminated Land Assessment' (dated January 2022) and 'Geo-environmental and Geo-technical Assessment and Ground Investigation Report'

(dated 30<sup>th</sup> April 2021) provide details that follow the ground investigation and identify the presence of contamination, particularly in connection to water sample results and asbestos. As advised by the Council's Land Contamination Officer, groundwater monitoring is required, and a remedial method statement should also be reviewed at condition stage. Conditions requiring an asbestos survey and a verification report that provides details of the data in order to demonstrate that works set out in the remediation strategy are complete are therefore recommended, to ensure that the development doesn't pose a risk for future residents of the site and meets the requirements of policy SD1 of the London Plan (2021), policy CS13 of the WFLP Core Strategy (2012) and policy DM24 of the WFLP Development Management Policies (2013).

*Ecology:*

- 8.162 London Plan Policy G6 (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'*. Policy DM35 of the WFLP Development Management Policies (2013) seeks for the avoidance of detrimental impacts in designated sites of ecological importance. The policy also states that development proposals should provide measures to support species and habitats using appropriate landscaping strategies.
- 8.163 The application site is fully enclosed and contains an industrial building with no ecological value. Although Waltham Forest is a 'competent authority' under the Habitats Regulations as it shares a boundary with the Epping Forest Special Area of Conservation (SAC) and the development is within the wider 'Zone of Influence' that identifies recreational pressure on the SAC, the site is positioned at the east side of the Leyton Jubilee Park, which supports a playground and café with sports ground to the south side, and therefore any recreational pressure to the SAC would be limited. Notwithstanding the open spaces and recreational opportunities within proximity of the site, recreational pressure on the SAC should be considered.
- 8.164 Natural England reviewed the submitted 'Preliminary Ecological Appraisal' (dated January 2022) and 'Habitat Regulations Assessment Screening Assessment' (dated November 2022) and raised no objections subject to mitigation measures that require a financial contribution towards the Strategic Access Management and Monitoring (SAMM). The proposed recommendations to protect the existing wildlife on site and improve the biodiversity by introducing habitat boxes as part of the built fabric of the buildings and walls to increase connectivity for wildlife are therefore welcomed.
- 8.165 In light of the proposed uplift of open space and financial contribution towards the future regeneration of Dagenham Brook, which would be a key focal green space within the immediate context of the site and considering that the development would include a comprehensive landscaping strategy that would involve tree planting and green roof areas at podium level, the development would result in a net gain in biodiversity. Although the proposed biodiversity gain is supported, the Tree and Landscaping Officer recommends a condition requiring details of habitat enhancements, which should include number and type of habitat bricks and boxes for birds, bats, and invertebrates. A detailed landscaping assessment, including urban greening for the proposed development is also reviewed in detail in Section L of this planning committee report.
- 8.166 Having considered the potential effects on the integrity of the Epping Forest SAC and taking into account the fact that the development would represent an improvement to the biodiversity and landscaping of the site and its surroundings with net gains in urban greening, Natural England and the Council's Tree and Landscaping Officer support the

application and accept the mitigation measures. As noted, financial contributions towards SANGS would be secured via the Community Infrastructure Levy (CIL) and a condition requiring details of habitat enhancements is recommended. The development would therefore meet the requirements of policy G6 of the London Plan (2021) and policy DM35 of the WFLP Development Management Policies (2013).

#### K) SUSTAINABLE DESIGN AND ENERGY EFFICIENCY

8.167 London Plan Policy SI2 (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. The application was assessed by the GLA's Energy Team and the Council's Energy and Sustainability Consultant, who provided detailed comments in relation to carbon emissions, sustainable design, energy reduction measures, water efficiency and overheating. Planning obligations, conditions and informatives are recommended, in line with the observations and recommendations given by the Energy and Sustainability specialists.

##### *Carbon Emissions:*

8.168 The updated 'Energy Strategy Report' dated 24<sup>th</sup> January 2022 has been reviewed by the Council's Energy and Sustainability Consultant. Policy SI2 of the London Plan (2021) sets out a carbon emission reduction target for regulated emissions of 40% against Building Regulations 2010 and 35% against Building Regulations 2013 using SAP10 carbon factors as calculated using the GLA Energy Reporting Tool. The policy also requires that domestic units achieve 10% and non-domestic floorspace 15% from Be Lean measures. As advised, the development is predicted to exceed the London Plan targets of 10% for domestic and 15% for non-domestic.

8.169 In addition, using SAP19 carbon factors, the overall development would exceed the on-site reduction target of 35%, in compliance with policy DM10 of the WFLP Development Management Policies (2013), as the non-residential element would achieve an on-site reduction of 43% and the residential element a 67%. The on-site reduction targets are therefore accepted, and a £284,668.00 carbon offset payment has been secured.

##### *Sustainable Design:*

8.170 The submitted energy statement references the full BREEAM pre-assessment, which has been carried out. The light industrial units have been assessed under BREEAM New Construction 2018 and are predicted to achieve an acceptable score of 63.63%. 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.

##### *Energy Reduction and Overheating:*

8.171 The 'Energy Strategy Report' confirms that the demand reduction measures would deliver a 14% saving against the baseline for the residential dwellings and 27% for the non-residential floorspace. The energy efficiency savings would therefore meet the GLA's target of 10% for domestic floorspace and 15% for non-residential floorspace.

8.172 As advised by the Council's Energy and Sustainability Consultant, the U-values that are being proposed for the domestic and non-domestic units are of good standards and the proposed approach to lighting and lighting controls is supported. The cooling hierarchy would use shading, low heat generation, thermal mass, openable windows, and mechanical ventilation in an appropriate manner. As advised, artificial cooling would be allowed for it needed in the non-residential element of the development, by

heat pumps capable of both heating and cooling modes. No active cooling is considered necessary for the residential units and the proposed ASHP heating system is accepted.

*Low Carbon Energy Supply (Be Clean):*

- 8.173 The 'Energy Strategy Report' advises that the site is near a proposed heat network at the Upper Lea Valley Heat Network, but that operator connection would not be feasible. However, the application is proposing a communal heat network supplied by a centralised energy centre and a basic future proofing is proposed in case the situation changes. Under these circumstances, the Energy and Sustainability Consultant advised that full consideration needs to be made about potential provision of a shared heat network with adjacent sites at Estate Way. As a minimum, the site should be made 'connection ready' and this requirement is secured in the Heads of Terms. Drawings demonstrating space for heat exchangers in the energy centre and a safe guarded pipe route to the site boundary is also secured under the S106 obligations.

*Renewable Energy Supply (Be Green):*

- 8.174 Policy DM11 of the WFLP Development Management Policies (2013) requires developments of one or more units or greater than 100 sqm to reduce the site's carbon emissions through on-site renewable energy. As such, the development would provide solar PV installation and air source heat pumps (ASHPs). As advised by the GLA, the applicant is expected to situate PV on any green/brown roof areas using bi-solar arrangement and should indicate how PV can be integrated with amenity areas. Additionally, further information on the size/output of the PV system should be provided and a condition requiring these details is recommended.

*Energy Report (Be Seen):*

- 8.175 The submitted 'Energy Strategy Report' confirms that the development would enable post construction monitoring and that the information set out in the 'be seen' guidance will be submitted to the GLA at the appropriate reporting stage. As such, requirement to cover within eight weeks of planning permission, prior to occupation and after one year of occupation is secured in the Section 106 Agreement.

**L) TREES AND LANDSCAPING:**

- 8.176 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.
- 8.177 At a local level, policy DM12 of the WFLP Development Management Policies (2013) states that development proposals should optimise physical and visual access between the built environment and open spaces. 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.
- 8.178 The submitted 'Arboricultural Impact Assessment and Arboricultural Method Statement' (dated 11<sup>th</sup> March 2022) and the details contained within the Design and Access Statement (dated February 2022) and addendum report (dated January 2023) provide detailed guidelines of the proposed landscaping conceptual approach, which responds to the setting of the site at the edge of the Leyton Jubilee Park and the Dagenham Brook. The proposed development seeks to extend the perception of the park towards the east and uplift the wildlife of Dagenham Brook. Block A would

therefore be broadly surrounded by landscaping elements with a new play park. Additionally, the proposed development would respond to the vision outlined in the 'Estate Way Masterplan Framework' dated January 2023, in that the proposed public realm would blend to neighbouring sites by creating continuous and consistent pathway connections that are envisioned within the masterplan.

- 8.179 The 'Arboricultural Impact Assessment' provides details of existing trees within the site, which have been surveyed. The landscaping strategy seeks to maintain trees that are in good condition and remove trees that are in severe decline. Nineteen existing trees would be retained, and several new trees would be planted, including flowering trees along Marsh Lane and a mix of native and taller trees towards the west side of the site. In addition, a large walnut tree is proposed at the northeast side of the site, to mark the entrance from Estate Way South.
- 8.180 Overall, the proposed soft and permeable landscaping approach that includes planting of new trees along Marsh Lane, Dagenham Brook and the northeast side of the site, is supported. The Tree and Landscaping Officers therefore raise no objections and consider that the submitted AIA and AMS dated 11<sup>th</sup> March 2022 successfully identify the arboricultural constraints of the site and include adequate mitigation steps to avoid potential harm to the trees that would be retained. Notwithstanding the acceptability of the AMS and mitigation measures, a detailed and revised AMS is recommended by condition, which should include further details of tree protection measures, foundation design, root barriers and any other steps for an adequate protection of trees.
- 8.181 The development would achieve an Urban Greening Factor (UGF) score of 0.42, which is supported, by virtue of the landscape-led design approach that would result from the planting of trees, permeable paving and extensive green roofs. Notwithstanding the landscaping improvements, the Tree and Landscaping Officers recommend a greater level of detail of all new planting across the scheme, by reason of the proximity of the site to the Dagenham Brook and the fact that there is limited detail at this stage in respect to the planting at podium level. A condition requiring details of tree planting and soft/hard landscaping is therefore recommended, in accordance with the requirements of policy D8 of the London Plan (2021) and policy DM12 of the WFLP Development Management Policies (2013).

#### **M) ARCHAEOLOGY AND HERITAGE**

- 8.182 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. In addition, policy DM28 of the WFLP Development Management Policies (2013) states that the Council will ensure the preservation, protection and where possible, the enhancement of the archaeological heritage of the Borough.
- 8.183 The submitted 'Archaeological Desk Based Assessment' dated 19<sup>th</sup> January 2022 has been reviewed in the context of the site's location within the 'London-Great Dunmow Roman Road Archaeological Priority Area' and the position of the 'River Lea Archaeological Priority Area (APA)' at the south side of the site. The report concludes that low to moderate Roman and Post-Medieval archaeological remains may be present within the site. Whilst Historic England has raised no concerns and it is considered that in principle the effects of the demolition and construction of development would have limited adverse impact, a planning condition requiring a Written Scheme of Investigation is recommended to ensure that any residential effects to archaeology are negligible.



- 8.184 With regards to build heritage, there are no listed buildings, designated or undesignated heritage assets within the site. The site does not lie in a Conservation Area. There is a Grade II listed building within a 1 km radius of the site at Etloe House, which fronts Church Road at the junction with Marsh Lane. Moreover, there are also Grade II listed structures within the playground of the St Joseph's School at the south side of the site.
- 8.185 However, the development would have no detrimental effects on the significance or setting of these sites and would be consistent with policy HC1 of the London Plan (2021), policy CS12 of the WFLP Core Strategy (2012) and policy DM28 of the WFLP DM Policies (2013), which seek to manage growth and change in a way that conservation, enhancement and enjoyment of heritage assets is secured. Under these terms, the GLA is satisfied that the development would cause no harm on the significance of heritage assets and advised that the proposed scheme would even relate more positively to the heritage assets mentioned above than the existing building.

## **N) SAFETY AND SECURITY**

### *Secured by Design*

- 8.186 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. Moreover, policy DM33 of the WFLP Development Management Policies (2013) seeks for a safe environment with appropriate levels of natural surveillance.
- 8.187 The submitted 'Design and Access Statement' sets out measures to tackle crime prevention, which follow discussions with the Design Out of Crime Officer, that took place in December 2021. The key points that have been addressed with regards to safety and security include measures to increase surveillance within the public realm and parking areas, CCTV coverage, access control system to residential blocks and means of enclosure to prevent anti-social behaviour and crime, particularly during night hours.
- 8.188 The proposed mitigation measures to avoid crime and anti-social behaviour are accepted by the Metropolitan Police, who are supportive of the gating to the car parking area and the provision of active spaces for natural surveillance and safety. The Metropolitan Police 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) with regards to security and design out of crime.

### *Fire Safety:*

- 8.189 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 the construction of residential building blocks that would exceed 30.00 metres in height.
- 8.190 The development was amended in January 2023, as an additional stair core was added to building blocks that would exceed 18.00 metres in height (Blocks A, B, C and E), in

response to government's consultation and forthcoming amendment to Approved Document B, which is predicted to come into force in October 2023, which seeks to require two staircases in taller residential buildings to meet the highest standards of fire safety in accordance with policy D12 of the London Plan (2012). Notwithstanding the effects that the amendments have had in build costs, quantum of development and viability, the provision of an additional core within the taller building elements of the development is supported.

- 8.191 A revised 'Planning Fire Statement' dated 16<sup>th</sup> December 2022 has therefore been submitted, which provides updated 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 buildings blocks, including fire safety measures to the non-residential floorspace at the north side of the site.
- 8.192 The London Fire Brigade responded to the Council's consultation and provided no further observations on the proposed development. Notwithstanding the absence of an objection from the London Fire Brigade, a condition requiring an updated fire strategy is recommended, to ensure that appropriate safety measures are reviewed in detail in consultation with the HSE and the London Fire Brigade.

## **O) PLANNING CONTRIBUTIONS**

- 8.193 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 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.
- 8.194 In terms of the S106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Supplementary Planning Document "Obligations" (2017) and the Waltham Forest Supplementary Planning Document "Affordable Housing and Viability" (2018), for this development relate to:
- Affordable Housing;
  - Local Labour and Employment Strategy;
  - Highways Infrastructure (including Section 278 Agreement, CPZ consultation, travel plan monitoring and monitoring of the Construction Logistics Plan);
  - Strategic Access Management and Monitoring (SAMM);
  - Carbon-Off-Set Fund;
  - Dagenham Brook (feasibility studies, maintenance, and enhancements);
  - Air Quality Action Plan;
  - Monitoring, implementation, and compliance of the S106 Agreement;
  - Wheelchair Accessible Dwelling Marketing Strategy;
  - Retention of Architect; and,
  - Legal Fees.
- 8.195 The details of these requirements are set out in the recommendation section of this report, paragraph 1.1.

## 9. CONCLUSION

- 9.1 The principle of the re-development of the site is supported, by virtue of the uplift of employment floorspace, opportunities for job creation and the contribution towards housing delivery on this partially vacant and underused site. As such, the proposed mixed use would optimise the capacity of the site and would support the consolidation of the Church Road/Estate Way BEA/LSIS, in accordance with the objectives set out in the Draft Site Allocations Document (2021).
- 9.2 The proposed building configuration would have proper regard to layout, scale, height and massing and would ensure that there is an acceptable separation between residential and light industrial uses. The development would also respond to the context of the site by positioning the tallest element towards the west side, in accordance with the place-making principles set out in the draft Site Allocations Document (2021) and would incorporate appropriate place-making principles by slightly widening Marsh Lane and providing a domestic character along the school street.
- 9.3 The proposed development would offer an acceptable housing mix and would provide good standards of residential accommodation in terms of size, visual outlook external amenity space and provision of daylight/sunlight. The proposed delivery of 20% affordable housing is accepted in this instance, by reason that the viability report confirms that the development has a deficit and therefore an early and late-stage review mechanism has been secured in the agreed S106 Heads of Terms.
- 9.4 The proposed residential units would co-exist with the industrial-related uses towards the north with appropriate mitigation measures, such as the introduction of podiums at first floor level and a clear distinction between the domestic character of the site along Marsh Lane and the industrial uses towards Estate Way South. Moreover, the development would deliver an acceptable quantum of wheelchair accessible units, that would be well-designed in accordance with the specifications set out under the Building Regulations under Part M4 (3) 'wheelchair user dwellings'.
- 9.5 The proposed development would have no adverse impact on the amenities of neighbouring properties with regards to privacy, sunlight/daylight and visual outlook. Moreover, the development would be broadly in line with BRE guidance, causing no meaningful reduction in sunlight/daylight of neighbouring sites.
- 9.6 The proposed development would have no adverse 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 deliver key walking and cycling improvements around the site and would enhance the public realm along Dagenham Brook as part of a key strategic vision for the regeneration of the context of the site. Moreover, the proposed transport assessment would introduce adequate mitigation measures to reduce any impact on Marsh Lane, by reason that the residential servicing would be carried out from the north in order to reduce any pressure on the school street. The development would also provide acceptable waste and cycle stores and the provision of eleven disabled parking bays is accepted.
- 9.7 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 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 development would achieve 'very good' BREEAM standards. In addition, the impact on air quality, flood risk, contamination and sustainable drainage systems are considered acceptable, subject to conditions requiring further details to ensure that the development meets the highest standards in terms of sustainability. The

introduction of sustainable drainage systems is a significant improvement on the current situation of the site.

- 9.8 The development would deliver a comprehensive landscaping strategy that would include planting of new trees within different parts of the site. Additionally, the proposed would improve the biodiversity of the site, considering that the existing site is entirely built over and has no ecological value. The proposed soft landscaping would introduce varied habitats and planting that would enhance the green infrastructure of the site and its surroundings.
- 9.9 The development would achieve appropriate safety and security measures and conditions requiring Secured by Design certification and lighting details are recommended to ensure that suitable crime prevention measures are fully incorporated as part of the development.
- 9.10 The development would make significant CIL contributions. Any identified concern would be appropriately mitigated through the inclusion of conditions and obligations within the legal agreement. In light of the above considerations which would result in significant regenerative benefits for the site and its surrounding area, the planning application is strongly supported in planning terms when assessed 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 a proportionate response to the submitted application based on the considerations set out in this report.

## 11 Recommendation

- 11.1 The Planning Committee Planning Committee is recommended to grant planning permission subject to Stage 2 referral to the Greater London Authority (GLA), the conditions and informatives below and the prior completion of a Section 106 Agreement with the agreed Heads of Terms, as set out in paragraph 1.1 of this committee report.

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Documents:

Addendum to Design and Access Statement dated January 2023; Design and Access Statement dated February 2022; Planning Statement dated February 2022; Planning Statement Addendum dated February 2023; Heritage, Townscape and Visual Appraisal dated February 2022; M&E Stage Report by TPS (Revision A) dated March 2023; Revised Transport Assessment (Report Reference 2101340-02B) dated February 2023; Report to inform Habitat Regulations Assessment and Screening Assessment dated November 2022; Preliminary Ecological Appraisal dated January 2022; Financial Viability Assessment (updated report) dated 5<sup>th</sup> January 2023; Planning Fire Statement (Reference F10491) dated 16<sup>th</sup> December 2022; Revised Daylight & Sunlight Report dated 15<sup>th</sup> December 2022; Updated Energy Strategy Report dated 24<sup>th</sup> January 2022; CFD Analysis of Wind Microclimate Pedestrian Conditions (Issue 01) dated 22<sup>nd</sup> February 2022; Sustainability Statement dated 24<sup>th</sup> January 2022; Foul Sewage & Utilities Assessment dated January 2022; Statement of Community Involvement dated January 2022; Overheating Assessment (Version 01) dated 24<sup>th</sup> January 2022; Outline Construction Logistics Plan dated January 2022; Noise & Vibration Assessment dated January 2022; Life Cycle Carbon Assessment (Version 01) dated 25<sup>th</sup> January 2022; Industrial Demand Study dated October 2021; Health Impact Assessment dated March 2022; Framework Travel Plan dated February 2022; Flood Risk Assessment and SUDS Strategy dated January 2022; Daylight/Sunlight Assessment dated January 2022; Contaminated Land Assessment dated January 2022; Circular Economy Statement (Version 01) dated 25<sup>th</sup> January 2022; Archaeological Desk Based Assessment dated January 2022; Arboricultural Impact Assessment and Arboricultural Method Statement dated 11<sup>th</sup> March 2022; Air

Quality Impact Assessment dated January 2022 and Air Quality Neutral Assessment dated January 2022.

**Drawings:**

3549\_PL(90)01; 3549\_PL(90)02; 3549\_PL(90)03\_P02; 3549\_PL(90)10; 3549\_PL(90)20; 21/AG/881/06; 21/AG/881/03; 3549\_PL(20)101\_P02; 3549\_PL(20)102\_P02; 3549\_PL(20)103\_P02; 3549\_PL(20)104\_P02; 3549\_PL(20)105\_P02; 3549\_PL(20)106\_P02; 3549\_PL(20)107\_P02; 3549\_PL(20)108\_P02; 3549\_PL(20)109\_P02; 3549\_PL(20)110\_P02; 3549\_PL(20)111\_P02; 3549\_PL(20)112\_P02; 3549\_PL(20)113\_P02; 3549\_PL(20)114\_P02; 3549\_PL(20)115\_P02; 3549\_PL(20)116\_P02; 3549\_PL(20)117\_P02; 3549\_PL(20)118\_P02; 3549\_PL(20)119\_P02; 3549\_PL(20)152\_P02; 3549\_PL(20)153\_P01; 3549\_PL(20)154\_P01; 3549\_PL(20)155\_P01; 3549\_PL(20)156\_P01; 3549\_PL(20)157\_P01; 3549\_PL(20)158\_P01; 3549\_PL(20)159\_P01; 3549\_PL(20)160\_P01; 3549\_PL(20)161; 3549\_PL(20)201\_P02; 3549\_PL(20)202\_P02; 3549\_PL(20)203\_P02; 3549\_PL(20)204\_P02; 3549\_PL(20)205\_P01; 3549\_PL(20)206\_P01; 3549\_PL(20)207\_P01; 3549\_PL(20)208; 3549\_PL(20)301\_P02; 3549\_PL(20)302\_P02; 3549\_PL(20)303\_P02; 3549\_PL(20)304\_P01; 3549\_PL(20)305; 3549\_PL(20)401\_P02; 3549\_PL(20)402\_P02; 3549\_PL(20)403\_P01; 3549\_PL(20)404\_P01; 3549\_PL(20)405\_P01; 3549\_PL(20)406\_P01; 3549\_PL(20)407\_P01; 3549\_PL(20)408\_P01; 3549\_PL(20)409\_P01; 3549\_PL(20)410\_P01; 3549\_PL(20)411; 3549\_PL(20)412; L-XX-SK-102 (Revision 01), L-XX-PLN-101 (Revision 05), L-XX-PLN-102 (Revision 05), 3549\_4016 (Revision A) and 2101340-D18 (Revision A).

**REASON:** To ensure a satisfactory appearance in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012).

**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 Policies CS12 and CS15 of the Waltham Forest Local Plan Core Strategy (2012), policy DM28 of the Waltham Forest Local Plan – Development Management Policies (2013) and policy D4 of the London Plan (2021).

**Highways and Parking:**

4. Prior to commencement of development hereby approved, a detailed Construction Logistic Plan in connection to the demolition phase of the development is required to be submitted for approval by the Local Planning Authority prior to commencement of works and 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 policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

5. Prior to commencement of construction works for the development hereby approved, a detailed Construction Logistic Plan to cover construction works of the development is required to be submitted for approval by the Local Planning Authority prior to commencement of works and 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 policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

6. Prior to the commencement of development on the site, a specification for a highway condition survey to assess the condition of highway before and after construction works shall be submitted to and approved in writing by the local planning authority and the condition survey report shall include a site location plan highlighting the location of the photographs. The highway condition survey shall then be carried out in accordance with the approved timescales contained within the approved specification and it shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied. Any damage to the highway incurred as a result of the construction works, will have to be re-instated by the Council but funded by the developer, in accordance with the timescales and details agreed as part of the survey.

REASON: In the interest of pedestrian and highway safety, to comply with Policy CS7 of the Waltham Forest Local Plan – Core Strategy (2012) and Policy DM14, DM15 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

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 policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

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 cycle

strategy 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 CS6, CS15 and CS16 of the Waltham Forest Local Plan - Core Strategy 2012 and Policies DM13, DM14, DM23 of the Waltham Forest Local Plan – Development Management Policies (2013).

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 Policies CS6, CS15 and CS16 of the Waltham Forest Local Plan - Core Strategy 2012 and Policies DM13, DM14, DM23 of the Waltham Forest Local Plan – Development Management Policies (2013).

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 of the development and to Waltham Forest Local Plan – Core Strategy (2012) and policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

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 CS13 of the Waltham Forest Local Plan Core Strategy (2012).

12. "Prior to occupation of development, a Full Travel Plan which sets out in detail the process for surveying and monitoring trips to and from the development site shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall set out how the development will encourage a modal shift, with appropriate targets, towards sustainable and active modes of travel and their process of reporting to the Local Planning Authority.

REASON: In the interest of security and sustainable development, in compliance with Policies CS6, CS15 and CS16 of the Waltham Forest Local Plan - Core Strategy 2012



and Policies DM13, DM14, DM23 of the Waltham Forest Local Plan – Development Management Policies (2013).

**Air Quality and Noise:**

13. A construction/demolition method statement in connection to demolition and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the following:

- Works of demolition and construction shall be carried out during normal working hours i.e., 8:00 – 18:00 Mondays to Fridays and 8:00 – 13:00 Saturdays with no noisy working audible at the site boundary being permitted on Sundays and Bank Holidays.
- Haulage routes.
- Likely noise levels being generated by plants.
- Details of any noise screening measures.
- Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded.
- When works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibrations levels are exceeded. Note: It is expected that vibration over 1 mm/s measured as a peak particle velocity would constitute unreasonable vibration.

All the above submissions shall have regard to the Mayor's SPG.

The development shall be carried out in accordance with the hours of operation stated in this condition and the approved construction and demolition statement hereby required.

REASON: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with policies CS7 CS13 of the Waltham Forest Local Plan Core Strategy (2012) and policies DM14, DM15 and DM24 of the Waltham Forest Local Plan - Development Management Policies (2013).

14. Prior to the commencement of the development (other than demolition, site clearance and preparation, groundwork, and development below DPC level), a sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority, which will incorporate details of sound insulation to be installed between the industrial-related floorspace and the residential premises to manage noise and disturbance. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall demonstrate that the proposed sound insulation will achieve a level of protection which is at least +5dB above the Approved Document E standard (Dwelling houses and flats) for airborne sound insulation and -5dB for impact sound insulation. The development shall be carried out in accordance with the approved scheme and shall be fully implemented prior to the development hereby approved first being brought into use and shall thereafter maintained as such for the lifetime of the development.

REASON: To protect the amenities of occupiers and the surrounding area, to comply with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

15. 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 London Plan policy 7.14 and the Mayor's SPG: The Control of Dust and Emissions during Construction and Demolition.

16. No demolition or development shall commence until full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP), have been submitted to and approved in writing by the local planning authority. In preparing the AQMDP the applicant should follow the recommendations outlined in the AQ assessment submitted with the application and the guidance on mitigation measures for sites set out in Appendix 7 of the Control of Dust and Emissions during Construction and Demolition SPG 2014. Both 'highly recommended' and 'desirable' measures should be included. If the development is in or near an air quality focus area the applicant should follow the guidance on mitigation measures for **Medium Risk** as a minimum.

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 London Plan Policies 5.3 and 7.14 (2016), and the London Plan SPGs for Sustainable Design and Construction and Control of Dust and Emissions during Construction and Demolition.

17. 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 CS13 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

**Hours of Operation:**

18. 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:

- Mondays to Fridays (7AM – 10PM)
- Saturdays (8AM – 8PM)
- Sundays and Bank Holidays (10AM – 4PM)

All employees 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 CS13 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

19. 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 CS13 of the Waltham Forest Local Plan Core Strategy (2012) and policy DM24 of the Waltham Forest Local Plan - Development Management Policies (2013).

**Landscaping:**

20. 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 CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32, DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

21. Prior to commencement of the development (other than demolition, site clearance and preparation, groundwork, and development below DPC level), of the development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include protection measures, foundation design, root barriers and any other steps required to ensure the protection of the highways tree adjacent to the site.

REASON: To ensure a satisfactory appearance in the interest of local amenity and biodiversity in accordance with Policies CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32, DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

22. Prior to occupation of the development, detailed planting, management and maintenance plans shall be submitted to and approved in writing by the Local Planning Authority. The plans shall demonstrate how the soft landscaping proposals will be successfully implemented and maintained in the long term and shall include planting methods and maintenance schedules with reference to the relevant British Standards and horticultural and arboricultural best practice guidance.

REASON: To ensure a satisfactory appearance in the interest of local amenity and biodiversity in accordance with Policies CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32, DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

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 CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32, DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

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 policy CS5 of the Waltham Forest Local Plan – Core Strategy (2012) and Policy DM35 of the Waltham Forest Local Plan – Development Management Policies (2013).

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 CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32, DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

26. Prior to the occupation of the development, an Operational Management Plan in connection to the footway alongside Dagenham Brook shall be submitted to and approved by the Local Planning Authority. The Management Plan shall include details of lighting, CCTV and management of access to Dagenham Brook. The development shall be occupied and operated in accordance with the approved Operational Management Plan.

REASON: To ensure that adequate arrangements are made for maintenance and security 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), Policy CS13 of the Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

**Waste Management:**

27. 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 policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

**Energy and Sustainability:**

28. The non-residential units 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 CS4 of the Waltham Forest Local Plan Core Strategy (2012) and policy DM10 of the Waltham Forest Waltham Forest Local Plan – Development Management Policies (2013).

29. 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 SI2 of the London Plan (2021) and policy DM10 of the Waltham Forest Development Management Policies (2013).

30. Prior to first occupation of the residential units, an assessment of the size / output of the PV system, and the potential for any change to these in order to deliver further reductions in CO2 emissions, shall be submitted to and approved in writing the Local Planning Authority.

REASON: To ensure the development is sustainable and to comply with policies CS4 of the Waltham Forest Local Plan - Core Strategy (2012), Policies DM10, DM11 and DM24 of the Waltham Forest Local Plan – Development Management Policies (2013) and Policy SI2 of the London Plan (2021).

**Water and Drainage:**

31. Prior to the commencement of development (other than demolition, site clearance and preparation, ground works and development below DPC level), a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained as such for the lifetime of the development.

REASON: To minimise the water use of the development, in accordance with the requirements of policy SI5 of the London Plan (2021).

32. 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 CS4 and CS13 of the Waltham Forest Local Plan – Core Strategy (2012) and policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

33. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to sub-surface water infrastructure and the programme of the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater in accordance with policies CS4 and CS13 of the Waltham Forest Local Plan - Core Strategy (2012) and policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

34. No development shall be occupied until confirmation has been provided that either a) capacity exists off site to serve the development, or b) a development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phase plan. Or c) All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

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 policies CS4 and CS13 of the Waltham Forest Local Plan – Core Strategy (2012) and policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

35. Prior to commencement of development, a Source Protection Strategy shall be submitted to and approved by the Local Planning Authority in consultation with Thames Water The strategy shall provide details of how the development will ensure that water abstraction source is not detrimentally affected by the development both during and after the construction phase. The development shall be constructed in line with the recommendation of the approved strategy.

REASON: To ensure that the water resource is not detrimentally affected by the development in accordance with policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

**Contamination:**

36. The development shall be completed in accordance with a Prior to commencement of development, evidence that the site building(s) were built post 2000 or alternately a pre-demolition and refurbishment asbestos survey in accordance with HSG264 shall be submitted and approved by the Local Planning Authority, which shall be supported by appropriate mitigation measures to control risks to future occupiers of the development. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority for approval and shall demonstrably identify potential

sources of asbestos contamination and detail removal of mitigation appropriate for the proposed uses. Detailed working methods are not required but the scheme of mitigation shall be independently verified for the satisfaction of the Local Planning Authority prior first occupation of the development.

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 CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

37. Prior to commencement of construction works, 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) A Desk Study report including a preliminary risk assessment and conceptual site model.

B) A ground investigation based on the findings of the Desk Study Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C) 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.

D) 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 CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

**Safety and Security:**

38. Prior to commencement of development (other than demolition, site clearance and preparation, groundwork, and development below DPC level), details of measures to be incorporated into the development demonstrating how the development can achieve Secure 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 DM33 of the of the Waltham Forest Local Plan Development Management Policies (2013).

39. Prior to the first occupation, each Phase of the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police and thereafter shall be fully retained and maintained as such for the lifetime of the development.

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 DM33 of the of the Waltham Forest Local Plan Development Management Policies (2013).

40. Prior to commencement of development, notwithstanding demolition, site clearance and preparation, ground works, an updated Fire Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement should detail how the development proposal will function in terms of:

1. The building's construction: methods, products and materials used;
2. The means of escape for all building users: stair cores, escape for building users who are disabled or require level access, and the associated management plan approach;
3. Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these.
4. How provision will be made within the site to enable fire appliances to gain access to the building.

The development shall be implemented in accordance with the approved details 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 London Plan Policy D12 (2021).

**Boundary Treatment:**

41. 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 Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

**Play Space:**



42. Prior to occupation of the development, details of the proposed children's play equipment shall be submitted to and approved in writing by the Local Planning Authority. The plans must demonstrate that play space and equipment within the development is available to all and is not segregated by tenure. Children play space shall be installed in accordance with the information approved and retained and maintained in perpetuity for the lifetime of the development

Reason: In order to ensure adequate and appropriate children's play equipment is provided in accordance with Policy S4 of the London Plan (2021).

**Accessible & Adaptable units and Wheelchair User Units:**

43. 192 dwellings shall be constructed to the Building Regulations 2010, Access to and use of Buildings, Approved Document M, Volume 1: Dwellings (2015 edition incorporating 2016 amendments) optional requirement M4 (2), Sections 2A and 2B as a minimum. 21 of the residential units hereby permitted shall be built in accordance with the Building Regulations 2010, Access to and use of Buildings, Approved Document M, Volume 1: Dwellings (2015 edition incorporating 2016 amendments), optional requirement M4(3); of these, the 5 low cost rented units hereby permitted shall be built in accordance with the Building Regulations 2010, Access to and use of Buildings, Approved Document M, Volume 1: Dwellings (2015 edition incorporating 2016 amendments), optional requirement M4(3) (2) (b) accessible

Circulation areas in blocks with M4(3) dwellings will be built in full accordance with Part M4(3), as referred to in publication London Plan para 3.7.2. This includes the entrance and circulation area doors which will have to be fully compliant with the relevant sections of Approved Document M. Details which are to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. All wheelchair user dwellings must provide sufficient footprint and drawings must demonstrate that they can achieve a fully accessible layout.

REASON: To ensure inclusive development in accordance with Policy D7 of the London Plan (2021), Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and DM Policies DM7 and DM9 of the Development Management Plan (2013).

**Archaeology:**

44. No demolition or development shall take place until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site modelling and evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

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

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- B. Proposals for public outreach and interpretation if appropriate;

- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

REASON: In order to protect historic assets of Archaeological interest that may be present on site, which the Local Planning Authority seeks to ensure investigated and conserved, in compliance with Policy CS12 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM28 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

**Wayfinding Strategy:**

45. Prior to practical completion, a wayfinding strategy prepared in accordance with the Enjoy Waltham Forest: Cycle Wayfinding Planning Guidelines (March 2017) will be submitted to and approved in writing by the Local Planning Authority in conjunction with Highways and the Enjoy Waltham Forest team. All wayfinding will be paid for by the developer whether on private land or on public highway. Wayfinding on public highway will form part of the S278 and S38 agreements.

REASON: To ensure the safe movement of pedestrians and cyclists in accordance with WFLP Policies CS7, CS13 (2012) and WFLP DM Policy DM14 (2013).

**CIL:**

46. For the purposes of the Community Infrastructure Levy Regulations 2010 (as amended) this is a phased development. The first phase of development is defined as demolition works. The extent of these phases is presented on plan 3549\_4016 (Revision A). Prior to commencement of each Phase after this first phase, a CIL Phase Plan establishing the extent of the phase shall be submitted to and approved by the Council. Each CIL phase approved by this condition shall be considered a separate chargeable development for the purposes of calculating Community Infrastructure Levy.

REASON: For clarity, and to ensure CIL liability payments are phased and that each phase of the development is treated as if it is were a chargeable development for levy purposes in accordance with Regulation 8(3A) as amended by The Community Infrastructure Levy (Amendment) Regulations 2014.

**Use Class Restriction:**

47. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the hereby approved Class E (g) (iii) units shall only be used for the purposes within use classes E (g) (iii) for industrial processes unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect amenity of adjoining properties and the surrounding area in accordance with Policy CS3 and CS13 of the of the Waltham Forest Local Plan Core Strategy (2012), Policies DM17, DM23 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013)

**Informatives**

(Item 4.1)

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 sin 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 NO<sub>x</sub> 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](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813.
11. 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.
12. The applicant/occupants should phone Flood line on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message.
13. Circular Economy: The applicant is required to submit a Post Completion Report to the relevant local authority and the GLA at [ce&wastestatement@london.gov.uk](mailto:ce&wastestatement@london.gov.uk).
14. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.