Introduction
Introduction

- The Council has considered the Inspector's questions and proposed a number of further changes.
- The proposed further changes below are expressed either in the conventional form of 'strike through' for deletions and 'in bold' for additions of text.
- The page numbers and paragraph numbering below refer to the Local Plan Development Management Policies Proposed Submission (July 2012), and do not take account of the deletion or addition of text.

Q1) As is usual with this method, it may be that the Inspector will ask a question or make a point which is likely to be answered when he reaches a later point in his reading, so the Council should not be inhibited in its response in telling the Inspector that it has already submitted the evidence which will give him an answer; it will help the Inspector if the Council is able to point me to a particular passage in a submitted document, if that gives the appropriate answer.

A few general observations first.

1) Paragraph 1.8 states a key element of the examination; that is clarity, which is fundamental to effectiveness. The DMPDP is a sizeable document; 42 policies in 421 pages. Its very size adds to the task of a developer in reaching a clear understanding of what development will or will not be permitted. From the concerns expressed in paragraph 1.11 about the length of policies, it is clear that the Council itself is aware of this. I make two observations in relation to this consideration;

   (i) Figure 1.3 of the DMPDP explains the relationship between Development Management Policies and Core Strategy policies. Yet, in some places, this relationship is not used to help justify DMPDP policies; they are often justified ab initio. Where circumstances have not changed, that should not be necessary; a simple cross reference to the CS should justify the principle of the policy. All the justification in the DMPDP need then do is justify the extra detail which the DMPDP adds. This duplication of justification does not make the DMPDP unsound, so I do not insist on its elimination but I will point it out where it occurs, so that the Council may choose to edit the DMPDP and so improve its approachability and effectiveness.

   (ii) The Council's concern with the length of policies may explain why, in a number of instances, I have noted elaborations of policy appearing in the justification rather than in the policy itself. In a number of places, there is simply a restatement
of policy rather than an elaboration. Despite the concerns about policy length, I will be drawing to the Council's attention a number of places where, in my view, this device leads to a lack of clarity and, therefore, effectiveness.

Council's Response

Agree. Where there is duplication of justification, the Council will either remove the duplication, make a cross reference to the Core Strategy or edit the DMPDPS to justify the extra detail which the DMPDPS adds.

Where there are elaborations of policy appearing in the justification rather than in the policy, the Council will ensure that the elaborations of policy are added to the Policy itself. The restatement of policy will be deleted to avoid duplication. Where there is a lack of clarity and effectiveness, details of further justification of the policy are added to ensure effectiveness.

Proposed Further Change

No proposed change.

Q2) Neither an elaboration of policy nor its restatement count as justification. There are a couple of instances where elaboration or repetition crowd out justification. I will draw this to the Council's attention but it does not necessarily follow that the remaining brevity of justification is unsound. Only where the removal of elaboration or repetition of policy reveals an absence of justification would unsoundness be found. A test that I apply is this; a policy tells a developer what his/her development must do. The justification tells him/her why it must be done.

Council's Response

Where the removal of elaboration or repetition of policy would reveal an absence of justification, the Council will ensure details of justification of the policy are added for better clarity.

Proposed Further Change

No proposed change.

Q3) In a number of places the justification contains advice on how the policy can be met. Advice or supplementary guidance gives advice on how it can
be done (without saying it must be done that way as a matter of policy). Again, this isn’t really justification. Its inclusion would not be unsound but it can mask an absence of justification.

Council's Response

Where the inspector refers to any justification that contains advice or supplementary guidance on how the policy can be met, that advice or guidance is not really justification. The Council will either remove the unnecessary advice or explain that the advice is explanatory text which helps clarify to developers how policy will be applied.

Proposed Further Change

No proposed change.

Q4) In a number of places both policy and justification state procedural requirements. These are useful in telling a developer what he/she must do in order to submit an application; they do not say what the development must do and so they are not planning policy; they are administrative policy. I need to be convinced that they have a place in the DMPDPD because although they might amount to a reason for refusing to validate an application, they would not represent a reason to refuse (or grant) a permission for development.

Council's Response

Where the inspector refers to any policy or justification that state procedural requirements or administrative policy, the Council will either remove the unnecessary procedural requirements or explain that the procedural requirements is explanatory text which helps clarify to developers how policy will be applied.

Proposed Further Change

No proposed change.
DM1 - Mixed Use Development
DM1 - Mixed Use Development

Q5) Figure 1.3 relates this policy to Core Strategy policy CS1 but there does not appear to be anything in the stated justification which makes this connection. Presumably, the intent of part B of this policy is to give effect to parts A, B, C and E(i) of CS1 but that's just my presumption; I don't see anything in the justification that makes the link; I've only made that presumption because (a), (b) and (c) of part B of DM1 parallel A, B and C of CS1 and paragraphs 2.20 to 2.29 of the justification in the DMPDPD parallel paragraphs 4.7 to 4.26 of the Core Strategy. As far as soundness goes, it may not be necessary to make any modification to the DMPDPD; all I need is confirmation from the Council that my presumption is correct. But the Council may wish to reflect that its selection of areas for development and growth has been justified in the Core Strategy and has been found sound. If circumstances have not changed, is it then necessary to rejustify it in paragraphs 2.20 to 2.29 of the DMPDPD? A simple cross reference might suffice?

Council's Response

Agree. Policy DM1 relates to Policy CS1 of the Core Strategy. Further justification text is added to make this connection.

Proposed Further Change

- Page 13, add a new sentence at the beginning of paragraph 1.21 to read,

"Figure 1.2 sets out the structure of the Development Management Policies DPD. The Development Management policies contribute to the achievement of the Council’s Sustainable Community Strategy’s aims and objectives which include three themes: Managing Population Growth and Change, Create Wealth and Opportunity for Residents and Retain Wealth in Borough. Similar to the Core Strategy policies, the Development Management polices are grouped together under each of the three themes. Figure 1.3 shows how individual policies in this document relate to the policies of the Core Strategy."

- Page 27, under the heading "Key Growth Areas", insert a new paragraph to read:

"Policy DM1 relates to Policy CS1 of the Core Strategy. The intent of part B (a), (b) and (c) of Policy DM1 regarding the key growth areas and other appropriate areas is to give effect to parts A, B, C and E (i) of Policy CS1. The selection of
areas for development and growth has been justified in the Core Strategy and has been found sound. The circumstances have not changed, therefore the justification of details of the selection of areas should refer to Policy CS1.

- Page 28, amend paragraphs 2.23 and insert the amended paragraph and paragraph 2.24 under the heading "Key Growth Areas" as stated in the Development Management Policies Proposed Submission Schedule of Post Publication Minor Changes as follows:

"The Olympic Legacy Supplementary Planning Guidance (OLSPG) (July 2012). This clarifies the Mayor of London's priorities for the Olympic Park and the surrounding areas. It considers social and community infrastructure requirements, and sets out how the area around the Olympic Park can benefit from the legacy proposals. This document will also promote the further managed release of appropriate industrial sites for mixed use development. This Guidance will supersede the Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) where the two areas overlap when it is formally published by the Mayor following consultation. The document refers to the Mayor's commitment to achieve convergence between the Olympic host boroughs and the rest of London.

The area situated along the southern edge of the Borough is proposed to fall under the administration of the London Legacy Development Corporation (LLDC) which was established in April 2012. Details are shown in Figure 2.1 Key Diagram.

- Pages 27 to 29, delete paragraphs 2.20 to 2.22 and 2.25 to 2.29 as below:

2.20 The London Plan is committed to addressing social exclusion and spatial concentrations of deprivation. The Council has identified broad geographical areas where consolidated regeneration efforts would be applied. These include four key growth areas:

- Blackhorse Lane;
- Northern Olympic Fringe;
- Walthamstow Town Centre; and
- Wood Street.

Blackhorse Lane

2.21 In Blackhorse Lane, mixed use developments can make a positive contribution to a sustainable pattern of growth; by ensuring land is used more efficiently in areas well served by public transport. Subject to meeting the requirements of DM1 above; mixed use development in this key growth area can help meet housing need, provides new fit for purpose employment space, and in the case of the newly designated neighbourhood centre, provide a range of shops and services to meet the needs of
local residents and businesses. Where sites are deemed suitable for mixed-use development, they will be identified in the forthcoming Blackhorse Lane Area Action Plan (AAP).

Northern Olympic Fringe

2.22 As the northern edge of the 2012 Olympic Park is situated in Waltham Forest, the south of the borough has been identified as a key regeneration area with growth potential due to its proximity to the Olympic Park and Stratford City. The North Olympic Fringe area will undergo the most significant transformation with proximity to the Olympic Park and the ‘East End Renaissance’ a major catalyst for growth and inward investment. The AAP will identify a number of site opportunity locations that constitute the principal areas of change within the area. Some of these sites present opportunities for mixed-use development. Any proposal for mixed-use development should meet with the list of criteria set out in Policy DM1, to ensure it provides the appropriate mix of uses contributing to the supply of housing, employment and other uses in the local area and should not create any adverse impact to the interests of local amenity.

Walthamstow Town Centre

2.25 Walthamstow Town Centre is considered to be an appropriate location for mixed-use development. This is because firstly, it has excellent transport links allowing for easy access to and from the centre and secondly, is a major town centre with other existing facilities and services such as shops, banks and public transport, which are essential to both commercial and residential occupants of mixed-use developments. Mixed-use development will contribute to improving the economic and social well-being of the centre by providing additional homes and facilities, enhancing its viability and vitality, generating a strong sense of place and producing an attractive and sustainable environment.

Wood Street

2.26 Wood Street is to be a vibrant, viable town centre with a retail-led mix of uses that builds upon the distinct historic character of the area and offers a good range of convenience, comparison and niche products. The area is envisaged to benefit from a step change in the quality of the public realm, attractive and safe connections to and across the area for all modes and an increased emphasis on social and community activities. There is potential for redevelopment across a cluster of sites in this area. A development framework will be prepared for the Wood Street area detailed in the AAP process. This will provide a comprehensive and holistic approach to regeneration and renewal of the area. Some of the proposals may include mixed-use development. Such development should meet with the list of criteria set out in Policy DM1.
Other Growth Centres

2.27 Town centres represent a key economic asset, providing shopping, employment, leisure, cultural, community services and facilities for our residents and visitors. Walthamstow town centre, Wood Street and Leyton are within the key regeneration areas. Other centres outside these areas include North Chingford, South Chingford and Bakers Arms, Highams Park and Leytonstone. The ability of the Borough’s growth centres to accommodate additional growth whilst also improving their relative attractiveness will be key to achieving sustainable and well-balanced communities.

Site Opportunity Locations

2.28 The Site Opportunity Locations will contribute to growth in housing, employment, leisure and community uses. The redevelopment of these sites will be detailed in the Area Action Plans and Site Specific Allocations.

2.29 The Council considers that targeted intervention at these key opportunity locations will bring the opportunity to transform our places and communities whilst capturing or maximising the ripple effects for the benefit of the whole Borough."

Q6) Paragraph 2.32 contains three sentences. The first is a restatement of the policy. The second and third can be read either as advice or as policy. Neither is justification.

Council’s Response

Agree that in paragraph 2.32 the first sentence is a restatement of the policy. The second and third are advice.

Proposed Further Change

Delete paragraph 2.32:

“2.32 Taking into account these considerations, the Council will consider whether a proposed development in the borough could appropriately include a mix of uses, and in appropriate cases will seek a contribution to the supply of housing. Other mixed uses that may be sought include shops, social infrastructure, open space and workshops for light industry. The need for the precise mix and proportion appropriate will vary in different locations and will be a matter for negotiation, taking into account all the criteria set out in Policy DM1.”

Q7) The last clause of paragraph 2.33 contains a policy requirement which is not stated in the policy itself, so the policy is not clear.
Council's Response

Agree the last clause of paragraph 2.33 contains a policy requirement not stated in Policy DM1 itself. Amend the last clause of paragraph 2.33 referring to Policy DM2 which deals with Meeting Housing Targets

Proposed Further Change

Amend last sentence of paragraph 2.33:

"2.33 Core Strategy states the Council is concerned that housing with bedsit rooms and shared facilities could prejudice the supply of self-contained housing. Therefore, when applying Policy DM1 to seek a contribution to the supply of housing, the Council will seek permanent self-contained housing (in Use Class C3) according to Policy DM2 which deals with Meeting Housing Targets."

Q8) Paragraph 2.34 is a policy requirement, not stated in the policy itself, so the policy is not clear.

Council's Response

Agree paragraph 2.34 is a policy requirement which refers to the design of access arrangement which is covered in Policy DM 30 Design Principles, Standards and Local Distinctiveness.

Proposed Further Change

Delete paragraph 2.34:

"2.34 Housing provided as part of a mixed use scheme should be independent of other uses and have a separate access at street level or other arrangements which provide for occupation independent of any non-residential use."

Q9) Paragraph 2.35 simply repeats policy.

Council's Response

Agree

Proposed Further Change

Delete paragraph 2.35:
“2.35 Affordable housing will be sought in appropriate circumstances in line with Core Strategy Policy CS2 and Development Management Policy DM3.”

Q10) Paragraph 2.37 is a policy requirement, not stated in the policy itself, so the policy is not clear.

Council's Response

Agree paragraph 2.37 is a policy requirement.

Proposed Further Change

- Page 30, amend paragraph 2.37 to read:

"When mixed use schemes are proposed, we will therefore secure appropriate design features and use the imposing of planning conditions is to secure appropriate design features and to protect the amenity of existing and future residents."
- Page 23 after (ix) of Part B) add point (x) as follows:

"(x) imposing planning conditions to protect the amenity of existing and future residents."

Q11) Paras 2.38 -2.44 appear to be largely advice and explanation. Useful but not justification.

Council's Response

Agree that paragraphs 2.38 to 2.44 are largely advice and explanation. The advice is considered useful guidance for developers how the policy will be applied.

Proposed Further Change

Page 30, amend the second sentence of paragraph 2.37 to read:

"Other factors affecting the potential for mixed-use development, and the scale, nature and location of mixed use development are listed below for clarification of how Policy DM1 will be applied."

Q12) The last sentence of paragraph 2.40 imposes a procedural requirement. Why does the scale need to be justified unless it would conflict with policies DM 4 A (i) (amplified by paragraph 5.3), DM 8 A or DM 30 A (iv)?
Council's Response

Agree the last sentence of paragraph 2.40 imposes a procedural requirement.

Proposed Further Change

Page 31, delete the last sentence of paragraph 2.40:

"The Council will expect submission of a financial viability appraisal to justify the scale of the uses proposed."

Q13) The last sentence of paragraph 2.41 is a statement of policy, not included in the policy itself, which is therefore unclear.

Council's Response

Paragraph 2.41 was to justify part B) (vi) and (vii) of Policy DM1 that the Council will consider the financial and economic viability of the development and developers' contributions through planning obligations due to emerging economic conditions and property market trends may alter the viability of the mix of uses, potentially delaying the implementation of a proposal. Amendments to paragraph 2.41 will be made to reflect the justification.

Proposed Further Change

Page 31, amend paragraph 2.41 to read as follows:

In addition, in view of the emerging economic conditions and property market trends may alter the viability of the mix of uses, potentially delaying or preventing implementation of some or all parts of a proposal, the Council will take into account the sensitivity of financial viability appraisals to changing market circumstances, and will seek to include appropriate flexibility into planning obligations and phasing arrangements to ensure that a mix of uses can be delivered."

Q14) It is not clear whether paragraph 2.42 represents policy or advice. It rather reads as the former, but is not stated within the policy itself, which would therefore be unclear.

Council's Response

Paragraph 2.42 represents both policy and advice. The specific situations when mixed use development may not be required set out in paragraph 2.42 are added to the text of Policy DM1.
Proposed Further Change

- Page 23 after (x) of Part B), add point (xi) as follows:

"(xi) specific situations when mixed use development may not be required, including: where housing is the sole use proposed; where housing or other uses are not compatible with the main use; and where a development is required to accommodate an existing user on the site."

- Amend paragraph 2.42 to read:

**Specific Situations When Mixed Use Development May Not Be Required** - the Council may not seek mixed use development as stated in part B) (xi) of this policy due to the specific situations below: In addition to the general considerations that may limit the potential or scale for the development of a mix of uses, there are a number specific types of development and circumstances that could render the inclusion of a mix of uses inappropriate:

1. **given the pressing need for housing in the borough**, where housing is the sole use proposed, the Council may not seek uses other than housing unless there is a shortfall of facilities in the area that will be needed for the development (for example, open space or health facilities), or other uses are needed to provide an active street frontage (for example, shops in or adjacent to a shopping parade);
2. the Council will not seek housing or other uses where they are not compatible with the main use, **since the main use may cause adverse impact on the amenity of housing or other uses**. For example where noise levels from an industrial use would compromise residential amenity, or where the incorporation of other uses would be precluded by the operational requirements of a specialised use, such as a hospital or healthcare facility, or an academic, research or educational institution;
3. the Council may not seek a mix of uses where a development is required to accommodate an existing user on the site, **since a mix of uses may potentially cause adverse impact on the amenity of an existing user**, (for example, to provide for the expansion of a business or to consolidate a business’s activities to a single site), unless the development involves additional floorspace that is surplus to the user’s requirements;

Q15) The first sentence of paragraphs 2.44 and 2.50 simply restate the policy.

**Council’s Response**

Agree the first sentence of paragraphs 2.44 and 2.50 restate the policy.
Proposed Further Change

Delete the first sentence of paragraphs 2.44 and 2.50:

2.44 The Council will seek developers’ contributions in relation to any appropriate proposed development.

2.50 The Council will use planning obligations to ensure appropriate infrastructure is provided where necessary for mixed-use development.
DM2 - Meeting Housing Targets
DM2 - Meeting Housing Targets

Q16) This policy is presumably intended to give effect to policy CS2 A (i), already justified in principle in CS paras 5.13 and 5.14.

Council's Response

Policy DM2 is indeed intended to give effect to CS2 A (i).

Proposed Further Change

No proposed change

Q17) The last clause of para 3.2 simply restates the policy and is not justification.

Council's Response

The Council will delete repetition of policy and added addition justification follows.

Proposed Further Change

Amendment to paragraph 3.2:

Given the high level of need for housing, particularly larger family sized homes in the borough and limited land availability for housing development, it is essential to protect the existing housing stock if the residential character and function of the Borough is to be maintained. The further loss of housing will further exacerbate the level of need and undermine the building of new homes if the current housing stock is diminished without replacement. In order to address the borough’s housing need and sustain its neighbourhoods, the Council will resist the loss of existing residential accommodation and particularly larger family housing.

Q18) The first clause of the first sentence of para 3.3 is justification; the remainder of the sentence simply repeats part A of the policy and is not justification. The second sentence is advice, not justification. The third sentence repeats or elaborates part D of the policy, indicating a lack of clarity in the policy itself and is not justification. The fourth sentence is a policy requirement not made within the policy itself, which is therefore unclear. The justification for choosing the figure of 87 sq m needs to be stated.
Council's Response

The first and second sentences have been amended as proposed below and repetition of policy removed. The second sentence has been deleted. The third sentence has been amended to provide justification for point D. The fourth sentence has been moved into the policy for clarity. The fourth sentence has been amended to provide justification. The last sentence has been removed (including the 87 sq.m reference) and a reference to internal space standards table 8.1 has been included in the forth sentence.

Proposed Further Change

- Policy DM2 part A the be amended as follows:

"A. Proposals seek to combine separate units within the original house in order to create a larger family (3 bed or more) home(s) which meet the space standards set out in table 8.1:

- Amendments to paragraph 3.3 below:

"3.3 The de-conversion of larger homes will further support the provision need for larger family homes and contribute to tackling the problem of overcrowding. The Council will support proposals which result in the net loss of housing where they seek to combine smaller homes (such as in a de-conversion) into a larger home(s), the de-conversion of smaller homes to create family-sized accommodation will be supported to help meet this priority housing need. In addition, de-conversion will help to balance any over supply in smaller homes delivered through new housing development. It will also ensure a wider choice of housing choice for residents. The loss of homes should also be outweighed by benefits to the environmental, street scene, transport and parking. Properties which are more appropriate for de-conversion are those where it was originally a single family dwelling house. De-conversions can bring the added benefit such as reducing the pressure on on-street parking and local services. In order to ensure that de-conversions provide an acceptable form of family housing, proposals should meet the relevant minimum floor areas and provide a good standard of overall accommodation outlined in table 8.1. De-converted properties should create a home which has a minimum Gross Internal Area (GIA) of 87 sq.m (minimum 3 bed) in accordance with policy DM7. De-converting properties or merging together smaller homes will contribute to balancing the size of homes in the borough's housing stock and ensure better variety and choice for residents."

Q19) The first sentence of paragraph 3.4 simply restates part C of the policy and is not justification.
Council's Response

The first sentence has been removed and the additional text has been included to provide clarity.

Proposed Further Change

Paragraph 3.4 amended as follows:

The Council will only support the net loss of housing where it can be clearly demonstrated that the current residential use is not compatible with the surrounding area and results in unsatisfactory living conditions. If it can be clearly demonstrated, that the environment of the area or standard of accommodation, its amenities and access arrangements are not conducive to ensuring a safe and suitable residential environment, the Council may consider alternative uses as long as it can be demonstrated that the identified issues cannot be overcome or mitigated against, and that any incoming uses will be more appropriate. Unsafe and unsuitable living conditions could result due to a number of reasons, for example owing to excessive noise, odours and/or poor air quality. **Developers are advised that they will be required to justify reasons for not continuing a residential use.** In such cases, the developer must provide an assessment of the identified issues, potential mitigation measures, and details of and comparative analysis of the proposed incoming use. Unsatisfactory living conditions could result due to a number of reasons, for example owing to excessive noise, odours and/or poor air quality.

Q20) The first and last sentences of paragraph 3.5 simply restate part D of the policy and are not justification.

Council's Response

The first sentence of paragraph 3.5 has been removed, see below. The last sentence is a cross reference to the relevant policy which relates the the provision of social infrastructure.

Proposed Further Change

Paragraph 3.5 amended as follows:

The Council will also consider the loss of residential use on sites where it can be clearly demonstrated that there is an overriding need for an alternative use. The Council recognise that in order to create mixed and balanced communities other uses such as doctors surgeries, health centres and nurseries need to be provided to support the existing community. In such circumstances, the Council will support alternative uses in accordance with policy CS4 DM18.
Q21) The second sentence of paragraph 3.6 states a policy requirement, not part of the policy itself, which is therefore unclear. The justification for prioritising refurbishment over redevelopment is not stated. The third sentence restates part E of the policy and is not justification. The last sentence is advice, not justification.

Council's response

First sentence and second sentences of paragraph 3.6 has been removed and additional text proposed as below.

Proposed Further Change

Paragraph 3.6 amended as follows:

Where it can be demonstrated that homes are 'non-decent' the Council will firstly seek a refurbishment or upgrade of the existing accommodation. However, the Council will consider the net loss of housing where it results in better quality homes being provided and facilitates housing regeneration and renewal. For example, the Council may consider the net loss of accommodation where it increases the size of the remaining homes. The Council is committed to an estate renewal programme to prioritise the upgrading of some of the Council's housing estates. This involves working with local residents to identify the most appropriate solution for renewal, including the potential for refurbishment and comprehensive redevelopment. Such programmes may result in a net loss of homes, for example, to meet improved spaces standards or increase the number of larger homes. According to the Waltham Forest Private Sector House Condition Survey (2011) it is estimated that there are 25,800 private sector dwellings (33.5%) that are 'non-decent', in the Borough according to Decent Homes Standards. This approach therefore takes into account the potential to deliver improvements to housing quality as part of agreed regeneration strategies/proposals such as estate renewal programme, masterplans or Area Action Plans.
DM3 - Affordable Housing Provision
**DM3 - Affordable Housing Provision**

Q22) This policy is intended to give effect to CS2 B. Its principle is already justified by CS paragraphs 5.15 to 5.19 but I appreciate that DMPDPD paras 4.2 to 4.4 update the justification.

Council’s Response

Noted

Proposed Further Change

No proposed change

Q23) It is not clear to me whether the last sentence of paragraph 4.5 represents policy or not. If it is justification, I am not clear what part of this policy it is meant to justify.

Council’s Response

It is proposed that the second part of the final sentence be deleted as below. See post submission consultation response.

Proposed Further Change

As amended in Development Management Policies - Proposed Submission Changes documents relating to DM3.

Q24) It’s not clear to me that part B of the policy takes us much beyond policy CS2 B (ii). If anything it is stated in less detail. Paragraphs 4.7 to 4.12 give detail to the policy and an explanation of process and so perhaps are the policy. They do not appear to contain any justification for their provisions.

Council’s Response

Paragraphs 4.8 and 4.12 are indeed intended to give detail to the process and provide explanation of the process in order to assist it the implementation of the policy. This has been moved to the implementation section of the chapter. Deferred contributions has been justified in the CS. The purpose of part B sets a size threshold to which deferred contributions will apply e.g to development that is 10 units or more. It is proposed to delete paragraph 4.7 as largely repeats the CS policy. Insert a new paragraph in place of 4.7.
Proposed Further Change

- Delete paragraph 4.7 as follows:

In accordance with CS2 B (ii), in order to deliver the maximum reasonable amount of affordable housing, applications on all sites capable of providing 10 or more homes which propose less than 50% affordable housing, will need to demonstrate a viability case to justify this, in the form of a viability assessment. Where a viability case is used to justify an affordable housing offer below policy requirements and it is agreed by the Council, the Council will require the shortfall to be treated as a deferred contribution in the section 106 agreement. The Council will then require a subsequent viability assessment to be undertaken when the scheme is completed, or nearing completion and largely occupied and should viability have improved, the Council will seek further affordable housing provision up to a maximum of the policy shortfall. For larger schemes this assessment will take place on a phased basis.

- Move paragraph 4.8 - 4.12 to the Implementation section before paragraph 4.26 under the heading of 'Implementation of Deferred Contributions':

'Implementation of Deferred Contributions'

The formal mechanisms required to secure deferred contributions will be detailed in standard clauses in the Council’s standard 106 agreement. The applicant will be expected to provide comprehensive supporting information to enable the Council to make an informed decision on the financial viability of the proposed development scheme. This information will include, as a minimum, a detailed cost plan and specification together with properly analysed evidence justifying proposed sales values and a detailed valuation of existing use value. The information will be assessed by the Council advised by an Independent Assessor as and when required, and the applicant will be expected to pay the cost of this assessment.

If a scheme is approved on the basis of an affordable housing offer below policy requirements, the section 106 agreement will include provision for a re-appraisal of viability. Applicants should expect that a restriction on occupation of an appropriate number of market units to reflect the policy shortfall will be required to secure any further contribution from the assessment process. Further advice on the reappraisal process will be provided. The applicant will be required to submit detailed evidence to the Council on an open book basis of the actual costs expended and values generated by the scheme and, where viability has improved, the applicant will be expected to make further affordable housing provision up to the maximum policy shortfall.
When assessing viability, the Council will expect to use the Residual Land Value approach with viability tested against existing use value or where, a former use is capable of resurrection, alternative use.

The Council will, in general, not accept a premium on existing use value unless it can be demonstrated that the land owner is relocating or extinguishing an existing business or there is a complex site assembly involved in the scheme. Where this is the case appropriate evidence will be required.

For outline applications where the level of detail may not be available, the Council will require a further viability assessment to be undertaken at reserved matters stage."

- Add the following paragraph in place of paragraph 4.7:

"The principle of deferred contributions has been set in the policy CS2. As the Council will be seeking a small site affordable housing contribution to developments of 9 homes or less, the Council consider it appropriate to set a threshold of applying deferred contributions to sites of 10 homes or more. Given the cost, time and complexity of preparing a detailed viability assessment, it is considered inappropriate to require developers of smaller housing sites to meet this policy requirement."

Q25) Paragraphs 4.13 to 4.15 read like statements of policy rather than justification.

Council's Response

It is proposed that paragraph 4.13 be deleted as it largely repeats the policy. Paragraphs 4.14 and 4.15 are intended to give detail to the process and provide explanation of the process and is not justification. It is proposed that these paragraphs 4.14 and 4.15 are moved to the Implementation Section. Additional paragraph inserted to provide policy justification.

Proposed Further Change

- Delete paragraph 4.13 as follows:

All sites should make an affordable housing contribution, including mixed use schemes which are capable of providing an element of housing, subject to viability. The Council will firstly seek that the affordable housing provision be made on site, then on a site
which is nearby. The Council will only accept off-site contributions where it is not practical to provide it on site or nearby. The Council reserves the right to investigate any practical reason why affordable housing cannot be provided on-site.

- Inset the following paragraph in place of paragraph 4.13:

"In accordance with policy 3.12 – Negotiating affordable housing on individual private residential and mixed use schemes, the Council may accept off site contributions for affordable housing. The Mayor of London Housing SPG (para.18.17) states that off-site provision could be applied in cases where there are existing concentrations of particular types of social housing in the area of the primary proposal site and there are demonstrable benefits to be gained by providing new units at a secondary site in a different location, so as to create more socially mixed communities, or to provide a particular type of housing, such as family housing."

- It is proposed that paragraphs 4.14 and 4.15 be moved to the Implementation Section under the heading 'Implementation of Off Site Contributions':

"Implementation of Off Site Contributions

Where off site contributions are considered acceptable, the developer will be required, subject to viability, to pay a contribution that reflects both the land value and build costs for the number of affordable units that should have been provided on site applying the 50% target. This will ensure that, in accordance with national policy, the contributions are ‘of broadly equivalent value’ to that which would have been secured through on site provision.

The off site contribution will be based on the estimated cost to the applicant of providing the equivalent amount of affordable housing on site. This will be based on the following formula:

The open market value of the Section 106 units minus the maximum offer an RP would pay (less RP fees) minus additional developer costs"

Q26) Paragraph 4.17 states policy; it is not justification. It is not stated in the policy itself, which is therefore unclear.
Council's Response

Paragraphs 4.17 are intended to give detail to the process and provide explanation. It is proposed that the first sentence of 4.17 should be deleted as it is a repetition of policy. The 2nd and 3rd sentences will be moved to the implementation section of the policy.

Proposed Further Change

- Delete first sentence of paragraph 4.17:

Therefore, in order to maximise the provision of affordable housing, the Council will require small sites (1-9 homes) to make a contribution to affordable housing provision in the borough.

- Move 2nd and 3rd sentences of paragraph 4.17 to the implementation section of the chapter after paragraph 4.27 under the heading 'Implementation of Small Sites Affordable Housing policy':

"Implementation of Small Sites Affordable Housing policy

The Council may decide that it is not desirable or practicable to provide affordable housing on site for small sites and thus off site contributions may be considered more appropriate. When assessing the viability of small sites, the Council will require a simple financial appraisal which includes site acquisition costs, predicted sales values, expected build costs, build cost as a rate per square metre and anticipated profit levels."

Q27) Other than the first clause of the first sentence, paragraph 4.18 is a statement of policy, not justification. The policy requirements are not stated in the policy itself, which is therefore unclear.

Council's Response

Paragraphs 4.18 are indeed intended to give detail to the process and provide explanation of the process. It is proposed that it is moved to paragraph is moved to the implementation section.

Proposed Further Change

Move paragraph 4.18 to the Implementation Section under the heading 'Implementation of Small Sites Affordable Housing policy' after paragraph as stated in Q26.
"The contributions are based on 10% of Residual Land Value (RLV) which would be introduced over a 3 year period, with 33% of the contribution being charged in the first year, 66% of the contribution being charged in the second year, and the full contribution being charged in the third year. Following a review on the impact of the contribution on land values and development pipeline, the contribution would move to 15% for the fourth year forward. The contributions will then be reviewed on an annual basis."

Q28) The last sentence of paragraph 4.22 is a statement of policy not included in the policy itself, which is therefore unclear.

Council's Response

Paragraphs 4.22 are indeed intended to give detail to the process and provide explanation of the process. However, paragraph 4.22 will be amended as follows below to clarify.

Proposed Further Change

- Amend paragraph 4.22 as follows:

Assessing the level of affordable housing at the start of a major phased development can be difficult. Some housing or mixed use schemes will be built in a number of phases over a number of years. Some major applications can take years to implement with the first phase of development being completed many years before the last phase is implemented. This means the economic conditions can be very different at the when permission is given to when phases are built. In such circumstances the Council will require applicants to provide an 'open book' financial appraisal/viability assessment for each separate phase to ensure that each phase makes the maximum reasonable affordable housing contribution.

- In the implementation section under the heading 'Implementation of Phased Development' the following paragraph is proposed:

"Implementation of Phased Development

Where developments are phased the Council will seek applicants to provide an 'open book' financial appraisal/viability assessment for each separate phase to ensure that each phase makes the maximum reasonable affordable housing contribution."

Q29) The first sentence of paragraph 4.23 simply restates policy DM3 E using different words; it is not justification.
**Council’s Response**

The Council will remove the first sentence of paragraph 4.23 to remove duplication.

**Proposed Further Change**

Amend paragraph 4.23 as follows:

"The Council will seek to ensure that homes in new housing development are 'tenure blind'. Tenure blind housing development means that it is impossible to distinguish the tenure of the homes within by their exterior appearance. Tenure blind reduces the stigmatisation which some forms of affordable housing tenures have. Tenure blindness can be achieved by providing all homes with similar elevations and by coordinating the homes’ external fittings."

**Q30** Paragraphs 4.24, 4.25 and 4.26 are statements of policy, not included in the policy itself, which is therefore unclear.

**Council’s Response**

Paragraphs 4.25 and 4.26 are indeed intended to give detail to the process and provide explanation of the process and will be moved to the Implementation section. However, paragraph 4.24 will delete to avoid duplication of Core Strategy.

**Proposed Further Change**

- Delete paragraph 4.24 as follows:

  "The Council will also consider the following factors when considering the nature of affordable housing on site:

  - Housing need;
  - The impact on the creation of mixed and balanced communities
  - Access to shops, services community, facilities and jobs;
  - Access to public transport;
  - The character of the development site and surrounding area;
  - The size of the site and constraints; and
  - Client group for which homes are intended."
Insert paragraphs 4.25 and 4.26 in the Implementation Section under the heading 'Site Considerations':

"The calculation of affordable housing will be undertaken in term of units. The proportion of affordable housing should be calculated in relation to the gross rather than net provision, except in relation to estate renewal and regeneration. The threshold is expressed in terms of the capability of the site, in order to overcome attempts to evade thresholds and the Council reserves the right to challenge proposals which do not maximise a site’s capacity.

Where housing is provided with either public or private subsidy, this discount should remain available in perpetuity to people identified as being in housing need. The Council will seek to use clauses in legal agreements that transfer ownership and management of such homes to Registered Providers to ensure this."
DM4 - Residential Extensions and Alterations
DM4 - Residential Extensions and Alterations

Q31) Figure 1.3 suggests that this policy is related to Core Strategy policy CS2 but I cannot identify any part of CS2 which would give rise to, or justify, this policy. Rather, part A appears to relate partly to CS13 A and the justification set out in CS paras 16.12 to 16.15 and partly to CS15 and the justification set out in paras 18.26 and 18.27.

Council's Response

CS2 part D which states, “creating successful communities by requiring high quality design from all new housing development...” Amendments, as set out below, to paragraph 5.1, to provide addition reference to policies CS2 and CS15.

Proposed Further Change

Amend paragraph 5.1 as follows:

"In accordance with policy CS2, CS15 and DM33, new residential development should be of the highest quality and make a positive contribution to improving the urban environment in the borough. New extensions and alterations are the most common form of application the Council receives each year. While such applications are relatively small in size, they can have a significant effect on the existing building and character of the surrounding area. The Council provides further guidance on extensions and alterations in the Residential Extensions and Alterations Supplementary Planning Document (2010)."

Q32) Part B appears to be a new stand-alone, possibly even strategic, policy, not presaged in the Core Strategy at all. Although introduced in a policy headed extensions and alterations, the reference to a separate dwelling suggests that the policy would also apply to new build infill developments. I would have expected a policy against the development of garden land to have been flagged up in policy CS1 of the Core Strategy which sets out the strategic approach to where the Council would like development to be directed. The new policy’s proposed resistance to any rear extension of a property appears to contradict the intentions of Core Strategy policies CS2 A (v) and CS1 E (i), (justified by core strategy paragraph 4.32 which refers specifically to infill and expansion of existing buildings), although I accept that the preamble to CS1 E refers to previously developed land and that garden land is not now so regarded. It would appear to negate the observation made in paragraph 5.8 of the Core Strategy. It also appears to contradict the policy stated in the last sentence of paragraph 5.5 of the DMPDPD. I recognise that paragraph 5.7 (except for the fifth sentence which duplicates the policy itself and the tenth sentence which introduces criteria not stated in the policy
itself) presents a justification for the policy. In a borough with extensive areas of terraced housing such as LBWF a policy of no loss of garden land would effectively represent a ban on any rear extension to a terraced house beyond that allowed under p.d. I need to be convinced that the implications of this policy have been clearly spelt out to the public in the consultations carried out on the DMPDPD and in the sustainability appraisal made.

Council’s Response

This is a recent issue which has arisen since the development of the Core Strategy. The policy wording is proposed to be amended as below.

Proposed Further Change

Policy DM4 part B to be amended as follows:

"Development in back gardens should provide small ancillary buildings for use associated with the main use of the dwelling. Buildings that provide additional living accommodation (either as separate unit dwelling or as extensions to the primary living accommodation) will be resisted. The use of outbuildings ordinarily used for ancillary purposes within a dwelling curtilage or its garden as separate sleeping and living accommodation would be resisted. The Council will only support residential development in back gardens where satisfactory living conditions in accordance with design standards set out under Policies DM6, DM7, DM30 and DM33 can be provided for new occupiers."

Q33) Paragraphs 5.2, 5.3 and 5.5 appear as restatements of policy, not justification.

Council’s Response

We will delete paragraphs 5.2, 5.3 and 5.5 as below.

Proposed Further Change

Delete paragraphs 5.2, 5.3 and 5.5 as follows:

Extensions and alterations (which include front, rear, side extensions and loft conversions and roof extensions) should be well designed to ensure that the character, context, heritage and quality of the area is maintained and enhanced.
Extensions or alterations should remain in harmony with the original 'host' building; respect the street scene and character of the area in terms of scale and form, size and shape, roof-line and form, windows and doors, materials and spaces between properties.

Extensions and alterations should respect neighbouring properties and wherever possible protect the residential amenity of adjoining occupiers. Extensions and alterations should not result in the excessive loss of residential amenity in terms of loss of privacy, outlook and overshadowing/sunlight. Extensions and alterations should not significantly reduce garden size.

Q34) Paragraph 5.6 seems to be describing a policy which is not in fact stated in the policy itself, which is therefore unclear.

Council's Response

Delete paragraph 5.6 as follows:

Proposed Further Change

Delete paragraph 5.6 as follows:

Roof extensions and dormer windows are often the most difficult to integrate with the original building and in some house types it is simply not possible to achieve an acceptable design. In such a case permission would not be granted.
DM5 - Housing Mix
DM5 - Housing Mix

Q35) This policy gives effect to policy CS2 (C) which is itself justified by Core Strategy paragraphs 5.20 to 5.25.

Council’s Response

This policy gives greater detail to CS2 (C) by setting out a dwelling mix.

Proposed Further Change

No proposed change

Q36) The second sentence of paragraph 6.4 appear to represent policy, not stated within the policy itself, which is therefore unclear.

Council’s Response

The policy is to be amended to include this as a policy requirement as proposed below. The third sentence is to clarify table 6.1. The final sentence of paragraph 6.4 is considered to be advice not policy.

Proposed Further Change

- Policy DM5 to be amended as follows:

The Council will seek all housing developments to provide a range of dwelling sizes and tenures particularly focusing on the provision of larger family sized homes (three bed plus) in line with the Council's preferred housing mix table 6.1. The Council will generally not support development proposals containing only smaller homes (one and two bed).

- Paragraph 6.4 to be amended as follows:

The Council aims to ensure each development should contribute to the creation of mixed and balanced communities by containing a mix of large and small homes overall. While the Council recognise the demand for smaller units, the Council will resist development proposals containing only smaller homes. In order to prioritise larger family housing the Council aims to provide at least 50% of new private and social / affordable rented homes as three bed plus. It should be noted that the Council do not support 2 bed three person or 3 bed four person homes in the affordable sector.
Q37) Paragraph 6.5 describes a policy consideration, not included within the policy itself, which is therefore unclear.

Council's Response

The Council will delete paragraph 6.5 as below.

Proposed Further Change

The Council will delete paragraph 6.5 as follows:

Development involves re-use of an existing building, this may limit the potential to provide the dwelling mix proposed in table 6.1. Issues in meeting the proposed dwelling mix include; respect for the integrity of existing structural walls, providing appropriate levels of natural light, changes in floor levels and heritage designations such as listed building may restrict alterations. The Council will have regard to these issues when considering the dwelling mix in such proposals.

Q38) Paragraph 6.6 appears as a statement of policy which appears to conflict with policy DM5 and table 6.1.

Council's Response

The Council will delete paragraph 6.6 as below.

Proposed Further Change

The Council will delete paragraph 6.6 as follows:

The housing mix of new development should be considered on a site by site basis. The Council take a flexible approach when applying the Council's proposed housing mix. The Council will consider:

- Housing need;
- The impact on the creation of mixed and balanced communities;
- Access to shops, public transport, public services, community facilities, parks and green spaces;
- The character and context of the site and surrounding area;
The size of the site and constraints; and

Financial viability:
DM6 - Housing Conversions
DM6 - Housing Conversions

Q39) This policy also gives effect to policy CS2 (C) which is itself justified in principle by Core Strategy paragraphs 5.20 to 5.25. The justification in the DMPDPD need not duplicate this, unless circumstances have changed.

Council's Response

The justification uses up-to-date information from the Waltham Forest Strategic Housing Market Assessment (2011).

Proposed Further Change

No proposed change

Q40) The choice of the threshold figure of 124 sq m in part A (i) and part B of the policy does not appear to have a justification at any point.

Council's Response

See proposed text for justification.

Proposed Further Change

Add the following text to paragraph 7.10 as follows:

"The threshold of 124 sq.m was chosen as this is the smallest floorspace which could successfully incorporate two flats, of which one is ‘family sized’ (e.g. 3 bed plus, meeting part vi of the policy). This has been based on the internal space standards in the London Plan."

Q41) For clarity, should section A(ii) of the policy make specific reference to figure 7.1 (which is labelled as picture 7.1, perhaps in error)?

Council's Response

Yes, A (ii) should reference to figure 7.1. Policy to be amended for clarity. Figure 7.1 to be amended to remove reference to picture.

Proposed Further Change

Policy DM6 part A (ii) to be amended as follows.

"DM6 A (ii) Resisting the conversion of homes located in a ‘Restricted Conversions Wards’ as shown in figure 7.1;"
Q42) Section A (iii) of the policy does not make clear what is to be regarded as an over-concentration of conversions in one street (and there is no stated justification for any particular threshold which may be chosen).

Council's Response

Amend paragraph 7.11 as below.

Proposed Further Change

Add the following text to the end of paragraph 7.11 as follows:

"In assessing if there is an over-concentration of conversions and HMOs in an area, regard will be given to the cumulative impact of parking, noise, overcrowding and rubbish affecting the general street scene."

Q43) Section A(iv) of the policy does not make clear what is to be regarded as "pressure" on existing levels of parking, open space and other services and there is no stated justification for any trigger or threshold which may be chosen.

Council's Response

Delete DM6 A iv as follows.

Proposed Further Change

Delete A iv as follows.

DM6 A iv Resisting the conversion where there is pressure on existing levels of on-street parking, open spaces and other services.

Q44) Section A (vi) of the policy appears to have been garbled.

Council's Response

Delete policy DM6 A vi to as follows.

Proposed Further Change

Delete policy DM6 A vi:

Resisting conversions to smaller homes (G3) where it does not create at least one larger family sized home of 74sqm (3 bed plus) on the ground floor with access to a dedicated rear garden of the converted home.
Q45) How is the figure of 74 sq m referred to in parts A(vi) and B(ii) of the policy justified? How does it relate to the figure of 87 sq m referred to in paragraph 3.3 of the DMPDPD and the figures for three bedroomed dwellings in table 8.1?

Council's Response

The justification for the 74 sq.m is related to table 8.1 of DM7. These are the space standards included in the London Plan (2011). The difference is that the Council will apply these standards to all new housing development in the borough as opposed to just publicly funded schemes. This is the smallest three bed homes (meeting the requirement of part vi of the policy). The reference to 87sq.m in paragraph 3.3 is a mistake and should be 74 sq.m which will be amended.

Proposed Further Change

Amend paragraph 3.3 (page 35) as follows:

"To further support the need for larger family homes, the Council will support proposals which result in the net loss of housing where they seek to combine smaller homes (such as in a de-conversion) into a larger home(s). Properties which are more appropriate for de-conversion are those where it was was originally a single family dwelling house. The loss of homes should also be outweighed by benefits to the environmental, street scene, transport and parking. De-converted properties should create a home which has a minimum Gross Internal Area (GIA) of 87 sq.m 74 sq.m (minimum 3 bed) in accordance with policy DM7. De-converting properties or merging together smaller homes will contribute to balancing the size of homes in the borough’s housing stock and ensure better variety and choice for residents."

Q46) Would the qualification to policy DM5, set out in paragraph 6.5 of the DMPDPD also apply to this policy?

Council's Response

As can be seen from the answer to question 39, paragraph 6.5 is proposed to be deleted. To clarify, a conversions of any housing that creates self contained units will be expected to provide a range of units sizes (e.g. policy requirement DM6 A vi). However, an HMO will not be required to provided a range of units sizes, give that the nature of such developments are small non-self contained units.

Proposed Further Change

No change proposed
Q47) The last sentence of paragraph 7.11 is simply a restatement of the policy; it's not justification.

Council's Response

Delete the final sentence of 7.11.

Proposed Further Change

Amend paragraph 7.11 as follows:

"Additionally, a concentration of housing conversions and HMOs can have a detrimental effect on the character and amenity of an area. Areas where there are a high number of conversions and or HMOs cause a cumulative impact of added pressure on off street car parking and local services. Figure 7.1 identifies wards in the borough which suffer from an over concentration of conversions and HMOs. These wards include: Leyton, Leytonstone, Cathall, Cann Hall, Forest, Grove Green, High Street, Lea Bridge, Markhouse, Wood Street, William Morris, Chapel End, William Morris, Higham Hill and Hoe Street Wards. The Council will prioritise these areas for protection by seeking to resist all conversions and or changes of use to HMOs in these wards."

Q48) Only the third sentence of paragraph 7.13 provides justification; the rest reads as policy but is not stated in the policy itself which is therefore not clear.

Council's Response

Paragraph 7.13 is proposed to be amended as below. Sentences 7, 8, 9 are considered to be advice and not policy and thus retained.

Proposed Further Change

Amend paragraph 7.13 as follows:

"In cases where the Council accepts that in principle a property may be suitable for conversion, the design of the conversion will be required to provide a satisfactory standard of accommodation and contribute positively to its surroundings. The Council will also seek to apply strict standards in order to ensure the conversions and HMOs provide high quality homes. It is important that conversions provide satisfactory living conditions for both the benefit of occupiers and neighbours. Self-contained flat conversions should meet the internal and external space standards as set out in DM7—Amenity and Internal Space. Conversions (which are self-contained) should provide private amenity space, particularly where family sized homes are proposed in accordance with DM7—Amenity and Internal Space. HMOs should seek to meet
the minimum space standards set out in table 7.1 and 7.2. The gross original internal floor area relates to the property as originally built. It refers to the space enclosed by the internal faces of external and party walls including the area occupied by internal walls or partitions, chimney breasts and any other water closets that are not separate additions or detached structures, as well as hallways, stairways and landings. General storage areas such as lofts, cellars, fuel stores, garages or conservatory type structures, together with parts of rooms with ceiling heights less than 1.5 meters and lobbies open to the air, are excluded. Premises extended to an adequate minimum size before July 1st 1948 will be considered."

Q49) Paragraph 7.14 reads as policy but is not stated in the policy itself, which is therefore unclear.

Council's Response

The fourth sentence is proposed to be moved into the policy. The final sentence will be retained but amended as below. Paragraph deleted.

Proposed Further Change

- Include part xi in the policy:

"Xi. include an element of outdoor or amenity space"

- Delete paragraph 7.14 as follows:

When measuring the size of the room and assessing usable space, the shape of the room should be taken into account as well as the total floor area. Space taken up by fitted units are counted in the floor area calculation, but chimney breasts, lobbies and ensuite bathroom or shower rooms are not. HMOs should also provide bathrooms and wc’s facilities. Bathrooms/shower rooms should be a minimum 3 s.qm. Where practicable, proposals for HMOs should include an element of outdoor or external amenity space. Outdoor or external amenity space. This can be in the form of a communal garden.

Q50) The first and last sentences of paragraph 7.15 read as policy statements, not justification.

Council's Response

Proposed to delete paragraph 7.15.
Proposed Further Change

Proposed to delete paragraph 7.15 as follows:

Particular attention should be paid to alterations that materially affect the external appearance of the building. It is important that individual elements of the proposed development do not adversely affect the important design features or have a negative impact on the character of the surrounding area. Proposals for conversions should also minimise the disturbance for neighbours and other occupants and should include adequate security, refuse storage, landscaping, cycle parking and car parking.

Q51) Only the first clause of paragraph 7.16 reads as justification; the rest appears to be a reiteration of policy.

Council’s Response

It is proposed to delete the final sentence of 7.16 as below.

Proposed Further Change

It is proposed to delete the final sentence of 7.16 as follows:

"In order to ensure that there is no net loss of larger family housing, the Council will seek to ensure that a larger family home is included in the conversion. Proposals for conversions should aim to provide at least one larger family sized unit of a minimum size of 74 sq.m (3 bed plus)."

Q52) The first sentence of paragraph 7.17 restates the policy; only the second sentence provides justification.

Council’s Response

It is proposed to delete the first sentence of 7.17 as below.

Proposed Further Change

It is proposed to delete the first sentence of 7.17 as follows:

"The Council will support conversions and HMOs in town centres (even in ‘restricted conversion wards’). Conversions and HMOs in town centres (particularly above shops) would increase town centre populations (contributing to increased activity, local spend and security) and steer such housing into accessible locations."
DM7 - Amenity and Internal Space
DM7 - Amenity and Internal Space

Q53) Like policy DM4, figure 1.3 relates this policy to Core Strategy policy CS2 but I cannot identify any part of CS2 which would give rise to, or justify, this policy. Rather, parts A and B appear to relate to CS13 A and the justification set out in CS paras 16.12 to 16.15. Part C appears to relate to CS5 N and the justification set out in CS paragraph 8.39.

Council's Response

CS2 part D which states, “creating successful communities by requiring high quality design from all new housing development....” Amendments, as set out below, to paragraph 8.1, to provide addition reference to policies CS2 and CS15.

Proposed Further Change

Paragraph 8.1 amended as follows:

"In accordance with policy CS2 and CS13, new residential development should be of the highest quality and make a positive contribution quality of life. In order to address the increasing concerns over inadequate dwelling size and insufficient amenity space provided in new housing in the Borough, the Council seeks to establish internal and external space standards to provide a benchmark for new housing development to meet. DM7 sets out the Council's preferred internal and external amenity spaces standards for new developments."

Q54) The first two sentences of paragraph 8.4 duplicate the provisions of the policy itself; they are not justification.

Council's Response

The Council will remove the first two sentences and amend paragraph 8.4 as below:

Proposed Further Change

Amend paragraph 8.4 as below:

"The Council will seek to ensure that new homes in the borough are built to the highest quality and that new homes provide a spacious, good quality internal environment with adequate daylight, outlook and privacy. The table below sets out the Council's minimum internal spaces standards. These The standards set out
in table 8.1, have been taken from the London Plan (2011) and London Housing Design Guide (2010). These are minimum space standards and should not be taken as maximum areas."

Q55) Paragraphs 8.5, 8.6 represent policy requirements but they are not stated within the policy itself, which is therefore unclear.

Council's Response

Space standards removed from text and incorporated into table 8.2. Paragraph 8.5, 8.6 deleted.

Proposed Further Change

Delete paragraph 8.5, 8.6 and amend table 8.2 as follows:

8.5 In relation to bedroom sizes, the minimum area of a single bedroom should be 8 sqm. The minimum area of a double or twin bedroom should be 12 sqm. The Council does not support the development of 'studio flats' and one bed one person homes. These internal space standards will be applied to housing conversions, changes of use and self contained specialised housing (see policy DM6 and DM10).

Table 8.2 - Minimum preferred combined floor area of living, dining, kitchen spaces and bedroom sizes

<table>
<thead>
<tr>
<th>Designated Occupancy</th>
<th>Minimum combined floor area of living, dining and kitchen spaces (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 person</td>
<td>23</td>
</tr>
<tr>
<td>3 person</td>
<td>25</td>
</tr>
<tr>
<td>4 person</td>
<td>27</td>
</tr>
<tr>
<td>5 person</td>
<td>29</td>
</tr>
<tr>
<td>6 person</td>
<td>31</td>
</tr>
</tbody>
</table>

Note: The minimum area of a single bedroom should be 8 sqm and a double or twin bedroom should be 12 sqm.

8.6 The following combined floor areas for living, kitchen and dining space should be met. The Council will continue to monitor its table 8.2 and 8.3 and update as required.
Q56) The second sentence of paragraph 8.7 makes a policy statement which appears to be at odds with the policy itself, which requires adherence to table 8.3. The last sentence of the paragraph duplicates the policy itself.

Council's Response

It is proposed that the second and last sentence are deleted as below.

Proposed Further Change

Amend paragraph 8.7 as follows:

"Another element to housing quality is the amount of outdoor space or external amenity space provided. The level of amenity space should be considered on a site-by-site basis. The provision of sufficient and usable space within the cartilage of development is important to meet the requirements of residents for functional and relaxation space. Outdoor space or external amenity space is important to health, well-being and social interaction of occupants. Such spaces also provide for biodiversity opportunities and contribute to reducing the effects of climate change. Table 8.3 below sets out the Council's minimum external amenity spaces standards."

Q57) Paragraphs 8.8 and 8.9 appear to be largely statements of policy, rather than justification but as the requirements are not stated within the policy itself, it is unclear what the policy requires developers to do.

Council's Response

Amend policy DM7 part B, paragraph 8.8 and 8.9.

Proposed Further Change

- Amend policy DM7 part B as follows;

"DM7. B Seeking proposals to meet minimum external space standards as set out in table 8.3 and ensure that:

i. all homes, including flatted development, should have access to an element of private space. Balconies will count towards private amenity space;

ii. the role and function of each space is clear and that the boundaries between these different types of space are clearly defined;"
iii. the external amenity space should be well-designed, appropriately located and usable. External amenity space should not be steeply sloping, awkwardly shaped or very narrow;

iv. The communal external amenity space is easily accessible by all residents of that development. Communal external amenity space can be provided in the form of green roofs and roof gardens;

v. Where external amenity space standards cannot be provided on-site the Council may require financial contributions towards enhance or upgrade the provision of local open space(s) in the vicinity of the development; and

vi. the calculation of external amenity space should exclude footpaths, driveways, areas for vehicle circulation and parking.

- Amend paragraph 8.8 and 8.9 as follows:

"The Council is committed to ensuring that external amenity space is an essential part of any residential development and should be considered an integral part of the design. It is important to ensure that all new residential development provides an appropriate minimum amount of outdoor amenity space, 1) to meet the needs of residents, and 2) to ensure that the space is of a suitable qualitative standard that allows for a variety of amenity space functions. The provision of external amenity space has a significant impact on people’s physical and mental health, for example, through ensuring that new residential development provides sufficient outdoor amenity space to meet the needs of its residents and offer a high quality living environment and ensuring houses provide sufficient outdoor garden space for children to play. Outdoor amenity spaces, particularly gardens also help reduce the urban heat island effect. It is important that the role and function of each space is clear and that the boundaries between these different types of space are clearly defined. The emphasis for amenity space provision should be on its quality and usability, rather than simply the inclusion of featureless, uninviting areas of open space within developments that provide little interest or use for residents. External amenity space should be well-designed, appropriately located and usable. The character of the surrounding area and access to existing open space and parks should be taken into account when considering the level of external amenity space to be provided. The calculation of external amenity space should exclude footpaths, driveways, areas for vehicle circulation and parking. All homes, including flatted development, should have access to an element of private space. Locating amenity space at the rear of developments can provide residents with greater privacy and security. Rear gardens should have usable space and should not be steeply sloping, awkwardly shaped or very narrow. Balconies will count towards...
private amenity space and are often of greater value in terms of privacy and usability than communal areas. Communal external amenity space can be provided in the form of green roofs and roof gardens. Where external amenity space is provided, it should be easily accessible by all residents of that development. These spaces should be located appropriately to avoid problems of overlooking. Screens and suitable landscaping can be used to help overcome potential overlooking. The provision of external amenity space is particularly important in areas which are deficient in access to open space and children’s play space. Where external amenity space standards cannot be provided on-site, developers will need to justify this in their Design and Access Statement. In these circumstances, the Council may require financial contributions towards enhance or upgrade the provision of local open space(s) in the vicinity of the development, in accordance with the Council’s Planning Obligations SPD and CIL:

In addition to the above, in accordance with the London Plan (2011) children’s play areas should be provided in all new housing developments containing 10 or more child bed spaces. Where an adequate amount of children’s play areas cannot be provided on-site, developers will need to justify this in their Design and Access Statement. In these circumstances, the Council may require the developer to provide a financial contribution towards children’s play space or open space improvements in the vicinity of the development. The provision of children’s play space is particularly important in areas which are deficient in access to children’s play space."

Q58) n/a

Council's Response

N/A

Proposed Further Change

N/A
DM8 - Housing Quality and Accessibility
DM8 - Housing Quality and Accessibility

Q59) Although figure 1.3 relates this policy to Core Strategy policy CS2 A (v) and D, only parts B, C and D of the policy are in fact so related. Parts A and H appear to be more related to CS15 and the justification set out in paras 18.26 and 18.27. Parts E and F appear more related to CS13 A and the justification set out in CS paras 16.12 to 16.15. Part G relates more to policy CS6 B and its justification, paragraph 9.13 of the Core Strategy.

Council's Response

It is proposed that policy DM8 and justification be deleted.

Proposed Further Change

Deleted policy DM8 and all the justification to avoid duplication with policy DM30, DM33 and London Plan policy. See answer to inspectors question 210.

Q60) Paragraphs 9.2, 9.3 9.5 the fourth and fifth sentences of paragraph 9.4, the first, second, fourth and fifth sentences of paragraph 9.6 and the first and third sentences of paragraph 9.7 appear to represent policy rather than its justification. Insofar as they do not duplicate the policy itself but give rise to new requirements not stated in the policy, then the policy is incomplete and so, unclear.

Council's Response

It is proposed that policy DM8 and justification be deleted.

Proposed Further Change

Deleted policy DM8 and all the justification to avoid duplication with policy DM30, DM33 and London Plan policy. See answer to inspectors question 210.

Q61) The policy does not explain what is meant by satisfactory levels of sunlight, daylight, privacy or outlook. A developer would therefore struggle to reach a clear understanding of what development will or will not be permitted. Any levels chosen in response to this comment would need to be justified.

Council's Response

It is proposed that policy DM8 and justification be deleted.
Proposed Further Change

Deleted policy DM8 and all the justification to avoid duplication with policy DM30, DM33 and London Plan policy. See answer to inspectors question 210.

Q62) Other than sunlight, daylight, privacy or outlook, what amenities of neighbouring properties would be envisaged by part F of the policy? What criteria would be used to judge compliance? What justification is there for the criteria which would be used?

Council's Response

It is proposed that policy DM8 and justification be deleted.

Proposed Further Change

Deleted policy DM8 and all the justification to avoid duplication with policy DM30, DM33 and London Plan policy. See answer to inspectors question 210.

DM6, 7 & 8

Q63) Between them, these policies set standards of various kinds for residential development. Where will I find the evidence that the costs of such requirements to be applied to housing development have been considered in accordance with paragraph 173 of the NPPF and found not to affect the viability of development?

Council's Response

It is proposed that policy DM 8 and justification be deleted.

Proposed Further Change

Deleted policy DM8 and all the justification to avoid duplication with policy DM30, DM33 and London Plan policy. See answer to inspectors question 210.
DM9 - Gypsy and Traveller Provision
DM9 - Gypsy and Traveller Provision

Q64) This policy has two (unnumbered) paragraphs of justification. The last sentence of each is a re-iteration of the policy itself and is not, therefore justification.

Council's Response

The Council will renumber the paragraphs. It is proposed that the last sentence of each paragraph be removed as below.

Council's Proposed Change

Paragraphs 10.2 and 10.3 to be amended as follows:

"10.2 There are currently two Gypsies and Traveller sites in the borough. The largest is located at Folly Lane, South Chingford and provides thirteen residential pitches with a capacity for twenty six caravans of which twenty two are social rented. The other site is located at Hale Brinks North, Highams Park and provides space for four residential pitches and two touring caravans. The Council will continue to protect these sites for use as Gypsies and Travellers sites.

10.3 In accordance with Government guidance, the Council should set out criteria by which additional Gypsies and Travellers sites should be assessed. In accordance with Government guidance, the Council will seek to ensure that additional traveller sites are sustainable economically, socially and environmentally. The Council considers that the criteria set out in the policy provides clear design principles for site context and layout, ensures an appropriate standard of living for occupants and ensures that the amenity of existing residents is preserved for those within or near to any future sites. When considering additional sites the Council will take into consideration the existing supply of pitches, the level of occupancy and the level of provision in the wider sub region."
DM10 - Specialised Housing
DM10 - Specialised Housing

Q65) Figure 1.3 relates this policy to Core Strategy policy CS2 E, which is justified by Core Strategy paragraphs 5.32 to 5.38.

Q66) Paragraphs 11.5, 11.9, 11.10, 11.11 and 11.13, the first sentence of paragraph 11.6, the first sentence of 11.7, all except the first clause of paragraph 11.8 and the first and last three sentences of paragraph 11.12 either restate aspects of the policy or add new policy. They are not justification. Insofar as they state policy not included in the policy itself they demonstrate that the policy is incomplete and so, not clear as to the requirements for permission.

Council's Response

Yes, that is the case.

The proposed paragraphs and policy proposed to be amended as proposed below.

Proposed Further Change

- Insert additional point (vii) to DM10 A after point (vi) as below;

"vii. Where specialised housing is proposed to buy, lease or rent, the Council will seek an affordable housing contribution in accordance with policy CS2."

- Paragraphs 11.5 - 11.13 have been amended as proposed:

"In line with Development Management Policy DM6 - Housing Conversions, the Council seek to resist the loss of larger family sized homes. To further protect larger homes in the borough, the Council will not support specialised housing where this would lead to the 'unjustified' loss of a larger family home. Applicants should primarily consider alternative accommodation for specialised housing.

The Council will resist proposals for specialised housing where it leads to an over-concentration of such housing leading to detrimental effects to the residential character or amenity of an area and does not contribute to a mixed and balanced community. In some parts of the borough there have been problems in the past where accommodation for older and vulnerable people has been too large or has been clustered together, becoming a focus of anti-social behaviour. A concentration of people who have a high support needs can unbalance the social mix in an area, create noise and disturbance and damage the amenity and quality of life for other
local residents. An over-concentration of such housing can also lead to increased pressure on local services such as health care. Related uses are those uses defined in paragraph 11.1.

Applicants for the development of specialised housing will be required to demonstrate that there is a local need for such housing. Local need can be identified on the basis of up-to-date evidential need and particularly related to the Council’s Housing and Supporting People strategies, and any specific reviews concerning supported housing for specific client groups. If there is no evidential need arising within the borough, other priorities should be addressed and the capacity for conventional housing should not be compromised. Limited land means that needs arising from outside the borough will not generally be supported.

To ensure that older and vulnerable people maintain their independence, the Council seek new residential care homes to be located near to the services they need and have access to social networks. New specialised housing should be located in existing residential locations and should be close to local shopping facilities, public transport services, amenity space and have good vehicular access.

The Council will seek to ensure that new specialised housing built in the borough provide a spacious, good quality internal environment. The tables below sets out the Council’s minimum internal spaces standards for a range of non self contained specialised housing. The Council will require all new specialised housing to meet these standards. These are minimum space standards and should not be taken as maximum areas. Note that self-contained specialised housing should meet the minimum internal and external space standards in DM7 tables 8.1, 8.2 and 8.3.

Table 11.1 - minimum space standards for non self contained specialised housing

<table>
<thead>
<tr>
<th>Floor areas self-contained flats</th>
<th>Area Sq.m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single bedrooms</td>
<td>8</td>
</tr>
<tr>
<td>Double bedrooms</td>
<td>12</td>
</tr>
<tr>
<td>Bathrooms/wc</td>
<td>3</td>
</tr>
<tr>
<td>Kitchen for between 2 - 5 people</td>
<td>7</td>
</tr>
<tr>
<td>Kitchen up to 5 people and over</td>
<td>10</td>
</tr>
<tr>
<td>Living room with separate dining up to 4 people</td>
<td>15</td>
</tr>
<tr>
<td>Living room with separate dining up to 6 people</td>
<td>17</td>
</tr>
<tr>
<td>Living room with separate dining up to 8 people</td>
<td>19</td>
</tr>
</tbody>
</table>
### Floor areas self-contained flats

<table>
<thead>
<tr>
<th>Area Sq.m</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 + 1 sq.m for every additional occupier</td>
</tr>
</tbody>
</table>

### Area Sq.m

<table>
<thead>
<tr>
<th>Area Sq.m</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.5</td>
</tr>
<tr>
<td>22.5</td>
</tr>
<tr>
<td>22.5 + 2 sq.m for every additional occupier</td>
</tr>
</tbody>
</table>

| Specialised housing should provide a outdoor or external amenity space of a minimum of 50 sqm plus an additional 5 sqm per resident. |

Additionally, specialised housing should provide an outdoor or external amenity space of a minimum of 50 sqm plus an additional 5 sqm per resident.

Where self-contained housing is proposed for older people to buy or lease the Council will seek an affordable housing in accordance with policy CS2. Affordability and the financial support available to older people will also be considerations where care homes are proposed. Providers should seek to provide a variety of tenures to suit older people from different backgrounds.

When considering applications for student housing, the Council will give significant consideration to meeting borough need and the creation of mixed and inclusive communities. In order to demonstrate borough need, proposals for student housing need to show that they are supporting a higher education institution located within the borough. Additionally, it should be located where it is easily accessible to the institutions serves. Student housing can also detract from the creation of mixed and balanced communities. Such housing is often associated with a concentration of relatively short-term residents which can be unwelcome in an established community. Additionally, such housing can also give rise to a number of other specific concerns which can include noise disturbance, over-crowding on public transport, or the loss of shops and services that meet the needs of longer term residents. The Council will assess proposals for student housing having regard to existing concentrations in the area and the wider housing mix in the community. The Council will also consider the impact of new occupiers on local services. Where appropriate mitigation cannot be secured, the Council will resist proposals that would harm the balance of the community or prevent the local community’s requirements from being met.

In exceptional circumstances, where it can be demonstrated that there is a surplus accommodation, the Council will consider proposals for alternative uses. Surplus accommodation can be demonstrated by vacancy rates, low levels of interest (e.g. units have been actively advertised for a period of at least 6 months with no interest).
Additionally, where it can be demonstrated that existing accommodation is incapable of meeting contemporary standards of care the Council may consider proposals for alternative use. Where this can be demonstrated the Council will firstly seek a refurbishment or upgrade of the existing accommodation. Where it can be demonstrated that the existing specialised housing is no longer required or incapable of meeting contemporary standards the Council will seek that the new alternative use should be for a self-contained home(s), preferably a family-sized home(s) in accordance with policy DM7 and DM8.

Q67) Part A (ii) of this policy does not indicate what would be regarded as an over concentration of uses (and the level chosen to indicate such an over concentration would need to be justified).

Council’s Response

Inset the following text after paragraph 11.11.

Proposed Further Change

Inset the following text after paragraph 11.11 as follows.

"Proposals must not lead to an over-concentration of specialised housing which would be detrimental to the residential character or amenity of the area. This will depend on individual circumstances and take into account the ability of an area to accommodate further specialised housing without harm to the community in terms of overstretched local facilities – parking, transport, amenity space, retail, education, and health or welfare services."

68) What is the justification for the figures chosen to represent the minimum space standards of table 11.1? Please advise if you require any further information.

Council's Response


Proposed Further Change

It is proposed that both documents be included in Appendix 3 - Evidence Base
DM11 - Resource Efficiency and High Environmental Standards
DM11 - Resource Efficiency and High Environmental Standards

69) Figure 1.3 relates this policy to CS policies CS4 and CS6. It appears to give effect to policies CS4 A, B and C, (which are justified by CS paragraphs 7.10 to 7.14) and to part of CS6 A (justified by CS paragraph 9.14). Much of the justification for the DMPDPD policy appears to be justification “in principle” duplicating or paraphrasing the justification of the CS (eg DMPDPD para 12.2 parallels CS para 7.10; paras 12.5-12.7 of the DMPDPD largely elaborate CS para 7.12 and DMPDPD para 12.23 largely duplicates CS para 7.13).

Council’s Response

Agreed.

Proposed Further Change

- The Council proposes to amend the second sentence of para 12.2 to read as follows:

“In order to achieve this target, the Council will apply the energy hierarchy as set out in the London Plan and the Council’s Core Strategy policy CS4 and require new developments to firstly minimise the need to use energy, secondly use energy from the most efficient sources, and thirdly making use of energy from renewable resources:"

- The Council proposes to delete the third sentence of paragraph 12.5, the bullet list of para 12.5 and 12.7. Para 12.5 - 12.7 will read as follows:

“12.5 Council’s Core Strategy and a high priority for the Council. Sustainability of buildings is an important factor in mitigating climate change and requires new development to be designed to high feasible environmental standards, which go beyond considerations of carbon reduction and energy efficiency. In assessing the sustainability standards of development, the Council will therefore adopt a cross-cutting approach, considering the following sustainable development principles:

- Energy and carbon emissions – Reducing carbon emissions into the atmosphere that arise from the operation of a dwelling and its services, including consideration of building orientation and siting; future proofing energy efficiency of dwellings over their whole life by limiting heat losses across the building envelope; supplying energy efficiently and generating energy locally from renewable sources
• Water—Reducing the consumption of potable water in the home and recycling of rainwater

• Materials—Using material with lower environmental impact and responsibly sourced materials; discharge of rainfall to public sewers and watercourses and minimise flood risk

• Waste—Providing adequate indoor and outdoor storage space for both non-recyclable and recyclable household waste; reduction and management of construction related waste

• Pollution—Minimising contribution of development to global warming by avoiding insulating material with a high global warming potential; minimising emissions of nitrogen oxides into the atmosphere

• Health and well-being—Encouraging active and healthy lifestyles to promote good health and well being; improving quality of life in homes through good daylight, improved sound insulation, provision of outdoor space, and lifetime homes standards

• Management—Managing construction sites in an environmentally and socially considerate manner; designing developments where people feel safe and secure

• Ecology—Protecting existing habitats and ecological features; creating new space for wildlife; enhancing ecological value of a site; and promoting efficient use of a building footprint

12.6 The Code for Sustainable Homes (CSH) levels, which applies to residential dwellings, and BREEAM (Building Research Establishment Environmental Assessment Method), which applies to non-residential developments, are national tools that will help the Council to assess the sustainability standards of new development.

12.7 These tools include measures across the above listed categories. Within these categories, they provide flexibility for developers to determine the most cost-effective mix of measures to achieve any particular level, subject to a limited number of mandatory targets:"

• The Council proposes to delete the second part of para 12.23 (starting with “Based on anticipated growth …”) and to add “as set out in the Council’s Core Strategy policy CS4 and paragraph 7.13 and 7.14.” to read as follows:
“12.23 When considering carbon reduction strategies, it is important to consider both new development and the existing building stock. Existing homes and non-residential buildings represent the most significant energy demand in the borough and are a key consideration in achieving the carbon reduction targets as set out in the Council's Core Strategy policy CS4 and paragraph 7.13 and 7.14. Based on anticipated growth within the borough, it is expected that the existing housing stock will account for approximately 84% of total housing in 2026 while existing non-residential development will account for approximately 95% of total non-residential development in 2026. The Council encourages home and business owners to improve the existing building stock and seeks to minimise the carbon footprint of its own building stock. Where alterations to existing building stock involve or impact on heritage assets, the Council will ensure that the requirements of Policy DM29 will be met.”

Q70) Except for the choice of the threshold of 100sqm, paras 12.12 to 12.22 appear to provide a thorough justification for part A of the policy.

Council's Response

Agreed.

Proposed Further Change

The Council proposes to add the following additional paragraph after table 12.1 and before para 12.10:

“The Council's climate change viability report has demonstrated that these targets are achievable and viable for all new developments regardless of size. As cost implications are, however, proportionally higher for smaller developments, a threshold of one residential unit and 100 sqm has been set in part A and B of the policy. This is to exclude those householder developments where access to technical consultants would be more limited and the burden of evidence to support planning applications would be perceived as unreasonable and onerous. The threshold of 100sqm is in accordance with the threshold set out in the CIL regulations 2010 (as amended).”

Q71) Part B of the policy is repeated and elaborated in para 12.10 and in 12.26. Its justification is paragraph 12.8. It is a procedural policy, concerned with validating an application, rather than a planning policy seeking a particular outcome from a development, so I am not convinced that it has a place here (other perhaps than in para 12.26)
Council's Response

An energy assessment provides more details than the energy section of a CsH / BREEAM estimator (as set out in 12.8) typically would and the Council considers it therefore important to require an energy assessment in addition to the CsH/BREEAM estimator (which on the other hand covers more sustainability aspects than energy and is therefore an important requirement as well).

The Council considers an energy assessment important to assess whether carbon reduction targets are achieved. The DM policy will give the Council the necessary grounds for requiring an Energy Assessment as part of the validation requirements and the Council is therefore minded not to omit the requirement from the policy. The Council’s approach is consistent with the London plan policy 5.2B and C which incorporates requirements for an energy assessment and the details that it should include for major developments. The Council mirrors these requirements for developments within the threshold set out in part A of the policy and justified as set out in response to question 70 above.

However, the Council acknowledges the duplication in paragraph 12.10 and 12.26 and suggests the following amendments.

Proposed Further Change

“12.10 Applications for development of one or more units or greater than 100 sqm should be supported by an Energy Assessment which demonstrates how the above set targets will be achieved. An energy assessment will assist the Council in assessing whether a proposed development will meet the above set carbon reduction targets within the framework of the energy hierarchy. In accordance with London Plan requirements, the Energy Assessment should include the following details:

- calculation of the energy demand and carbon dioxide emissions for both regulated and unregulated energy separately, at each stage of the energy hierarchy;
- proposals to reduce carbon dioxide emissions firstly through the energy efficient design of the site, buildings and services; secondly through the use of decentralised energy where feasible; and thirdly through the use of on-site renewable energy technologies.”

“12.26 Planning applications should be supported by Code for Sustainable Homes pre-assessment estimator or equivalent assessment, showing how the required targets will be met. Applications for development of one or more units or greater than 100 sqm should further be supported and by an Energy Assessment. These documents will allow the Council to assess the implication of a development on the environment.”

Q72) There is no part C. Is this a deliberate omission?
Council's Response

This is a formatting error and will be rectified in the final version. No policy part has been omitted.

Proposed Further Change

Amend numbering of the policies to include C.

Q73) There does not appear to be any justification stated for requiring the particular level of the CfSH and BREEAM codes chosen. (The use of the codes in principle is justified in the CS and repeated in paragraph 12.6 of the DMPD but there is no justification stated for choosing level 4 and “very good” respectively). Where will I find this justification?

Council's Response

Agreed.

Proposed Further Change

The Council proposes to add the following paragraph following paragraph 12.7:

“The evidence base (climate change viability study) has demonstrated that CsH level 4 for all major and minor new build residential schemes and BREEAM 'very good' for major and minor non-residential schemes is currently viable and achievable in the borough. Furthermore, an increasing number of major non-residential applications in Waltham Forest have demonstrated the viability of highest standards of sustainable development (BREEAM Excellent) over the past years. Given that the cost implications of a higher sustainability standard are proportionally less for larger developments, the Council considers it appropriate to set BREEAM standard ‘excellent’ for major developments.”

Q74) Other than the requirement for a Sustainable Development Statement, (which is a procedural requirement for validating an application, not a planning outcome for a development to achieve), does part F takes us any further than what is already required by Core Strategy policy CS6 A?

Council's Response

Agreed.

Proposed Further Change:

The Council proposes to delete part F of the policy;
F) Expecting new development to minimise the use of new material, and reuse and recycle materials and other resources from all stages of development, design, demolition, construction and operation and requiring major development to address these aspects of sustainable development within a Sustainable Development Statement; and

Q75) Other than the introduction of the threshold of 100 sqm and the examples given in paragraph 12.24, does part G, elaborated and repeated in paragraph 12.24 (where draught proofing appears twice), take us any further forward than what is already required by Core Strategy policy CS4 C? There is no stated justification for the chosen threshold of 100sqm (which also appears in parts A, B and E of this policy). Where will I find this justification?

Council’s Response

The Council thinks that part G of the policy goes further than CS 4C in that it is more explicit in its requirements and it sets thresholds. The Council considers this an important policy in addressing the existing building stock and considers it a important to be included in the DM policy document even if there is some degree of repetition with the Core Strategy. The Council considers that the justification (as set out in para 12.24 and amended as suggested below) provides valuable additional information not included in the core Strategy.

The additional paragraph as set out in the Council’s response to Question 70 provides a justification for the threshold of 100sqm and is based on recommendations of the Council’s climate change viability study.

Proposed Further Change

- The Council proposes to add the following sentence at the end of para 12.23:

“The 2010 DECC Carbon Emission data demonstrates that the domestic sector emitted 50.5% of total CO₂ emissions in the borough. Therefore in order to meet the Waltham Forest Climate Change Strategy target of an 80% reduction in CO₂ emissions by 2050 sufficient climate change mitigation cannot be delivered through new build development alone.”

- The Council proposes the following amendments to para 12.24:

“12.24 While the scope to secure improvement to existing buildings through the use of the planning system is limited, the Council considers that applications for extensions or alterations of existing properties provides an opportunity to consider the original building’s energy and carbon performance
at the same time as determining the extension proposal. Where applications for extensions and conversions of more than 100sqm are made, which are an intensification of the use and/or are expected to have an increase in energy demand, the Council may require simple, cost effective energy efficiency measures to be carried out on the existing building where practical. Giving due consideration of the overall practicability and impact on viability of the development, simple cost effective retrofitting measures are likely to be viable for extension and conversion of 100sqm or more (as suggested in the Council’s climate change viability study). The scale of such a development would exclude most householder extensions, where enforcing retrofitting requirements would be considered as unreasonable and onerous. The scale further represents an intensification of the use that is expected to have an increase in energy demand which justifies the requirement for retrofitting. In accordance with the requirements set out in part B of the policy, energy efficiency measures This should be detailed in an energy assessment and the Council will take into account the overall scheme viability. These measures could include cavity and solid wall insulation, draught proofing, loft insulation, draught proofing, hot water tank insulation, boiler replacement and energy efficient lighting and appliances. The Council may, where reasonable include cost-effective measures as conditions of a planning permission (if it is granted) for an extension or conversion.”
DM12 - Decentralised and Renewable Energy
DM12 - Decentralised and Renewable Energy

Q76) This policy appears intended to give effect to Core strategy policies CS4 E and F, justified in paragraphs 7.15 to 7.25 of the Core Strategy. Paragraph 13.2 of the DMPDPD duplicates paragraph 7.15 of the Core Strategy. The first and last sentences of paragraph 13.13 of the DMPDPD duplicate passages in core strategy paragraphs 7.18 & 7.19. Paragraphs 13.18 and 13.20 of the DMPDPD parallel paragraph 7.23 of the Core Strategy.

Council's Response

Agreed.

Proposed Further Change

- The Council proposes to amend paragraph 13.1 and 13.2 to read as follows:

“13.1 Buildings are responsible for the consumption of a significant level of resources and increases in carbon emissions. Therefore it is important that buildings are designed to enable occupiers to be as energy efficient as possible. Once Policy DM11 aims to ensure that a development has been designed to minimise energy demand, it needs to demonstrate how it can meet policy DM12 aims for its remaining energy needs to be met in a low or zero-carbon way, for instance through decentralised or renewable energy.

13.2 The emerging London Plan requires 25% of the heat and power used in London to be generated through the use of localised decentralised energy systems by 2025 and about 5% from renewable energy sources. The Climate Change Evidence Base Study and the Decentralised Energy Masterplanning (DeMap) Study prepared for the Council identified decentralised energy (DE) as a key requirement in achieving carbon reduction targets in Waltham Forest and the Council is currently investigating opportunities of establishing decentralised energy networks within the borough.”

- The Council proposes to delete paragraph 13.13 and replace it with the following sentence:

"13.13 Initial analysis undertaken as part of the heat mapping study indicates that the key growth areas of Blackhorse Lane, Northern Olympic Fringe, Walthamstow Town Centre and Wood Street are likely to support the creation of a viable decentralised energy network. Development in the proximity of the Olympic Park should investigate opportunities to connect to the Olympic Park Heat and Energy Network. Major developments should assess the opportunities for connecting to a potential future energy network in the Upper Lea Valley that the Council is currently investigating.”
investigating in partnership with neighbouring boroughs, the NLSA, and the GLA/LDA. Other opportunities for decentralised energy networks in Waltham Forest can be identified through the use of the London Heat Map, which is an interactive tool developed by the LDA/GLA. Opportunity areas for implementing decentralised energy networks have been identified in the Council’s Core Strategy paragraphs 7.18 – 7.19.”

- The Council proposes to delete the last sentence of paragraph 13.18 (“Recommended solutions include:”) including its bullet points and delete paragraph 13.20. Paragraph 13.18 and 13.20 will read as follows:

"13.18 While only limited opportunities have been identified within Waltham Forest for large scale renewable energy generation in the Waltham Forest Climate Change Evidence Base, 2009, the Council expects that new developments will seek to reduce carbon dioxide emissions through the use of on-site renewable energy generation, where appropriate. Recommended solutions include:

- Ground source heat pumps;
- Solar water heating;
- Wind turbines—due to wind patterns in the borough, small building mounted
- Wind turbines are more likely to be suitable than large scale turbines and the
- visual impact of these will need to be considered;
- Solar electricity (PV) photovoltaic and active solar heating systems—both could
- be incorporated into south facing roofs or units;
- Borehole cooling—where a suitable ground water source exists.

13.20 The use of biomass for energy generation is the least favourable option of renewable energy sources, due to its negative impacts on air quality. Where biomass is the only feasible option, the Council will require an emissions assessment as outlined above. Technology advances may in the future minimise air quality impacts, in which case biomass could potentially become a more favourable option.”

Q77) The third sentence of paragraph 13.8 and its bullet points together with paras 13.9 and 13.10 appear to represent statements of policy, not included within part A of the policy itself, which would thus seem to be incomplete and therefore unsound. Is that correct? Paragraph 13.7 and the first two sentences of 13.8 provide the justification for these policy requirements.
**Council’s Response**

The Council agrees to with the Inspector with regards to paragraph 13.8 and 13.10 and suggests amendments to these paragraphs as set out below.

The Council considers paragraph 13.9 a clarification of the term “committed” network which is used in part A and C of the policy and would therefore not suggest any amendments to this paragraph.

**Proposed Further Change**

- The Council proposes to amend Part A of policy DM12 to read as follows:

"A. Requiring development of one or more units or greater than 100sqm located in the proximity of an existing or committed future Decentralised Energy Network to assess opportunities for, and to implement links into, existing or future committed decentralised energy networks, unless it can be demonstrated that an efficient connection is not feasible in accordance with the following thresholds;

- development of one or more units or greater than 100sqm located within 200m of an existing or committed future Decentralised Energy Network,
- major development located within 500m of an existing or committed future Decentralised Energy Network, and
- development of more than 50 units located within 1000m of an existing or committed future Decentralised Energy Network."

- The Council proposes to delete the third sentence of paragraph 13.8 (and its bullets) and to add the following sentence to read as follows:

"13.8 The cost of connection is most closely related to the size of the heat load and the distance from the network to the site. A connection to a DE system is more viable, the larger and the closer a development is located to a DE network. Therefore, the Council will, in pursuit of policy A, require developments to assess opportunities for linking into existing or future committed decentralised energy networks in accordance with the following thresholds:

- development of one or more units or greater than 100sqm located within 200m of an existing or committed future Decentralised Energy Network;
- major development located within 500m of an existing or committed future Decentralised Energy Network, and
- development of more than 50 units located within 1000m of an existing or committed future Decentralised Energy Network."
The thresholds set out in part A of the policy provide a guide for requiring feasibility assessments, taking into account that viability of connecting to a decentralised energy network will depend on a number of site related considerations, such as the energy demand of development, terrain, type of dig needed and physical barriers.

- The Council suggests to delete paragraph 13.10:

"13.10 The above distances should be considered as a guide only for requiring feasibility assessments, since costs and viability of connecting to a decentralised energy network will depend on a number of site related considerations, such as the energy demand of development, terrain, type of dig needed and physical barriers."

Q78) Part B of the policy requires a financial payment to be made. How is this compatible with the general principle (stated, for example in paragraph 83 of circular 11/95 related to planning conditions but of general applicability) that “No payment of money or other consideration can be required when granting a permission or any other kind of consent required by a statute, except where there is specific statutory authority.”? As is well known, the Council may seek to implement its policies through the use of s.106 agreements which allow for the use of financial payments in lieu of physical elements of a development but those are, by definition, agreements and cannot be required. Charges under CIL are authorised by a different process. Paragraph 13.11 which provides the justification for this policy makes a parallel with the connection charges of public utilities but those charges are set by the utility companies, licensed by regulators, not by policies in a DPD. What would be the Council’s response to a suggestion that this part of the policy and paragraph 13.11 would be ultra vires?

Council’s Response

Agreed.

Proposed Further Change

- The Council proposes to delete part B of the policy:

"B) Requiring a reasonable financial contribution from developments connecting to an existing or committed future Decentralised Energy Network;"

- The Council proposes to amend paragraph 13.11 to read as follows:
“Where a development will connect to an existing or committed decentralised energy network, the developer will be required to make a reasonable financial contribution, the so-called “connection charge”, the developer will benefit from avoidance of costs normally associated with provision of a centralised boiler system. Avoided costs typically include: reduced boiler house space, boilers; pumps; gas supply; operation and maintenance of the internal system. Charges like this are the standard approach used for regulated utility connections such as electricity, water, sewerage and gas supplies.”

Q79) Paragraph 13.12 seems to state a policy requirement which is not stated in the policy itself, which therefore appears to be incomplete and so, lacking in clarity. Should it be included within the policy? Is this policy deliverable – what would be the mechanism?

Council’s Response

Agreed.

Proposed Further Change

The Council proposes to delete paragraph 13.12:

“13.12 If a development is in a location where a heat network is planned, but not yet committed, then the development will be required to connect to the network when it is installed, subject to an assessment of the viability of connection at the time the network is installed and/or the development is completed.”

Q80) The second and third sentences of paragraph 13.13 appear to be stating elements of policy. Should they be included within the policy itself?

Council’s Response

In response to questions 76 and 80, the Council proposes to delete para 13.13. The Council had not intended to state policy in the second and third sentence of paragraph 13.13 but to provide examples of opportunity areas identified for DEN to provide clarity with regards to where committed DEN can be expected.

Opportunity areas have already been identified in the CS para 7.18 (with DM reference to “development in the proximity of the Olympic Park” and “Upper Lea Valley” duplicating the CS reference “Northern Olympic Fringe” and “Blackhorse Lane” area respectively). Therefore the Council considers this sufficiently covered and proposes to delete para 13.13.
Proposed Further Change

The Council proposes to delete paragraph 13.13

"13.13 Initial analysis undertaken as part of the heat mapping study indicates that the key growth areas of Blackhorse Lane, Northern Olympic Fringe, Walthamstow Town Centre and Wood Street are likely to support the creation of a viable decentralised energy network. Development in the proximity of the Olympic Park should investigate opportunities to connect to the Olympic Park Heat and Energy Network. Major developments should assess the opportunities for connecting to a potential future energy network in the Upper Lea Valley that the Council is currently investigating in partnership with neighbouring boroughs, the NLSA, and the GLA/LDA. Other opportunities for decentralised energy networks in Waltham Forest can be identified through the use of the London Heat Map, which is an interactive tool developed by the LDA/GLA."

Q81) The first sentence of paragraph 13.14 reads as justification but the remainder of the paragraph appears to be stating or interpreting policy requirements. Should they be included within the policy itself?

Council's Response

The Council considers the bulleted list in paragraph 13.14 as clarification to the term “connection ready” used in part C of the policy. To improve clarity, the Council propose to amend the bullet list of paragraph 13.14 as set out below.

Proposed Further Change

The Council propose to amend the bullet list of paragraph 13.14 to read as follows:

- Requiring the Incorporation of communal heating systems instead of in-unit boilers for developments where a future DH network connection would be viable.
- Implementing As a minimum ‘wet’ heating systems should be implemented instead of electrical heating systems will be prohibited;
- Safeguarding an identified route within the development site for DE network connection apparatus (pipes, heat exchangers etc) or requiring the installation of pipe connections up to the property boundary; and
- Building-in penetrations through building walls, allowing a pipe to be pushed through the wall without structural alterations.

Q82) The first sentence of paragraph 13.15 appears to re-state part C of the policy.
Council's Response
Agreed.

Proposed Further Change
The Council proposes to delete paragraph 13.15.

"13.15 Where a connection to an existing or committed decentralised energy network is not possible, major developments should investigate the opportunities for a stand-alone heating system, which will supply on-site heat demand through a CHP, or for implementing a small energy network linking neighbouring developments. Benefits for the developer include a reduction of carbon emissions to achieve targets as required in DM11 and secured provision of energy that is increasingly disconnected from fossil fuel price volatility over the coming years."

Q83) Paragraph 13.16 seems to be a statement of policy, not expressed in the policy itself. Should it be?

Council's Response
Agreed, the Council proposes to amend policy part C as set out below.

Based on the suggested amendment to policy part C, the Council considers paragraph 13.16 a clarification of policy part C.

Proposed Further Change
The Council proposes to amend policy part C to read as follows:

"C) Requiring major developments that have demonstrated that the connection to an existing or committed decentralised energy network is not feasible,

- to be connection ready for future networks; and
- to implement a Combined Heat and Power Plant (CHP); and/or
- where possible, connect into an existing or implement a new small network linking neighbouring developments or buildings unless it can be demonstrated that an efficient connection is not feasible;

Connection ready developments will be expected to meet the full carbon reduction targets as set out in DM11; and"

Q84) Paragraph 13.17 seems to be a statement of administrative policy relating to the validation of an application falling within the remit of Core Strategy CS13 A and DMPDPD policy DM25 c, rather than a justification of any aspect
of DMPDPD policy DM12. In so far as it does express policy requirements for on-site renewable energy plants, would part D of the policy be incomplete without their inclusion within the policy?

Council's Response

While the Council acknowledges that there is an overlap between this aspect of the policy and DM25, the Council considers it important to draw the applicant’s attention to the Council’s concerns about emission impacts and assessment and mitigation requirements for CHP/biomass proposals within this part of the policy.

As air quality impacts relate not only to renewables but also to CHP, the Council suggests that an additional policy is more adequate than incorporating the requirements for air quality into policy D. The Council suggests to include a cross reference to policy DM25 to add to clarity of the policy and supporting text.

The Council further considers it important to encourage applicants to liaise on air quality matters in advance of submitting an application (for reasons set out in the suggested amendments below) and therefore considers it beneficial to include this in the policy and supporting text as opposed to a validation requirement.

Proposed Further Change

- The Council proposes to add the following new policy part after part C of the policy:

“D) Giving due consideration to air quality impacts in accordance with policy DM25 where CHP or biomass is proposed;”

- The Council proposes to amend para 13.17 to read as follows:

“13.17 The whole of Waltham Forest is an Air Quality Management Area (AQMA) and the Council will seek to minimise impacts on local air quality. Where biomass or CHP are proposed as part of the development, the Council will require an emissions assessment in support of a planning application. The emissions assessment must demonstrate that the plant does not contribute to the deterioration of local air quality and that it is adhering to the emission limits set by the GLA for both nitrogen dioxide and particulate matter. These emission limits will be regularly reviewed as new evidence becomes available and abatement technology improves. The assessment must also demonstrate that other forms of renewable technology have been compared and assessed for their impact on local air quality. If planning permission is granted, operators will be required to provide evidence on a yearly basis to show continued compliance with emission limits. The whole of Waltham Forest is an Air Quality
Management Area (AQMA) and the Council will seek to minimise impacts on local air quality in accordance with the requirements set out in DM 25. Impacts on air quality are a particular concern of the Council where development incorporates biomass or CHP due to their emission of both nitrogen dioxide and particulate matter. Pre-application discussions together with an air quality assessment (as required in DM 25) in support of a planning application can assist the Council in protecting air quality.

Incorporating considerations of air quality into the design of development from a very early stage helps to achieve the best possible and viable solution of mitigating air quality impacts, as this can impact on fundamental aspects of development such as the internal layout of a development, space requirement for plants etc. The Council would therefore welcome pre-application discussions with the applicants on air quality at an early stage in the process.”

85) Paragraph 13.19 seems to be making a statement of policy rather than justification and in some way duplicating policies elsewhere in the DMPDPD rather than policy DM12. In so far as it does express policy requirements for decentralised and renewable energy plants, should they not be included within the policy itself?

Council’s Response

The Council anticipates that paragraph 13.19 will provide a clarification to policy part E, in particular in relation to the phrase “… does not adversely affect the development of neighbourhoods” (please note that a new policy D has been added as set out in response to question 84 and the policy D in the submission draft document has now become policy part E)

In order to improve clarity, the Council proposes to amend policy part E and paragraph 13.19 as set out below.

Proposed Further Change

- The Council proposes to amend policy part E to read as follows:

“E) Requiring development of one or more units or greater than 100sqm to which seek to reduce the site’s carbon emissions through on-site renewable energy to ensure that the proposed renewable system is appropriate to the location and does not significantly adversely affect the development, or neighbourhoods’ local amenity of neighbourhoods, and the environment, including air quality."

- The Council proposes to amend paragraph 13.19 to read as follows:
"13.9 The impacts of some Micro generation renewable systems can have detrimental impacts on local amenity and the environment will need to be considered before approval. This is expected to include, for instance due to noise and vibration from mechanical components, visual amenity from public view points, or impacts from reflected light and shadow flicker on adjoining uses. The Council is also concerned about impacts on visual amenity from public view points and any adverse impact on open spaces, conservation areas, character of the area and historic buildings as a result of renewable systems and seeks developments to assess and address potential impacts."
DM13 - Open Space, Sports and Recreation
DM13 - Open Space, Sports and Recreation

a) Clarity Points

Q85) NPPF paragraph 154 advises that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. In this light, I am not convinced that the vague term “affecting” used in parts B and G of this policy to indicate developments to which the policy would be applied would be sufficiently clear. Does it mean “sited within” or “abutting” or “within a distance of x metres or “generating use of” or some other meaning?

Council’s Response

The vagueness of the term ‘affecting’ is noted. However, it is difficult to provide clear and stringent criteria, since a range of development types could have an impact on, or provide opportunities to enhance, existing open spaces. The policy should not apply solely to sites within or abutting, since developments nearby may also need to take account of existing open spaces and opportunities to enhance access etc. It is difficult to come up with a clear parameter in terms of ‘x metres from’ – since this will be dependent on other variables such as development density, orientation, provision for on site open space within the proposed scheme, proposed use, etc.

Since the broad requirement is that developments make the most of opportunities offered by nearby open space, rephrasing of the policy could aide clarity. Taking such opportunities where they exist is also the intention of point G of the policy – so it is suggested that following rephrasing of policy point B, the 2nd sentence of point G could be deleted.

Proposed Further Change

- Rephrase policy point B to read:

“Development proposals affecting an open space must not adversely affect, and where possible enhance should enhance the value of existing open spaces by

- responding to the inherent character and heritage value significance of the space;
- optimising physical and visual access between the built environment and open space; sensitive access to and within the open space
- Increasing biodiversity value;
- optimising microclimatic benefit."
- Rephrase policy point G to read:

"All parks within the Borough (See Schedules 17 to 18, and the Policies Map) will be retained and development proposals will only be acceptable where it is ancillary to the open space use and inherent character. The Council will expect development proposals affecting parks to improve the provision, quality and access. Development proposals should demonstrate that there will be no adverse impacts to the setting or visual appearance of historic parks and gardens."

Q86) Similarly, how would a developer be expected to know how the decision maker would apply the term “where appropriate” in parts I and K of this policy?

**Council's Response**

Part I of the policy would apply to new residential and mixed use schemes, using child yields as set out in the Mayor’s SPG on Shaping Neighbourhoods: Play and Informal Recreation. Signposting to this document is therefore suggested through revised policy wording. For consistency, policy point (J) would also need rephrasing to refer to the most up to date SPG on the topic.

In terms of Part K, this could apply to standalone recreational developments, or could be using funds collected through the Council’s Planning Obligations SPD or CIL when there is a shortfall of open space provided on site. This is because where funds are required to fund open space works in mitigation for a lack of on site provision, legal agreements will secure that this money is spent within the vicinity of the development site; which could either be informal open space, or formal recreation provision. To clarify that this part of policy relates to both the provision of new recreation facilities, and what funds may be sought towards, some rephrasing considered necessary.

**Proposed Further Change**

- Rephrase points I, J and K of policy to read:
I) **Residential and mixed use** Where appropriate, development proposals will be expected to contribute to the provision of high quality and accessible exercise, play and recreational facilities either on or off site, **based on child yields in accordance with the Mayor’s SPG Shaping Neighbourhoods: Play and Informal Recreation.**

J) The provision of play space must be in accordance with the Mayor’s SPG **Providing for Children and Young People’s Play and Informal Recreation Shaping Neighbourhoods: Play and Informal Recreation SPG** and the **Council’s Urban Design SPD.**

K) **New recreational development improvements** Where appropriate, development proposals will be expected to provide or enhance the quality of outdoor sports facilities, playing pitches and/or their associated ancillary facilities and access, **taking account of priorities set out in the Councils playing pitch strategy.** The provision of floodlighting should be assessed on a site-by-site basis taking into account the viability of the facility and impact on the surrounding area."

- NB also see rephrasing of justification section as set out in response to question 92.

Q87) Similarly, how would a developer know where the areas are which are identified as having the shortage of allotments which would trigger the application of part E of this policy?

**Council’s Response**

Waltham Forest has the highest provision of allotment space of any London Borough, and given a fairly even geographic spread across the borough, there are no identified shortfall areas for part E of the policy to apply to. Having said this, given high demand for plots, protection of allotments, and encouragement of private food growing and communal gardens should be supported. Rephrasing of the policy is therefore considered necessary.

**Proposed Further Change**

- Rephrase part E of policy to read:

  “There should be no net loss of allotment sites (See Schedule 19 and the Policies Map) and the intensification of land currently used to grow food will be acceptable where management arrangements allow. In areas identified as having a shortage in allotment provision, the Council will expect development proposals to contribute to the supply, quality and accessibility of allotments and other private and communal..."
spaces on which to grow food and flowers. This may be in the form of financial or on-site contributions. On-site contributions must be supported by a maintenance plan."

- See revised justification and explanatory text section set out in response to question 92.

**Q88) As phrased, the first clause of part C of the policy would seem to apply to all planning applications, without limitation or exception. Where will I find the justification for its application to such developments as changes of use or minor extensions?**

**Council's Response**

It is noted that it would be unreasonable to apply this part of the policy to small development proposals such as changes of use or minor extensions. The intention is that such requirements would be made within development proposals. To clarify this, some rephrasing is proposed.

In addition, it is also suggested that 'landscape infrastructure' is a more robust term than 'landscaping'; since this would refer to what is provided, rather than the act of providing it.

On a related matter, it is noted that part D of the policy could benefit from some rephrasing to make clear that maintenance plans are required regardless of ownership arrangements, and that maintenance plans secure long term establishment of new spaces.

**Proposed Further Change**

- Rephrase policy part C to read:

"C) New high quality and usable open spaces and/or landscaping infrastructure must be provided particularly in areas of deficiency and/or deprivation major new developments. Where new development cannot contribute to usable open space provision or landscaping on-site, or provision is deemed insufficient to the scale or nature of the development, financial contributions will be sought."

- Rephrase part D of policy to read:
"D) Proposals for new areas of open space and landscaping provision must be accompanied by a maintenance plan for adopted and non adopted areas as a requirement of the planning permission to ensure their long-term quality successful establishment."

- Rephrase justification as set out in response to question 92.

Q89) In contradiction of the apparent universal application of the first clause of part C of the policy, the second clause starts with the word “particularly”. This suggests that there is in fact some differentiation of policy between areas of deficiency/deprivation and other areas. What is the different policy which would be applied in each circumstance?

Council's Response

In terms of the clause around deficiency and deprivation areas, this was intended to highlight that the provision of high quality usable open space is considered key to the successful regeneration of such areas. However, in practice, there would be no distinction in policy terms, and its importance in deprived areas is sufficiently covered in the justification and explanatory text. To clarify how policy applies, some rephrasing of the policy is considered necessary.

Proposed Further Change

See rephrasing of policy point (c) set out in response to question 88.

Q90) The first sentence of paragraph 14.14 appears to represent a statement of policy rather than justification but is not included within part H of policy DM13, which is therefore incomplete and so, unclear.

Council's Response

Noted.

Proposed Further Change

Rephrase part (h) of policy to read:

"Development proposals affecting the Lee Valley Regional Park or Epping Forest must not contribute to adverse impacts on amenity, ecological integrity or visitor enjoyment; and will be expected to deliver enhancements where possible. (See Policies DM40 and DM42). Furthermore, the Council supports the aims of the Lee Valley Park Development Framework, and these will be taken into account when assessing planning applications."
Q91) The sixth sentence of paragraph 14.19 appears to be a statement of policy, rather than of justification, but the policy requirement is not stated within part K of the policy itself, which is therefore incomplete and so, lacking in clarity.

Council's Response

Noted. Clarity could be aided by adding a reference to this within policy.

Proposed Further Change

See proposed rephrasing of policy point (K) set out in response to question 86.
b) Justification Points

Q92) The provisions of policy DM13 seem barely to go beyond the provisions of Core Strategy policy CS5. My understanding is that the additional detail specified by DM13 comprises:

- The second sentence and bullets of part A
- The application of Part C (subject to my comment above)
- Parts D and L
- The clarification in the first sentence of Part E and the first sentence of part G that all existing facilities are to be retained
- The rest of part E
- Parts I, J and K (subject to my comments above)

If my understanding is correct, then these are the only parts of the policy which require justification in the DMPDPD; the rest has already been justified in the Core Strategy. The other parts of the policy (including all of parts B, F and H) appear simply to duplicate the provisions of the Core Strategy, using different words. I find the justification for the above points, insofar as it exists at all, in the second half of paragraph 14.4, parts of 14.7, the last sentence of 14.9, parts of 14.10 and paragraph 14.16. The rest of the justificatory paragraphs are expressed in terms appropriate for justifying Core Strategy policies themselves (though using different arguments to those of the Core Strategy itself). Paragraph 14.6 justifies Core Strategy policy CS5 C which is not elaborated in the DMPDPD at all. Paragraph 14.9 appears to be justifying policy DM30, rather than any part of DM13. Where is the justification for the other additional detail (albeit limited) introduced by the DMPDPD?

Council’s Response

Requirement for rephrasing of justification section noted.

Proposed Further Change

Reword justification and explanatory text as set out below:

The Borough is unique in that it is bordered to the east and west by Epping Forest and the Lee Valley Regional Park respectively and includes large swathes of Green Belt and Metropolitan Open Land (MOL). The Core Strategy objectives have implications for Green Belt and MOL particularly in relation to maintaining its openness and contribution to the natural environment. National policy on Green Belts applies equally to Metropolitan Open Land (MOL). National policy and the London Plan outline the appropriate uses within Green Belt and MOL.
It is crucial to recognise that the Borough's designated Green Belt and MOL provides some of London's most valued natural resources, including sites recognised at the national and European levels for nature conservation importance. These designations are also valuable for their contribution to the Borough and London-wide green infrastructure network and improvements to its quality and accessibility are encouraged. The NPPF sets out guidance on what uses may be acceptable in the Green Belt, and in a London context, these apply equally to MOL. This could include ancillary facilities to wider Green Belt compatible uses; e.g. changing rooms or storage for ground maintenance ancillary to wider outdoor sports and recreation uses. Where acceptable uses do come forward in the Green Belt or MOL, it is important that they preserve the openness of the Green Belt. In interpreting the policy, high standard refers to the response to the natural environment and local context as well as the execution of quality design and construction. Landscaping can be one mechanism by which appropriate developments can be complementary and respond to local context. This will minimise the impact on the open character of the land.

Open spaces are often rich in heritage value and it is important to not adversely affect the inherent character or heritage value of an open space. Enhancement works can play a crucial role in protecting and maximising the benefits that the historic environment provides. For instance, the Walthamstow Wetlands project has been established to restore and protect heritage assets which contribute to Waltham Forest's unique sense of place.

One of the aims of the policy is to enhance access to and within open spaces. This can be achieved by improving the routes for sustainable transport modes which run through open spaces as well as the protection, improvement and extension of footpaths, cycleways and bridleways (e.g. Greenways). This will support the Council's wider agendas for healthy living and sustainable development. The Borough is host to many sites of nature conservation importance. DM36 Biodiversity provides detailed policy guidance for such sites.

It is important that open space provision is of high quality and usable in order to provide space for relaxation and to generate a sense of community. This is especially critical in areas where there are identified deficiencies in access to open spaces as shown in the Core Strategy policy CS5. Research has shown that people with access to quality open space are healthier and that parks are valuable for social interaction. Such spaces are also important in addressing climate change in heavily urbanised areas.

Just over 7% of the Borough has been identified in the Open Spaces Strategy as being deficient in access to local open space. As there are limitations in the amount of land available for new open spaces, the creation of smaller parks and open spaces are preferable to rectify this shortage. Deficiency in access to publicly accessible open space correlates with areas of deprivation; and, areas such as Grove Green
and Cathall present these characteristics (Open Spaces Strategy, 2010 and PCT Annual Public Health Report, 2009/2010). Due to this, it is important to improve and increase the provision of effective open spaces through new developments. Where open space or landscaping cannot be provided on-site, developers will need to justify this in their Design and Access Statement. In these circumstances, the Council may require financial contributions in order to enhance or upgrade the provision of local open space(s) in the vicinity of the development in accordance with the Council’s Planning Obligations SPD.

**Effective maintenance is essential where open spaces and landscape infrastructure is provided to ensure the long term benefits of such provision.** Where new open space is provided on-site as part of new developments, their design and integration should be carefully considered at an early stage to ensure maximum benefits and unnecessary delays to provision are avoided. It is often necessary to incorporate usable open space and landscaping in order to minimise any negative visual impact from development or to better integrate with the surrounding area. Open spaces also offer economic benefits and emerging evidence demonstrates a strong link between green assets and the economy. The National Ecosystem Assessment (NEA), DEFRA, 2011. Difficulties in providing open space and landscaping on-site can be overcome by innovative solutions and alternatives such as landscaped pedestrian spaces and planting which creates breaks in the built environment.

Open spaces contribute to local distinctiveness and consideration of context is essential in the design of new hard and soft landscaping. Hard landscape elements and the materials from which they are made, play a significant role in defining the character and attractiveness of a site or area. New planting can contribute to the attractiveness of a development and enhance the biodiversity value of a site. Landscaping measures such as the planting of trees, shrubs, flowers or grassy areas can boost the biodiversity and the attractiveness of the Borough. Locally-sourced materials are preferable in order to reduce carbon emissions and reinforce local character. Effective maintenance is essential where open spaces and landscaping are provided to ensure that the scheme is successful and sustainable in the longer term.

Allotments and other spaces to grow food and flowers support the wider healthy living agenda and to provide opportunities for recreation and exercise. **Despite the highest levels of allotment space provision of any London Borough,** Waltham Forest has a high level of demand for allotments and as a result, intensification may be a solution where management arrangements allow, through either formal or informal means. Intensification refers to the subdivision or reconfiguration of existing plots to provide a greater number of plots. The level of demand for allotments has been assessed to be 0.27ha/1000 population (Waltham Forest Allotment Briefing Note, 2010) which supports the policy requirement for no net loss. The use and quality of existing plots has been assessed to be good. Nonetheless, enhancement...
measures may be necessary in some areas in order to boost their visual appearance and access for those with disabilities; for instance, through the creation of raised beds and wider pathways. New developments offer the opportunity to create innovative spaces for growing food and flowers which are accessible for all sections of the community regardless of physical ability. This may involve the provision of living roofs, (‘Living roofs’ is a broad term defined by the GLA to include green roofs, roof terraces and roof gardens. The term includes roofs and structures that may be accessible by workers or residents, and that may be intensively or extensively vegetated). Community Gardens and other spaces to grow food as part of landscaping schemes. Where such spaces are created, maintenance plans play a valuable role in ensuring long term success.

The Social Infrastructure Plan (2009) identifies the need to plan for burial space towards the latter part of the plan period which is reinforced in CS5 Green Infrastructure and Biodiversity. Opportunity sites for such space in the borough are likely to be limited to areas of open space. Given designations in such areas, which may include Green Belt or MOL, proposals will need to demonstrate the openness and visual amenity of such areas is protected. This will help ensure proposals are compatible with the purposes of such The Council will identify potential sites for burial space in forthcoming Area Action Plans and Site Specific Allocations which will take into account social and locational factors.

Increased urbanisation means that existing designated parks and gardens should continue to be protected, given the numerous benefits access to open space can provide to local communities. In Waltham Forest there are several parks and gardens of Local Historic Interest, including several on the Borough’s Local List. Proposals within such spaces will therefore need be ancillary to its open space use, and respect its setting and visual appearance through sensitive design. It is important that uses within parks and gardens improve the provision, quality and access so that the wider community can benefit. In Waltham Forest there are several parks and gardens of Local Historic Interest which warrant particular protection. There are also a number of parks which have been identified as being worthy of entry on a Local List and comprise: Highams Park, Mallinson Park (The White House), Fairmead Park (Queen Elizabeth Hunting Lodge), Coronation Gardens and Lloyd Park (See Schedule 18 and the Policies Map). A considered approach to the design of schemes in parks and gardens of historic importance is vital to prevent adverse impacts to the setting or visual appearance of historic parks and gardens and the need for positive management.

The Lee Valley Regional Park and Epping Forest are valuable resources for access to nature and recreation for residents in Waltham Forest and the wider region. At present, there are a wide range of uses which occupy land within the Regional Park and Epping Forest. These uses include informal and formal waterside spaces, walking and cycling routes, designated areas of ecological importance and leisure and sports.
facilities. Within the Regional Park, Olympic and Paralympic legacy facilities will serve to complement the existing offer. Enhancements may include strengthening the pedestrian and cyclist links to and through the Lee Valley Regional Park or Epping Forest. It is recognised however, that some development proposals do not need to provide enhancement measures. This may be for instance, where the proposal is already providing enhancements.

The Lee Valley Regional Park and Epping Forest are major assets as set out in the Core Strategy. Both can provide major benefits to local communities in terms of access to nature and recreation. However, environmental designations covering these areas mean that any development proposals in such areas must be treated sensitively. The Council supports the aims outlined in the Lee Valley Regional Park Authority’s Park Development Framework and will be taken into account when assessing planning applications. The Council supports the aims outlined in the Lee Valley Regional Park Authority’s Park Development Framework and will be taken into account when assessing planning applications. The Lee Valley Regional Park south of Coppermill Lane comprises Walthamstow and Leyton Marshes. These large open spaces have high ecological value. Walthamstow Marsh is a Site of Special Scientific Interest (SSSI) and a nature reserve with ecological interest. The Lee Valley Regional Park Authority Ice Centre and Riding Centre and the Waterworks Centre based in the Waterworks Nature Reserve are a focus for public activity, attracting over half a million visitors a year. The waterways of the Lee Navigation and the River Lee enhance the leisure and wildlife spaces providing further opportunities for water sports, habitat creation and informal recreation. To the north of Coppermill Lane is the 178 ha Thames Water owned Walthamstow Reservoir site. The site is designated a SSSI and contains internationally and nationally recognised habitats. In addition the site has significant industrial heritage value with heritage features dating from the mid nineteenth century. At present Walthamstow Reservoirs are largely inaccessible to the public. A partnership made up of key stakeholders has been formed with the purpose of opening the reservoirs as a wetland centre and nature reserve (branded Walthamstow Wetlands) which will be fully accessible to local people and visitors.

Encouraging Active Lifestyles and Providing Recreational Facilities

Physical activity has a positive impact on health and wellbeing and it is therefore essential for the Borough to have adequate provision of exciting and varied opportunities for exercise and recreation. This includes ensuring that the quality, quantity and accessibility of play space, outdoor sports facilities and parks meets the needs of the local community. Developments that incorporate new housing will place an increased demand on existing open spaces, so new provision, or funding towards investment in existing spaces to enhance their capacity, will be necessary.
The local standards for play and recreation space for children are in line with those set out by the Greater London Authority. This means that a minimum of 10 square metres of well designed playspace per child bedspace should be provided in all new flatted developments containing the potential for 10 or more child bed spaces (See the Council's Urban Design SPD, which also requires that play areas should be equipped where appropriate, and should be overlooked by nearby housing to increase passive surveillance and provide amenity space which is safe and secure for children and families to use). There should also be appropriate and accessible facilities within 400m for 5-11 year olds and within 800m for 12 year olds or over. The Mayor's SPG on Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation and the Council's Urban Design SPD should be used when planning and designing play space. Play space which incorporates natural features, such as sand, logs or water is desirable in the Borough, especially where they provide a progression into and complement the Borough's open spaces. This can be achieved with low impact and provide a stimulating environment for children.

Deficiency in access to play space is apparent in various locations across the Borough. Development proposals, particularly housing developments, offer a key mechanism to alleviate these deficiencies Open Spaces Strategy, 2010 and improve the quality of existing play spaces either on-site or through financial contributions.

The provision of open spaces for exercise and enjoyment has also been linked to the reduction of cognitive decline in older people. It is therefore important that exercise and recreation facilities provide for all age groups, backgrounds and abilities. Looking to innovative solutions such as outdoor gyms, pensioners' playgrounds and cycle and skate parks can help to achieve this aim. Opportunities to provide new parks and open spaces which are safe and secure are inevitably limited in Waltham Forest, where the pattern of land use is well established. Due to this, the Council recognises that contributions towards spaces for exercise and recreation are most likely to be for smaller local parks, open spaces or play areas. The unprecedented scale of new sports facilities as a result of the Olympic and Paralympic Games will bring great benefits to the population of Waltham Forest. One of the key Olympic related improvements for Waltham Forest will be the development of sports uses at Eton Manor. Recreational, play and exercise facilities should be accessible, principally by walking, cycling and public transport to support the wider healthy living and climate change agendas.

The Playing Pitch Strategy (2011) provides guidance on additional facilities and establishes a Borough-wide quantity standard of 0.5 hectares/1000 population for pitches. This standard includes a 10% allowance for rest and recovery as well as land for ancillary facilities. Accessibility standards for different sports is outlined in the Planning Policy Considerations of the Playing Pitch Strategy. See Schedules 20 and the Policies Map for the existing playing fields. New provision will be provided by maximising the use of existing playing field land (realignment/relocation of pitches), the re-designation of pitches from senior to junior where appropriate, increasing the
capacity of existing playing field sites (e.g. through the provision of changing facilities) and bringing underused playing field areas into use through provision and remarking of pitches. The Playing Pitch Strategy outlines priorities for improvements to pitch quality and ancillary facilities. The creation of, or adaptation/conversion of existing provision to become, multi sports hubs are favourable but will be considered against factors such as residential amenity, accessibility and the natural environment. To meet the demand, the Council will look to increasing the capacity and intensifying the use of existing playing fields to accommodate a wider range of pitches (both grass and artificial) and associated facilities (including changing facilities, floodlighting and community space). This will be subject to impact on residential amenity, accessibility and the natural environment. Where major residential or mixed use schemes offer a shortfall of on site open space, funds collected in mitigation through the Councils Planning Obligations SPD or CIL may be used to contribute towards investment in playing pitches within the vicinity of the development site.

The Council has the aspiration to increase participation in sport but the Borough has a shortage of Artificial Grass Pitches (AGPs). The Council recognises that new AGPs are needed and are likely to require floodlighting in order to maximise the use and viability of the facilities. The impact on biodiversity and residential amenity can be mitigated through the use of sensitive lighting and design. Hours of use of AGPs should not be overly restrictive and should be discussed on a site-by-site basis at the planning application stage. Financial contributions should be used towards the provision of new or improvements to existing pitches as well as improving accessibility and ancillary facilities, especially in areas of residential growth. Maintenance and management plans are necessary to secure the long term quality and to clarify responsibilities from the outset.

The maintenance and management of new sports and recreation facilities will be vital in ensuring their successful long term use. Clear plans to such effect will therefore be a requirement of planning applications for such use.
DM14 - Co-ordinating Land use and Transport
DM14 - Co-ordinating Land use and Transport

Q95) What do parts A, B, C, D and E of this policy require that are not already required by Core Strategy policy CS7 parts C and D?

Council's Response

The Council agrees and proposes to delete part A, B, C, and D of the policy.

In conjunction with the proposed changes (in response to consultation comment dmpps81), the Council considers that part E of the policy goes further than the Core Strategy in that it sets out the requirements for a Travel Plan namely defined targets, implementation and funding, and a monitoring regime. The Council does further propose to amend policy E to include a reference to DfT and TfL guidance.

Proposed Further Change

• The Council proposes to delete part A, B, C, and D of the policy.

"A) Promoting development that minimises the need to travel through:

i. encouraging mixed-use development in appropriate locations, and:

ii. guiding high trip generating development to locations that are highly accessible by public transport and within easy walking distance of day-to-day services and facilities;

B) requiring development proposals to assess and address movements to, from and within the site by prioritising needs in accordance with our road user hierarchy and to integrate new developments with existing transport networks and creating good connections to neighbourhoods and town centres;

C) requiring development proposals to ensure that sufficient transport capacity exists off-site to meet the additional travel demand generated by the development; and requiring financial contributions from developments to improve public transport capacity and accessibility to address shortfalls in provision and planned strategic transport infrastructure

D) requiring development and change of use proposals with expected significant transport impacts to prepare a Transport Assessment or Transport Statement as appropriate, in order to assess the implications of new development on the transport network and demonstrate how any potential impacts will be mitigated;"

• The Council proposes to amend part E of the policy to read as follows:
E) requiring development proposals to submit a Travel Plan in accordance with Department for Transport and Transport for London guidance and emerging local standards; including defined targets, implementation and funding, and monitoring regime;

Q96) Part H is presumably in pursuit of Core Strategy policy CS5 (I). It cross refers to figure 19 of the Core Strategy but figure 19 (Transport connections) of the Core Strategy does not indicate the boundaries of the Epping Forest SAC. Is figure 14 meant? (though this does not identify the Epping Forest SAC separately from other Sites of Metropolitan Importance to Nature Conservation).

Council's Response

The Council proposes to change “Figure 19” to “Figure 14” in part H of DM14. Boundaries of Epping Forest are shown on the proposals map and the proposals map is therefore referenced in part H of the policy.

Proposed Further Change:

The Council proposes to amend part H of DM14 to read as follows:

H) where a Transport Assessment/Statement indicates an appreciable increase in car traffic within 200m of Epping Forest SAC (as indicated in Figure 4914 in the Core Strategy and on the emerging proposals map), the Council will require the development to demonstrate that the expected impacts of a development on the air quality will not exceed 0.1 kg nitrogen per ha per year (this being equivalent to 1% of the critical load for the habitats on site); where this threshold is exceeded, the proposal will need to demonstrate to the Council's satisfaction that the effect will not be significant or appropriate mitigation measures will be put in place to minimise the adverse impact on the integrity of Epping Forest which may include the use of financial contributions;

Q97) Paragraph 15.3 and the first two sentences of paragraph 15.4 largely duplicate the justification for Core Strategy policy CS7 set out in Core Strategy paragraphs 10.15-10.17.

Council's Response

Agreed.

Proposed Further Change

The Council proposes to delete paragraph 15.3 and the first two sentences of paragraph 15.4 to read as follows:
15.3 Land use patterns, including the site’s location, type, mix, intensity of use and its layout, strongly influence the travel behaviour of people living, working, or visiting a development site. Judicious land use planning is therefore critical in managing how many trips a development attracts and by what means of travel. The Core Strategy Policy CS 8 promotes development that supports compact growth and regeneration and conducive to sustainable travel patterns.

15.4 The Council recognises that the close integration of land use and transport planning is a key element of sustainable development and will seek to ensure that development is located in areas where the need to travel is minimised and there is good provision for travel by walking, cycling and public transport. Locating high density developments with significant trip-generating potential near major public transport nodes is an effective way to reduce car travel. Designs for large sites should be permeable and ensure that linkages and publicly accessible through routes are created to successfully integrate the development into the wider street network. The Council will therefore seek to guide development to locations that minimise travel longer distances and promote mixed use development in areas that are highly accessible by walking and cycling, such as the borough’s town centres and in our designated key growth areas outlined in CS1 'Location and Management of Growth'.

Q98) The third and fourth sentences of Paragraph 15.4 appear to be statements of policy rather than justification. The third sentence appears to be policy not stated elsewhere (and apparently, not justified anywhere). The fourth sentence appears to duplicate both CS7 C and DMPDPD DM14 A without providing justification for either.

Council’s Response

Agreed.

Proposed Further Change

- The Council proposes to delete the third and fourth sentence of paragraph 15.4. and to add a new policy B to read as follows (please note that the previous policy B has been deleted as set out in response to Question 95. please also note that the last clause of policy B has been suggested in response to the inspectors question 114):

“B) requiring major developments to be permeable and ensure that linkages and publicly accessible through routes are created to successfully integrate development into the wider street network, to integrate developments with the
existing transport networks, and to create good connections to existing
eighbourhoods and town centres; the Council will resist proposals for gated ‘developments’;

- In conjunction with the response to question 97, the Council proposes to replace para 15.4 with the following sentences to justify the new policy B:

“The Council recognises that the close integration of land use and transport planning is a key element of sustainable development and will seek to ensure that development is located in areas where the need to travel is minimised and there is good provision for travel by walking, cycling and public transport. Locating high density developments with significant trip-generating potential near major public transport nodes is an effective way to reduce car travel. Designs for large sites should be permeable and ensure that linkages and publicly accessible through routes are created to successfully integrate the development into the wider street network. The Council will therefore seek to guide development to locations that minimise travel longer distances and promote mixed use development in areas that are highly accessible by walking and cycling, such as the borough’s town centres and in our designated key growth areas outlined in CS1 ‘Location and Management of Growth’. Creating permeable developments with publicly accessible routes will contribute towards encouraging sustainable travel by facilitating convenient movement that is direct and along the shortest route. This will help to reduce carbon emissions, create street activity, and to contribute to a safe walking and cycling environment.”

Q99) Paragraph 15.5 appears to be a statement of policy, not justification but it’s not set out in the policy itself, which would therefore seem to be incomplete and therefore unclear, so not sound.

Council’s Response

Agreed.

Proposed Further Change

- The Council proposes to delete paragraph 15.5.

15.5 Where a proposed development is not within easy reach of public transport, applications will be required to propose and implement measures that prioritise sustainable travel modes and minimise car use. Examples of suitable measures may include but are not limited to; proposed improvements and contributions to the walking, cycling and public transport networks; the implementation of Travel Plans; and the introduction of car clubs and car sharing services.
The Council proposes to add a new policy A to read as follows (please note that the previous policy A has been deleted as set out in response to Question 95):

“A) Where development is not within easy reach of public transport stops, requiring applications to propose and implement measures that promote sustainable travel and contribute to reducing car use.”

The Council proposes to add the following paragraph to replace paragraph 15.3 (which has been suggested to delete in response to questions 97) to provide a justification for the amended policy A as set out above:

“15.3 Land use patterns, including the site’s location, type, mix, intensity of use and its layout, strongly influence the travel behaviour of people living, working, or visiting a development site. Judicious land use planning is therefore critical in managing how many trips a development attracts and by what means of travel. The Core Strategy Policy CS 8 promotes development that supports compact growth and regeneration and conducive to sustainable travel patterns. The Core Strategy promotes development that supports compact growth and is conducive to sustainable travel by guiding development to locations that are highly accessible. Developments in less accessible locations are likely to result in higher levels of car traffic and subsequently in a higher degree of environmental impacts and congestion. Therefore, Part A of this policy aims to improve accessibility of those developments that are not within easy reach of public transport and to promote sustainable transport choices in order to limit the impact of developments on the environment, to respond to congestion affecting roads and public transport, and to promote healthier lifestyles.”

Q100) Paragraph 15.6 is a justification of Core Strategy policy CS7 D, already justified in Core Strategy paragraphs 10.18 and 10.19.

Council's Response

Agreed

Proposed Further Change:

The Council proposes to amend paragraph 15.6 to read as follows (justifying together with the amended paragraph 15.7 the amended part C of the policy as per question 101):

“Development, either on an individual or cumulative basis, tends to lead to increased pressure on Waltham Forest's existing transport network and infrastructure with consequential higher risk of negative impacts associated with increased volumes of
traffic, including road danger, air pollution and noise. Transport Assessments/Statements accompanying development proposals will therefore be required to analyse the implications of the development on the transport networks and the environment both at local and at a strategic level. This will assist the Council in assessing whether a proposal is broadly acceptable and the level of which potentially negative impacts on the borough’s transport network can be avoided or satisfactorily mitigated.”

Q101) Paragraph 15.7 appears to represent a policy statement setting out what policy would be applied to developments which fail to comply with CS policy CS7 D but it doesn’t appear as a policy included in either the CS or DMPDPD. In any event, the suggestion that a financial contribution may be “required” raises the same issues of compliance with the law previously raised in my question 78.

Council’s Response

Agreed.

Proposed Further Change

- The Council proposes to add a new policy C to read as follows (please note that the previous policy C has been deleted as set out in response to Question 95):

“C) Seeking financial contributions to address a shortfall, where a development cannot demonstrate in the supporting Transport Assessment and Travel Plan required by CS7 to the Council’s satisfaction that the expected traffic impacts will be fully mitigated within the borough’s transport network;”

- The Council proposes to replace paragraph 15.7 with the following paragraph to provide a sound justification for the new policy C:

"15.7 Where a development cannot demonstrate to the Council’s satisfaction that the expected traffic impacts will be fully mitigated within the borough’s transport network, financial contributions may be required to address shortfalls. The Council may also require contributions to mitigate against the cumulative impacts of several developments within a locality e.g. within Area Action Plan or Neighbourhood Plan areas. Developer contributions can help the Council to mitigate the impacts associated with car traffic as a result of additional development and to mitigate additional pressure that new development will put on existing transport infrastructure, including public transport. Where several developments are
expected within a certain area, e.g. within an Area Action Plan area, contributions can assist in mitigating cumulative impacts of several developments.”

Q102) What part of any policy does paragraph 15.8 seek to justify?

Council's Response

Agreed.

Proposed Further Change

The Council proposes to delete paragraph 15.8.

"15.8 The Council is also required to collect contributions towards the construction of Crossrail on behalf of the Mayor which will help to support growth by significantly improving rail capacity in London and reducing pressure on its existing public transport network."

Q103) The second and third sentences of paragraph 15.9 and the whole of paragraphs 15.10 appear not to be justification but appear to elaborate the policy requirements of CS7 D. They are not set out in DMPDPD DM14, but, transport assessments are only an appraisal document, not a characteristic of the development itself, so any policy is only a procedural requirement for the validation of an application, not a policy for managing development and so should perhaps appear in the Council's statement of its requirements for validating an application rather than in the DMPDPD. The principle of transport assessments is already justified in paragraph 10.18 of the Core Strategy and in paragraph 16.10 of the DMPDPD. If the policy is to be elaborated in the DMPDPD (rather than in the Council's planning application validation requirements), then the additional requirements need be justified in the DMPDPD; but what we seem to have at the moment is the inclusion of an administrative policy, but not stated as policy and lacking justification. Is that right?

Council's Response

The Council agrees with the Inspector that requirements is sufficiently set out in the Core Strategy and proposes to delete paragraph 15.9, 15.10, 15.11 and 15.12.

Proposed Further Change

The Council proposes to delete paragraph 15.9, 15.10, 15.11 and 15.12.
“15.9 Transport Assessments and/or Transport Statements will be required in accordance with the thresholds, requirements, and guidance set out in the Department for Transport’s ‘Guidance on transport assessments’ (2007) and Transport for London’s ‘Transport Assessment Best Practice Guidance Document’ (2010) and emerging local standards. The Council may also require that a Transport Assessment accompany applications for smaller developments that fall under these thresholds where appreciable transport impacts are expected including change of use proposals or where the proposal has potential to contribute to congestion on a cumulative basis. Where the Council does not consider the preparation of a full Transport Assessment necessary, a less detailed assessment in the form of a Transport Statement will suffice.

15.10 Transport Assessments are required to assess the impact of proposals on the transport infrastructure, including the capacity of roads, public transport and walking and cycling infrastructure and to detail action to manage this impact. They are required to present qualitative and quantitative information about the anticipated transport and related environmental impacts before, during and after implementation of the proposed development, including details of the accessibility of the site by all transport modes and all users, including disabled people, and the likely modal split of journeys to and from the site:

15.11 Specifically, the Transport Assessment/Statement will need to demonstrate that:

- the development will not, either on an individual or cumulative basis, place an unacceptable burden on the public transport and/or the highway network and

- that any significant impacts on the transport network and the local environment will be adequately mitigated;

- provision for safe and adequate access, servicing and circulation to/from and through the development site can be achieved; and

- the design and layout of the development will be in a manner consistent with the aims and objectives of policies DM14—DM17.

15.12 Where a development does not satisfy these requirements or is considered by the Council to have significant negative impacts on the walking, cycling, public transport or road network that cannot be satisfactorily mitigated, planning permission for the proposal is likely to be refused."

Q104) Paragraphs 15.13 to 15.15 appear to set out policy requirements for Travel Plans. As these are a characteristic of the development proposed, rather than an appraisal document, I would expect the DM policies to include
these policy requirements within the DM14 policy itself. Without them, it appears incomplete, unclear and therefore unsound. The principle of travel plans is already justified in CS paragraph 10.19, so I would expect the DMPDPD to include justification for the extra policy requirements set out in paragraphs 15.13 to 15.15. Where will I find it?

Council's Response

Agreed.

Proposed Further Change

- In response to this question, as well as question 95 and the proposed changes (in response to consultation comment dmpps81), the Council proposes to delete paragraph 15.13, 15.14 and 15.15 and replace them with the following paragraphs (in anticipation to justify the requirements for defined targets, implementation and funding, and monitoring regime):

15.13 Where Travel Assessments/Statements are required, the Council will also seek the submission of a Travel Plan. A Travel Plan is a package of measures that seeks to reduce reliance on single occupancy vehicle use and increase the use of more sustainable modes. Travel Plans are the key management tool for implementing any transport solutions highlighted by the Transport Assessment / Statement, and are one of the primary tools for mitigating negative transport impacts of development proposals. Design and Access Statements are required to refer to the Travel Plan explaining what inclusive or specific transport options are available to meet the needs of all users, including disabled people. Where concerns about the cumulative impacts of a number of developments and/or particular air quality concerns may warrant it, the Council may require travel plans for smaller developments. Travel plans can help to reduce the impacts of transport on the environment. According to the DfT, a well-designed travel plan can typically cut 15% of commuter car use and can therefore significantly reduce traffic related carbon emissions a development. A travel plan can help to combat over-dependency on cars by boosting all the possible alternatives to single occupancy car use.

15.14 Travel Plans should be prepared in accordance with the latest Department for Transport and Transport for London guidance (11) and emerging local guidance. As a general guide, a Travel Plan should provide relevant, robust information, targets and objectives including but not limited to:

- General information on the proposed development, e.g. proposed use(s); size;
- Location and general timescales for development
A brief policy review with specific focus on Waltham Forest’s walking and cycling policies and mode share targets as outlined in its adopted second Local Implementation Plan (LIP-2) and other relevant local and Mayoral targets.

Site Assessments—General overview as to what facilities are present and identifies shortfalls in sustainable transport infrastructure e.g. cycle parking, showers for cyclists, bus stop provision etc.

Travel Survey / Trip Generation data which should contain information on current and predicted modal split based on trip generation software, census or other relevant prediction methods.

Objectives—Based on comparisons between policy and trip generation, development of objectives.

Targets—to be agreed with the Council. Targets should set out how the site’s travel movements can contribute towards reducing car use and increasing use of more sustainable modes.

Measures—including specific measures to achieve targets such as required infrastructure, promotion of plan to users, residents and visitors of the site. And monitoring of targets.

Travel Plan Management—including contact details for the travel plan author and travel plan coordinator.

In order for a plan to be effective and produce tangible outputs (such as for example cycle storage or introductory membership offers), it needs to include defined targets and a regular monitoring regime. Travel plans require a budget to cover items such as travel surveys, publicity materials and activities, installation of cycling facilities, or subsidised travel passes.

15.5 Similarly, School Travel Plans will be required for proposals for new schools or planned expansions to existing schools. School travel plans will be expected to provide details of the projected growth in student numbers, how students are likely to travel, the expected impact on the transport system and propose measures to offset these problems. The Council will seek to charge for the monitoring of all Travel Plans through s106 agreements to ensure that agreed targets and proposed measures are being achieved and implemented. The Council will provide further guidance on travel plans in its forthcoming Transport SPD.”

The Council further proposes to amend the heading from “Travel Plans and School Travel Plans” to “Travel Plans”

Q105) Paragraph 15.16 appears to set out policy requirements for Construction Management plans. These requirements are not stated within DM14 F, which therefore appears incomplete and unclear and so, unsound. There does not appear to be any stated justification for the policy requirements. Where will I find it?
Council's Response

Agreed.

Proposed Further Change

- The Council proposes to amend part F of the policy to read as follows (in conjunction with response to consultation representation dmpps116):

"F) requiring development proposals to submit Construction Management Plans, Construction Logistics Plans, and Delivery and Servicing Plans and the uptake of the Freight Operators Recognition Scheme where appropriate in accordance with the London Freight Plan and coordinated with travel plans, to limit negative transport and environmental impacts associated with the construction stage and on-going delivery and servicing requirements of new developments;"

- The Council proposes to amend paragraph 15.16 to read as follows:

"15.16 Where appropriate, the Council will ensure that applicants provide Construction Management Plans to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process. Construction Management Plans should correspond with the hours of site activity; pick-up and delivery times for materials and equipment; limits on construction vehicle size; trip numbers and routes; the safety of road users during construction; and any temporary use of the highway for siting of construction plant. They should also deal with any temporary disruption or severance of highway links needed during the development process, as well as any other relevant measures needed to manage the construction phase. Developers should seek to discuss the requirements for a Construction Management Plan with the Council as part of the per-application process. Where construction traffic related to a development is likely to result in impacts on local amenity and local residents, a Construction Logistics Plan will be required. Construction Logistic Plans can help to limit negative transport and environmental impacts associated with the construction stage and on-going delivery by setting out the hours of site activity; pick-up and delivery times for materials and equipment; limits on construction vehicle size; trip numbers and routes; the safety of road users during construction; and any temporary use of the highway for siting of construction plant. They can also help addressing any temporary disruption or severance of highway links during the development process."

Q106) The phrase “Where appropriate” in policy DM14 F and repeated at the beginning of paragraph 15.16 is vague and might not give a developer the clear indication of how a decision maker would receive an application, which is required by NPPF paragraph 154.
Council's Response

In conjunction with question 105 the Council proposes to amend paragraph 15.16 to provide a clarification, when Construction Logistics Plans are considered appropriate.

Proposed Further Change

The Council proposes to amend paragraph 15.16 to read as follows:

“15.16 Where appropriate, the Council will ensure that applicants provide Construction Management Plans to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process. Construction Management Plans should correspond with the hours of site activity; pick-up and delivery times for materials and equipment; limits on construction vehicle size; trip numbers and routes; the safety of road users during construction; and any temporary use of the highway for siting of construction plant. They should also deal with any temporary disruption or severance of highway links needed during the development process, as well as any other relevant measures needed to manage the construction phase. Developers should seek to discuss the requirements for a Construction Management Plan with the Council as part of the per-application process. Where construction traffic related to a development is likely to result in impacts on local amenity and local residents, a Construction Logistics Plan will be required. Construction Logistic Plans can help to limit negative transport and environmental impacts associated with the construction stage and on-going delivery by setting out the hours of site activity; pick-up and delivery times for materials and equipment; limits on construction vehicle size; trip numbers and routes; the safety of road users during construction; and any temporary use of the highway for siting of construction plant. They can also help addressing any temporary disruption or severance of highway links during the development process.”

Q107) Other than the fist clause of paragraph 15.17, which provides justification, the rest of the paragraph appears to set out policy requirements omitted from DM14 F, which as a result might appear incomplete, unclear and therefore unsound.

Council's Response

Agreed.

Proposed Further Change

The Council proposes to amend para 15.17 to read as follows (and delete the bullet list):
15.17 Delivery and Servicing Plans (DSP) can help to minimize the impacts of on-going servicing requirements of a development on the network and the environment, the Council will require Delivery and Servicing Plans (DSP) where it considers appropriate delivery and servicing traffic associated with operational requirements is expected to result in negative impacts on residents or the environment. DSPs can help to reduce operational costs, carbon emissions, congestion and collisions by coordinating and managing servicing and delivery movements.

- managing deliveries to reduce the number of trips, particularly during peak hours
- identifying where safe and legal loading can take place;
- commissioning delivery companies with a commitment to best practice—such as TfL’s Freight Operator Recognition Scheme (FORS); and
- reducing the risk of accidents with vulnerable road users including pedestrians and cyclists

Q108) The last sentence of paragraph 15.18 appears to represent a policy requirement not included within DM14 G itself. (And note that “require” may not be legally sound with reference to s106 agreements, which, by definition can only be sought, not required.)

Council's Response

Agreed.

Proposed Further Change

The Council proposes to delete the last sentence of paragraph 15.18 to read as follows:

"15.18 Ensuring pedestrian and cyclist safety during the construction stages and ongoing servicing and delivery requirements of new development is of particular concern. Waltham Forest Council is committed towards reducing collisions involving Higher Goods Vehicles (HGV) and cyclists which account for more than half of cyclist fatalities in London (TfL, Cycling Revolution London, 2010). The Council has recently adopted the Waltham Forest Cycling Action Plan 2012 which outlines ten key action points to boost cycling levels and reduce road danger in the borough. A key commitment of the Plan is to ensure that all council-operated and council-contracted commercial vehicle drivers receive appropriate on-road cycle safety training to Freight Operator Recognition Scheme (FORS) and Safe Urban Driving (SUD) standards. The course is accredited and meets the requirements of driver CPC obligations under
EU directive 2003/59 which requires HGV drivers to complete 35 hours of professional development every 5 years. The Council will also require that SUD-standard cyclist-awareness training for HGV/PCV drivers is incorporated into Section106 agreements for development proposals that necessitate the use of lorries and buses.

Q109) Paragraph 15.20 appears to be either a policy requirement omitted from DM14 F itself or advice, not justification.

Council's Response
Agreed.

Proposed Further Change
In conjunction with question 105, the Council proposes to amend part F of the policy as set out below. The Council then considers paragraph 15.20 obsolete and proposes to delete paragraph 15.20.

"F) requiring development proposals to submit Construction Management Plans, Construction Logistics Plans, and Delivery and Servicing Plans and the uptake of the Freight Operators Recognition Scheme where appropriate in accordance with the London Freight Plan and coordinated with travel plans, to limit negative transport and environmental impacts associated with the construction stage and on-going delivery and servicing requirements of new developments;

15.20 Delivery and Servicing Plan should be prepared in accordance with TfL guidance Making Freight Work for You and should be coordinated with the travel plan for a development. Further guidance regarding the use of appropriate HGV cycle safety devices is available on TfL’s HGV Cycle Safety Technology-Procurement Guide."

Q110) Paragraph 15.24 seems to duplicate the provisions of part H of the policy itself and is not justification.

Council's Response
Agreed.

Proposed Further Change
The Council proposes to delete paragraph 15.24.
15.24 Where the assessment indicates that an increase in nitrogen deposition greater than 1% is expected, mitigation measures that encourage sustainable modes of travel and reduce dependencies on car travel will be required. An appropriate package of measures will need to be agreed with the Council as part of the planning application process.
DM15 - Sustainable Transport Network
DM15 - Sustainable Transport Network

Q111) The phrase “where appropriate” in part A of the policy is vague and might not give a developer the clear indication of how a decision maker would receive an application, which is required by NPPF paragraph 154.

Council's Response
Agreed.

Proposed Further Change
The Council agrees and suggests to delete the first sentence following the bullet list of policy A: “Where appropriate, development will be required to provide for interchanging between the various modes of transport listed above.”

Q112) Paragraph 16.3 appears to set out a policy consideration not included in the policy itself, which is therefore incomplete, unclear and so, possibly not sound.

Council's Response
Agreed.

Proposed Further Change
The Council proposes to delete paragraph 16.3 and replace it with the following paragraph:

"16.3 The Council will therefore consider the needs of sustainable transport modes in accordance with the road user hierarchy set out in Policy DM15 (above) and in national guidance documents. (13) Whilst the Council anticipates that the road user hierarchy will be applied for the borough as a whole, these priorities may vary locally in accordance with the different highway functions and requirements of the locality. The road user hierarchy as set out in part A of the policy will assist the Council in promoting sustainable transport modes and ensuring that the needs of the more vulnerable users are given comparative priority over other users. The hierarchy will assist the Council in the reallocation of road space and implementing public realm and streetscape improvements schemes as set out in our Core Strategy CS7G."

Q113) The third and fourth sentences of paragraph 16.4 appear to set out policy requirements not included within the policy itself, which is therefore incomplete, unclear and so, possibly not sound.
Council's Response

Agreed.

Proposed Further Change

The Council proposes to delete the third and fourth sentence of paragraph 16.4 to read as follows:

"16.4 The quality of the public realm and street scene is a critical element in creating successful town centres, neighbourhoods and places that are attractive for people to live in, work and visit. (14) Improving the attractiveness, legibility and safety of routes and facilities for pedestrians and cyclists will ensure that more journeys are undertaken on foot or by bike thus easing the pressure on the borough’s public transportation and road network. Consequently, the Council will expect that development proposals are planned and designed in such a way that prioritises movement by walking and cycling and contributes towards creating an environment that is easy to move around in, attractive and safe. Development proposals are expected to take account of the Council’s movement hierarchy outlined above and current best practice guidance including the Department for Transport documents Manual for Streets (1&2) and Inclusive Mobility."

Q114) The last sentence of paragraph 16.5 appears to set out a policy requirement not included in the policy itself which is therefore incomplete, unclear and so, possibly not sound. Where will I find the justification for this requirement?

Council's Response

The Council proposes to delete the last sentence of paragraph 16.5. As set out in response to Question 98, the Council has incorporated the aspects in relation to gated development into policy DM14B.

Proposed Further Change

The Council proposes to delete the last sentence of para 16.5 to read as follows:

"16.5 Providing a network of permeable and legible streets with direct routes, in particular for pedestrians and cyclists as part of a new development, can help to encourage walking and cycling by minimising distances and aiding wayfinding. In this way, higher footfall and levels of active travel movements are encouraged to promote natural surveillance and minimise opportunities for anti-social behaviour. The Council expects new development to be designed to be safe and accessible to all and will resist proposals for ‘gated developments’."
Q115) The third, fourth and fifth sentences of paragraph 16.6 appear to set out policy requirements not included in the policy itself which is therefore incomplete, unclear and so, possibly not sound.

Council's Response
Agreed.

Proposed Further Change
The Council proposes to delete the third sentence of paragraph 16.6 and to amend the forth and fifth sentence. Paragraph 16.6 will read as follows:

"16.6 Streets should be rich and fulfilling places that contribute to local distinctiveness and prosperity. To achieve this, this policy seeks that new development will achieve an appropriate balance between the needs for pedestrians and cyclists and other requirements in accordance with the road user hierarchy. The means by which this will be achieved and the level of priority afforded to different road users may vary depending on the street location, function and site specific requirements. Design solutions should take account considerations outlined in the Council's Urban Design SPD and the forthcoming Sustainable Transport SPD. Further advise in this regard can be found in the Council’s Urban Design SPD, the Inclusive Design and Accessibility SPD, and the forthcoming Sustainable Transport SPD. Way-finding measures such as Transport for London’s ‘Legible London’ signage may be required to aid legibility and shall be provided on site or through financial obligations. Way-finding measures such as Transport for London’s ‘Legible London’ signage can aid legibility, which will contribute to achieving local distinctiveness and a safe pedestrian and cycle environment."

Q116) Paragraphs 16.7 and 16.8 appear to set out policy either not included in the policy itself which is therefore incomplete, unclear and so, possibly not sound, or duplicating what is stated in the policy without providing justification.

Council's Response
Agreed.

Proposed Further Change
The Council proposes to amend part D of the policy to read as follows:

"D) requiring new development to provide and contribute to proposals for transport infrastructure to take full account of the requirements for walking and cycling, ensuring that pedestrian and cycle facilities are high quality, safe and comfortable
well-signalled footways and cycleways that are designed to appropriate widths and consider provision of complementary infrastructure including lighting, wayfinding and signage where appropriate;”

- The Council proposes to delete paragraphs 16.7 and 16.8

16.7 Proposals for new and/or modified junctions, crossing facilities, streets and other transport infrastructure provided as part of new development are required to take full account of the requirements for walking and cycling and provide high quality, inclusive facilities for pedestrians and cyclists. Development proposals will need to take full account of inclusive design principles as set out in the Waltham Forest Inclusive Design and Accessibility SPD.

16.8 In accordance with DM 14, development may be required to contribute towards improvements to the borough’s pedestrian and cycle infrastructure, including planned local and strategic route improvements. Transport Assessments/Statements and Travel Plans (as required in DM14) should inform proposals for sustainable transport provision:

Q117) The last sentence of paragraph 16.9 repeats a policy requirement of part G; it is not justification.

Council’s Response

Agreed.

Proposed Further Change

The Council proposes to delete the last sentence of paragraph 16.9.

"16.9 As set out in Core Strategy Policy CS7, the Council is committed to working with partners, in particular Transport for London, to improve the overall attractiveness, reliability and accessibility of public transport. The quality of access routes to public transport stations and stops and of the bus stop facilities in itself is fundamental to the perceived attractiveness and safety of public transport. Where borough transport infrastructure studies and/or Transport Assessment/Statements (in accordance with DM 14) have identified shortfalls in existing provision, development contributions may be required to help address gaps and contribute to improvement measures.”

Further suggested amendment:

The Council proposes to amend policy G from “requiring development contributions…” to “seeking development contributions…”
DM16 - Managing Private Motorised Transport
DM16 - Managing Private Motorised Transport

Q118) The third sentence of paragraph 17.3, together with paragraph 17.4 and 17.5 appear to be policy requirements elaborating DM16 A but not stated in the policy itself, which is thereby incomplete, so not clear and possibly unsound. The justification for the policy requirements is incomplete; the first two sentences of 17.3 give some justification but where will I find the explanation for the nature of the hierarchy chosen (i.e. why four levels not three, five or some other number?) and for the allocation of roads to each level of the hierarchy (i.e. what were the criteria for designating a road “local” rather than “district distributor”)?

Council’s Response

In response to the points raised by the Inspector, the Council proposes to delete part C of the policy and to amend part A and B of the policy as set out below.

The Council proposes to amend paragraphs 17.3, 17.4 and 17.5 as set out below. The amendments suggested aim to address the inspectors queries in justifying the need for a hierarchy more strongly and justifying the designation of each level of the hierarchy and associated function.

The Council would like to point out, though, that any road hierarchy defined is not a static categorisation, but it provides a simplification of classifying the importance of a street in terms of its connectivity across a geographical scale on the one hand side to access to properties on the other hand. Similar to the place and movement function outlined in the manual for streets, the transition form one class to the other is fluent and is depended on professional judgement of the Council’s highway team as well as knowledge of the local area.

Proposed Further Change

- The Council proposes to delete part C of the policy and to amend part A and B of the policy to read as follows:

"The Council will ensure the most efficient use of the borough's available highway network through the following;

A) requiring development proposals to make use of the most appropriate roads by each form of transport and purpose of journey, in accordance with Waltham Forest's road hierarchy;"
B) discouraging direct vehicular access for individual developments to the Transport for London Road Network (TLRN), Strategic Road Network (SRN) and other important distributor roads; and

“A) applying the road hierarchy as a tool for prioritising

- the use of the different routes in a network for different purposes; and
- the use of scarce street space between competing activities, including through movement and other urban activities;

B) discouraging direct vehicular access for individual developments to the Transport for London Road Network (TLRN), Strategic Road Network (SRN) and other important distributor roads; and

B) requiring development to connect to the highway network in a way that encourages road users to use the most appropriate road in accordance with Waltham Forest's road hierarchy as set out in Figure 17.1, discouraging through-traffic from using local roads and avoiding individual access direct to the TLRN, SRN and district distributor roads;

C) discouraging the use of local roads and residential areas by through traffic and freight vehicles;”

- The Council proposes to amend paragraphs 17.3, 17.4 and 17.5 to read as follows:

"17.3 A functioning highway network is essential for all modes of transport. Waltham Forest's highway network has a hierarchy of roads, with different character and functions. As set out in the Core Strategy policy CS7, the Council anticipates to consider the highway network holistically and to take account of both the movement and place specific requirements of streets. The road hierarchy is an important element of any highway network in terms of addressing the movement function, managing movement and speed of vehicles. The Council will ensure that new development will contribute towards managing traffic flow and speed in accordance with this hierarchy and new developments and the corresponding access arrangements will need to take account of and be compliant with this hierarchy.

17.4 The road hierarchy serves a variety of purposes in the management of a network, including the functional efficiency of traffic flow, road safety, amenity and the environmental quality of urban areas. It allows the Council to make consistent decision about the design and management of a street. When considering development proposals, the Council will use the following road hierarchy to discourage traffic from using unsuitable streets in order to minimise the negative
impacts of traffic on local residents and local amenity and to foster road safety. A full list of all TLRN and SRN roads in Waltham Forest is included in Schedule 10 and 11 of this document."

- Add the following new paragraph following paragraph 17.4

"17.5 The classification of the streets within the hierarchy is based on the importance of the street within the network and geographical scale of the destination it serves as well as the traffic management purposes set out in the paragraph above and ownership. The Council associates higher order streets with strategic routes, heavier traffic flows, higher design speeds, with limited access; minor roads tend to be associated with more lightly trafficked, local routes, with lower design speeds and more frequent access points and with access to building frontages.

17.5-17.6 In applying this road hierarchy, the Council will manage traffic to give priority to encourage longer distance and through traffic over requests for direct access requirements into use the higher order hierarchy designation, i.e. considering firstly the Transport for London Road Network (TLRN), then Strategic Road Network (SRN), and followed by district and local distributor and local roads. Conversely, there will be a presumption in favour of local amenity on minor roads, particularly for residents, pedestrians and cyclists. Where direct access is proposed and considered acceptable on the TLRN, SRN, district and local distributor roads, this must be achievable in forward gear.

Q119) Paragraphs 17.9, 17.10, the last sentence of 17.11, the third and fourth sentences of 17.12, and all of paragraphs 17.13, 14, 15 and 16 appear to be statements of policy, either not included in DM16 or repeating what is included but without providing a reasoned justification for their requirements. In consequence, the policy appears incomplete, so not clear and possibly unsound and, in part, unjustified.

Council’s Response

With regards to the issues raised by the Inspector, the Council anticipates this paragraph as a clarification of the requirements of part D of the policy and therefore proposes to amend the first sentence of paragraph 17.9 as set out below.

With regards to paragraph 17.10, the Council considers this paragraph as a clarification of policy part D ("... requiring development to contribute towards improving safety where appropriate"), in particular clarifying under which circumstances such contributions are considered appropriate and why they are justified (ie where a development would result in a deterioration of road safety or mitigation measure to encourage sustainable travel.)
With regards to the Inspector's point on the last sentence of paragraph 17.11, the Council proposes to delete the last sentence of paragraph 17.11 as this is sufficiently covered in part E of the policy.

**Proposed Further Change**

The Council proposes to amend the first sentence of paragraph 17.9 to read as follows:

"17.9 The formation of vehicular access will only be permitted where the development proposals can demonstrate consideration of issues raised in the national guidance such as the Department of Transport's 'Manual for Streets 1&2 ' which should include: Road safety considerations include:

- the local highway characteristics, traffic speeds and pedestrian activity, including aspects such as junction spacing and queueing, pedestrian and cycle facilities, and bus stops and general street layout;
- appropriate sight lines and visibility splays in accordance with current standards to ensure the safety of pedestrians, cyclists and motor vehicles;
- the proposal will not result in an unacceptable loss of on-street parking spaces particularly in areas of parking stress; and
- consideration of the volume of traffic on the adjacent road network, including that generated by development itself."

- The Council proposes to delete the last sentence of paragraph 17.10 and the last sentence of paragraph 17.11 to read as follows:

"17.10 New developments may be required to contribute towards addressing known accident hazard sites, where due to additional development traffic deterioration of road safety is expected or improvement of road safety has been identified as a mitigation measure to encourage sustainable travel. In particular, the Council is currently undertaking a review of the 20 most dangerous junctions for cyclists in the borough as part of its adopted Waltham Forest Cycle Action Plan 2012 and will require contributions towards their improvement where considered to be appropriate.

17.11 Waltham Forest has an established network of streets, footpaths, and public spaces that need to cater for many diverse and competing requirements, such as movement by vehicles and people and providing outdoor space to socialise. Acknowledging that the public realm is a major asset, the Council is committed to improving its quality by ensuring that it is designed and maintained to a very high standard, minimises physical conflicts between pedestrians, cyclists and other motor
vehicles, and appropriately balances the requirements of the different users. The Council will seek contributions from new development where appropriate to contribute to achieving quality public realm objectives."

- The Council proposes to delete the whole paragraphs 17.12, and 17.13:

17.12 The public realm has to fulfil a complex variety of functions in order to meet people’s needs as places for living and facilitating movement. Many of these functions and the needs of the different users compete for limited amount of space. The Council will seek to achieve multi-functional streets that balance potential conflicts between different objectives and development are required to contribute towards achieving this. Design solutions will need to give due consideration of the road user hierarchy as set out in Policy DM15 and the requirements of the bus network.

17.13 Proposed works affecting the highway should seek integration into the network and improving the quality of the public realm. Design and construction should reflect the style and materials used in local public spaces and their surrounding buildings while other relevant considerations include planting and street trees, efforts to reduce street clutter and providing sympathetic paving materials and street furniture:

- The Council proposes to delete policy G and the whole of paragraphs 17.14, 17.15, and 17.16 as the Council does not consider this policy necessary.

Highway adoption

G) requiring that any new roads, footways, cycleways and other access routes are to be designed and constructed to a standard that is considered appropriate for adoption by the relevant highways authority;

17.14 Highway Adoption

17.15 The Council will seek to ensure that the best use is made of new links to the highway network, including streets, footpaths, and cycle routes. Therefore, the Council will require developments to be built to an appropriate standard for the role that they fulfil in the network that will ensure that any potential future maintenance liability is kept within acceptable limits. All works affecting the public highway will need to be carried out in accordance with the Council's standards and to the Council's satisfaction.

17.16 In the event that streets and highways are not be adopted, the Council may choose to enter into a planning agreement to require the developer to maintain the quality and condition of the street at all times. The Council will advise on appropriate requirements on a site-specific basis with further guidance to be developed at a later stage.
DM17 - Parking
DM17 - Parking

Q120) The term “appropriate” in Part A and K appears vague and might not give a developer the clear indication of how a decision maker would receive an application, which is required by NPPF paragraph 154.

Council's Response

Agreed.

Proposed Further Change

The Council suggests to delete the term “appropriate” in Part A and part K of the policy.

The Council further proposes to amend the term “requiring contributions …” in part K of the policy to “seeking contributions …”

Amended policies will read as follows:

“A) Encouraging car-free and car-capped development in appropriate locations that are highly accessible by public transport; are accessible to opportunities and services, and/or have high levels of parking stress;

K) requiring seeking contributions towards sustainable transport measures including the introduction of car clubs, Controlled Parking Zones, Home Zones and 'DIY Streets', pool cars, cycle hire schemes and public electric vehicle charging points where appropriate;”

Q121) What noun do the adjectives “active and passive” qualify in part J?

Council's Response

The adjectives "active" and "passive" qualify the noun "electrical vehicle parking".

Proposed Further Change

The Council suggests to amend part J of the policy to read as follows:

“J) ensuring that requiring development to provide that an electrical charging point for one in five parking spaces for (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles in accordance with the London Plan;”
Q122) The second clause of the second sentence of paragraph 18.4 appears to state a policy provision not set out in Part C of the policy itself, which is thereby incomplete, unclear and possibly unsound.

Council's Response
Agreed.

Proposed Further Change
The Council proposes to delete the second clause of the second sentence of paragraph 18.4 and to amend part C of the policy to read as follows:

C) requiring development to provide well designed, high quality parking facilities in accordance with the Council’s maximum car parking and minimum cycle parking standards as set out in Appendix 4; as a general guide, the Council will encourage lower car parking provision than the stated maximum standards;

18.4 Proposals for parking provision will be expected to relate to the general accessibility of an area and the levels of on-street parking stress. Maximum parking standards are provided in Appendix 4, however as a general guide, the Council will encourage lower parking provision than the stated maximum standards. On-street parking spaces in particular, are a limited resource and demand exceeds supply in much of the borough. Development proposals therefore in areas of on-street parking stress should be 'car capped' (or car-free) to avoid exacerbating this problem. Reduced parking provision proposals should be supported by high public transport accessibility and planning obligation measures to promote sustainable travel including implementation of travel plans, provision of car clubs and car sharing services etc.

Q123) Paragraphs 18.5 and 18.6 appear to state policy provisions not set out in part A of the policy itself which is thereby incomplete, unclear and possibly unsound. The Council then needs to consider whether the policy provisions have a stated justification.

Council's Response
Agreed.

Proposed Further Change
- The Council proposes to add another part to the policy following part A of the policy to read as follows as new policy B:
"B) where a car-free and car-capped development is implemented, limiting on-site car parking for these developments to spaces designed for disabled people and operational and service needs and introducing controlled parking zones in the vicinity of the development; occupants of car free developments will not be issued with on-street parking permits."

- The Council also proposes to strengthen the stated justification and suggests to amend paragraph 18.5 and 18.6 to read as follows:

"18.5 The availability of parking spaces is a key determinant of mode choice and car usage. In order to minimize travel by car and encourage the use of sustainable transport modes instead, the Council aims to limit the parking provision and encourages car-free and car-capped developments. Car-free and car-capped development will be encouraged in locations that are easily accessible by public transport and to essential services including our town centre locations and regeneration areas such as Walthamstow, Blackhorse Lane, Wood Street, Bakers Arms, Leyton, Leytonstone and Chingford and key redevelopment sites throughout the borough. On-site parking arrangements for these developments will generally be limited to spaces designed for disabled people and operational and service requirements. A legal agreement will be required to state that future occupants will not be issued with on-street parking permits. This policy does not affect the ability of disabled people to apply for on-street parking permits. Other motor vehicles such as vans and lorries are also covered by the term ‘car-free’ and ‘car-capped’. Car free and car capped development will help to reduce car dependency in Waltham Forest; reduce traffic congestion and pollution; improve the quality of the environment and help to tackle climate change; and encourage sustainable travel.

18.6 Where car-free and car-capped development proposals are considered to be acceptable, the Council will introduce may consult on the introduction of controlled parking zones (CPZ) in the vicinity of the site (if a CPZ does not already apply), to ensure that parking bays are available to those with the greatest needs (as identified in the parking hierarchy above) and to avoid problems associated with uncontrolled parking and overspill parking in adjacent neighbourhoods. Contributions towards the introduction of car club schemes and the cost of implementing CPZ’s is likely to be considered in areas where car free or car-capped development is proposed.

Q124) The last clause of paragraph 18.7 appears to state a policy requirement, rather than a justification.

Council’s Response

Agreed.
Proposed Further Change

The Council proposes to delete the last clause of paragraph 18.7;

“and development proposals that compromise the availability of existing spaces are likely to be refused.”

Q125) Paragraphs 18.8 and 18.9 appear to state policy rather than to justify it, largely repeating the policy requirements of parts D and G respectively. These then seem to lack stated justifications for their provisions.

Council's Response

The Council agrees and proposes to amend paragraph 18.8 as set out below to provide a justification to policy D.

The Council agrees that paragraph 18.9 duplicates policy part D and G and proposes to delete paragraph 18.9. Justification for part G of the policy is provided in paragraph 18.11 and the Council proposes further amendments as set out in the response to question 127.

Proposed Further Change

- The Council proposes to replace paragraph 18.8 with the following paragraph that provides a justification for policy D.

“18.8 Where the Council accepts the need for on-street parking, consideration for spaces in the first instance should go to disabled people with the remainder prioritised as follows; car club bays, residents with low emission vehicles, local businesses, suppliers of goods and services, business customers and shoppers and residents' visitors. While these priorities are granted for the borough as a whole, these priorities may vary locally depending on development type, location and function of the specific street type. In a regime that seeks to limit the amount of parking spaces provided and deals with different competing parking requirements within a limited amount of space (for instance in a car capped development, in a dense residential area, or on a busy high street with various residential/visitor/retail requirements), one of the core challenges is the management of parking spaces and the allocation of parking spaces. The parking need hierarchy as set out in policy part D is intended to ensure that those with the greatest need for car ownership and subsequently a parking space will be allocated a parking space or will be eligible to apply for a parking permit.”

- The Council proposes to add a sentence at the end of part D of the policy (after the bullet list) to read as follows:
“D) requiring development proposals to consider the provision of parking spaces in accordance with the following parking needs hierarchy:

- disabled parking needs
- car clubs
- resident parking (low emission vehicles)
- operational and servicing requirements
- local business parking
- short-term visitor parking
- long-term visitor parking

While these priorities are granted for the borough as a whole, they may vary locally depending on development type, location and function of the specific street type."

- The Council proposes to delete paragraph 18.9.

18.9 The Council will seek to ensure that on-street parking arrangements do not dominate the street scene and that indiscriminate parking does not become a hindrance to pedestrians, cyclists and traffic in busy streets or result in safety or access problems. The Council will require appropriate design solutions that supports a high quality public realm, pedestrian footfall and prevents dominance of parked vehicles on the streetscape.

Q126) The third and fourth sentences of paragraph 18.10 appear to state policy requirements, not stated in the policy itself.

Council’s Response

Agreed.

Proposed Further Change

The Council proposes to delete the third and fourth sentence of paragraph 18.10 to read as follows:

"18.10 Off-street parking can take a number of forms including front courts, rear courts, undercroft and underground parking. However, creating private off-street parking frequently involves the loss of on-street spaces and offers potential for increased pedestrian safety concerns, for example where kerbside parking is removed to enable vehicles to cross over the pavement to a garden or forecourt. The Council may therefore seek to resist proposals in areas of high on-street parking stress and
on pedestrian and highway safety concerns outlined in DM16 ‘Connecting to the Highway Network’. In all cases, a Transport Assessment/Statement will be required to justify proposals for off-street parking.”

Q127) The first, second and last sentences of paragraph 18.11 appear to state policy rather than its justification.

Council’s Response

Agreed.

Proposed Further Change

The Council proposes to amend paragraph 18.11 to read as follows:

“18.11 Proposals for Off-street parking can have negative impacts on will need to be balanced against the potential loss of biodiversity, urban quality and character, and aesthetic amenity and the Council seeks to address potential detrimental impacts of off-street parking within this policy in line with requirements of policies CS5, DM11 and DM35. Garages and ground floor structures can interfere with Where garages or ground floor structures are proposed, development needs to ensure that place-making principles if poorly designed including the promotion of active frontages and natural surveillance and minimising land take are adhered to. The Council is particularly concerned about the cumulative effect of removal of front gardens, trees, boundary walls and hedgerows which have traditionally formed property boundaries for the purpose of off-street parking. The removal of front garden, walls and railings for parking cumulatively damages the character and appearance of suburban streets, results in loss of biodiversity, increases surface water run-off and can contribute to the urban heat island effect. Consequently, the Council will resist proposals that are considered to have a detrimental impact on the visual and environmental amenity of an individual property or on the character of a wider area for example, in a conservation area.”

Q128) Other than the second clause of the second sentence, this paragraph appears to state policy rather than justification.

Council’s Response

The Council proposes to delete paragraph 18.12 as the points are sufficiently covered in the amended paragraph 18.11 (in response to question 127) and policy part F and G itself.

Proposed Further Change

The Council proposes to delete paragraph 18.12:
18.12 Where off-street parking is considered acceptable, development sites should seek to minimise land take for parking and maximise opportunities for biodiversity. The Council will require that permeable surfaces, landscaping, and water attenuation measured are incorporated in the design and layout of parking areas in order to soften its visual impact, reduce water surface run-off and minimise the urban heat island effect in line with policies CS5, DM11 and DM35. Design of parking areas should be considered carefully to ensure that the public realm is not dominated by vehicles and contributes to an attractive, accessible and safe pedestrian environment.

Q129) Is part H of the policy a planning policy? It appears to be a requirement of the Highways Acts, as stated in paragraph 18.14.

Council’s Response

Agreed.

Proposed Further Change

The Council agrees and proposes to delete part H of the policy and paragraphs 18.14, 18.15, and 18.16.

H) requiring that the provision of vehicular crossovers and dropped kerbs, where permitted, is carried out to the satisfaction of the Council and at the applicants expense;

18.13 Crossovers and dropped kerbs

18.14 Consent for permanent crossovers and new vehicular access to property is needed under highway legislation and where acceptable, must be constructed by the Council. Dropped crossings or crossovers can only be created for the purpose of allowing vehicles to gain access to a private driveway or garage. Full planning permission will be required for crossover applications in Conservation Areas or on classified main roads.

Crossovers will generally not be allowed where they:

- compromise safety, for example due to vehicles reversing, or through reduced sight lines
- are likely to have negative impact on the existing character of the area and street
- scene as a result of the loss of a front garden to hardstanding or loss of front garden walls
- impact negatively on the footway, bus or cycle lanes
reduce on-street parking availability particularly in CPZ areas.

can result in excessive cost or disruption due to the complex relocation of utilities plant under the footway

create drainage problems

Irrespective of whether planning permission is required the applicant will need to complete a Vehicle Crossing Application form. The Council as the Highway Authority has provided detailed guidance notes for assessing applications for residential vehicle crossovers on its website which considers the issues outlined above in addition to others including:

- ensuring that the crossover has the relevant planning permission
- the crossover will not extend beyond the frontage of the property and will be of a minimum practicable width to serve the parking area
- the 'hard-standing' or parking area within the property will be constructed correctly and usable before the crossover is installed and may be subject to an inspection by the Council
- any vehicle parked within the property must not overhang any part of the highway/pavement
- the parking space provided will be a minimum of the length of the vehicle plus a one-metre safety access to the front door of the property

Applicants must be able to satisfy the Council that these criteria can be met by providing the Council details of the vehicle that will park in the parking area. Should there be evidence of regular abuse of the above criteria the Council reserves the right to remove the dropped crossing at the resident's expense. The full cost of inspection and construction of a dropped kerb crossover, including moving any street furniture or public utilities’ plant, will be met by the applicant while only the Council can carry out the works.

Q130) Planning policy appears to be stated in the bullet points of paragraph 18.14. These are not stated in the policy itself, which is therefore incomplete, unclear and so, possibly unsound. Some of the requirements bulleted in paragraph 18.15 may also be planning policy, not stated in the policy itself. In either case where will I find the reasoned justification stated for these policy requirements?
Council's Response
Agreed.

Proposed Further Change
The Council proposes to delete paragraphs 18.14 and 18.15 (as set out above).

Q131) What aspect of planning policy does paragraph 18.16 seek to justify?

Council's Response
Agreed.

Proposed Further Change
The Council proposes to delete paragraph 18.16 (as set out above).

Q132) The third, fourth and fifth sentences of paragraph 18.18 appear to represent policy, not stated in the policy itself which is therefore incomplete, unclear and so, possibly unsound.

Council's Response
Agreed.

Proposed Further Change
The Council proposes to amend paragraph 18.18 to read as follows:

"Underground or basement parking, if well designed and managed, may be appropriate in certain circumstances as it can provide an unobtrusive solution allowing street frontages to be maintained, can minimise land-take and avoid over-dominance of parked cars on the streetscape. However, large expanses of underground parking should be avoided due to a lack of natural surveillance and a perception of a lack of personal safety. Where a development proposes underground parking, the Council will expect them to be designed in accordance with the Principles set out in the Council's adopted Urban Design SPD and take opportunities to reduce potential for crime outlined in national guidance such as ‘secured by design’, (15) ‘Design out Crime’ (16), and ‘Parkmark guidelines’ (17) concepts can assist in ensuring that underground car park are safe and attractive (as required by part C and F of the policy). Development proposals will need to demonstrate a long-term commitment to managing underground parking facilities including access and usage of the parking spaces is a successful method of providing secure parking and the Council
would therefore seek to secure this for proposals incorporating underground parking. The Council may refuse proposals for underground parking where a development cannot satisfactorily demonstrate that security concerns are addressed.

Q133) Other than the phrase “In accordance with the Mayor of London’s electric vehicle strategy”, which provides the justification, paragraph 18.19 appears to set out policy requirements not completely set out in part D of the policy itself, which is thereby incomplete, unclear and so, possibly unsound. What, in this context is meant by active and passive parking spaces?

Council’s Response

The term “passive” provision means that ducts are provided so that wiring can easily be provided at a later stage, whereas “active” provision means that the space is fully equipped with electric charging equipment. The Council’s local plan documents seek to reflect the terminology (and standards) used in the London Plan.

The Council suggests to amend paragraph as set out below.

Proposed Further Change

The Council suggests to delete the first sentence of paragraph 18.19 (as this is duplicating CS7H) and to amend paragraph 18.19 to read as follows:

“When considering proposals for parking provision, Council will favour more environmentally friendly vehicles such as electric vehicles and other cleaner fuel vehicles and will require new development to prioritise spaces for low emissions vehicles, car clubs, pool cars, city bike schemes, and electric vehicle charging equipment. Electric vehicles can play an important role in helping to tackle climate change. In accordance with the Mayor of London’s electric vehicle strategy, the Council will require development to provide an electrical charging point for one in five passive and one in five active parking spaces Mayor of London’s electric vehicle strategy.”

Q134) The first sentence of paragraph 18.20 and the first clause of paragraph 18.21 both seem to set out policy requirements related to car club facilities which are not set out in the policy itself, which is thereby incomplete, unclear and therefore possibly unsound.

Council’s Response

Agreed.
Proposed Further Change

- The Council suggests to delete paragraph 18.20 and paragraph 18.21 as this is duplicating Core Strategy CS7H.

18.20 The Council will promote and expand the provision for car clubs and pool cars, which offer access to cars without the need for individual ownership. Car clubs and pool cars are an important element in reducing the need for car parking spaces and will be actively promoted in car free and car-capped development.

18.21 New car club bays should preferably be located on-street to provide a visible image of the presence of car clubs and maximise awareness among residents of the scheme. The provision of dedicated, accessible spaces is important and acts as an incentive for the uptake of community car clubs and car sharing schemes, in particular in dense urban areas.

- Consequently, the Council will amend the heading preceding para 18.19 to read “Low Emissions Vehicles, Car clubs, and Electric Vehicles”

Q135) The last sentence of paragraph 18.22 and the whole of paragraphs 18.23 and 18.24 seem to set out policy requirements for the provision of cycle parking, which is not included in part C of this policy, which is thereby incomplete, unclear and possibly unsound.

Council’s Response

Agreed.

Proposed Further Change

- The Council proposes to amend paragraph 18.22 (in order to provide a clarification what the Council means by high quality, attractive facilities) to read as follows:

“To encourage cycling to and from a new development, it is important to provide for adequate cycle parking facilities - both in terms of quantity and quality. The availability of secure and accessible cycle parking is as important as cycle routes for encouraging more people to travel by bike. The Council will require new development to provide attractive, safe, and convenient cycle parking facilities in accordance with the standards set out in Appendix 4. Appendix 4 sets out the Council’s standards and requirements for well designed, high quality cycle parking facilities. Well designed, high quality cycle parking for residential development means that...
cycle parking facilities are dedicated, secure, easy to access and therefore convenient to use, such as cycle sheds on driveways or stands integrated into the carports. Visibility of cycle parking facilities, good passive surveillance, and easy access from the street can further contribute to achieving high quality facilities which are more likely to be used.

- The Council proposes to delete paragraph 18.23 and 18.24:

18.23 Cycle parking for residential development should be provided with particular focus on easy access to storage facilities. Conventional housing development should provide dedicated, secure cycle parking facilities within the curtilage that are convenient to use, such as cycle sheds on driveways or stands integrated into the carports. In apartment-type development, a centrally located and secure cycle storage facility in a convenient location will be expected, where access should not involve walking long distances or carrying bicycles up stairs or in lifts.

18.24 As a general rule, cycle parking for visitors should be placed in a convenient, highly visible location, with good passive surveillance. Alternatively cycle parking can be provided in a lockable room or cage within an office building or car park. Care must be taken to ensure that the cycle parking is easy to access from the street. For workplace and other commercial development end-of-trip facilities such as lockers, changing rooms and showers also encourage more people to cycle, particularly from longer distances (over 5km):

Q136) The first sentence of paragraph 18.25 appears to duplicate the policy provision of part I. It does not appear to be justification.

Council's Response

The Council proposes to delete part I of the policy and paragraphs 18.25, 18.26, 18.27 as the Council considers this sufficiently covered in other policies (such as making efficient use of land etc)

Proposed Further Change

The Council proposes to delete part I of the policy and paragraphs 18.25, 18.26, 18.27.

- encouraging the redevelopment of under-utilised car parking spaces for alternative uses in our town centres, neighbourhood centres and local retail parades

Underutilised Parking Spaces
18.25 In order to promote more sustainable modes of travel, the Council will generally welcome proposals to consider underutilised off-street parking spaces or garages for other uses providing its removal does not have a detrimental impact on people with disabilities, operational needs of local businesses, shoppers or displace parking to controlled parking zones. Removal of underused spaces can have positive impacts in terms of facilitating public realm and biodiversity enhancement opportunities and reducing opportunities for anti-social behaviour through additional activity and surveillance.

18.26 The Council will particularly welcome proposals to convert spaces to provide designated spaces for people with disabilities, cycle parking, and any needs for off-street servicing, coach and taxis in accordance with the parking standards or designated spaces for more sustainable forms of transport, such as car clubs, cycle hire schemes and low emission vehicles. Redevelopment of underused spaces in pr around key regeneration areas for mixed use development to contribute towards the Council’s housing target and provide additional activity and surveillance in previously run-down areas will be considered appropriate.

18.27 Where existing car parking spaces are well-used or are associated with a significant generator of travel demand, the Council will expect submission of a transport assessment to show that the removal of spaces can be accommodated without harmful impact. A travel plan may also be sought to help existing users switch to sustainable ways of travelling.

Q137) Paragraph 18.26 appears to be a statement of policy not included in the policy itself which is thereby incomplete, unclear and possibly unsound. Where will I find the justification for these provisions?

Council’s Response
Agreed.

Proposed Further Change
The Council proposes to delete this paragraph as set out above.

Q138) Paragraph 18.27 appears to be a statement of policy not included in the policy itself, which is thereby incomplete, unclear and possibly unsound. Where will I find the stated justification for this stipulation?

Council’s Response
Agreed.
Proposed Further Change

The Council proposes to delete this paragraph as set out above.
DM18 - Social and Physical Infrastructure
DM18 - Social and Physical Infrastructure

Q139) I need to have explained to me how this chapter setting out policy DM18 and its justification adds to what is already set out in policies CS3 and CS9 of the Core Strategy. Much of the content of this chapter, both the policy itself, and its justification, seems to be written in terms appropriate to a Core Strategy; setting direction, rather than specifying in detail how a development proposal would be managed and so, I question whether there is adequate justification for including this policy at all in its present form within the DMPDPD.

Specifically;

(a) Policy CS3 A promised that the Development Management DPD would provide criteria for managing the loss of facilities where population change reduces demand for them. Such criteria are conspicuously lacking from any part of DM18, which reverts to calling for a developer to provide evidence about demand, without indicating criteria by which the evidence would be assessed, and without reference to any criteria other than demand. Policy CS3 indicates a wider set of criteria, so policy DM18 A seems to have regressed into abstraction rather than progressing into detail.

(b) Part C seems to go no further than CS3 D

(c) Part H seems to go no further than CS3 E

(d) It is not clear how part G relates to DM12

Q139 (a)

Council's Response

The Inspector's comments are noted. Where the policy or the justification miss specifying in detail how a development proposal would be managed, amendments would be made both to the policy text and the justificatory test.

Policy CS3 A stated that the Development Management DPD would provide criteria for managing the loss of facilities where population change reduces demand for them. Details of such criteria are added to Part A (e) to cross reference to Policy CS3.

Proposed Further Change

At paragraph 19.4, insert point (g) at Policy DM18 (A) as below:
"g. Where population change reduces demand, managing its loss by reference to the quality of community facilities provided, and its ability to meet modern requirements (such as sound proofing, disabled access and external smoking areas) according to details of Policy DM30 and Policy CS3 (A)."

139 (b) (c) (d)

Council's Response

Agree. Delete Part C to avoid duplication of CS3 D, delete Part H to avoid duplication of CS3 E, delete Part G to avoid duplication of DM12.

Proposed Further Change

Delete Part C:

(G) New Social Infrastructure

New social infrastructure uses must be:

a. Close or accessible to the community they serve;

b. Accessible by a range of transport modes, including sustainable transport, in particular walking, cycling and public transport and be accompanied by a Travel Plan;

c. Appropriately located in relation to their scale and the needs of the catchment area that they serve;

d. Provided in buildings which are flexible and sited to maximise the shared use of premises; and

e. Considered in accordance with all other policies in this document.

Delete Part H:

(H) Contribution towards the provision of Social and Physical Infrastructure

The Council will seek appropriate contribution towards the provision of social and physical infrastructure:

a. With contributions being either on-site or off-site;

b. Through any applicable planning obligations and Community Infrastructure Levy; and

c. Details of planning obligations and Community Infrastructure Levy (CIL) are covered in Policy DM37.

Delete Part G:
(G) Physical and Utility Infrastructure

The Council will seek appropriate physical and utility infrastructure:

a. New development or schemes creating individual demand for infrastructure to make an appropriate contribution towards that provision;

b. Energy service providers to facilitate new energy infrastructure within the borough such as energy-efficient systems in accordance with other policies in this document; and

c. Details of the criteria for the location of telecommunications development are covered in Policy DM38.

Q140) Parts A and C appear to be intended to apply to all social infrastructure facilities without qualification or limitation. Social infrastructure includes culture and leisure facilities, so why is part E included at all? It appears simply to duplicate parts A and C.

Council’s Response

Social infrastructure includes culture and leisure facilities. Part E is deleted to avoid duplication with Parts A and C.

Proposed Further Change

Delete Part E:

(E) Cultural and Leisure Facilities

The Council will protect existing leisure and cultural facilities by resisting their loss unless:

— a. There is no forthcoming demand on leisure and cultural centres in the area;

— b. Adequate alternative facilities are already available in the area, and therefore no shortfall in provision will be created by the loss; and

— c. The leisure and cultural facilities are no longer required and it can be demonstrated that there is no demand for an alternative leisure or cultural use of the site that would be suitable.

The Council will encourage the development of new leisure centres that:

a. Are located in areas currently under-served for leisure centres;

b. Improve the quality, usability and accessibility of existing leisure centres;
c. Allow for the co-location of other facilities; and

d. Improve access to open spaces and sporting facilities associated with the Olympic Games and their legacy.

Q141) Much of the justificatory text for this policy simply restates the policy itself and is not justification, or sets new, strategic policy requirements and aims, not included within the DM18 policy itself and anyway more appropriate to the Core Strategy and without stated justification. In consequence, much of the policy appears to lack justification.

Specifically;

a. The second and third sentences and bullet points of paragraph 19.6, together with paragraphs 19.7 and 19.8 simply repeat the provisions of the policy and do not provide justification.

b. The last sentence of paragraph 19.9, together with paragraphs 19.10 and 19.11 state policy rather than justification.

c. Paragraph 19.13 goes over the same ground as paragraphs 12.10-13 of the Core Strategy in providing a justification for Core Strategy policy CS9.

d. The second and third sentences and bullet points of paragraph 19.14, together with paragraph 19.15 and the last sentence of paragraph 19.17 state policy, not justification.

e. How does the reference to cemeteries in the heading to paragraph 19.18 relate to this policy, rather than DM13 F?

f. The second clause of the second sentence and the last sentence of paragraph 19.18 appear to represent policy, not justification.

g. Paragraph 19.20 appears to be justifying Core Strategy CS9.

h. What parts of this policy do paragraphs 19.21 and 19.22 seek to justify?

i. Paragraphs 19.23 and 19.24 appear to run over the same ground as paragraphs 12.10 to 12.13 of the Core Strategy. Paragraph 19.24 makes the point that there is an outstanding need for secondary school places within the centre and south of the borough. What aspect of part D of policy DM18 is reflected in this evidence? Is this paragraph justifying a proposal in the Site Allocations DPD rather than any part of the DMPD?

j. The fourth, fifth and sixth sentences of paragraph 19.25 represent policy, not stated within the policy itself (the second (a) of part D).


l. The last sentence of paragraph 19.28, the first, third and fourth of 19.29 and paragraph 19.30 appear to be statements of policy rather than justification.

m. Paragraph 19.31 simply duplicates paragraph 6.16 of the Core Strategy.
n. What part of the policy does paragraph 19.32 seek to justify?

o. Paragraph 19.33 seems to be stating a policy suitable for the Core Strategy rather than the DMPDPD.

p. All but the last sentence of paragraph 19.34 appears to be a statement of policy.

q. The second sentence of paragraph 19.35 appears to be a statement of policy, duplicating the provisions of DM38.

Q141

Council's Response

The Inspector's comments are noted. Where the justificatory text for this policy restates the policy itself, the unnecessary justificatory text would be deleted. Where there is a lack of justification for this policy, additional justification would be added to clarify and support the policy.

Proposed Further Change

Proposed further changes would be made where necessary to each of the points made by the Inspector.

141 (a)

Council's Response

Delete second and third sentences and bullet points of paragraph 19.6, and paragraphs 19.7 and 19.8 to avoid repeating the provisions of the policy.

Proposed Further Change

Delete second and third sentences and bullet points of paragraph 19.6, and paragraphs 19.7 and 19.8:

"19.6 .................................... The Council will protect existing social infrastructure to ensure that Waltham Forest's residents have access to a range of essential services for their use. Proposals involving the loss of a facility classified as social infrastructure will need to:

- provide a replacement facility that meets the needs of the local population in an appropriate location; or
- show that the loss would not create, or add to, a shortfall in provision for the specific community use:"
19.7 The Council will also resist the loss of local pubs that serve a community role (for example by providing space for evening classes, clubs, meetings or performances) unless alternative provision is available nearby or it can be demonstrated to the Council’s satisfaction that the premises are no longer economically viable for pub use.

19.8 In cases where a social infrastructure facility is seen to be redundant and it has been successfully demonstrated with sound evidence justification that there is no local need or demand for its continued use, the Council’s preferred use will be either another type of social infrastructure or affordable housing."

Q141 (b)

Council’s Response

The Inspector’s comments are noted. The last sentence of paragraph 19.9 is deleted to avoid duplication with Policy DM18 (A). The main elements of policy context in paragraphs 19.10 and 19.11 are added to Policy DM18 (A). In addition paragraphs 19.10 and 19.11 are rephrased to provide justification.

Proposed Further Change

- Amend Part A to read as follows:

"(A) Resisting the Loss of Social Infrastructure

The Council will resist the loss of an existing community, leisure or educational facility social infrastructure facilities unless: all of the following conditions are met:

a. No shortfall in provision will be created by the loss;
b. Adequate alternative facilities are already within walking distance available in the area;
c. A replacement facility that meets the needs of the local population is provided, with a preference for on-site provision; and that secure enhanced re-provision on the site, or on another site which improves accessibility, closer to town centres, with good transport links via a planning obligation according to Policy DM37.
d. The specific social infrastructure facility is no longer required in its current use. Where this is the case, evidence will be required to show that the loss would not create, or add to, a shortfall in provision for the specific infrastructure type and demonstrate that there is no demand for any other suitable community use on the site. (For proposals involving the loss of a public house, evidence
of suitable marketing activity will be required or evidence that the public house is no longer financially viable through the submission of financial evidence, whilst the public house was operating as a full time business);

e. The redevelopment of the site would secure an over-riding public benefit;

f. The activities carried on are inconsistent and cannot be made consistent with acceptable living conditions for nearby residents; and

g. Where population change reduces demand, managing its loss by reference to the quality of community facilities provided, and its ability to meet modern requirements (such as sound proofing, disabled access and external smoking areas) according to details of Policy DM30 and Policy CS3 (A)."

- The last sentence of paragraph 19.9 is deleted:

"19.9 In this context, the loss of community facilities without replacement anywhere in the borough will generally be resisted."

- Add a new paragraph after paragraph 19.9 to read:

"A range of community facilities should be retained within the borough to support and enable community activity. Waltham Forest's existing sports, community and leisure facilities contribute to sustainable communities by providing venues for a wide range of activities and services, all of which add to the Borough’s interest and diversity. Therefore, they make a significant contribution to people’s mental and physical wellbeing, sense of place and community, learning and education. The Council therefore places great emphasis on the retention of existing facilities, particularly where they provide an important and accessible service to local residents and do not cause unacceptable disturbance."

- Replace paragraphs 19.10 and 19.11 with the paragraph below:

"Nationally, over the last few years, public houses have been closing at a record rate. Public houses are an integral part of the fabric of Waltham Forest and form an important part of many streetscapes and shopping parades. Waltham Forest has a steady decline in their provision, particularly through conversion to residential use in areas outside town centres. Consistent with the NPPF, the Council considers that public houses are community facilities and the Plan should guard against their unnecessary loss in accordance with
Core Strategy CS3 unless alternative facilities are provided or it can be demonstrated that there is a general lack of demand for the Public House or that it is no longer financially viable. Continuing changes in society such as reduced tolerance of drinking and driving, increased home entertainment and adherence to religions promoting abstinence must also be recognised. Recent changes in legislation such as the requirement for outdoor smoking areas and recent changes in technology such as powerful sound systems have made the continued use of some premises incompatible with residential amenity.

19.10 The Council will seek to upgrade or enhance facilities and where necessary will seek premises in improved locations, closer to town centres, good transport links, amenity space and target communities. Such improvements in community facilities might be sought by planning agreements as part of regeneration initiatives and development schemes particularly in those schemes which generate a greater need for community facilities than had been previously programmed. In particular mixed-use schemes will be encouraged to consider the provision of community facilities. These could include new school, health care or social welfare facilities, meeting places and nurseries or child care facilities.

19.11 There may be opportunities in development of the major opportunity sites and other major schemes to include community facilities that would otherwise become over-extended or are absent in the surrounding area. In appropriate circumstances, the Council will seek Planning Obligations to further the aims of social inclusion and urban regeneration.

Q141 (c)

Council's Response

Delete paragraph 19.13 to avoid duplication of paragraphs 12.10 to 12.13 of the Core Strategy.

Proposed Further Change

Delete paragraph 19.13:

"19.13 The Council has a statutory obligation, as the Local Educational Authority, to provide education for young people of school age. There is recognition that education attainment is a crucial driver in terms of determining life choices for the borough's young people, particularly their 'employability' and resulting livelihoods. Residents also indicate that a good-quality educational offer is an important criteria in anchoring families in the area – as a high quality education, particularly in secondary schools, would make them want to stay in the borough. There is an existing deficiency in school places within the Borough, with the four types of educational facilities
(nurseries, primary, secondary and further) not having any significant surplus in capacity. The deficiency in school places is an issue which needs to be addressed through planning for new schools and expansion of existing schools."

Q141 (d)

Council's Response

The main elements of policy context of the second and third bullets points of paragraphs 19.14, 19.15 and 19.17 are added to Policy DM18 (B).

Proposed Further Change

- Amend Part B to read as follows:

"(B) Meeting Increased Demand for Social Infrastructure

To help to meet increased demand for social infrastructure, the Council will require:

a. Development schemes that result in any unmet additional need for social infrastructure to contribute towards supporting upgrading or enhancing existing facilities or providing for new facilities; and

b. Suitable developments to make rooms available for local community groups to use or hire at a discounted rate, particularly where a development displaces or replaces a facility;

c. Improvements to social infrastructure or making contribution to the provision either on-site, close to the development, or within the appropriate catchment for the infrastructure type via planning obligations according to Policy DM37;

d. The assessment of the impact of new community, leisure and educational facilities by considering the following:

- the new facilities are located within the community that they are intended to serve;
- the likely number of future occupants;
- the needs of community service providers operating in the area (public and community) and their accommodation requirements;
- the new facilities are safe and located in an area of good public transport accessibility or in town centres; and
- there should be no adverse impact on residential amenity, according to Policy DM33; or highway safety according to Policy DM;
e. New education and indoor sport development that make provision for community access to the facilities provided;

f. Proposals for uses that would support outdoor sports facilities, to be ancillary in terms of size, frequency, use and capacity and do not displace or prejudice facilities needed for the proper functioning of the principal outdoor sports uses; and

g. Proposals for floodlighting to enhance sports or community facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers or harmful to biodiversity."

- Rephrase paragraph 19.14 to read:

"19.14 New developments can lead to increased pressure on Waltham Forest's existing community facilities and infrastructure, either cumulatively or individually. Sites should be well located for pedestrian routes and public transport. Town, district and neighbourhood centres will often be the most appropriate locations for facilities such as libraries, work place nurseries/shoppers’ crèches, doctors and dentist surgeries, health centres, meeting/entertainment halls, advice centres, etc. Provision of such facilities within centres will enhance their focal role and capitalise upon the availability of public transport and car parking. It will also allow multi-purpose trips and generally enhance the vitality and viability of the borough’s centres. The Council will expect schemes that create additional demand for social infrastructure to make an appropriate contribution to the provision either on-site, close to the development, or within the appropriate catchment for the infrastructure type. When assessing the impact of new development the Council will consider:

- existing social infrastructure accessible to the development and their available capacity;
- the likely number of future occupants;
- the needs of community service providers operating in the area (public and community) and their accommodation requirements;
- whether community or leisure facilities are proposed within the new development.

- Rephrase paragraph 19.15 and paragraph 19.17 to read:

"19.15 To ensure any shortfall in provision created by the development is addressed, the Council will seek, as appropriate:

- the provision of a new facility on the development site;
- improvements to an existing facility close to the development;
- contributions towards the running costs and maintenance of nearby facilities."
Facilities that are located in close proximity to the community they serve and have good public transport accessibility, achieve a number of benefits. They reduce the need to travel longer distances, encourage more sustainable modes of transport, and help to engender a sense of ownership of the facility by the community. This can contribute to community cohesion, public health and well being and climate change mitigation.

School facilities, sports halls and public halls that are unused for substantial periods of time represent an inefficient use of land and buildings and, in the long term, risk becoming unviable. Appropriate community access to educational development and new community halls will ensure efficient use of land and assets.

Community and educational uses may generate parking and access requirements that are different in character to those of residential occupiers, and may therefore need to demonstrate how the requirements in Policy DM17 'Parking Standards' are to be satisfied.

19.17 Some uses, in particular educational premises, can be suitable for occasional use by a range of local community groups. Although not all schools and other educational establishments make their facilities available for public use, many do and together with the existing network of community centres and halls they provide a wide range of places for residents to participate in leisure and community based activities. The re-use of community or educational premises or refurbishment can help to meet modern expectations or the quality of provision and residents' needs of such facilities. The access to rooms or facilities for community groups can assist in making better use of such facilities. Where a community or leisure facility has been redeveloped to provide any of the above uses, the resulting development will be expected to allow community groups to access rooms or facilities at a discounted rate.

Q141 (e)

Council's Response

Delete the reference to cemeteries in the heading to paragraph 19.18 to avoid duplication of Policy DM13(F).

Proposed Further Change

Delete the reference to cemeteries in the heading to paragraph 19.18:

"Religious Meeting Places and Cemeteries"
Council's Response

Delete the second clause of the second sentence and the last sentence of paragraph 19.18 to avoid duplication of Policy 18 (A) and (B).

Proposed Further Change

Rephrase paragraph 19.18 to read:

"Waltham Forest is a multi-ethnic Borough, and there are demands from groups which do not yet have adequate facilities for religious worship, in view of this there is a shortage of religious meeting places for black and other ethnic minority communities, the Council will normally resist the loss of existing religious buildings until their use by such local groups has been fully explored. Places of worship often result in increased levels of traffic, parking and noise unsuitable for residential areas. As such new sites for places of worship are likely to be in local or town centres with good public transport links. Applications for new places of worship to be located in residential areas will be required to demonstrate that their proposal will not harm the residential nature of an area."

Q141 (g)

Council's Response

Delete Paragraph 19.20 to avoid duplication of Core Strategy CS9.

Proposed Further Change

Delete Paragraph 19.20:

"The Council encourages a criteria based approach to the provision of different types of educational facilities and the expansion of existing facilities, taking into account the need for new facilities; the potential for expansion of existing provision; and the proximity to homes and workplaces. The Council will work with our partners, such as the higher and further education colleges and universities, neighbouring authorities and the community and voluntary sector, to ensure that suitable services and facilities for education and training are provided. Provision of training facilities is covered in Policy DM22. Details of jobs, skills, economic development and employment issues are covered in Policies DM19 to 21."

Q141 (h)

Council's Response

Delete paragraphs 19.21 and 19.22 for better clarity.
Proposed Further Change

Delete paragraphs 19.21 and 19.22:

"19.21 As the population increases, demands on schools will grow accordingly, and therefore major developments and regeneration should address school places provision. This is an important consideration which should be addressed through the Site Allocations Development Plan Document.

19.22 Design could incorporate areas which are able to be used securely and safely by the public without jeopardising the safety of students and teachers. Design could take into account separate entrances, varying degrees of access, lighting, landscaping and internal movement."

Q141 (i)

Council's Response

Delete paragraphs 19.23 and 19.24 for better clarity.

Proposed Further Change


"Resisting the Loss of Existing Educational Facilities

19.23 There is an existing deficiency in school places within the Borough, with the four types of educational facilities (nurseries, primary, secondary and further) not having any significant surplus in capacity.

19.24 Pupil roll projections have shown that, in particular, there is an outstanding need for secondary school places within the centre and south of the Borough. It is thought that this need is significant and is impacting on lives of the young people in the Borough and reducing the attractiveness of the Borough as a place to live. The deficiency in school places is an issue which needs to be addressed through planning for new schools and expansion of existing schools."

Q141 (i)

Council's Response

The main elements of policy context of the fourth, fifth and sixth sentences of paragraph 19.25 are added to Policy DM18 (D). The fourth, fifth and sixth sentences of paragraph 19.25 are deleted.
Proposed Further Change

- Rephrase Part (D) of this Policy:

"(D) Educational facilities

New developments must be:

a. Fit for purpose, which could include being acceptable in terms of appropriate space standards;
b. Located in proximity to playing fields that can be used; and
c. In buildings which are flexible and sited to maximise the shared community use of premises and associated facilities.

Planning consent will be given for temporary classrooms on school sites: when:

a. When it can be shown that there is a significant short term need for extra school capacity that cannot be provided in the existing school;
b. Where careful consideration is given to the location of mobile classrooms within the school site away from neighbouring residential properties;
c. Temporary planning consents will be granted in order that the need for mobile classrooms can be re-assessed within a reasonable period; and
d. Mobile classrooms will be expected to conform with the Council’s “Access for All” Guidelines."

- The fourth, fifth and sixth sentences of paragraph 19.25 are deleted:

" 19.25 There is often a need to plan for temporary increases in school rolls especially in the primary sector. As it is not financially viable to permanently expand for temporary rolls, mobile classrooms are used as means of providing for temporary peaks in pupil numbers. However, they obviously do not offer the same standard of accommodation as permanent buildings and are not as visually attractive. Careful consideration of the location of mobile classrooms within the school site (e.g. away from neighbouring residential properties) may help to alleviate some problems. Temporary planning consents will be granted (normally for a period of three years) in order that the need for mobile classrooms can be re-assessed within a reasonable period. As with all permanent structures, mobile classrooms will be expected to conform with the Council’s “Access for All” Guidelines."

Q141 (k)
Council's Response

Delete paragraph 19.26 to avoid duplication of paragraphs 6.23 and 6.24 of the Core Strategy. See Council Response and Proposed further change to Question 141 (b).

Proposed Further Change

Delete paragraph 19.26 and refer to Council Response and Proposed Further Change to Question 141 (b).

"Public Houses"

19.26 East London has a long tradition of having pubs as neighbourhood focal points for the community. Nationally, over the last few years, pubs have been closing at a record rate. It has been reported that nearly 40 pubs are closing each week, resulting in job losses and millions of pounds lost to the national economy. Public houses can be the heart and soul of a community, providing meeting spaces, entertainment venues etc. Local pubs have been shown to be the most vulnerable in the economic downturn as communities are hit by the fallout of the economic downturn. Accordingly, this policy seeks to manage the loss of pubs and other community facilities, particularly where their loss would represent a cultural loss to the local community."

Q141 (I)

Council's Response

The main elements of policy context of the last sentence of paragraph 19.28, the first, third and fourth sentences of paragraph 19.29 and paragraph 19.30 are added to Policy DM18 (B). The last sentence of paragraph 19.28, the first, third and fourth sentences of paragraph 19.29 are deleted to avoid duplication of Policy DM18 (B).

Proposed Further Change

- Refer to Proposed Further Change to Question 141 (d).
- At paragraph 19.17, replace the heading "Leisure Centres" with "Sports and Leisure Facilities"
- Delete the last sentence of paragraph 19.28, the first, third and fourth sentences of paragraph 19.29:

"19.28 The need to redress social exclusion means the provision of adequate facilities in appropriate locations to meet local needs. Whilst there is a shortage of proper facilities, opportunities to provide some types of facilities are limited because in most
cases these activities cannot compete successfully with other uses and need sources of funding. In this context, the loss of indoor leisure facilities without replacement anywhere in the borough will generally be resisted.

19.29 In partnership with property owners and other organisations, the Council will also seek to upgrade and enhance existing leisure facilities. The Council supports organisations such as the Lee Valley Regional Park Authority (LVRPA) and the Council’s in-house providers in improving the range and quality of leisure provision in the borough. Where a proposal is made which would lead to the loss of a facility, the Council will expect the developer to make satisfactory proposals for its replacement at an alternative site. Such sites include areas close to or within designated centres and other areas with high public transport accessibility.

- Replace paragraph 19.30 with the following paragraphs to read:

19.30 In assessing the retention and upgrading of existing leisure facilities, and the provision of new ones, consideration will be given to the environmental impact on the immediate neighbourhood. Uses must meet local needs and must be of a type and scale compatible with the neighbourhood. Uses likely to generate unacceptable noise levels or other adverse environmental effects for local residents would be refused planning permission.

"Opportunities to participate in a wide variety of leisure pursuits including arts, culture and entertainment, are important to people’s mental and physical well being. In a densely built-up urban area like Waltham Forest, finding new sites for indoor or outdoor uses is often difficult because of the pressure from other priority uses such as housing and employment. Therefore it is important to retain existing sites, which are used for both formal and informal leisure activities. Many recreational open spaces also have an environmental value as areas of open land within the built-up area. Some of the Borough’s recreational assets such as the green chains of Epping Forest and the Lee Valley have a strategic value to visitors from other parts of London and beyond.

Given the current demand to use leisure facilities of all types, it is important to make maximum use of facilities which do exist, and to ensure that the needs of disadvantaged groups such as women, black and ethnic minorities and people with disabilities are accorded priority.

Some of Waltham Forest’s open spaces are enveloped by residential property. Open space provide an attractive outlook for neighbouring occupiers, whilst surrounding residential property helps to provide natural surveillance of open space and associated premises. However the intensification of use and the introduction of buildings and facilities can be detrimental to the amenity of
neighbouring residents and may impact upon highway. It is necessary for new or expanded venues to be appropriately located and managed. See details of Policy DM33 'Managing Impact of Development on Neighbours'.

Ancillary uses of facilities and pavilions are often an important income stream for sports clubs and a help to integrate them with the wider community. However uses that displaces changing accommodation, equipment stores and other necessary built space or that introduces incompatible activities can pose a risk to the proper functioning of the outdoor sport space and create pressure for additional built facilities on open space.

Floodlighting can play an important role in helping to increase the usability of outdoor sporting venues, and so increases their viability. Associated increases in the carrying capacity of sports facilities can also help to reduce identified deficiencies in access to sports facilities. With sensitive location and careful design, the impact that floodlights can have upon amenity and biodiversity may be mitigated."

Q141 (m)

Council's Response

Delete paragraph 19.31 to avoid duplication of paragraph 6.16 of the Core Strategy.

Proposed Further Change

Delete paragraph 19.31:

" 19.31 The Council works with the Waltham Forest PCT to provide Health facilities. Planned investment in General Practitioners includes six new or refurbished primary care centres to be provided in deprived areas. Changes in health care provision will lead to further developments in the running of hospitals and other health facilities - and are expected to have further land use implications during the period covered by this Plan."

Q141 (n)

Council's Response

Delete paragraph 19.32 for clarification.

Proposed Further Change

Delete paragraph 19.32:
"19.32 The Council will seek to work closely with the Health Authority, its review of land holdings continues to ensure proper use of land and buildings in respect of the internal arrangement of these sites, and the sites’ relationship to their surrounding areas."

**Q141 (o)**

**Council’s Response**

Rephrase paragraph 19.33 for clarification.

**Proposed Further Change**

Rephrase paragraph 19.33 to read:

"19.33 Where health sites are released from PCT’s use, the Council will assist in defining suitable alternative uses. This will be done taking into account the nature of the site, the priorities of the Plan and the results of local public consultation. The Plan contains policies for a wide range of social and community facilities provided by public authorities (mainly the Council and the Health Authority), the voluntary sector and private bodies. It is important that the land use needs of these agencies can be met and that facilities are available where they are easily accessible to the communities they serve. It is important that adequate provision is made for community care, to enable people to live as independently as possible in the community. To ensure successful implementation of this policy a close working relationship will be maintained between the Council and the Health Authority."

**Q141 (p)**

**Council’s Response**

The main elements of policy context of paragraph 19.34 are added to Policy DM18(G). Rephrase paragraph 19.34 for justification.

**Proposed Further Change**

- Add 3 new points at Policy DM18 (G) as follows:

"(G) Physical and Utility Infrastructure

The Council will seek appropriate physical and utility infrastructure:

a. New development or schemes that create additional demand for infrastructure to make an appropriate contribution to the provision;
b. The Council will work closely with utilities providers to ensure that they are aware of upcoming development and development targets, so that consideration can be made for future requirements; and

c. The Council will liaise with energy service providers to facilitate new energy infrastructure in appropriate locations”.

- Rephrase paragraph 19.34 to read:

"The Council will seek appropriate infrastructure provision regarding new development or schemes that create additional demand for infrastructure to make an appropriate contribution to the provision. The Council will work closely with utilities providers to ensure that they are aware of upcoming development and development targets, so that consideration can be made for future requirements. The Council will liaise with energy service providers to facilitate new energy infrastructure in appropriate locations.

The Council will promote regular liaison with the various authorities, and enter into early discussion when land disposals are being considered. Issues related to land contamination and its remediation will be assessed.

From time to time major developments may be proposed which, whilst acceptable in principle under the policies of this Plan, give rise to the need for the provision of new services by statutory undertakers. In such cases the Council will liaise with the statutory undertakers to ensure an appropriate level of services required will be provided.

The Council is concerned that works carried out by the statutory undertakers as permitted development should have regard to those policies in this Plan which seek to maintain and enhance the quality of the environment, and it will liaise closely with them on the siting and design of buildings and equipment in their modernisation/renewal programmes.

Details of energy efficient systems such as decentralised energy systems are covered in Policy DM11."

Q141 (g)

Council’s Response

Delete the second sentence of paragraph 19.35 to avoid duplication of the provisions of DM38.

Proposed Further Change

Delete the second sentence of paragraph 19.35:
"19.35 Details of telecommunications are at Policy DM 38. Consideration for telecommunications should be given to the form of the structure, its siting, colour, materials, and associated landscaping."

DM19 - Strategic Industrial Locations
DM19 - Strategic Industrial Locations

Q142) Core Strategy policy CS8 A refers to promoting, protecting and managing the SILs. DMPDPD policy DM19 (a) adds detail to the promotion part of the policy. DMPDPD policy DM19 (b) covers the protection aspect. I am not convinced that the management aspect is covered. Typically, what kind of planning applications are made or expected within the SILs that need to be managed? Would they be applications for extensions, alterations, ancillary development (other than catering which is specifically covered), changes of use, redevelopment at lesser or greater intensities? How would such proposals be managed?

Council's Response

There is some crossover between ‘managing’ and ‘protecting’, since the Council comes under some pressure for redevelopment for mixed use higher density schemes including residential; which is considered incompatible with the SIL designation. There has also been pressure historically for uses that would be better directed to town centres; such as churches or community centres; often through change of use applications. Managing SIL will therefore largely be about protecting the designated areas from pressure for alternative uses; as covered by parts (a) and (b) of the policy. It is also about consolidating the SIL; which has been achieved through the releases made during the Core Strategy.

In addition, it is likely that over the plan period, proposals come forward that are required to enable existing businesses to function more effectively; such as warehouse extensions, or alterations to parking and servicing arrangements. For such applications, there are potentially a range of policies elsewhere in the plan that would apply, depending on site specific circumstances. A generic cross reference to ‘other relevant aspects of the local plan’ was therefore considered preferable to a series of cross references to every possible policy that would apply. In hindsight, to aide clarity, it may be beneficial to replace point (c) with references to some of the key considerations that will normally be applied in such circumstances. In addition, to cover ancillary B1 development, and ensure GLA requirements for references to the ‘strategic plan’, part (a) of the policy also requires some tweaking.

Proposed Further Change

- Insert new sentence above point (a) to read:

“To ensure land designated as Strategic Industrial Land (SIL) is promoted, protected, and managed in accordance with the London Plan and Core Strategy Policy CS8 – Making Efficient Use of Employment Land:”
Rephrase point (a) to read:

"a) In principle the following uses will be supported within Strategic Industrial Locations (SILs) identified on schedule 1 and the policies map. The following uses will in principle be supported:

- general industry (Use Class B2);
- storage and distribution (Use Class B8);
- small scale ancillary offices (Use Class B1);
- small scale ancillary catering facilities for the needs of workers."

Rephrase point (c) of policy to read:

"c) Proposals should comply with all other relevant aspects of the Local Plan. The Council will support development proposals that meet the operational requirements of existing businesses, provided:

- they do not adversely affect highway safety or result in parking and servicing problems in the area;
- satisfactory environmental conditions are achieved;
- they are of a scale and appearance compatible with their surroundings."

Rephrase paragraph 20.6 to read:

"The Council’s Employment Land Study (URS, 2009) noted that storage and warehousing (Use Class B8) are employment generating uses that require similar site characteristics to B2 uses; i.e. large sites in close proximity to the primary road network. Indeed specific parts of SIL designations (Rigg Approach at Lea Bridge Gateway and North Circular Road at Central Leeside Business Area) were noted as particularly lending themselves towards such use. Whilst B8 use can therefore be seen to be an appropriate use within SIL designations, it is important that development pressure for such use does not undermine the primary reason for their designation. Indeed due to their greater compatibility with sensitive uses such as residential, B8 uses may in many cases be better directed towards Borough Employment Areas (see DM20). The Council also recognises that industrial uses will often require an element of B1 use to meet the functional requirements of businesses, so the policy makes provision for this."

At end of paragraph 20.7, insert new paragraph to read:
"Over the lifetime of the plan, it is expected that there will be applications for alterations and extensions to existing business premises, and alterations to existing parking and servicing arrangements. In the interests of supporting business growth, the Council will support such proposals, provided schemes achieve satisfactory design and environmental conditions, and do not compromise neighbouring uses operational requirements; for example by leading to parking and servicing problems in the wider area."

Q143) Part (b) of the policy is concerned with protection. It refers to loss of SIL. But a change of use to, say residential, would not, of itself, change the Proposals Map designation as SIL. It is presumably certain uses located within the SIL which this policy is seeking to protect. Should that be made clear?

Council's Response

Residential is considered an incompatible use in SIL, and the Council is not aware of any existing residential within the designated areas. Future applications that include residential should be refused as this would undermine the purposes of the designation; i.e. to provide for employment uses that do not sit comfortably alongside residential.

The purpose of the policy is not only to protect existing B2/ B8 type uses from redevelopment incorporating incompatible uses such as residential. It should also apply to vacant or underused plots of land within the designations; where there may be scope for additional employment uses. In such circumstances, the policy seeks to ensure that uses that come forward are predominantly B2/B8, and alternatives such as mixed use incorporating residential and retail, are avoided.

Proposed Further Change

Rephrase point (b) to read:

"b) Loss of land designated as SIL to any alternative uses other than those set out in point (a) above, will be resisted."

Q144) Is part (c) of the policy necessary? It is a requirement of law that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Council's Response

See response to Q142.
Proposed Further Change

See response to Q142.

Q145) All but the last sentence of paragraph 20.3 appears to be providing justification for the Core Strategy policy itself, which is not necessary; only the sentiments of the last sentence are needed to justify the provisions in the DMPDPD. (This is not a soundness point; duplication does not make the DMPDPD unsound, only bulky).

Council's Response

Noted.

Proposed Further Change

Replace paragraph 20.3 with:

"20.3 SIL designations in the borough have been established through our Core Strategy and the London Plan. Sites designated as such provide the logical destination for heavier industrial developments falling within Use Class B2." The London Plan designates a number of locations within the Greater London Area as Strategic Industrial Locations (SILs). Within Waltham Forest, Blackhorse Lane, Lea Bridge Gateway, and part of Central Leeside Business Area form such designations, as shown on the policies map. These sites are recognised in the Borough's Employment Land Study URS, 2009 as well-functioning industrial estates with good strategic road access and sufficiently detached from existing neighbourhoods. Such characteristics make them the logical destination for heavier industrial developments falling within Use Class B2:"

"20.3 SIL designations in the borough have been established through our Core Strategy and the London Plan. Sites designated as such provide the logical destination for heavier industrial developments falling within Use Class B2." The London Plan designates a number of locations within the Greater London Area as Strategic Industrial Locations (SILs). Within Waltham Forest, Blackhorse Lane, Lea Bridge Gateway, and part of Central Leeside Business Area form such designations, as shown on the policies map. These sites are recognised in the Borough's Employment Land Study URS, 2009 as well-functioning industrial estates with good strategic road access and sufficiently detached from existing neighbourhoods. Such characteristics make them the logical destination for heavier industrial developments falling within Use Class B2."
DM20 - Borough Employment Areas
DM20 - Borough Employment Areas

Q146) Core strategy policy CS8 B refers to intensifying & upgrading land, providing jobs and prioritising education, health or social infrastructure. Parts (a), (b), (c), (d) and (e) of DM20 add detail to all these points except that of upgrading (though I’m not sure that (c) and (d) add much over parts C and D of the Core Strategy policy). Would upgrading cover such matters as enlarging service areas or providing parking and unloading areas (possibly at the expense of floorspace) or adding ancillary support facilities? How would such proposals be dealt with?

Council's Response

Upgrading could include matters such as enlarging service areas or providing parking and unloading areas, or adding ancillary support facilities such as small scale catering facilities, or a trade counter to support direct sales from the premises.

Ancillary facilities can largely be supported under the 4th bullet point of part (a) of the policy. However, it is noted that this currently does not refer to any direct sales element, so provision should also be made for such proposals.

In terms of proposals for service areas, parking and unloading, the Council will support such proposals where they help meet the operational requirements of businesses, and do not result in negative impacts on surrounding uses and occupiers; through matters such as increased traffic and noise. It is acknowledged that in some instances such proposals could result in a loss of existing business floorspace. Whilst this may contradict the broad approach of intensifying the employment offer in such areas, it may be possible to justify this in terms of ensuring that remaining business space meets the needs of occupiers.

Original policy wording referred to ‘other relevant aspects of the Local Plan’ under part (f); on the basis that material contained in several other policies such as DM17 (Parking), DM30 (Design Principles), DM25 (Environmental Protection) etc, would apply. In hindsight, it is acknowledged that part (f) of the policy could benefit from rephrasing to clarify key considerations.

Proposed Further Change

Amend policy point of (a) to read:

"In principle the following uses will be supported within the Borough Employment Areas identified on

schedule 2 and
the policies map:

- research and development and light industry [Use Classes B1(b) and B1(c)];
- storage and distribution (Use Class B8);
- general industry (Use Class B2) that by virtue of its scale, would not be better located within a SIL;
- offices [Use Class B1(a)] that are ancillary to a wider B1, B2 or B8 use;
- ancillary uses such as workplace nurseries, trade counters, and small scale catering facilities that serve the needs of employees, and would not be better located in a local centre."

Rephrase point (f) to read:

"f) Proposals should comply with all other relevant aspects of the Local Plan. “The Council will in principle support measures to upgrade existing employment areas and meet the needs of modern businesses. Extensions and reformatting of existing premises, and alterations to their parking and servicing arrangements, will be supported where the proposal would not harm the amenity of surrounding uses by virtue of increased noise, pollution and traffic, or poor quality design.”

Insert new point (g) to read:

“g) Proposals that result in a loss of employment floorspace will only be accepted where they provide overriding benefits in terms of meeting the operational requirements of existing businesses.”

Rephrase justification as set out in response to question 149.

Q147) In practice, what would be meant in part (c) by giving preference for schemes that incorporate social infrastructure? How would this tell a developer that his proposal would get permission or not? How would it tell a development control officer to recommend approval or not?

Council's Response

In hindsight, it will be difficult to secure a preference to schemes that incorporate social infrastructure over mixed use schemes that comprise of only employment and residential. References to such a preference should therefore be removed from the policy.
Proposed Further Change

Rephrase part (c) of policy to read: "Other uses such as housing and social infrastructure will only be permitted in the borough's key growth areas, where they act as a facilitator to an improved and intensified employment offer on site, secure other regeneration benefits, and are considered acceptable in all other respects." In such cases, preference will be for schemes that incorporate social infrastructure.

Q148) Is part (f) of the policy necessary? It is a requirement of law that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Council's Response

See response to Q146

Proposed Further Change

See response to Q146

Q149) Whilst nearly all the justificatory paragraphs read as such, (there is policy material in the third and fourth sentences of 21.11 which should be in the policy itself) there is considerable duplication and overlap with the justification to the core strategy policy. It isn’t necessary to justify the Core Strategy all over again; all that is needed is to refer to it and then justify the additional detail of the DMPDPD. (this isn’t necessarily a soundness point; duplication does not inevitably make the DMPDPD unsound, just bulky; excessive bulk can cause a lack of clarity and so be unsound but I wouldn’t take the view that this example alone is excessively bulky or unclear).

Council's Response

Noted

Proposed Further Change

- Insert new policy point (c) to read (Renumber policy points accordingly):

"New light industrial business space should offer flexibility for a range of users. Where provided, it should include flexible floor plates, minimal supporting columns, and generous floor to ceiling heights and floor loading capacities."
Rephrase justification and explanatory text as set out below:

"Away from Strategic Industrial Locations, there is a need to provide sites for a range of new and growing businesses in the borough. Data from the Local Economic Assessment found notable growth in the borough in the food, medical, security, construction, logistics, textiles, and education sectors since 2006; which out-performed London and national comparisons.

The Core Strategy designated the sites listed in the table below as Borough Employment Areas. Employment Land Study URS, 2009 found the sites listed in the table below to be of suitable quality to merit protection for new and expanding businesses, and they have subsequently been designated as Borough Employment Areas in our Core Strategy. As many of these are more closely integrated with sensitive neighbouring uses such as residential, they are expected to largely cater for lighter industrial uses than those to be directed towards SILs. They are expected to be the primary locations in the borough for future growth in B1 and B8 uses.

However, to completely rule out all B2 use in Borough Employment Areas would fail to recognise how existing sites function, and the importance of small businesses within this use class to the local economy (27% of jobs in the borough are provided by micro business, i.e. those employing 10 or less). (Local Economic Assessment, Navigant Consulting, Dec 2010). Provision is therefore made for uses such as car repair centres or craft workshops within Borough Employment Areas.

The Metropolitan Police Authority have set out a pan-London estate strategy (Property for Policing, 2007) aimed at modernising the estate to make it fit for purpose. Where new police facilities provide a significant level of employment, and the need for a public/police interface does not mean they would be better located in a designated centre, they may also be acceptable in designated employment land, despite not neatly falling into a ‘B’ Use Class definition.

Some Borough Employment Areas (i.e. those marked with an * in the table above), were found in the Employment Land Study to be suitable for either continued or future office use, due to their relatively attractive surroundings and accessibility by public transport. Encouraging such use will play a key role in realising the strategy of releasing surplus employment land whilst simultaneously using that retained more efficiently. This does however need to be balanced alongside Walthamstow town centre’s status as the major commercial centre within the borough, with the best public transport links. In accordance with national planning policy, this should therefore be the primary location for major new office developments.

Whilst the role of Walthamstow town centre is recognised, it is important to be realistic about likely demand for office use. The Local Economic Assessment Navigant Consulting, Dec 2010 found that financial services only provide 1% of employment
in the borough. Meanwhile, the Employment Land Study URS, 2009 found most office demand in the area to be for cheap rents, rather than prime central locations. Therefore, to some extent the employment market in Waltham Forest is likely to be of limited appeal to major new premium office space. This, combined with the need to use existing employment land more efficiently, means provision should be made for some office use outside Walthamstow town centre.

As offices can be high density in terms of the number of employees they attract, it is important that they are primarily located in areas well served by public transport. Outside such areas, within industrial estates that are more drawn towards the primary road network, their use should be ancillary to other employment functions. To do otherwise runs the risk of increasing travel to work journeys by private car; when instead a modal shift towards public transport should be sought.

As with SILs, provision of essential facilities for workers is seen as compatible in Borough Employment Areas, in terms of enhancing their sustainability. As employment is anticipated to be of a lighter industrial nature, workplace nurseries are considered more compatible than in SILs, and can help overcome a significant barrier to employment for many. The same approach to ancillary catering set out in paragraph 20.7 will also apply. It is recognised that some businesses may require a direct sales element. Where provided, this should not result in a shift in character of the area away from employment and towards retail; and B class uses should therefore remain the predominant use.

To make efficient use of employment land, it is important that where provided, new employment space is flexible enough to make it fit for purpose for a range of occupiers. This will help ensure that where built, space can be easily let, and is not vulnerable to long term vacancy and dilapidation if tenants leave. It can also help support economic growth if flexible space is provided that can allow new businesses to expand as they become more successful.

Whilst it will be for developers to demonstrate that appropriate standards have been applied, clear ceiling heights of 3.35m and loading capacities of 4.25kN per m² are commonly accepted elsewhere in London as meeting the operational requirements of most light industrial users. Proposals that do not reach such standards should therefore provide clear justification of why this is not possible, and satisfy the Council that the space provided will be suitable for a range of occupiers.

The Council’s Core Strategy provides a clear steer to development towards the key growth areas of Blackhorse Lane, the Northern Olympic Fringe, Walthamstow town centre, and Wood Street. To transform these areas of deprivation, it is envisaged that much regeneration will be residential led in order to attract new communities to live and work in such areas. Despite these aims, it is important to still protect valuable employment land in regeneration areas as job creation and training opportunities
are key objectives for the Council. To this end, proposals for non employment uses will only be considered favourably where they do not undermine the primary employment function of the area, and secure benefits in terms of environmental improvements, a greater quantum of jobs on site, or the provision of needed social infrastructure. Mixed use schemes that are residential dominated, with only a small proportion of employment space provided, will therefore not be permitted. So such proposals do not come forward in an ad-hoc manner, the Council is preparing Area Action Plans for each of the key growth areas.

As set out in the Core Strategy, alongside Walthamstow town centre, the Borough Employment Areas marked with an * in the table above are considered suitable for office use. In addition, small scale office development in other accessible locations including our town centres can be beneficial in terms of enhancing the local economy. Outside such areas, office development should only be provided where it is ancillary to wider industrial uses. Such an approach recognises the high density nature of employment within offices, and will help contribute towards a modal shift towards public transport.

The Council recognises the contribution small businesses and creative industries make to the local economy. Their existing presence in (over 10,000 micro-businesses and 860 creative industries – Local Economic Assessment) indicates a strong demand exists. Comparatively low land values means that if suitably sized workspaces are provided, small start up businesses can continue to be attracted to the borough.

Whilst the highest proportion of employment in the borough is related to wholesale and retail (22%), there is also a significant presence of small businesses. Over 10,000 micro-businesses currently exist, and it is important that further opportunities are offered to allow such businesses to grow and flourish. Of particular importance are creative industries, which currently includes over 860 businesses, largely dominated by artistic and literary creation and web design. Local Economic Assessment, Dec 2010 Small businesses including creative industries can play a vital role in the local economy. They can provide jobs, ensure efficient use of land, and avoid an unhealthy dependence on large multinationals as sources of employment.

Demand for space for small business in the borough is clear as evidenced by their existing presence. Comparatively low land values means that if suitably sized workspaces are provided, small start up businesses can continue to be attracted to the borough. To ensure new light industrial business space is flexible enough to be suitable for a range of occupiers, provision should include flexible floor plates including minimal supporting columns, generous floor to ceiling heights, and suitable floor loading capacity. Whilst it will be for developers to demonstrate appropriate standards have been applied, as a general rule clear ceiling heights of 3.35m and loading capacity of 4.25kN per m2 are commonly accepted elsewhere in London to meet the operational requirements of most light industrial users. In the interests of supporting
business growth, applications for the upgrading of existing employment areas, through matters such as extensions, and alterations to parking and servicing areas, will in principle be welcomed. However, consideration will need to be had to matters such as design quality and potential impact on neighbours."
DM21 - Non-Designated Employment Areas
DM21 - Non-Designated Employment Areas

150) Core Strategy policy CS8 E refers to a pragmatic approach to land surplus to requirements, not fit for purpose, more productive uses and priority for social infrastructure. Some aspects of this policy are given greater detail in DM21 but;

a) Is the word “only” in (a) consistent with the pragmatic approach promised by the CS?

b) DM21 does not give detail about how “surplus to requirements” would be recognised. Would there be reference to some annual or periodic review of the need for employment land in the borough?

c) The term “fit for employment use” is not explained. Is there any detail which could be given to explain how the Council will recognise this criterion?

d) What sort of matters would provide mitigation for the loss of employment, required in the third bullet point? (DM37 is simply a procedural policy; it does not set out the substantive matters which would need to be secured by a planning obligation). Paragraph 22.3 explains that financial contributions may be meant but does not explain what they would be spent on. How does this sit with the generally accepted requirement that planning permissions cannot be bought and sold; payments can only be accepted in lieu of some substantive matter which it would be impractical or inconvenient for a developer to provide him/herself?

e) How would the “more productive uses” of the CS be recognised? What would be “less productive uses” (presumably not permitted)?

f) In (b) what would be meant by giving preference for schemes that incorporate social infrastructure? How would this tell a developer that his proposal would get permission or not? How would it tell a development control officer to recommend approval or not? Is it intended that social infrastructure must be provided in all cases? (if so, that’s not giving preference).

g) Is the requirement to demonstrate a “need” for live/work premises consistent with the assertion that they “should be encouraged” in paragraph 22.5?

Council’s Response

Part (a)
Part (a) of the policy seeks to ensure that redevelopment is focussed to areas that are clearly not fit for purpose, and that proposals secure a development that maximises the opportunities offered by the site. It is accepted that the current wording is somewhat restrictive, and could benefit from more positive rephrasing, to ensure it is more closely aligned to the approach set out in the Core Strategy.

Part (b)

Scale of loss of employment land will be reported in the AMR, to ensure no more than 24.5ha are released over the plan period, in line with Core Strategy target. Monitoring loss of employment land and its impact on the how non-designated sites are considered is referred to in paragraph 22.8.

Under the terms of the policy, deeming if the site is ‘surplus to requirements’ will also be based on site specific details provided by the applicants, such as evidence that it has been appropriately marketed at reasonable rates without interest, as referred to in paragraph 22.3

Part (c)

Fit for employment use is considered to mean suitable for the needs of an end occupier. Paragraph 22.3 refers to marketing history being used to demonstrate where a site may no longer be fit for purpose. Matters such as those referred to in the previous chapter (paragraph 21.11) will also have implications on a sites prospects for continued employment use.

Part (d)

Mitigation for the loss of employment would be through financial contributions that support the Council’s Worknet programme to get local residents into jobs by providing opportunities for them to obtain the knowledge, skills, experience and confidence necessary; as outlined in the Councils Planning Obligations SPD.

As set out in that document, where proposals involve a loss of employment space, financial contributions should be at a rate of £2500 per employee (based on average employment densities). This has been calculated on the basis of training/ associated costs of a person reaching NVQ Level 2.

In addition, some mitigation could be in terms of local labour agreements related to either the construction phase of the new development, and/ or end user jobs where the proposed scheme is not solely residential. Such matters are set out in policy DM22.

Part (e)
‘More productive uses’, as referred to in the Core Strategy, relates to the context of the existing use. Where a site has been long term vacant, is subject to vandalism and dilapidation, and has clear barriers to its future occupancy, a wide range of alternative uses could be considered ‘more productive.’ This could include new employment space, residential development, provision of social infrastructure, or a combination of these. Depending on the location (i.e. if it’s in a designated centre), an element of retail and leisure development may also be appropriate.

Where a site is not in active use or has no reasonable future employment prospects, the Council will take a pragmatic approach and consider a range of uses as more productive. To clarify this approach, rephrasing of part (a) of the policy as referred to in response to questions 150 parts (a) and (c) is considered necessary.

**Part (f)**

It is not intended that social infrastructure must be provided in all cases. Instead, the Council seeks to ensure opportunities for the site to provide employment or social infrastructure functions to have been fully explored before accepting more profitable schemes such as those for 100% residential.

A preference towards social infrastructure therefore requires developers to demonstrate that such uses have been considered through any marketing process. Where such evidence is not provided to the Council’s satisfaction, the scheme may be refused.

**Part (g)**

Noted. The sentiments of paragraph 22.5 are that the Council recognises the benefits live/work units can bring to an area, rather than that they should be universally encouraged. Where they are proposed, the Council will need to be satisfied that there is a genuine need for them, and that they are designed so they can realistically be used as both living and work space. The Council seeks to avoid a situation whereby live/work units are approved, partly on the basis of their economic benefits, only to then be occupied solely for residential purposes.

**Proposed Further Change**

**Part (a)**

Rephrase policy point (a) to read:

"In accordance with Core Strategy Policy CS8 (Making Efficient Use of Employment Land), the Council will support applications for more productive uses in non designated employment land,
Within non designated employment land"
applications for alternative uses will only be permitted in the following circumstances:

where:

- Developers can demonstrate that there are clear barriers to the sites future employment use, such as inadequate ceiling heights, floor loading capacities, access and parking provision, and poor building repair;
- Developers can demonstrate that there is no reasonable prospect of being re-let or sold for employment purposes having been marketed at a reasonable price and with reasonable terms and conditions; the site is demonstrated to be no longer fit for employment use;
- the Council is satisfied that the proposed use would not be better located in a town or district centre, in accordance with Policy DM27 (New Retail, Office and Leisure Developments);
- mitigation for the loss of employment land is provided in accordance with policy DM37 and the Council’s Planning Obligations SPD;
- in all other respects the proposed use is well designed and suitable to its surroundings."

Part (b)
No change

Part (c)
See changes to part (a) of policy set out above in response to question 150(a).

Part (d)
See changes to justification and explanatory text set out in response to question 151.

Part (e)
See response to question 150 part (a) and (c)

Part (f)
See changes to justification and explanatory text set out in response to question 151.

Part (g)
See changes to justification and explanatory text set out in response to question 151.
Q151) Whilst nearly all the justificatory paragraphs read as such, (though paragraph 22.3 touches on matters which might form appropriate policy detail) there is some overlap with the justification to the core strategy policy. It isn’t necessary to justify the Core Strategy all over again; all that is needed is to refer to it and then justify the additional detail of the DMPDPD. In this case, the second bullet point of (a) is additional detail which does not appear to be specifically justified.

Council's Response

Noted. The additional detail in the 2nd bullet point is intended to avoid proposals out of centre proposals for larger retail and leisure developments. In hindsight, this is duplication of policy DM27, which can be addressed through better cross referencing, as set out in response to question 150(a).

Proposed Further Change

Rephrase justification and explanatory text as set out below:

"As set out in the Core Strategy, outside of land designated as Strategic Industrial Land or Borough Employment Areas, the National Planning Policy Framework advocates the efficient use of land, and discourages Councils from carrying forward old employment allocations that are no longer fit for purpose. The Council's Employment Land Study found those sites identified in Table 21.1 of the previous chapter as some of the most valuable that merit continued strong protection. Outside of these areas, the Council will take a pragmatic approach to the release of surplus land that was past used for employment purposes. However the onus will be on developers to demonstrate the benefits of appropriate alternative uses that respond to individual site characteristics.

In terms of demonstrating that land is no longer viable for employment, evidence to justify its loss could include a clear explanation of barriers to future employment use, evidence of existing and recent levels of occupancy, or evidence of a lack of developer interest having been prominently marketed using a range of media at a price in line with local market values, with reasonable terms and conditions. When sites are being marketed it should also be made clear that social infrastructure uses may be acceptable in principle, and interest in such uses duly explored. Where redevelopment cannot reasonably facilitate new social infrastructure, an element of fit for purpose B1 business space can help address worklessness and sit comfortably alongside residential.

Offices above shops in our centres can provide a valuable employment role in sustainable locations. Where development proposals involve a loss of such space, marketing material to support an application will therefore be required.
Where the Council is satisfied that the land is no longer viable for employment use, this can be adequately demonstrated; financial contributions should be sought in accordance with our Planning Obligations Supplementary Planning Document and subsequent reviews. Such contributions will be used to support initiatives including the Council’s Worknet programme to help tackle worklessness in the borough. This could include providing training courses, apprenticeships, or work experience, to unemployed residents as mitigation to enable jobs to be provided elsewhere in the borough.

An increased need for social infrastructure will arise from projected population increases as set out in the Council’s Social Infrastructure Needs Assessment. URS, 2009 Limited opportunities for new facilities such as schools, doctors surgeries etc will be forthcoming, due to pressure for more profitable uses such as housing. Whilst specific efforts will be made to find appropriate sites for such uses in future elements of the local plan that allocate sites, other schemes that incorporate social infrastructure as part of the redevelopment of redundant employment land will also be looked upon favourably. This is however subject to any such proposals being a good scheme in all other respects, and the vitality and viability of existing centres not being undermined. Where redevelopment cannot reasonably facilitate new social infrastructure, an element of fit for purpose B1 business space can help address worklessness and sit comfortably alongside residential.

Live/ work units can provide valuable accommodation for starter businesses and should be encouraged in terms of fostering such growth, and minimising unnecessary travel. In areas where a clear need for them has been identified, live/work units can play a vital role in supporting the local economy; by providing suitable accommodation for start up businesses. The dual usage of such units also means they can help minimise unnecessary travel. Care will be needed in the design and siting of these to ensure they are compatible with neighbouring uses, and fit for their intended dual purpose. It is expected that at least 60% of the total floor area in such proposals will normally be dedicated to employment uses; to help retain the employment function of the area. Employment uses should normally be B1 to ensure they are compatible with the residential element. Evidence of need could include matters such as identification of potential end occupiers. Such matters will be important in ensuring live/ work units are genuine development proposals, that are not intended for later conversion to straight C3 use. In terms of the residential element, proposals should seek to meet the standards set out in polices DM7 and DM8.

The importance of small businesses to the local economy is discussed in Policy DM20: Borough Employment Areas. The findings of the Employment Land Study, URS, 2009 were that in addition to Borough Employment Areas, railway arches offer some scope for such businesses. Where these fall within district or town centres, proposals that will not sit comfortably alongside retail and residential uses, will be resisted in the interests of protecting the vitality and viability of such centres.
DM22 - Improving Job Access and Training
DM22 - Improving Job Access and Training

152) Figure 1.3 of the DMPDPD relates this policy to Core Strategy policy CS8 but I recognise it also as relating to CS10.

Council's Response

Agreed

Proposed Further Change

Figure 1.3 to be amended to make clear that DM22 also relates to CS10.

Q153) Core Strategy policy CS10 A refers to the promotion of facilities to be located where defined in the DMPDPD. Part (a) of DM22 adds detail to this. The phrase “not conflict” in the third bullet point is somewhat vague and lacking in clarity

Council's Response

The term ‘not conflict’ is intended to ensure that established and well functioning employment areas remain as such, and that where any education and training facilities are proposed, they are uses that help address the worklessness agenda rather than generic educational establishments such as new schools.

In hindsight, this could be better clarified by removing the 3rd bullet point and rephrasing the first sentence of policy point (a).

Proposed Further Change

- Rephrase policy point (a) to read:

"a) Employment skills and training facilities will be supported within employment land other than that designated as Strategic Industrial Land, New education and training facilities will be supported within employment land other than that designated as Strategic Industrial Land (SIL), where:

- it can be demonstrated that no suitable site exists within a town or district centre;
- provision is made for the site to be accessed by a range of means of transport, not just the private car;
- the proposal would not conflict with the employment function of the area;
- the proposal satisfies design criteria set out elsewhere in policies DM30-33."
"As set out in Core Strategy Policy CS10 (Creating More Jobs and Reducing Worklessness), poor educational attainment is a barrier to economic growth. Providing new education and training facilities alongside employment uses can offer synergies in terms of enhancing opportunities for on the job training, and strengthening relations between education providers and employers. Facilities such as employment skills and training centres, that have a clear link to the worklessness agenda, can therefore be supported in principle within employment areas other than Strategic Industrial Land; which is excluded on the basis that its primary purpose is to provide for heavier industrial activities. However, since those most in need of education and training are likely to be reliant on public transport, town centres will be the Council’s preferred location for such uses. As demonstrated in Figure 23.1, a significant proportion of the population is low-skilled.

Furthermore, the borough ranks 377th out of 408 local areas in Great Britain on overall skills and qualifications scores. Waltham Forest Local Economic Assessment, Dec 2010. In order to attract new businesses to the area, and improve employment opportunities for all (a requirement of London Plan Policy 4.12), there is a need to upskill the local workforce. Providing new education and training facilities alongside employment uses can offer synergies in terms of enhancing opportunities for on the job training, and strengthening relations between education providers and employers. These benefits do however, need to be balanced against the fact that those most in need of education and training are likely to be reliant on public transport, which invariably better serves town and district centres. It will also be important that the primary function of employment land as areas of work is not prejudiced."

Q154) CS10 B seeks training facilities. Part (b) of DM22 repeats this with the qualification “where appropriate” without giving detail that would allow a developer to understand where might be appropriate and gives no detail on how the criterion “proportionate to size” set out in CS10 B would be applied in practice.

Council’s Response

Planning obligations to secure training opportunities for unemployed residents will take two forms. Firstly, the Council will seek to ensure local residents are employed within new developments (both during the construction phase, and once the development is complete). Secondly, financial contributions towards initiatives that help tackle worklessness will be sought.
In terms of the construction phase of major developments, the Council will seek 10-15% of all apprenticeships and trainees to be appointed through sources named by the Council, and that all vacancies (including those with sub-contractors) to be notified to agencies named by the Council, with the aim that 30% of total vacancies are filled by borough residents. The Council will use Whole Life Consultants Ltd’s Construction Skills Forecasting Tool during the planning application process to anticipate likely jobs/apprenticeships in construction. In terms of end users, further work is necessary before the Council is in a position to define targets for local employment. It should be noted that this could be variable between different schemes due to the differing needs of occupiers of new developments.

In terms of financial contributions, the Council will utilise formulas set out in its planning obligations SPD for development proposals that result in a change in floorspace. Using calculations within this document (i.e. for £2500 per estimated job lost, or £10 per m2 of new business space) will ensure any such contributions are proportionate to the size of development proposed.

**Proposed Further Change**

- Rephrase point (b) of policy to read:

  "b) Where appropriate, opportunities to secure the training and recruitment of local residents as part of new developments (including in the construction phase), will be secured through:

  - local labour agreements and jobs brokerage initiatives *on major applications*;
  - securing financial contributions towards wider employment and training *initiatives on schemes that result in change of employment floorspace in the borough, in accordance with the Council’s Planning Obligations SPD.*"

- Rephrase paragraphs 23.5 and 23.6 to read as follows:

  "As set out discussed above, and in the Sustainable Community Strategy and the Core Strategy, worklessness is a major issue in Waltham Forest that needs addressing. To do so, new employment and training opportunities for local residents should be sought through the planning application process. Raising awareness of job opportunities and securing funding for employment and training initiatives will help address social exclusion, whilst getting local people directly into work through local labour agreements will have the added benefit of minimising unnecessarily long journeys to work.

  Jobs during the construction phase of developments can make a significant contribution towards tackling worklessness in the borough. Planning obligations will therefore be used to secure apprenticeships and trainees are
through sources named by the Council, and that all vacancies including those with sub contractors to be notified by agencies named by the Council. Whole Life Consultants Ltd's Construction Skills Forecasting Tool will be used during the planning application process to inform likely jobs in the construction sector arising from developments in order to inform such obligations, and ensure Council targets of 10-15% of apprenticeships and 30% of all vacancies are filled by borough residents. Where development proposals increase the level of employment floorspace on a site, the Council will seek financial contributions towards wider employment and training initiatives that help address worklessness, in accordance with the Planning Obligations SPD.

Under the CIL Regulations (2010), it is important that any developer contributions sought relate directly to the development proposed, and do not undermine the viability of a scheme. Since new employment development creates a demand for new jobs, it is considered reasonable that the opportunity to upskill the local workforce is sought. To do otherwise may result in an increase in car journeys from neighbouring districts and place additional strain on the local transport network. **Meanwhile, developments resulting in a loss of employment floorspace will also require financial contributions to mitigate for this loss, in accordance with Policy DM21: Non designated employment areas.** Where financial contributions undermine viability, developers will be expected to be transparent and demonstrate how; through the provision of an open book assessment."

- Rephrase paragraph 23.9 to read:

"Planning obligations will be used until superseded by CIL to secure funding for training and skills development and local labour agreements as part of the planning application process. This will be pursued in accordance with the Council's Planning Obligations SPD."

Q155) CS10 C seeks enhanced residents’ access. Part (c) of DM22 simply duplicates policy DM14 E. Part (d) of DM22 translates this into financial contributions (correctly saying only that they would be “sought”, not required) but only “where appropriate” without giving any indication of how a developer (or development control officer) is to judge when that might be appropriate.

**Council’s Response**

Noted. Sections (c) and (d) were intended to flag up that alongside skills and training, physical access can provide a major barrier to deprived communities.

Explanation of the Councils requirements for financial contributions are clarified in revised policy DM14, as set out in response to question 95.
Since the Councils expectations in terms of inclusive design, and accessibility by sustainable modes of transport (including seeking financial contributions) are dealt with elsewhere in the document, in the interests of reducing duplication, it is now considered that simple cross references would suffice.

**Proposed Further Change**

- Rephrase policy points (c) and (d) to read:

  "c) New employment developments should meet the requirements of policies DM14 (Co-ordinating Land Use and Transport), and DM31 (Inclusive Design and Built Environment); in order to ensure they are physically accessible by all sectors of the community.

  Major employment proposals will be expected to provide a travel plan setting out how the development will be accessed by employees (including the construction workforce), through sustainable modes of transport.

  d) Where appropriate, financial contributions will be sought to ensure new employment opportunities are physically accessible to all sectors of the community."

- Rephase paragraph 23.7 to read:

  "In addition to skills and training, physical access can provide a major barrier to work. This is especially true of deprived communities, where poor health can be proportionately greater, and low car ownership can restrict how far residents can reasonably be expected to travel for work. The provision of travel plans and funds towards improvements to the transport network may therefore be necessary in ensuring new developments are accessible to the local workforce by public transport, walking and cycling, as required by London Plan Policy 4.4."

**Q156** Paragraphs 23.3 and 23.4 reiterate the justification for CS10 set out in the Core Strategy paragraphs 13.14 and 13.15. There is no need to do so. What does need to be justified, and does not appear to be, is the use of the sequential test in part (a) of the policy DM22.

**Council's Response**

Noted

**Proposed Further Change**

See response to question 153
DM23 - Tourism Development and Visitor Attractions
DM23 - Tourism Development and Visitor Attractions

Q157) Strictly speaking, the reference to cycle parking in part (c) of this policy duplicates policy DM17 C but this is a minor matter.

Council's Response

Noted, but considered that inclusion here helps emphasise the need to ensure applications for such developments make provision for sustainable travel by staff.

Proposed Further Change

No change required

Q158a) The reference to PTAL 3 and above in paragraph 24.5, which is used as justification for part (b) of the policy might have given greater clarity to the policy if referred to within it but this is not a matter of soundness.

Council's Response

Noted

Proposed Further Change

Rephrase policy point (b) to read:

"b) In exceptional circumstances such as for a visitor attraction directly linked to an area of nature conservation value, alternative locations may be considered suitable for hotels and guest houses. However, these should be:

- well served by public transport; **having regard to PTAL ratings and any public transport improvements proposed as part of the scheme**
- accompanied by a statement justifying the proposal;
- propose mitigation measures for any harm to local amenity and the environment."

Q158b) Strictly speaking, the last two sentences of paragraph 24.12 represent policy which should perhaps be included in part (h) of the policy but it's not very significant.
Council's Response

It is considered that the penultimate sentence of 24.12 duplicates the requirements of policy part (h), so can be deleted. Meanwhile, the final sentence can be incorporated into a revised part (h).

Proposed Further Change

- Rephrase policy part (h) to read:

"h) The loss of tourist and leisure attractions to alternative uses will only be allowed where the need for such use no longer exists, or there are overriding regeneration benefits to their loss; which could include mitigation through re-provision elsewhere in the borough."

- Rephrase paragraph 24.12 to read:

"Since deliverable opportunities for new tourist and leisure attractions may be limited, existing such uses should be protected in recognition of the benefits they bring to the area. This includes in terms of local identity, image, and the local economy. Pressure for alternative uses should be resisted unless the Council is satisfied that the existing use is no longer viable. Mitigation through their re-provision as part of a wider package of regeneration may also be possible.

Q159) The justification overlaps somewhat with the justification for policy CS11 in the core Strategy but is clearly redirected to justify the additional material included in DM23, so is not an issue.

Council's Response

Noted. Some minor alterations could help reduce duplication within the document.

Proposed Further Change

- Rephrase introductory paragraphs to read:

"Tourism can potentially play an important role in strengthening and diversifying the local economy. A successful tourist industry can help enhance the image of the borough, thus attracting further investment, and create jobs for local residents."
As set out in chapter 14 of the Core Strategy, Waltham Forest is well placed to capitalise on the number of visitors to Central London, and increased interest in East London as a result of the 2012 Olympics.

Policy DM23 below sets out in detail how the Council will work to support a growing tourist trade. This supplements, and should read alongside, policy CS11 of the Core Strategy."

- Rephrase paragraph 24.4 to read:

To build on its strong tourism sector, the London Plan sets a target of 40,000 net additional hotel bedrooms by 2031. "Walthamstow town centre is the major centre in the borough. In accordance with the Core Strategy, the London Plan, and national planning policy, it will continue to be the focal point in the borough of town centre uses including shops, cafes, restaurants and leisure facilities. This concentration of diverse uses, and its strong public transport links (both to central London and other parts of the borough) makes it the logical destination for large scale tourist accommodation. By focusing such uses in Walthamstow town centre, accommodation can realistically be offered to non-car users, and visitor spend can also help maintain and enhance the vitality and viability of the local economy. In accordance with the London Plan, at least 10% of new hotel bedrooms should be wheelchair accessible."
DM24 - Health and Well Being
DM24 - Health and Well Being

Q160) What does part A of this policy require that part B of core Strategy policy CS13 does not already require? As stated, the policy appears to state the information required to validate a planning application, it does not tell either a developer or a development control officer how a proposal would be judged in the light of the information to be provided. It gives no detail of what characteristics a development must achieve in order to obtain planning permission. Without that, would it not fail the test of NPPF paragraph 154? Does this policy and its justification (paragraph 25.2) have a place in the DMPDPD other than perhaps in the implementation section of this chapter?

Council's Response

Part A of the policy is seeking the applicants to "consider how it will contribute to improving health and health inequalities" through an health inequalities assessment. It is the Council's view that it is by undertaking a health impact assessment that will demonstrate a development's impact on health inequalities thus meeting CS13 part B. This is a new area of policy. There are various forms of HIA and thus no set criteria by which development can be assessed (i.e development must meet level 5). It is designed to be a tool to demonstrate that such issues have considered in a scheme's development and raise areas where there maybe significant concern/need for modification.

Proposed Further Change

Amend DM24 part A as below:

"A) The Council will require all major developments to submit a Health Impact Assessment in order to demonstrate how the proposed development will impact on health inequalities

In order to demonstrate how the proposed development will impact on health inequalities the Council seeks all major developments to provide a Health Impact Assessment."

Q161) Does the first bullet point of part B duplicate policy DM15 D?
Council's Response

No. This policy is seeking for new development to be linked to the existing cycle and walking routes and networks to encourage 'everyday exercise'. DM15 D is seeking new development to contribute towards high quality and safe etc road and cycle networks. Proposed that the policy be amended as below for clarity.

Proposed Further Change

DM24 part B, bullet point i, amended as follows:

- "linking it with the existing walking and cycling networks and wherever possible, creating new through routes;"

Q162) How would a development be expected to prioritise the need for people to be physically active as a routine of their everyday life?

Council's Response

It is proposed that bullet point two be deleted as below

Proposed Further Change

Delete policy DM24 B, bullet point ii, as follows:

prioritising the need for people to be physically active as a routine of their daily life;

Q163) Does the third bullet point of part B duplicate policy DM15 G?

Council's Response

No. Bullet point three seeks that new development is easily accessible by foot and bike to further encourage 'everyday exercise' as opposed to DM15 G seeking development contributions towards enhancing the transport network.

Proposed Further Change

No change

Q164) Does the fourth bullet point of part B duplicate policy DM 15 F?
Council's Response

Yes. It is purposed that this part of the policy be deleted as below

Proposed Further Change

Policy DM24 Part B, bullet point iv, be deleted as follows:

improving and enhancing recreational pedestrian and cycle links to ensure they are safe, attractive and welcoming to everyone.

Q165) Part C of this policy appears intended to give partial effect to Core Strategy policy CS13 F. The Core Strategy policy itself refers to “any” land use reducing people’s ability to be healthy. The justification to the Core Strategy policy explains that this may include such things as unhealthy food and alcohol. Part C of policy DM24 deals with one particular kind of unhealthy food. There does not appear to be any development management policy applying CS13 F to alcohol. Can that be explained and justified? Nor does there appear to be any development management policy applying CS13 F to any other kind of land use reducing people’s ability to be healthy; such as shops for the retailing of tobacco or sweets. Can that be explained or justified?

Council's Response

As part of the consultation work around Waltham Forest’s Sustainable Community Strategy the Council engaged with over 2,500 local residents. The feedback showed significant dissatisfaction with both the staggering number of local Hot Food Takeaways and their subsequent impact on the vibrancy and quality of Town Centres. By limiting new Hot Food Takeaways (and improving existing ones), the viability and vitality of our town centres will be enhanced. Better town centres = better local economy. A stable local economy enhances opportunity to attract and retain wealth in the borough which are locally identified as key priorities. In an effort to provide a holistic approach to tackling concerns over community health and childhood obesity, government guidance aimed at promoting healthier communities encourages planning authorities to manage the proliferation of such uses.

Given the position of A5 uses in the Use Class Order (i.e. its own use class and any change away from A5 use needs planning permission) and the need to manage the proliferation of such uses in the borough, the Council considers it appropriate to give such a use a specific planning policy. The sale of alcohol cannot be controlled by planning policy, rather the proliferation of such uses can be controlled by licencing.
Proposed Further Change

No change

Q166) There seem to be a couple of typing errors within part C of this policy; (a) should the first bullet point be (i)?; (b) should point (vi) read “with inappropriate” rather than “within appropriate”?; (c) is there a “not” missing from point (x)?

Council’s Response

Yes. The relevant policies will be amended as below.

Proposed Further Change

C) The Council will resist proposals for Hot Food Takeaways (A5) where:

- it results in an over concentration of such uses which is detrimental to the vitality and viability of a town centre, neighbourhood centre or local parade. An appropriate concentration of A5 uses will be assessed based on the following:

  Vi A proposal operates within with inappropriate appropriate hours of operation;
  X a proposal is not accessible for all groups of people.

Q167) Does the reference to “odours” in point (v) duplicate point (vii)?

Council’s Response

No. Point v relates to neighbouring property’s amenity whereas point vii relates to the provision of suitable extraction.

Proposed Further Change

No change

Q168) What would be the “appropriate” hours of operation in point (v) and how would they be justified?
Council's Response

The text below is proposed to be included.

Proposed Further Change

The following text can be added to after 25.9:

“Appropriate” hours of operation would be as follows are considered as follows:

“As compared with other uses, it is recognised that hot food takeaways often operate with later opening times. Increased incidence of noise generated from both the cooking process, customer activity, vehicular movements and other forms of disturbance can be difficult to control. The need to protect residential amenity will often dictate the extent to which limitations may need to be placed on hours of operation for such establishments. In order to minimise any adverse impacts such longer opening hours may have on residential amenity, it is important that such premises are firstly located in areas where minimum harm can occur.

Within designated centres and key shopping areas, where there is no residential accommodation in close proximity to the premises, it is not likely that any restrictions will be placed on the hours and days of operation. In designated centres and key shopping areas, with residential use in close proximity, opening hours are likely to be restricted to 08:00 and midnight. In predominantly residential areas, where certain levels of amenity are expected and should be protected, it is not likely that permission will be granted for hot food takeaways.”

Q169) Where will I find the justification for the various thresholds chosen (5% in 2nd bullet, 1 within 400m of 3rd bullet and in (iii), 2 and 5 A5 units in (ii))? 

Council's Response

As demonstrated in the Council's Annual Monitoring Report 11/12 the average % of hot food takeaways currently within the primary and secondary shopping frontage is 5%. This equates to approximately 194 units. It is the Council's view and given the concerns from local people that this should be the baseline figure for what is considered to be an 'over-concentration' of such uses.

A 2008 report from the Nutrition Policy Unit of London Metropolitan University found that food outlets in close proximity to, and surrounding, schools were an obstacle to secondary schoolchildren eating healthily. Takeaways within walking distance of schools are therefore a contributing factor to the rising levels of obesity in the Borough. It is for this reason that the exclusion zone is set at 400 metres from primary and
secondary schools. The 400m is footnoted in the documents and justified as follows, "10 minute walking distance is equivalent to 800m as the crow flies. Taking into consideration the physical barriers encountered while walking (e.g. Buildings, traffic lights etc), the Council considers 400m a more practical equivalent to a 10 minute walk." The School Fringe, From Research to Action. Policy Options within schools on the Fringe. Education Research, Sarah Sinclair, JT Winkler, Nutrition Policy Unit, London Metropolitan University, January 2009 also provided additional justification. An overabundance of hot food takeaways, particularly where they form clusters both within and outside of designated centres, can have an adverse impact on the vitality and viability of existing designated shopping centres. Increased numbers of customers around A5 uses, particularly in the late evening when trading activity tends to reach its peak, can lead to problems of disturbance, increased noise and anti-social behaviour. It is considered that more than two A5 units located in close proximity creates a 'cluster' or 'hotspot' and increase numbers of customers around A5 uses, particularly in the late evenings when trading activity tends to reach its peak, leading to problems of disturbance, increased noise and anti-social behaviour. The effects are exacerbated where more of such uses are concentrated or clustered together. Within town centres and other shopping areas, it is important that such uses do not detract from the centres primary retail function, or result in a loss of shops to the detriment of local residents. Where groups of A5 uses develop, they displace other retail shops, breaking up the continuity of the retail frontage. Particularly in designated shopping centres, such “clustering” can undermine the primary retailing function of these areas, reducing the viability, vitality and general attractiveness or such centres.

**Proposed Further Change**

No proposed change

**Q170** The second and third sentences of paragraph 25.3 appear to represent policy rather than justification.

**Council's Response**

Note answers to questions 162 and 163. Amend paragraph 25.3 as follows:

**Proposed Further Change**

Amend paragraph 25.3 as follows:

"The Council seeks to promote and create an environment which encourages residents to be physically active. The Council will seek to ensure that new development contributes to this aim by linking them to existing pedestrian and cycle..."
networks. All new development should be linked into the existing cycle and pedestrian networks in order to encourage residents to use active transport such as walking and cycling:"

Q171) Should paragraph 25.4 appear as the justification to policies DM15 D, F and G in an earlier chapter?

Council’s Response
No. Sufficient justification is provided in policy DM15, therefore it is proposed the the paragraph be deleted.

Proposed Further Change
Delete paragraph 25.4 as follows:

As well as connecting new development to the existing cycle and road networks the Council will seek to improve and enhance existing networks. As well as being an important means of getting about the built-up areas of the borough, walking and cycling are an increasingly popular recreational activity. Footpaths provide access for Borough residents to the open countryside where they link up with the wider rights of way network which exists throughout the country. Cycle routes can provide access for borough residents to surrounding areas of countryside such as the Lea Valley and Epping Forest. The Council will seek to ensure that existing cycle and pedestrian routes are safe, attractive and welcoming to further encourage their use, particularly for recreation purposes. The Council will continue working closely with the Lee Valley Regional Park Authority to develop the Lee Valley Cycle Path (part of the Sustrans proposed cycle network) which extends the entire length of the western boundary of Waltham Forest and is part of the National Cycle Network.

Q172) Is paragraph 25.7 policy or justification? Why are the four criteria in the bullet points of this paragraph different from the criteria set out in part C of the policy itself?

Council’s Response
It is proposed that paragraph 25.7 should be deleted as below:

Proposed Further Change
Delete paragraph 25.7 as follows:
When considering whether a proposed hot food takeaway would result in an ever-concentration of such uses to the detriment of the vitality and viability of a town centre, neighbourhood centre or local retail parade, regard will be had to:

- The number of existing hot food takeaway establishment in the immediate area and their proximity to each other;
- The type and characteristics of other uses, such as housing, shops as public houses;
- The importance of the location for local shopping and the number, function and location of shops that would remain to serve the local community; and
- Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.
DM25 - Environmental Protection
DM25 - Environmental Protection

Q173) In part (a), how will a developer (or development control officer) know that the potential for contamination will require an assessment? How will the necessity of investigation and remediation be judged? Is this an administrative policy concerning the validation of an application, or a planning policy setting out the outcome which a development must achieve?

Council's Response

For major development proposals, a developer will often employ environmental consultants to investigate site conditions. Alternatively, when an application is registered, the Council’s Environmental Health department will be consulted, and will advise on if there is potential for contamination using Council records of historical use of the site, or proximity to landfill sites.

The level of remediation required will vary from case to case; based on levels of contamination found, and the proposed end use. In doing so, the Council will have regard to DEFRA / Environment Agency Soil Guideline Values and LQM / Chartered Institute for Environmental Health’s General Assessment Criteria for Human Health Risk Assessment.

The intention of the policy is to ensure any contaminated land is remediated to a standard fit for its end use prior to any development. To make this clear, it is suggested that part (a) of the policy is rephrased as set out below.

Proposed Further Change

Rephrase point (a) to read:

“a) When considering applications for development on sites which are potentially contaminated, the Council will need to be satisfied that the development can safely be constructed and used. Where necessary developers will be required to enter into planning obligations to investigate and undertake remedial measures prior to development to ensure the land is fit for its proposed end use. Where historical use, proximity to landfill, or an Environmental Consultants report indicates a risk of contamination, any planning permission will be subject to developers entering planning obligations to ensure the final development is fit for its proposed end use; having regard to DEFRA / Environment Agency Soil Guideline Values and LQM / Chartered Institute for Environmental Health’s General Assessment Criteria for Human Health Risk Assessment."

Q174) In part (b), how will the Council’s opinion be reached?
Council's Response

Hazardous substance consent exists in the borough at Coppermill Sewerage Treatment Works and the Hydrogen Bus Depot on Temple Mills Lane. The Council will therefore consult the HSE on development proposals where these existing consents indicate a risk to human health; which will depend on matters such as proximity to the consent, and the nature of the proposed use. This could mean sensitive uses such as residential, schools or health facilities are unacceptable within such zones.

Similarly the Council will also consult the HSE on any proposals for new hazardous installations, and follow their requirements in terms of ensuring proposals secure appropriate safeguards to minimise risk to human health.

Paragraph 26.5 refers to the Council seeking HSE advice. In hindsight, it is recognised that it may aide clarity to make this explicit in the policy text, and also refer to existing consents in the justification and explanatory text.

Proposed Further Change

- Rephrase point (b) of policy to read:

"b) The Council will oppose developments which involve or are likely to be affected by hazardous products or processes where the risk of danger is, in the Council's opinion, unacceptable. "Developments involving either hazardous products or processes, or within hazardous installation consultation zones, will only be granted planning permission where the Health and Safety Executive are satisfied that the proposal would not pose a significant risk to human health."

- Rephrase paragraph 26.5 to read:

"The Planning (Hazardous Substances) Act 1990 aims to prevent major accidents and limit the consequences of such accidents. In considering any planning applications for development which may involve hazardous substances the Council will therefore need to be completely satisfied that the proposal will not constitute a hazard to existing communities or the local environment. Similarly, existing consents at Coppermill Sewerage Treatment Works and the Hydrogen Bus Depot on Temple Mills Lane will be an important consideration in the determination of sensitive uses such as housing nearby. Similarly, existing consents will be an important consideration in the determination of sensitive uses such as housing. In appropriate cases the Council will therefore consult and liaise with the Health and Safety Executive to minimise potential risks."
Q175) The first statement of part (c) is a justification for a policy rather than a policy in itself.

Council’s Response

Noted

Proposed Further Change

- Rephrase policy part (c) to read:

"c)

New developments should not contribute to or suffer from unacceptable levels of air pollution. Any major development for sensitive uses in areas where levels of air pollution are high, will need to be supported by an air quality assessment to allow a full consideration and mitigation of the impact of air pollution on the development.

All major planning applications should:

- be accompanied by an Air Quality Assessment;
- demonstrate that the proposed development neither contributes to, or suffers from unacceptable levels of air pollution; having regard to Defra’s Local Air Quality Management Technical Guidance LAQM TG(09), and London Councils Air Quality and Planning Guidance;
- incorporate measures to mitigate the impact of air pollution on the development."

- Rephrase paragraph 26.6 to read:

"In line with the Councils Air Quality Action Plan, the London Plan, and the Mayor’s Air Quality Strategy, the impact on air quality and future receptors will be taken into account when determining development proposals. New development proposals should not contribute to or suffer from unacceptable levels of air pollution."

Q176) The second sentence of part (c) appears to be conditional on “where levels of air pollution are high” yet the justification in paragraphs 26.7 and 26.8 tells us that the whole of LBWF is an AQMA where mitigation measures should be standard practice, so why is this conditional clause included in the policy?
Council's Response

Inconsistency between sections noted. As the entire borough is an AQMA, mitigation measures should be a standard requirement on major applications. Reference to 'where levels of air pollution are high' therefore removed from rephrased policy point, as worded in response to question 177.

Proposed Further Change

Rephrase policy part (c) as per response to question 175.

Q177) Is the policy to require an assessment (an administrative policy requiring a document prior to validating a planning application) or to achieve a satisfactory effect on air quality? How is a developer (or development control officer) to judge what would be an acceptable outcome?

Council's Response

The intention is for the policy to outline an end requirement for applications to achieve (i.e. that new developments do not lead to unacceptable levels of air pollution, or place occupiers of new developments health at risk by exposing them to poor air quality). It includes requirements for an assessment as this will help determine if the purpose of the policy is achievable. Whilst assessments may in future be required for applications to be validated, including a reference within the the DM policies will give the Council the basis to make such requirements. It is also considered beneficial in terms of being transparent with developers of what is required of them. To clarify the sentiment of the policy, including flagging up the likely need for mitigation measures, rephrasing is considered necessary.

Proposed Further Change

Rephrase policy point (c) as set out in response to question 175.

Q178) In part (d) how is a developer (or development control officer) to know what would be regarded as significant?

Council's Response

Although now superseded by the NPPF, PPG24 contained useful technical guidance on satisfactory noise levels and when mitigation would be required or refusal necessary. In the absence of any new technical guidance from central government, or the production of any new local standards, the guidance in PPG24 will continue to apply in Waltham Forest. It is also considered useful to refer to in the justification
and explanatory text some technical guidance that developers should take on board when preparing noise assessments, and the sentiment of some of the existing justification text to be included within policy.

Revision of both the policy and justification and explanatory text is therefore considered necessary.

**Proposed Further Change**

- Replace policy point (d) with the following:

  “d) The Council will resist developments that adversely affect sensitive uses through the generation of significant noise pollution or vibration, unless appropriate mitigation is provided. Noise sensitive uses such as residential should be located away from major sources of noise pollution and vibration, unless appropriate mitigation can be provided. In assessing if reasonable levels of noise can be achieved, regard should be had to the noise exposure categories listed in the table below.

  Noisy new developments should normally be located away from noise sensitive uses, and should demonstrate that there is no cumulative increase in noise pollution to sensitive receptors.

  All major developments should aim to minimise the adverse impacts of noise through sensitive design, management and operation."

- Rephrase paragraphs 26.12 - 26.14 with:

  "The impact of noise and vibration can be a material consideration in determining a planning application. Developments should aim to minimise the adverse impacts of noise through sensitive design, management and operation, in accordance with national planning policy. Noise sensitive development such as housing and hospitals should not be located close to major sources of noise or vibration unless the effects can be adequately mitigated. Conversely noisy new development should be located away from noise-sensitive uses if its disturbance effect cannot be adequately reduced.

  In some cases it may be possible to allow noise-generating uses if the noise or vibrations can be controlled via appropriate mitigation, and this may be necessary to secure other regeneration benefits in densely built-up areas of the borough. Such measures could include appropriate design measures, or restricting operation and delivery times for businesses."
Wherever there is a concern over the potential for noise pollution the Council will require a noise impact survey outlining effects and possible attenuation measures to comply with national planning policy. Until recently, technical guidance in relation to noise exposure was provided at a national level in PPG24: Planning and Noise. The recently introduced NPPF lacks any such technical criteria, so in the absence of any new technical guidance from government, or locally produced standards, the Council is of the view that the widely accepted definitions of Noise Exposure Categories previously contained in PPG24 will remain relevant in determining planning applications in Waltham Forest. Standards in terms of noise levels, and how the corresponding Noise Exposure Categories would apply to planning applications, is set out below.

**Noise Levels Corresponding to the Noise Exposure**

<table>
<thead>
<tr>
<th>Noise Source</th>
<th>Noise Exposure Category</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Road traffic</strong></td>
<td>07.00-23.00</td>
<td>&lt;55</td>
<td>55-63</td>
<td>63-72</td>
<td>&gt;72</td>
</tr>
<tr>
<td></td>
<td>23.00-07.00</td>
<td>&lt;45</td>
<td>45-57</td>
<td>57-66</td>
<td>&gt;66</td>
</tr>
<tr>
<td><strong>Rail traffic</strong></td>
<td>07.00-23.00</td>
<td>&lt;55</td>
<td>55-66</td>
<td>66-74</td>
<td>&gt;74</td>
</tr>
<tr>
<td></td>
<td>23.00-07.00</td>
<td>&lt;45</td>
<td>45-59</td>
<td>59-66</td>
<td>&gt;66</td>
</tr>
<tr>
<td><strong>Air traffic</strong></td>
<td>07.00-23.00</td>
<td>&lt;57</td>
<td>57-66</td>
<td>66-72</td>
<td>&gt;72</td>
</tr>
<tr>
<td></td>
<td>23.00-07.00</td>
<td>&lt;48</td>
<td>48-57</td>
<td>57-66</td>
<td>&gt;66</td>
</tr>
<tr>
<td><strong>Mixed sources</strong></td>
<td>07.00-23.00</td>
<td>&lt;55</td>
<td>55-63</td>
<td>63-72</td>
<td>&gt;72</td>
</tr>
<tr>
<td></td>
<td>23.00-07.00</td>
<td>&lt;45</td>
<td>45-57</td>
<td>57-66</td>
<td>&gt;66</td>
</tr>
</tbody>
</table>
Noise levels: the noise level(s) (LAeq,T) used when deciding the NEC of a site should be representative of typical conditions.

Night-time noise levels (23.00 - 07.00): sites where individual noise events regularly exceed 82 dB LAmax (S time weighting) several times in any hour should be treated as being in NEC C, regardless of the LAeq,8h (except where the LAeq,8h already puts the site in NEC D).

Aircraft noise: daytime values accord with the contour values adopted by the Department for Transport which relate to levels measured 1.2m above open ground. For the same amount of noise energy, contour values can be up to 2 dB(A) higher than those of other sources because of ground reflection effects.

Mixed sources: this refers to any combination of road, rail, air and industrial noise sources. The "mixed source" values are based on the lowest numerical values of the single source limits in the table. The "mixed source" NECs should only be used where no individual noise source is dominant.

Application of Noise Exposure Categories

<table>
<thead>
<tr>
<th></th>
<th>Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.</td>
</tr>
<tr>
<td>C</td>
<td>Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.</td>
</tr>
<tr>
<td>D</td>
<td>Planning permission should normally be refused.</td>
</tr>
</tbody>
</table>

In some cases it may be possible to allow noise generating uses if the noise or vibrations can be controlled via appropriate mitigation, and this may be necessary to secure other regeneration benefits in densely built up areas of the borough. Such measures could include appropriate design measures, or restricting operation and delivery times for businesses.

Wherever there is a concern over the potential for noise pollution the Council will require an Environmental Noise Assessment outlining effects and possible attenuation measures to comply with the aims of the National Planning Policy Framework. Such assessments should follow guidance contained in BS8233.
Q179) In part (e), how is a developer (or development control officer) to know what would be regarded as unacceptable?

Council's Response

In terms of reaching a decision on unacceptable levels of light pollution, the Council will apply the standards and guidance set out in the Institute of Lighting Engineers Guidance Notes for the reduction of Obtrusive Light. To aid clarity, it is suggested that policy wording makes a direct reference to such guidance.

Proposed Further Change

Rephrase part (e) of policy to read:

“e) External lighting should only illuminate intended areas. The Council will resist developments where floodlighting or external lighting cause unacceptable levels of light pollution, by applying the standards and guidelines set out in the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light.”

Q180) In part (f), how is a developer (or development control officer) to know what would be regarded as unacceptable?

Council's Response

Where proposals may pose a risk to water quality, development management officers will liaise with Environmental Health officers, and the Environment Agency, and rely on their technical advice in determining a planning application. The objectives and actions of the Thames River Basin Management Plan will be an important consideration. Examples of developments that cause deterioration to water quality include those proposing infiltration drainage through contaminated land, or failing to include oil interceptors to prevent polluted runoff from a car park entering a watercourse.

Proposed Further Change

- Replace point (f) with:
"f) The Council will oppose development that would pose an unacceptable risk to water quality and support measures to improve water quality. Developers should liaise with the Council and the Environment Agency to identify any risks to water quality posed by the development, and agree a strategy to overcome that risk. Where the Council is not satisfied that measures are in place to overcome any identified risk (including based on Environment Agency advice), planning permission will be refused. Measures to improve water quality will in principle be supported."

- Replace paragraph 26.16 with:

"The Environment Agency is the competent authority for the implementation of the Water Framework Directive and advises and regulates to ensure the protection and enhancement of waterbodies. In line with the multiple agency approach of the Water Framework Directive, the Council will therefore work with the Environment Agency to ensure their technical advice is duly considered where development proposals may pose a risk to water quality. The objectives and actions of the Thames River Basin Management Plan for individual waterbodies in Waltham Forest should be considered for any developments that could potentially impact on the water quality.

The EU Water Framework Directive provides the opportunity for the Council to work with partner organisations to improve the water environment for the benefit of both people and wildlife. The Council will therefore support initiatives by the Environment Agency and other partners in the Thames River Basin River Management Plan, to prevent groundwater pollution and improve surface water quality. Without these initiatives future supply of adequate quality water will be inhibited."

Low flows in rivers can cause water quality to deteriorate. Proposals that have a potential impact on river flows must ensure they do not aggravate existing low flows issues in rivers.

Q181) Is the third sentence of paragraph 26.3 stating (administrative) policy or justification for policy?

Council's Response

A Preliminary Risk Assessment (PRA) is essentially an administrative requirement that will help assess levels of risk and inform any remediation works that revised policy part (a) would require – see response to question 173. Whilst assessments may in future be required for applications to be validated, including a reference within the DM policies will give the Council the basis to make such requirements. It is also considered beneficial in terms of being transparent with developers of what is required of them. In hindsight, it would be better referred to in a revised paragraph 26.4 – see answer to question 182.
It should be noted that the remaining commentary in 26.3 refers to Council responsibilities to address contaminated land that sit independently from development proposals. Given the intention of the DM Policies Document as a tool to assess planning application, its inclusion is not considered necessary.

**Proposed Further Change**

Delete paragraph 26.3 as set out in response to Inspectors question 182 below:

| Q182) Is paragraph 26.4 stating administrative policy, planning policy or justification policy or justification? |

**Council’s Response**

Paragraph 26.4 was intended to clarify to developers the procedures required for ensuring satisfactory ground conditions. Whilst assessments may in future be required for applications to be validated, including a reference within the the DM policies will give the Council the basis to make such requirements. It is also considered beneficial in terms of being transparent with developers of what is required of them.

Revisions to part (a) of the policy as set out in response to question 173 are intended to give a clearer distinction of what the Council policy regarding contaminated land is. To justify and explain this further, the following revisions to paragraph 26.4 are also considered necessary.

**Proposed Further Change**

Rephrase paragraphs 26.2 - 26.4 as set out below:

"Due to the largely urban nature of the borough, and to secure a sustainable pattern of growth, new development will largely be focussed towards previously developed land. In Waltham Forest, due to former industrial uses, such land is often potentially contaminated.

The Council has a responsibility to identify contaminated land and ensure it is managed in an appropriate manner, as set out in the Environmental Protection Act 1990 and national planning policy. The Contaminated Land (England) Regulations 2000, also requires site investigations to be undertaken to confirm the presence of contaminants on site and for remediation to be undertaken on land that is causing, or where there may be a significant possibility of causing, significant harm to receptors or pollution to controlled waters. Where a site has the potential to be contaminated, a Preliminary Risk Assessment will need to be submitted with a planning application. Site investigation procedures and sites of potential contamination in the borough, are outlined in the Council’s Contaminated Land Strategy 2000."
Where a contaminated or potentially contaminated site is identified under the planning system, developers will be required to carry out detailed site investigations and after a risk assessment, a remediation strategy may need to be submitted to the Council. The strategy should include measures that are necessary to make the development safe and suitable for its proposed end use. A Verification Report will be necessary to demonstrate that the remediation works have been successfully implemented. It remains the developer’s responsibility to ensure that they have met the remediation objectives, made the site suitable for use and adequately protected all of the relevant receptors. The Council needs to be satisfied that these requirements have been met before discharge of a planning obligation. In some cases, certain uses may not be suitable within areas that are particularly sensitive to land contamination.

Where risk of land contamination has not been identified by a developer’s Environmental Consultants, it may be identified by the Council’s Environmental Health team when a planning application is registered; based on historical records of past use and proximity to landfill sites. Where risk is identified, developers will need to submit a Preliminary Risk Assessment (desk study), and carry out a suitable site investigation. From the findings, a remediation strategy should be developed and agreed with the Council to mitigate any risk(s) to human health, in order to meet the requirements of Core Strategy Policy CS13, part (a). To ensure satisfactory ground conditions have been achieved, developers will be required to provide a verification report prior to occupation of the development.

In some cases, once a remediation strategy has been agreed, on-site works may identify additional, unforeseen risk to human health. The Council will therefore insert a clause to planning conditions that where on-site works identify any additional, unforeseen risk, developers should disclose this to the Council and revisions to the remediation strategy will be necessary.

Q183) The first part of paragraph 26.8 reiterates the procedural requirement for an assessment to be made and submitted with an application. The second part requires mitigation measures as standard practice. This appears to be stating a planning policy which is less selective than that set out in DM25 (c). It also appears to duplicate the planning policy set out in DM14 H.

Council’s Response

Noted. Consistency with section (c) of policy addressed through proposed rephrasing in response to question 177.

Unnecessary duplication of DM14H noted.

Also noted that paragraph 26.7 provides duplication of matters already established through the Core Strategy; so could benefit from editing; whilst paragraph 26.6 should also cite the London Plan.
Proposed Further Change

- See revisions to paragraph 26.6 set out in response to question 175.
- Rephrase paragraphs 26.7 and 26.8 with:

"As set out in the Core Strategy, the whole borough has been designated as an Air Quality Management Area. All major planning applications in the borough will therefore need to be accompanied by a detailed air quality assessment, as a means of ensuring the Environment Act 1995, Part IV requires local authorities to review and assess air quality in their area. Where it is apparent from this review and assessment that the air quality objectives are not being achieved, or are not likely to be achieved within the relevant time period, the local authority must designate an Air Quality Management Area (AQMA). The Council has completed a detailed stage 3 review and assessment and has subsequently identified and designated an Air Quality Management Area covering the whole borough. The detailed stage 3 review and assessment identified road traffic as the main source of pollutants of nitrous oxides (NOx) and particulates (PM10). A more detailed stage 4 assessment has confirmed the earlier findings and details the measures proposed to improve air quality in the area.

Given the poor air quality in the borough, air quality assessments will be required to ensure major new developments do not cause harm to air quality or introduce new receptors to areas of poor air quality. It is recommended that these are prepared prior to a formal planning application to establish if the development is appropriate for that area and so that mitigation measures can be fully incorporated within the design stage of the scheme. As the whole of Waltham Forest is an Air Quality Management Area, mitigation measures should be considered as standard practice. Strict mitigation is likely to be required for:

As the whole of Waltham Forest is an Air Quality Management Area, mitigation measures should be considered as standard practice, and will be especially important for developments that are expected to significantly increase the number of car trips. In particular, any negative impact on Epping Forest Special Area of Conservation (SAC) will need to be minimised. Attention is drawn to policy DM14 part H. Strict mitigation is also likely to be necessary in the following cases:

- Developments in areas where NO2 and PM10 levels are notably high (see Core Strategy Policy CS13: Promoting Health and Wellbeing)
- Developments that propose biomass or Combined Heat and Power as their form of renewable energy."

- NB this includes a deletion of an additional cross reference to DM14H proposed in the Post Publication Minor Changes Document.
Q184) The mitigation measures referred to in paragraph 26.8 appear to be intended to reduce or compensate for the pollution originating from a development. On the other hand, the mitigating measures exampled in paragraph 26.9 appear to be intended to be applied to developments on the receiving end of pollution. In neither case is there any detail to tell a developer (or a development controller) what outcome would be acceptable.

Council's Response

Noted. Revisions set out in response to questions 177 and 183 provide details of what guidance the Council will apply in terms of ensuring acceptable outcomes

Proposed Further Change

See response to questions 177 and 183

Q185) The third, fourth, fifth and last sentences of paragraph 26.11 appear to be modifying policy DM12 C in ways not stated in policy DM12 C itself, which is thereby misleading and so, unsound.

Council's Response

Inconsistency with DM12C noted. Essentially the intention is that when a scheme with CHP or biomass comes forward, the Council will need to balance its benefits in terms of carbon reduction against any potential impacts on air quality; as outlined in the accompanying air quality assessment. In hindsight the requirements to demonstrate that other forms of renewable energy have been considered is unduly onerous, and conflicts with the London Plan energy usage hierarchy; and should therefore be removed. Some editing of the paragraph, alongside the revisions to policy DM12 and paragraph 13.7 as set out in response to question 84, is considered necessary.

Proposed Further Change

Rephrase paragraph 26.11 as set out below:

"The Council promotes the use of renewable energy technologies to help tackle climate change, as set out in policy DM12: Decentralised and Renewable Energy. The use of biomass and CHP (Combined Heat and Power) have been identified in the Mayors Energy Strategy, but it is important to note this needs to be balanced against their impact on air quality through emissions of particulate matter and nitrogen oxides; as set out in any Air Quality Assessment that accompanies the scheme."
Given poor air quality in Waltham Forest, developers will be required to demonstrate that other forms of renewable energy have been considered. Where biomass or CHP is proposed, the Council will require an emissions assessment prior to submission of a planning application. The emissions assessment must demonstrate that the plant does not significantly contribute to the deterioration of local air quality and that it is adhering to the emission limits set by the GLA for both PM10 and NO2. These emission limits will be regularly reviewed as new evidence becomes available and abatement technology improves. The assessment must also demonstrate that other forms of renewable technology have been compared and assessed for their impact on local air quality. If planning permission is granted, operators will be required to provide evidence on a yearly basis to show continued compliance with emission limits and that the units are having annual maintenance checks.

Q186) Other than the first sentence, paragraph 26.12 appears to be stating policy.

Council's Response
Noted – see response to question 178

Proposed Further Change
See response to question 178

Q187) Is paragraph 26.13 stating policy, giving advice or providing justification?

Council's Response
Original intention was to provide advice to developers and development control officers. However, it is now considered that the broad sentiment of this text is better spelt out through revisions to the policy and justification and explanatory text provided in response to question 178

Proposed Further Change
See response to question 178

Q188) Paragraph 26.14 appears to be stating an administrative policy, requiring a document to be submitted of validating a planning application.
Council's Response

This is an administrative matter that will enable the Council to ensure part (d) of the policy is implemented; i.e. to ensure that proposed new developments do not generate significant noise pollution or vibration. The intention of including here was to provide clarity to applicants of what is expected of them when an application is submitted, and how the Council will reach its decision on determining the application. Whilst assessments may in future be required for applications to be validated, including a reference within the the DM policies will give the Council the basis to make such requirements. Revisions set out in response to question 178 will also provide further guidance to developers of technical guidance notes that such noise assessments should conform with.

Proposed Further Change

See response to question 178

Q189) Is the penultimate sentence of paragraph 26.15 meant to be stating a policy?

Council's Response

This sentence was intended to clarify to developers what is considered to be excessive light pollution. To some extent the revisions to policy wording set out in response to question 179 means the issue is now covered within the policy text (since this is a key principle of the guidance referred to there). However, it is accepted that removal of this sentence from the justification and explanatory text, and further alterations to policy point (e), would be beneficial.

Proposed Further Change

- See revisions to policy part (e) set out in response to question 179
- Rephrase paragraph 26.15 to read:

"Appropriate lighting can play a vital role in enhancing community safety at night by enhancing opportunities for natural surveillance. It can also be beneficial in terms of highlighting and enhancing landmark structures. However, such benefits need to be balanced against the detrimental effects on wildlife and excessive energy consumption, and as such national planning policy seeks to minimise light pollution from new development. Care should be taken to ensure lighting only illuminates..."
intended areas and does not affect or impact on its surroundings. In areas particularly sensitive to wildlife, it may be necessary for developers to employ an accredited lighting engineer."

Q190) Is the last sentence of paragraph 26.16 meant to be stating a policy? How likely is such a policy to be needed to apply in LBWF?

Council's Response

In hindsight, whilst this sentence reads as a policy, it is difficult to foresee circumstances in Waltham Forest where it is likely to be needed to apply. It is therefore not considered necessary, and can be deleted.

Proposed Further Change

See revisions to paragraph 26.16 set out in response to question 180
DM26 - Managing Changes of Use in Town Centres
DM26 - Managing Changes of Use in Town Centres

Q191) The title of the policy limits it to “in Town Centres” Yet, as part F makes clear, the policy actually ranges wider. (It’s not clear whether part G is limited to town centres or has universal application). Does the title of the policy need clarification?

Council’s Response

It is noted that some policies included in this chapter have limited application to the designated centres and parades, whilst other policies like Parts F and G of the policy have universal application. The Council rightly accepts that the title of the policy needs to be amended for better clarity.

Proposed Further Change

- It is proposed to amend the policy title to read: "Managing Town Centre Uses".
- For better clarity, it is proposed to delete paragraphs 27.1 and 27.2 and revise as below:

27.1 As well as shopping, the Borough’s designated centres and parades are host to a wide variety of activities and services. These include leisure activities such as restaurants, pubs, clubs and cinemas, businesses such as banks, estate agents and other office uses, housing, education, and other community facilities. Many of these activities assist in extending the use of town centres both throughout the day and during the evening. The diversity of uses in these areas makes an important contribution to vitality and viability. Combined with their accessibility, these areas are often the most appropriate locations for activities that attract many people. The Council is keen to encourage people to shop locally as much as possible.

27.2 It is important that a balance of uses is maintained in the designated centres and parades. Town centres that are attractive, well-designed, and well-managed, with a good mix of uses will be attractive for shoppers and visitors, also providing a focal point for business and social interactions. People do not want to visit town centres that are run-down and don’t offer them what they want. Accordingly, it is important to manage town centres well. Strong, well-managed centres are better placed to exploit opportunities during times of growth, and are more resilient and better able to adapt to changing economic situations.

This policy applies to main town centre uses as defined by the NPPF. This includes retail development, leisure, entertainment facilities, recreation uses (including cinemas, restaurants, bars and pubs, night-clubs, casinos, health and fitness centres etc), offices, banks and building societies, estate agents,
arts/culture and tourism development including hotels etc. The policy has universal application throughout the Borough and applies where planning permission is required for a change of use. In accordance with Core Strategy Policy CS14, the policy seeks to ensure the sustainable development and management of town centre uses at the most appropriate locations. Well managed, changes of use could bring positive regeneration benefits.

Q192) Is the extent of the primary and secondary frontages defined in this DMPDPD or in the Site Allocations DPD? If here, then I need to be pointed to the particular passages in the evidence base which justify the selection of the chosen frontages.

Council's Response

The extent of designated primary and secondary frontages is defined in Schedules 5 & 6 of this document. The ‘relevant frontage’ is described by street address and shown on the Policies Map. It is based on street blocks. In defining the ‘relevant frontage’ the Council took into consideration the clustering of shops and other commercial activities along the particular road frontage. The designation of these frontages and their limits are regularly monitored through annual land use surveys.

Evidence of the most recent review of these designations is set out in the document "A Review of Retail Frontages in Waltham Forest, December 2012" (Doc Ref KE124). Relevant passages in this evidence base are as follows:

<table>
<thead>
<tr>
<th>Designated centre</th>
<th>Relevant passage (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bakers Arms District Centre</td>
<td>Paras. 3.8 to 3.16 (Pages 15 &amp; 16)</td>
</tr>
<tr>
<td>Highams park District Centre</td>
<td>Paras. 4.8 to 4.14 (Pages 22 &amp; 23)</td>
</tr>
<tr>
<td>Leyton District Centre</td>
<td>Paras. 5.8 to 5.16 (Pages 29 &amp; 30)</td>
</tr>
<tr>
<td>Leytonstone District Centre</td>
<td>Paras. 6.7 to 6.16 (Page 36 to 38)</td>
</tr>
<tr>
<td>North Chingford District Centre</td>
<td>Paras. 7.8 to 7.14 (Pages 44 &amp; 45)</td>
</tr>
<tr>
<td>South Chingford District Centre</td>
<td>Paras. 8.7 to 8.14 (Pages 51 &amp; 52)</td>
</tr>
<tr>
<td>Walthamstow Major Centre</td>
<td>Para.s. 9.17 to 9.26 (Pages 60 to 62)</td>
</tr>
<tr>
<td>Wood Street District</td>
<td>Paras. 10.8 to 10.16 (Pages 69 &amp; 70)</td>
</tr>
</tbody>
</table>

1 See "A Review of Retail Frontages in Waltham Forest, December 2012" (Doc Ref KE124).
Q193) How were the figures of 30% in part A (i) and 50% in part B (i) and the threshold of three or more in A(ii) and B (iii) chosen and justified?

Figure of 30% in Part A(i)

Annex 2, page 55 of the National Planning Policy Framework makes the point that "Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods....". The meaning of 'high proportion' is not defined by government policy. However to support the implementation of the policy, the Council has established a locally specific percentage threshold.

The 30% threshold in Part A of the policy has been a long standing threshold figure applicable to primary frontages. This was included in previous development plan documents (both 1996 and 2006 UDPs). It has been applied consistently over the years in Waltham Forest. The evidence base is derived from a public consultation exercise carried out by the Council in the 1990s. In this consultation, a number of organisations including individual retailers, retailers’ associations, banks, building societies, insurance brokers, local political parties, community groups and chambers of commerce were consulted. The majority of respondents in this exercise were in favour of a maximum of 30% of non retail uses in the main shopping frontage. The results of this consultation formed the basis for setting the upper limits on the proportions of non retail uses which should be permitted.

The Council has no reason to apply a different threshold figure. In carrying forward this policy to the current development plan, the Council considered monitoring evidence over the years as included in the Council's Annual Monitoring Reports. For the current year, analysis on the performance of this policy is included the AMR 2011/12 document. On page 151, it draws the conclusion that 71% of shops in all borough centres were in A1 retail use, thus demonstrating the general effectiveness of the policy over the years. Further analysis is included in the document "A Review of Retail Frontages in Waltham Forest, December 2012" (Doc Ref KE124).

The policy has been applied throughout the borough' town centres for a number of years and proved generally acceptable to stakeholders and indeed the Waltham Forest community at large. It has been tested and found to be meaningful and
appropriate at previous development plan inquiries (1996 and 2006 UDPs) and supported by Planning Inspectors on a number of planning appeal cases over the years. With regard to the current Development Plan examination, there has been one objection from the Barclays Bank (Respondent ID 150864, dmpps 150/151) seeking an exception with regard to the application of the policy tests in favour of banks and building societies in particular. The Council’s response is that the policy gives reasonable exception to Banks and Building Societies.

Although the policy has been in place for many years, it still provides a consistent basis for managing changes of use within the designated centres. The policy works alongside the frontage designations which are reviewed periodically. Accordingly frontages may be extended, de-designated or re-designated from primary to secondary or vice versa as may be justified by evidence through the monitoring process. On this basis, the Council considers that the policy is both responsive and flexible.

**Figure of 50% in Part B(i)**

Annex 2, page 55 of the National Planning Policy Framework states that ".... Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses". To support the implementation of the policy, the Council has established a locally specific percentage threshold.

The policy seeks to manage the gradual takeover of retail premises by non retail uses that has been occurring in recent times. The threshold has been objectively established to to consolidate retail activities within the borough’s designated centre in accordance with Core Strategy Policy CS14(E) (i). In selecting the percentage threshold, the Council has taken into consideration the following factors:

- need to ensure an adequate supply and provision of retail premises in both primary and secondary frontages,
- the complementary role secondary frontages in supporting the core retail function of designated centres,
- the changing composition of secondary frontages as new uses and activities seek the most attractive locations close to primary frontages,
- the retail health of the borough’s town centres - in particular, the level of vacancies in all designated centres,
- the availability of alternative commercial premises in undesignated frontages elsewhere within individual centres,
- role of some non retail uses such as cafés/bars, restaurants, banks and building societies in generating pedestrian flow in their own right and those others that tend to depend on the footfall provided by other retail uses, and
- the limits of control as permitted under the Town and Country Planning Use Classes Order.
Prior to 2004, there were significant vacancies in secondary frontages and mindful of the more restrictive approach to primary frontages, the Council considered it necessary to widen the scope for greater diversification of uses to take place in secondary frontages. Accordingly, the previous development plan document did not specify a threshold limit between retail and non retail uses in secondary frontages. However these conditions have changed with the growing attraction of secondary frontages for new non retail businesses particularly including estate agents, betting offices, hot food takeaway uses etc. These uses are beginning to dominate secondary frontages. However if retail should remain the 'core function' of town centres, it is necessary to ensure a good balance in the supply of both retail and non retail units.

In selecting the threshold figure of 50%, the Council has particularly considered evidence of changes taking place in secondary frontages over the years. This are published in Annual Monitoring Reports. The following conclusions can be drawn:

- In all centres, there was growth in non retail uses from 43% in 2004/5 to 46% in 2011/12,
- In all centres there was a decline in retail representation from 50% in 2004/5 to 46% in 2011/12.
- Walthamstow, South Chingford and Highams Park in particular experienced significant growth in non retail uses in secondary frontages.

Detailed analysis of changes taking place in individual frontages is included in the Council's evidence document "A Review of Retail Frontages in Waltham Forest, December 2012" (Doc Ref KE124). Key conclusions as follows:

<table>
<thead>
<tr>
<th>Designated centre</th>
<th>Key findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walthamstow (16 designated secondary</td>
<td>7 sections with high proportions of non-retail uses ranging from 44% to 88%.</td>
</tr>
<tr>
<td>frontages)</td>
<td></td>
</tr>
<tr>
<td>North Chingford (3 designated secondary</td>
<td>Proportion of non-retail uses range from 43% to 57%.</td>
</tr>
<tr>
<td>frontages)</td>
<td></td>
</tr>
<tr>
<td>South Chingford (7 designated frontages)</td>
<td>Proportion of non-retail uses range from 16% to 75%.</td>
</tr>
<tr>
<td>Highams Park (6 designated frontages)</td>
<td>4 sections with high proportions of non retail uses ranging from 59% to 84%.</td>
</tr>
<tr>
<td>Wood Street - (6 designated frontages)</td>
<td>Proportion of non-retail uses range from 0% to 49%.</td>
</tr>
<tr>
<td>Bakers Arms (8 designated frontages)</td>
<td>6 frontages with between 36% to 65%.</td>
</tr>
<tr>
<td>Area</td>
<td>Percentage Details</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Leytonstone (7 designated frontages)</td>
<td>2 frontages with 54% and 67%. 5 frontages ranging from 55% to 67%.</td>
</tr>
<tr>
<td>Leyton (7 designated frontages)</td>
<td>6 out of the 7 frontages with high proportions of non retail uses ranging from 53% to 86%.</td>
</tr>
</tbody>
</table>

The growth in non retail uses has clearly contributed to greater diversification, however, this must be balanced against the development plan objective to protect the essential retailing function of designated centres. The Council considers that uncontrolled, the entire length of secondary frontages would be dominated by non retail uses. However, at peripheral (undesignated) locations within centres, there are opportunities for more non retail uses to locate and contribute to overall town centre vitality and viability as these are often the locations where vacancies occur.

In managing changes of use within centres, the Council considers that a 50% balance is appropriate - representing the limits beyond which a disproportionate representation would occur. The Council accepts however that this is a matter of judgement but also acknowledges the practical difficulty in justifying an alternative percentage figure. However in the absence of a policy threshold it would be difficult to successfully manage growth and change in secondary frontages.

The Council notes that presently, there are particular frontages where this threshold has already been breached. Accordingly the intention of the policy is to control further losses of retail in those sections below the 50% saturation point. However, overtime, it is expected that more retail uses would be attracted to secondary frontages to ensure that the threshold target is achieved overall. In any case, it is intended that the policy will be monitored annually.

The wording of the policy makes reference to exceptional circumstances - to allow for flexibility with regard to changing market conditions, vacancy levels and other relevant considerations including the nature of the proposed use and its contribution to town centre vitality and viability.

**The threshold of three or more in A(ii) and B (iii)**

This policy threshold requirement has been carried over from previous development plan documents (both 1996 and 2006 UDPs). Although previously applied to primary frontages, the Council has extended this to secondary frontages to support the operation of the percentage threshold as explained above.

The Council considers that the success of any particular centre is dependent, at least in part, upon retaining a reasonably close grouping of shops selling a wide range of goods. Shopping for particular items such as clothes, shoes, footwear and jewellery etc is in essence a process of search and comparison before final selection. Therefore
grouping shops conveniently together attracts shoppers and if the shopping frontage is broken or diluted by uses not directly related to a shopping trip, this could create 'dead frontages' and loss of attractiveness.

The Council considers that the sole reliance on the percentage threshold would be inadequate to prevent the clustering of non retail uses, hence the limits applied regarding the grouping of 3 or more adjoining standard sized units. In applying this requirement, the Council has taken into consideration the following:

- the need to ensure good patronage to all parts of a designated centre;
- the long linear nature of shopping streets in the borough and the extent to which shoppers may be prepared to walk long distances in search of comparison items such as clothes, shoes, footwear etc;
- the potential for non retail uses to break the continuity of the browsing experience of shoppers;
- the occurrence of physical breaks in the continuity of the shopping frontage as created by road junctions and other obstructions to pedestrian movement; and
- the relative attractiveness of individual frontages to shoppers and visitors.

The threshold applied has been objectively established. It is based on street blocks and seeks to evenly distribute the grouping of non retail uses throughout the designated centres. The borough is characterised by long linear shopping streets. It is considered therefore that there would be a limit beyond which a shopper would be prepared to walk along the full length of a shopping street in search of shopping items. Allowing for other interruptions to pedestrian movements as caused by road junctions, it is considered that the occurrence of significant breaks (as caused by the grouping of non retail uses) would have the cumulative effect of discouraging pedestrian movement. If however, the planning objective is to sustain shoppers' interest to all sections along a frontage, then it is necessary to ensure that individual sections of a frontage are not disadvantaged by too frequent breaks in the continuity of the shopping frontage.

The threshold limit of 3 or more non retail uses was derived on this basis and represents the Council's judgement of the most appropriate grouping that should be achieved. This was tested through the public consultation exercise undertaken in the 1990s. In this exercise, most respondents were against the grouping of 3 or more non retail uses located next to each other. The Council recognises the age of this survey, however has it no information on the contrary to apply a different limit.

The Council considers that its retail protection policy has been successful in maintaining an appropriate balance between retail and non retail uses. The successful application of the policy has influenced the current spatial distribution of both retail and non retail uses throughout the designated centres. The policy has not led to any
negative impacts for example on the level of vacancies within the designated centres. As a matter of fact, vacancy levels in individual centres have remained about 8%, below the national average of 11%.

**Proposed Further Change**

No further change.

Q194) Because A5 uses have their own policy DM24 C, should they be excepted from this policy? (They are specifically referred to in parts B (i) and G)

**Council's Response**

Policy 26(G) is generic in nature and refers to non retail service uses which includes Class A5. The Council notes that Class A5 uses have their own policy (DM24 C). Indeed there are aspects of policy DM26 (G) that would apply to DM24 (C) and therefore could be seen as unnecessary duplication.

**Proposed Further Change**

It is proposed to delete the reference made to 'Class A5 uses' in the policy sentence so that it reads as:

"G) With regard to non retail service uses (those relating to Classes A2, A3, A4, A5 & Sui Generis) where proposals comply with policies DM26 (A) to (F), the Council will in addition consider all of the following factors: ....... "

Q195) Would the inclusion of part H infer that policy DM30 does not apply where this policy applies? (DM30 (v) requires active frontages, so there is some duplication)

**Council's Response**

While Policy DM30 deals with site specific design issues elsewhere in the borough generally, the purpose of Part H of DM26 although relating to design aspects seeks to ensure that replacement uses within existing commercial areas are well integrated in design terms with nearby and adjoining uses such that they do not impact on the character of commercial areas and business viability. As there is some duplication with both policies, it is proposed to amend the policy wording, including cross referencing where necessary.
Proposed Further Change

It is proposed to amend Part H of DM26 to read as follows:

"Where proposals comply with the above policies, the Council will in addition consider the impact of the proposals on amenity, the character and function of the parade in which the proposal is to be located. Acceptable uses will be those that create activity and interest along a shopping or commercial street and can be well integrated in design terms in accordance with the principles set out in Policy DM30 (ii). As a general approach, the Council will......."

Q196) In practice, what would “encouraged” in Part H (i) mean when the Council can only permit, refuse, apply conditions or seek s106 agreements?

Council’s Response

The Council accepts the need to clarify the implementation of this policy.

Proposed Further Change

It is proposed to amend Policy DM26 (H) (i) to read as follows:

"i) Along commercial frontages (at ground floor/street level) planning permission will be granted for active uses (e.g. those that can operate with display windows and shop fronts and create activity and interest directly to passing pedestrians). will be encouraged; "

Q197) The second and third sentences of paragraph 27.4 appear to duplicate part A of the policy.

Council’s Response

The Council accepts the need to avoid unnecessary duplication.

Proposed Further Change

It is proposed to delete paragraph 27.4 which reads as follows:

Accordingly, the primary frontages will generally be restricted to retailing. In these frontages the Council will only accept Class A1 uses as defined in the Town and Country Planning (Use Classes) Order. However other non-retail uses meeting the criteria set out above may also be permitted.
Q198) The second sentence of paragraph 27.5 together with paragraph 27.10 appear to be setting policy requirements which differ from those of part A of the policy itself. Does this suggest that the policy is incomplete, lacking clarity and, perhaps unsound?

Council's Response

The Council agrees with the inspector that the second sentence of paragraph 27.5 together with paragraph 27.10 appear to be setting policy requirements.

Proposed Further Change

Accordingly, it is proposed to amend policy DM26 (A)(iii) by moving text previously included under paragraph 27.10 into the policy text box as follows:

"(iii) the use proposed provides a service directly related to a shopping trip (such as banks, building societies, cafés), or meets other qualifying tests. Other uses of quasi retail or sui generis nature seeking primary frontage location will be considered with regard to the following factors:

- the extent to which the proposed use is capable of attracting a significant number of shoppers/visitors to the centre;
- the extent to which the proposed use meets an important local need as may be identified through a local need survey;
- the extent to which the proposed use contributes to the Council's aspirations and priorities, in particular, the regeneration objectives for the local area;
- the contribution the proposed use will make to the vitality and viability of the proposed frontage and the centre generally and will contribute to shoppers' experience and;
- the availability of suitable alternative vacant premises outside the primary frontage."

As consequential changes as noted above, it is proposed to delete paragraphs 27.5 and 27.10 and replace with new text as follows:

27.5 For the purposes of Policy DM26, the designated centres and their protected frontages are defined on the Policies Map and Schedules 5. Paragraph 27.10 sets out the key policy considerations the Council will take into account in determining the acceptability of new quasi retail or other uses of a sui generis type not falling within Class A1 of the Use Classes Order.
27.10 In assessing non-retail uses, particularly those of a quasi-retail or sui generis nature wishing to locate within the primary frontage, the Council will consider all of the factors listed below. Applicants for planning permission will be expected to justify their proposals on this basis:

- the extent to which the proposed use is related to a shopping trip and capable of attracting a significant number of shoppers/visitors to the centre;
- the extent to which the proposed use meets an important local need as may be identified through a local need survey;
- the extent to which the proposed use contributes to the Council’s aspirations and priorities, in particular, the regeneration objectives for the local area;
- the contribution the proposed use will make to the vitality and viability of the proposed frontage and the centre generally and will contribute to shoppers experience; and
- the availability (as supported by evidence) of suitable alternative vacant premises outside the primary frontage.

In recent times, there has been a gradual encroachment of non retail uses in primary frontages. Some non retail uses are changing their image towards retail concepts and have tended to seek prime locations within retail frontages. These include betting offices, estate agents, pay day loan shops, and other uses of a sui-generis or mixed retail/non use nature. Other new uses may be unspecified or not strictly classified as retail under the current Town and Country Planning Use Classes Order.

Although such uses may be complementary to shopping, they do not necessarily justify a primary frontage location in all cases. The policy therefore sets out the factors that would be applied in assessing such proposals. This is particularly necessary to ensure that the development plan objective to create a cohesive retail base in the borough’s centres is not undermined. The Council considers that an important factor will be the contribution the proposed use can make to vitality - in particular whether it is capable of attracting a significant number of shoppers/visitors. It is also expected that applicants for planning permission would explore opportunities to occupy alternative vacant premises elsewhere in the centre outside the primary frontage.

Q199) Are paragraphs 27.16 and 27.17 setting or duplicating policy?

Council’s Response

The Council agrees with the inspector that paragraphs 27.16 and 27.17 appear to be setting or duplicating policy.
Proposed Further Change

- It is proposed to amend paragraph 27.16 to read as follows:

"Essential shops include the sub post office, chemist, greengrocer, baker, newsagent, etc. Other types may be justified or supported by need as identified through local need surveys or other public consultation exercises. **The policy is intended to ensure that the character of local retail parades will be maintained such that as a minimum, there will be a continuous grouping of at least 4 standard sized retail units remaining in the relevant frontage.** As a minimum level of provision, the Council will aim to ensure that at least 4 standard sized retail units are retained within the local parade. A period of six months with supporting evidence of attempts to let, lease, or sell the property will be a material consideration. Whether the parade contains sufficient essential shop uses will depend on its size and function within the shopping hierarchy and the extent to which alternative retail provision exist within a convenient walking distance of the parade to serve the surrounding residential area."

- It is proposed to amend paragraph 27.17 to read as follows:

"In assessing the extent to which the surrounding area is deficient in essential local shops, the Council will have regard to the number and range of uses within the nearby local area. The Council considers that residents' accessibility to local parades would be seriously compromised if they have to do more than a 10 minute walk, approximately 800m to the nearest facility. **In implementing the policy, the Council accepts that there may be situations where the retention of a shop may be impossible for economic reasons. This policy therefore makes provision for alternative replacement uses appropriate to a shopping area to be considered such as those within Class A2, A3, A4, A5 and doctors/dental surgeries. This is however subject to compliance with other development plan policies. Where the retention of a shop may be impossible for economic reasons, other commercial uses may be accepted if there is no conflict with other policies of this plan. In this case, the proposed replacement use must be appropriate to a shopping area including those within Class A2, A3, A4, A5 and doctors/dental surgeries. Other appropriate uses will be those that create activity and interest to passing pedestrians.**"

**Q200) Is paragraph 27.19 stating policy?**

**Council's Response**

The Council agrees with the Inspector that paragraph 27.19 is restating policy covered under Policy DM26 (G).
Proposed Further Change

It is proposed to delete paragraph 27.19 as follows:

“This policy generally applies to non retail service uses including those falling within Class A2, A3, A4, A5 and others within the sui generis class. The policy only applies where planning permission is required.”

Q201) Are the second, third and fourth sentences of paragraph 27.26 stating or restating policy?

Council's Response

The Council agrees with the Inspector that the 2nd, 3rd and 4th sentences of paragraph 27.26 require further clarification.

Proposed Further Change

It is proposed to amend paragraph 27.26 to read as follows:

"In a changing economic climate, it expected that some shops, pubs and ground floor offices in marginal trading locations will be converted to homes, entailing the removal of former shopfronts and the construction of new ground floor frontages. This policy is intended to ensure that satisfactory standards are achieved in terms of how the proposed use is integrated with adjoining uses in both function and design. Policy DM30 sets out the general design principles that will apply. Where it is proposed to convert a ground floor shop or business unit into a residential unit, the Council will expect that good design considerations are applied. This will often require that windows closely match those of the upper storeys in terms of height, width and design. However an important consideration will be how the proposal integrates with the adjoining uses in both function and design."
DM27 - New Retail, Office and Leisure Developments
Q202) Does part A of this policy do anything more than restate Core Strategy policy CS14 A? What is the justification for its inclusion?

Council's Response

The Council agrees with the Inspector on this point and therefore proposes to delete Part A of policy DM27.

Proposed Further Change

It is proposed to delete Part A of Policy DM27 as below:

"A) proposals are concentrated within the designated centres/local parades taking into account the hierarchy of centres as set out according to Core Strategy Policy CS14. Proposals within these centres/local parades should be of a scale appropriate to the role and character of the centre/parade and its catchment";

Q203) Does part B of this policy do anything more than duplicate paragraph 26 of the NPPF?

Council's Response

The Council accepts the Inspector's point about duplication of paragraph 26 of NPPF. For better clarity and interpretation, it is proposed to revise Part B of the policy. Text previously included as explanatory text under paragraph 28.9 has been moved to the policy sentence and refined by making specific reference to Walthamstow Town Centre, the District and Neighbourhood Centres.

Proposed Further Change

Policy DM27 (B) revised and re-numbered as (A) as follows:

B) proposals located outside designated centres/local parades demonstrate compliance with the sequential test approach and are also supported by a retail impact assessment;

"A) proposals located outside the designated centres demonstrate that:

- all in-centre options (in Walthamstow Major Centre, the District and Neighbourhood Centres) have been thoroughly assessed for their availability, suitability and viability and the proposal cannot be accommodated in whole or part in these locations;"
where it has been demonstrated that there are no in-centre sites, preference has been given to edge of centre locations (in Walthamstow Major Centre, the District and Neighbourhood Centres) which are well connected to the centre by means of easy pedestrian access;

- an impact assessment has been undertaken (for all proposals over 200 sq m) and there would be no adverse impact on the vitality and viability of nearby designated centres and parades. In exceptional circumstances where it would be deemed unnecessary to undertake a full scale impact, a broad brush statement of impact will be required.

The Council will refuse planning permission where insufficient information (as required above) has been provided and/or there is evidence that the proposal is likely to have significant adverse impacts on the vitality and viability of nearby designated centres/parades."

Q204) Do paragraphs 28.2 to 28.7 do anything more than restate a justification for Core Strategy policy CS14 A?

Council’s Response

In view of the Council’s response to Question 202 as above, the text stated under paragraphs 28.2- 28.7 is no longer required as justification or explanatory text. It is therefore proposed to delete these paragraphs.

Proposed Further Change

- Delete paragraphs 28.2- 28.8 as follows:

28.2 This policy relates to proposals for main town centre uses as defined by national policy and applies where new or additional floorspace is to be provided including a change of use. National planning policy aims to ensure the vitality of town centres. It advocates a sequential approach by requiring applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. The London Plan also similarly supports the sequential approach and its important relevance for London.

28.3 The Council is committed to maintaining a viable network of centres. This policy seeks to ensure that each centre has an adequate range and level of services and facilities to sustain its own vitality and viability without undermining other centres in the hierarchy.

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As defined in Annex 2 of the National Planning Policy Framework (NPPF)
28.4 The development of new town centre uses is vital to the regeneration of the borough’s centres if they are to continue their role as focal points for the communities they serve. Accordingly, this policy seeks to direct all such uses into these centres. If shops, offices and leisure facilities etc can be conveniently located together, the need to make additional journeys elsewhere will be reduced and the vitality and viability of these centres will be improved. The boundaries of the designated centres are defined on the Policies Map and the accompanying Schedules.

28.5 This plan does not seek to prescribe a preferred size or scale of development for each centre in the hierarchy. In considering the appropriateness of the development (in terms of scale), the Council will have regard to the following matters; a) the role and function of the centre within the wider hierarchy and the catchment served, b) the pattern of existing development within the centre and c) the scale of existing buildings.

28.6 As a guide however, large-scale development (over 5,000 sq m gross) which serves a significant part, if not all of the Borough will be encouraged within Walthamstow Town Centre. The regeneration of this centre is a strategic priority of the Council. Wherever feasible, it is expected that all new major town centre uses serving a borough wide function will be located in that centre due to its Major Centre designation and excellent public transport accessibility. However maintaining and strengthening the other designated centres in the borough is also important. Accordingly, opportunities for expanding town centre uses in other centres, particularly the District Centres (which are also well connected by public transport) will also be encouraged. This particularly relates to those centres where redevelopment opportunities exist and the scale of the proposed development is such that it could be well integrated within the particular setting of the centre.

28.7 District Centres including North and South Chingford, Highams Park, Wood Street, Bakers Arms, Leyton and Leytonstone are expected to complement Walthamstow by providing for main and bulk convenience food shopping and a reasonable range of comparison shopping facilities. Neighbourhood Centres tend to cater for top-up and basket convenience shopping and services, but provide a more limited range of comparison shopping. Accordingly, a smaller scale development than that normally expected in a District Centre will be appropriate in a Neighbourhood Centre. At the lowest level of the hierarchy, local retail parades will be expected to accommodate small shops (under 200 sq m gross).

28.8 Policy DM27(B) seeks to resist inappropriate out of centre developments in accordance with the London Plan. Outside the designated centres, it is unlikely that new proposals for retail, office and leisure development will be considered appropriate. This is consistent with the Council’s planning objective to manage the proliferation of commercial activities in long lengths along road corridors and to consolidate retail activities in the designated centres so as to create a cohesive retail base.
As consequential change to policy DM27, it is proposed to include new text as justification for the policy:

"The National Planning Policy Framework (NPPF) sets out a sequential test for applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The Council policy follows this approach by requiring that all in-centre options have been thoroughly assessed before edge-of-centre or out-of-centre sites are considered.

The Council’s adopted Core Strategy (Policy CS14) sets the strategic direction for the development of new town centre uses in the borough. This policy makes specific reference to Walthamstow Major Centre, the District and Neighbourhood Centres as these are the priority centres. The boundaries of these areas are shown on the Policies Map. Annex 2 of the NPPF defines the terms ‘edge of centre’ and ‘out of centre’.

Q205) Are paragraphs 28.9 – 28.10 setting a specification for information to validate an application, or providing a policy justification?

Council’s Response

The Council recognises the need for clarification on what is necessary for inclusion as policy justification.

It is proposed to delete paragraph 28.9 and re-word as policy (See response to Question 203 and proposed change to Policy DM27B)

Paragraph 28.10 is also proposed for deletion.

Proposed Further Change

Delete paragraph 28.9 and 28.10 as below:

28.9 In considering the sequential test assessments as required under this policy, supporting information and evidence must be submitted to demonstrate that:

- sites have been thoroughly assessed for their availability, suitability and viability;
- all in-centre options have been thoroughly assessed before less central sites are considered;
- where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access;
Applicants for planning permission will also be expected to demonstrate that due regard has been given to flexibility in terms of scale and format. In considering whether flexibility has been demonstrated, the Council will take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site.

Q206) Other than setting a local floorspace threshold of 200 sq m (not stated in the policy itself), do paragraphs 28.10 & 11 do more than restate the requirements of the NPPF?

Council's Response

The Council recognises the need for clarification on what is necessary for inclusion as a policy justification in these paragraphs without restating the requirements of the NPPF. It is proposed to delete these paragraphs. As noted above, proposed changes to Policy 27B include the local floorspace threshold of 200 sq m.

Proposed Further Change

Paragraph 28.10 is deleted as mentioned above. See Question 205.

Delete paragraph 28.11 as below:

28.11 An impact assessment will be required for proposals for retail, leisure and office developments outside the designated centres which are not in accordance with the Council's Local Plan. To support the implementation of Core Strategy Policy CS14, the Council will ensure that the impact of a proposal is carefully and thoroughly assessed so that any vulnerable centres/local parades do not experience further decline as a result of trade diversion through the development of edge/out of centre facilities. This plan sets a local floorspace threshold of 200 sqm. The Council considers that many small developments can cumulatively impact on the vitality and viability of centres. Crucially, the plan strategy to create a sustainable pattern and distribution of town centre uses by managing the proliferation of commercial activities is important.

Q207) Are paragraphs 28.12 – 14, 16 and 17 setting out policy, not stated in the policy itself?

Council's Response

Paragraph 28.12 was included in the Proposed Submission document as a result of uncertainties at the time as to whether the NPPF would retain the previous guidance on impact assessments as contained in PPS4. The Council notes that paragraph 26 of NPPF retains this text. Accordingly, it is proposed to delete this paragraph.
Paragraphs 28.13 - 28.14 provide information on how the policy requirement regarding the submission of impact assessments will be applied. The Council accepts the need to re-word paragraph 28.13 to better explain the scope of impact assessments to be undertaken.

With regard to the point made regarding paragraphs 28.16-28.17, the Council accepts the need for better clarity and interpretation. In light of the proposed revision to policy DM27 (B), these paragraphs are no longer required and are therefore proposed for deletion.

**Proposed Further Change**

- Delete paragraph 28.12 which reads as follows:

  28.12 In considering planning applications for main town uses that are not in the designated centres/parades and not in accordance with the Council’s Local Plan, proposals will be assessed against the following the impacts:

  - the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
  - the impact on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;
  - the impact on allocated sites outside town centres as being developed in accordance with the development plan;
  - in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made;
  - if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres;
  - transport impacts—see policy DM14;
  - any locally important impacts on nearby centres/parades.

Delete paragraphs 28.13 - 28.15 and include new text as follows:
28.13 As smaller schemes (both in terms of their size and estimated turnover) are likely to have a less significant impact on individual basis, the Council will apply these considerations flexibly. Accordingly such proposals may not be required to provide the same level of detail/information within their retail impact assessment as will be required for major retail development proposals.

28.14 Major retail development proposals (such as large supermarkets, retail parks and DIY stores) however are more likely to have a larger catchment area, a higher turnover, and may sell a wider range of goods compared to smaller retail schemes. As such schemes may have the potential to draw trade from and impact on a number of existing centres, the information provided in retail impact assessments should be more detailed to reflect this and to ensure that the Council can fully understand the retail impacts.

28.15 The Council’s Retail and Leisure Study (as updated periodically) will provide a useful starting point with regard to assessing the impact of development proposals and the future need for additional retail, commercial leisure facilities and other town centre uses. With all development proposals, it will be important that the Council and the applicant agree the scope of work before the retail impact assessment work commences.

"The submission of impact assessments for retail, leisure and office developments located outside town centres is in accordance with the NPPF. This is an important requirement as part of the validation process of a planning application. Generally, a retail impact assessment is necessary when the proposed development is of a scale sufficient likely to have an appreciable impact on the trade of existing or committed retail, leisure and office developments in the surrounding area. The NPPF sets out the scope of impact assessments. It mentions that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts it should be refused. Therefore it is expected that the scope of any such assessment would be agreed with the Council in advance before the impact assessment work commences.

This plan sets a local floorspace threshold of 200 sq m. The policy also applies to extensions and the amalgamation of existing retail units which result in the creation of a single unit exceeding 200 sq m. The Council considers that many small developments can cumulatively impact on the vitality and viability of the designated centres/parades. This threshold is considered necessary to implement the Council’s planning objective as expressed in the Core Strategy to consolidate town centre activities in the designated centres, support the vitality and viability of the designated centres and manage the proliferation of retail and other town centre uses throughout the borough. In applying this
threshold, the Council wishes to ensure that vulnerable centres/local parades do not experience further decline from trade diversion arising from the development of out of centre retail, leisure and office developments.

Major retail development proposals (such as large supermarkets, retail parks and DIY stores) are more likely to have a larger catchment area, a higher turnover, and may sell a wider range of goods compared to smaller retail schemes. As such schemes may have the potential to draw trade from and impact on a number of existing centres, the information provided in retail impact assessments should be more detailed to reflect this and to ensure that the Council can fully understand the retail impacts. Accordingly a full scale impact assessment is justified in such cases. The Council's Retail and Leisure Study (as updated periodically) will provide a useful starting point with regard to the future need for additional retail, commercial leisure facilities and other town centre uses.

With regard to the submission of a broad brush statement of impact, the Council considers that it would be an unnecessary burden to require applicants to submit detailed impact assessments in every case - particularly for smaller scale proposals. Accordingly, the policy makes provision for such assessment to be submitted. This is particularly where it would be deemed unnecessary to undertake a full scale impact assessment and will often depend on the nature of the proposal and the likely trading effects. Matters that may be included in a statement of impact include: details of the business model, the type of goods to be sold/services provided, an indication of expected sales figures/footfall to be generated, an indication of immediate and secondary catchment areas of the proposal, information on the number of jobs to be created and regeneration benefits.”

- Delete paragraphs 28.16-28.17 which read as follows:

28.16 Generally, proposals for main town centre uses that are not in an existing centre and not in accordance with the Council's Local Plan will be refused planning permission. This is particularly where the applicant has also not demonstrated compliance with the requirements of the sequential assessment as above or there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out above, taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.

28.17 Where no significant adverse impacts have been identified, account will also be taken of the positive and negative benefits of the proposal generally. Judgements about the extent and significance of any impacts will take into account recent local assessments of the health of town centres and other vitality and viability indicators.
DM28 - Night Time Economy Uses
DM28 - Night Time Economy Uses

208) I have no comment on this chapter.
DM29 - Heritage Assets
DM29 - Heritage Assets

Q215) Although figure 1.3 of the DMPDPD relates this policy to Core Strategy policy CS15, I recognise that it also gives effect to Core Strategy policy CS12.

Council's Response

Agreed

Proposed Further Change

Insert policy CS12 'Protecting and Enhancing Heritage Assets' underneath policy CS15 'Design' into Figure 1.3.

Q216) Other than parts E and G and the first sentence of paragraph 30.13, what does this policy require of a developer that is not already required by paragraphs 126 to 141 of NPPF?

Council's Response

Paragraph 126 of the NPPF outlines the requirements of Local Planning Authorities in setting out their Local Plans. Policy DM 29 has been written to set out local policy for Heritage Assets in Waltham Forest in accordance with paragraph 126 of the NPPF. As such, Policy DM 29 has been written with regard to the NPPF but seeks to build on the national planning advice.

Proposed Further Change

Delete Paragraph D of Policy DM29 as below;

“D) The design of alterations or extensions to a listed building must be sympathetic in all respects to the significance of the asset including its period and style of the original building;”

Q217) Do paragraphs 30.7, 30.8, 30.10, 30.12 do anything other than restate policy or state policy not included in the policy itself? (Para 30.7 introduces a further developer's assessment not included in my earlier list; a Heritage statement).
Council's Response

Agreed. The introductory paragraph of DM29 is to be amended to include the requirement for a Heritage Statement. Paragraphs 30.7, 30.8, 30.10, 30.12 are already covered in the policy text box and contain explanatory material rather than justification.

Proposed Further Change

- Amend Paragraph 1 of Policy DM29, to read as follows:

  “Development proposals which may affect the significance of heritage assets in Waltham Forest (both designated and undesignated) or their setting should demonstrate how these assets will be protected, conserved and where appropriate enhanced. **A Heritage Statement required under paragraph 128 of the NPPF should accompany all applications that affect heritage assets.** In considering proposals, the Council will have regard to the following:”

- Delete Paragraphs 30.7, 30.8, 30.10, 30.12 of Policy DM29 as follows:

  “30.7 Historic parks and gardens are considered under Policy DM13. Normally, planning applications affecting a heritage asset or its setting will be granted where it:

  i. is in accordance with national policy, the London Plan and relevant English Heritage guidance;

  ii. takes full account of the Council’s Conservation Area Appraisals and Management Strategies; and

  iii. is accompanied by a satisfactory Heritage Statement produced by a heritage specialist where appropriate.

30.8 The historic environment is particularly sensitive to tall buildings. Policy DM32 – Tall buildings, provides policy guidance on tall buildings.

30.10 As set out in the policy, in order to preserve or enhance the character or appearance of the Conservation Areas, the Council will refuse permission for any development in those areas which does not preserve or enhance the character or appearance of the area. The Council will also refuse permission for the demolition of any building in a conservation area where it is clear that this would have an adverse effect on the character or appearance of the area. In cases where demolition is to be followed by redevelopment, consent to demolish will be given only when acceptable plans for redevelopment have been agreed.

30.12 In considering planning applications, the Council will also refer to Conservation Area Appraisals and Management Plans prepared. In applying this policy, it will be a requirement for planning applications to contain sufficient detail to allow aesthetic
and environmental aspects to be fully evaluated. For each Conservation Area, the Council has prepared guidance notes (conservation area leaflets) based on an analysis of the area’s particular character and requirements. In preparing development proposals applicants will be expected to take full account of such guidelines. Planning applications will be required to contain sufficient detail to allow aesthetic and environmental aspects to be fully evaluated.”

Q218) What part of the policy is paragraph 30.11 seeking to justify?

Council's Response

The Council considers that paragraph 30.11 appears to restate the policy rather than justify it. Changes are outlined below.

Proposed Further Change

Delete Paragraph 30.11 of Policy DM29 as follows;

“30.11 Through environmental improvement schemes, the Council will also ensure that all built heritage assets are protected and enhanced. The Council currently has Article 4 Directions in place for 9 of 11 Conservation Areas and will use this mechanism to ensure good management of Conservation Areas.”

Q219) The first sentence of paragraph 30.13 asserts a policy which is not included in the policy itself.

Council's Response

Agreed

Proposed Further Change

– Delete Paragraph 30.13 and subheading ‘Area of Special Character’ from the Justification section.

“Area of Special Character

30.13 Policy DM29 (A)(i) is applicable to the Highams Estate designated as an Area of Special Character by the Council in 1988. This area is shown on the Policies Map and described in Schedule 22. The estate was largely developed as a whole by the Warner family, and has a low density suburban quality, with a recognisable and largely uniform architectural style and layout. Although this is not a statutory designation, the Council recognises that this area has special character that must be protected to avoid harmful changes. The Council has prepared design guidance
Highams, Area of Special Character Leaflet which provides a general guide to those elements which make up the special character of the area and what is required to preserve and enhance it. In considering development proposals, the Council will also refer to its design policies as provided under Policy DM30."

- Insert section ‘J’ into Policy DM29 (policy text box) entitled ‘Area of Special Character’ to read as follows.

“Area of Special Character

J) The Highams Estate was designated as an Area of Special Character by the Council in 1988. This area is shown on the Policies Map and described in Schedule 22. Although this is not a statutory designation, the Council recognises that this area has special character that must be protected.”

Q220) The last sentence of paragraph 30.16 appears to be a statement of policy, not justification.

Council's Response

Agreed

Proposed Further Change

- Delete the last sentence of Paragraph 30.16 as follows:

“30.16 Waltham Forest has a limited stock of statutorily listed buildings. They represent a finite asset and for that reason their loss/substantial demolition will not be permitted unless the Council is satisfied that every possible alternative approach for restoration, conversion or re-use has been thoroughly explored and found to be impractical. The fact that a building has become derelict will not in itself be regarded as sufficient reason to permit its demolition.”

- Amend Paragraph B of Policy DM29 (within the policy text box) as follows:

“Statutorily Listed Buildings

B) The Council will not agree to proposals involving the demolition of any building which is on the statutory list of buildings of special architectural and/or historic interest. The fact that a building has become derelict will not in itself be regarded as sufficient reason to permit its demolition.”

Q221) Is paragraph 30.17 a description of how the Core Strategy would be implemented, rather than a justification for any DMPDPD policy?
Council’s Response

Agreed. Paragraph 30.17 is a description of how the Core Strategy would be implemented and not a justification of the policy.

Proposed Further Change

Delete Paragraph 30.17 as follows:

“30.17 The Council will also use its powers to encourage the sympathetic rehabilitation, maintenance and repair of listed buildings, providing specialist design advice and (as resources permit) Historic Building Grant assistance in appropriate cases. As necessary it will also consider serving Urgent Works and Repair Notices or taking enforcement action against unauthorised works involving listed buildings. English Heritage maintains a register of buildings at risk. These are buildings in poor condition or that are under threat from neglect or vacancy. The Council will work with property owners and English Heritage to encourage the early repair of such buildings.”

Q222) Is the last sentence of paragraph 30.19 and all of paragraph 30.20 a statement of policy or of justification?

Council’s Response

The Council considers that paragraphs 30.19 and 30.20 are statements of policy. The Council also considers that these paragraphs are covered in the Locally Listed Buildings paragraph F in the policy text box.

Proposed Further Change

Delete Paragraphs 30.19 and 30.20 as follows:

“30.19 The Locally Listed Buildings SPD contains the full list of buildings protected under this policy. This document will be reviewed and updated periodically. The Council considers that the loss of buildings on its local list would be detrimental to the appearance, character, townscape quality or heritage of the borough. It will therefore seek to encourage the retention, restoration and continued beneficial use of these buildings wherever possible. Any proposals to alter them should, for example, be architecturally compatible with the style of the original building.

30.20 In accordance with the policy, the Council will also strongly discourage the demolition of locally listed buildings. Where a building is believed to be under threat and the Council considers that it satisfies the published criteria for statutory listing, it will consider serving a Building Preservation Notice (pending a decision on its formal listing by the Secretary of State for the Environment).”
Q223) Is paragraph 30.23 stating policy, giving advice or providing justification?

Council's Response

The Council considers that paragraph 30.23 is giving advice.

Proposed Further Change

Delete paragraph 30.23 as follows:

“30.23 In considering proposals, the Council’s design policy as set out under Policy DM30 will also apply. As a starting point to any design proposals, developers will be expected to demonstrate that they have considered the merits of maintaining or preserving any particular buildings or elements of such buildings. As a general approach, the scope for changes and improvements to such buildings should avoid likely damaging impacts to the buildings themselves or on the character of the particular town centre:”

Q224) Are paragraphs 30.26, 30.27, 30.28, 30.29 and 30.30 anything other than a restatement of policy rather than justification?

Council's Response

The Council agrees that paragraphs 30.26, 30.27, 30.28, 30.29 and 30.30 are a restatement of policy rather than justification.

Proposed Further Change

Delete Paragraphs 30.26, 30.27, 30.28, 30.29 and 30.30 as follows:

“30.26 As set out in the policy, the Council will seek to encourage the conservation, protection and enhancement of the archaeological heritage of the borough. When any development involving a site within the archaeological priority zones (as shown on the Policies Map and Schedule 23), or for any site identified by a recognised archaeological authority, the archaeological significance of the site will be considered. The Council may require a preliminary archaeological site evaluation or desk based assessment before development proposals are considered.

30.27 The Council will seek to ensure that the most important archaeological remains and their settings are permanently preserved in situ, and if appropriate, are made available for public viewing:“
30.28 Sites of archaeological significance or potential not requiring preservation in situ shall have provision made for preservation by record through an appropriate level of archaeological investigation and excavation to be undertaken by a professionally qualified archaeological consultant or specialist archaeological organisation before and during the process of development. Such provision shall also include the subsequent analysis, interpretation, archive and presentation to the public of the archaeological results and finds.

30.29 The most important archaeological remains and their setting should be permanently preserved. Developers can help to achieve this by, for example, preparing sympathetic designs and using foundations which avoid disturbing remains altogether. If the physical preservation of remains is not feasible, an archaeological excavation for the purposes of “preservation by record” may be an acceptable alternative.

30.30 In implementing the policy, the Council will promote co-operation between landowners, developers, and archaeological organisations in accordance with the British Archaeologists and Developers Liaison Group Code of Practice which it recognises and endorses.”
DM30 - Design Principles, Standards and Local Distinctiveness
DM30 - Design Principles, Standards and Local Distinctiveness

Q225) Much of policy DM30 appears to summarise and duplicate other selected policies. For example, part (ii) appears to duplicate DM8 A and DM26 H, part (iii) duplicates DM14 B, part (iv) duplicates DM13 A, part (v) duplicates DM1 B (d)(v) and DM36 H (i), part (ix) duplicates DM8 H and DM17 G, part (x) duplicates DM7 B, part (xi) duplicates DM6 B vii, part (xii) duplicates DM11 and DM12, part (xiii) possibly overlaps with DM8 C and part (xiv) duplicates DM1 B.

This gives rise to four questions; (1) Is the duplication justified? (Cross references are rarely used). (2) Sometimes the language used is not precisely identical. Where different language is used, is there a risk of inconsistency and confusion and so a lack of clarity and effectiveness? (3) What significance is there in the omission of some other matters which impact upon design from the list in DM30 (e.g those matters listed in DM25 and DM33)? (4) Would the omissions cause confusion?

Council's Response

- **Part (ii)**

DM8 A – Policy DM8 now proposed for deletion.

DM26 H – Agree.

- **Part (iii)**

DM14 B - this is not considered a duplication of DM30 iii. The potential duplication appears to revolve around the term “connections” referred to in both policies. However, DM30 is referring to “connections” in a broader urban design sense, focusing primarily on pedestrian and vehicular connections where sites are, where possible, physically linked to each other via an interconnected street/public realm network. By contrast, DM14 is essentially referring to connections in a “transport” sense.

- **Part (iv)**

DM13 A – Agree.

- **Part (v)**
DM1 B (d) – Agree.

DM36 H – No duplication apparent in this policy.

- **Part (ix)**

DM8 H – Policy DM 8 now proposed for deletion.


- **Part (x)**

DM7 B – Agree.

- **Part (xi)**

DM6 B – Agree.

- **Part (xii)**

DM11 and DM12 – Agree.

- **Part (xiii)**

DM8 C – Policy DM8 now proposed for deletion.

- **Part (xiv)**

DM1 B. Agree. Add cross reference


DM33 – Agree.

- **Question (1)**

Officers accept that some duplication was apparent in relation to some of the policies referred to by the Inspector. However, appropriate changes have now been made to those policies either by deleting specific sections or by cross-referencing between the relevant policies which is felt to remove any unnecessary duplication.
Again, appropriate changes have been made to provide greater consistency between policies to avoid confusion and improve clarity and effectiveness.

Policy DM25 (Environmental Protection) is seen as a "stand-alone" policy and there is no significance raised as regards any omissions relating to Policy DM30. The point made about Policy DM33 is accepted however and a cross-reference to this policy is now added within Policy DM30.

Proposed Further Change

Part (ii)

DM8 A – Policy DM8 now proposed for deletion.

Amend Policy DM26 (H) to read as follows:

' ..............Acceptable uses will be those that create activity and interest along a shopping or commercial street and can be well integrated in design terms in accordance with the principles set out in DM30 (ii). As a general approach, the council will ensure that: ...............' 

Part (iii)

Amend DM14 B (last sentence) to read as follows;

“...creating good transport connections to neighbourhoods and town centres;”

Part (iv)

Amend DM13 A (first bullet point) to read as follows;

“implement a high standard of design in accordance with the principles set out in Policy DM30 (iv)."

Part (v)

Delete DM1 B part(d) point(v)
Part (ix)

Rephrase DM17 Part G to read

"G) Requiring parking proposals in accordance with Policy DM30 (ix) to preserve a buildings setting and the character of the surrounding area by avoiding over-dominance of parking and hard-standing surface areas to ensure that front gardens make a positive contribution to street appearance;"

Add reference to “over-dominance” in Policy DM30 Part (ix) to read

“ ix. take a design-led, integrated approach to car parking which is appropriately sited, not over-dominant and supports the street scene;"

Part (x)

Amend Policy DM30 A (x) to read;

“where relevant, provide an appropriate level of well-designed, located and usable amenity space in accordance with the standards set out in Policy DM7 B.”

Part (xi)

Delete DM6 B point (vi);

“vi. It incorporates high quality landscaping;"

Part (xii)

Add cross-reference by amending Policy DM30 A (xii) to read;

"xii. maximise energy efficiency and usage of renewable resources in accordance with the principles set out in policies DM11 and DM12."

Part (xiii)

DM8 C – Policy DM8 now proposed for deletion.

Part (xiv)
Add cross-reference in Policy DM30 A (xiv) to read as follows

“…where this can add benefit to wider sustainability objectives, in accordance with the principles set out in policy DM1 B.”

Insert new point (xv) after point (xiv) in Policy DM30 A to read as follows;

” xiv. address the potential impact of new development on neighbouring amenity in accordance with Policy DM33."

Q226a) What are the appropriate facilities cryptically referred to in part B of the policy? Would this part duplicate the last two bullet points of policy DM17 D?

Council's Response

Appropriate facilities in this context will include car parking, refuse storage/collection, recycling, landscaping, servicing etc. These are covered elsewhere in the plan. It is therefore proposed delete this policy.

Proposed Further Change

Delete policy DM30 (B) which reads as follows:

B) New development proposals will be expected to provide appropriate facilities for the benefit of occupiers and visitors.

Q226b) Paragraph 31.3 appears to describe how the policy would be implemented, rather than providing justification.

Q227) Paragraph 31.6 appears to restate the policy, rather than justifying it.

Council's Response

Agree. Add new justification section.

Proposed Further Change

- Delete paragraphs 31.3 - 31.8
the development and how access issues have been dealt with. This should cover issues such as the proposed land use, the amount and layout of development, the scale and massing of buildings, landscaping and visual appearance etc. A useful guide to preparing design and access statements has been prepared by CABE. (49)

31.4 The Council has produced a Supplementary Planning Document (SPD) on Urban Design, adopted in February 2010, which sets outs a number of design principles to guide developers and applicants in preparing development proposals. Applicants are strongly advised to consult this document in bringing forward schemes.

31.5 The need for good design is strongly recognised by national policy. The National Planning Policy Framework mentions that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

31.6 In considering proposals, key design elements will be;

- existing features that can help to make the site easier to understand, such as important views into and from the site or important buildings or landmarks;
- the accessibility of the site including existing footpaths and cycle routes, public transport, and roads;
- type and mix of surrounding land uses;
- natural features such as topography, existing trees or vegetation or rivers;
- solar orientation and microclimate;
- the history of the site and surrounding area including historic uses;
- any designations or protection orders; and
- the character and nature of the built environment.

31.7 Proposed development should therefore be grounded in a clear analysis and understanding of how it contributes to and/or reinforces local character and distinctiveness, taking account of the scale and pattern of nearby development, detailing and materials and other important local features etc. This approach should not necessarily mean a replication of existing building styles or architecture. The Council is keen to encourage contemporary design wherever appropriate, and appreciates that this can enrich a place through a contrast of styles. Successful proposals can be achieved through following building lines, heights and widths, and window and door proportions etc, without unduly restricting modern design.
31.8 For further background information on local distinctiveness, applicants are encouraged to look at the Waltham Forest Characterisation study, prepared as part of the evidence base for the Urban Design SPD. This study comprises a detailed analysis of the borough’s key physical features, its history and development and key building typologies etc.

- Create new section to read

" Justification

Good Design

31.3 The Council is committed to high quality urban and architectural design and in raising the standards of new development across the borough. Good design can bring a number of significant benefits in adding economic, social, cultural and environmental value and in creating sustainable communities for both existing and future residents and businesses.

31.2 A key objective of good urban design is in adopting an integrated approach to development where all elements combine successfully to produce better, attractive and more sustainable places. Fundamental to this approach is an informed analysis and appraisal of the site and its context which will help in defining an appropriate response to local character and provide a clearer basis for developing the overall design response.

31.3 An appreciation of local context and character in development proposals is important in delivering places that are more sustainable over time, improve visual and physical connections between places, respect historic and cultural assets, achieve suitable scale and density, create well-designed legible places and, fundamentally are the right development in the right place.

31.4 The importance of good design is reflected at government level in the National Planning Policy Framework (NPPF), where great importance is placed on the design of the built environment. Paragraph 56 of the NPPF states that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

31.5 In reinforcing the importance of good design, the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).
31.6 The Council has produced a Supplementary Planning Document (SPD) on Urban Design, adopted in February 2010, which sets out a number of key design principles to guide developers and applicants in preparing development proposals. Applicants are strongly advised to consult this document in bringing forward schemes.

31.7 The SPD has been informed by a Characterisation and Local Distinctiveness Study (July 2009) which provides a detailed analysis of the borough’s defining characteristics, including key physical features, movement patterns, history and development, land use and key building typologies. Developers may wish to refer to this document in considering how their proposals address local character and distinctiveness. "

Q228) Are paragraphs 31.7 and 31.8 restating parts of the policy using different language, or advising on its implementation? They do not appear to be providing justification.

Council’s Response

Agree. Add new justification section.

Proposed Further Change

- Delete paragraphs 31.3 - 31.8

31.3 In assessing proposals, the Council will expect to see a clear and robust design rationale for all relevant applications for development. The Government circular, Guidance on changes to the development control system (01/2006), advises that statements should explain the design principles and concepts that have informed the development and how access issues have been dealt with. This should cover issues such as the proposed land use, the amount and layout of development, the scale and massing of buildings, landscaping and visual appearance etc. A useful guide to preparing design and access statements has been prepared by CABE. (49)

31.4 The Council has produced a Supplementary Planning Document (SPD) on Urban Design, adopted in February 2010, which sets out a number of design principles to guide developers and applicants in preparing development proposals. Applicants are strongly advised to consult this document in bringing forward schemes.

31.5 The need for good design is strongly recognised by national policy. The National Planning Policy Framework mentions that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
31.6 In considering proposals, key design elements will be:

- existing features that can help to make the site easier to understand, such as:
  - important views into and from the site or important buildings or landmarks;
  - the accessibility of the site including existing footpaths and cycle routes, public transport, and roads;
  - type and mix of surrounding land uses;
  - natural features such as topography, existing trees or vegetation or rivers;
  - solar orientation and microclimate;
  - the history of the site and surrounding area including historic uses;
  - any designations or protection orders; and
  - the character and nature of the built environment.

31.7 Proposed development should therefore be grounded in a clear analysis and understanding of how it contributes to and/or reinforces local character and distinctiveness, taking account of the scale and pattern of nearby development, detailing and materials and other important local features etc. This approach should not necessarily mean a replication of existing building styles or architecture. The Council is keen to encourage contemporary design wherever appropriate, and appreciates that this can enrich a place through a contrast of styles. Successful proposals can be achieved through following building lines, heights and widths, and window and door proportions etc, without unduly restricting modern design.

31.8 For further background information on local distinctiveness, applicants are encouraged to look at the Waltham Forest Characterisation study, prepared as part of the evidence base for the Urban Design SPD. This study comprises a detailed analysis of the borough’s key physical features, its history and development and key building typologies etc.

- Create new section to read

"Justification

Good Design
31.3 The Council is committed to high quality urban and architectural design and in raising the standards of new development across the borough. Good design can bring a number of significant benefits in adding economic, social, cultural and environmental value and in creating sustainable communities for both existing and future residents and businesses.

31.2 A key objective of good urban design is in adopting an integrated approach to development where all elements combine successfully to produce better, attractive and more sustainable places. Fundamental to this approach is an informed analysis and appraisal of the site and its context which will help in defining an appropriate response to local character and provide a clearer basis for developing the overall design response.

31.3 An appreciation of local context and character in development proposals is important in delivering places that are more sustainable over time, improve visual and physical connections between places, respect historic and cultural assets, achieve suitable scale and density, create well-designed legible places and, fundamentally are the right development in the right place.

31.4 The importance of good design is reflected at government level in the National Planning Policy Framework (NPPF), where great importance is placed on the design of the built environment. Paragraph 56 of the NPPF states that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

31.5 In reinforcing the importance of good design, the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

31.6 The Council has produced a Supplementary Planning Document (SPD) on Urban Design, adopted in February 2010, which sets out a number of key design principles to guide developers and applicants in preparing development proposals. Applicants are strongly advised to consult this document in bringing forward schemes.

31.7 The SPD has been informed by a Characterisation and Local Distinctiveness Study (July 2009) which provides a detailed analysis of the borough’s defining characteristics, including key physical features, movement patterns, history and development, land use and key building typologies. Developers may wish to refer to this document in considering how their proposals address local character and distinctiveness. 
Q229) As part (iii) of the policy duplicates DM14 B, so paragraph 31.9 appears to be duplicating the justification for that policy.

**Council's Response**

Delete paragraph 31.9 (now covered by new justification section)

**Proposed Further Change**

Delete paragraph 31.9 in Policy DM30.

31.9 Successful and sustainable places allow people to move easily to and from their day-to-day destinations. It is therefore important that new development connects to or improves existing routes in and/or surrounding the site. Routes should be safe, convenient and pleasant to use, particularly for pedestrians and cyclists.

Q230) Paragraph 31.10 and the first sentence of paragraph 31.11 appear to be repeating or restating policy rather than justifying it.

**Council's Response**

Delete paragraph 31.10 and 31.11 (now covered by new justification section)

**Proposed Further Change**

Delete paragraph 31.10 and 31.11 in Policy DM30.

31.10 The scale, height and massing of proposed development should be considered in relation to its surrounding context, including adjoining buildings, the general pattern of heights in the area, the streetscape and urban grain, and where appropriate the impact on the skyline and local views.

31.11 The layout of new development should be designed in a way which provides “active frontages”, as opposed to blank walls, windowless elevations or the backs of buildings. Designing building frontages to face the street or public space can help in making places feel safer and provide natural surveillance for the benefits of residents and businesses.

Q231) All but the first sentence of paragraph 31.12 appears to be stating or restating policy rather than justifying it.
Council's Response
Delete paragraph 31.12 (now covered by new justification section)

Proposed Further Change
Delete paragraph 31.12 in Policy DM30.

31.12 In designing residential layouts, it is also important to provide a clear distinction between public and private space. Private space, usually in the form of private gardens or communal space, should generally be located at the rear of development, allowing a high degree of privacy and ownership, with public space located at the front, providing access to buildings and where most public activities take place. Private or communal amenity space is an essential part of any residential development and should be considered an integral part of the design. The emphasis for amenity space should therefore be on its quality and usability, rather than simply the inclusion of featureless, uninviting areas of open space that provide little interest or use for residents.

Q232) As part (ix) duplicates DM8 H and DM17 G, so paragraph 31.13 appears to duplicate the justification for those policies.

Council's Response
Delete paragraph 31.13 (now covered by new justification section)

Proposed Further Change
Delete paragraph 31.13 in Policy DM30.

31.13 Car parking, particularly in residential schemes, should be considered as an integral part of all proposed development and not simply as an afterthought or policy requirement to provide a given number of spaces associated with a particular scheme. Parking arrangements should be safe, attractive and located where people want to park, which is usually directly outside or close to their destination.

Q233) The first sentence of paragraph 31.14 simply restates the policy; it does not provide justification.

Council's Response
Para 31.14 – Agree.
Proposed Further Change

Amend paragraph 31.14 of Policy DM30 to read as follows

“31.8 Developers bringing forward proposals for residential development should have regard to the “Building for Life” criteria endorsed by government, the House Builders Federation and Design Council CABE. The Building for Life guidance sets out twelve criteria which provide a robust basis for assessing residential development both at pre-application and post-implementation stages and is an important tool in seeking to raise the overall quality of urban design in new housing schemes. The performance of a scheme is determined using a traffic light system of green, amber and red with a well designed scheme performing well against all twelve of the criteria.”

Q234) Other than the first two sentences of paragraph 31.15, the rest of the paragraph, together with paragraphs 31.16, 31.17 and 31.18 appear simply to restate the policy rather than to justify it. In consequence, the policy appears to have little or no justification. Yet, as the second sentence of para 31.15 points out, the power to control adverts only applies “when it is justified”.

Council's Response

The Council agrees the need to clarify the matters raised.

Proposed Further Change

It is proposed to amend policy DM30(C) to read as follows:

"The Council will not grant consent for advertisements which by reason of their nature, location and size are:

(i) detrimental to the appearance of the building which it is on;

(ii) detrimental to the visual amenity of the surrounding area; and

(iii) a hazard to public safety.

It is proposed to delete paragraphs 31.15 - 31.18 and replace with new text as below:

31.15 Advertisements are controlled by the Town and Country Planning (Control of Advertisements) Regulations 1992. These regulations enable local planning authorities to control advertisements, when it is justified, in the interest of “amenity” and “public safety”. In assessing an advertisement’s impact on “amenity”, the Council will have regard to its effect on the appearance of the building or on the visual amenity of the
surroundings. For example, excessive numbers of advertisements and signs in close proximity can lead to visual chaos and clutter in the street scene. The Council wishes to avoid this by restricting the number of advertisements and signs to a level appropriate to the character of the area.

31.16 Advertisements of all kinds should be in keeping with the scale and character of the surroundings and, where applicable, the building to which they would be attached. Large signs and hoardings will be carefully controlled.

31.17 In assessing impact on public safety, the Council will have regard to its effect on the safe use and operation of transport, including the safety of pedestrians. The Council will therefore consider such matters as the likely behaviour of drivers who will see the advertisement and possible confusion with any traffic sign or signal. For illuminated advertisements, the Council will have regard to standards recommended by the Institute of Lighting Engineers.

31.18 The effects of advertisement hoardings and estate agents boards on amenity and public safety will be particularly critically examined in the following cases:

- in predominantly residential areas;
- in conservation areas or on listed buildings;
- in areas adjacent to conservation areas where they detract from amenity and public safety;
- on open space— or where they would block important views across it, or where they would obscure other important views, landscaping or groups of trees;
- where they would lead to advertisement clutter, detract from environmental improvements within an area or prejudice regeneration initiatives;
- on railway embankments; and
- on major roads or at road junctions where distraction to drivers could be prejudicial to driver safety.

"Advertisements are controlled by the Town & Country Planning (Control of Advertisements)(England) Regulations 2007. These regulations give powers to the Council to restrict the display of advertisements in the interests of amenity and public safety. This policy seeks to ensure that advertisements requiring the express consent are compatible with interests of local amenity and public safety.

External advertising is important for commercial activity and comes in many forms and sizes including fascia signs and projecting signs on shops, free standing signs, hoardings etc. They are part of the built environment and many businesses rely on them to sell goods and services. However, care should be taken in their siting and design. In a climate of increasing environmental
awareness, insensitive advertisements could harm the character of places. Also, excessive numbers of advertisements and signs in close proximity can lead to visual chaos and clutter in the street scene.

There are a number of locations where proposals for advertisements will need careful consideration in the interest of amenity and public safety. Advertisers would often want to choose the most visually prominent and highly visible locations on the street scene. However this must be balanced against likely negative impacts. Impact can be significant if the advertisement is dominant individually or collectively - causing clutter, poorly sited or out of keeping in terms of size, colour, materials or illumination. Poorly designed and located advertisements can have a negative impact on the appearance of the built and natural environment.

An unnecessary proliferation of poorly designed and inappropriate signs at particular locations can have a significant detrimental impact. For example, in areas of predominantly residential character, the need to protect local character and visual amenity will require careful management of advertising displays. In conservation areas and on listed buildings (See Policy DM29), similar concern will apply to protect features of special architectural or historic interest. Other locations justifying this policy include protected open spaces - where the display of advertisement would be likely to spoil local character. Also along transport corridors, it would be important to ensure that the image of the borough is protected and most importantly, drivers are not distracted on safety grounds. The Council intends to provide detailed guidance on the standards it expects in a Supplementary Planning Document.

The Council considers that certain areas will justify more stringent control. The Council, with the approval of the Secretary of State has powers to declare an Area of Special Control of Advertisements (ASCA). Designating such area gives stricter control over a range of advertisements in the interest of amenity. This policy seeks to draw attention to the Council's powers to use this mechanism where necessary to manage the cumulative effects of advertisement displays in the borough."
DM31- Inclusive Design and Built Environment
DM31- Inclusive Design and Built Environment

Q235) As stated, the policy requires “Applications……should…be designed....” Presumably, what is meant is that “New development ……should… be designed.”

Council's Response

Agree. Amendment made as requested.

Proposed Further Change

Amend second sentence of Policy DM31 to read

" ............ Applications for New development (including the alteration, extension or change of use of buildings and land) to which the public have access should where practical and reasonable, be designed so that everyone, including disabled people, can conveniently reach, enter and use any buildings or use any open air facilities...... "

Q236) paragraphs 32.3 to 32.6 appear to restate the policy rather than provide justification, which can be found in paragraphs 32.1 and 32.2.

Council's Response

Agree - The relevant paragraphs will be amended/deleted as below.

Proposed Further Change

- Insert two new paragraphs under subheading 'Introduction' to read as;

" 32.1 The Council is committed to promoting equality for disabled people and central to this is creating accessible and inclusive environments. Whilst there are many factors which cause inequality for disabled people an inaccessible environment can be a major barrier to independence and equality.

32.2 The Council has produced two Supplementary Planning Documents to assist developers and planning applicants in bringing forward their proposals in seeking to meet the Council's inclusive design guidance. These documents are on Inclusive Housing Design and Inclusive Design for Non-Residential Buildings and provide detailed guidance which encourage designers to ensure
proposals are inclusive and do not create barriers to equality and inclusion. Applicants are strongly encouraged to refer to these documents in developing their proposals."

- Renumber paragraphs 32.1 and 32.2 and include under the sub title "Justification" to read as;

**Justification**

32.3 There is need to ensure that the built environment, public spaces; pedestrian and transport linkages are designed to be inclusive. This means everyone’s needs are considered at the beginning of the design process and the principles of inclusive design are applied. Buildings designed to be inclusive will be safe, predictable, convenient, flexible, adaptable, sustainable, legible and should be usable by everyone.

32.4 Achieving inclusive design also benefit individuals with physical, sensory or cognitive impairments, people with mental ill health, older people, children, carers of young children, people with temporary impairments, or anyone with heavy luggage or shopping. This approach is clearly embedded in the existing London Plan (2011) and its proposed amendments.

- Delete paragraphs 32.3 - 32.8

32.3 Council seeks to ensure that all new non residential developments are designed in such a way that everyone (including disabled people) can have the opportunity to use all elements within the site, including the inside of buildings.

32.4 The Council will consider the access needs of everyone, including disabled people, in all developments by ensuring that the plans and associated design and access statement demonstrate that the external environment including the approach; circulation routes; and associated parking and building entrances are safe and easy to use by everyone; and/or careful consideration is given to access arrangements and parking spaces; where other policies in the plan involve the provision of reduced parking; it will be essential to ensure that there are adequate numbers of suitably designed parking spaces for disabled people; and/or attention is given to the proposal’s design, layout, site conditions, finishing materials, and relationship with other land uses to ensure that everyone including disabled people can use all the features within the site and inside the buildings.

32.5 Proposals should enable everyone to easily access the site and approach the main entrance and then enter and use the building. This means that developments need to demonstrate that approach routes, parking entrance details, and internal layouts satisfy the above guidelines and deliver a well designed inclusive environment.
32.6 For example, the approach routes need to be level, clearly defined and well light. Accessible parking needs to be close to main entrances. Internal layouts will need to demonstrate that adequate space is being provided to enable everyone to use the building. Such matters should be the subject of early discussion and negotiation between the developer and the Council.

32.7 Notwithstanding this, developers are encouraged to look at accessibility issues through each stage of the development process to ensure that initial design proposals are translated into successful schemes which are usable by everyone and therefore usable by disabled people.

**Implementation**

32.8 The Council has prepared detailed guidance on inclusive design and accessibility (Inclusive Design and Accessibility SPD) and will expect developers to apply this to their developments.
DM32 - Tall Buildings
DM32 - Tall Buildings

Q237) I have no comments on this chapter, other than to observe that parts A (i) and (ii) duplicate DM30 (vii) and (viii), that part (iv) duplicates DM33 and that paragraph 33.4 is an implementation point rather than a justification point.

Council's Response

- Note comments. Points should remain as there are particularly specific to design issues relating to tall buildings
- Agree - delete paragraph 33.4

Proposed Change

Delete Paragraph 33.4;

"33.4 As a general approach, proposals for tall buildings should be supported by a detailed urban design analysis. This should take into account the historic context of the location and urban form and identify elements of local character which will be the important features or constraints in the development of proposals. This will include the streetseape, important local views and panoramas, the borough’s skyline and topography."

Public Examination of Waltham Forest Development Management Policies Local Plan - London Borough of Waltham Forest Response to Inspector's Questions
DM33 - Managing Impact of Development on Occupiers and Neighbours
DM33 - Managing Impact of Development on Occupiers and Neighbours

Q209) Although figure 1.3 relates this policy to Core Strategy policy CS14, it appears rather to be giving effect to Core Strategy policy CS13 A (except for the last bullet applying CS16)

Council's Response

This is an error. Policy DM33 relates more to Policy CS13 rather than Policy CS14.

Proposed Further Change

It is proposed to amend Figure 1.3 by removing the reference made to Policy DM33 under Core Strategy Policy CS14 (Attractive Town Centres) and including this under Core Strategy Policy CS13 instead.

Q210) In the light of this policy and its justification, is policy DM8 parts E and F and their justification necessary? Would the duplication cause confusion and a lack of effectiveness?

Council's Response

The Council notes the need to avoid unnecessary duplication and confusion. Parts E and F of Policy DM8 are matters that Policy DM33 also address.

Proposed Further Change

It is proposed to delete policies DM8 (E) and (F) which read as follows:

E. Provide satisfactory levels of sunlight, daylight, privacy and outlook for occupiers and adjoining properties;

F. Not harm the local environment or harm the amenity of neighbouring properties;

Q211) There appears also to be overlap or duplication between the fourth bullet of this policy and policy DM25 (d). Would that cause confusion and a lack of effectiveness?
Council's Response

The Council notes the point made. Together with other points raised by the Inspector (See Question No.213), it is proposed to revise policy DM33.

Proposed Further Change

See response to Question 213 below.

Q212) There appears also to be overlap or duplication between the sixth bullet of this policy and policy DM25 (e). Would that cause confusion and a lack of effectiveness?

Council's Response

The Council notes the point made. Together with other points raised by the Inspector (See Question No.213), it is proposed to revise policy DM33.

Proposed Further Change

See response to Question 213 below.

Q213) The bullet points of this policy list eight subjects to which the Council will have regard. What is the Council’s regard looking for on each subject? What is meant by “unacceptable loss”? The third and last sentences of paragraph 34.4, the last sentence of paragraph 34.5 and the last three sentences of paragraph 34.7 all set out some aspects of policy without giving potential developers (or development control officers) a clear guide as to what the Council would find acceptable.

Council's Response

In response to the Inspector’s question, the Council notes the need to provide better clarity and interpretation.

Proposed Change

- It is proposed to delete and revise Policy DM33 and its justification as below:

When considering the impact of new development on neighbouring amenity, the Council will have regard to the following:

- privacy/overlooking;
Development will only be acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers of the development.

"In managing the impact of new development on neighbouring amenity, the Council will refer to planning standards as set out in the Urban Design Supplementary Planning Document (SPD). (4) New development including extensions, modifications to existing homes and where applicable, changes of use should;

A) ensure that daylight/sunlight, outlook and privacy is maintained for existing occupants and their neighbours in their homes and gardens as well as for the intended occupants of new habitable rooms;

B) ensure the provision of facilities for the storage, collection and disposal of refuse. In assessing such provision, the Council will have regard to the following matters:

- the level and type of provision. Shared recycling facilities and refuse bins will normally be required for non-residential developments, shared housing and major flatted developments. For other residential development, space for the storage of individual recycling and refuse containers or communal recycling facilities and refuse bins (where justified) will be required;
- the location of the provision. Safe and convenient access for occupants/users and satisfactory access for refuse collection vehicles and operatives must be provided and maintained;
- the impact of the provision on visual amenity and measures in place to screen or minimise the prominence of the facilities;
- the impact of the provision on the health and amenity of the occupiers of the proposed and neighbouring development; and
- the security of the provision against scavenging pests, vandalism and unauthorised use."

Consequential changes to the explanatory text of the policy is proposed as below - by deleting paragraphs 34.2-34.7 and replacing with new text.
34.2 The planning system plays an important role in safeguarding the quality of life of the residents of Waltham Forest. New development of any type, if located and designed without having regard to both existing residents and future occupants, could cause serious harm to the amenities they currently, or in the case of future occupants would be expected to enjoy.

34.3 When assessing proposals the Council will take account the considerations set out in policy DM30. Development should avoid harmful effects on the amenity of existing and future occupiers and to nearby properties:

34.4 The Council seeks to ensure that new developments do not result in the degree of privacy enjoyed by adjoining properties being reduced or new problems of overlooking created. Outlook is the visual amenity afforded by a dwelling’s immediate surroundings. This can be adversely affected by the close siting of another structure or the incompatible treatment of adjoining land. Applicants for planning permission will be expected to give careful consideration to the layout and design of new development. Daylight is the volume of natural light which is required to illuminate internal accommodation from dawn to dusk. Daylight will be impaired by the siting of a structure which obstructs daylight directly in relation to its size and distance away. In considering matters on daylighting, the Council will refer to established standards e.g as provided by the Building Research Establishment (BRE):

34.5 Noise or vibration can be generated through development in many different ways, for example by users of pubs, hot food takeaways and recreation facilities and through the operation of industrial and commercial premises. Problems can arise where development which generates noise is proposed near a development which is sensitive to noise, such as housing, hospitals or schools. Where the levels of noise would be unacceptable, developers will need to demonstrate that adequate measures can be incorporated into proposals to reduce noise and disturbance.

34.6 Lighting creates a sense of safety and can enable activities in the evenings and at night. It can be used to highlight landmark buildings and add vitality to our streets. Lighting can increase the potential for natural surveillance and, where used correctly, can reduce the opportunity for criminal activity and increase the likelihood of it being challenged and/or reported. However, poorly designed internal and external lighting or lighting that operates for an excessive period of time is a form of pollution that can harm the quality of life for those living nearby, affect wildlife and waste energy. Lighting of advertisements can also affect people living nearby. Glare and light spillage from poorly designed lighting can make it less easy to see things at night and effect wildlife as well as people:

Litter
34.7 Litter is a particular environmental nuisance in Waltham Forest. The Council wishes to ensure that proper arrangements are made in all new developments (including changes of use) for the storage, collection, and disposal of refuse. This policy is cross referenced to Policy DM8 on the specific requirements relating to housing developments. All new developments will require the provision of suitable waste and recycling storage facilities. Further policy guidance on waste is provided under Policy DM11 of this plan. In both residential and commercial developments, the Council will expect the developer to make adequate provision for these facilities. In determining planning applications the Council will consider the extent to which satisfactory arrangements for the storage, collection and disposal of refuse has been made. In appropriate cases, use will be made of planning agreements to ensure that this is achieved.

"The Council has published a Supplementary Planning Document (SPD) on Urban Design which seeks to raise design standards in the borough. This document provides clear and practical guidance to developers and applicants for planning permission on the standards the Council expects new development proposals to achieve. It is intended that this document will be reviewed and updated periodically to incorporate new guidance.

Access to daylight, outlook and privacy

Daylight is the volume of natural light which is required to illuminate internal accommodation from dawn to dusk. Sunlight on the other hand refers to direct sunshine. People expect good levels of daylighting within buildings as it has positive psychological effects on wellbeing. Daylighting is a more sustainable source of light than artificial light. It will be impaired if the siting of a new structure obstructs the amount of sunlight and daylight reaching neighbouring occupiers. This policy therefore seeks to ensure that new development will not adversely affect the daylighting of existing development. It is expected that new developments including extensions will be designed where possible to minimise the loss of daylight and excessive overshadowing of neighbouring properties. The Urban Design SPD includes guidance on measures to ensure good sunlight and daylight as encouraged by the Building Research Establishment (BRE).

Privacy is an important aspect of residential environments. Neighbouring occupiers are entitled to a reasonable level of privacy, both within their homes and outside in their private gardens. This policy therefore seeks to ensure that new buildings and extensions to existing properties do not compromise the privacy of occupants of neighbouring dwellings. Outlook is the visual amenity afforded by a dwelling’s immediate surroundings. It is expected that new developments can fit in within existing developments in functional terms without creating an overbearing and dominating effect on adjoining occupiers. As a guide, the Urban Design SPD sets out minimum clearance separation distances
between the windows of habitable rooms and kitchens in opposing dwellings. The document also provides guidance on other measures that could be applied to overcome loss of privacy and overlooking.

Storage, collection and disposal of refuse

Recycling and refuse storage is a practical requirement common to all development occupied by people. An inadequate level of provision, poorly sited or designed recycling and refuse storage provision has the potential for considerable adverse impacts on the visual appearance of an area, the amenity and health of neighbouring occupiers. This policy seeks to reduce the potential amenity impacts arising from the disposal of waste.

The policy affords the opportunity to apply sustainable waste management practices and to design out frequently occurring difficulties in waste collection and management. The Council considers that mutual advantages can be gained by working with developers and property managers to ensure a clean environment. The Council currently provides a weekly collection of household rubbish from all residential properties. Space standards and storage capacities will often depend on the Council’s recycling and waste management strategies, in particular, the collection regime in place at a particular time. Detailed guidance on design standards will be provided in the subsequent review of the Urban Design SPD. To assist decision making on planning applications, it is expected that necessary information on the location, volume, management and collection arrangements for domestic and non domestic waste and recyclable materials will be submitted as part of the validation requirements for planning applications.”

Q214) The second sentence of para 34.3 simply duplicates the last sentence of the policy itself.

Council's Response

The Council notes this error. Changes to the policy and justification as stated above corrects this.
DM34 - Improving Community Safety
DM34 - Improving Community Safety

Q238) Although this is clearly a policy impacting upon design, it is not one of the matters listed in DM30. Would its omission from that policy weaken its effectiveness? (But would duplication cause confusion?).

Council’s Response

It is recognised that there is some crossover between policies DM30 and DM34. The intention behind separate policies is to provide a clear link between policies and strategic objectives, and also to highlight that a co-ordinated approach to community safety, beyond just design matters, is required.

As set out in response to questions 239-242, some duplication between the policies, and a clearer relationship between them, is proposed for removal through better cross referencing in a revised policy DM34. Since all parts of the local plan should be read in conjunction, it is not considered that the lack of a specific reference within policy DM30 weakens the effectiveness of DM34.

Proposed Further Change

No change required.

Q239) does the first bullet of part (a) do anything more than duplicate DM15(E)?

Council’s Response

Essentially these different policy components cover the same point. The intention of Policy DM34 was to pull together a range of elements that relate to community safety; and provide greater detail to applicants and development management officers that currently exists in the Core Strategy. It was also intended to highlight that community safety issues should be considered at the design stage, rather than retrospectively dealt with through harder security measures such as CCTV.

In the interests of reducing duplication within the document, it is accepted that a cross reference to other relevant policies would suffice.

Proposed Further Change

Rephrase policy point (a) to read as follows:

"a) New development proposals should:
contribute to a safe environment by following the principles of DM15 (Sustainable Transport Network) and DM30 (Design Principles, Standards and Local Distinctiveness);

seek to incorporate Secured by Design and Parkmark standards;

avoid the creation of gated communities;

— be sited and designed to maximise opportunities for natural surveillance;

— demonstrate a clear distinction between areas of public and private space;

— create an attractive and welcoming physical environment;

— provide for management and maintenance of communal areas;

— incorporate legible routes and spaces.

In addition, harder security measures such as CCTV will be supported where a clear need for them is identified.”

Q240) Does the second bullet of part (a) do anything more than duplicate DM30 (vi)?

Council’s Response

See response to question 239

Proposed Further Change

See response to question 239

Q241) Does the third bullet of part (a) do anything more than duplicate DM30 (vii)?

Council’s Response

See response to question 239

Proposed Further Change

See response to question 239

Q242) Does the fifth bullet of part (a) do more than duplicate DM15 B?

Council’s Response

See response to question 239
Proposed Further Change

See response to question 239

Q243) Does part (c) do more than duplicate DM26 G (iv)?

Council's Response

Parts (c) and (d) of the policy are intended to make clear that community safety is an issue to address through planning applications not just in terms of design and security measures, but also in terms of co-ordinating land uses. It is accepted that these elements of policy provide some duplication of other aspects of the Development Management Policies document, but it is felt that there is some merit in retaining in terms of highlighting a co-ordinated approach to tackling crime and disorder, which is a major issue in the borough. To better reflect the relationship between part (c) and policy DM26 (G), some rewording to provide a clear cross reference is suggested. It is also suggested that 'designated centres' is a more appropriate term than 'commercial centres'; to provide greater consistency with other elements of the Local Plan.

Proposed Further Change

Rephrase policy point (c) to read:

"Commercial Designated centres should provide a mix of uses that cater for all sections of the community, and avoid the clustering of uses likely to result in an increase in crime or anti-social behaviour, in accordance with policy DM26 (Managing Changes of Use in Town Centres)."

Q244) Does part (d) do more than duplicate policies DM18 C and E and DM13 C?

Council's Response

Parts (c) and (d) of the policy are intended to make clear that community safety is an issue to address through planning applications not just in terms of design and security measures, but also in terms of co-ordinating land uses. It is accepted that these elements of policy provide some duplication of other aspects of the Development Management Policies document, but it is felt that there is some merit in retaining in terms of highlighting a co-ordinated approach to tackling crime and disorder, which is a major issue in the borough. Some rewording is considered necessary to highlight what is meant by 'accessible locations' though.
Proposed Further Change

Rephrase part (d) of policy to read:

"The provision of diversionary activities for young people, such as sporting, recreational, cultural and community based activities will be supported in accessible locations in locations easily accessible by foot, cycle and public transport."

Q245) Does part (e) do more than duplicate policy DM15 D or require more than Core Strategy policy CD7 (e) already requires?

Council's Response

It is accepted that part (e) of the policy simply duplicates matters dealt with more comprehensively elsewhere in the local plan. Since it does not have the added benefit of highlighting that community safety relates to co-ordinating of land uses, and not just design, it is not considered to merit retention.

Proposed Further Change

- Remove policy point (e) as set out below:

  "Public Realm

  e) Enabling development of a network of safe walking and cycling routes, particularly in the key growth areas of Blackhorse Lane, the Northern Olympic Fringe, Walthamstow town centre and Wood Street, to link homes with town centres, employment areas, recreation/leisure facilities and open space."

- Remove paragraphs 35.8 as set out below:

  "Public Realm

  Legible routes and spaces which provide a clear distinction between the public and private realm allow people to understand their surroundings better and feel safe and secure. The design of streets, public areas and the spaces between buildings is important to make sure that they are accessible, safe and uncluttered. Development which restricts movement into or through a scheme, such as ‘gated’ developments, creates a social divide that is not consistent with the concept of sustainable communities, and are discouraged."

- Remove paragraph 35.12 as set out below:
“Area Action Plans will be produced for the Borough’s key growth areas. These will provide the context for comprehensive developments that enable safe and secure walking and cycle routes; through designating such routes and design standards to follow, and where relevant securing developer contributions towards their provision.”

Q246) The last sentence of paragraphs 35.4, 35.5 and 35.8 all appear to state policy requirements, rather than justification.

Council's Response
Noted.

In addition, the 2nd half of the 2nd sentence in paragraph 35.5 is now dated, and would benefit from being removed.

Proposed Further Change

- See changes to policy part (a) set out in response to question 239.
- Rephrase policy point (b) to read as follows:

b) Development proposals likely to result in crowded places will also need to demonstrate that counter terrorism design measures have been explored and where necessary incorporated

"b) Counter terrorism design solutions may be necessary for developments likely to result in crowded places. Where this conflicts with public realm or accessibility improvements, the level of risk of attack in the area will be a key consideration."

- Revise paragraphs 35.4 and 35.5 to read as follows:

"In addition to crime itself, fear of crime can be linked to poorly designed developments. Intimidating retrospective security features such as steel shutters, graffiti, and litter can all contribute to an unpleasant atmosphere where law abiding citizens feel unwelcome. Appropriate design at the outset and management of new developments is essential. In terms of design, the incorporation of Secured by Design and Parkmark standards will be sought.

Development which restricts movement into or through a scheme, such as ‘gated’ developments, can contribute to a social divide that is not consistent with the concept of sustainable communities."
Policy 7.13 of the London Plan refers to the need to minimise physical risks to new developments, including terrorism. The Borough includes major transport hubs such as Walthamstow Central Bus, Rail and Underground Stations, and population is projected to increase, and a rise in visitor numbers is expected during the Olympics. All of these factors point to an increase in the number of crowded places, and subsequently a need to ensure development proposals minimise the risk of terrorist attack. This could mean, for example, ensuring the regeneration of the town centre avoids street furniture clutter and incorporates blast resistant glazing. Where counter-terrorism design solutions conflict with other requirements such as public realm or accessibility improvements, the level of risk of attack in the area should be a key consideration.

Q247) Paragraph 35.6 appears to provide justification for policies DM24 C and DM26 G

Council's Response

Noted. This paragraph is intended to justify policy point (c). It is noted that due to the cross cutting nature of this policy, it also provides some justification for other policies with the document

Proposed Further Change

To make the crossover explicit, rephrase paragraph 35.6 to read as follows:

"Commercial centres should provide a range of shops and services that cater to all sections of the community. There is growing concern locally that core uses within retail parades are increasingly being replaced with alternative uses such as hot food take-aways and betting shops. As set out in the Core Strategy, the proliferation of such uses, along with drinking establishments, can give rise to community safety and anti-social behaviour issues. This link is based on regular bulletins received by the Council from the Police, of crime and disorder at licensed premises including public houses, bars, and betting shops. In consultation with the Police, the Council will therefore seek to avoid clustering of nuisance uses as set out in policies DM24 and DM26; thereby also protecting the convenience retail function of commercial centres."
DM35 - Water
**DM35 - Water**

Q256) Figure 1.3 relates this policy to Core Strategy policy CS5 but I recognise that paragraph 36.2 points out that it also relates to policy CS4 H, I and J.

**Council's Response**

Noted

**Proposed Further Change**

Amend figure 1.3 so DM35 is also linked to Policy CS4

Q257) What does part A require that policy DM18 G (a) does not already require?

**Council's Response**

Inclusion of specific references within the policy to water and sewerage infrastructure has been strongly supported by Thames Water through the development of the document. Whilst the essential requirements of this part of the policy may be met by applying policy DM18 G (a), the Council believes that more specific references in the water chapter is of some merit in terms of explicitly outlining the need for adequate water infrastructure to meet the needs of the development. It is accepted that some cross referencing to DM18 may be beneficial though.

**Proposed Further Change**

Rephrase policy point (a) to read:

"Development proposals should protect existing water and sewerage infrastructure. **In accordance with DM18G(a),** where development increases the demand for off-site service infrastructure, it must be demonstrated that sufficient capacity already exists, or that extra capacity will be provided."

Q258) What do the first two bullet points of part D require that Core Strategy policy CS4 I does not already require?

**Council's Response**

Agreed that first bullet point provides duplication that could be better addressed through a simple cross reference.
The Core Strategy seeks to direct development away from areas at highest risk of flooding and refers to flood risk zones that are largely based on risk of fluvial flooding. The 2nd bullet point makes clear that there may be site specific flood risk issues in parts of the borough not outlined as a ‘flood zone’ in figure 13 of the Core Strategy, and is therefore considered worth retaining. The Council’s Level 2 SFRA and SWMP include useful information in terms of historical records of floods and critical drainage areas. Amendments to the 2nd bullet point are therefore suggested to clarify this.

**Proposed Further Change**

- Rephrase policy point D to read as follows:

"D) Flood risk should be managed by:

- meeting the requirements of Core Strategy Policy CS4 (Minimising and Adapting to Climate Change) in NPPF and national policy for the Sequential and Exception Tests to be applied where required and directing development away from areas of greatest risk for flooding;
- submitting a site specific Flood Risk Assessment or drainage strategy at the planning application stage where required by national policy or for sites with a known risk of groundwater or surface water flooding, having regard to the Council’s Level 2 Strategic Flood Risk Assessment and Surface Water Management Plan.
- ensuring that development does not cause a reduction in the volume of floodplain storage or increase flood risk elsewhere;
- achieving greenfield run-off rates through the maximisation of Sustainable Urban Drainage Systems (SuDS) where possible, and, where SuDS cannot be implemented, due to land conditions or contamination, justification must be provided outlining the reasons and demonstrating alternative sustainable approaches to the management of surface water;
- submitting a maintenance and management plan for all drainage systems, including SuDS;
- undertaking land swaps in suitable locations to relocate more vulnerable uses and enable the floodplain to be used as storage;
- using and retaining permeable materials in areas of hardstanding (including domestic gardens), unless strong justification suggests otherwise and mitigation measures are provided;
- providing mitigation measures where there are residual impacts; and
- where necessary, providing new or upgraded infrastructure and/or financial contributions towards measures to reduce and mitigate against flood risk, which may include protecting existing flood defences.

- For consistency with rephrased 2nd bullet point, rephrase paragraph 36.9 to read:
Climate change will be the major cause of increased flood risk in the future (Thames Catchment Flood Management Plan, 2009) and therefore it is important that development is directed away from areas at greater risk of flooding (Flood Zones 2 and 3), particularly for vulnerable uses such as basement dwellings. National policy and technical guidance outlines where the Sequential and Exceptions Test must be applied.

Q259) What does the first bullet of part E require that Core Strategy policy CS5 H does not already require?

Council’s Response

Whilst the sentiment of this is similar to part E of Core Strategy Policy CS5 H, its inclusion here is considered useful in making it explicit that developments that harm the water environment and/or biodiversity are unacceptable. In the interests of reducing duplication, it is noted that paragraph 36.16 can be edited.

Proposed Further Change

Rephrase paragraph 36.16 to read:

"Waterways in Waltham Forest support a range of ecological resources, many of which are covered under European and national legislation. River corridors provide migration routes for species such as birds and bats and also support aquatic habitats. In line with the Water Framework Directive: The EU Water Framework Directive: Integrated River Basin Management for Europe, 2000, it is vital that the status of aquatic ecosystems and associated wetlands are enhanced and further deterioration is prevented. Due to this, development proposals should not create adverse impacts on the water environment, species or habitats in accordance with DM36 Biodiversity. The Blue Ribbon Network is formed from the Thames, the canal network, other tributaries, rivers and streams within London and London’s open water spaces such as docks, reservoirs and lakes. The Blue Ribbon Network provides corridors for both wildlife and recreation and more detailed policies are included in the London Plan. The London Rivers Action Plan (LRAP) London Rivers Action Plan: A Tool to Help Restore Rivers for People and Nature, 2009 aims to promote river restoration across London through the enhancement of riverside parks and green spaces. Enhancement measures such as naturalisation and culverting are valuable for the management of nature conservation and flood risk of waterways. Wider regeneration objectives can be met through the enhancement of the quality and amenity value of the water environment. To ensure this is achieved, the Council will consult the Environment Agency so that adequate evaluation can be undertaken and statutory consents can be granted. It is preferable that Flood Defence Consent is attained after planning permission has been granted."
Q260) What does the fifth bullet of part E require that policy DM30 does not already require?

Council’s Response

Duplication noted

Proposed Further Change

Rephrase policy point (e) as follows:

"E) Development affecting waterways should demonstrate that:

- there will be no adverse impacts on the water environment, species or habitats and that enhancement measures have been incorporated wherever possible;
- Flood Defence Consent is obtained from the Environment Agency for works in, under, over and adjacent to watercourses;
- the use by freight transport is not inhibited and where possible increased;
- buffer zones are established and left free of any permanent structures. Where it is not possible to do so, strong justification should be provided."
- designs are of high quality and integrate successfully in terms of use, appearance, scale and physical impact; and
- where large scale or taller buildings are proposed, they respond to context in relation to public or private open spaces, the waterspace, ecology and townscape elements.

Amend paragraph 36.19 to read:

"Waterways also provide a unique setting for buildings and the uses which occupy them. As such, designs that should derive inspiration from the water environment and complement the physical context in relation to visual appearance and scale, and ecological integrity, will help ensure new developments do not have an adverse impact on the water environment. Buildings and the space around them should be of high design quality, taking into account the requirements set out in the Urban Design SPD. Tall and large scale buildings proximate to watercourses can cause harm to species and habitats due to an increase in shading and artificial light. Due to this, development proposals should respect the character and ecological integrity of the natural environment; and, where negative effects cannot be avoided, they should be dealt with in accordance with DM36 Biodiversity."

Q261) What does the sixth bullet of part E require that policy DM32 does not already require?
Council's Response

Duplication noted

Proposed Further Change

See response to question 260.

Q262) Although the justification for this policy generally avoids repetition of policy, it does occur in a couple of instances. I recognise that this is usually at the culmination of an argument of justification but the Council should check that these points are not omitted from the policy itself; 7th sentence of para 36.10; 1st sentence of para 36.11; 8th, 9th and last sentences of para 36.12; 2nd, 3rd and last sentences of 36.19.

Council's Response

2nd and penultimate bullet point of Policy DM35D covers 7th sentence of paragraph 36.10

The importance of design in minimising flood risk is set out in the Core Strategy policy CS4H. The proposed rephrasing of the first bullet point of DM35D (in response to question 258), therefore ensures the matter referred to in the last sentence of paragraphs 36.11 is covered within policy; due to the incorporation of a cross reference to CS4H.

Revised 4th bullet point of part d of policy (see response to question 258) cover 8th and 9th sentences of paragraph 36.12. Last sentence paragraph 36.12 is considered to be adequately covered by 5th bullet point of DM35D.

In terms of paragraph 36.19, the 2nd and last sentences relate to the first bullet point of policy part E; i.e. the need to incorporate enhancement measures, and avoid adverse impacts. It is recognised that some tweaking of wording as set out in response to question 260 would make clearer that such text is not providing additional policy. The 3rd sentence of this paragraph is considered unnecessary duplication of policy DM30; hence its suggested removal.

Proposed Further Change

See changes to DM35D and paragraph 36.19 set out in response to question 260.

Rephrase paragraph 36.12 to read:
"Development through a river catchment can have a major impact on flooding due to changes in surface water run-off and groundwater. The North London SFRA Level 1 includes a policy recommendation for development proposals to restrict run-off from the site to the undeveloped greenfield run-off rate for developments on both greenfield and brownfield sites. **Meanwhile, the Draft Surface Water Management Plan also includes similar policy recommendations and the incorporation of SUDS where proposals result in a net increase in impermeable areas.** Greenfield run-off rates will be best achieved through the maximisation of Sustainable Urban Drainage Systems (SuDS). This is a direct consequence of the requirements set out in national policy and the Flood and Water Management Act 2010. SuDS offer multiple benefits, from controlling surface water run-off to improving the quality of surface water. SuDS methods can include swales, permeable paving, living roofs and landscaping measures. The London Plan drainage hierarchy (or such guidance as supersedes it) provides guidance on the implementation of SuDS in both new development and redevelopment schemes. Infiltration SuDS should only be used where there are suitable ground conditions and not in land with contamination issues. Where SuDS cannot be implemented, justification must be provided outlining the reasons and demonstrating alternative sustainable approaches to the management of surface water. Poorly maintained SuDS can potentially increase the amount of runoff that is received by surface water sewers and can therefore increase the risk of sewer flooding. It is also vital to consider the impact on ecology so that any negative effects can be identified and mitigation measures put in place. Due to this, all surface water management schemes should submit a management and maintenance plan at the planning application stage."
DM36 - Biodiversity and Geodiversity
DM36 - Biodiversity and Geodiversity

Q263) The last clause of part A troubles me in referring to financial or on-site contributions because it does not make clear the nature of the on-site contributions which are sought. It also appears that the financial contributions would be an objective of the policy in themselves, which would be unlawful. Paragraph 37.4 expands on this policy. In so far as it provides additional policy requirements or elaborations, they should be included in the policy itself, so that it is clear what a developer is expected to do. Any policy which suggests that the raising of financial contributions would be an end in itself would have to be found unsound.

Council's Response

Inspector's comments are noted and amendments are proposed as below.

Proposed Further Change

For clarification, the Council proposes to change Part A of Policy DM36 as follows:

"A) Development proposals will not normally be granted planning permission where they pose adverse direct or indirect effects on any land or area within the identified Sites of Special Scientific Interest (SSSI), Sites of Importance to Nature Conservation (SINC), Special Areas of Conservation (SAC), RAMSAR sites, Special Protection Areas or protected or priority species. However, in an exceptional situation whereby a development creates an adverse impact on a Site of Importance for Nature Conservation or important species where such proposals are is permitted, financial or on-site contributions will be necessary to compensate for such impacts. any damaging impacts should be prevented by appropriate mitigation measures or use of conditions."

NB These changes include those proposed in Schedule of Post Publication Minor Changes.

To reflect the above changes, it is proposed to revise paragraph 37.4 as follows:

"37.4 Where a development proposal provides benefits which significantly outweighs the importance of nature conservation the Council may require conditions and/or financial contributions for mitigation or compensation. In accordance with Part A of Policy DM36, the Council will impose planning conditions to ensure the appropriate mitigation measures are taken to comply with legislation and that where appropriate, measures which may include the creating and enhancing of wildlife habitat and suitable soft landscape in and around the site would
apply. This may be required in order to provide a means of replacement, improved access or for securing the future and management of a site. Nonetheless, the recovery or relocation of habitats should only occur as a last resort with a preference for the protection, enhancement of existing habitats wherever possible. Where damage is likely to occur to protected species, conditions and/or financial contributions may relate to reducing disturbance in line with legislation and improving habitats. The Council acknowledges that certain essential maintenance works are necessary. For example, many areas alongside railway lines in the Borough are recognised for nature conservation value but need to be accessed for maintenance works by the transport provider. In such cases, the Council will expect the requirements for mitigation and compensation to be met in accordance with this policy."

It is also proposed to delete the last sentence of paragraph 37.17 to reflect the above proposed changes as below:

"37.17 The Council will seek to protect and enhance biodiversity and geodiversity through new development proposals. Developer contributions will be sought where appropriate, especially where deficiencies in access to nature have been identified or in areas proximate to sites for the enhancement or creation of habitats (see Schedules 13 to 16, 24 to 26, 28 to 29 and the Policies Map). Financial contributions, derived from either an adopted tariff and/or planning obligations, will be sought in conformity with DM37 Working with Partners and Infrastructure."

Q264) Part B reads as an implementation or procedural validation policy rather than a development policy. Presumably, what is meant is that where there are existing biodiversity resources on-site or in the vicinity of a development site, the development must provide for their retention, restoration or enhancement. Are there likely to be any development sites which do not contain some degree of existing biodiversity resources? Is it intended that this policy would apply to all developments or only to those with a certain degree of significance of biodiversity resource? If so, what would be the threshold and how would it be justified?

Council’s Response

The Council agrees that Part B of Policy DM36 is an implementation or procedural validation policy rather than a development policy.

The Council agrees that where there are existing biodiversity resources on-site or in the vicinity of a development site, the development must provide for their retention, restoration or enhancement.

The Council also agrees that all development sites contain some degree of existing biodiversity resources.
The Council can confirm that Part B of Policy DM36 (as amended below) should apply to all developments.

**Proposed Further Change**

The Council proposes to change Part B of Policy DM36 as follows:

"B) Where there are existing biodiversity resources on-site or in the vicinity of a development site, the developer must submit an assessment with the planning application to outline the value of this resource, along with measures to retain, provide measures for their retention, the integration of existing wildlife habitats and features, and their restoration and enhancement where appropriate. Where retention, restoration or enhancement measures are not considered possible, mitigation and compensation measures should be clearly set out with supporting evidence for their effectiveness and relevance in relation to supporting the specific biodiversity value of the borough and its key international sites"

NB These changes include those proposed in Schedule of Post Publication Minor Changes.

Q265) How would a developer (or development control officer) know where would be regarded as “appropriate” in part C?

**Council's Response**

Inspector's comment is noted and agreed. For clarification, amendment is proposed as below.

**Proposed Further Change**

The Council proposes to change Part C of Policy DM36 as follows:

"C) Where appropriate opportunities arise, development proposals must provide measures to support species and habitats through the use of landscaping on or adjacent to buildings. This may involve the inclusion of living roofs and walls or other measures which provide space for species to nest, roost or hibernate."

Q266) Is there a relationship between part G and policies DM30 (xi) and DM 6 B(vi)?
Council's Response

Yes, there is a relationship between part G of Policy DM36 for arboricultural reports and policies DM30(xi) for high quality landscaping/tree planting and DM6(B)(vi) regarding landscaping for housing conversions and HMOs.

For the relationship between part G of Policy DM36 and policies DM30(xi) and DM6(B)(vi), please refer to Council's response to Question 225.
DM37 - Working with Partners and Infrastructure
**Q267**) Does this policy do anything more than duplicate other policies and the implementation sections of previous chapters? (Examples are policies DM1 B (vii) & (viii), DM14 C, DM15 G, DM18 H, DM22 b and d, DM29 I and DM36 A, paragraphs 2.49 & 2.50, 4.28, 12.27, 13.22, 13.23, 14.7, 14.24, 15.7, 15.26, 16.11, 17.18, 19.14, 19.15, 19.16, 22.9, 23.5, 23.6 23.9, 25.14, 30.32, 35.11, 36.25 and 37.17) Note that I have commented on policies requiring planning obligations or financial contributions as they have occurred.

**Council's Response**

It is considered that there is some crossover between Policy DM37 and other DM policies. The intention behind separate policies is to provide a clearer link between policies and strategic objectives, and to emphasise that a co-ordinated approach to planning obligations and Community Infrastructure Levy, beyond just financial matters, is required.

This DMP DPD should be read in conjunction, it is considered that the lack of a specific reference within the other policies weakens the effectiveness of Policy DM37.

**Proposed Further Change**

No change required.

**Q268**) Figure 1.3 relates this policy to Core strategy policy CS3 yet the Strategic objective quoted at the beginning of this chapter is strategic objective 1, which is that of Core Strategy policy CS1. Is there an inconsistency here?

**Council's Response**

The strategic objective quoted for this policy is strategic objective 1, which is that of the Core Strategy CS1. Therefore Figure 1.3 should relate this Policy to Core Strategy CS1 for consistency.

**Proposed Further Change**

Amend Figure 1.3 to relate Policy DM37 to CS1 of the Core Strategy.

**Q269**) Does paragraph 38.1 do anything more than summarise the policy?
Council's Response

It is considered that paragraph 38.1 provides a summary of the policy.

Proposed Further Change

Delete paragraph 38.1 to avoid duplication of the policy:

"Development Management Policy 37 states that the Council will use planning obligations where appropriate alongside other suitable funding mechanisms to support the delivery of infrastructure, facilities and services to meet needs generated by development and mitigate the impact of development."

Q270) Is paragraph 38.4 a statement of policy?

Council's Response

The main elements of policy context of paragraph 38.4 are added to Policy DM37 (A).

Proposed Further Change

- Rephrase Policy DM37 (A) to read:

"(A) Where necessary, the Council will seek a planning obligation in order to facilitate development. The Council will ensure that all new developments within the Borough are served by adequate physical and social infrastructure and that such development is implemented with the provision of infrastructure and the mitigation of any environmental impacts. Where existing and planned provision of infrastructure, facilities and services are inadequate to meet the needs generated by a proposal, the Council will negotiate planning obligations to secure measures to meet those needs."

- Rephrase paragraph 38.4 to read:

"38.4 The Council will use planning obligations in appropriate circumstances and in accordance with the NPPF (paragraphs 203 to 205), to influence the nature of a development or mitigate or compensate for its potential effects. Where existing and planned provision of infrastructure, facilities and services are inadequate to meet the needs generated by a proposal, the Council will negotiate planning obligations to secure measures to meet those needs. While new development can make provision for new homes, employment and leisure facilities, and can improve our environment through use of renewable energy and improved landscaping,
it can also place additional pressure on social and physical infrastructure and general amenity, and may require measures to be taken to remedy or mitigate such impacts."

Q271) Are the third & fourth sentences of paragraph 38.5 a statement of policy?

Council's Response

The main elements of policy context of paragraph 38.5 are added to Policy DM37 (B).

Proposed Further Change

- Rephrase Part (B) to read:

"(B) Planning obligations will only be sought where it is not possible to deal with the matter through the imposition of a condition on a planning permission. The Council will negotiate planning obligations in relation to proposed development. These may be delivered in kind or through financial contributions."

- Rephrase paragraph 38.5 to read:

"38.5 Planning obligations can help to contribute to the success of a development and achieve our aims for a site, its local area and the borough as a whole. They can enhance the quality of a development and enable proposals to go ahead that would otherwise be refused. Planning obligations will only be sought where it is not possible to deal with the matter through the imposition of a condition on a planning permission. The items sought through a planning obligation will vary depending on the development scheme and its location."

Q272) Is paragraph 38.6 a restatement of policy?

Council's Response

Delete paragraph 38.6 to avoid repeating the policy.

Proposed Further Change

Delete paragraph 38.6:
In considering planning obligations, we will take into account the range of benefits a development provides. Pooled contributions will be used when the combined impact of a number of schemes creates the need for infrastructure or works, although such pooling will only take place within the restrictions of the Community Infrastructure Levy Regulations 2010."

Q273) Is paragraph 38.16 a statement of policy?

Council’s Response

The main elements of policy context of paragraph 38.16 are added to Policy DM37 (G).

Proposed Further Change

- Add a new Policy DM37(G) after Policy DM37 (F) to read:

"(G) Where development outside the Borough would have significant implications within Waltham Forest, the Council will discuss with the adjacent Local Planning Authority and other organisations the mitigation of unacceptable effects through a Planning Obligation."

- Delete paragraph 38.16:

"Where development outside the Borough would have significant implications within Waltham Forest, the Council will discuss with the adjacent Local Planning Authority and other organisations the mitigation of unacceptable effects through a Planning Obligation."
DM38 - Telecommunications
DM38 - Telecommunications

Q274) Does part D of the policy do anything more than reiterate the first paragraph of the policy?

Council's Response
Delete part D of the policy to avoid duplicating the first paragraph of the policy.

Proposed Further Change
Delete part D of the policy:

"D) all installations do not detract from the character of the surrounding area and where attached to a building are sited so as to minimise their effect on the external appearance of the building."

Q275) Parts A, B and C of the policy are stated in terms of procedural requirements, rather than development characteristics. Presumably, what is meant is that;

Telecommunications apparatus should be located so as to complete or improve coverage;

Telecommunications apparatus should not stand alone where site or mast sharing would provide equally adequate coverage;

And that the development will operate within ICNIRP guidelines for exposure to health risks.

Council's Response
Rephrase Parts A, B and C of the policy in respect of development characteristics.

Proposed Further Change
Rephrase Parts A, B and C of the policy to read:

"Telecommunications development should be sited and designed in such a way that any adverse effect on the surrounding area is minimised. Careful consideration should be given to the form of the structure, its siting, colour, materials, and associated landscaping."
With regard to applications for telecommunication installations, the Council will need to be satisfied that:

A) telecommunications apparatus should be located so as to complete or improve coverage;

B) telecommunications apparatus should not stand alone where site or mast sharing would provide equally adequate coverage; and

C) that the development will operate within International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for exposure to health risks.

A) the applicant has supplied details of their need for the installation together with relevant technical and operational constraints;

B) the applicant has supplied evidence of their evaluation of all the options for providing the required coverage, including mast and site sharing;

C) the applicant has certified that the development will operate within the international (International Commission on Non-Ionizing Radiation Protection – ICNIRP) guidelines for public exposure; and 

Q276) Do the fourth and successive sentences of paragraph 39.4 do more than reiterate policy?

Council's Response

Rephrase paragraph 39.4 to avoid repetition of policy

Proposed Further Change

Rephrase paragraph 39.4 to read:

"39.4 It is important that an operator has properly evaluated all options for providing the required coverage. Mast or site sharing can be important as a means to limiting visual intrusion. National Policy aims to keep the number of masts to a minimum consistent with the efficient operation of a telecommunications system. Existing base station sites should be considered for sharing. The Radio Communications Agency has a website with Details of the location of existing base station sites are at [http://www.sitefinder.ofcom.org.uk/](http://www.sitefinder.ofcom.org.uk/) This should be consulted to ensure that existing sites are considered for sharing by different operators. Existing buildings, electricity pylons and a variety of other tall structures should also be considered before it is
proposed to install a new mast. The operator is required by the above policy to supply details of the evaluation of alternative methods of providing the required coverage."

Q277) Do paragraphs 39.6 and 39.7 do more than reiterate policy?

Council's Response

Delete paragraphs 39.6 and 39.7 to avoid repeating the policy.

Proposed Further Change

Delete paragraphs 39.6 and 39.7

39.6 Care should be taken particularly with freestanding masts outside the built-up area to ensure that they, as far as possible, blend in with the natural landscape. Masts and associated equipment as well as underground cable, service routes and means of enclosure should be designed such that there is minimal loss or damage to trees and other forms of natural vegetation. Additional planting can be provided to screen equipment and soften the overall impact of some installations.

39.7 National policy regarding telecommunications states that local planning authorities must determine applications on planning grounds and should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets with International Commission guidelines.

Q278) Is paragraph 39.8 doing anything more than stating application validation requirements?

Council's Response

Delete paragraphs 39.8 to avoid duplication.

Proposed Further Change

Delete paragraphs 39.8 as below;

39.8 When determining planning applications for telecommunications development, the Council will take account of National Policy and any relevant government guidance. Applications should be supported by the necessary evidence (71). This should include the outcome of consultations with organisations with an interest in the proposed
development. It is necessary for the operator to certify with their application that when operational the installation will meet the ICNIRP guidelines, which are international guidelines on limiting public exposure to radio waves.
DM39 - Minerals
DM39 - Minerals

Q279) Does paragraph 40.5 do anything more than repeat part E of the policy?

Council's Response

The Council agrees that the paragraph 40.5 repeats part E of the policy.

Proposed Further Change

Delete paragraph 40.5 which reads as follows:

40.5 The Council will expect all applications for the extraction of minerals to include a detailed scheme for the progressive restoration of the land and the after-use of the site. In appropriate cases, the Council will use legal agreements to secure the satisfactory restoration and management of mineral sites.
DM40 - Lee Valley Regional Park
DM40 - Lee Valley Regional Park

**DM40 & DM42**

93) There is obviously considerable duplication between policy DM13 H and its justificatory paragraphs and policies DM40 and 42 and their justificatory paragraphs which may lead to a lack of clarity. Their separation may lead to the latter two policies being overlooked and consequently, ineffective. What is the reason for detaching policies DM40 and 42 from DM13 H and separating them by so many intervening unrelated policies?

**Council's Response**

It is considered that Policy DM40 add to the local distinctiveness of the borough in the assessment of planning applications. As requested the following amendments are recommended.

It is proposed that Policy DM42 and justification be deleted to avoid duplication with Policy 13 (H).

**Proposed Further Change**

- Delete and replace paragraphs 41.1 - 41.3 to read as below;

**41.1** Lee Valley Regional Park is a valuable resource that can greatly enhance the setting of new developments and improve the quality of life of the wider community. The Regional Park is statutorily designated for leisure, recreation, sport and nature conservation. Covering an area of 10,000 acres (4,000ha) it extends for 26 miles broadly following the River Lee from Ware in Hertfordshire down through Essex, and North London to the River Thames. The Park is defined by its openness, heritage rich landscape and world class facilities. This provides the context for a diverse range of habitats and a variety of leisure facilities that create a continuous inter-related open area for leisure and recreation extending to the Queen Elizabeth Olympic Park and the Thames to the south. The Lee Valley Regional Park offers access to nature, leisure and recreation for local residents and workers and can support the Council's Community Strategy targets focused on health and education.

**41.2** The Council will support and work with the Regional Park Authority to deliver the Park Plan 2000 and the Park Development Framework, once adopted. The Council supports the overall aims of the Park Development Framework which seek to protect and enhance biodiversity, sporting and recreation resources of the Regional Park. The emerging Area Action Plans for the Northern Olympic Fringe and Blackhorse...
Lane areas cover parts of the Lee Valley Regional Park within Waltham Forest. Accordingly, these planning documents provide the opportunity for taking forward the adopted and emerging proposals from the Park Development Framework.

41.3 The Council will continue to support and work with the Regional Park Authority and other stakeholders to deliver the Park Plan 2000 and Park Development Framework proposals where these improve leisure and sporting opportunities for local residents, enhance access to open space and nature and help expand educational and volunteering activities.

“41.1 The Lee Valley Regional Park is statutorily designated for leisure, recreation, sport and nature conservation. Covering an area of 10,000 acres (4,000ha) it extends for 26 miles broadly following the River Lee from Ware in Hertfordshire down through Essex, and North London to the River Thames. The Park is defined by its openness, heritage rich landscape and world class facilities. This provides the context for a diverse range of habitats and a variety of leisure facilities that create a continuous inter-related open area for leisure and recreation extending to the Queen Elizabeth Olympic Park and the Thames to the south. The Lee Valley Regional Park offers access to nature, leisure and recreation for local residents and workers and can support the Council’s Community Strategy targets focused on health and education. It can also greatly enhance the setting of new developments and improve the quality of life of the wider community.

41.2 The Lee Valley Regional Park south of Coppermill Lane comprises Walthamstow and Leyton Marshes. These large open spaces have high ecological value. Walthamstow Marsh is a Site of Special Scientific Interest (SSSI) and a nature reserve with ecological interest. The Lee Valley Regional Park Authority Ice Centre and Riding Centre and the Waterworks Centre based in the Waterworks Nature Reserve are a focus for public activity, attracting over half a million visitors a year. The waterways of the Lee Navigation and the River Lee enhance the leisure and wildlife spaces providing further opportunities for water sports, habitat creation and informal recreation. To the north of Coppermill Lane is the 178 ha Thames Water owned Walthamstow Reservoir site. The site is designated a SSSI and contains internationally and nationally recognised habitats. In addition the site has significant industrial heritage value with heritage features dating from the mid nineteenth century. At present Walthamstow Reservoirs are largely inaccessible to the public. A partnership made up of key stakeholders has been formed with the purpose of opening the reservoirs as a wetland centre and nature reserve (branded Walthamstow Wetlands) which will be fully accessible to local people and visitors.
41.3 The Council will support and work with the Regional Park Authority to deliver the Park Plan 2000 and the Park Development Framework, once adopted. The Council supports the overall aims of the Park Development Framework which seek to protect and enhance biodiversity, sporting and recreation resources of the Regional Park. The emerging Area Action Plans for the Northern Olympic Fringe and Blackhorse Lane areas cover parts of the Lee Valley Regional Park within Waltham Forest. Accordingly, these planning documents provide the opportunity for taking forward the adopted and emerging proposals from the Park Development Framework.

- Amend Point C in Policy Box for DM40 to read;

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c. Lea Bridge Road Area - enhancing the improving visitor facilities at the Waterworks Centre, to include visitor accommodation and enhancing the Waterworks and Nature Reserve as a regionally significant access to nature destination;
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- Insert new subheading after Paragraph 41.3 to read

**Justification**

Lee Valley Regional Park Authority and the PDF

41.4......

- Delete Paragraphs 41.6 including points a) to g)

41.6 During 2011 the Lee Valley Regional Park Authority has developed and consulted on detailed proposals for an area of the Park that corresponds largely to the area covered by the NOF. The proposals are scheduled to be adopted in the future. Details of the proposals include:

a. **Low Hall & St James’s Park**

Enhance the quality and safety of existing pedestrian and cycle routes into the Park from the east

Establish links to heritage assets outside the Park such as the Walthamstow Pump House Museum to strengthen leisure interest in the area

Work in partnership to create new habitat margins around the Low Hall sports ground and safeguard existing ecological value at Low Hall Farm Flood Meadow

Support the enhancement and management of other sites of ecological value and potential including Low Hall woodland, the Dagenham Brook corridor.
b) Walthamstow Marsh and Coppermills Fields

Safeguard the openness of this area and enhance existing route networks to maintain the established link between clusters of facilities at Springfield Park and Marina, Lea Bridge Road and beyond to the Queen Elizabeth Olympic Park.

Protect, restore and manage the mix of floodplain grassland and fen—and small open water areas—within Walthamstow Marsh Nature Reserve and SSSI to enhance its ecological value.

Protect and promote the history of the Marsh and associated heritage features.

c) Lea Bridge Road Area

Enhancement of existing visitor facilities at the Waterworks Centre and a broadening of visitor facilities including visitor accommodation at the Ice Centre and Riding Centre.

Improvement of the quality and accessibility of walking and cycling routes into the Park from Clapton Station with the provision of clear directional signage.

The enhancement and maintenance of a network of all weather shared use paths between visitor facilities open spaces, and the strategic routes; the Lee Valley Pathway and Lee Valley Walk.

Enhance and restore habitats within the Essex Filter Beds.

d) Coppermill Lane

Improve Coppermill Lane as a secondary entry point to the Park focused on pedestrian and cycle access—in particular focusing on accessibility improvements at Coppermill railway viaduct and High bridge over the River Lea and measures to improve the landscape corridor along Coppermill Stream.

e) Lea Bridge Road

Significantly improve the quality of Lea Bridge Road as a focus for entry to and activity within the Park by;

Enhancing existing pedestrian and cycle paths adjacent to the Road—and across the Navigation and Flood Relief Channel;

Implementing a co-ordinated landscape treatment for the road frontage.

f) Lee Valley Pathway
Maintain and enhance the route of the Pathway for walkers and cyclists as part of the strategic route through the Park.

Create and enhance the key entrance points onto the route at Coppermill Lane, Lea Bridge Road and Homerton Road:

   g) Black Path

Entry into the Park along the approximate route of the Black Path to be established in the north east and south west.

A route across the Park between Waltham Forest and Hackney will be maintained using existing path networks around the facilities on Lea Bridge Road:

- Include new paragraph 41.6 to read;

“41.6 Full details of the Park Development Framework and Area Proposals can be found at www.leevalleypark.org.uk/parkframework/home/”

94) Paragraph 41.6 seems to be a repetition of policy DM40, rather than a justification of it.

Council’s Response

Agree - delete Paragraph 41.6 to avoid repetition of policy (see Proposed Further Changes for Question 93)

Proposed Further Change

- Delete Paragraphs 41.6 a) to g)

41.6 During 2011 the Lee Valley Regional Park Authority has developed and consulted on detailed proposals for an area of the Park that corresponds largely to the area covered by the NOF. The proposals are scheduled to be adopted in the future. Details of the proposals include:

a. Low Hall & St James's Park

Enhance the quality and safety of existing pedestrian and cycle routes into the Park from the east

Establish links to heritage assets outside the Park such as the Walthamstow
Pump House Museum to strengthen leisure interest in the area

Work in partnership to create new habitat margins around the Low Hall sports ground and safeguard existing ecological value at Low Hall Farm Flood Meadow

Support the enhancement and management of other sites of ecological value and potential including Low Hall woodland, the Dagenham Brook corridor.

--- b) Walthamstow Marsh and Coppermills Fields

Safeguard the openness of this area and enhance existing route networks to maintain the established link between clusters of facilities at Springfield Park and Marina, Lea Bridge Road and beyond to the Queen Elizabeth Olympic Park.

Protect, restore and manage the mix of floodplain grassland and fen and small open water areas within Walthamstow Marsh Nature Reserve and SSSI to enhance its ecological value.

--- c) Lea Bridge Road Area

Enhancement of existing visitor facilities at the Waterworks Centre and a broadening of visitor facilities including visitor accommodation at the Ice Centre and Riding Centre.

Improvement of the quality and accessibility of walking and cycling routes into the Park from Clapton Station with the provision of clear directional signage.

The enhancement and maintenance of a network of all weather shared use paths between visitor facilities open spaces, and the strategic routes; the Lee Valley Pathway and Lee Valley Walk.

Enhance and restore habitats within the Essex Filter Beds.

--- d) Coppermill Lane

Improve Coppermill Lane as a secondary entry point to the Park focused on pedestrian and cycle access - in particular focusing on accessibility improvements at Coppermill railway viaduct and High bridge over the River Lea and measures to improve the landscape corridor along Coppermill Stream.

--- e) Lea Bridge Road

Significantly improve the quality of Lea Bridge Road as a focus for entry to and activity within the Park by;
Enhancing existing pedestrian and cycle paths adjacent to the Road—and across the Navigation and Flood Relief Channel;

Implementing a co-ordinated landscape treatment for the road frontage

—— f) Lee Valley Pathway

Maintain and enhance the route of the Pathway for walkers and cyclists as part of the strategic route through the Park.

Create and enhance the key entrance points onto the route at Coppermill Lane, Lea Bridge Road and Homerton Road:

—— g) Black Path

Entry into the Park along the approximate route of the Black Path to be established in the north east and south west.

A route across the Park between Waltham Forest and Hackney will be maintained using existing path networks around the facilities on Lea Bridge Road.
DM41 - Planning Enforcement
DM41 - Planning Enforcement

Q248) NPPF paragraph 207 advises Local Planning Authorities to consider publishing a local enforcement plan but there is no requirement that it form part of a Development Management Policies DPD. If it does so, then it must be examined for soundness, like any other part of the DPD.

Council's Response

It is proposed that Policy DM41 and justification be deleted.

Proposed Further Change

Delete Policy DM41 and all the justification to avoid duplication with NPPF paragraph 207.

Q249) NPPF paragraph 207 advises that a local enforcement plan should manage enforcement proactively, in a way that is appropriate to their area. Where will I find the statement of what proactive methods will be used? Where will I find the statement of which kinds of alleged breach will be prioritised for proactive investigation? Where will I find the justification for the choices made? Paragraphs 42 and 49 appear to give the answer to these questions; but why then is DM41 included in this DMPDPD?

Council's Response

It is proposed that Policy DM41 and justification be deleted.

Proposed Further Change

Delete Policy DM41 and all the justification to avoid duplication with NPPF paragraph 207.

Q250) NPPF paragraph 207 advises that a local enforcement plan should set out how the Council will monitor the implementation of planning permissions. Where will I find this statement? And where will I find the justification for whatever methods of monitoring are proposed by the Council?

Council's Response

It is proposed that Policy DM41 and justification be deleted.
Proposed Further Change

Delete Policy DM41 and all the justification to avoid duplication with NPPF paragraph 207.

Q251) NPPF paragraph 207 advises that a local enforcement plan should set out how the Council will investigate alleged cases of unauthorised development. Where will I find this statement? And where will I find the justification for whatever methods of investigation are proposed by the Council?

Council's Response

It is proposed that Policy DM41 and justification be deleted.

Proposed Further Change

Delete Policy DM41 and all the justification to avoid duplication with NPPF paragraph 207.

Q252) NPPF paragraph 207 advises that a local enforcement plan should set out what action should be taken in what appropriate circumstances. Where will I find this statement? And where will I find the justification for the choice of action related to each appropriate circumstance?

Council's Response

It is proposed that Policy DM41 and justification be deleted.

Proposed Further Change

Delete Policy DM41 and all the justification to avoid duplication with NPPF paragraph 207.

Q253) What is meant by “proportionately” in part A of the policy? Paragraph 42.7 appears to give the answer but is not part of the policy.

Council's Response

It is proposed that Policy DM41 and justification be deleted.
Proposed Further Change
Delete Policy DM41 and all the justification to avoid duplication with NPPF paragraph 207.

Q254) How will the Council determine what is expedient in part B? Paragraphs 42.5 and 6 appear to give the answer but are not part of the policy

Council's Response
It is proposed that Policy DM41 and justification be deleted.

Proposed Further Change
Delete Policy DM41 and all the justification to avoid duplication with NPPF paragraph 207.

Q255) What is meant by “in appropriate cases” in part C of the policy? Does this simply duplicate the last clause of the policy?

Council's Response
It is proposed that Policy DM41 and justification be deleted.

Proposed Further Change
Delete Policy DM41 and all the justification to avoid duplication with NPPF paragraph 207.
DM42 - Epping Forest
DM42 - Epping Forest

DM40 & DM42

93) There is obviously considerable duplication between policy DM13 H and its justificatory paragraphs and policies DM40 and 42 and their justificatory paragraphs which may lead to a lack of clarity. Their separation may lead to the latter two policies being overlooked and consequently, ineffective. What is the reason for detaching policies DM40 and 42 from DM13 H and separating them by so many intervening unrelated policies?

Council's Response

It is proposed that Policy DM42 and justification be deleted.

Proposed Further Change

Delete Policy DM42 and all the justification to avoid duplication with Policy DM13 (H). See answer to inspectors question 93.
Appendix 1 - UDP Policies Replaced
Appendix 1 - UDP Policies Replaced

Q280) Appendix 1 seems to imply that even after the adoption of the CS and the DMPDPD some UDP policies would still be live. I guess some might be superseded by the Site Allocations DPD in due course but if there are others which might be expected to be superseded by the DMPDPD then it throws doubt on its effectiveness, if they remain.

In any event, the survival of old UDP policies beyond the adoption of the DMPDPD would be undesirable because it would cause confusion. I am also not quite sure of the accuracy of Appendix 1, so would the Council please look again at the entries for; SP14 (and its relationship with DM18), SP16 (DM18/DM22), SP18 (DM37), SP19 (the Annual Monitoring Report), TRL 14 and 15 (DM26), GCS1, 2, 6, 7, 8 and 9 (DM18), BHE12 (possibly a combination of DM policies), WPM 12 and 13 (DM39), PSC6 (DM26 I), PSC8 (possibly a combination of DM policies) and PSC9 (DM38).

Council's Response

Agreed - The replacement Core Strategy and Development Management Policies are to be inserted into Appendix 1 Table.

Proposed Further Change

Insert Policies into table as below;

<table>
<thead>
<tr>
<th>UDP Saved Policies</th>
<th>Policy Name</th>
<th>Policies to be superseded by Proposed Core Strategy</th>
<th>Policies to be superseded by Proposed Development Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic Policy SP14</td>
<td>General Community Facilities</td>
<td>CS3</td>
<td>DM18</td>
</tr>
<tr>
<td>Strategic Policy SP16</td>
<td>Planning for Equality</td>
<td>CS15 CS16</td>
<td>DM18, DM22,</td>
</tr>
<tr>
<td>Strategic Policy SP18</td>
<td>Planning Obligations</td>
<td>CS1</td>
<td>DM37</td>
</tr>
<tr>
<td>Strategic Policy SP19</td>
<td>Monitoring and Review</td>
<td>Section 21</td>
<td>Annual Monitoring Report</td>
</tr>
<tr>
<td>UDP Saved Policies</td>
<td>Policy Name</td>
<td>Policies to be superseded by Proposed Core Strategy</td>
<td>Policies to be superseded by Proposed Development Policies</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------------------------------------</td>
<td>----------------------------------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>TRL 14</td>
<td>Retail Facilities in Petrol Filling Stations</td>
<td>CS14</td>
<td>DM26</td>
</tr>
<tr>
<td>TRL 15</td>
<td>Facilities for Shoppers</td>
<td>CS15</td>
<td>DM26</td>
</tr>
<tr>
<td>GCS1</td>
<td>Provision of community sites and buildings</td>
<td>CS3</td>
<td>DM18</td>
</tr>
<tr>
<td>GCS2</td>
<td>Retention of facilities and creation/ improvement of facilities as part of mixed use schemes</td>
<td>CS3</td>
<td>DM18</td>
</tr>
<tr>
<td>GCS6</td>
<td>Standards of accommodation in educational facilities</td>
<td>CS9</td>
<td>DM18</td>
</tr>
<tr>
<td>GCS7</td>
<td>Provision of mobile classrooms</td>
<td>CS3, CS9</td>
<td>DM18</td>
</tr>
<tr>
<td>GCS8</td>
<td>Re-use of redundant Education sites/buildings</td>
<td>CS3, CS9</td>
<td>DM18</td>
</tr>
<tr>
<td>GCS9</td>
<td>Liaison with public authorities and monitoring of land holdings</td>
<td>CS3</td>
<td>DM18</td>
</tr>
<tr>
<td>BHE12</td>
<td>Vacant Sites</td>
<td>CS5</td>
<td>DM13</td>
</tr>
<tr>
<td>WPM 12</td>
<td>Minerals</td>
<td></td>
<td>DM39</td>
</tr>
<tr>
<td>WPM 13</td>
<td>Mineral Reserves</td>
<td></td>
<td>DM39</td>
</tr>
<tr>
<td>PSC6</td>
<td>Shopfront design</td>
<td>CS15</td>
<td>DM26</td>
</tr>
</tbody>
</table>
### UDP Saved Policies

<table>
<thead>
<tr>
<th>UDP Saved Policies</th>
<th>Policy Name</th>
<th>Policies to be superseded by Proposed Core Strategy</th>
<th>Policies to be superseded by Proposed Development Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSC8</td>
<td>Street furniture</td>
<td>CS15, CS16</td>
<td>DM30, DM34</td>
</tr>
<tr>
<td>PSC9</td>
<td>Telecommunications apparatus</td>
<td>CS3</td>
<td>DM38</td>
</tr>
</tbody>
</table>
Post Publication – Minor Changes
Post Publication – Minor Changes

281) The addition to paragraph 4.19 reads like policy, rather than justification.

Council's Response

Paragraphs 4.19 is intended to give detail to the process and provide explanation. It is proposed that the paragraph (amended as part of the post publication changes) moves to the implementation section of the chapter.

Proposed Further Change

Move amended paragraph 4.19 into the Implementation section under the heading 'Implementation of Small Sites Affordable Housing policy' as follows.

Implementation of Small Sites Affordable Housing Policy

"In order to maintain the viability of small sites in the borough, the Council will phase the implementation of off site contributions for small sites over a 4 year period. Therefore, where off site contributions are considered acceptable, in the first year of this Plan the Council will seek contributions as stated in the year one column in table 4.1. The level of contributions increase year on year up to the maximum contribution in the year 4 column. These figures will be monitored to ensure development of small sites remains viable."

282) Is the new paragraph to follow paragraph 8.9 policy or justification? If the latter, which aspect of the policy is it justifying?

Council's Response

New paragraph after 8.9 is intended to give detail to the process and provide explanation. It is proposed that it be moved to the Implementation section of the chapter.

Proposed Further Change

Move paragraph to the Implementation section before 8.10 as proposed:

"External space standards will be considered on a site by site basis. The Council will take a flexible approach when applying the preferred external space standards. Where appropriate, the Council will consider:

a. Access to shops, public transport, public services, community facilities, parks and green spaces;
b. The character and context of the site and surrounding area;

c. The size of the site and constraints; and

d. Financial viability."

283) Is the new paragraph to follow paragraph 12.8 policy or justification? If the latter, which aspect of the policy is it justifying?

Council's Response

Paragraph 12.8 is intended as explanatory text supporting part E of the policy, which sets the standards for CfSH / BREEAM. The first part of the paragraphs provides justification for the standards set (ie viability study demonstrated that these standards are achievable in WF and have only a minor impact on viability), the second part of the paragraph is explanatory text that seeks to clarify that the Council acknowledges that flexibility may be required in exceptional circumstances.

Proposed Further Change

No change required

284) In the light of Core Strategy policy CS5 F and its justification in Core Strategy paragraph 8.13, what is the justification for introducing a requirement for evidence of need into policy DM13F?

Council's Response

In hindsight, it is acknowledged that given the need for new plots identified in the Core Strategy, it is not necessary for applications for new sites to be supported by evidence of need. Further rephrasing of DM13F as set out below is therefore suggested.

Proposed Further Change

Rephrase policy DM13F to read

"Proposals for new burial space should be supported by evidence of need, and demonstrate that the scheme can be successfully integrated into the landscape. In principle burial spaces may be an acceptable use in the Green Belt or MOL, but they must not compromise the openness or visual amenity of these areas."
285) Is the addition to the end of paragraph 20.5 policy or justification? If the latter, what aspect of the policy is it justifying?

Council’s Response

In hindsight, the suggested addition to paragraph 20.5 does not provide justification to policy DM19. This wording was suggested for insertion in the interests of ensuring the Council provides for the needs of the Metropolitan Police. However, over the lifetime of the plan, pressure for new Police Patrol bases in land designated as SIL will be minimal, so the need for a specific policy point on this matter is questionable. There is a danger that adding greater flexibility, through making provision for a wider range social infrastructure uses, will dilute the broad thrust of policy and have unintended consequences. The Council would therefore like to retract the proposed further change. Should any case for a new police patrol base come forward within designated SIL in future, it may be possible to treat as an exception to policy.

Proposed Further Change

Remove suggested additional text at end of paragraph 20.5 as set out below:

‘Furthermore, whilst not neatly fitting within Use Class B2 or B8, police patrol bases are recognised in the London Plan as being a potentially acceptable use in SIL. Proposals for such uses may therefore also be treated positively, provided that they would not adversely affect the operation of surrounding businesses, would not require public access, and provide similar employment densities to B class uses’.

286) Is the new paragraph to follow paragraph 21.4 policy or justification? If the latter, what aspect of the policy is it justifying?

Council’s Response

In hindsight, the suggested additional text after paragraph 21.4 does not provide justification to policy DM20. This wording was suggested for insertion in the interests of ensuring the Council provides for the needs of the Metropolitan Police. However, over the lifetime of the plan, pressure for new police uses on land designated as BEA will be minimal, so the need for a specific policy point on this matter is questionable. There is a danger that adding greater flexibility to the policy will have unintended consequences in terms of undermining the Council’s aims of protecting its best quality employment sites for B class uses. Furthermore, it should be noted that under the terms of policies DM20 and DM21, Police uses could be acceptable within designated BEAs in the borough’s key growth areas (Blackhorse Lane, Northern Olympic Fringe, Walthamstow Town Centre and Wood Street), or within existing industrial estates.
that are no longer designated as SIL or BEA. Sufficient provision is therefore made within the DM policies to enable the implementation of the Police’s pan-London estate strategy.

**Proposed Further Change**

Delete new paragraph previously proposed after paragraph 21.4, as set out below:

“The Metropolitan Police Authority have set out a pan-London estate strategy (Property for Policing, 2007) aimed at modernising the estate to make it fit for purpose. Where new police facilities provide a significant level of employment, and the need for a public/policing interface does not mean they would be better located in a designated centre, they may also be acceptable in designated employment land, despite not neatly falling into a ‘B’ Use Class definition.”

287) **Is the insertion at the end of paragraph 21.8 policy or justification? If the latter, what aspect of the policy is it justifying?**

**Council’s Response**

Suggested insertion at end of paragraph 21.8 is essentially advice to applicants of how the final point of policy part (a) will be applied in practice. It is not intended as policy or justification, but rather explanatory text.

**Proposed Further Change**

No change required

288) **Is the second sentence of the insertion at the end of paragraph 22.3 a development policy or an application validation requirement? (The first sentence is clearly a justification for policy)**.

**Council’s Response**

Policy point a (rephrased in response to question 150) sets out policy requirements for the re-use of land last used for employment to be supported by a clear rationale of why the existing stock is unfit for purpose. This makes clear that the onus to demonstrate such a case falls with the developer (as also set out in the suggested insertions to paragraph 22.3).

The intention of the additions to paragraph 22.3 is to make clear that this policy requirement applies to offices above shops, not just standalone employment developments.
Whilst the requirement for supporting material may be required to validate applications, the reworded policy and supplementary text will give the Council the necessary grounds to request such information; and also provide transparency to developers of what is required of them.

**Proposed Further Change**

No change required

---

**289) Is the insertion at the end of paragraph 22.5 policy or justification? If the latter, what aspect of the policy is it justifying?**

**Council's Response**

In hindsight, it is recognised that insertions suggested to paragraph 22.5 include a combination of policy, justification, and explanatory text. Further alterations are therefore required as set out below.

**Proposed Further Change**

Rephrase policy point c to read:

“c) New live/work premises will be supported where:

- a clear need for them has been demonstrated;
- the proposal includes adequate provision of useable B1 workspace;
- the proposal would not compromise the character and function of the surrounding area;
- the residential element meets the standards set out in polices DM7 (Amenity and Internal Space and DM8 (Housing Quality and Accessibility)).”

Further revise paragraph 22.5 (from proposed changes set out in response to question 151, to read:

Live/work units can provide valuable accommodation for starter businesses and should be encouraged in terms of fostering such growth, and minimising unnecessary travel. "In areas where a clear need for them has been identified, live/work units can play a vital role in supporting the local economy; by providing suitable accommodation for start up businesses. The dual usage of such units also means they can help minimise unnecessary travel. Care will be needed in the design and siting of these to ensure they are compatible with neighbouring uses, and fit for their intended dual purpose. **It is expected that at least 60% of the total floor area in such proposals will normally be dedicated to employment uses; to help retain the employment function of the area. Employment uses should normally be B1 to ensure they are compatible with the residential element.**
Where provided, employment space should be B1 to ensure it is compatible with the residential element; since satisfactory residential amenity is unlikely to be achieved with B2 or B8 business space. Evidence of need for live/work units could include matters such as identification of potential end occupiers. Such matters will be important in ensuring live/work units are genuine development proposals that are not intended for later conversion to straight C3 use, or to avoid having to meet affordable housing requirements."

290) Is the new paragraph inserted following paragraph 30.17 a development policy or an application validation requirement?

Council's Response

The Council considers that the additional paragraph is an application validation requirement and should not be included in this document.

Proposed Further Change

“

To ensure that any work carried out to listed Buildings is appropriate and would not affect their special interest, the Council will require, as set out in the National Planning Policy framework (NPPF), an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail contained in the description (Heritage Statement) should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage asset assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the Council will require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (see NPPF, para 128)."

291) The addition to the end of paragraph 36.18 causes me to realise that I had previously overlooked the fact that the final sentence of paragraph 26.18 appears to be stating policy rather than justification, so making the policy itself appear incomplete and so, possibly unsound. Is the additional sentence policy or justification?

Council's Response

Noted. Agreed that material contained in paragraph 36.18, including proposed additional sentence, provides policy material rather than justification. Changes to the 4th bullet point of DM35E, and paragraph 36.18 are therefore considered necessary.
Proposed Further Change

- Rephrase 4th bullet point of DM35E to read:

“buffer zones of at least 8m for main rivers and 5m for ordinary water courses are established and left free of any permanent structures. Where it is not possible to do so, strong justification should be provided. Where provided, buffer zones should be carefully integrated with new developments so they do not create dead spaces”

- Rephrase paragraph 36.18 to read:

“The land adjacent to waterways contributes to the green infrastructure network and is valuable for sport and recreation as well as acting as a flood defence. In order to prevent disturbance on species and habitats, development should be set back from the waters edge to allow sunlight to penetrate and to provide space for riparian habitats to thrive. These buffer zones also serve to alleviate flood risk and provide areas for recreation, maintenance and flood defence works. Buffer zones should be of at least 8m for main rivers and 5m for ordinary watercourses. Careful consideration of their role and integration with new developments will be required to ensure these buffer zones do not create dead spaces.”

292) Is the addition to the end of paragraph 37.5 policy or justification? If the latter, what aspect of policy is it justifying?

Council's Response

The paragraph as currently drafted is not explicit about the statutory underpinning to biodiversity, protection and enhancement. The proposed changes were aimed at clarifying the policy.

Proposed Further Change

It is proposed to insert the following sentence (which is the suggested change from the Cons ervators of Epping Forest under Representation No. dmpps5) after Part A of Policy DM36 as a sub-policy:

“When assessing planning applications, the Council will assess recognises the importance of consulting the Conservators of Epping Forest regarding any potential development impacts in relation to Epping Forest Special Areas of Conservation (SAC) and will also have regard to the Natural Environment and Rural
Communities Act 2006 to conserve biodiversity across the Borough and, in particular, where such conservation is likely to enhance the biodiversity of Epping Forest SAC/SSSI."
293) I'm not clear whether the modification to the table in Appendix 4 is intended to replace the whole table or just certain rows within it. Could the Council clarify, please?

Council's Response

The modifications to the table in Appendix 4 are intended to replace the previous stated standards. To clarify this, the council sets out the amendments in detail below.

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Description</th>
<th>Cycle parking standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>RETAIL AND SERVICES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A1 Shops (including retail warehouses)</td>
<td>Shops</td>
<td>1 space per 25 m2 GFA up to 1,500 m2 thereafter 1 per 75 m2</td>
</tr>
<tr>
<td>A2 Financial and professional</td>
<td>Offices (business and professional)</td>
<td>1 space 25m2</td>
</tr>
<tr>
<td>A3 Food and drink</td>
<td></td>
<td>1 space per 25m2</td>
</tr>
<tr>
<td>A4</td>
<td>Public houses and wine bars</td>
<td>1 space per 25m2</td>
</tr>
<tr>
<td>A5</td>
<td>Takeaways</td>
<td>1 space per 25m2</td>
</tr>
<tr>
<td>SG</td>
<td>Taxi/mini cab offices</td>
<td>No standard. To be considered individually.</td>
</tr>
<tr>
<td>BUSINESS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B1 (a)</td>
<td>Offices</td>
<td>1 space per 25m2–50m2</td>
</tr>
<tr>
<td>B1 (unrestricted)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| B1 (b), B1 (c), B2 and B8        | Research and development, light industry, general industry, warehousing | B1 (b), B1 (c): 1 space per 50m2  
B2: 1 space per 35m2 75m2  
B8: 1 space per 425m2 250m2 |
<table>
<thead>
<tr>
<th><strong>RESIDENTIAL</strong></th>
<th></th>
<th></th>
</tr>
</thead>
</table>
| C3              | Flats and houses | Dwellings with 1 bedrooms: 1 space  
|                 |                 | Dwellings with 2+ bedrooms: 2 spaces |
|                 |  |  |
| **OTHER RESIDENTIAL** |  |  |
| SG              | Hostels | 1 space per 2 resident bedspaces |
|                 |  |  |
| SG              | Houses in multiple occupation (HMOs) | 1 space per 2 habitable rooms |
|                 |  |  |
| C1              | Hotels (20 beds and over) and motels | 1 space per 10 bedrooms.  
|                 |                 | 2 spaces per 3 staff. |
|                 |  |  |
| C1              | Guest houses and small hotels (less than 20 rooms) | 1 space per 3 bedrooms.  
|                 |                 | 1 space per 3 staff. |
|                 |  |  |
| C2              | Boarding schools/and residential colleges | 1 space per student. |
|                 |  |  |
|                 | Student halls of residence | 1 space per student. |
|                 |  |  |
| C2              | Children’s homes, retirement and nursing homes | 1 space per 2 staff. |
|                 |  |  |
| C3              | Sheltered housing | 1 space per 4 units.  
|                 |                 | 1 space per 2 staff. |
|                 |  |  |
| **EDUCATION AND HEALTH** |  |  |
| C2              | Hospitals | 2 spaces per three staff.  
<p>|                 |                 | 1 space per three bedspaces. |</p>
<table>
<thead>
<tr>
<th>Reference</th>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>Day centres</td>
<td>1 space per 2 staff.</td>
</tr>
<tr>
<td>D1</td>
<td>Adult training centres</td>
<td>1 space per 25m2</td>
</tr>
<tr>
<td>D1</td>
<td>Higher/further education establishments (vocational and academic)</td>
<td>1 space per 2 students.</td>
</tr>
<tr>
<td>D1</td>
<td>Pre-school, play and nursery provision</td>
<td>1 space per 2 staff.</td>
</tr>
<tr>
<td>D1</td>
<td>Schools (day): Nursery</td>
<td>0.3 spaces per child between 5-12 years.</td>
</tr>
<tr>
<td>D1</td>
<td>Primary</td>
<td>0.6 spaces per child over 12 years.</td>
</tr>
<tr>
<td>D1</td>
<td>Secondary</td>
<td>1 space per 4 staff plus 1 space per 7 students</td>
</tr>
<tr>
<td>D1</td>
<td>Special</td>
<td>1 space per 4 staff plus 1 space per 7 students</td>
</tr>
<tr>
<td>D1</td>
<td>Medical (and other health) clinics, including dental and veterinary</td>
<td>2 spaces per consulting room.</td>
</tr>
</tbody>
</table>

**LEISURE**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>Places of worship</td>
<td>1 space per 8m2</td>
</tr>
<tr>
<td>D1</td>
<td>Community centres</td>
<td>1 space per 8m2</td>
</tr>
<tr>
<td>D2</td>
<td>Theatres and cinemas</td>
<td>1 space per 3 seats 50m2</td>
</tr>
<tr>
<td>D2</td>
<td>Nightclubs</td>
<td>To be considered individually.</td>
</tr>
<tr>
<td>D2</td>
<td>Sports facilities with or without a licensed club house</td>
<td>1 space per 15m2 of floorspace plus 1 space per 10 spectator seats.</td>
</tr>
<tr>
<td></td>
<td>Swimming pools</td>
<td>1 space per 5m2 of pool and poolside area.</td>
</tr>
</tbody>
</table>

**TRANSPORT**

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Train stations</td>
<td>1 space per 100 entrants</td>
</tr>
<tr>
<td>Bus stations</td>
<td>1 space per 50 peak hour passengers.</td>
</tr>
</tbody>
</table>

**Proposed Further Change**

No further change proposed.

**294) Is the amendment to Schedule 3 meant to refer to Cleveland Park Avenue, or is Schedule 3 incorrect in referring to Cleveland Park Avenue?**

**Council’s Response**

The amendment refers to the record on the list of properties included in Schedule 3 regarding 'No. 55' Cleveland Park Avenue in particular. This street reference address no longer exists as it was demolished with the former Walthamstow Arcade building.

**Proposed Further Change**

For clarity, the proposed amendment is shown in strikethrough text "55 (odd)" as below:

<table>
<thead>
<tr>
<th>Properties/Land Included</th>
<th>Relevant Policies</th>
<th>Map Ref.</th>
</tr>
</thead>
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<tr>
<td>High Street; all including Palace Parade 1-20 (all), Central Library, Palace Mews: Pretoria Avenue; 2-10 (even): St. James’s Street; (all) including Health Centre, car parks and public conveniences: Station Road; 2-8 (even): Markhouse Road; 2: Coppermill Lane; 1b: Carisbrooke Road; 1-5 (odd); Buxton Road; 1 &amp; 2 Mission Grove; all land and properties on south side; Palmerston Road; 12-22 (even): Osborne Grove; all (including Osborne Mews): Storey Road; 1, 5-17 (odd): 2-8 (even): Truro Road; all: Eldon Road; 13-19 (odd), including Marsh Street Mission: Erskine Road; 4-30 (even): Somers Road; 70-96 (even): Westbury Road; 1-31 (odd), 4-8 (even): Cleveland Park Avenue; 40-44 (even): 55 (odd) Courtenay Mews; all: Courtenay Place; all: Cranbrook Mews; all: Brunner Road; all: Side Road; car park and lorry park: South Grove; 60,76,78,80, land to east bounded by Netley Road, Longfield House and railway embankment: Gosport Road; 1a: Willow Walk: all: Selborne Road; all, including Station Chambers, Selborne Recreation Ground, Bus Station, and adjoining landscaped areas and paths: Vernon Road; all, including Vernon Mews: Selborne Avenue; all: Selborne Walk; all: Rosebank Villas; site of 1-4 (all): Tower Mews; all: Hoe Street; 91-277 (odd),</td>
<td>DM26</td>
<td>MC</td>
</tr>
<tr>
<td>Properties/Land Included</td>
<td>Relevant Policies</td>
<td>Map Ref.</td>
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<td>including Central Parade 1-45 (all); access road and garages at rear of 154-350 (even); including The Arcade site: Hatherley Mews (all), and access road and garages at rear Milton Road; 2a: Church Hill; 2-10, Ross Wyld Hall: Stainforth Road; 55: St. Mary Road; 80-86 (even), landscaped area adjoining 81: First Avenue; landscaped area, footpaths and cycle paths adjoining 1: Station Yard; all, including Station car park and former Hoe Street Goods Yard: Priory Avenue; 1b Exeter Road; Site of former Walthamstow Power Station: Sylvia Road; 17 (Electricity Transformer Station): Railway and embankment between Somers Road and Shrubland Road, including Walthamstow Queen’s Road Station: Railway and embankment between a line joining rear boundary of 20 and 24 St. James’s Street and eastern side of Hoe Street bridge, including Walthamstow Central Station.</td>
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Other Questions
Other Questions

Consideration of some of the representations made leads to ask one further question.

295) The Introductory chapter explains in general terms how the DMPDPD interacts with other documents in the LDF suite and with the Sustainable Community Strategy. Paragraph 1.20 in particular points out that the Core Strategy and the DMP DPD are to be read in conjunction. But what is not clear is the relationship between the DMP DPD policies and the content of the AAPs. Is it intended that the policies of the DPD will apply throughout the AAPs unless specifically overridden by their content? Should there be a paragraph in chapter 1 of the DMPDPD to make that clear?

Council's Response

It is intended that the policies of the DMP DPD will apply throughout the Area Action Plans (AAPs) unless specially overridden by their content. Add a paragraph after paragraph 1.21 for clarification.

Proposed Further Change

Add a paragraph after paragraph 1.21 to read:

"Relationship with the Area Action Plans (AAPs)

There are four forthcoming Area Action Plans (AAPs). The AAPs are: Blackhorse Lane AAP, Northern Olympic Fringe AAP, Walthamstow Town Centre AAP and Wood Street AAP. The policies of the Development Management Policies (DMP) DPD will apply throughout the Area Action Plans (AAPs) unless specially overridden by their content. Figure 1.1 shows the relationship between the DMP DPD and the four AAPs. The DMP DPD delivers the approach set out in the Core Strategy. Details of the growth and regeneration activities will be provided in the appropriate AAPs."

296) Schedule 12 defines MOL. Where will I find the Schedule which defines Green Belt? and Where will I find the justification for the designations and boundaries indicated?

Council's Response

Green belt designations are different to MOL. To try and describe the areas covered by green belt for insertion into a new schedule would be quite difficult. Instead, precise boundaries can be viewed on the Policies Map.
There have been no changes to the green belt and MOL boundaries since the UDP. Table A5.2 in Appendix 6 of the Core Strategy sets out that no changes to the green belt and MOL boundaries are proposed through the local plan. This is consistent with the approach set out in Core Strategy Policy CS5A; that development and regeneration activity should be delivered principally through the use of brownfield land and buildings. This approach is justified in paragraphs 8.6- 8.8 of the Core Strategy.

Proposed Further Change

No change