Council Response to IHD2-4

The Council confirms that the Committee Reports appended to the Inspector’s letter dated 17th June 2014 are the correct main reports for both the Mandora and Ferry Lane sites (i.e. sites BHL1a and BHL1b in the AAP). However, these should be read in conjunction with updated reports on both sites that dealt with some further matters of detail. Both reports are appended to this statement.

Retail

Regarding the Mandora site, the approved scheme provides 1080m2 of new A1 and A3 commercial space within the designated neighbourhood centre. This represents all of the A1 retail space provided by the scheme; consistent with AAP policy that the neighbourhood centre provides the core of retail activity and town centre uses in the area.

Outside of the neighbourhood centre designation, the only provision of town centre uses is a small café (A3) and art gallery (D1) at the ground floor of the refurbished Kings Network Building (referred to in the planning committee reports as Gnome House). Providing such uses here was deemed acceptable for variety of reasons, including:

- The proposal represents a viable scheme for a vacant building identified as a ‘building of merit’ in the AAP
- The refurbishment also secures new B1 studio space and residential apartments within this vacant building
- The use of part of the ground floor for a café helps bring activity to the new linear park
- The small scale of the A3 and D1 provision, and its location just outside the neighbourhood centre, means it would not undermine the vitality or viability of the centre.

The Council is therefore of the view that the Mandora scheme focussed main retail activities into the neighbourhood centre (which will help kick-start its development), and there were overriding benefits for some additional town centre uses just outside of the centre boundary. The planning permission covering the site is not therefore considered to materially affect the Council’s approach to main issue 5.

Regarding the Ferry Lane proposal, it can be seen from the attached Committee Report updates that whilst permission is only for an outline
scheme, the level of A1 retail use has been conditioned in order to ensure it does not compromise the vitality and viability of the nearby neighbourhood centre. Condition 47 states that no more than 190m² can be used for A1 retail use. This ensures the level of A1 provision falls below the Council's local threshold for where an impact test would be required under Development Management Policy 26 (i.e. 200m²; as referred to in the Council's response to main issue 5). Furthermore, condition 48 indicates that no more than 1 unit can be used for A3 use. Again, this ensures that the scale of town centre uses provided outside of the neighbourhood centre is minimal; meaning the broad thrust of policy that town centre uses are focussed in the neighbourhood centre is not undermined.

Essentially, both of these cases demonstrate that whilst the policy intention is to direct town centre uses into our designated centres in line with national and London Plan policy, some flexibility has been built into the Local Plan that means it may be possible to justify some small scale town centre uses at alternative locations. Specifically, this flexibility is built in to Policy DM26 (New Retail, Office and Leisure Developments) from the adopted Development Management Policies. The Council’s response to main issue 5 therefore suggested adding in a new cross reference to this policy in order to clarify how applications that fall outside of designated centres would be dealt with.

**Building Heights**

The Council understands the Inspector’s concerns that recent permissions of buildings up to 8 storeys in height on the Mandora site and 9 storeys at the Ferry Lane site will set a precedent for future schemes in the area and raises questions over the appropriateness of guidance in the AAP that buildings should be 3-6 storeys. However, the Council maintains that the broad approach to building heights as set out in the AAP, and in response to main issue 6, is a sound approach that provides an appropriate balance between optimising densities and ensuring regeneration across the AAP area whilst taking account of the existing urban character.

As set out in paragraph 6.7 of the Council’s response to main issue 6, the AAP is intended to provide clear and informed design guidance of what would normally be considered appropriate building heights. It is not intended to impose a rigid limit on new developments where very strong justification can be provided for exceeding these heights. Whilst it may be possible for development proposals to justify some additional height based on site specific circumstances and high quality designs, the Council
maintains that it is important for the AAP to provide clear guidance to ensure a plan-led approach. The Council maintains that an entirely reactive approach to proposals put forward by developers, as suggested by some representors, would be unsound; as set out in response to main issue 6.

In terms of the schemes permitted, it is important to note that whilst permission has been granted for buildings up to 8 and 9 storeys, these represent generally a small proportion of these schemes, with the greater heights concentrated in specific locations. It is important to note that both schemes include substantial elements that fall within the range of building heights expressed in the AAP.

Regarding the Mandora site, 8 storeys are only provided at the student accommodation block at the southernmost point of the site. The remainder of the site is largely characterised by buildings of 4-6 storeys; which falls within the guidelines of the AAP. The Council is of the view that the overall design quality of the scheme, coupled with other benefits such as the provision of the linear park, refurbishment of a building of merit, and contribution towards the neighbourhood centre, justified the inclusion of some additional height on part of the site. It also assisted in improving the overall roofscape and the architectural aesthetic of the scheme.

Regarding the Ferry Lane site, the 9 storey block at the south east corner of the site represents the high point of the scheme. Across the remainder of the site the majority of buildings are of 6-7 storeys, with the greater heights (7/8/9 storeys) concentrated along the main Forest Road frontage. It is acknowledged that this exceeds the guidance in the AAP. However, taking into account site specific circumstances through the determination of the planning application, the Council accepted the applicants case that the Ferry Lane portion of the Station Hub site could accommodate some additional height to help announce the regeneration area at this key gateway into the borough. The sites location on the western edge of the Station Hub site, at an open waterfront location away from any buildings of merit or Victorian residential properties also meant the site offered greater scope for some additional height than the remainder of the Station Hub.

To clarify this, the Council suggests that some additional wording could be inserted into guidance on opportunity sites in the AAP to reflect the scope for additional height at the western portion of the Station Hub site. The Council therefore suggests further modifying the wording originally provided in modification number 77 (see doc ref: BHLSD2) to read:
“Any new development needs to be harmonised with the heritage of the area. A number of buildings are identified as being of some merit; namely the Tryst Public House and Royal Standard Music Venue, and the Kings Network Building and the frontage to Gnome House. The locations of these are shown on the plan below. In addition, immediately outside the area are some attractive cottages (along Blackhorse Lane). To avoid over-dominating these assets, building heights across the site should be restricted to predominantly 3-6 storeys; with particular care taken in terms of the harmonising with the setting of existing assets. Outline planning permission for the western edge of the site (i.e. site 1b) has established that due to its prominent location and isolation from these assets, some additional height is justified at this specific location.”

For consistency across the document, it is also suggested that the wording of Policy BHL8 part D is amended to read:

“ensure appropriate building heights of between predominantly 3-6 storeys that respect the existing built context and adjacent landscape features. Development proposals including building heights towards the upper limit of this range (i.e. 5-6 storeys) should be directed to the key gateway site of BHL1: The Station Hub and Waterfront, and subject to an exemplary standard of design. Any proposals that exceed this range will need to clearly demonstrate that they harmonise with the existing urban character, and are exemplars of design quality.”

The Council is of the view that such modifications would be preferable to increasing the range specified in the AAP. As set out in response to main issue 6, the guidelines included in the AAP are consistent with those provided by the Urban Design Framework (doc ref: KE185). Experience on development sites across the borough indicates that developers are often inclined to push the boundaries in terms of building heights. The Council is therefore concerned that if the AAP were to propose that buildings up to 8 or 9 storeys are acceptable across the Station Hub, this would lead to increased pressure for schemes above 10 storeys on sites that are yet to come forward for redevelopment, and which would be generally inconsistent with the established urban character of the Blackhorse Lane area.

Planning permission updates:

The Council confirms that it is happy for the Inspector to update the AAP to reflect recent permissions such as the Ferry Lane site. The Council
would also like to draw the Inspectors attention to the following in terms of planning history:

- Site BHL4 North – the outline permission for 45 residential units at 22 Sutherland Road was superseded in 2012 by full planning permission for 43 residential units.

- Site BHL4 South – the planning permission from 2012 was detailed rather than outline.

- Planning permission has now been granted for the Walthamstow Wetlands project; which includes proposals for sites BHL10 and BHL11 – planning application reference 2014/0716.