

**LEE VALLEY ICE CENTRE REDEVELOPMENT
– SECTION 106 AGREEMENT**

Presented by the Corporate Director

EXECUTIVE SUMMARY

This paper provides Members with an update on the negotiations with the London Borough of Waltham Forest in relation to the Section 106 Agreement and associated conditions relating to the Lee Valley Ice Centre redevelopment on Lea Bridge Road. This paper requests Members approval for the signing under Seal of the Section 106 Agreement following the Greater London Authority issuing their Stage 2 report.

Following the London Borough of Waltham Forest's Planning Committee approving the Lee Valley Ice Centre redevelopment on 6 October 2020 the Authority has finalised the conditions of the Section 106 in preparation for the Greater London Authority's stage 2 report which if approved will trigger the issuing of the formal planning decision notice from the London Borough of Waltham Forest.

All the requirements of the conditions have been fully imbedded into the project design, construction contract and the costing of the scheme as a whole. The design team and Authority officers are comfortable with the conditions following the negotiation period and the report recommends the agreement for approval and signing.

RECOMMENDATIONS

- Members Approve:
- (1) signing under Seal of the Section 106 Agreement between London Borough of Waltham Forest Council and the Authority as set out in paragraph 18 of this report; and
 - (2) delegation to the Deputy Chief Executive to make any non-material changes to the obligations, if required, in consultation with the Chairman as set out in paragraph 18 of this report.

BACKGROUND

- 1 The London Borough of Waltham Forest (LBWF) Planning Committee on

6 October 2020 voted in favour of granting planning permission for the development of the new Lee Valley Ice Centre. Due to the strategic importance of the application the next stage is for the LBWF to make an application to the Mayor to seek permission to formally issue the planning permission. As part of this process they will also need to submit any conditions that will be imposed and have advised that they must have an agreed form of Section 106 with the applicant.

- 2 For the Lee Valley Ice Centre redevelopment, because it is of significant size, the Greater London Authority (GLA) must be consulted on for a period of two weeks, whereby the Mayor considers giving his permission (via a Stage 2 report) for the LBWF to continue to grant planning permission. Significant post-submission negotiations between the Authority and the GLA were had in regard to the application to ensure all matters within the GLA's Stage 1 response were addressed. This process has gone well and the Authority expects to receive a positive Stage 2 report within the statutory two week period. Assuming permission is granted by the Mayor and in order for the LBWF to issue the Decision Notice, all the conditions attached to the permission must be agreed, including any raised at the Planning Committee, and the Section 106 (s106) Agreement must be signed and sealed.
- 3 As Members will be aware, the planning conditions are requirements, set by the Local Planning Authority, in order to control the permission and the construction process. In line with planning legislation, these must be kept to a minimum and only imposed when necessary. The Authority's planning consultant (WSP) and the wider project team have reviewed and supported negotiations of the draft conditions. The Authority has ensured that all the requirements included in the conditions are deliverable and reasonable within the scope of the permission.
- 4 The main point of negotiation with the LBWF were the pre-commencement conditions which are details that need to be confirmed before the permission can be implemented. The pre-commencement conditions are in place to ensure that relevant details are submitted and approved, if necessary, by the LBWF as the construction of the Ice Centre progresses and allows for a phased construction period. The Authority must ensure that each condition (such as 'prior to commencement' or 'prior to first use of the building') are highlighted and managed effectively to ensure that no part of the development, if required by a condition, is carried out without approval of the local authority and therefore at risk of enforcement or challenge. All condition wording was agreed with the Council prior to the committee date and no further conditions were requested at Planning Committee.

TIMELINE TO SUBMISSION AND DECISION NOTICE ISSUE

- 5 In order to send the application to the GLA a full draft of the s106 Agreement must accompany the submission. The Council sent the application, along with the latest draft of the s106 to the GLA, on 30 October 2020.
- 6 The GLA then started to prepare the Stage 2 report, and at the time of writing this report, providing their formal response is due by the 17 November 2020. An update will be provided to Members at the meeting.
- 7 The s106 must be completed before the Decision Notice can be issued. The Council can issue the Decision Notice on the same day as the s106 is completed. If this report is approved, officers have arranged for the signing and

sealing of the document and will courier the document to the legal department at LBWF to enable them to sign and seal. The targeted date for the issue of the Decision Notice is 20 November 2020.

SUMMARY OF THE SECTION 106 OBLIGATIONS

- 8 The s106 Agreement covers the following areas:
- Contributions to Construction Logistics Plan Monitoring, Monitoring of s106 by the Council, Improvements of Local Streets, Installation of TfL Signage and Travel Plan Monitoring;
 - Employment and Training measures;
 - Energy requirements to ensure the development can connect to any future District Heating Network;
 - Travel Plan;
 - Retention of the same Architect throughout construction to ensure design quality;
 - Community Use Agreement;
 - Parking; and
 - Travel Plan Criteria.

9 Contributions

Contribution	Amount
Construction Logistics Plan Monitoring	£5,000
Monitoring of s106 by the Council <ul style="list-style-type: none"> ○ A 5% of the total amount of contributions towards contribution towards monitoring, implementation and compliance of the Section 106 legal agreement. 	£8,300
Improvements of Local Streets: <ul style="list-style-type: none"> ○ Extension of the cycle route into Hackney ○ Improving visibility to cyclists approaching from Essex Wharf direction ○ CCTV along the footway and cycle track along Lea Valley section 	£130,000
Installation of TfL Wayfinding Signage	£25,000
Travel Plan Monitoring	£4,000

10 Employment and Skills

- Ensure that 20% of newly created jobs available for the construction or fit-out of the Development during the construction phase to be fulfilled by local residents of LBWF, LB Hackney, LB Newham and London Legacy Development Corporation.
- 8 Work Placements to be paid London Living Wage (LLW) to Waltham Forest and Hackney residents.
- Employment and Skills Plan to be submitted 6 weeks prior to start on site.
- Use reasonable endeavours to procure 20% local suppliers. Given the specific nature of the Ice Centre this may not be possible unless otherwise so if this target cannot be met it should be agreed with the Local Authority.
- Hold 2 meet the buyer events.
- The Authority must liaise with the LBWF Employment, Business and Skills Service's lead contact to ensure efficient management and supply of local Council residents for employment and training opportunities post implementation of the Development. To ensure that all of the jobs that are

generated by the operator to go through the Council's job brokerage service, Steps into Work (SIW), the End User Phase as local labour opportunities for local residents. Submit a plan to the Local Authority demonstrating how the Authority will work with the local community and Authority to deliver a programme of social benefits/enhancements.

- 8 Apprentices and instead of a payment in lieu of a further 7 apprentices, the application commits to the following:

Targeted Outcome	Measure Name	KPI
Opportunities for disadvantaged people	No. of hours dedicated to supporting unemployed people into work by providing career mentoring, including mock interview, CV advice, and careers guidance	20 hrs
Improved skills for local people	Local school and collage visits e.g. delivering careers talks, curriculum support, literacy support, safety talks (no. hours, includes preparation time)	30
Improved employability of young people	No. of hours dedicated to support young people into work (e.g. CV advice, mock interviews, careers guidance) – (under 25 yrs old)	30
Improve opportunities for local employment	Attendance at a local employer's fair held to encourage local employment in the areas	1
Crime is reduced	Achievement of Secure by Design certification on the development to ensure the development provides a secure public place and work environment	n/a
More working with the community	No. hours volunteering time provided to support local community projects.	25
More working with the community	Donations or in-kind contributions to local community people (£ & Materials)	500
More involvement with the community	Run a 'local residents' tour of the construction site once every year to provide local residents the opportunity to view the projects progress.	1 per year of construction

11 Energy and Sustainability

- Future-proof/connection ready – construct the Development so it is ready to connect to a Decentralised Energy Network in the future.

12 Travel Plan

- A Travel Plan that sets out a package of measures to promote sustainable transport should be prepared and submitted to the Council prior to occupation.

13 Retention of Architect

- The applicant shall ensure that the architect continues to be employed during the build phase until completion.

14 Community Use Agreement

- The Park Authority will work with LBWF and London Borough of Hackney to define the type, nature and beneficiary of community projects and funding associated with the venue.
- A total of £250k of the Park Authority's funding will be allocated over a 10 year period to community projects/outreach.
- The Park Authority commits to embedding timetabled provision for targeted groups into the core facility programme.
- The Park Authority commits to providing concessionary fees with a minimum of 40% discount for the following groups:
 - Young people under the age of 18;
 - Customers aged the national retirement age or over;
 - Customers in receipt of Job Seekers Allowance or Income Support;
 - Those registered as Disabled under the Equality Act 2010 and, where appropriate, their carers;
 - Young People in care and their carers;
 - Under 25's engaged in the following: further/higher education courses;
 - Modern apprenticeships, NVQ training schemes and life skills training or similar;
 - Not for profit clubs and organisations working with younger people;
 - Organisations working with people with disabilities.
- The Park Authority will expand the crime prevention programme allocating funding of £6,000 per year over a 10 year period and timetabled sessions.
- The above would be captured in a Community Use Agreement which will also capture details of:
 - Aims;
 - Arrangements for Community Use;
 - Users, including schools, priority groups, casual use, community use, existing and new users;
 - How existing users will be transitioned over to the new facility once completed;
 - Pricing;
 - Hours of use;
 - Access by non-users / non-members;
 - Booking arrangements;
 - Parking arrangements (if applicable);
 - Targets for community use (as set out above);
 - Marketing and Promotion;
 - Management responsibilities;
 - Financial Matters – ensure that the costs of operating community use at the sports and community is covered by the fees received, and upgrade sports equipment as required;
 - Monitoring and Review;
 - Duration of Agreement – This Agreement shall operate for so long as the Ice Centre Facilities are provided in accordance with the Planning Permission;
 - Authority, no variations, no agency, severability, waiver, non-assignability.

15 Parking

- Submission of a document that contains measures to control management of the car parking associated with the proposed Ice Centre. Restricts use of the car park by anyone other than staff and users of the Ice Centre.

16 Travel Plan Criteria

- The Travel Plan must be in line with TfL guidance.

17 Legal Fees

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

18 Members are asked to approve signing under Seal of the s106 Agreement. A complete list of the draft Lee Valley Ice Centre redevelopment s106 conditions is enclosed within Appendix A of this report. Members are also asked to approve that delegation is given to the Deputy Chief Executive to make any non-material changes to the obligations, if required, in consultation with the Chairman.

ENVIRONMENTAL IMPLICATIONS

19 There are no negative environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

20 All the financial implications of entering into this s106 Agreement are fully imbedded into the project, the associated cost plans and contractual agreements.

HUMAN RESOURCE IMPLICATIONS

21 The scheme will be delivered by the Conservation Team within their current capacity.

LEGAL IMPLICATIONS

22 Section 106 Agreements (s106) are legal documents between the Developer and the Local Planning Authority. They cover 'planning obligations' that are necessary to ensure the impact of the development being granted permission is accounted for in terms of Council resources and implications on infrastructure. They are legally binding agreements so can be used to capture benefits claimed by applicants to ensure they are delivered. The proposed Lee Valley Ice Centre redevelopment has a relatively limited set of obligations, reflecting the quality of the development and inherent benefits. Elements of the case for Very Special Circumstances are required to be captured within the document, so that the Authority can prove they will be delivered. Draft Heads of Terms covering transport and highways, construction management, community benefits, employment and training and energy requirements were agreed ahead of the Planning Committee. At the Committee, one of the Councillors requested that the Travel Plan and charges/restrictions for the car park were included in the s106 Agreement for the development, and a process for setting these when the venue is completed has now been agreed with the Authority

RISK MANAGEMENT IMPLICATIONS

23 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 24 There are no equality implications arising directly from the recommendations in this report.

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BACKGROUND REPORTS

LBWF Planning Committee papers – 6 October 2020

APPENDIX ATTACHED

Appendix A Full list of conditions

LIST OF ABBREVIATIONS

LBWF	London Borough of Waltham Forest
GLA	Greater London Authority
s106	Section 106
Park Authority	Lee Valley Regional Park Authority

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Full list of conditions

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

REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved has been assessed and deemed acceptable on the basis of the following quantum of development as laid out on the approved drawings. The development shall not exceed the figures stated below, and any amendments required will require additional assessment:

	Quantum
F.2 Community Use	8 430sqm
Maximum height	10.5m
Spectator capacity	800 (c. 500 seated, 6 wheelchair spaces plus 300 standing)
Car parking spaces	155

Reason: For the avoidance of doubt and in recognition of the case for very special circumstances which have been demonstrated to justify the development in Metropolitan Open Land in accordance with London Plan (2016) Policy 7.17, LBWF Core Strategy (2012) Policy CS1, CS5, and LBWF Development Management Policies (2013) Policy DM12 and DM17.

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

Drawings	Revision	
Proposed plans	Proposed Plan GF	3562-FBA-00-00-DR-10000-P3
	Proposed Plan FF	3562-FBA-00-01-DR-10001-P3
	Proposed Plan Roof	3562-FBA-00-02-DR-10002-P2
	Proposed Sections	3562-FBA-00-XX-DR-1021-P2
	Proposed Elevations	3562-FBA-00-XX-DR-1051-P3
	Proposed Elevations	3562-FBA-00-XX-DR-1052-P2
	Proposed Illustrative Elevations 1	3562-FBA-00-XX-DR-1053-P3
	Proposed Illustrative Elevations 2	3562-FBA-00-XX-DR-1054-P2
	Proposed Illustrative Elevations in Context 1	3562-FBA-00-XX-DR-1055-P2

	Proposed Illustrative Elevations in Context 2	3562-FBA-00-XX-DRA-05011-P1
	Proposed Site Plan	3562-FBA-00-XX-DR-10120-P2
	(Waste) revised CEC Plan	5310/SPA/201 Rev B
	LDA Masterplan Update	Issued 7 September 2020
	Multiple/Combined Services Layout	JS436-MXF-AA-XX-DR-J-30100-P3
Existing Plans	Existing Building Sections	3562-FBA-00-XX-DR-10120-P2
	Existing Building Elevations	3562-FBA-00-XX-DR-10150-P2
	Site Location Plan	3562-FBA-00-XX-DRA-05000-P1
	Existing Site Plan	3562-FBA-00-XX-DR-A_05010-P1
	Existing Building GA Plans	3562-FBA-00-ZZ-DR-10100-P2

Approved Documents:

Drainage Strategy	18.12.19
Ventilation and Extraction Statement	18.12.19
Geotechnical and Environmental Interpretive Report	Issue 3
Landscape and Visual Impact Assessment and Appendices	19.12.19
Planning Statement and Executive Summary	February 2020
Updated alternative site assessment	28.07.2020
Statement of Community Involvement	19.12.19
Transport Assessment	December 2019
Air Quality Assessment	December 2019
Arboricultural Impact Assessment and Arboricultural Method Statement	27.10.19
Archaeological Assessment	Original submitted: June 2019 Updated submitted: 09.09.20
Biodiversity Impact Statement	13.11.2019
BREEAM Assessment	19.12.19
Design and Access Statement	18.12.19 updated 14.09.20
Ecological Appraisal	19.12.19
External Lighting Assessment	18.12.19
Flood Risk Assessment	18.12.19
Landscape Masterplan	6271_LDA_LVRPA_PL_101 issued 07.09.2020
Lee Valley Ice Centre and Wider Park Enhancements	February 2020

Outline Construction Logistics Plan	January 2020 Updated June 2020
Energy Assessment	18.12.19
Outline Construction and Demolition Method Statement	November 2019
Noise and Vibration Assessment	18.12.19
Phase 1 Habitat Survey	13.11.19
Socio-Economic Statement	February 2020
Sustainability Statement	19.12.19
Travel Plan	December 2019
Tree Survey Report	12.10.19
Fire Strategy	Updated issued 10.09.20 (Evacuation chair specification sent 13.08.20)

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

- The development hereby approved falls with Class F2 of the Use Classes Order 2020, the gym and café hereby approved are ancillary to the principle land use and shall not be used for any other purpose.

Reason: For the avoidance of doubt, and in recognition of the case for very special circumstances that has been put forward to demonstrate compliance with the Use Classes Order 2020, and WFLP Development Management Policies (2013) Policy DM17.

Materials

- Prior to commencement of development, notwithstanding site clearance works, 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) and policies DM28 of the Waltham Forest Local Plan – Development Management Policies (2013).

Archaeology

- No demolition or development, notwithstanding site clearance works, shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. 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 programmed and methodology of site evaluation and the nomination of a competent person(s) or organization 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. Where appropriate, details of a programme for delivering related positive public benefits.
- 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).

Construction Logistics Plan

- 7. No demolition or development shall take place on site, notwithstanding site clearance 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 must be submitted using the TfL template and guidance found here:

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 not affect highway traffic flows 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).

Parking Design and Management Plan

- 8. Prior to the completion of the roof slab level, a detailed Parking Design and Management Plan shall be submitted to an approved in writing by the Local

Planning Authority. The Parking Design and Management Plan shall include detailed information on the design of all cycle parking; details and location of Electric Vehicle Charging Points; Car Parking layout and how it will be allocated and managed. The cycle parking shall demonstrate how it achieves the London Cycle Design Standards and include details of siting for short-stay visitor stands and the type of stands to be used. The cycle parking once approved shall be installed and retained thereafter for the lifetime of the development, and the car parking shall be managed in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the cycle parking complies with the London Cycle Design Standards, and in the interest of pedestrian and highway safety, to comply with Policy CS7 of the Waltham Forest Local Plan – WFLP Core Strategy (2012) and Policy DM14, DM15 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

Travel Plan

9. Prior to first use any of the new part of the development hereby approved, a Travel Plan shall be submitted to and approved by the local planning authority and shall cover the following issues:
- Travel Plan coordinator
 - Travel Surveys and the method of implementation
 - Measures to encourage walking, cycling, use of public transport and reduced car travel by staff and visitors
 - Monitoring and review mechanisms
 - Programme for implementation

The approved Travel Plan shall be implemented in accordance with the approved Programme and thereafter maintained for the lifetime of the development.

REASON: In the interest of promoting sustainable method of transport to comply with Policy CS7 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM14, DM15 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Electric Vehicle Charging Points

10. 20% of the car parking bays hereby approved shall be provided as active Electric Vehicle Charging Bays and will be reserved for sole use by electric vehicles, for the lifetime of the development.

REASON: To ensure that air quality is not adversely affected by the development in line with London Plan policy 7.14, and: In the interest of promoting sustainable method of transport to comply with Policy CS7 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM14, DM15 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Highways Condition Survey

11. Prior to the commencement of any development on the site including demolition but notwithstanding site clearance, a specification for a highway site 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. 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).

Delivery and Servicing Plan

12. Prior to completion of the relevant part of the development, a Delivery and Servicing Plan (DSP) 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 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, parking and pedestrians). The development shall be implemented in accordance with the approved details and the refuse stores brought into use prior to the occupation of Pad B hereby permitted and shall be retained as such together with the approved delivery and servicing plan being operated for the lifetime of the development.

REASON: In the interest of highway safety, in compliance with Policies CS6, CS7, 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).

Waste Management Strategy

13. Prior to occupation of the development hereby approved, a 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 Pad B 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).

Contaminated Land

14. Prior to commencement of construction works, notwithstanding site clearance, 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).

Asbestos

15. Prior to the commencement of development, including investigation works but notwithstanding site clearance, an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by appropriate an appropriate mitigation scheme to control risks to future occupiers. The scheme

must be written by a suitably qualified person and submitted to the Local Planning Authority (LPA) for approval, before commencement. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.

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 Waltham Forest Local Plan Core Strategy (2012) and Policies DM14, DM15, DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

Construction Environment Management Plan

16. No development shall take place on site, including investigation works but notwithstanding site clearance, until a Construction and Demolition Method Statement has been 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. 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.
- Haulage routes.
- 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.
- A Management Scheme whose purpose shall be to control and minimise emissions of pollutants from and attributable to the demolition and / or construction of the development. (This should include a Risk Assessment and a Method Statement in accordance with the 'Control of dust and emissions from construction and demolition' Best Practice Guidance published by London Councils and the GLA. The scheme shall set out the secure measures, which can, and will, be put in place.
- Undertake a preliminary Unexploded Ordnance Survey.

All of the above submissions shall have regard to the Mayor's Sustainable Design and Construction SPG (2014). Reference shall be made to:

- BRE four-part Pollution Control Guides 'Controlling particles, vapour and noise pollution from construction sites'; and
- BS5228: Code of practice for noise and vibration control on construction and open sites.

The development shall be carried out in accordance with the approved Construction and Demolition Method Statement.

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

Air Quality and Dust Management Plan (AQDMP)

17. No demolition or development shall commence, notwithstanding site clearance works, 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 located in or near an air quality focus area the applicant should follow the guidance on mitigation measures for **Medium Risk** as a minimum.

Reason: Development must not commence before this condition is discharged 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 (London Plan policies 5.3 and 7.14, and the London Plan SPGs for Sustainable Design and Construction and Control of Dust and Emissions during Construction and Demolition).

Non-Road Mobile Machinery

18. No 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.

Noise – new plant

19. Noise from all new building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical 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 shall be completed in accordance with BS4142: '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).

Entertainment Noise

20. In line with the supporting noise impact assessment, noise mitigation shall be such that Entertainment noise (LAeq) will be controlled to 10dB below the underlying ambient noise level (LA90) without the entertainment noise present, in each octave band at the nearest noise sensitive location."

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).

Ecological Management Plan

21. Prior to above ground works, a Habitat Creation Management Plan (HCMP) shall be submitted to and approved in writing by the Local Planning Authority and include:

- (i) Planting of trees and shrubs in the public spaces, covering a variety of species, including those of benefit to wildlife;
- (ii) Location of proposed habitat, bird and bat boxes; and
- (iii) details of biodiverse roofs.

Approved details are to be implemented and maintained as approved. Any clearance of scrub and trees within the site should be timed to avoid the bird nesting season (March to August), and hibernating hedgehogs by having an assessment by a qualified ecologist of the prevailing weather conditions and the likelihood of hibernation having commenced.

Prior to the start of works on site the contractor should receive a 'toolbox' talk to describe the ecological features and species present, their legal protection and responsibilities towards them and what to do if wildlife is encountered.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2016), WFLP Core Strategy Policy CS5, and WFLP Development Management Policy DM35.

22. The recommendations made in the ecological appraisal hereby approved shall be strictly adhered to, including the overseeing of site clearance works and construction phase by a suitably qualified ecologist.

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).

Landscaping and Trees

23. Prior to construction to roof slab of the relevant phase 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. Details of hard and permeable landscaping works including street furniture shall also be submitted within the landscaping strategy. 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).

24. 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. 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).

25. All trees shall be planted in accordance with the details and times stated in the specification 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).

Carbon reduction

26. Prior to the occupation of pad B 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 interests of the sustainability and energy efficiency of the development and to meet the requirements of policy 5.2 of the London Plan (2015) and Waltham Forest Policy DM10.

Air Source Heat Pumps

- 27. The energy efficiency measures/features and renewable energy technologies [solar PV and Air Source Heat Pumps], which shall provide for no less than 35% on-site CO2 reduction as detailed within the final approved Energy Strategy, shall be installed and operational prior to the first occupation of Pad B.**

Details of the air source heat pump technologies shall be submitted to and approved in writing by the Local Planning Authority prior to practical completion of the development. The details shall include:

- a) The resulting scheme, together with any flue/stack details, machinery/apparatus location, specification and operational details;**
- b) A management plan and maintenance strategy/schedule for the operation of the technologies;**
- c) A servicing plan including times, location, frequency, method (and any other details the Local Planning Authority deems necessary);**
- d) A monitoring plan, indicating how the performance of the heat pump system post-construction shall be compared to the predicted performance at planning stage, and identifying potential remedial actions, in the event that a significant performance gap is observed**

The energy efficiency measures/features and renewable energy technology(s) shall be provided/carried out strictly in accordance with the details so approved and shall be maintained for the lifetime of the development.

Reason: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of policy 5.2 of the London Plan (2015) and Waltham Forest Policy DM10.

Connection Ready

- 28. Prior to the commencement of groundworks (notwithstanding demolition, site clearance and site investigations works) for development hereby approved, a strategy setting out how the development will connect to an existing or future Energy Centre District Heating System, including details of the plant and equipment to be installed in the energy / plant room and protected / safeguarded pipework routes throughout the application site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved and retained for the lifetime of the development.**

REASON: To ensure that the development is sustainable and complies with the requirements of Policies 5.2 and 5.6 of the London Plan (2016).

BREEAM

29. The commercial floor space hereby permitted shall be constructed to achieve not less than BREEAM 'Very-Good, in accordance with the submitted Energy Report (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). Within 6 months of completion formal certification shall be issued confirming that not less than 'Very Good' has been achieved for each phase and this certification has been submitted to, and approved in writing by, 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), Policy 7.14 of the London Plan and the London Plan Supplementary Planning Document Sustainable Design and Construction (2014).

Surface Water Drainage

30. Prior to the commencement of development, notwithstanding site clearance works, an updated Drainage Strategy detailing any on- and / or off-site drainage works, including:
- a) infiltration testing must be carried out in accordance with BRE digest 365 and/or Falling Head Permeability Testing in accordance with BS 5930:2015 to confirm (or otherwise) the suitability of the site for the use of infiltration (particularly permeable paving) as a SuDS drainage element.
 - b) detailed source control and attenuation design
 - c) calculated discharge rate
 - d) details of the proposed outfall mechanism to be used or if reuse of the existing outfall is proposed
 - e) a condition survey report and CCTV survey of the existing outfall confirming the outfalls suitability
 - f) demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved and retained for the lifetime of the development.

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 - WFLP Core Strategy (2012) and Policy DM34 of the Waltham Forest Local Plan – Development Management Policies (2013).

31. No discharge of foul or surface water from the site shall be accepted into the public system until;
- 1. evidence that Thames Water have agreed the discharge consent has been provided.

- 2. Evidence that the final rate of discharge has been agreed in writing by the Environment Agency**

has been 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: In the interests of protecting 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).

- 32. Prior to the commencement of groundworks, notwithstanding demolition, site clearance and site investigations works, for development hereby approved, a full maintenance schedule for all the drainage and SuDS features proposed within the design shall be submitted to and approved in writing by the Local Planning Authority.**

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater in accordance with 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).

Piling

- 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).

External Lighting

- 34. Prior to the commencement of the relevant phase, notwithstanding site investigation and clearance works, demolition and construction to slab level, details of any form of external illumination and / or external lighting on the building 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 Pad B 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).

Safety and Security

35. Within six months of completion of the development hereby approved, evidence that the scheme has achieved a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained 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).

36. 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

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 7.13 (2016).

Informatives

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre-application discussions and the decision was delivered in a timely manner.
2. Advertisement consent is required for any new signage proposed for the development.
3. The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOS). The services of MPS DOCOS are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813.

4. 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.
5. The submitted Construction Environmental Management Plan shall include details of:
 - Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Bonfire policy
 - Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999
 - Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors
 - Copy of an asbestos survey
 - Unexploded ordnance survey
6. For information on the NRMM Low Emission Zone requirements and to register NRMM, please visit "<http://nrmm.london/>".
7. The AQDMP 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 trackout):
 - A summary of work to be carried out;
 - 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;
 - Inventory and timetable of all dust and NOx air pollutant generating activities;
 - List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
 - Details of any fuel stored on-site;
 - Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
 - Summary of monitoring protocols and agreed procedure of notification to the local authority; and
 - A log book 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 dust 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.

8. There are public sewers crossing or close to your development. If the applicant is planning significant work near our sewers, it's important that they minimize the risk of damage. Thames Water will need to check that the development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
9. 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. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
10. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
11. The applicant should ensure that if there is risk of contamination within the dewatering that either this contamination is treated and the subsequent discharge is permitted, or there is a trade effluent consent provided by Thames Water Utilities Ltd for the dewatering to be disposed of into the foul sewer.

12. An environmental permit is required under the Environmental Permitting (England and Wales) Regulations 2016 for a range of specified activities. The applicant will need to obtain the appropriate permits for ice melt water drainage scheme and the necessary dewatering permits for the construction phase. Further information can be accessed using the following link: <https://www.gov.uk/topic/environmental-management/environmental-permits>

BACKGROUND DOCUMENTS

- Planning Statement Prepared by WSP/ Indigo dated 11th February 2020
- Planning application forms and ownership certificates, prepared by WSP | Indigo;
- Existing and proposed set of drawings, prepared by FaulknerBrowns;
- Design and Access Statement (including the Landscape Scheme prepared by LDA Design, Crime Prevention/Safer Places Report prepared by Arup and Fire Statement prepared by OFR Consultants) prepared by FaulknerBrowns;
- Landscape masterplan, prepared by LDA Design;
- Landscape Visual Impact Assessment, prepared by LDA Design;
- Ecological Appraisal, Biodiversity Impact Assessment, Updated Ecology Surveys and Ecology BREEAM Assessment, prepared by LDA Design;
- Arboricultural Impact Assessment and Arboricultural Method Statement, prepared by Patrick Stileman Ltd;
- Tree Survey Report, prepared by Patrick Stileman Ltd;
- Transport Statement (including a Parking Management Plan and Servicing and Delivery Plan), prepared by Cole Easdon Consultants;
- Travel Plan, prepared by Cole Easdon Consultants;
- Sustainability Statement (including a BREEAM assessment), prepared by Max Fordham;
- Energy Assessment, prepared by Max Fordham;
- Socio-Economic Statement, prepared by Volterra;
- Statement of Community Involvement, prepared by Grayling;
- Flood Risk Assessment, prepared by Expedition Engineering;
- Drainage Strategy (including a Foul Sewage and Utilities Assessment), prepared by Expedition Engineering;
- Geo-Environmental Report/Ground Conditions Assessment and Ground Conditions Interpretive Report, prepared by Concept;
- Noise and Vibration Assessment, prepared by Max Fordham;
- Ventilation and Extraction Statement, prepared by Max Fordham;
- External Lighting Assessment, prepared by Max Fordham;
- Air Quality Assessment, prepared by Air Quality Consultants;
- Archaeology Desktop Report, prepared by Orion Heritage; and
- Construction and Demolition Method Statement, prepared by Wrenbridge Sport Ltd.
- Fire Statement