

Walthamstow Central Phase 2**in the London Borough of Waltham Forest****planning application no. 142873/FUL****Strategic planning application stage II referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Construction of an 11 to 12 storey building comprising 79 self-contained flats (24 x 1 bed, 55 x 2 bed) on land adjacent to Walthamstow Central station. Demolition of existing retail units and construction of part two storey, part single storey building comprising three retail units (Use Class A1 to A5) on land to the north of railway line.

The applicant

The applicant is **Solum Regeneration**, the agent is **Nexus Planning**, and the architect is **Rolfe Judd**.

Strategic issues

Issues with respect to **affordable housing, housing, noise, urban design and tall buildings, climate change** and **transport** have been satisfactorily addressed since Stage One. The proposed mixed use development is supported in strategic planning terms.

The Council's decision

In this instance, Waltham Forest Council has resolved to grant permission, subject to conditions and completion of a Section 106 agreement.

Recommendation

That Waltham Forest Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 11 February 2015, the Mayor of London received documents from Waltham Forest Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C(c) of the Schedule to the 2008 Order:

- 1C “Development which comprises or includes the erection of a building that is (c) more than 30 metres high and is outside the City of London”.

2 On 18 March 2015, the Deputy Mayor and Chief of Staff, acting under delegated authority, considered planning report D&P/3258/01, and subsequently advised Waltham Forest Council that the application did not yet comply with the London Plan, for the reasons set out in paragraph 78 of the report; but that the possible remedies set out in that paragraph could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised and further information provided in response to the Deputy Mayor’s concerns (see below). On 4 August 2015, Waltham Forest Council resolved to grant permission, subject to conditions and completion of a Section 106 agreement, and on 7 January 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged, direct the Council under Article 6 to refuse the application, or issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 20 January 2016 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

5 At the consultation stage, Waltham Forest Council was advised that the application did not yet comply with the London Plan, for the reasons set out in paragraph 78 of the report; but that the possible remedies set out in that paragraph could address these deficiencies:

- **Affordable housing:** The Council should provide GLA officers with their independent viability assessment prior to the referral of any Stage Two application. Consequently it is not possible at this stage to confirm whether the proposal would provide the maximum reasonable amount of affordable housing in accordance with London Plan Policy 3.12.
- **Housing:** The choice of units, density, and play space proposals are generally acceptable, subject to confirmation of section 106 contributions.
- **Noise:** Design specifications to reduce internal noise levels are appropriate and should be secured by appropriate condition.
- **Urban design and tall buildings:** The proposals are generally well designed; however the applicant should modify the ground floor layout; consider the inclusion of a commercial unit; and consider a simpler palette of materials and a more legible massing arrangement. The Council should secure by condition the quality of materials; the design and maintenance of artificial lighting in the undercroft area; and the landscaping.
- **Climate change:** The applicant should reassess the development against Part L 2013 and resubmit the energy strategy. Further information should be provided on thermal bridging; DER, TER and BRUKL sheets; possible connection to the neighbouring site CHP systems; how the energy centre will be designed to allow for connection to a district heating network; and the management arrangements for the site heat network.

- **Transport:** The retention of a reduced level of station car parking is acceptable; however Blue Badge parking provision should be increased to 5% of the total car park capacity; electric vehicle charging points should be installed to accord with London Plan standards; car club membership should be increased to three years; residents should be exempt from applying for parking permits in a controlled parking zone or in the station car park; a car park management plan is required; and £16,334 should be secured for Legible London signage. Cycle spaces should be increased from 79 to 157 spaces; showers and changing rooms should be provided for employees; and an additional 20 stands are required at Walthamstow station. The removal of the taxi rank will not be supported until agreement has been reached with TfL about the location of a new taxi rank. A construction and logistics plan and infrastructure protection conditions are required. These measures should all be secured by condition or as part of the section 106 agreement.

6 Since then, the applicant has amended the application and responded to the matters raised in the Stage One report, as set out below.

Affordable housing

7 As stated at Stage One, the proposals include no affordable units; however phase 1 provided 20 social rent units and 15 shared ownership units out of a total of 69 units, representing 51% affordable housing provision. Considering phase 1 and phase 2 together, the provision would represent 24% affordable housing. The applicant provided a viability assessment and the Council commissioned an independent review, which has been shared with GLA officers. This concluded that no affordable housing could be provided; however the draft section 106 agreement secures a review mechanism whereby a viability reassessment is required when the scheme is largely complete and before occupation of the first units. Any surplus identified at this stage would result in a financial contribution towards affordable housing. London Plan Policy 3.12 'Negotiating Affordable Housing' states that cash in lieu contributions are exceptional and "*should only be accepted where this would have demonstrable benefits in furthering the affordable housing and other policies in this Plan*". Since the outcome of the re-assessed viability will not be known until the scheme is largely complete, the payment of a financial contribution is considered appropriate in this instance. The Policy 3.12 requirement to seek the maximum reasonable amount of affordable housing is considered to have been met.

Housing

8 At Stage One it was noted that the expected child yield of the proposal is six. The Council has confirmed that no financial contributions are required towards existing play space and facilities within the vicinity of the site, which is acceptable in line with London Plan Policy 3.6 'Children and Young People's Play and Informal Recreation Facilities'.

Noise

9 Potential noise concerns arise from mainline trains, as well as traffic using the car park and servicing vehicles accessing the railway lines. An Environmental Noise and Vibration Report was provided with the application, which proposes internal noise level criteria in line with the Council's standards and recommendations, together with design specifications to reduce internal noise levels. As requested at Stage One, these measures have been secured by condition. The proposals meet the requirements of London Plan Policy 7.15 'Reducing Noise and Enhancing Soundscapes'.

Urban design and tall buildings

10 At Stage One, GLA officers raised a concern that the layout and uses located on the ground floor of the car park block did not sufficiently contribute to ensuring the quality and safety of the adjacent pedestrian route. Further meetings have been held between GLA officers and the applicant and as a result the proposals have been revised to increase areas of glazing onto the residents' lobby/lounge; push back the refuse store to increase the size of the residents' lobby/lounge; and push back the front projection of the cycle store to increase the width of the pedestrian link. These amendments to the scheme respond well to concerns expressed at Stage One and provide an appropriate level of active frontage and openness onto the pedestrian route.

11 As requested at Stage One, the Council has secured the design and maintenance of the lighting scheme, including the undercroft area, which will mitigate against security and safety problems.

12 At Stage One, the applicant was encouraged to consider a simpler palette of materials and a more legible massing arrangement, reducing the need for complex and inelegant detailing. In response, the applicant has simplified the elevations, amended the cladding colour to bronze/copper, and introduced brick to the base of the car park building. These changes provide a more legible design, which relates well to the materials of the surrounding building stock. As requested, the Council has secured the provision of material samples prior to commencement of construction, which should ensure high quality materials.

13 The design of the landscaping will also be important in achieving a successful relationship between the building and the car park and the applicant has provided further drawings and a revised landscape statement to demonstrate that this will be achieved. This includes enhanced planting and hard landscaping at the front of the building and along the pedestrian link and enhancing the visual separation between the pedestrian link, and the retained car parking, which is welcomed. The Council has also secured the approval of landscape materials as requested at Stage One.

Climate change

14 As requested at Stage One, the applicant resubmitted the energy statement using Part L 2013 figures, as opposed to Part L 2010.

15 The applicant is proposing a y-value performance of 0.04 W/sq.m.K for the thermal bridging and further information was requested at Stage One on how this performance level will be achieved. The applicant has provided a screenshot of a sample y-value calculation estimating the value at 0.0427 W/m² K using Accredited Construction Details (ACD); confirmed that reinforced concrete construction will be used; and that ACDs can be used for the steel frame based on the experience from Phase 1. This is acceptable.

16 The demand for cooling will be minimised through the incorporation of overhangs and solar control glazing and as requested at Stage One, sample SAP worksheets (both DER and TER sheets) and BRUKL sheets, including efficiency measures alone, have been provided to support the carbon savings claimed.

17 The hotel and two existing residential apartment blocks adjacent to the site are served by mini combined heat and power (CHP) systems. As requested at Stage One, the applicant has provided design information from the neighbouring development, which shows that the CHP has been sized without spare capacity. Furthermore, the applicant has confirmed that the current

management arrangements will be a barrier to a more centralised system, and the plant in Phase 1 has only just been installed. This is acceptable in this instance.

18 The applicant has confirmed that capped pipes will be provided to ensure that the development is designed to allow future connection to a district heating network should one become available.

19 At Stage One, the applicant was requested to provide information on the management arrangements proposed for the CHP system, given that the management and operation of such systems can significantly impact their long term financial viability. In response, the applicant has stated that the management of the communal heating system will be outsourced to a company with expertise in billing, and the operation and maintenance of communal heating plant and distribution infrastructure. The applicant has also stated that this approach has been implemented successfully on both the private and social residential blocks within the first phase of development on this site. These arrangements are acceptable.

Transport

20 At Stage One, the applicant was requested to address a number of London Plan policy matters and design details.

21 Since then, clarification has been provided that the proposed design of the ramp to the London Underground (LU) station will meet accessibility standards. In addition, the scheme has been redesigned such that servicing for the proposed retail units will not adversely affect the existing taxi rank along Selbourne Road.

22 As requested, the agreed conditions secure policy compliant cycle parking, as well as the Construction Logistics Plan, Delivery and Service Plan, Car Park Management Plan and London Underground infrastructure protection.

23 The draft Section 106 agreement provides funding of £6,101 towards Legible London signage. To prevent any unlawful servicing associated with the retail activity impacting upon bus operations, £25,000 is also secured for the monitoring of the bus lane along Selbourne Road. There is also provision for public realm enhancements to extend the works required in the Walthamstow Central Phase 1 area. Car club membership for each resident is secured for a period of three years and residents will be ineligible for parking permits.

24 It is regrettable that requests for electric vehicle charging points, Blue Badge Parking at the station car park (which is to be reduced in size as part of the development), and additional cycle parking for the station have not been provided; however in other respects the scheme is considered to be in general accordance with the transport policies of the London Plan.

Response to consultation

25 The Environment Agency made no objection, but recommended that surface water run-off be managed in accordance with London Plan policy.

26 Thames Water made no objection, subject to suitable informatives.

27 Waltham Forest Council publicised the applications by sending notifications to approximately 300 neighbouring properties, as well as issuing site and press notices. The Council received 10 responses, all objecting to the proposals.

28 The grounds for objection included:

- Loss of privacy, light, and views for neighbouring properties.
- Out of scale with local context.
- Impact of additional residents on local facilities.
- Light pollution.
- Noise and safety issues during construction.
- Wind impacts.
- Impact on traffic and parking due to loss of an element of station car park.
- Conflict between cars and pedestrians.
- Loss of existing small retail units.
- Lack of family units.

29 Issues raised by objectors have been considered in this report, the Mayor's Stage One report, the Council's committee report of 7 July 2015 and the Council's committee update report of 4 August 2015.

Draft Section 106 agreement

30 The following financial contributions are included in the draft Section 106 agreement:

- £250,000 contribution to Hoe Street/Selborne Road highway works.
- £25,000 contribution towards CCTV cameras for the retail part of the development.
- £13,685 contribution to air quality monitoring.
- £6,101 contribution towards the Legible London scheme.
- £2,000 (or a higher sum to be agreed) contribution towards the Council's Viability Reassessment Specialist.
- A contribution (to be determined) towards the Council's Local Employment Training Scheme.

31 The draft agreement also secures a review mechanism for affordable housing contributions as discussed above.

Article 7: Direction that the Mayor is to be the local planning authority

32 Under Article 7 of the Order, the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance, the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at Stage One, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

33 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic

planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

34 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

35 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

36 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

37 The matters raised at consultation stage, namely those relating to affordable housing, housing, noise, urban design and tall buildings, climate change and transport have been satisfactorily addressed. The proposed mixed use development is supported in strategic planning terms.

for further information, contact GLA Planning Unit (Development & Projects Team):

Colin Wilson, Senior Manager – Development & Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Martin Jones, Senior Strategic Planner, Case Officer

020 7983 6567 email martin.jones@london.gov.uk
