LONDON BOROUGH OF WALTHAM FOREST

<table>
<thead>
<tr>
<th>Committee/Date:</th>
<th>Planning – 7th May 2019</th>
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<tbody>
<tr>
<td>Application reference:</td>
<td>183632</td>
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<tr>
<td>Applicant:</td>
<td>LBWF Property and Asset Management</td>
</tr>
<tr>
<td>Location:</td>
<td>&quot;Juniper House&quot;, 221 Hoe Street, Walthamstow, London</td>
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<td>Proposed development:</td>
<td>Demolition of existing office and construction of a part-four and part-sixteen storey building comprising a commercial unit (flexible Use Class B1(a)/A1/A3/A4/D1) at ground level; 91-residential units (Use Class C3) and a two-storey building comprising a nursery (Use Class D1) together with associated landscaping improvements, public realm works, car parking and refuse and cycle storage.</td>
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<td>Wards affected:</td>
<td>Hoe Street</td>
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<tr>
<td>Appendices:</td>
<td>None</td>
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</tbody>
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1 **AMENDMENT TO THE HEADS OF TERMS OF THE UNILATERAL UNDERTAKING**

1.1 Since the publication of the Planning Committee report, the following Heads of Terms are amended (For clarification there is no S106 agreement):

**Air Quality**

- A financial contribution of £23,360 towards the implementation of the Council’s Air Quality Action Plan.

1.2 Additional Heads of Terms of the Unilateral Undertaking to be added:

**Affordable Housing Provision**

- To secure 50% affordable housing by habitable rooms delivering 41 units with a tenure split of 58% affordable housing and 42% intermediate shared ownership.

**Affordable Housing Review:**

- An early stage review of the development viability would be required if the applicant could not demonstrate substantial implementation of the scheme within two years of the grant of planning permission.
Highways

- Car-Free Development: The development would be car-free, with the exception of the provision of eight wheelchair accessible bays. Residents would not be eligible to apply for a resident permit for any CPZ.

Travel Plan

- Secure, enforce, monitor, review and ensure the funding of the Full Travel Plan. A financial contribution of £4,000 would be secured to monitor the travel plan.

Epping Forest Special Area of Conservation (SAC) Mitigation

- A financial contribution of £12,500 for enhancements to one or more of Vestry Road playground, Wingfield Park and St Mary’s Churchyard (Walthamstow Village) to mitigate the residential impact of the proposal on the Epping Forest SAC.

2 APPLICATION PROPOSAL

2.1 In paragraph 3.1 the nursery floorspace is corrected to 450sqm rather than 405sqm.

3 CONSULTATION

3.1 The financial contribution towards Carbon Offset Fund within the Sustainability and Energy section of Table 5.3 is corrected to £49,788, rather than £87,966.

3.2 The financial contribution for loss of commercial floorspace for Business Investment and Employment Officer section of Table 5.3 is corrected to £251,125, rather than £245,146.

3.3 The financial contribution towards the Air Quality Action Plan within the Environmental protection section of Table 5.3 is corrected to £23,360, rather than £18,600.

3.4 The box addressing increased pressure on public services and community infrastructure of Table 5.4 is amended to state:

It is calculated that the scheme would be liable to pay Mayoral CIL 2 of circa £346,500 and Waltham Forest CIL of circa £629,000 to finance local infrastructure and transport projects.
4 DEVELOPMENT PLAN

4.1 Paragraph 6.6 is amended to state:

The Draft New London Plan showing Minor Suggested Changes 2018 was published in August 2018. However, until this document is formally adopted, it does not carry as much weight as the adopted London Plan (2016) in terms of assessing the current application. It should be noted that its general principles further reinforce the provisions of the London Plan (2016).

4.2 The following standalone sentence and list of policies is added after Paragraph 6.6:

The policies considered relevant to this application are as follows:
- D11 Fire Safety
- T5 Cycling"

5 ASSESSMENT

5.1 Paragraph 8.33 is amended to state:

The application proposes a total of nine wheelchair accessible or adaptable units within the development which equates to 10% of the proposed 91 units, meeting the London Plan Policy requirement. These would be provided across all tenures:

- two affordable rented (1 x one bed two person and 1 x two bed three person)
- three shared ownership (3 x two bed four person)
- four private sale (4 x two bed three person)

The two affordable units would be designed in accordance with Part M4 (3)(2b) standard 2015 to be fully wheelchair accessible and the three shared ownership units and four private sale units would be designed in accordance with Part M4 (3)(2a) to be adaptable.

5.2 The following is added to Paragraph 8.81:

The most recent Urban Characterisation and Intensification Study (2019), in draft form, examines the best way to accommodate growth and intensification in an optimised way that responds to the current and developing character of the borough. All Major and District centres, such as Walthamstow Major Centre, are considered as having potential opportunities for intensification based on their higher density character and existing role as hubs of activity.
5.3 Paragraph 8.108 is amended to state:

There are no listed buildings within the site or immediate townscape of the application site however due to the size of the proposal and its location it would have an impact on the setting of some conservation areas and listed buildings to the east of the site. These would be Walthamstow Conservation Area and listed buildings within it namely Vestry House Museum (Grade II), Squires Almshouses (Grade II), and St Mary’s Church & Churchyard (including listed monuments) (Grade II*) and to some extent Orford Road Conservation Area and listed building Orford House Social Club (Grade II).

5.4 The affordable housing figure in Paragraph 8.120 bullet point 3 under Regeneration is corrected to state 50% affordable housing (by habitable room) will be delivered as affordable, rather than 51%.

5.5 Paragraph 8.120 bullet point 2 under New Employment Opportunities is amended to state:

C.1,700 sqm of new and refurbished off-site employment space created by the scheme at the Magistrates to accommodate relocated staff meaning there would be no loss of employment.

5.6 The Council’s Daylight/Sunlight consultants recommended that a cumulative assessment of both the Central House and this proposed development should be considered. This has now been undertaken and as such Paragraph 8.153 is amended to state:

Cumulative daylight/sunlight impacts are also relevant here. In addition to the minor to moderate impacts to the rear of these properties from the proposed development, the Central House development (ref. 183632), approved 29th March 2019, would create an eleven-storey hotel building to the north of these properties that would impact the front elevation of these properties. The daylight impacts from Central House have also been considered and it is noted that the front elevations of Nos. 75, 77, 79 and 81 St Mary Road would experience predominantly minor VSC impacts with Nos. 79 and 81 experiencing some moderate impacts. Therefore there would be cumulative impact of both schemes to 75 – 81 St Mary Road where main windows at the front and rear (facing the Central House and Juniper House schemes respectively) would be below the loss of daylight guidance. These properties would be affected by minor to moderate impacts to the front and rear respectively. When taken as a whole, these would be considered moderate impacts that are considered acceptable for the location in close proximity to the emerging larger scale of development of Walthamstow town centre.
5.7 A paragraph following Paragraph 8.165 is added addressing an addendum Daylight/Sunlight Report that was submitted on 30th April 2019 as follows:

Following minor revisions to the internal arrangements and façade treatment of the proposed scheme the applicant submitted an addendum to the November 2018 Daylight and Sunlight report on 30th April 2019. The applicant undertook revised testing of the daylight and sunlight amenity within the scheme. The results indicate that the marginal amendments to the internal arrangements and façade treatment would only result in very marginal reductions in the daylight and sunlight received by the development and the conclusions of the scheme’s acceptability with regards daylight and sunlight remain as above.

5.8 Paragraph 8.174 is corrected to state that the two-storey scale of the nursery would again not result in an unduly harmful impact on the outlook of occupiers of 35-41 First Avenue.

5.9 The restriction to delivery hours in Paragraph 8.208 is corrected to between the hours of 09.30 and 14.30 and 18.00 and 21.00 Mondays to Friday, 09.30 to 21.00 Saturdays and no time on Sundays, Bank Holidays or Public Holidays. This is rather than being restricted to between the hours of 9.30 and 14.30 and 18.00 and 21.00 on Mondays to Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays.

5.10 To conclude the Transport and Highways section a paragraph following 8.212 is added:


5.11 To clarify the policies relevant to the Flood Risk and Drainage section Paragraph 8.213 is completed to state:

Policy 5.13 of the London Plan (2016) states that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

5.12 To introduce the relevant policies for the Contaminated Land section a paragraph following 8.231 is added at the beginning of the Contaminated Land section:

Policy CS13 of the WFLP Core Strategy (2012) seeks to create and develop healthy and sustainable places and communities and Policy DM24 of the
WFLP DM Policies (2013) states that the Council needs to be satisfied that development can safely be constructed and used in terms of the risk of contamination.

5.13 To include the year of the documents stated the first sentence of Paragraph 2.236 is amended to state the following:


5.14 To state the specific policies relevant to the Wind and Microclimate section Paragraph 2.238 is amended to state the following:

For the above reasons it is expected that the wind environment around the site is likely to be broadly maintained at an appropriate level for the use. This is considered an acceptable impact in accordance with Policy 7.7 of the London Plan (2016) and Policy DM31 of the WFLP DM Policies (2013).

5.15 To reference the most up-to-date interim advice letter the first sentence of Paragraph 8.239 is amended to state the following:

Natural England has issued an Interim Advice Letter dated 6th March 2019, in relation to the Epping Forest SAC (Special Area of Conservation) and proposed measures to mitigate those impacts with particular reference to those understood to arise from the recreational impact generated by occupiers of new development.

5.16 A financial contribution to mitigate the residential impact of the proposal on the Epping Forest SAC has been agreed. As such Paragraph 8.244 is amended to state:

In this case Natural England made no comments on the application and consequently it is read that there would be no significant impact from the development on the Epping Forest SAC. However a financial contribution of £12,500 for enhancements to one or more of Vestry Road playground, Wingfield Park and St Mary’s Churchyard (Walthamstow Village) would be secured through the UU towards SAC mitigation.

5.17 To conclude the overall Sustainable Design section a standalone sentence following 8.268 is added stating:

For the above reasons the sustainability measures of the proposed scheme are considered acceptable in accordance with Policies 5.2 and 5.6 of the

5.18 A standalone sentence following 8.275 is added stating:

London Fire Brigade were consulted on the application and raised no comments.

5.19 Paragraphs 8.162-8.182 following Paragraph 8.277 should be renumbered 8.278-8.298.

5.20 Paragraph 8.282 (corrected from 8.168) the following Heads of Terms are added:
- Affordable Housing Provision
- Affordable Housing Review
- Sustainability [to replace Carbon Off-Set]
- Epping Forest Special Area of Conservation Mitigation

6 RECOMMENDATION

6.1 Officer recommendation remains as per the Planning Committee report.

7 CONDITIONS

7.1 Since the publication of the committee report there would be the following amendments to conditions.

7.2 The Supporting Documents section of Condition 2 is amended to state the dates of the documents as follows:

Supporting Documents
- Acoustic Design Statement (RPS) (November 2018)
- Air Quality Assessment (RPS) (November 2018)
- Air Quality Neutral Calculation (RPS) (April 2019)
- Arboricultural Impact Assessment Parts 1 and 2 (Haydens) (November 2018)
- BREEAM Pre-Assessment Reports (RPS) (April 2019)
  - Nursery BREEAM Pre-Assessment Report
  - Retail BREEAM Pre-Assessment Report
  - Nursery – BE CLEAN Report
  - Nursery – BE GREEN Report
  - Nursery – BE LEAN Report
  - Retail – BE GREEN Report
  - Retail – BE LEAN Report
- Construction Logistics Plan (RPS) (March 2019)
Condition 4 is separated into the following two conditions relating to Construction Logistics Plan and Delivery and Servicing Plan respectively:

**Construction Logistics Plan**

No development shall take place on site, including site preparation works, until a detailed Construction Logistics Plan has been submitted to and approved in writing by the local planning authority. The Construction and Logistics Plan and Delivery must be submitted using the TfL template and guidance found here: [www.constructionlogistics.org.uk](http://www.constructionlogistics.org.uk). The logistics plan shall include details of site access, journey planning, access routes, hours of deliveries, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details and the Construction and Logistics Plan should be implemented throughout all demolition and construction works.

*Reason:* To ensure considerate construction and to protect the amenities of the nearby residents to ensure that disruption is kept to a minimum and does

**Delivery and Servicing Plan**

Prior to first occupation of any part of the development, a Delivery and Servicing Plan (DSP) 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 manoeuvring in the private car park 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. The DSP as approved shall be implemented in accordance with the approved details and thereafter permanently retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.


7.4 Condition 8 is removed as the scheme would use Air Source Heat Pumps rather than Boilers in the revised Energy strategy. The Delivery and Servicing Plan condition above would become Condition 8.

7.5 The trigger for Condition 11 is amended from ‘once appointed’ to ‘prior to commencement’ as follows:

Prior to commencement, the principal contractor shall submit a construction/demolition method statement to be 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. 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays.
- **Construction Vehicle Access Strategy to be submitted and agreed by LBWF**
- Likely noise levels to be generated from plant
- Details of any noise screening measures
- Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded
Where 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 vibration levels are exceeded. Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration.

The method statement shall make reference to and comply with The Mayor of London’s supplementary planning guidance (SPG) ‘The control of dust and emissions from construction and demolition’ [link]

In particular the applicant shall

- Submit for approval an Air Quality (dust) risk assessment
- Submit an for approval Air Quality & Dust management Plan
- Equipment and plant used on site shall comply with the requirements for ‘Non-Road Mobile Machinery’ (NRMM)
- Submit a for approval Dust monitoring programme

All the above submissions shall have regard to the Mayor’s SPG

There is a medium probability of UXO encounter. As such there should be inclusion of a toolbox talk specifically for ground-workers.

Reference shall be made to:

- BRE four part Pollution Control Guides ‘Controlling particles and noise pollution from construction sites’.
- BS 5228: Noise and vibration on construction and open sites

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 and CS13 of the adopted Waltham Forest WFLP Core Strategy (2012) and Policies DM14, DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013) and comply with Policy 7.14 of the London Plan and the GLA NRMM LEZ.

7.6 Condition 16 is amended as follows:

Prior to commencement, a scheme of noise insulation measures which will incorporate details of sound insulation to be installed between the commercial premises and residential premises in order to manage noise and disturbance shall be submitted. 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.


7.7 The trigger for Condition 19 is amended from ‘prior to commencement’ to ‘prior to occupation’. The amended wording is as follows:

Prior to the occupation of any part of the commercial floorspace hereby permitted for purposes falling within Class A3 of the Town and Country Planning (Use Classes Order) 1987 (as amended) details of a scheme for the extraction and ventilation of cooking fumes shall be submitted and approved in writing by the local planning authority.

The approved details shall be installed prior to the commencement of the A3 use and shall thereafter be permanently maintained and retained for the lifetime of the development.


7.8 The trigger for Condition 21 is amended from ‘prior to commencement’ to ‘prior to the commencement of the relevant part of the works’ in order to allow for developments in technical design. The amended wording is as follows:

Prior to the commencement of the relevant part of the works a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost shall be submitted to and approved in writing by the Local Planning Authority. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. 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.


7.9 The trigger of Condition 34 is amended from ‘prior to commencement notwithstanding site investigation and clearance works, demolition and construction to slab level’ to ‘prior to the commencement of the relevant part of the works other than site investigation and clearance works, demolition and construction to slab level’ as follows:

Prior to the commencement of the relevant part of the works on site, other than site investigation and clearance works, demolition and construction to slab level, a Landscape Management Plan, which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved Landscape Management Plan shall be implemented prior to the first occupation of the development hereby approved and thereafter maintained for the lifetime of the development.

**Reason:** To ensure the well-being of the trees and in the interest of biodiversity, in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

7.10 Condition 36 is removed as this is a repetition of Condition 35.

7.11 The following condition is added as Condition 36 securing an appropriate sustainable drainage strategy:

No development shall take place, including site preparation works, until details of the design, implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority.

The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.
Reason: To prevent the increased risk of flooding, both on- and off-site ensure that adequate drainage facilities are provided in accordance with policies CS4 and CS15 of the Waltham Forest Local Plan - Core Strategy (2012) and policy DM34 of the Waltham Forest Local Plan – Development Management Policies (2013).

7.12 Condition 37 is added requesting Technical Approval of the highway retaining structure (including submission of an Approval In Principle):

Prior to commencement of development Technical Approval of the highway retaining structure (including submission of an Approval In Principle) is required to be submitted and approved in writing by the local planning authority. The approved Technical Approval shall be complied with prior to the first occupation of the development hereby approved and thereafter maintained for the lifetime of the development.


7.13 Condition 38 is added requesting details of the low containment guardrail above the retaining structure and the height of the guardrail in vicinity of the cycleway as follows:

Prior to commencement details of the low containment guardrail above the retaining structure and the height of the guardrail in vicinity of the cycleway are required to be submitted and approved in writing by the local planning authority. The approved details shall be implemented in accordance with approved plans and thereafter maintained for the lifetime of the development.


7.14 The following condition is added as Condition 39 securing details of Wheelchair user dwellings:

A minimum of 7 of the residential units hereby permitted shall be built in accordance with Approved Document M 2015, M4 Category 3: Wheelchair user dwellings, category M4(3)(2)(a) 'Adaptable'; and a minimum of 2 of the residential units hereby permitted shall be built in accordance with Approved Document M 2015, M4 Category 3: Wheelchair user dwellings, category
M4(3)(2)(b) ‘Accessible’; 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. The approved layouts shall be implemented in accordance with approved details and thereafter maintained for the lifetime of the development.