LONDON BOROUGH OF WALTHAM FOREST

<table>
<thead>
<tr>
<th>Committee/Date:</th>
<th>Planning 12th November 2013</th>
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</thead>
<tbody>
<tr>
<td>Application reference:</td>
<td>2013/1004/OUT</td>
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<tr>
<td>Applicant:</td>
<td>Industrial Property Investment Fund</td>
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<tr>
<td>Location:</td>
<td>Ferry Lane Industrial Estate, Wickford Way, Walthamstow E17</td>
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<tr>
<td>Proposed development:</td>
<td>Outline application. Demolition of existing and mixed use redevelopment comprising 311 residential units, up to 2210 sqm commercial/community floorspace (A1/A3/B1/D1 class uses) creation of two vehicular access, new internal roads, car parking, open space/landscaping and highway works.</td>
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<tr>
<td>Wards affected:</td>
<td>William Morris, High Street.</td>
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<td>Appendices:</td>
<td>None</td>
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1 RECOMMENDATION

1.1 Grant outline planning permission with conditions, subject to the following:
   - Stage 2 referral under the Town & Country Planning (Mayor of London) Order 2008,
   - Completion of a s106 legal agreement as set out in section 13 of this report.

1.2 Members are advised that under the provisions of the Town & Country Planning (Mayor of London) Order 2008, should Members approve the application, it must be referred back to the GLA for further consideration as to whether it should be called in for determination by the Mayor.

1.3 It is recommended that authority be given to the Head of Development Management and Building Control in consultation with the Council’s Legal Services for the negotiation, completion and sealing of the s106 Agreement on the terms outlined under the Recommendation at Section 13 subject only to minor amendments to the terms of the s106 Agreement.

2 REASONS REFERRED TO COMMITTEE

- The matter is of such importance that it has been referred to Committee by officers
3 DETAILS OF PROPOSAL AND SURROUNDINGS

3.1 The area is formerly the western edge of the Blackhorse Lane Strategic Employment Area (SEA4) as designated in the Waltham Forest Unitary Development Plan (2006). As identified in the Mayor’s Upper Lee Valley Opportunity Area Planning Framework (Nov 2012), and with the adoption of the Waltham Forest Core Strategy (2012), the area occupied by the proposed development to the north of Forest Road and to the south of Hookers Road has since been released from the designation of Strategic Industrial Land for residential-led mixed use development.

3.2 The detail of the Council’s regeneration plans for the area are set out in the Blackhorse Lane Area Action Plan Proposed Submission (March 2013). Although the AAP has not yet been adopted, it remains a significant material consideration. Here the site is indentified in accordance with the London Plan (2011) as an Opportunity Site (BHL1) in which the regeneration aspiration would be for a residential led mixed use development comprising 1000 new homes, 4550 sq.m of commercial space and a new linear park and public open spaces.

3.3 The site occupies an area of approximately 1.6ha located to the south western end of the Blackhorse Lane regeneration area of Walthamstow and represents the western aspect of the Blackhorse Lane Industrial Area. The site faces onto the Sawyers Wharf section of the Mandora site considered at Committee on 10th September 2013 (2013/0554) to the northern, and Forest Road to the southern aspects. The site lies to the west of the Station Car Park with industrial units in current use; the site of the Royal Standard and the main part of the Mandora site lying to the east. The Lee Valley Regional Park (comprising the Walthamstow Reservoirs and the High and Low Maynards Reservoirs) lie to the west of the site across the Dagenham Brook flood relief channel. The wetland sites are of national and international conservation importance being designated RAMSAR, Site of Special Scientific Interest (SSSI) and Special Protection Areas (SPA).

3.4 The site is accessed from Forest Road to the south with Green Ferry Way lying to the eastern aspect of the site. The site comprises primarily low rise industrial sheds comprising nine units mainly in storage and distribution use together with associated parking and hardstanding. The site supports currently up to 120 jobs.

Accessibility

3.5 The site lies within an area of Level 4 PTAL located approximately 150m to the west of Blackhorse Road station which offers access to the Victoria line underground services and overground services via the Gospel Oak – Barking line. The site is close to four bus routes Routes 158, 123, 230 and W15 stopping near either Blackhorse Lane or Forest Road.

3.6 In terms of the main road network, the site is located on the main A503 Forest Road. The nearest part of the TfL Strategic Road network -
Chingford Road lies approx 1.5km to the east whilst the A406 North Circular lies approx 2km to the north.

The proposal

3.7 The submitted application is an outline application in which all matters are reserved save for access into the site. As such detailed design in all matters save for site access will be submitted at Reserved Matters stage.

3.8 The proposal involves the demolition of all of the existing units and the redevelopment of the site for up to 311 new homes, small scale retail (A1) and café (A3) uses together with approximately 2210 sq.m of B1 and D1 community use space capable of supporting up to 150 jobs.

3.9 The built form of the development involves the erection of two blocks rising from two storeys on the western edge to 9 storeys at the southeastern corner towards Blackhorse Road station. The development will progressively step down to the Wetlands and towards the northern portion of the site.

3.10 Car and cycle parking will be provided at ground floor level, below the level of the amenity and play space provided on the deck above.

3.11 In terms of housing, the scheme will provide 311 units of residential accommodation. The proposed mix and tenure for the scheme is shown in the following table:

<table>
<thead>
<tr>
<th>Unit size</th>
<th>Affordable Element</th>
<th>Private Element</th>
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<tbody>
<tr>
<td></td>
<td>Affordable Rented</td>
<td>Shared Ownership</td>
</tr>
<tr>
<td>studio</td>
<td>Total units in scheme</td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>114</td>
<td>3</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>85</td>
<td>8</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>112</td>
<td>13</td>
</tr>
<tr>
<td>4 bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 bedroom</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>311</td>
<td>24</td>
</tr>
</tbody>
</table>

3.12 37 units will be affordable housing comprising 12% of the total housing provision by unit. The remaining 274 units will be in private ownership.
Supporting documentation

3.13 The applicant has submitted a range of supporting documents to accompany the application as follows:

3.14 Air Quality Assessment – The assessment sets out the legislative and policy framework in relation to air quality and recognises that the Borough is an Air Quality Management Area (AQMA). The report considers the impact of demolition and construction activities and of the site once operational on local air quality. The report concludes that the site is a medium risk site for impacts arising from demolition and redevelopment and that with appropriate mitigation measures in place the overall residual effects of the construction phase on air quality may be negligible. The report reaches the same conclusion in relation to the site once operational. The report notes that the introduction of residential uses will result in new receptors in the area and proposes measures to mitigate air quality impacts in relation to these units.

3.15 Archaeology Desk Based Assessment - The assessment uses records of known sites of archaeological and historical significance within a 0.5km study area supplemented with an overview of known heritage assets known within an area of wider landscape to assess for the potential for archaeological remains to be found within the site boundary. The report concludes that the site, lying within a designated Archaeological Priority Zone, has a moderate potential for prehistoric deposits and a high potential for post Medieval/modern uses at the site which is a former bus factory. Whilst development may have truncated possible deposits, pockets may survive within the footprint of existing buildings. No designated built heritage assets will be affected by the development.

3.16 BREEAM Strategy – The report considers the new build shell and core construction of the new commercial development in the light of the standard of BREEAM New Construction 2011 regulations. The report sets out the standard methodology of gaining credits together with a strategy for achieving a rating of ‘Very Good’.

3.17 Code for Sustainable Homes Strategy – the Strategy includes an assessment of the proposal against Code for Sustainable Homes criteria, a strategy for gaining the necessary credits for the required standard and the achievement of the required Code Standard 4.

3.18 Design and access statement - this report gives a broad assessment of the site location and the proposal in terms of the physical economic and policy contexts. The DAS includes an assessment of the proposal in terms of appearance design and layout, scale height and massing. The DAS includes the illustrative proposals in relation to unit layout, appearance and materials landscaping and public realm associated with the proposal and addresses matters that include sustainability and access.

3.19 Design Code – The Code addresses the issues of the scale and appearance and sets out standards for the proposed palette of materials, accesses and landscaping. The Code also gives
consideration to residential and environmental quality standards to
minimise the impact of the development whilst providing a quality living
environment for occupiers.

3.20 Development Specification – Taken together with the parameter plans
the Highway Access Plan and Design Code, this document sets out a
written account of the proposal. Accordingly this document sets out the
details of use, the amount of development proposed for each use and
access in the form of a written narrative.

3.21 Ecological Phase 1 Habitat Survey – the survey highlights the
presence of five statutory designated sites within 2km of the site with
one further European designated site within a 10km radius. The survey
identifies the site as providing suitable habitat for nesting birds and
proposes measures to mitigate the impact of the development in
addition to considering opportunities for habitat enhancement.

3.22 Energy Strategy - This strategy includes information on the energy
efficiency of the development in terms of projected residential and non
residential uses at the site. The strategy is structured to address the
energy hierarchy set out in London Plan 2011 policy 5.2: Be Lean, Be
Clean, Be Green. The strategy is based on an initial energy demand
assessment carried out using the accommodation schedule and
Standard Assessment Procedure (SAP) modelling for the residential
site uses. Non residetial energy demand was projected in line with
industry benchmarks (CIBSE TM46). A complete range of energy
technologies is reviewed in the report which concludes 1441sq.m of
photovoltaic panels and a single energy centre containing gas fired
CHP could feed all blocks.

3.23 Flood Risk Assessment - the FRA investigates flood risk in the area
and outlines mitigation measures to ensure sustainable and safe
development. The report acknowledges that the site is located within
fluvial floodplain mainly within Flood Zone 3 with eastern parts of the
site falling within the lower category 2 floodplain. Others sources of
flooding have been investigated and surface water flooding has been
identified as a potential source of flood risk in the area of the
development. Following discussions with the Environment Agency, the
report includes a number of mitigation measures including an outline
surface water drainage strategy employing the use of SuDS to ensure
safety in the development and a minimisation of the risk to surrounding
development in line with the NPPF and EA Standing Advice.

3.24 Noise Assessment – The report assesses noise levels at the proposed
residential areas and demonstrates how acceptable external noise
levels in amenity areas and internal noise levels in habitable rooms
could be achieved. Noise emission limits have also been set for any
external fixed plant items associated with commercial development and
the potential effect of development –related road traffic on the wider
road network has been assessed. The report concludes that the
development will not result in adverse traffic noise impacts and that the
impact on the residential development of ambient noise can be
reduced to acceptable levels. In relation to amenity space, noise levels
to the south and east will exceed the threshold of 55dB whilst the remaining spaces to the northern and north western ends of the site will be below this threshold.

3.25 Planning Statement - this document summarises the development context and history of the site and describes the development against relevant national, regional and local policy and material considerations. The document provides a supporting case for the development based on a summary of all the other supporting documents as the basis for the future submission of Reserved Matters applications.

3.26 Preliminary Geo Environmental Risk Assessment – The report considers historical uses of the site and the potential for contamination, ground gas and threats to groundwater. The report concludes that the site is located in an area of moderate environmental sensitivity in which potential on site sources of contaminants have been identified together with potential pathways for contaminant migration. The report concludes that the site represents a low to medium risk in terms of future impacts. The report recommends a further detailed ground investigation to assess underlying ground conditions and to assess the potential future risks to users and controlled waters. The report concludes that an assessment of Unexploded Ordnance Risk Assessment may be appropriate.

3.27 Statement Of Consultation: details pre-application consultation with council officers and the public in the form of exhibitions and mail drops in line with the requirements of the Localism Act 2011.

3.28 Sustainability Statement – a comprehensive report which considers issues of sustainability in relation to the site in terms of design and management standards in relation to Code for Sustainable Homes and BREEAM standards, waste, sustainable design and construction biodiversity, transport and flooding and surface water run off. The statement demonstrates how the development will achieve code for sustainable homes level 4 and the commercial buildings will achieve BREEAM “Very Good”.

3.29 Transport Assessment – This document has been compiled in accordance with the Department of Transport “Guidance on Transport Assessments” (2007) and TfL’s “Transport Assessment Best Practice Guidance Document” (2010) and assesses the implications of the development in relation to the neighbouring highways and the Standard Junction in relation to vehicular trip generation and issues of access circulation, parking, refuse and delivery to the site in addition to construction impacts arising from the scheme. The submitted TA includes a Travel Plan intended to promote sustainable methods of transport resulting in decreased dependency on the private car.

3.30 Tree Survey, Implications Assessment and Constraints Survey – The report considers trees hedges and vegetation within the existing site, noting that the majority of tree cover has been formally planted following the construction of the site. The report identifies some trees
for removal and notes constraints on possible development. The report
recommends further investigation through an appropriate arboricultural
method statement.

3.31 Waste Management Strategy - The report considers the issues of the
legislative and policy background together with the issues of the
management of construction and operational waste. The report
outlines the requirement for a Waste Management Plan and the need
to lessen the impact of overall impact of waste generation through
measures to minimise, reuse and recycle materias from both the
construction and operational phases.

3.32 The applicant has submitted an appraisal of financial viability carried
out by Jones Lang LaSalle in support of this application. The appraisal
has been conducted using an industry standard software package –
Argus Developer. The report concludes that the proposal will provide
the maximum reasonable amount of affordable housing and s106
contribution. The viability report has been reviewed by the Council's
independent assessor whose comments will be included in an update
report.

4 RELEVANT SITE HISTORY

4.1 1980/0820: Erection of 7 Class IV industrial units & 2 Class X
warehousing units including provision for parking. Approved
08/12/1980

4.2 In December 2012 and in May 2013, two Environmental Impact
Assessment (EIA) Screening Opinions were requested for
development comprising the demolition of existing buildings and mixed
use redevelopment including residential, retail, light industrial and D1
uses. This process was undertaken twice in order to accommodate an
increase of 11 units and the addition of one storey. In both cases it
was concluded that the level of development did not require an EIA.

4.3 In May 2013 a Habitat Regulations Assessment (HRA) screening was
requested in relation to the impact of the demolition of existing
buildings and mixed use redevelopment including residential, retail,
light industrial and D1 uses upon the European designated sites (SPA,
SAC, Natura 2000) sites within the Wetlands. It was concluded that
appropriate assessment in accordance with regulation 61 of the
Conservation of Habitats and Species Regulations 2010 is required
and the applicant has since undertaken this procedure via Natural
England and the Council through the planning application process.

5 PUBLIC CONSULTATIONS

5.1 37 properties in the surrounding area, including all commercial and
residential properties in the vicinity of the site were notified directly of
the application. These include:

5.2 Ferry Lane Industrial Estate, Wickford Way Units 1-9
5.3 Forest Road: 1 (Forest Works Units 1-4),
5.4 Forest Road: 2-10
5.5 Hookers Road: Sawyers Wharf (Units A&B)
5.6 Priestley Way: Forest Trading Estate Units 1-17A (odds) Units 2-12 (evens)
5.7 In addition the application was advertised by press notice and site notices were also displayed in the surrounding area.
5.8 The applicant has held a public consultation event on 30th May 2013 2012 at Blackhorse Road Baptist Church. Prior to consultation, a website was set up and these events were advertised by letter to 2200 homes and businesses. Respondents were encouraged to provide their views via the website, email and feedback forms at the event.
5.9 In addition the applicant has met with the Blackhorse Action Group on 28th May 2013 and with representatives of both the BLAG and Waltham Forest Civic Society at the event above.

6 DEVELOPMENT PLAN

Adopted Waltham Forest Core Strategy 2012

6.1 The Waltham Forest Core Strategy (2012) was adopted on 1st March 2012. The Core Strategy contains 16 policies designed to deliver the Council’s vision for the physical, economic, environmental and social development of the Borough. These policies will be used to direct and manage development and regeneration activity for the next 15 years, up to 2026.

6.2 The policies considered relevant to this application are as follows

CS1: Location and Management Growth
CS2: Improving Housing Quality and Choice
CS3: Providing Infrastructure
CS4: Climate Change
CS5: Enhancing Green Infrastructure and Biodiversity
CS6: Promoting Sustainable Waste Management and Recycling
CS7: Developing Sustainable Transport
CS8: Making Efficient Use of Employment Land
CS9: Promoting Better Education
CS10: Creating More Jobs and Reducing Worklessness
CS12: Protecting and Enhancing Heritage
CS13: Promoting Health and Well Being
CS14: Attractive and Vibrant Town Centres
CS15: Well Designed Buildings, Places and Spaces
CS16: Making Waltham Forest Safer

London Plan 2011

6.3 The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It was adopted in July 2011. The policies relevant to this application are:

2.3 – Growth Areas and Co-ordination Corridors
2.6 – Outer London: Vision and Strategy
2.7 – Outer London Economy
2.8 – Outer London: Transport
2.13 – Opportunity Areas and Intensification Areas
2.14 – Areas for Regeneration
2.15 – Town Centres
2.17 – Strategic Industrial Locations
2.18 – Green Infrastructure - the Network of Open and Green Spaces
3.1 – Ensuring Equal Life Chances for All
3.2 – Improving Health and Addressing Health Inequalities
3.3 – Increasing Housing Supply
3.4 – Optimising Housing Potential
3.5 – Quality and Design of housing Developments
3.6 – Childrens and Young People’s Play and Informal Recreation Facilities
3.8 – Housing Choice
3.9 – Mixed and Balanced Communities
3.10 – Definition of Affordable Housing
3.11 – Affordable Housing targets
3.12 – Negotiating affordable housing in individual private residential and mixed use schemes
3.13 – Affordable housing target thresholds
3.17 – Health and Social Care facilities
4.1 – Developing London’s economy
4.4 – Managing industrial land and premises
5.1 – Climate change mitigation
5.2 – Minimising carbon dioxide emissions
5.3 – Sustainable design and construction
5.6 – Decentralised energy in development proposals
5.7 – Renewable energy
5.8 – Innovative energy technologies
5.9 – Overheating and cooling
5.10 – Urban greening
5.12 – Flood risk management
5.13 – Sustainable drainage
5.21 – Contaminated land
6.1 – Integrating transport and development
6.3 – Assessing effects of development on transport capacity
6.9 – Cycling
6.10 – Walking
6.13 – Parking
7.2 – An inclusive environment
7.3 – Designing out crime
7.4 – Local character
7.5 – Public realm
7.6 – Architecture
7.7 – Location and design of tall and large buildings
7.14 – Improving air quality
7.15 – Reducing noise and enhancing soundscapes
7.18 – Protecting local open space and addressing local deficiency
8.2 – Planning obligations
8.3 – Community Infrastructure Levy
Annex 1: Opportunity and intensification Areas

Lee Valley Regional Park Plan (2000)

6.4 The Lee Valley Park Plan is a material consideration in the determination of planning applications and should be accorded due weight alongside the Waltham Forest Local Plan Core Strategy (2012) and the London Plan (2011).

6.5 Policy L.1.1 states that the openness of the Park should be protected and enhanced by avoiding development which compromises the purpose of Metropolitan Open Land.

6.6 The Plan is being replaced by the emerging Lee Valley Development Framework 2012. The PDF currently includes the adopted Vision, Strategic Aims and Principles (July 2010), and a series of Thematic Proposals (January 2011) setting out development and management proposals on a broad Park-wide thematic basis.
7 MATERIAL PLANNING CONSIDERATIONS


7.1 The NPPF sets out the Government’s planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as “a golden thread running through both plan-making and decision-taking.”

7.2 For decision taking, the NPPF states that the presumption means “approving development proposals that accord with the development plan without delay” and where the development plan is “absent, silent or relevant policies are out-of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole”

7.3 The whole of the NPPF is potentially material to this application, but the specific policy areas considered directly relevant are as follows:

- 7.3.1.1. Building a strong, competitive economy
- 7.3.1.2. Promoting sustainable transport
- 7.3.1.3. Supporting high quality communications infrastructure
- 7.3.1.4. Delivering a wide choice of high quality homes
- 7.3.1.5. Requiring good design
- 7.3.1.6. Promoting healthy communities
- 7.3.1.7. Meeting the challenge of climate change, flooding and coastal change
- 7.3.1.8. Conserving and enhancing the natural environment
- 7.3.1.9. Conserving and enhancing the historic environment
- 7.3.1.10. Facilitating the sustainable use of minerals

7.4 Other policies

Blackhorse Lane Interim Planning Policy Framework (IPPF) 2006

7.5 Together with a new body of emerging policy in this area, the IPPF remains a material consideration. The IPPF identifies the location of the area as a priority investment area within the London –Stansted – Cambridge-Peterborough Corridor which despite the positive factors of its location between Lea Valley Park and Walthamstow Town Centre, currently forms a barrier of underinvested industrial and commercial uses between established residential areas and the transport hub of Blackhorse Road station. Key problems identified are poor transport accessibility and circulation; the poor quality environment and its image and the poor interface between industrial and residential uses. The IPPF develops a vision and strategy for the managed redevelopment of under-used industrial land to other uses and as such has formed part...
of the policy framework behind nearby developments at Headbourne House, Wigmore Place, Sutherland Gateway and Papermill Place. As such although superceded by more recent emerging policy in the form of the Blackhorse Lane Area Action Plan, it remains a material consideration.

Blackhorse Lane Urban Design Framework & Sutherland Road Planning and Design Briefs (Consultation Draft 2011)

7.6 This document forms a substantial part of the evidence base of the Area Action Plan and is intended as the strategic framework for deliverable regeneration of social, physical, cultural and economic infrastructure of the area and includes a specific design brief for the Station Hub and Waterfront.

Blackhorse Lane Area Action Plan: Proposed Submission (March 2013)

7.7 Along with the Urban Design Framework this document has recently been consulted and representations are currently being considered. This document will ultimately replace the adopted IPPF. This AAP sets out the Council’s long term vision for the area to 2026 and forms part of the Local Plan and supports the creation of a new Neighbourhood Centre and the redevelopment of the area identified as BHL1 – Station Hub and Waterfront to include mixed use development, 1000 new homes, 4550 sq. m of commercial space, a new linear park and public open spaces.

Urban Design Supplementary Planning Document (February 2010)

7.8 This detailed guidance sets out a range of design principles with the objective of raising the quality of design within the Borough and ensuring that all new developments make a positive contribution to local character. The document stresses the contribution of good design in adding economic, social and environmental value, helping to deliver places accessible to all and contributing to delivering sustainable communities.

Planning Obligations Supplementary Planning Document (2008)

7.9 This document sets out broad ranges of obligations that may or will be required in association with proposed developments in order to mitigate the impact of that development on the wider community.

Annexe to Planning Obligations Supplementary Planning Document: Blackhorse Lane Planning Obligations Strategy (2009)

7.10 This document is an annexe to the Planning Obligations Supplementary Planning Document (2008) and is a planning obligations strategy for the Blackhorse Lane growth area. The Annexe sets out the Council’s tariff-based approach to the negotiation of planning obligations for developments within the Blackhorse Lane area.
Sustainable Community Strategy (2008)

7.11 This document sets out the Council’s strategy for change to take advantage of regeneration opportunities in the Borough and wider region in order to deliver sustainable communities. The aims of the strategy are to manage population growth and change by improving housing quality and choice; creating a more economically balanced population; cultivating civic cohesion; responding to climate change and the creation of wealth and opportunity for residents by providing skills and confidence to work towards full employment.

Waltham Forest Housing Strategy 2008-2028

7.12 The Strategy seeks to address the housing challenges facing the Borough and to deliver the key housing objectives in the SCS. The key priorities are to build new homes providing the right homes in the right places, making the most of the existing housing stock and creating successful communities by enabling housing choice in good quality, safe neighbourhoods.

Inclusive Housing Design Supplementary Planning Document (2011)

7.13 This SPD is based on the core principles of inclusive design and the social model of disability. The Lifetime Homes Standards originated by the Joseph Rowntree Trust / Habinteg are applied across London and incorporated into the London Plan (2011).


7.14 This SPD extends the principles outlined in the Inclusive Housing Design SPD to cover all new buildings and to raise the standard of non-residential development in the Borough.

Shaping Neighbourhoods - Play and Informal Recreation SPG (Mayor Of London 2012)

7.15 This document sets out proposed guidance to supplement the policies in the 2011 London Plan (LP) relating to land for industrial type activities and transport. The SPG provides advice on how to implement these policies, in particular LP Policy 2.17 on Strategic Industrial Locations, Policy 4.4 on Managing Industrial Land and Premises, and Policy 6.2 on Providing Public Transport Capacity and Safeguarding Land for Transport.

7.16 Housing SPG (Mayor of London 2012) states that the density tables in the London Plan should be applied flexibly in light of local circumstances, and the need to secure quality affordable housing and a balanced mix to facilitate sustainable communities.

Emerging Policy

SPG - Land for Industry and Transport Mayor of London (draft 2012)

7.17 This draft document sets out proposed guidance to supplement the policies in the 2011 London Plan (LP) relating to land for industrial type
activities and transport. The SPG provides advice on how to implement these policies, in particular LP Policy 2.17 on Strategic Industrial Locations, Policy 4.4 on Managing Industrial Land and Premises, and Policy 6.2 on Providing Public Transport Capacity and Safeguarding Land for Transport.

**Upper Lee Valley Opportunity Area Planning Framework Mayor of London (draft 2012)**

7.18 This document identifies the Upper Lee Valley as an important component of the London – Stansted- Cambridge – Peterborough corridor in which the regeneration of former industrial land is prioritised. The Blackhorse Lane is identified as an area for mixed use development to diversify the range of employment generating uses and the provision of 7000 homes across the area between Tottenham Hale and Blackhorse Lane.

**Emerging Local Plan Development Management Policies Proposed Submission (2012):**

7.19 DM policies were published for consultation in 2011 and full Council ratified these policies on 19th July 2012. Public consultation on these policies closed on 17th September 2012 and the Proposed Submission was submitted to the Planning Inspectorate on 10th December 2012. Since the submission of this application the policies have been examined in public (May 2013) and are a significant material consideration. The relevant policies are:

- DM1 Sustainable Development and Mixed Use Development
- DM2 Meeting Housing Targets
- DM3 Affordable Housing Provision
- DM5 Housing Mix
- DM6 Housing Conversions
- DM7 Amenity and Internal Space
- DM10 Specialised Housing
- DM11 Resource Efficiency and High Environmental Standards
- DM12 Decentralised and Renewable Energy
- DM13 Open Space, Sports and Recreation
- DM14 Co-ordinating Land Use and Transport
- DM15 Sustainable Transport Network
- DM16 Managing Private Motorised Transport
- DM17 Parking
- DM19 Strategic Industrial Locations
- DM22 Improving Job Access and Training
- DM23 Tourism Development and Visitor Attractions
- DM24 Health and Wellbeing
Local Finance Considerations

7.20 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).

7.21 There are no grants which have been or will or could be received from central government in relation to this development.

7.22 The Council has not received and does not expect to receive any income from CIL in relation to this development.

7.23 The Council is expecting to receive a maximum financial contribution for the Mayoral CIL in relation to this development of £478,560 before any relief application is made. The contribution agreed, once received by the Local Authority, will be transferred directly to the GLA.

8 REPRESENTATIONS

Representations from Statutory Consultees

Greater London Authority:

8.1 The application was referred to the Greater London Authority (GLA) under Categories 1A and 1B of the Town and Country Planning (Mayor of London) Order 2008.

8.2 The GLA’s Stage 1 recommendation states ‘That Waltham Forest be advised that the application, on balance, broadly complies with the London Plan, however there are some outstanding issues that need to be resolved’.

8.3 In relation to the key elements of the scheme, the GLA make the following statements in their Stage 1 response: ‘the development proposals ..include up to 311 residential units and 1385 sq.m of commercial floorspace which is to be a mix of retail, community and
office uses. These uses will help achieve the delivery targets for jobs and homes expected in this Opportunity Area and will contribute towards meeting Waltham Forest's housing target. The proposed development is supported in this regard.'

8.4 In relation to employment and commercial uses, the GLA state: ‘...it is recognised that the proposal will result a net loss of employment floorspace. This is not a strategic concern, as the site is not designated or protected as Strategic Industrial Land and the (Upper Lee Valley Opportunity Area Planning Framework) promotes residential and mixed uses' thereby requiring that the applicant should demonstrate how displaced businesses will be relocated when the application is referred to the Mayor for Stage 2 consideration.

8.5 The GLA make detailed comments in relation to housing which refer to the applicants’ offer of 10% affordable housing (since revised to 12%) subject to the appropriate assessment of viability and review mechanisms incorporated into the s106 agreement. In relation to the mix the GLA indicate that ‘the indicative mix is reasonable and the scheme meets London Plan policy 3.8’ in relation to the private units noting that an indicative mix for the affordable element will need to be refined prior to Stage 2 submission. The GLA is satisfied that the residential quality of the scheme is ‘generally acceptable’ noting the small number of north facing units regarded as ‘unavoidable’ although no such unit should be in family occupation. The GLA consider that ‘All units will meet the minimum space standards in line with London Plan policy 3.5’.

8.6 The GLA have referred to the applicant’s play space strategy and level of provision as requiring further detail and justification.

8.7 In urban design terms the GLA comment that the design is ‘reasonably well thought out and a simple and robust form that accommodates a good mix of uses is created’ and ‘the scheme will also deliver a high quality public realm which is supported.’ Noting the design codes the GLA wish to secure details of active frontage for the ground floor public facing edges of the scheme. The GLA are satisfied that the the height of the proposal ‘is in keeping with the surrounding area’ and ‘presents no strategic concern’.

8.8 Further information will be required in relation to matters of inclusive design with particular reference to the accessibility of public realm and the provision of 10% wheelchair accessible units across a variety of tenures.

8.9 The GLA raise issues in relation to climate change mitigation in terms of carbon dioxide emissions and the potential for the site to be connected to the Upper Lee Valley District Heating Network. The applicant has sought to address these concerns via the submission of a revised energy strategy.

8.10 The GLA refer to the submitted Flood Risk Assessment and indicate that further clarity is required in view of the high flood risk on the site.
8.11 In relation to transport, the principal concerns of the GLA relate to the provision of two new vehicular access points leading from Forest Road, trip generation and the level of car and cycle parking proposed at the site.

8.12 The applicant has revised the scheme, in consideration of the Mayor of London’s Stage 1 Report and has provided detailed responses to the Greater London Authority to addresses the matters raised.

8.13 The Mayor of London will consider the revised proposal to his Stage 1 Report when this application is referred back to him under Article 5(2) of the Town and Country Planning (Mayor of London) Order 2008 for his Stage 2 Report.

Environment Agency

8.14 The EA initially objected to the proposal. The objection has been lifted their objection in response to the applicants submission of additional information on flood relief measures. As such the proposals are considered acceptable subject to conditions relating to site investigation, flood relief measures, surface water treatment; prevention of surface water infiltration and restriction of piling and penetrative methods.

Lee Valley Regional Park Authority

8.15 The proposals are considered to be acceptable subject to s106 obligations in relation to access improvements to the Wetlands. The LVRPA response refers to the height of the majority of the frontage to the Park area to the west and the maximum height of the development at the south eastern corner.

London Underground

8.16 London Underground are satisfied in principle with the development and raise no objection. Potential constraints in the form of LU assets and infrastructure are noted and appropriate conditions recommended.

National Grid

8.17 National Grid raise no objection but highlight the proximity to the proposal of a gas pipeline.

Natural England

8.18 Natural England initially objected to the proposal on the grounds that the proposal as originally submitted contained inadequate information on the potential direct and indirect effects of the proposal on the Lee Valley SPA and RAMSAR sites and on the Walthamstow Reservoirs Site of Special Scientific Interest. As submitted, the proposal
contained insufficient information on the potential effects of the proposal on bats. The applicant has worked with Natural England to address the grounds of objection and to provide information to support appropriate assessment as required in response to the Council’s screening opinion. On completion of this assessment Natural England has confirmed the removal of their objection subject to appropriate conditioning.

**Thames Water**

8.19 Thames Water raise no objection to the proposal and include informatives regarding water connection and sewerage services.

**Transport for London**

8.20 TfL have commented on the scheme in relation to its transport and highways impacts. Without disagreeing with the principle, in terms of access TfL express concerns that the formation of the secondary access rather than use of the existing entrance of Green Ferry way will result in adverse impacts on traffic and upon the bus lane.

8.21 Recognizing the maximal nature of the application TfL express concerns regarding the level of parking proposed, referring to the upper median level PTAL (4) rating and the lower standard achieved at the recently consented Mandora site. TfL also raise concerns in relation to the amount of cycle parking and the location of cycle parking facilities.

8.22 TfL additionally raise issues in relation to the trip generation assessment to enable the full impacts of the development on public transport to be assessed. TfL go on to make recommendations in relation to s106 requirements in relation to highway infrastructure and bus network, the Wetlands bridge and the provision of car club and electric vehicle charging spaces. Delivery and Service and Construction Logistics Plans will also be required.

**Representations from Residents**

8.23 3 responses have been received in response to consultation. The grounds of objection are summarised below:

8.24 The size and density of the development. COMMENT: This will be considered in the main body of the report.

8.25 Disturbance in the form of pollution, noise, litter, crime and anti-social behaviour arising from the residential use. COMMENT: This will be dealt with in the main body of this report.

8.26 The impact of the development on the public transport network with particular reference to underground services from Blackhorse Road station and the bus network. COMMENT: This will be considered in the main body of this report.
8.27 The impact of the proposal upon car parking in the area. COMMENT: This will be dealt with in the main body of this report.

8.28 The impact of the proposal on wildlife in the area and the Wetlands. COMMENT: This will be dealt with in the main body of this report.

8.29 The impact on schools and local infrastructure of the proposed development: COMMENT: As is the case with all developments in this area, approval will be subject to the completion of a s106 agreement that will include a payment against the area tariff set out in the Council’s Blackhorse Lane Annexe to the Planning Obligations SPD (2008). The scope of the tariff payment is aimed to include infrastructural elements that include education and as such the impact of the development is mitigated through this mechanism.

8.30 The scale and height of the development with particular reference to the nine storey element. COMMENTS: this will be dealt with in the main body of the report.

8.31 The impact of the proposal in relation to loss of employment. COMMENT: This will be dealt with in the main body of this report.

9 ASSESSMENT
9.1 The main planning considerations are: the principle of the mixed use development, its contribution to the regeneration of the area, the principles of design scale massing height and appearance of the proposal, density and housing, the standard of accommodation, amenity space, parking and servicing, access and highways, impact on surrounding properties, climate change and sustainability considerations, accessibility and inclusive design and s106 considerations.

Principle of the Mixed Use Development
9.2 The site falls within an Opportunity Area (27) as designated on map 2.4 of the London Plan 2011. In relation to such areas, policy 2.13 seeks to optimise residential and non-residential output and densities... and where appropriate contain a mix of uses.” The policy sets out a series of tests at Annex 1 to include the area of Blackhorse Lane. This area is considered “suitable for higher density development” and states that “(development ) in the Opportunity Area should provide stimulus for regeneration in existing communities including.... Blackhorse Lane”. Whilst seeking to avoid cumulative impacts on sites of national and European sites of nature conservation importance (SPA, SAC RAMSAR etc) “(opening up the reservoirs to the public would enhance connections east to west across the valley and increase the use of (Lee Valley Regional Park) and its water spaces.” Policy aspirations as such are elaborated in the Mayor’s draft Upper Lee Valley Opportunity Area Planning Framework (November 2012) which identifies this site as falling within a growth area providing “opportunity for a new mixed
use development with 1000 homes, a creative business hub for small and medium enterprises and a neighbourhood centre.”

9.3 Accordingly the former designation of the site as Strategic Industrial Land has been removed in the adoption the Local Plan Core Strategy (2012). In addition the site falls within the area covered by the emerging Blackhorse Lane Area Action Plan (Proposed Submission 2013) where it is designated as BHL1:Station Hub and Waterfront. In terms of the aspirations of the masterplan embodied in the emerging AAP, the following is noted in relation to the mixed use nature of the development:

9.4 **Uses:** The proposal involves one small retail (A1) unit not to exceed 190 sq. m in size. In order to serve the needs of future occupiers, there is no objection in principle to the level of retail proposed. Similarly there is no objection in principle to a small café use located on the edge of the Wetlands, noting the Council’s wider aspirations to develop the Wetlands as a visitor attraction.

9.5 In addition the proposal involves B1 office uses and D1 community uses. Such uses are consonant with the thrust of policies BHL6 and BHL14 of the AAP and, subject to appropriate conditioning, are considered acceptable in this location.

9.6 **Employment:** Following on from the conclusion of the Employment Land Study that sites in the AAP area should be redeveloped for regeneration purposes, the SIL designation has been removed from the site per Core Strategy Policy CS8. Against this background it is noted that the proposal effectively reprovides approximately 2210m2 of A1/A3/B1/D1 against approximately 7822.5m2 of B2/B8 space on the site. Whilst in policy terms the principle as considered here is acceptable, and the proposal welcomed in terms of the contribution of the development towards achieving delivery targets for jobs and homes expected in the Opportunity Area, the GLA have drawn attention to the wider impact of the proposal in terms of the loss of employment space and the need to relocate existing businesses from the site. These matters will be considered further elsewhere in this report.

9.7 **Housing and Affordable Housing:** Housing will be dealt more comprehensively elsewhere in this report. Notwithstanding, the proposal in this regard is in keeping with the requirements of policy BHL2 of the Area Action plan and is as such considered to be overall acceptable noting the policy aspiration for the delivery of 2300 homes in the Blackhorse Lane area by 2026.

9.8 Overall, in terms of principle the proposal is considered to be acceptable.

**Regeneration Benefits of the Proposal**

9.9.1 The planning framework and delivery strategy for this site and those which neighbour it are set out in the AAP and detailed in the Draft BHL Urban Design Framework and the Draft Station Hub Planning and
Design Brief. The UDF and the Brief have been the subject of public consultation and have been incorporated into the Mayor’s Draft Upper Lee Valley Planning Area Framework which envisage a new accessible and mixed use series of neighbourhoods broadly running north to south along the spine of the A1010. The area is defined as a Key Growth Area at policy CS14 of the adopted Core Strategy (2012) and Policy DM1 of the emerging Development Management Policies (2012). This site forms part and parcel of the wider Station Hub site which comprises of five sites that are being delivered individually, but within a comprehensive planning and design framework provided in the form of the draft Blackhorse Lane Urban Design Framework. In order to achieve good planning, design and the required regeneration benefits it is important that this proposal accords with this wider planning framework, including the BHL AAP. The plan proposals for this particular parcel of the Station Hub promote the delivery of housing and new business space providing positive benefits to the overall regeneration of the area through contribution to the neighbourhood centre and the wider context of the Blackhorse Lane AAP area.

9.10 In addition to the above, the proposal provides a new permeable streetscape and road network which will enable connections with other proposed development sites in the area (eg the Mandora site) which will provide further urban design benefits in terms of legibility and the opening up of the Wetlands and access to the Lee Valley Park in accordance with the Design Brief and the Blackhorse Lane AAP.

Employment

9.11 The proposal involves the comprehensive redevelopment of site currently in employment use. Whilst the loss of the employment space is not a strategic concern (noting the de-designation of the site as SIL), the GLA have raised the issue of the impact in relation to the Council’s regeneration objectives. The proposed commercial, community and retail uses are considered to be acceptable in this location and consonant with objectives of the AAP and ULVPF subject to the predominance of employment generating uses (B1 primarily).

9.12 There is little detail in the application in relation to the likely number of jobs that will be created as a result of the proposal against a net loss of employment space. It is noted that it has been accepted in previous applications (2013/0554 Mandora site and 2012/0726 Unity Works) that B1 office space represents an upgrade of employment space that supports higher employment densities than the existing B2/B8 uses. The applicant has referred to work done by the applicant with the Council and through their own enterprise in relation to the relocation of existing businesses. This work is understood to be on-going between the applicant and the Council’s Business, Employment and Skills Division.

loss of employment land through s106 obligations. It is considered in this case that via a range of measures including work done by the applicant (with some Council involvement) in relation to relocations of existing businesses, and the agreement of an appropriate s106 agreement to include construction phase training places, that the proposal fulfils the requirements of Waltham Forest Local Plan Core Strategy Policy CS10, DM policies DM22 and DM37, and Policy BHL6 of the emerging Area Action Plan (2013) and the Council’s Sustainable Community Strategy (2008).

10 Housing Provision

Housing Supply and Targets

10.1 Policy CS2 of the adopted Core Strategy (2012) relates to Improving Housing Quality and Choice. This will facilitate sustainable housing growth by maximising the number of quality homes in the Borough by prioritising development on previously developed land, focusing the delivery of new homes in Waltham Forest’s key growth areas and other key sites in the Borough (such as the application site, which is designated as such) to meet or exceed a housing target of 10,320 new homes over the Plan period and make effective and efficient use of land by seeking to optimise housing densities.

10.2 It is considered that the proposal would bring forward an identified site for residential redevelopment in an appropriate location and contribute towards the Council’s five year supply of delivering housing sites. This is reinforced by the London Plan (2011) and the NPPF (2012). The provision of housing contributes to both economic and social aspects of sustainable development.

Housing Density

10.3 The site comprises a gross area of approximately 1.6 hectares. At 911 habitable rooms across the scheme, this would yield 569 habitable rooms per hectare. This falls within the London Plan (2011) density range of between 200-700 hrph in a Level 3-4 PTAL area.

Moreover, guidance set out in the Mayor’s Housing SPG (November 2012) states that the density thresholds (Table 3.2) are not intended to be prescriptive and is dependent upon other factors such as townscape and quality of design. In addition Policy BHL3 of the draft AAP is noted in which “higher density residential development should be concentrated on sites surrounding Blackhorse Road station“ and where in addition to PTAL, the key considerations should include “any planned improvements” in the provision of shops and services in the area and “the need to provide a high quality of design” to include generous room sizes, storage space and communal gardens meeting or exceeding emerging Development Management Policy (2012) standards at Policy DM7.

10.4 As such, the density of the scheme is considered to be appropriate to its location and acceptable as such subject to consideration of other planning issues.
### Affordable Housing and Housing Mix

#### Level of Affordable Housing

10.5 Policy CS2 of the adopted Core Strategy (2012) seeks to maximise the number of quality affordable homes by aiming to provide at least 50% of homes as affordable over the Plan period and a balance of tenures is sought. In order to deliver the maximum amount of affordable housing, developments proposing less than 50% will need to demonstrate a viability case in the form of an assessment. Where a viability case is used to justify an affordable housing offer below policy requirements, the Council will require the shortfall to be treated as a deferred contribution. Policy DM3 of the Development Management Policies Proposed Submission (2012) is the relevant policy relating to affordable housing provision.

This proposal comprises 311 residential units, 37 units of which would be affordable, which equates to 12% of scheme provision.

The table below shows the proposed tenure mix:

<table>
<thead>
<tr>
<th>Tenure</th>
<th>No. of Units</th>
<th>% by unit number</th>
<th>No. of Habitable Rooms</th>
<th>% by hab room</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Rent</td>
<td>24</td>
<td>8%</td>
<td>82</td>
<td>9%</td>
</tr>
<tr>
<td>Shared Ownership</td>
<td>13</td>
<td>4%</td>
<td>34</td>
<td>4%</td>
</tr>
<tr>
<td>Private</td>
<td>274</td>
<td>88%</td>
<td>795</td>
<td>87%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>311</strong></td>
<td><strong>100%</strong></td>
<td><strong>911</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

10.6 The applicant has proposed 12% affordable, on a per unit basis, on this site and has been subject to a Viability Assessment undertaken by an Independent Advisor which has confirmed that the viability of the scheme does not support any more than the 12% affordable housing proposed. A total of 37 units are proposed and Strategic Housing have negotiated with the applicant to ensure that the 12% affordable housing provided is the most appropriate to suit the Council's housing need. The scheme provides 13 no. 3 bed affordable rented units (55% of the total affordable rent), although it is noted that are no 4 bed affordable rent or 3 bed shared ownership units. Within this, four of the affordable rent units are duplexes which comfortably exceed the Council's maximum standards at Policy DM7 for 3 bed units. In view of the unit sizes involved and the viability case made by the applicant, Strategic Housing can confirm the 12% affordable housing units to be provided on the site represents the most appropriate level that the scheme can support.

10.7 As Members are aware from other schemes, the Council has standard s106 terms in place and in accordance with Policy CS2 Improving Housing Quality and Choice of the Core Strategy (2012), scheme
viability will be re-assessed when the scheme is largely complete and, should viability have improved, the Council will seek further affordable housing provision up to the maximum policy shortfall.

**Affordable element of the scheme**

10.8 Schedule of affordable accommodation

<table>
<thead>
<tr>
<th>Unit size</th>
<th>Affordable Rent</th>
<th>Shared Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>4 bedroom</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>24</td>
<td>13</td>
</tr>
</tbody>
</table>

10.9 Policy 3.11 Affordable housing targets of the London Plan (2011) and policy DM3 of the Council’s emerging Development Management Policies (2012): Affordable Housing Provision - recommends a 60:40 split, where 60% of the affordable housing provision should be for social/affordable rent and 40% for intermediate housing, with priority for affordable family housing. In this instance the affordable rent is 65% and the intermediate is a total of 35%. Strategic Housing support this mix as it is in line with the borough’s preferred tenure split and the provision of over 50% 3 bed + units in the affordable rent is welcomed. We will seek to negotiate increased affordable housing provision, particularly the provision of 4 bed units, when the viability is reviewed.

10.10 The applicant has confirmed that the affordable rents charged will be in line with the Council’s Affordable Rent guidance and the shared ownership sales values will be affordable to a range of incomes, appropriate to the borough’s residents. These will be secured via the Section 106 agreement.

**Housing Mix**

10.11 Policy DM5 Housing Mix of the emerging Development Management Policies (2012) states ‘The Council will seek all housing developments to provide a range of dwelling sizes and tenures… in line with the Council’s preferred housing mix table. The following table has been determined by Policy DM3 of the Development Management Policies Proposed Submission (2012) and is the relevant policy relating to housing provision. This sets out the Council’s preferred dwelling mix. The Council seeks to ensure that 50% of all new units built in the private and intermediate sector are family sized and that 50% of units built in the affordable rented sector are also family sized.
Preferred Housing Mix

<table>
<thead>
<tr>
<th></th>
<th>One Bed</th>
<th>Two Bed</th>
<th>Three Bed</th>
<th>Four Bed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private</td>
<td>20%</td>
<td>30%</td>
<td>40%</td>
<td>10%</td>
</tr>
<tr>
<td>Shared Ownership</td>
<td>20%</td>
<td>40%</td>
<td>30%</td>
<td>10%</td>
</tr>
<tr>
<td>Affordable rent</td>
<td>20%</td>
<td>30%</td>
<td>40%</td>
<td>10%</td>
</tr>
</tbody>
</table>

Proposed Housing Mix

<table>
<thead>
<tr>
<th></th>
<th>One Bed</th>
<th>Two Bed</th>
<th>Three Bed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private</td>
<td>106 (39%)</td>
<td>69 (25%)</td>
<td>99 (36%)</td>
<td>274 (100%)</td>
</tr>
<tr>
<td>Shared Ownership</td>
<td>5 (38%)</td>
<td>8 (62%)</td>
<td>0 (0%)</td>
<td>13 (100%)</td>
</tr>
<tr>
<td>Affordable Rent</td>
<td>3 (13%)</td>
<td>8 (33%)</td>
<td>13 (54%)</td>
<td>24 (100%)</td>
</tr>
<tr>
<td>Total Housing</td>
<td>114 (37%)</td>
<td>85 (27%)</td>
<td>112 (36%)</td>
<td>311 (100%)</td>
</tr>
</tbody>
</table>

10.12 The table above shows that the proposed mix is not in line with the Council’s preferred mix. The family sized units (equating to just over 36% of the total housing offer) are underprovided in the Shared Ownership element of the scheme. However, in both the private sale and affordable rent elements of the scheme the level of family units is either slightly below the requirement or in the case of affordable rent significantly exceed it. There is a predominance of smaller 1 and larger 3 bed units in the private sale element and 2 bed units in the shared ownership element. In the case of affordable rent, larger 3 bed units predominate. However the applicant has submitted a viability assessment indicating that the scheme is not capable of supporting provision above the current level. As such officers have worked with the applicant to optimise the offer and to prioritise the need for larger homes (three bedrooms or more) in line with the 30% requirement set out in Policy BHL4 of the AAP.

Standard of accommodation/Internal Amenity
10.13 The development will offer a high quality of residential accommodation throughout, with units generally exceeding the unit size requirements of the Waltham Forest Local Plan Development Management Policies (2012) Policy DM7 in terms of the minimum unit sizes. Noting the outline nature of the proposal, internal layouts would need to be refined at Reserved Matters stage.

10.14 In relation to design, the GLA has accepted the applicants commitment to a maximum of nine units per core which results in a limited number of households sharing the same landing. Cores will be spaced at a maximum of 18m apart and each consists of two lifts and a staircase. Ground floor entrances are well distributed around the scheme to ensure activity around the buildings and public realm.

10.15 The scheme has been designed to avoid single aspect north facing units and many of the units are dual aspect. Whilst the indications in the Design and Access Statement show the north facing units featuring westward angled bays, although the Design Code provides that where this may be unavoidable, the impact will be mitigated through raising ceiling heights to 2.6m: a measure welcomed by the GLA.

10.16 In addition to the applicant’s commitment to achieve Code for Sustainable Homes Level 4, the proposal includes a commitment on the part of the applicant to Lifetime Homes standards in relation to the residential accommodation. Although in this dimension further details will be required, it is considered that these can be secured by condition.

10.17 Overall the proposal is considered to offer a good general level of accommodation satisfies the standards of London Plan (2011) Policy 3.5, Waltham Forest Local Plan Core Strategy (2012) Core Strategy Policy CS2 and emerging Development Management Policies (2012) DM7 in addition to the requirements of the Council’s Urban Design SPD.

**Accessibility and Inclusive design**

10.18 The Design and Access Statement submitted by the applicant sets out details of inclusive design within the scheme, including the applicant’s commitment to Lifetime Homes Standards across the scheme. This includes level access to the residential and commercial accommodation as well as to the public realm, DDA compliant lifts and circulation lobbies and corridors at least 1.5m in width.

10.19 Whilst the applicant commits to 10% wheelchair housing across a mix of unit types, either purpose built or adaptable, there is little detail on this aspect of the scheme. However given the outline nature of the application, further detail on this aspect of the scheme would be provided at the Reserved Matters stage.

**Design, scale, height and appearance**
10.20 The design of the proposal has evolved through a comprehensive and long running pre application process involving LBWF and the GLA. The layout is seen as broadly appropriate in design terms, and seeks to maximise residential use at ground floor.

10.21 The scheme proposes two blocks (north and south parcels) laid out in a broad perimeter block arrangement. The western frontage of both blocks comprise 2-storey duplex residential apartments providing active frontages to the proposed adjacent public footpath and allowing views across the adjacent reservoirs for the majority of residents. Immediately behind all ground floor blocks is a parking area with a landscaped amenity deck sitting above, linking rear courtyards at first floor level. Ground floor uses on the remaining frontages are a mixture of residential (on most corners), commercial and retail (along the southern frontage).

10.22 Aside from the 2 storey western frontage facing the Wetlands, building heights range between an average 6-7 storey across the scheme, rising to the southern frontage adjacent to Forest Road rising through 7/8/9 storeys to the south eastern corner. Whilst it is the case that building heights exceed the 3-6 storey guidelines set out in the AAP, it is considered that this can be mitigated through the securing of design at the detailed Reserved Matters stage. In this case, the development is contextualised by the Mandora scheme where the southern boundary reaches 8 storeys. As such, it is not considered that the development is excessive in scale or height and it is noted that the GLA raise no concerns in this regard.

10.23 The scheme layout is in broad accordance with the principles set out in the AAP at Policy BHL8 in which the buildings are arranged in perimeter blocks around a permeable and legible network of streets, including the east-west street network through the centre of the site and north-south access around the perimeter. Generally there is a good distinction between public and private space, with active frontages at both ground and upper floor levels.

10.24 Elevational detail is limited to indications contained in the Design and Access Statement and Design Code. Design is a reserved matter in this application. Appearance would be addressed more fully at Reserved Matters stage and are addressed in the conditions attached here. As such the proposal is considered to meet the requirements of the Councils adopted Local Plan Core Strategy (2012) Policy and CS15, emerging Development Management Policies (2012) DM29 and DM30 and policy BHL8 of the Councils emerging AAP (2013). Subject to appropriate conditioning to ensure the quality of the materials, and design being secured at Reserved Matters stage, the overall level of design is considered to be acceptable.

Energy / Climate Change / Sustainability considerations –

10.25 The applicant has submitted a suite of reports aimed at addressing energy generation and use, carbon reduction and renewables and
sustainable design across a range of criteria which include surface water run off and flood risk, waste management and pollution through to the health and wellbeing of future occupants.


10.27 In terms of demand reduction (Be lean), the proposal includes measures to improve the fabric efficiency of the scheme to incorporate thermal improvement measures such as ensuring an effective building fabric by reducing air permeability and improving the thermal effectiveness of insulation. The submitted Energy Strategy goes on to consider efficient energy supply within the scheme (Be clean). In this regard the report concludes that the most sustainable level of carbon savings will be generated from gas fired CHP boilers, optimised controls and efficient lighting technology. This option is considered in combination with Renewables (Be green) which are considered in the form of 1554 m2 of roof mounted photovoltaic panels. Overall the scheme is shown as delivering total base case savings of 40% above 2010 Building Regulations and in line with the requirements of DM Policy DM11.

10.28 The applicant has identified the planned Upper Lee Valley District heating network is within the vicinity of the site. Lee Valley Heat Network has been set up and a business plan produced which indicates that once the first phase of the scheme has been completed 2015-16, the network will be extended eastwards to include Ponders End and Waltham Forest.

10.29 The applicant has provided a commitment to community heating and with the extension of the district heating network, the site is designed to allow for the future connection of the site to the network when it comes forward and is as such viable allowing connection to existing assets on the site.

10.30 The Council is satisfied that the proposal delivers energy savings which appear to exceed the 2010-2013 thresholds set out in Policy DM11 of the emerging Development Management Policies (2012). The proposal is considered to be consonant with the requirements of policy CS4 of the adopted Core Strategy (2012) policy DM12 of the emerging Development Management Policies (2012) and Policy BHL13 of the emerging Blackhorse Lane AAP (2013).

10.31 In relation to wider sustainability issues, the proposal demonstrates a commitment to the provision of the residential accommodation to the standards of Code for Sustainable Homes Level 4 in relation to the residential components of the scheme. In relation to the non-residential elements of the scheme, the proposal contains a commitment to
BREEAM ‘Very Good’ standards. These are the appropriate standards in relation to the residential and commercial space within the development and will be secured by condition.

10.32 In addition to energy use and CO2 reduction, the proposal involves commitments to minimising water consumption, the use of responsibly sourced materials and the development of SUDS to avoid the risk of increasing local flooding – a commitment developed further in the submitted Flood Risk Assessment and Sustainability Statement. The Environment Agency have lifted their initial objection and are satisfied with the scheme and conditions will be attached to secure the SUDS and flood relief measures.

10.33 Pollution arising from the development has been referred to by objectors. Noting the commitment to the standards of CSH and BREEAM, measures will be put in place to control pollutants and emissions from the development. Future heating network connection could be expected to reduce the air quality impact of the proposal in time once the network is established. Drainage water impacts arising from the proposal through the use of SUDS and discharge to Dagenham Brook and Thames Water assets are considered to be acceptable. Pollution arising from vehicular movements are considered to be limited: the road network through the site does not form rat-running through roads to Blackhorse Lane. The level of parking is noted, as is the location on the A503. As such, in this regard, parking is considered not to represent levels of significance noting the current commercial uses and the presence of existing parking at the site.

10.34 Overall, the proposal in relation to energy and sustainability is considered to satisfy the requirements of policy CS4 of the adopted Local Plan Core Strategy (2012) and policies DM11, DM12 and DM35 of the emerging Development Management Policies (2012).

**Amenity Space and Children’s Play Space**

10.35 The scheme will provide re-landscaped public realm to the western aspect leading to the Wetlands and to the north the development will adjoin the linear park at the recently approved Mandora site. The development will feature approximately 2650 sq.m of communal courtyard space: 550 sq. in the northern parcel and 2100 sq. m in the southern parcel. Private balconies are indicated and reference is made in the Design Code to private terrace space at courtyard level and private garden space at street level.

10.36 In addition to the communal courtyard space, the applicant has indicated that balconies will be provided at 8 sq.m per unit. Landscaping around the site has been included as amenity space totalling approximately 2500 sq. m. In the light of policy DM7, the proposal would need to provide 6000 sqm of amenity space (at 10 sq.m per bedspace) and it is considered that this is capable of being achieved in the proposal subject to appropriate conditioning, bearing in mind the weight of detail that would be required at Reserved Matters stage.
Children's Play Space

10.37 The GLA child yield calculator (Shaping Neighbourhoods - Play and Informal Recreation SPG (Mayor Of London 2012) indicates that the scheme will need to provide approximately 758m2 of dedicated child play space at 10 m2 per child. Within this calculation, 48% (363.8m2) of the space will need to be provided for under 5s; 32% (242.5m2) for 5-11s and 18% (136.4m2) for children of 12 upwards.

10.38 The applicant has indicated that the proposal will provide playspace under 5s and 5-11 year olds in the communal courtyard areas. The total space in the combined gardens equates to approximately 2650m2 of external soft landscaped amenity space. Excluding the requirements of over 12s, the space identified as amenity space capable of providing playspace would meet or exceed the requirements of the relevant standard contained in the Shaping Neighbourhoods SPG and policy DM7 of the Waltham Forest Local Plan Development Management Policies (2012).

10.39 In relation to over -12s, the SPG makes provision for offsite playspace within 800m of the development and the applicant in this regard refers to the facilities available at the Lee Valley Park/ Douglas Eyre Playing fields to the south of the site.

10.40 Owing to the outline nature of the application, there is still some lack of clarity in relation to play space and how it relates to the overall provision of amenity space in the development. However as the proposal appears to suggest that there will be an exceedance to standards, it is considered that the proposal is acceptable in this regard subject to an appropriate condition in relation to landscaping.

Parking and Servicing

10.41 The application is supported by a comprehensive Transport Assessment which deals with the context of the development and its impact on the local road and public transport network. The scheme includes approximately 230 parking spaces located within the site at ground floor level below the communal courtyard areas. This represents the maximum aspiration for the site as the application seeks to establish the maximum parameters of development. Within this provision 7 spaces will serve the commercial uses with the remaining 223 serving the residential use.

10.42 Without specifically objecting to the proposal, TfL have expressed concerns regarding the level of parking at the site which equates to approximately 0.72 spaces per residential unit, noting that the level at the recently consented Mandora site (subject to Stage 2 GLA consideration) was closer to 0.27 spaces per unit. With regard to levels of parking the following is noted. The site lies to the west of the BL CPZ and does not fall within it. According to the table at Appendix 4 of the emerging Waltham Forest Local Plan Development Management
Policies (2012), the relevant parking standards for Level 3-4 PTAL areas are between 0.6 (1-2 bed units) and 1.0 space for 3-4 bed units. On this basis the parking provision for residential parking is not considered to exceed local plan requirements. Noting the requirements of London Plan 2011 Policy 6.13 Table 6A requires that ‘all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit’. As there is no threshold of significance, it is considered that the proposal accords with the Councils parking standards contained in policy DM17 and Appendix 4 of the emerging Development Management Policies (2012).

10.43 In relation to the commercial uses the provision of 7 spaces may represent a slight underprovision against standards, but noting that the application does not depict parking in detail, it is considered that this is a matter that can be developed further at detailed design stage without adversely affecting the overall ratio of residential to commercial parking.

10.44 In relation to the provision of parking for the wheelchair accessible units, the applicant has committed to the London Plan standard of 10% of parking to be allocated to disabled users which is the basis of the applicable standard at Appendix 4 of the emerging Development Management Policies (2012). TfL has welcomed this aspect of the proposal, although there is currently no detail. This aspect of the development is capable of being secured by condition.

10.45 In addition provision for 20% of the parking spaces to feature electric vehicle (EV) charging points and 2 years developer funded Car Club membership will be secured in the s106 agreement, in line with policy DM14 of the emerging Development Management Policies in line with policy objective at Policy CS8 of the adopted Core Strategy of reducing reliance on the private car and to build some capacity within the development to ensure sufficient transport capacity to meet additional travel demand generated by the development.

10.46 Objectors have referred to the impact on parking in the local area from the development. Parking on site has been discussed above and the proximity of the site to the Blackhorse CPZ is noted. The development will be permit-free - residents will not be entitled to parking permits under the terms of the s106 agreement. Accordingly, it is not considered that the proposal will in further unacceptable parking stress in the area, noting the level of parking provision on the site.

10.47 411 cycle parking spaces are indicated (403 residential, 8 for visitors.) no provision is indicated for the commercial uses although it is caveated that this will form part of the detailed submission. The Council's minimum standards at Appendix 4 indicate that a total of 508 spaces would be required (114 spaces for 1 bed units; 394 for 2+bed units). Noting that TfL have additional concerns regarding the level of provision, and given that cycle parking is already to some extent within Reserved Matters, it is considered that this provision can be dealt with at detailed submission.
10.48 The Transport Assessment states that servicing will take place within the parking areas accessed from Forest Road via the second access adjacent to Green Ferry Way. This strategy was resisted by the Council and the applicant recognizes the issues associated with the temporary access. Accordingly the applicant has indicated that servicing will take place from within the internal road network, recognizing that refuse will need to collected from outside the development rather then within enclosed parking areas. Noting that access from the re-provided Wickford Way will allow access into the site road network, this solution is considered acceptable and a servicing plan will be conditioned. This aspect of the proposal will be further dealt with at Reserved Matters stage.

**Access and Highways**

10.49 This application seeks explicit approval for access to the site as all other matters are reserved. The proposal in this regard involves the modification of the existing Wickford Way access from Forest Road to facilitate an access road between the development parcels and the High Maynard Reservoir in addition to the creation of a new access in the main southern frontage of the development to the west of Green Ferry Way. In addition the proposal contains internal roads which will be designed to adoptable standards.

10.50 Without objecting in principle, TfL and the GLA have expressed concerns regarding the addition of two accesses in close proximity to each other on Forest Road, citing their possible adverse impact on the bus lane and road safety on the highway. Following discussions between the applicant and the Highways section, a compromise has been reached to limit the impact of this access by closing the access to cars and restricting its use to pedestrians and cyclists only, on completion of the development. Although TfL have expressed a preference that the removal of vehicular access should take place within twelve months, it is not considered that this preference would affect a recommendation to approve in this case noting that the closure of this access to road traffic will be secured in the legal agreement.

10.51 In terms of vehicular trip generation it is expected that the additional vehicular trips are capable of being accommodated on the existing highway network. In relation to the impact of the proposal on the public transport network, TfL are satisfied that the proposal will not result in excessive impacts on the underground or overground network, but have identified potential stress on the bus network. As is the case with all large developments in the AAP area, the legal agreement seeks to secure contributions for the upgrading of the Standard junction and bus network improvements in mitigation for the effect of the development.

10.52 Taken together, the proposal in relation to its access, highway and transport impacts is considered on balance to be acceptable in relation to Policy CS7 of the adopted Waltham Forest Local Plan Core Strategy (2012) and Policies DM14, DM15, DM16, DM17 and Appendix 4 of the

11 Impacts Arising from the Proposed Development

Impact on wildlife and the Wetlands

11.1 Prior to the submission of this application, the applicant submitted an EIA opinion screening request, in which it was concluded that an Environmental Impact Assessment was not required. A Habitat Regulations Assessment screening request was submitted and it was concluded that appropriate assessment would be required in relation to impacts arising in terms of construction and operational impacts in terms of noise and visual disturbance.

11.2 As part of this application the applicant has submitted a suite of reports referred to above, addressing the ecological impacts of the scheme and proposing measures to mitigate such impacts with particular reference to the issues above.

11.3 Natural England have removed their initial objection to the proposal and are now satisfied that the applicant has provided adequate information on the impact of the proposal upon bats and other protected species and on the Walthamstow Wetlands SSSI, Ramsar and SPA sites. Natural England’s concerns are reflected in appropriate conditioning.

11.4 Council officers are of the view that whilst demolition will require strict conditioning to limit noise impacts and to ensure appropriate programming to take place outside of nesting season that the proposal will not result in direct unacceptable impacts on the wetlands noting the previously developed nature of the land. Generally it is considered that impacts on birds and migratory birds in particular are capable of mitigation through appropriate lighting and bird boxes. The same is true for bats.

Impact on Residential Amenity

11.5 The site is remote from residential development being located in an area in which the predominant activities are industrial. As such the scope for direct negative impacts as arising from the development are currently very limited.

11.6 The site will abut the recently consented Mandora site to the northern aspect where it will reach as far as the linear park. As such there may be oblique views to Block ABCDF, but at such an oblique angle over a distance of approximately 70 metres that privacy or overlooking impacts are unlikely.

11.7 Otherwise the nearest development might otherwise lie at the site of the Standard, approximately 120m to the east of the proposal site where the Council has been in discussion with the owners concerning a mixed use development at the site which will include residential accommodation. At present the design is still emerging, and whilst it is
likely that the proposal will result in residential accommodation to the western flank of the site facing the nine storey element of the proposal, no clear assessment can be made at this time. However noting the east/west relationship of the two buildings and the east/west traverse of the sun via the south, the potential for light loss to either development is considered be relatively low.

11.8 Objectors have referred to the adverse impact of the development on the area in terms of crime, anti-social behaviour and litter. However it is not considered that in a mixed use development as proposed that there would be evidence that the proposal would result in such effects noting the primarily residential and commercial nature of the development.

12 Crime prevention issues
12.1 The layout of the scheme is considered to result in a generally good level of natural surveillance both of activity in the public realm areas of the linear park pedestrian route and in the street network within the development. No exterior lighting is indicated as such in the plans although these details would in the normal course of events be secured by condition.

12.3 Overall, the proposal is considered to satisfy the requirements of policy CS16 of the adopted Local Plan Core Strategy (2012) with particular reference to the applicants commitment to the principles of Secured By Design..

13 Planning obligations
13.1 The Council is negotiating a legal agreement against the following heads of terms:

13.2 Financial Contributions towards:

Tariff –based infrastructure contribution 373,200

The discounted tariff is £5000 per unit. In line with developments at Sutherland Gateway (2011/0984/OUT) Unity Works (2012/0726) and the Mandora site (2013/0554) a rate of £1200 per unit has been agreed.

Tariff –based Commercial contribution 2,210
Air Quality monitoring 10,000

Transport -

Standard Junction upgrade 250,000
Bus network 40,000
Legible London signage 15,000
Open Space/Wetlands access improvements 109,590
Outer London Fringe shopfronts 50,000

Total £850,000

Monitoring fees of 5% for s106 monitoring and £3000 per Travel plan. The developer to pay the Council's legal fees.

Extended terms include:

A. Affordable housing:

The level of affordable housing (affordable rent, shared ownership) at 12% by unit.

Any agreement reached between the Council and the applicant will be subject to the acceptance of the viability report which includes rents in line with Council guidance and subject to financial reappraisal of the affordable housing offer at appropriate stages during the phased delivery of the development including at Reserved Matters stage.

B. Employment:

Employment to include construction apprenticeships and any provision for contributions arising from response by Business Employment and Skills. Relocation assistance for existing businesses.

C. Transport:

The development will be permit free and future residents will not be entitled to parking permits (with the exception of Blue Badge holders).

The provision of two Car Club parking spaces provided in to perpetuity: 2 years' car club membership for each occupier of the residential units.

Provision of 20% electric car charging points for both electric vehicle charging and for passive charging facilities.

The undercroft access from Forest Road will be restricted solely to use by pedestrians and cyclists once the development is complete.

S278 works: An appropriate agreement to meet the cost of alterations and improvements to the footway, any stopping up of existing accesses or related works to the public highway as required by the Council as Highway Authority and subject to the provision of a plan agreed with
the Highways section. The undercroft access from Forest Road will be restricted solely to use by pedestrians and cyclists once the development is complete.

D. Travel Plan:

Travel plans for both residential and commercial uses within the development and the requisite monitoring fee.

14 CONCLUSION

14.1 The detailed assessment in the previous sections of this report demonstrate that the proposals generally comply with the Council’s development plan policies together with other guidance and strategies. The proposal is considered to represent a good example of high quality mixed use sustainable development that will fulfil the Council’s aspirations as set out in the Blackhorse Lane AAP as one of the principal regeneration sites in the area. The benefits of the proposal have been considered in the foregoing report and taking into account the regeneration benefits offered by the development and its contribution to the wider area, it is considered that the scheme can be accepted.

15 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

15.1 In making your decision you must have regard to the public sector equality duty (PSED) under s149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

b) Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

15.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
15.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s149 is only one factor that needs to be considered, and may be balance against other relevant factors.

15.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

**Human Rights Act (1998)**

15.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act (1998). Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.

15.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**16 RECOMMENDATION**

16.1 Committee is requested to Grant planning permission, subject to the following:

16.2 Stage 2 referral under the Town & Country Planning (Mayor of London) Order 2008,

16.3 The completion of a s106 legal agreement as set out in section 13 of this report.

16.4 Appropriate conditions as set out below

16.5 **Conditions:**

A comprehensive set of conditions, reasons and informative will be reported in an update report.

**17 BACKGROUND DOCUMENTS**

a. Application files and accompanying documents