

## LONDON BOROUGH OF WALTHAM FOREST

Committee / Date:	Planning / 8 <sup>th</sup> May 2012
Application reference:	2011/0898
Applicant:	London and Quadrant Housing Association
Location:	Walthamstow Greyhound Stadium, 300 Chingford Road, Chingford, London E4
Proposed development:	Demolition of curtilage Listed Buildings, south-west spectator stand and part of popular entrance, conversion, alterations and extensions to the main Tote building for leisure use and conversion and alteration to eastern Tote and kennels for community allotment use. New build residential accommodation in buildings between 2 and 8 storeys in height, comprising 294 dwellings [50 houses and 244 flats, including 1, 2, 3, & 4 bedroom units and a mix of private and affordable housing]. New buildings for use as a children's nursery, cafe and creche, open space provision [public, private and communal], car, motorcycle and bicycle parking and vehicular access though existing Chingford Road entrance. Associated alterations and landscaping including alterations to public right of way.
Wards affected:	Larkswood
Appendices:	Appendix 1 [Viability Document by BPS Surveyors [25 <sup>th</sup> April 2012].

### 1 RECOMMENDATION

1.1 That the Planning Committee **GRANT** planning permission subject to conditions, referral to the Greater London Authority and the completion of a s106 agreement with the following Heads of Terms:

- **Affordable Housing:** Provision of 60 units as affordable housing [20% as unit numbers], subject to a viability re-assessment as set out in Section 11 of this report with rents in line with the Borough's Affordable Rent Guidance;
- **Leisure:** Contribution of £1,750,000 towards Walthamstow Forest Pool and Track and leisure improvements in the Borough;
- **Education:** Contribution of £1,046,170 towards education improvements in the Borough, including refurbishment / upgrade of a primary and / or secondary school within a one-mile radius of the site;
- **Health:** Contribution of £354,046 towards healthcare in the Borough;

- **Transport for London:** Contribution of £286,000 to Transport for London;
- **Community Sports Trust:** Contribution of £250,000 towards Community Sports Trust to help support the ongoing operation of the Stadium Sports Centre;
- **Environment Agency:** Contribution of £73,644 towards environmental improvements within the Brook catchment area;
- **Controlled Parking Zone:** Contribution of £60,000 towards any Controlled Parking Zone consultation and implementation for the immediate area around Empress Avenue and Rushcroft Road;
- **Employment and Training:** Provision for local employment and training initiatives arising out of the construction phases of the development and to use reasonable endeavours to encourage its contractors and sub-contractors to recruit and train employees from the area of the Council required during the construction of the development;
- **Car Club:** The provision of a minimum of two Car Club parking spaces free of charge;
- **Travel Plan:** The preparation, implementation and future monitoring of a Travel Plan, to be agreed in writing by the Local Planning Authority prior to the first use of any part of the development or first occupation of any of the residential units hereby permitted;
- **Resident Permit Restricted:** With the exception of Blue Badge holders, all residents and users of the development shall be ineligible for Resident Parking Permits in the event of any future implementation of a Controlled Parking Zone in the immediate area around Empress Avenue and Rushcroft Road;
- **S278 Agreement:** Contribution of £46,400 towards junction improvements outside the site and towards stadium trails.
- **Legal Fees:** Payment of legal fees for the preparation of the legal agreement; and
- **Monitoring and Implementation:** Payment of 5% of the total amount of s106 contributions to London Borough of Waltham Forest for the monitoring of and compliance with this agreement.

1.2 That authority to be given to the Head of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the s106 Agreement and to agree any minor amendments to the conditions or the legal agreement on the terms set out above.

## **2 SUMMARY OF BASIS FOR RECOMMENDATION**

- 2.1 This application has been considered in relation to relevant Development Plan policies in the LBWF LP Core Strategy [Mar 2012] and the London Plan [Jul 2011].
- 2.2 The following material considerations have been taken into account:
- 2.2.1 Local Finance Considerations
- 2.2.2 The National Planning Policy Framework [2012]
- 2.2.3 Emerging Policies in the LBWF LP Draft Development Management Policies [Jan 2011]
- 2.2.4 The following issues:
- The acceptability of the development in principle;
  - The loss of the greyhound facility;
  - The design and appearance of the development and its impact on the street scene;
  - The impact of the proposal on the listed buildings;
  - The impact on residential amenity;
  - Car parking, cycle storage and vehicular access;
  - The standard of accommodation provided;
  - Landscape and amenity;
  - Accessibility; and
  - Comments received in response to publicity and consultation.
- 2.3 Subject to referral on to and approval by the Mayor of London, the proposal is considered to be acceptable in planning terms.

## **3 REASONS REFERRED TO COMMITTEE**

- Major matters of planning policy are involved.
- There is significant public interest.
- The matter is considered to be contentious or controversial.

## **4 DETAILS OF PROPOSAL AND SURROUNDINGS**

### Location and Accessibility

- 4.1 The site is situated at 300 Chingford Road, London E4 and lies approximately 2km to the north of Walthamstow town centre and its associated facilities and public transport interchange. The site is located immediately to the north of the Crooked Billet Roundabout, which provides access to the A406 North Circular Road and Chingford Road.
- 4.2 The site can be accessed by road and is served by a network of bus services. The nearest bus stops are situated along the site frontage on

Chingford Road and the route into Walthamstow town centre takes approximately ten minutes during off-peak hours.

- 4.3 The nearest mainline rail service is at Highams Park Station, located approximately 1.2 km to the north-east of the site. The nearest underground station is Walthamstow Central, sited approximately 2km to the south or which can be accessed two stops from Highams Park Station.
- 4.4 The site has a Public Transport Accessibility Level [PTAL] of 2-3, which represents an average level of accessibility.
- 4.5 The site is situated adjacent to a designated cycle route, which runs along Chingford Road and crosses the Crooked Billet Roundabout using a subway and bridges. On-street cycle lanes along Chingford Road provide access to Walthamstow town centre. An off-road cycle path runs along the southern boundary of the site and provides a connection to Highams Park Station.
- 4.6 There is currently no pedestrian access through the site, although there is an existing pedestrian and cycle route footpath, which provides a link from Empress Avenue, running along the southern boundary of the application site towards Highams Park.

#### Surrounding Area

- 4.7 The area around the site contains a various land uses. Immediately to the north and south of the site are the residential properties of Rushcroft Road and Empress Avenue, which comprise two-storey, terraced dwellings with a consistent building line to the street frontages and modest-sized rear gardens. The properties on the south side of Rushcroft Road and the north side of Empress Avenue have gardens, which back directly onto the subject site. The ground level of these houses are greater than the rear gardens and that of the subject site with steps required to access the garden level of those residential properties.
- 4.8 There are no parking controls on these residential streets or the surrounding area, although a Controlled Parking Zone [CPZ] was previously in place when the greyhound stadium was in use on event days.
- 4.9 To the west of the site, on the opposite side of Chingford Road, is a Sainsbury's retail store with associated car parking and a petrol filling station to the frontage. Also within this site is a four-storey Holiday Inn hotel.
- 4.10 To the east of the site is Rush Croft Sports College, accessed via Rushcroft Road. To the south-east of the site are the playing fields of the Hale End Sports Ground.
- 4.11 The former greyhound stadium car park, which is located on the west side of Chingford Road opposite the subject site was disposed of separately from the greyhound stadium and does not form part of the application site. Planning applications for the car park site are currently under consideration by the Local Planning Authority as follows:

- **Ref: 2011/0275:** Erection of vehicle showroom, retail parts distribution centre, vehicle workshops and valet servicing / MOT facilities with associated landscaping, new access from Walthamstow Avenue and closure of access opposite Empress Avenue [Registered 10<sup>th</sup> March 2011].
  - **Ref: 2011/0278:** Use of rear half of site for Coach / Bus depot for 64 buses / coaches and 38 mini buses with associated, plant storage facility, ancillary office and associated landscaping and formation of access from Walthamstow Avenue Roundabout [Registered 11<sup>th</sup> March 2011].
- 4.12 Green space exists to the east of the site, most of which is for school pitches and private sports grounds. The nearest park to the site is Kitchener Road Park, located to the south of the A406 North Circular Road and within a 400m catchment from the subject site. However, lack of pedestrian access across the A406 North Circular Road makes the distance considerably greater.
- 4.13 For outdoor sports facilities, the Peter May Sports Centre [formerly known as Wadham Lodge Sports Centre] is located to the east and, together with Hale End Sports Ground and Parmiters and Cavendish Sports Grounds [Nelson Road], provide accessible sports facilities.
- 4.14 The River Ching provides an ecological corridor, running east to west and linking the Lea Valley with Epping Forest. The river runs in a culvert as it crosses the subject site.

#### The Site

- 4.15 The main frontage of the site is to Chingford Road and is dominated by the Tote building, which is visible from the A406 North Circular Road. This frontage building, with its neon lighting to the road aspect, and the Tote board facing into the site, are Grade II listed. The Tote building is considered to be the equivalent of between five and six residential storeys in height.
- 4.16 Attached to the base of the Tote building are a number of lower structures, which comprise a two-storey car park, the south / west spectator stand and a number of modern and unsympathetic extensions. The green space on Chingford Road at the base of the frontage range is outside of the applicant's ownership.
- 4.17 To the east part of the site are the Grade II listed dog kennels. The kennels are positioned adjacent to the eastern curve of the greyhound track and are single-storey in height [with the two end pavilions rising to the equivalent of two storeys].
- 4.18 The greyhound track is raised with the inner part sunk at a lower level. This central space has been under-used by virtue of its enclosure by the race track. Having regard to the location of the south spectator stands and the culvert of the River Ching, there is currently a blank boundary onto the River Ching corridor pedestrian and cycle route which runs to the south of the site from Empress Avenue towards Highams Park.

- 4.19 Spectator stands are positioned adjacent to the north and south 'straights' of the greyhound track. These are the equivalent of between two-to-five residential storeys in height. The north spectator stand is positioned in part at the shared boundary with the rear gardens of Rushcroft Road properties. The south spectator stand is positioned close to the rear boundaries of the Empress Avenue properties, where these houses benefit from more extensive rear gardens.
- 4.20 The site has three vehicular access points. The main access fronts Chingford Road at the north-west part of the site. There is also an access at the south-west end of the Chingford Road frontage and an access into the site at the eastern end of Rushcroft Road. There are two further, but inactive, access points along Rushcroft Road.

#### The Proposal

- 4.21 The proposal was revised in December 2011 following the original submission in July 2011, and in response to issues raised during the consultation process.
- 4.22 The key differences in the revised proposals are as follows:
1. The overall provision of residential accommodation is reduced from 301 units to 294 units.
  2. The density of the proposed development is reduced from 329 to 316 Habitable Rooms per Hectare.
  3. The children's nursery adjacent to the site entrance has been remodelled in order to reduce its height and massing and to improve the overall relationship with adjoining properties. The re-designed nursery will be one storey in height where closest to the Chingford Road frontage and will rise to a maximum of two storeys only at the point where the existing grandstands are positioned.
  4. The scale and height of the built form adjacent at the western end of the central blocks has been lowered in order to reduce any disruption to the silhouette of the main Tote board when viewed from both inside and outside of the site. This is achieved by a reduction in the height of Block FGH and Block IJK from five storeys to four storeys.
  5. In order to reduce its overall length and mass, a visual break has been incorporated into the northern central block [Block FGH]. This break takes the form of a 6m-wide void at second, third and fourth floor levels and is designed to mirror the void proposed in the southern central block [Block IJK]. Enhancements to the glazing to the central core to Block IJK are now proposed to maximise transparency and to allow more light to permeate to the courtyard garden.
  6. The height of Block OPQ is lowered on its western periphery from seven storeys to five storeys in order to allow for a more gradual transition to the more domestic height of the adjoining houses.

7. The rear elevation to the proposed houses in Block BCD has been re-modelled to minimise the potential for overlooking to the rear gardens of the properties in Ruschcroft Road. This is achieved through the incorporation of angled windows and obscured glazing to all upper floors of the northern terrace block.
  8. The design of the two proposed family houses in Rushcroft Road has been revised to more closely reflect the surrounding vernacular and the proposed dormer windows to the front elevation have been removed.
  9. In order to protect the amenity of prospective residents, and to prevent direct overlooking of adjoining rear gardens, two of the units in Block LMN are provided with angled windows. Angled glazing is also proposed for the units on the eastern flank of Block OPQ to prevent overlooking towards Block R.
- 4.23 An updated leisure offer also formed part of the revised scheme as follows:
1. The creation of a 'Stadium trail' incorporating a sprint circuit around the greyhound track, and extending beyond the confines of the site to create trails linking to other local spaces in the vicinity of the site and extending to the Lee Valley and Epping Forest. The Stadium trial will include way-finding to maximise its use and accessibility and will incorporate elements of an outdoor gym and/or 'trim trail'. The proposed layout of the site retains important references to the former greyhound use.
  2. Improved links through the informal open space to the south-east of the site to create an enhanced connection to the Pool and Track facility on Chingford Road and to which financial contributions towards enhanced facilities are proposed.
  3. The provision of a climbing wall within the main Tote building. This will provide a dramatic feature to this historic space and will enhance the range of facilities within the new Stadium Sports Centre.
  4. The creation of a skateboard park on the upper deck of the Tote car park to complement the activities envisaged for the new sports centre and to enhance visible activity from the street frontage. This facility could be brought forward at an early stage in the redevelopment programme as an immediate community benefit. Advice has been sought on the safety implications of the proposed use and details are provided within the supporting documents.
  5. As well as funding the capital costs required to deliver the enhanced sport and leisure offer outlined above, L&Q is proposing that a further fund of £250,000 be donated to the Community Sports Trust to help support the on-going operation of the Stadium Sports Centre. This fund will assist in staging specific community events linked to the existing and enhanced sport and leisure offer.

6. In recognition of the fact that the previous use of the site has historically provided a borough-wide leisure facility, a s106 contribution of £1,750,000 is being put forward towards improvements to existing off-site leisure facilities to help increase participation in sport and physical activity within the Borough. The funds are to be allocated to the existing Waltham Forest Pool and Track on Chingford Road, located less than one kilometre from the former Stadium site. The proposed contribution will allow for the range of improvements identified by the Borough to be carried out in full. The improvements include refurbishment of the athletics track, a new soft play area for children and a gym.

4.24 The proposal for determination is for a mixed-use development with key elements of the scheme including:

4.24.1 The demolition of the existing buildings and structures on the site [with the exception of the Grade II listed Tote and kennels]. The main Tote building will be restored and extended to provide a multi-functional community sports centre together with a juice bar. There will be a new landscaped plaza to the front of the Tote to promote community interaction and enhance the setting of the listed building. In the eastern section of the site, the Grade II listed kennels are to be adapted as stores / potting sheds in connection with the use of new pocket allotments.

4.24.2 Residential Accommodation:

- Flats: 35no. x one-bed; 172no. x two-bed; and 37no. x three-bed.
- Houses: 2no. x one-bed; 4no. x two-bed; 10no. x three-bed; and 34no x four bed.
- The residential provision will include 60 affordable housing units. This is a percentage provision of 20% when expressed in terms of units. Of the affordable units, approximately 40% are to be made available as affordable rent and 60% are to be provided as intermediate housing in the form of shared ownership accommodation or other intermediate tenures identified in the London Plan [2011].
- The density of development will equate to 316 Habitable Rooms per Hectare.
- All of the proposed housing would be designed to Lifetime Homes Standards and Code for Sustainable Homes Level 4 and 29 [10%] of the total number of units will be wheelchair accessible or adaptable for wheelchair housing and to comply with Inclusive Housing Design SPD [2011].
- The housing will be arranged in a new urban form as four linear blocks of residential buildings with a row of mews-style properties in the north-east corner of the site. Building heights in the northern terrace block and the two central blocks will range from between two and five storeys [rising towards the centre of

the site]. Within the southern blocks, building heights will be three storeys in height where adjacent to existing residential properties, rising to eight storeys in the south-east corner of the site.

4.24.3 The provision of 274 car parking spaces. A range of parking solutions are proposed including on-street parking on private roads within the site, undercroft parking [under the raised landscape amenity space] and parking within and adjacent to the Tote building:

- Leisure Centre: 45 spaces [ten surface parking and 35 in the lower car park deck];
- Nursery: 8 surface parking spaces;
- Residential: 211 spaces [119 surface parking and 92 undercroft];
- Residential Visitor: 7 surface parking spaces; and
- Car Club: 2 surface parking spaces.

4.25 Other key works and uses are as follows:

- The provision of new leisure uses incorporating a climbing wall, a BMX / skateboard area and gym facilities.
- A children's nursery, café and crèche.
- A variety of new open spaces including a plaza in front of the main Tote building, an elevated communal garden and natural open space connecting to land beyond the Grade II listed kennels to the east.
- It was proposed that the River Ching be de-culverted to improve the green route for the wider public however, since has transpired that it is now not proposed in accordance with advice from the Environment Agency.
- References to the memories of the racetrack are reinforced through the design of the built form and the landscaping.
- The retention of the main access route from Chingford Road as the principal entrance. Enhanced connectivity to be provided across the site for pedestrians and cyclists enhancing links to adjoining green spaces and facilities.
- The provision of Combined Heat and Power [CHP] to promote energy efficiency and low carbon usage in the new development.

## **5 SUPPORTING DOCUMENTS**

5.1 List of supporting documents submitted with the application:

### Original 301-Unit Scheme

- Planning and Regeneration Statement by AKA Planning [June 2011];

- Daylight and Sunlight Report by Calford Seaden [June 2011];
- Landscape, Biodiversity and Open Space Strategy by Liz Lake Associates [April 2011];
- Landscape Drawings by Liz Lake Associates [May 2011]:
  - 1270 01 Rev B Planting Strategy Plan
  - 1270.01 Ching River Improvements
  - 1270.09 Public Node / River Ching
  - 1270/11 Rev C Hard Landscape Masterplan
  - 1270.12 Visualisation of Courtyard Gardens
  - 1270.13 Soft Landscape Masterplan
  - 1270.14 Eastern Play Area
  - 1270.15 Public Node / River Ching
  - 1270.16 Play Design;
- Ecological Assessment by Eco Planning UK Ltd for and on behalf of Liz Lake Associates [January 2011];
- Arboricultural Report by Eco Planning UK Ltd for and on behalf of Liz Lake Associates [February 2011];
- Environmental Noise Survey and PPG24 Assessment by Hann Tucker Associates [June 2011];
- Energy Efficiency Statement and Sustainability Strategy by Calford Seaden [June 2011];
- Foul and Surface Water Sewerage and Utilities Statement [June 2011];
- Site Waste Management Report by Quadrant Construction [June 2011];
- Method Statement for Demolition by Quadrant Construction [June 2011];
- Transport Assessment by Transport Planning Practice [June 2011];
- Contaminated Land Survey by MLM Consulting Engineers Ltd [June 2011];
- Heritage Statement by Montague Evans [June 2011];
- Archaeological Desk Based Assessment by CgMs Consulting [June 2011];
- Air Quality Screening Assessment for Walthamstow Stadium Site, London by Matthew Whitman [June 2011];
- Flood Risk Assessment by MLM Consulting Engineers Ltd [June 2011];

- Statement of Community Engagement by AKA Planning [June 2011];
- Sporting and Business Case by RAE Sport and Leisure Consultants [June 2011];
- Methodology Statement: Development Viability Assessment by Jones Lang LaSalle [June 2011];
- Schedule of Works to Listed Buildings by Martin Associates [June 2011];
- Structural Investigation Report by Knapp Hicks [June 2011]; and
- Heritage Assessment by Montague Evans [June 2011].

#### Revised 294-Unit Scheme

- Planning and Regeneration Statement by AKA Planning [December 2011];
- Addendum Report to Design and Access Statement by Conran + Partners [December 2011];
- Addendum to Transport Assessment by Transport Planning Practice [December 2011];
- Daylight and Sunlight Report by Calford Seaden [December 2011];
- Landscape, Biodiversity and Open Space Strategy by Liz Lake Associates [December 2011];
- Ecological Assessment by [Revision 1] by Liz Lake Associates [December 2011];
- Bat Survey by Liz Lake Associates [December 2011];
- Revised Heritage Statement by Montague Evans [December 2011];
- Addendum to Energy Strategy by Calford Seaden [December 2011];
- Addendum to Sporting and Leisure Business Case by RAE Sport and Leisure Consultants [December 2011];
- EIA Screening Request by AKA Planning [December 2011];
- Response to London Plan July 2011 – Chapter 5 by Calford Seaden [December 2011];
- Addendum Report 2 To Design & Access Statement by Conran + Partners [April 2012];
- Flood Risk Assessment by MLM Consulting Engineers Ltd [April 2012];
- Landscape, Biodiversity and Open Space Strategy UPDATE by Liz Lake Associates [2012]; and

- Landscape Drawings by Liz Lake Associates [April 2012]:
  - 1270/11 Rev E Hard Landscape Masterplan
  - 1270.13 Rev B Soft Landscape Masterplan.

## **6 SITE HISTORY**

- 6.1 The application site has been used for sporting or recreational activities for some 90 years and, most recently and famously, for greyhound racing. The greyhound track was opened by the Chandler family in 1933 and the site stayed in the family's interest for over 70 years. The majority of the significant building works on-site took place in the 1930's and the grandstands have been modified, altered and extended over time. The car park to the west of Chingford Road was developed in the early 1950s and provided additional parking for approximately 400 cars. An upgrade of the Tote Building and West Stand, together with a new main entrance to the north side, took place in 1969, while in 1984 the northern section of the West Stand was extended to incorporate 'Charlie Chan's' nightclub.
- 6.2 Following a request to spot-list the buildings at the Stadium, the kennels [built 1933] and attached secondary Tote board [1935], the main Tote board [1935], the west spectator stand [1936] and the two-storey car park [1936] were identified as having special interest. As a consequence, on 23<sup>rd</sup> May 2007, the entrance range comprising the Tote board, the west spectator stand and car park, and the kennels were listed Grade II.
- 6.3 In September 2010, a request was made to English Heritage by a third party to consider spot-listing the spectator stands at the Stadium. Following consideration of the information put forward, English Heritage determined that the spectator stands were not of special interest in terms of technological innovation and due to the extent of their alterations. The request was rejected.
- 6.4 The stadium was capable of a capacity of 5,000 approx. The majority of car parking associated with the stadium was provided in a separate car park on the opposite side of Chingford Road.
- 6.5 Walthamstow Stadium closed in August 2008 and the site was subsequently sold to the applicant. The site has been vacant and unused since this time.
- 6.6 Previous [EIA] Applications
- 6.6.1 **2008/1627/EIA:** This was an application for a Screening Opinion in respect of a previous development proposal.
- 6.6.2 **2010/1195/EIA:** This was an application for a Screening Opinion in relation to the original proposals.
- 6.6.3 **2012/0255/EIA:** This was a further request for a Screening Opinion in relation to the revised scheme proposals.

- 6.6.4 In all cases the Council adopted the opinion that the proposals did not constitute EIA development and that a formal EIA (Environmental Impact Assessment) was not required.

## **7 CONSULTATIONS AND REPRESENTATIONS**

- 7.1 Neighbour notification was carried out in relation to the following residential addresses:

**Chingford Road:** Car Park site [300], Christ of Church the King [455]

**Empress Avenue:** 1-48 [inc]

**Empress Parade, Chingford Road:** 2-42 [even], 14A, 42A

**Fairview Villas, Ascham Drive:** 5-12 [inc]

**Fairview Villas, Chingford Road:** 1-4 [inc]

**Loxham Road:** 1-5 [inc], 7, 9, 10-23 [inc], 24-40 [even]

**Minerva Road:** 1-12 [inc], 11A, 14, 15, 16

**Grove Park Avenue:** 2-56 [even]

**Nelson Road:** 1-100 [inc], 51A, Groundsman's Flat & Pavilion  
Parmiters Sports Ground

**Rowden Park Gardens:** 20-38 [inc]

**Rowden Road:** 1-52 [inc]

**Rushcroft Road:** 1-24, School House [26], 27-51 [odd], Rush Croft  
Sports College [57]

**Salisbury Hall Gardens, Chingford Road:** 30-61 [inc]

**Wadham Avenue:** 1-86 [inc]

**Walthamstow Avenue:** 1, 3, Holiday Inn [5], 11

**Wadham Avenue:** 1-86 [inc]

**Wadham Road:** Peter May Sports Centre [135], Wadham Lodge  
Sports Ground, The Hale End Road Sports Ground [99]

301 Unit Scheme [July 2011]

- 7.2 Consultation was carried in relation to the original scheme on 13<sup>th</sup> July 2011 with notification letters sent to residents as detailed above informing them of the original scheme proposals. The application was published in the Waltham Forest Guardian on 25<sup>th</sup> July 2011 and ten site notices were displayed around the site on 25<sup>th</sup> July 2011.

- 7.3 **Consultation Summary:** Petition with 115 signatories and a total of 1,005 representations received, objecting to the proposal on the following grounds:

- Scheme is not viable;
- Loss of employment;
- Loss of iconic greyhound / leisure facility;

- Increase in traffic congestion and off-site parking;
- Overdevelopment;
- Lack of social infrastructure provision including doctors, schools, dentists, hospitals, etc;
- Design / scale / visual impact;
- Loss of heritage / identity;
- Demolition of listed buildings and impact;
- Insufficient parking provision;
- Loss of identity;
- Increase in criminal activity;
- Loss of outlook;
- Loss of privacy;
- Increase in criminal activity;
- Loss of access to Selwyn School during construction;
- Site should retain recreational use; and
- Should introduce greater community / leisure facilities, e.g. cinema, bowling alley.

7.4 Of the 1,005 objections received, 210 representations were from 107 addresses [Empress Avenue, Fairview Villas, Nelson Road, Wadham Road, Salisbury Hall Gardens, Rushcroft Road, Grove Park Avenue, Loxham Road, Rowden Park Gardens, Empress Parade, Minerva Road, Ascham Drive, Rowden Road] objecting to the proposal on the following grounds:

- Out of character;
- Environmental Health considerations: noise, health, vermin
- Loss of trees
- Loss of iconic greyhound / leisure facility;
- Increase in traffic congestion and off-site parking;
- Overdevelopment;
- Lack of social infrastructure provision including doctors, schools, dentists, hospitals, etc;
- Design / scale / visual impact;
- Loss of heritage / identity;
- Demolition of listed buildings and impact;
- Insufficient parking provision;
- Need to maintain wildlife habitat;

- Loss of daylight / sunlight;
- Loss of outlook;
- Loss of privacy / overlooking;
- Increase in criminal activity;
- Air / noise pollution [from CHP], litter, health concerns;
- Potential damage to residential properties during construction; and
- Concerns regarding creation of new accesses into the site, particularly at Empress Avenue and to the alleyway that could result in criminal activity.

7.5 171 representations were received supporting the proposal, particularly having regard to animal wellbeing and welfare and support for additional housing.

294 Unit [Revised] Scheme [December 2011]

7.6 Consultation was carried in relation to the original scheme on 3<sup>rd</sup> January 2011 with notification letters sent to residents as detailed above informing them of the revised scheme proposals. The application was published in the Waltham Forest News on 9<sup>th</sup> January 2012 and ten site notices were displayed around the site on 29<sup>th</sup> December 2011.

7.7 **Consultation Summary:** 433 further neighbour representations have been received, with 412 objecting to the proposal, 18 in support and three providing comment. The number of representations received is confirmed below.

7.8 **23.01.12:** A residents meeting was co-ordinated by a local resident, which was held at Rush Croft Sports College. The purpose of the meeting was to provide an update to the proposal with regard to the design changes. Representatives from the Council attended the meeting and informed the residents of the key revisions to the scheme following submission in December 2011.

7.9 **24.01.12:** A petition with 107 signatories and 238 representations from 141 addresses was hand-delivered to the Authority objecting to the proposal on the following grounds:

- Loss of privacy / overlooking;
- Personal safety concern / increase in criminal activity;
- Design / scale / visual impact / eight-storey building;
- Out of character;
- Overdevelopment, exceeds the London Plan density;
- Environmental Health considerations: noise, health, vermin
- Increase in traffic congestion and off-site parking;
- Lack of social infrastructure provision including doctors, schools, dentists, hospitals, etc;

- Loss of heritage / iconic identity;
- Effect on listed buildings and impact / maintain listed buildings;
- Loss of red and white fencing / metalwork and lights at the front of the building as they form part of iconic frontage;
- Insufficient parking provision;
- Impact on biodiversity and wildlife habitat;
- Noise pollution, health concerns;
- Potential damage to residential properties during construction;
- Concerns regarding creation of new accesses into the site, particularly at Empress Avenue and to the alleyway that could result in criminal activity;
- Flawed documents / information supplied by the applicant;
- Lack of community engagement / consultation by the applicant;
- Proposed leisure facilities and BMX / skateboard park would attract gangs / graffiti / vandalism;
- Movement of bus stops;
- Location of substation;
- Access nearest to Empress Avenue opened up to traffic;
- Health and Safety in the event of a fire particularly with the eight-storey building / insufficient emergency exits; and
- No CCTV provision and Police base / office.

7.10 **29.02.12:** A further petition with 49 signatories and 104 representations from 75 addresses was hand-delivered to the Authority objecting to the proposal on grounds as above and additionally from local businesses:

- Loss of business / income;
- Traffic generation unacceptably detrimental;
- On-site leisure facilities would take business away from similar established businesses in the area; and
- Preserve heritage.

7.11 **Other Representations:** 18 separate representations received objecting to the proposal on the same grounds listed above.

7.12 **20.02.12:** Church of Christ the King, 455 Chingford Rd: Petition with 168 signatories objecting to the proposal on the following grounds:

Access to and from the Church would be difficult;

Possible relocation of bus stop further away from the Church would reduce accessibility, particularly for the elderly;

Increase in traffic / congestion; and

Increase in crime resulting from underground car park.

7.13 **Individual Representations [Emails and Letters]:** 52 representations received objecting to the proposal on the following grounds:

- Scheme not viable;
- Loss of employment;
- Change of use / loss of greyhound facility;
- Insufficient leisure offer and s106 contribution;
- Impact on listed buildings;
- Increase in crime;
- Insufficient public consultation;
- Inappropriate housing mix;
- Density / overdevelopment / contrary to the London Plan;
- Insufficient supplementary information following revisions to the scheme;
- Insufficient local infrastructure provision including education;
- Housing need can be accommodated without redevelopment of the site;
- Affordable offer confusing;
- Opposition from Stella Creasey MP and The Rt Hon Iain Duncan Smith MP;
- Loss of public space;
- Proposal would devalue neighbouring properties;
- Overlooking / loss of privacy;
- Loss of light;
- Effect on properties along Rushcroft Road in terms of the type of houses proposed on this street;
- Noise / smells / disturbance;
- Design;
- Increased traffic generation / congestion;
- Effect on utilities networks and neighbouring properties during construction;
- Cultural and heritage impact / Impact on listed buildings;
- Scale of use unacceptable;
- Insufficient number of family housing;
- Increase in flooding;
- Out of character;
- Cinema and bowling alley preferred as leisure offer;
- Leisure facilities should be accessible for all; and

Employment required, not more housing.

18 representations received supporting the proposal on the following grounds:

Housing need;

Family leisure need;

Greyhound use encourages gambling; and

Cruelty to animals.

3 representations received neither objecting nor supporting the proposal raising the following issues:

- Traffic impact on the junction outside the stadium and the Crooked Billet roundabout.
- Ensure skateboard park does not become a magnet for undesirable elements of the community.
- Any development of the site should retain greyhound racing.

**7.14 Walthamstow Stadium Area Residents / Community Association:**

Representation received on 20<sup>th</sup> March 2012 objecting to and commenting on proposal with the following:

- Overlooking into Empress Avenue properties from the proposed development, particularly from the five to eight storey blocks.
- Loss of privacy.
- Increase in crime as a consequence of natural surveillance to existing residential properties.
- Mitigation measures to address overlooking into existing residential properties such as obscured glazing does not address the problem as windows can still be opened.
- Inaccurate drawings. The angles mean these properties and the ones next to them will see into properties on both sides of the road and directly into loft conversions and bedrooms of existing houses on the even side of Empress Avenue.
- Proposal would facilitate crime through increased permeability of the site. No requirement for the access into the site from Empress Avenue.
- Proposed trees would not provide screening.
- Residents will suffer from increased flooding in surrounding roads / gardens / properties.
- Concerns where the applicant wishes to use land, which is not in their ownership, particularly in relation to the side of 48 Empress Avenue.
- Hours of construction. Request for weekly construction works to be carried out on a fortnightly basis [one week on / one week off]

as it would be subject to noise, dust, asbestos causing detriment to people's health and quality of living.

- Assurance that any dirt, dust and debris that enters the site will be cleared at the applicant's expense and not at the expense of the residents and that any damage done to properties / fences / boundaries, etc will be made good.

**Further representation made on 26<sup>th</sup> April 2012:**

- The applicant has not at any time consulted with local residents or invited local residents to comment on their revised planning applications, nor have they informed us of and then held any public meeting relating to their revised plans.
- As this is now before planning on 8th May it is unfair to local residents that a set design has still not been finalised.
- The further amendment to put obscured glazing to avoid direct overlooking is insufficient to prevent overlooking as windows have to have the facility to open thus the privacy issues remain.
- Angling of windows is insufficient to remove overlooking and privacy issues and may mean that although the privacy issues with an adjacent premises are reduced, there would be new privacy issues for the properties the windows are angled at.
- Balcony screening does not remove privacy issues. To correctly screen a balcony where people cannot overlook would mean the balcony would need to be fully blocked by obscured glass as people can stand on a chair etc.
- The issues raised on privacy, right to privacy, right a family life and other human right issues still remain valid and we wish to exercise those rights.
- Local residents do not want planning granted unless there is a scheme in place that meets the approval of the local residents that is a set scheme with set plans and a set design.
- The scheme as it is, remains confusing with so many options built in and items within documents that contradict each other that it is unfair to pass the application as it stands.
- Due to the time constraints we do not have the time or resources to go door to door obtaining signatures however from the objections already received you will be aware of the number of people who are concerned on privacy and overlooking issues.

**London Borough of Waltham Forest: Internal Consultation**

**7.15 LBWF Transport Planning and Highways:**

- The TA states a ratio of 0.74 which is greater than the 0.7 maximum standards previously agreed by Transport Planning and the TfL letter of 28<sup>th</sup> June 2011. Any increase in this could undermine the viability of the proposed car club scheme. Please

revise this figure downwards to the original agreed ratio of 0.7. Upon completion of development works, the applicant should also consider charging for secured parking as an optional extra purchase as a means of managing parking.

- The leisure and nursery uses are to be assessed on the basis of site-specific Travel Plan for each use as outlined in the Council's Draft Development Management Policies [2011].
- A developer-funded CPZ for Empress Avenue and Rushcroft Road should be considered to prevent overspill parking in these areas particularly given the active uses on site.
- While not necessarily a Transport Planning issue, the Council's Police Crime Prevention & Design Adviser has previously expressed reservations on the suitability of large scale undercroft parking in the Borough.
- Cycle parking to be provided as follows:
  - Dwellings with 1-2 bedrooms: [37+176] 213 spaces; and
  - Dwellings with 3 or 4 bedrooms [81 x 2] 162 spaces.
  - The total residential element is therefore 375 cycle spaces. The amount of and locations outlined for visitor parking for the residential uses is considered acceptable but should be covered. The 22 cycle parking spaces outlined in the Plan for the leisure centre and nursery should be secure, covered and situated as close to the entrances of the non-residential elements as possible.
  - Additional passive surveillance and lighting as a result of residential development of the pedestrian / cycle laneway is welcomed, but more works are required to upgrade the pathway and provide additional safety and security of the route. s106 monies are likely to be required for additional pathway lighting, widening of lane [removal of sharp corners] where necessary and security measures including CCTV.
  - An outline Travel Plan is not acceptable. A full Travel Plan with specific measures and targets to reduce reliance on single occupancy vehicle use can and should be submitted at the application stage for this development, as users are already known [residential, nursery, leisure centre]. The Travel Plan should address each use and adhere to TfL guidance on travel planning for new development.
  - Highways have not stated an objection to the proposal however, made observations regarding development layout, highway works on Chingford Road, parking provision, road safety, refuse and waste management, lighting, flood risk and drainage, impact on public transport and s106; matters addressed through this report.

#### 7.16 LBWF Environmental Health:

- Air Quality: Mitigation measures agreed to prior to planning permission being given.
- Condition to be included requiring CHP to unit adheres to emission levels set out by the GLA.
- 106 requirement of £100 per dwelling for residential units, an additional £750 per parking space [excluding disabled parking bays] and £10 per square metre [£209,260] for commercial space of more than 250sqm.
- Condition to be included in relation to contaminated land including soil sampling and laboratory testing.
- Any asbestos containing materials [ACMs] to be removed in compliance with current legislation

7.17 **LBWF Urban Design:** This is a major development, which has generated significant public interest and which raises a number of fundamental planning policy and urban design issues. It is also recognised that any development of this size and scale will inevitably have an impact to a greater or lesser degree on residents living in the immediate vicinity and officers would not wish to argue that this is not the case in this instance. The assessment of any such impact must however be based not on the question of whether there is an impact, but whether that impact is so significant as to outweigh the broadly positive elements of the scheme.

7.18 Officers have considered the proposed scheme in both broader urban design terms and in a detailed analysis of the potential impact on local residents in relation to issues of privacy and overlooking. The measures taken by the applicant to mitigate any such impacts are considered acceptable and that the broader design principles and wider regeneration benefits of the proposed scheme are acceptable and will result in a scheme of high quality.

7.19 **LBWF Housing:** Senior Occupational Therapist raised concern regarding internal layouts of the wheelchair units so would hope to see the revised layouts for them to make sure they comply with the Council's Inclusive Housing Design SPD [2011]. All wheelchair units must show a fully accessible unit from the outset as would be expected of all developments within Waltham Forest and housing associations delivering within WF should be familiar with this. Whilst certain flexibility may be accommodated at a later stage dependent on tenure, all units must still demonstrate that the overall footprint is sufficient to encompass all the additional space required to make it accessible from the outset. The comments I have made relate to the need to see accessible layouts from the outset but allowing the flexibility.

7.20 **LBWF Education:** s106 contribution requested based on Planning Obligations SPD = £1,046,170 [Primary = £504,672 + Secondary = £541,498].

7.21 **LBWF Energy Efficiency Officer:** Development reduces carbon dioxide emissions by 30% and achieves Code for Sustainable Homes

Level 4, through a combination of efficiency measures, plus community heating with CHP [against 2010 Building Regulations]. Target is exceeded. Photovoltaics is optional.

- 7.22 **LBWF Tree Preservation and Nature Conservation Officer:** Good to see significant increase in the provision for wildlife and significant increase for trees and shrubs as a whole. Gardens along the Rushcroft Road side are still significantly small particularly to the rear of 33-51. This leaves little room for planting trees to increase the green corridor and provide privacy between the existing properties and a wildlife habitat as recommended. Detailed tree / hedge species required. Would like to see specific improvement in bird nest sites and bat roosts.
- 7.23 **LBWF Planning Policy:** Principle of development is supported through the LBWF LP Core Strategy [2012].
- 7.24 **LBWF Community Safety:** Support any proposals for lighting and CCTV for the pathway along the southern boundary of the site towards Highams Park.

#### **External Consultation**

- 7.25 **Greater London Authority:** Application was referred to the Greater London Authority [GLA] under Category 1A of the Town and Country Planning (Mayor of London) Order 2008. Category 1A is 'Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats'. The GLA's Stage 1 recommendation states '*That Waltham Forest be advised that while the application is generally acceptable in strategic planning terms, the application does not comply with the London Plan... but that possible remedies... could address these deficiencies*'.
- 7.26 The GLA state, '*The principle of housing-led redevelopment of the site is acceptable and in accordance with strategic planning policies. However, there are outstanding issues regarding the detailed design of the additional on-site leisure provision, housing, children's play space, urban design, inclusive design, climate change and transport, that must be considered before the application can be considered acceptable in strategic planning terms.*'
- 7.27 The applicant has revised the scheme, in consideration of the Mayor of London's Stage 1 Report and following consultation to neighbouring residents and has provided a detailed response to the Greater London Authority to addresses the matters raised.
- 7.28 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.
- 7.29 **Transport for London:** When taken with other planned / committed developments in the area, Transport for London [TfL] expects that this development will cause a capacity problem on the bus network, particularly on the Blackhorse Lane corridor. In accordance with

London Plan Policy 6.3 *Addressing effects of development on transport capacity*, and Policy 6.7 *Better streets and surface transport*, TfL has therefore requested a contribution towards mitigating the capacity problem on the network, which has not to date been committed to by the applicant. TfL reiterates that this development is likely to generate the need for an additional journey in the busiest directions in the peak hour. A contribution of £210,000 [£70,000 per annum for a typical period of three years] is therefore considered reasonable and necessary. **Note: This figure has been revised up to £286,000 since the initial comments were made by Transport for London.**

- 7.30 **English Heritage:** We welcome the reduction in the height of the blocks next to the Entrance Tote, but remain concerned about the massing in the centre of site with relation to the setting of the listed buildings. We remain concerned about the juxtaposition of scales next to the listed kennels provided by the proposed part eight-storey building. This response relates to historic building and historic area matters only.
- 7.31 **Archaeology:** The proposed redevelopment of the site has the potential to damage or remove heritage assets of archaeological interest, particularly in running track area where they may be less truncation. The archaeological position should be reserved by attaching a condition to any consent. Referring to standing buildings, the proposed redevelopment plans do retain some of the historic buildings and structures on the site, but these will be altered and the remaining elements of the site lost under the present application. Should the loss of these assets be justified, a record of the significance of the stadium should be made to advance understanding of the assets, secured by a condition to any consent.
- 7.32 **Listed Building:** An application for Listed Building Consent [Ref: 2011/0907/LB] was submitted concurrently with this planning application. The main revisions to the listed building application for the Entrance Tote building involve the provision of a skateboarding and BMX leisure facility on the upper deck of the street frontage [a former car park deck] and the adaptation of the interior of the Tote for climbing walls.
- 7.33 **English Heritage** are unsure whether further alterations beyond those shown will be needed to the car deck for the skateboarding and the information supplied comments about finalising the design in consultation with English Heritage. Those discussions have not been concluded and given the nature of the car deck, consider it would not be suitable for resolution by condition. In the absence of this information, it is considered it would be premature to determine this proposal.
- 7.34 **Environment Agency:** No objection subject to conditions and a contribution of £73,644 towards environmental improvements.
- 7.35 **CABE:** Supportive of the proposal.
- 7.36 **Sport England:** No formal objection.

- 7.37 **NHS:** The site is located in an area of health deficiency [as evidenced in the draft NHS Outer North East London Estate Strategy 2011] and would create a demand for health care that could not be easily accommodated locally. To offset this impact, the PCT would require a planning contribution in accordance with the HUDU model. Calculations show that to offset the impact of the proposed 301 homes, a contribution of £362,476 for health will be required. This contribution would be used to fund necessary improvements to the local polysystem, such as local GP practices and the Walthamstow polyclinic as part of the PCT's 'hub and spoke' polyclinic model.
- 7.38 **Crime Prevention Design Adviser:** Secured By Design to be incorporated into the proposal.
- 7.39 **Redbridge and Waltham Forest Primary Care Group:** No response received at the time of writing.
- 7.40 **GreenSpace:** No response received at the time of writing.
- 7.41 **Twentieth Century Society:** No response received at the time of writing.
- 7.42 **Georgian Group:** No response received at the time of writing.
- 7.43 **Council for British Archaeology:** No response received at the time of writing.
- 7.44 **Ancient Monuments Society:** No response received at the time of writing.
- 7.45 **Society for the Protection of Ancient Buildings:** No response received at the time of writing.
- 7.46 **Victorian Society:** No response received at the time of writing.
- 7.47 **Stella Creasey MP:** In summary, application should be refused on heritage and planning grounds. This application seeks not only to demolish listed buildings but also to permanently alter the use of this site from its original intended purpose- the very purpose for which it was listed.
- 7.48 **The Rt Hon Iain Duncan Smith MP:** *[Note: Request for the following statement to be read aloud at the Planning Committee on 8<sup>th</sup> May 2012].*
- I urge the Council to reject Planning Application 2011/0898, which is L&Q's application to turn Walthamstow Stadium into a housing estate. I also urge the Council to consider the mounting evidence that L&Q's plans are not good value for money for the public purse. I especially note L&Q's own consultants, Jones Lang LaSalle, found that L&Q cannot afford to make any contributions towards Section 106 costs out of this site. This underlines the fact that L&Q stand to make a huge loss on this site.
  - I would also encourage the Council to note the Mayor of London's recent statement of support for greyhound racing on

this site and the fact that he has raised doubts about L&Q's plans. The Mayor of London said on 13th April [2012] that he was *"becoming more and more concerned about this planning proposal as more information comes to light, of which the failure to deculvert the river is just the latest"*. He also asked that the Council *"carry out robust local consultation so that all residents are clear what is proposed"* and states that he *"would welcome a user who was able to facilitate"* greyhound racing on the site.

- Walthamstow Stadium is an iconic feature of the local community and a heritage asset, as English Heritage has made so abundantly clear. The vast majority of my constituents and local residents want to see greyhound racing on this site and are opposed to L&Q's plans. I therefore urge the Council to consider the wishes of local residents and protect the interests of the local community.

7.49 **Save Our Stow:** Object to the proposal. The following text was submitted by Save Our Stow and represents a summary of the issues of objection to the revised scheme. Save Our Stow also submitted a 150 page objection in relation to the original scheme. It is understood that the current summary summarises their response to the original and the revised scheme. The bullet point format listed below highlights the main areas of objection from Save Our Stow. The Group state that these objections are backed up with evidence and supporting information as submitted to LBWF over the past year or so:

- The change of use is not appropriate and should be refused. The track was viable before it was closed in a contrived attempt to try to help justify a residential use via non-viability. There is a business plan that is current from Bob Morton to re-open the track. Existing and emerging policy suggests the change of use should be refused. The Inspector at the Core strategy EIP confirmed that the facility was and is viable. The LPA must resist the loss of employment, community and leisure activities from this site.
- Determination of the application is premature until the site specific allocation documents of the core strategy are published.
- The design in terms of housing unit mix and affordable housing provision is not policy compliant. 50% provision of 3 bed and above across all tenures is not even close. 30% affordable provision against a 50% target, by an RSL is embarrassing.
- The design with respect to its relationship to listed and enclosure-listed buildings is inappropriate. English Heritage agree saying that the height in the middle of the site and the tower next to the kennels are not acceptable.
- The design in terms of overlooking and affect on neighbouring houses amenity is not policy compliant.

- The scheme is too dense according to the GLA matrix and recent secretary of state directive as detailed in the appeal over turn for the Billet Road site known as Banbury Park just 12 months ago.
- There are flaws in the developers flood risk attenuation proposals. The site was a rubbish tip in the past and the capacity of that made ground has not been properly assessed by the EA who assume it will be saturated at time of flood. This is not the case as historical evidence from people that worked there has shown. The LPA must investigate this further to be sure that the flood modelling is accurate. The LPA are on notice about this technical issue and must ensure it is properly resolved.
- The proposal to de-culvert the river now seems a non-starter. The amenity improvements this idea provided as illustrated by the applicant therefore all fall away. Many of the consultees are not aware of this change and if they were we suggest would have a different view of the proposals.
- The site was used as a rubbish tip after 1919. This fact has not been properly investigated in terms of contamination for future use for residential nor for structural suitability to build over. If the 1.3m of made ground over the site has to be removed before construction can commence this will have serious environmental consequences for the neighbouring properties.
- The scheme does not provide adequate compensation for the proposed loss of the leisure facilities. £1.75m is woefully inadequate.
- The scheme is financially non-viable. The applicants' own consultants have already admitted they cannot afford to pay any section 106 contributions. SOS have submitted a residual value calculation demonstrating a £26m loss in order to deliver just 88 affordable units in place of the viable leisure and employment use of the listed buildings in their original use which the public so clearly want to see back.
- SOS are concerned that the traffic generation figures have been fudged and are out of date. The LPA highways authority must thoroughly examine the report submitted.
- The applicants have engaged in only superficial public consultation and when they have they have been told in no uncertain terms that the public want a dog track at this site. A message they continue to ignore.
- The applicants proposed dance studios, allotments and nursery facilities are not commercially viable and no evidence to the contrary has been provided.
- The applicants should be censured for land-banking this site in a manner which now ensures the borough has a festering eyesore

to show the world during the Olympics instead of the thriving entertainment venue that would have been here, generating income for the borough, had they not been so misguided.

## **8 PLANNING POLICY CONSIDERATIONS**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'*

8.2 In this instance, the Development Plan comprises:

- The London Plan [2011]; and
- The LBWF LP Core Strategy [2012].

8.3 Policies taken into account from the London Plan [2011]:

2.8 Outer London: Transport

3.1 Ensuring Equal Life Chances for All

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential

3.5 Quality of Design of Housing Developments

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 on Individual Private Residential and Mixed Use Schemes

3.13 Affordable Housing Thresholds

3.16 Protection and Enhancement of Social Infrastructure

3.18 Education Facilities

5.1 Climate Change Mitigation

5.2 Minimising Carbon Dioxide Emissions

5.3 Sustainable Design and Construction

5.7 Renewable Energy

5.12 Flood Risk Management

5.13 Sustainable Drainage

5.17 Waste Capacity

5.18 Construction, Excavation and Demolition Waste

5.21 Contaminated Land

6.3 Assessing Effects of Development on Transport Capacity

6.9 Cycling

6.13 Parking

7.1 Building London's Neighbourhoods and Communities

7.2 An Inclusive Environment

7.3 Designing Out Crime

7.4 Local Character

7.6 Architecture

7.8 Heritage Assets and Archaeology

- 7.14 Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

8.4 Policies taken into account from the LBWF LP Core Strategy [2012]

- CS1 Location and Management of Growth
- CS2 Improving Housing Quality and Choice
- CS3 Providing Infrastructure
- CS4 Minimising and Adapting to Climate Change
- CS5 Enhancing Green Infrastructure and Biodiversity
- CS6 Promoting Sustainable Waste Management and Recycling
- CS7 Developing Sustainable Transport
- CS9 Promoting Better Education
- CS10 Creating More Jobs and Reducing Worklessness
- CS11 Tourism Development and Visitor Attractions
- CS12 Protecting and Enhancing Heritage Assets
- CS13 Promoting Health and Well Being
- CS15 Well Designed Buildings, Places and Spaces
- CS16 Making Waltham Forest Safer

**9 MATERIAL CONSIDERATIONS: POLICY GUIDANCE**

9.1 National Planning Policy Framework [Mar 2012]

On 25<sup>th</sup> July 2011, the Government published the draft National Planning Policy Framework [NPPF] for consultation. The NPPF was published in its final form and came into immediate effect on 27<sup>th</sup> March 2012. It is a material consideration in the determination of all planning decisions and introduces a presumption in favour of sustainable development described as “a golden thread running through...decision taking.”

There are 13 policy headings under ‘Achieving sustainable development’ that replace a significant amount of previous policy, including Planning Policy Guidance and Planning Policy Statement documents:

- Building a strong, competitive economy;
- Ensuring the vitality of town centres;
- Supporting a prosperous rural economy;
- Promoting sustainable transport;
- Supporting high quality communications infrastructure;
- Delivering a wide choice of high quality homes;
- Requiring good design;
- Promoting healthy communities;
- Protecting Green Belt land;

- Meeting the challenge of climate change, flooding and coastal change;
- Conserving and enhancing the natural environment;
- Conserving and enhancing the historic environment; and
- Facilitating the use of minerals.

The NPPF sets out 12 core land-use planning principles where planning should:

- Be genuinely plan-led;
- Be a creative exercise in improving places;
- Drive and support sustainable economic development;
- Seek to secure high quality design;
- Take account of different area characteristics;
- Support the transition to a low carbon future;
- Contribute to conserving the environment;
- Reuse land that has been previously developed;
- Promote mixed use developments;
- Conserve heritage assets;
- Manage growth to make full use of public transport; and
- Support strategies to improve health, social and cultural wellbeing.

#### 9.2 Planning Obligations SPD [2008]

This document seeks to provide a transparent, clear and consistent basis for the negotiation of planning contributions.

#### 9.3 Urban Design SPD [2010]

This document has the aim of raising the quality of design within the Borough and to improve local character in all new developments.

#### 9.4 Inclusive Housing Design SPD [2011]

The core principles underlying the advice in the SPD are inclusive design and the social model of disability. The Lifetime Homes standards of the Joseph Rowntree Trust are applied across London and are incorporated into the London Plan [2011].

#### 9.5 Inclusive Design for Non Residential Buildings SPD [2011]

This SPD is intended to raise awareness about inclusive design and raise the standard and quality of all non-residential development in the Borough. The objective being to ensure that buildings and their settings provide an inclusive environment that is usable by everyone.

#### 9.6 Waltham Forest Sustainable Community Strategy

The Council's Sustainable Community Strategy is a collective, long-term set of ambitions and priorities for the Borough and its position within London. The strategy identifies what the Council and partner organisations, such as the Police and health services, will do to build a more sustainable, prosperous and integrated community. Various priorities and commitments are identified including improving housing quality and choice with the right kind of homes in the right places.

9.7 Draft Development Management Policies [Jan 2011]

DM1 Mixed Use Development  
DM2 Meeting Housing Targets  
DM3 Affordable Housing Provision  
DM5 Housing Mix  
DM7 Amenity and Internal Space  
DM8 Housing Quality and Accessibility  
DM12 Decentralised and Renewable Energy  
DM17 Parking  
DM18 Social Infrastructure  
DM22 Improving Job Access and Training  
DM24 Health and Well Being  
DM29 Heritage Assets  
DM30 Design Principles, Standards and Local Distinctiveness  
DM31 Inclusive Environment and Built Environment  
DM33 Managing Impact of Development on Occupiers and Neighbours  
DM34 Improving Community Safety

**10 MATERIAL CONSIDERATIONS: OTHER PLANNING ISSUES**

Principle of Development and Loss of Former Use

- 10.1 The proposal involves the loss of the former greyhound stadium. There are no policies that specifically support the retention of the greyhound use and that its loss in the context of both strategic and local planning policy is considered acceptable in principle.
- 10.2 The Greater London Authority has provided pre-application advice in respect of an earlier redevelopment proposal for the site. The advice noted that, *'Given that the site is not designated for a specific use and is in an out-of-centre location, the loss of the existing facility does not raise strategic concerns when considered against the London Plan'*.
- 10.3 Further, Policy 3.19 *Sports Facilities* of the London Plan [2011], states that *'proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted.'* Whilst no definition of a sports or recreational facility is provided in the policy, the strategic objective as set out in the Mayor's Sports Legacy Plan *'aims to increase participation in, and tackle inequality of access to, sport and physical activity in London particularly amongst groups / areas with low levels of participation.'* The policy is of less relevance in respect of the existing use, which is spectator rather than activity-based. In addition, greyhound racing is not defined as one of the *'recognised sports'* listed by Sport England.

- 10.4 Policy 4.6 *Support for and Enhancement of Arts, Culture, Sport and Entertainment Provision* of the London Plan [2011] seeks to support and enhance the provision for arts, culture and entertainment. Whilst the definition of '*arts, culture and entertainment*' could include the use of the site of the greyhound stadium, there is no specific clause in Policy 4.6 restricting the loss of any such defined facility.
- 10.5 The Inspector's report on the Waltham Forest Core Strategy dated 1<sup>st</sup> December 2011 included the following comments in paragraphs 114 and 115
- There is no evidence to suggest a need for such a stadium in such a place. The stadium has been closed for three years, yet no evidence was produced, or suggested, that its closure has had an adverse effect on the sport as a whole. There is no corporate plan for the greyhound racing industry and so no evidence to demonstrate a continuing need for a flagship stadium at this location in Waltham Forest.
  - The London Plan is silent on the need for greyhound racing provision within London, so there is no evidence of a regional need for such a facility. The Retail and Leisure Study of Waltham Forest commissioned by the Council from Nathaniel Lichfield and Partners examines the need for various commercial leisure uses in the borough. It advises that there is limited potential for major commercial leisure facilities within Waltham Forest Borough, suggesting potential only for a 4-5 screen multiplex cinema, private health club facilities and possibly small to medium night club facilities. It appears that the case for re-use as a greyhound stadium is based on history and sentiment, not objective need.
- 10.6 Policy CS1 *Location and Management of Growth* of the LBWF LP Core Strategy [2012] encourages development on '*key sites*' including Walthamstow Dogs Stadium that will '*benefit the wider community including housing, employment, leisure and community uses*'.
- 10.7 Policy CS2 *Improving Housing Quality and Choice* of the LBWF LP Core Strategy [2012] further states that the delivery of new homes will be focused in Waltham Forest's key growth areas and other '*key sites*' in the Borough to meet or exceed a housing target of 10,320 new homes over the Plan period.
- 10.8 In accordance with the Draft Proposals Map of the LBWF LP, the majority of the site is illustrated as white land [i.e. it is non-designated]. Stretching along the southern part of the site from east-to-west running parallel with the existing south part of the track is designated as an Archaeological Priority Zone [APZ] and Green Corridor [where the spectator stand is situated]. English Heritage raise no objection to the principle of development in archaeological terms. Regarding the Green Corridor, Policy CS5 *Enhancing Green Infrastructure and Biodiversity* of the LBWF LP Core Strategy [2012] states '*The Council will endeavour to protect and enhance green infrastructure and biodiversity*

*and to maximise access to open spaces across the Borough by... establishing and extending the Borough's Greenways, Green Corridors...*" The majority of the area of the site where this designation is situated contains the spectator stand and would be replaced by housing and garden space. By replacing the spectator stand with the proposal as designed, it would provide garden space on this part of the site that could improve biodiversity and make a positive contribution to the aim of policy.

- 10.9 Policy CS11 *Tourism Development and Visitor Attractions* of the LBWF LP Core Strategy [2012] seeks to '*...protect and enhance the quality of tourist development and visitor attractions in the designated town centres*'. It does not seek to protect such uses outside of designated town centres. The site is located in an out-of-centre location.
- 10.10 Accordingly, the principle of development and proposed land use mix is considered to be in accordance with the Development Plan.

#### Design / Appearance

- 10.11 The proposal has been designed to reflect the greyhound track so as to preserve the history of the site. The layout would also result in enhanced permeability that creates active areas within open space and sports and leisure facilities, amongst other uses.
- 10.12 The applicant has submitted a Design and Access Statement, which comprises a detailed appraisal of the application site, including its history and development, the special interest of the listed buildings, key views within and across the site, and an analysis of surrounding urban scale, land use and character.
- 10.13 The Statement then sets out a detailed design rationale for the proposal, focussing on scheme layout and integration, land use, building scale, retention and conversion of the listed buildings, architectural design, landscape and amenity.
- 10.14 The proposed scheme design has regard to the broad design principles set out in the Council's informal Urban Design Guidance prepared for the site in July 2009, along with other relevant planning policy and design guidance at local, regional and national level.
- 10.15 This informal Urban Design Guidance [2009] sets out a number of principles, focussing on the following key issues;
- Protecting the long-term setting and future of the listed buildings, in particular the visibility and silhouette of the iconic Tote Board.
  - Defining a '*race track-inspired*' layout with the development of a significant area of open space to maintain the historic character of the site and its setting.
  - Integrating the site with its surroundings, with clear and convenient routes through the site linking it with adjacent residential areas and open space.

- A robust building layout and block structure, with active building frontages onto the public realm to provide passive surveillance and overlooking around the site.
- An appropriate scale of buildings with heights kept lower at the western end of the site and opportunities for additional height at the eastern end, subject to a high quality of design.
- The Guidance also provided an illustrative scheme as an example of a potential layout which would be considered appropriate in addressing the key design principles set out in the document. To note, the illustrative scheme was considered to represent just one potential solution among many and not to be read as indicative of the maximum height or massing, which may be permitted.

#### *Site Layout*

- 10.16 The site layout reflects the spectator stands within the site, with the two central sections comprising apartments being separated by a raised communal garden. Terraced houses are positioned adjacent to the north and south boundaries of the site that reflects the nature of land use and property type immediately adjacent.
- 10.17 The south-east corner of the site where there are fewer constraints in respect of adjoining properties provides an opportunity for a greater urban form.
- 10.18 The Grade II listed buildings in the form of the Tote and the kennels have been retained.
- 10.19 The applicant has sought to address all of the key design principles set out in the Council's informal Urban Design Guidance [2009]. Although proposing a different layout to that suggested in the Guidance, is considered to be an appropriate and generally, well-considered design response within the special context of the site and its setting. The layout seeks to echo the historic layout and geometry of the former greyhound track in proposing two central apartment blocks running east-west across the site which are tapered opposite the Tote Board to reflect the track's previous curvature.
- 10.20 At their eastern end, the two central blocks are splayed to open out onto an area of play space and adjacent allotments to provide an appropriate setting to the listed kennels. This is combined with a clear and central open space at the heart of the scheme providing landscaped amenity space for residents of the two blocks. The layout of these blocks and the location of the long central open space is intended to assist to frame views across the site and provide inter-visibility between the two listed buildings at either end. Two new terraced blocks along the northern and southern boundaries also seek to reflect the site's former layout in following the general alignment of the existing stands. The applicant has stated that all homes meet private amenity space requirements with 93% exceeding amenity space standards set by the Greater London Authority.

- 10.21 The scheme backs onto existing residential properties in Rushcroft Road and Empress Avenue. Along the northern site boundary, a terraced block of three-to-four storey properties is proposed, which completes a *'perimeter block'* arrangement with the rear gardens of properties backing onto the rear gardens of existing housing in Rushcroft Road. Similarly, along the south-western end of the site, a terrace of three-to-four storey properties with private rear gardens backing onto existing properties in Empress Avenue completes a perimeter block layout arrangement.
- 10.22 The proposal provides integration with the surrounding area. The main vehicular and pedestrian entrance is located at the north-western corner of the site, with four other pedestrian links provided at access points across the site, linking the development with adjacent residential streets, Rush Croft School and nearby open space. The Council's informal Urban Design Guidance [2009] also proposed a short north-south route running between existing properties in Rushcroft Road, although following extensive discussions between the applicant, the Authority and the Greater London Authority, this has been omitted. The applicant suggested that this route would not be heavily used and would present a security risk to residents, leaving gardens to houses adjacent to the route on Rushcroft Road vulnerable.

*Safety and Security*

- 10.23 The proposal seeks to respond positively to the principles of Secured By Design through the creation of active areas and open / public spaces. This assists in promoting natural surveillance and reduces the risk of criminal activity. A condition is recommended to any planning permission to ensure such Secured By Design initiatives are integrated into the scheme at the detailed design stage.

*Scale and Massing*

- 10.24 Building heights to the proposed north and south linear blocks adjacent to the two-storey Rushcroft Road and Empress Avenue properties range from between two-to-four storeys. Where neighbouring properties currently face towards the spectator stands within the site, the building heights of the new properties along the boundary are three-to-four storeys in height. In the north-east corner of the site, where there are no existing grandstands, building heights are two and three storeys.
- 10.25 The buildings in the central blocks comprise four-to-five storeys and are designed to respect the scale of the main Tote building. The scale and mass of the two central linear blocks of flats has been reduced through the incorporation of an upper storey break in the blocks to enhance visual permeability across the site. The scale and massing of the blocks is reduced by the use of recessed facades, glazed staircases and window and balcony detailing.
- 10.26 The proposed scheme comprises a range of building heights in response to the specific context of each part of the site. Broadly, these range from two-to-three- and three-to-four-storey residential buildings

backing onto existing properties in Rushcroft Road and Empress Avenue, four-to-five storeys in the centre of the site along both central blocks, a block of five-to-seven storeys following the line of the River Ching along the southern boundary and a five-to-eight-storey block in the far south-eastern corner adjacent to the kennels and open space.

- 10.27 The scale and massing of development is challenging, both in terms of the potential impact on existing residential properties and in relationship with the listed buildings. The applicant has sought to achieve accord with the design principles set out in the Council's informal Urban Design Guidance [2009], in proposing lower height buildings to the western end of the site with a gradual increase in heights towards the eastern perimeter, further away from existing residential properties.
- 10.28 Active ground-floor frontages provided across the scheme with front doors opening out onto the public realm. This is further enhanced with smaller front gardens providing a threshold between private and public space. Streets are also enlivened with the provision of on-street parking interspersed with trees and planting combined with a '*traffic-calmed*' approach to assist pedestrian and cycle priority.
- 10.29 The architectural expression seeks to reference the 1930's architecture of the listed buildings, albeit in a modern vernacular. Materials include an appropriate mix of London stock brick, white render, timber front doors, metal and coloured glass panelling, and zinc rooftop elements.

#### *Identity*

- 10.30 The identity of the site is captured by the main Tote building fronting Chingford Road. To the south-east corner of the site, the opportunity for a taller building is afforded where it is less constrained by neighbouring land uses. Having regard to Policy 7.7 *Location and Design of Tall and Large Buildings* of the London Plan [2011], the site provides an opportunity for the development of a moderately taller building to enhance the character and identity of the site from the surrounding area. Accordingly, an eight-storey building is proposed, which would be visible from across the adjoining playfields and possibly beyond.

#### Heritage Considerations

- 10.31 Policy CS12 *Protecting and Enhancing Heritage Assets* of the LBWF LP Core Strategy [2012] seeks to promote the conservation, enhancement and enjoyment of the Borough's heritage assets, including listed buildings and Archaeological Priority Zones.
- 10.32 The proposal allows for the retention of the listed buildings and seeks to ensure they have future uses, and would benefit the local community. The design has sought to evoke memories of the greyhound stadium as well as the relationship between the listed Totes and the typography of the spectator stands.
- 10.33 Part of the site is designated an Archaeological Priority Zone, in accordance with the LBWF LP Draft Proposals Map. Policy DM29

*Heritage Assets* of the LBWF LP Draft Development Management Policies [2011] states that *'The Council will ensure the preservation, protection and where possible the enhancement of the archaeological heritage of the borough. Where proposals affect heritage assets of archaeological interest, preference will be given to preservation in situ'*.

- 10.34 Policy 7.8 *Heritage Assets and Archaeology* of the London Plan [2011] states that *'development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'*. The retention of the existing listed buildings, which comprise the kennels, Tote boards, west spectator stand and parking garage, provide these structures with new uses to better reveal their significance as heritage assets.
- 10.35 The proposal would result in the demolition of the non-listed buildings on the site. The spectator stands, which are curtilage listed, are not considered to be worthy of retention in terms of their individual merit, their contribution to the wider stadium complex, or having regard to the long-term viability and retention of the designated heritage assets. When all of the buildings at the Stadium were originally assessed for listing in 2007, the stands were specifically excluded from the listing and a request was made in September 2010 to spot-list the stands, and was subsequently dismissed by English Heritage.
- 10.36 The incorporation of sensitive additions and alterations to the retained listed buildings include two single-storey and lightweight glazed structures to the main Tote building. This facilitates the provision of the Community Sports Centre that creates activity at the front of the building. These additions are designed to be of a simple, but high-quality design so not as to compete with the historic fabric of the listed building.
- 10.37 The enhancement of the setting of the retained heritage assets are set out:
- Maximising the axial connection between the two listed Tote structures at either end of the site. A large communal garden, positioned between the two central blocks, emphasises the connection between the two groups of listed buildings at either end of the site.
  - Ensuring that the built form of linear residential streets and the internal roads reflects the typography of the long grandstands and the racetrack.
  - Arranging the layout and heights of the proposed buildings so not as to compete with the existing building silhouette, or its appreciation from surrounding streets and vantage points.
  - As outlined in the Council's informal Urban Design Guidance [2009], incorporating a 'racetrack-inspired' open space within the site, but without adhering to its existing shape or size.
  - Proposing a variety of new open spaces to provide an enhanced and accessible setting for the listed buildings. The spaces

include a 'plaza' to the front of the main Tote and an elevated communal garden, which emulates the raised race track.

- Evoking memories of the track layout through the straightened layout of the road, the curvature of the proposed buildings, the location of new tree planting and in the use of landscaping materials.
- Selecting materials for the new-build elements, which complement the existing and assist in the legibility of the original structures.

10.38 To address scale and impact on the listed buildings, the central blocks have been reduced in height to four storeys at their western end nearest to the Tote building. This responds to the scale of the listed building.

10.39 The scale of the central blocks avoids interference with the distinctive silhouette of the iconic Tote building. The setting of the listed building is enhanced with a new public space immediately opposite along with the raised central garden between the two central blocks affording views east-west through the development.

10.40 In accordance with the broad principles set out in the Council's informal Urban Design Guidance [2009], the scheme comprises a five-to-eight storey building at the south-eastern corner to act as a local landmark adjacent to the open space and defining the corner of the site. The building drops to single-storey immediately behind the kennels, housing the proposed energy centre. The building is adjacent to the single-storey listed kennels and English Heritage expressed some concern regarding the effect of the part-eight-storey building on the setting of the kennels.

10.41 Whilst the kennels are clearly an important part of the site's heritage, they are also unusual in many respects in being quite specific to the previous use of the site. The scheme seeks the refurbishment of the kennels for an appropriate and sustainable reuse, whilst providing a robust and viable design framework within which the wider redevelopment of the site as a whole can come forward. The proposal for a taller building in this location is broadly in accordance with the informal Urban Design Guidance [2009] and that, given the location of community allotments and landscaped play zone immediately fronting the kennels, their setting is not unduly compromised.

#### Housing Provision

10.42 The proposal comprises 294 new homes as part of a mixed-use development, including a mix of private, affordable rented and intermediate accommodation. This would assist the Council in meeting a significant proportion of its annual housing requirement and the site is considered to be a good example of where housing development can be achieved.

10.43 At the strategic level, Policy 3.3 *Increasing housing supply* of the London Plan [2011] sets out the Mayor's annual average housing

provision monitoring target for the ten-year period to 2021 for the London Boroughs. Waltham Forest's minimum requirement for the ten-year period target is set at 7,600 new homes [760 homes per year].

- 10.44 At the local level and in accordance with Policy CS2 *Improving Housing Quality and Choice* of the LBWF LP Core Strategy [2012], the Council seeks to 'maximise the number of quality homes in the Borough'. The Council will focus 'the delivery of new homes in key growth areas and other key sites in the borough to meet or exceed our housing target'. The principle of housing on this site is considered acceptable on this basis. It is also in accordance with Policy DM1 *Mixed Use Development* of the LBWF LP Draft Development Management Policies [2011].
- 10.45 Policy CS1 *Location and Management of Growth* of the LBWF LP Core Strategy [2012] encourages 'high quality development at 'Key Sites' for appropriate uses that will benefit the wider community including housing, employment, leisure and community uses.' Walthamstow Stadium is identified as such a 'Key Site'. Policy CS2 of the LBWF LP Core Strategy [2012] provides more specific guidance in respect of facilitating sustainable housing growth. It seeks to focus the delivery of new homes in Waltham Forest's key growth areas of Walthamstow Town Centre, Blackhorse Lane, the Northern Olympic Fringe, Wood Street and other key sites in the Borough to meet the housing target.

#### Standard of Accommodation

- 10.46 Regarding internal floor areas, 96% of all homes would be in accordance with the minimum space standards for new development outlined in Table 3.3 of the London Plan [2011] with 86% of all homes exceeding the minimum requirement.

#### Residential Density

- 10.47 Policy 3.4 *Optimising housing potential* of the London Plan [2011] seeks to optimise housing output for different types of location having regard to local context and character, the design principles and public transport capacity. The policy states that Boroughs should promote densities in line with this policy and adopt the residential density ranges set out in Table 3.2 of the London Plan [2011] and which are compatible with sustainable residential quality.
- 10.48 **Sustainable Residential Quality [SRQ] Density Matrix [Habitable Rooms and Dwellings per Hectare]**

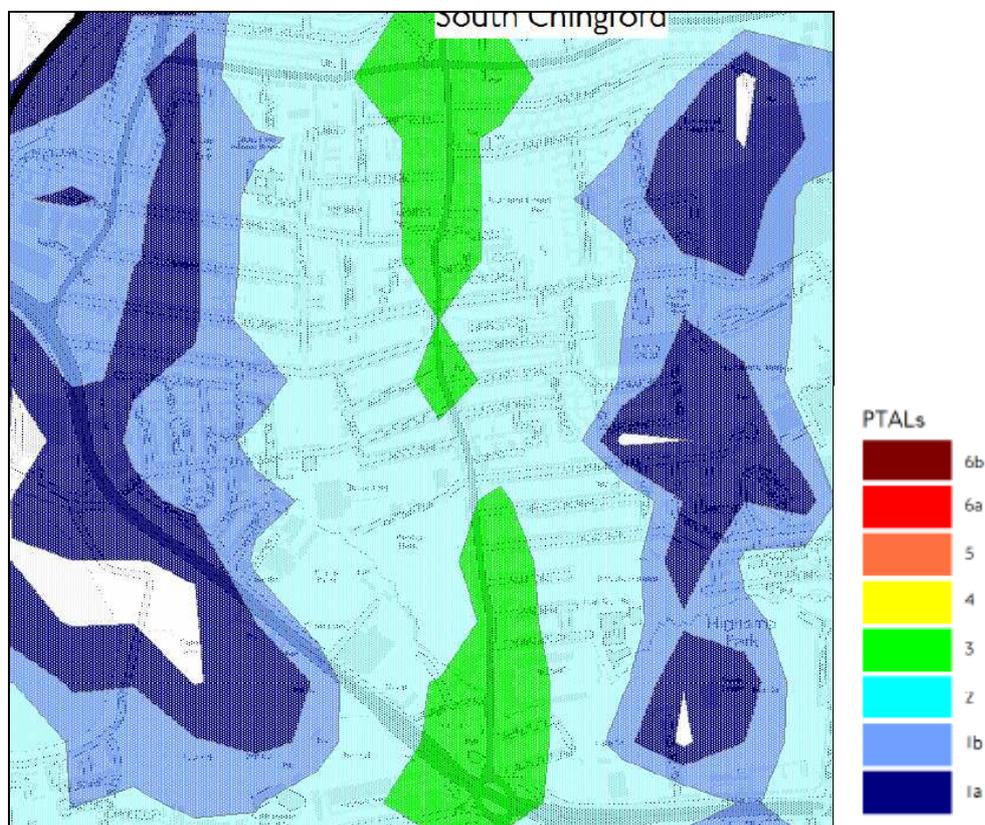
Setting	Public Transport Accessibility Level [PTAL]		
	0 to 1	2 to 3	4 to 6
<b>Suburban</b>	<b>150-200 hr/ha</b>	<b>150-250 hr/ha</b>	<b>200-350 hr/ha</b>
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit	40-65 u/ha	40-80 u/ha	55-115 u/ha
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha
<b>Urban</b>	<b>150-250 hr/ha</b>	<b>200-450 hr/ha</b>	<b>200-700 hr/ha</b>

3.8-4.6 hr/unit	35-65 u/ha	45-120 u/ha	45-185 u/ha
3.1-3.7 hr/unit	40-80 u/ha	55-145 u/ha	55-225 u/ha
2.7-3.0 hr/unit	50-95 u/ha	70-170 u/ha	70-260 u/ha
<b>Central</b>	<b>150-300 hr/ha</b>	<b>300-650 hr/ha</b>	<b>650-1100 hr/ha</b>
3.8-4.6 hr/unit	35-80 u/ha	65-170 u/ha	140-290 u/ha
3.1-3.7 hr/unit	40-100 u/ha	80-210 u/ha	175-355 u/ha
2.7-3.0 hr/unit	50-110 u/ha	100-240 u/ha	215-405 u/ha

**[Source: Table 3.2, the London Plan 2011]**

10.49 The Greater London Authority and the Local Planning Authority indicate that the site has a 'suburban' character with Transport for London designating the site with a Public Transport Accessibility Level [PTAL] 2-3 rating out of a range of 1 to 6 where 6 is considered excellent.

#### 10.50 PTAL Map



**[Source: Transport for London]**

10.51 Accordingly, Table 3.2 of the London Plan [2011] suggests that any proposal on the site would fall within an indicative density range of 150 to 250 habitable rooms per hectare [HRH].

10.52 The proposal would provide a density of 316 HRH based on a site area of 3.28 hectares and 1,036 habitable rooms. This is beyond the upper density range as contained in the London Plan [2011]. The density

calculation should be used as a guide to the acceptability of the proposal. Thus, confirmed in Para 3.28 of the London Plan [2011] states that it is not appropriate to apply Table 3.2 mechanically although it is acknowledged that a rigorous appreciation of housing density is important to realising the optimum potential of sites.

- 10.53 Density is part of the assessment of acceptability of any scheme and should be considered in conjunction with other factors including layout, scale, bulk and massing.

#### Affordable Housing

#### 10.54 Housing Arrangement

	No. of Units	No. of Habitable Rooms	Habitable Rooms per Hectare
Market	234	778	-
Affordable	60	259	-
<b>Total</b>	294	1,037	316

- 10.55 The level of affordable housing provision of 60 units [25.6%] is below the 50% target outlined in Policy CS2 *Improving Housing Quality and Choice* of the LBWF LP Core Strategy [2012].

- 10.56 Policy 3.11 *Affordable housing targets* of the London Plan [2011] recommends a 60:40 split, where 60% of the affordable housing provision should be for social rent and 40% for intermediate housing, with priority for affordable family housing. The applicant is proposing a 40:60 split, where 40% of the affordable housing provision would be for affordable rent and 60% as intermediate housing.

#### **Affordable Housing Arrangement**

Affordable Housing Type	No. of Units	%
Affordable Rent	24	40
Intermediate	36	60
<b>Total</b>	60	100

- 10.57 To this extent, the scheme is not in accordance with the Development Plan and this issue is considered in Section 11 below.

- 10.58 The applicant proposes that the 24 affordable rent units will have rents that are at 50% of market rent in line with the Borough's Affordable Rent Guidance. The remaining 36 affordable units would comprise a form of intermediate housing as defined in the London Plan [2011].

- 10.59 The affordable housing provision is confirmed below:

UNIT SIZE	AFFORDABLE / SOCIAL RENT	%	HOUSING STRATEGY	VARIANCE
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		<b>SPLIT</b>	<b>REQUIREMENT</b>	
Studio				
1 Bedroom 2p		0%	10%	-10%
2 Bedroom 3p		0%	30%	-30%
2 Bedroom 4p				
3 Bedroom 4p		0%	50%	-50%
3 Bedroom 5p				
3 Bedroom 6p				
4 Bedroom 6p	10	100%	10%	+90%
4 Bedroom 7p	14			
5 Bedroom				
<b>TOTAL</b>	<b>24</b>	<b>100%</b>	<b>100%</b>	

10.60 The 24 affordable rent units are all four-bed units. The Borough welcomes the provision of larger family housing however, there is also a requirement for a smaller units to provide balanced and sustainable communities. The mix of affordable rent units is not in compliance with the Housing Strategy requirements.

<b>UNIT SIZE</b>	<b>SHARED OWNERSHIP</b>	<b>% SPLIT</b>	<b>HOUSING STRATEGY REQUIREMENT</b>	<b>VARIANCE</b>
Studio				
1 Bedroom 2p	9	25%	10%	+15%
2 Bedroom 3p	11	53%	40%	+13%
2 Bedroom 4p	8			
3 Bedroom 4p		22%	40%	-18%
3 Bedroom 5p	8			
3 Bedroom 6p				
4 Bedroom 7p		0%	10%	-10%
4 Bedroom 8p				
5 Bedroom				

<b>TOTAL</b>	<b>36</b>		<b>100%</b>	
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- 10.61 Eight of the shared ownership units are three-bed plus, which equates to 22% of the shared ownership element of the scheme. This is an under-provision of 28% and results in an over-provision of one- and two-bed units by 15% and 13% respectively.

#### Housing Mix

- 10.62 Policy DM5 *Housing Mix* of the LBWF LP Draft Development Management Policies [2011] 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 based on the recommendations of the Housing Needs Survey [2008] and Housing Strategy 2008-2028. 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 60% of units built in the social rented sector are also family sized.

#### 10.63 Preferred Dwelling Mix

No.	One-bed	Two-bed	Three-bed	Four-bed
<b>Market</b>	10%	40%	40%	10%
<b>Intermediate</b>	10%	40%	40%	10%
<b>Social</b>	10%	30%	50%	10%

**Source: Draft Development Management Policies [Jan 2011]**

- 10.64 The proposal provides a mix of one-, two- and three-bedroom apartments, together with a number of one-, two-, three- and four-bedroom houses.

#### 10.65 Proposed Housing Mix

No.	One-Bed	Two-Bed	Three-Bed	Four-Bed	Total Units
<b>Market</b>	28 [12%]	157 [67.1%]	39 [16.7%]	10 [4.2%]	234
<b>Intermediate</b>	9 [25%]	19 [52.8%]	8 [22.2%]	0 [0%]	36
<b>Affordable Rent</b>	0 [0%]	0 [0%]	0 [0%]	24 [100%]	24
<b>Total</b>	37 [12.59%]	176 [59.86%]	47 [15.99%]	34 [11.56%]	294

- 10.66 Overall, the scheme provides a mixture of 37 one-bed units, 176 two-bed units, 47 three-bed units and 34 four-bed units.

10.67 In general, the mix of the proposed accommodation arrangement results in a proportion of two-bed units across the tenure that is above the recommended housing mix set in the LBWF LP Draft Development Management Policies [2011]. The number of other bedroom types have been compromised in part, as a consequence.

#### Mix of Uses

10.68 As part of this residential-led, mixed-use development, the proposal comprises other uses. The overall mix of uses includes:

- For the main Tote building, a new leisure centre which is to be opened up as a multi-functional community sports centre offering a range of activities for local people of all ages. The sports centre will be set up as a Community Sports Trust to be run by the community for the community.
- A children's nursery, located adjacent to the site entrance, with the capacity to provide approximately 60 to 80 child care places for local people.
- A public plaza for the use of all local people to provide a place to play, sit, meet and hold community events. A café and crèche will also be provided within the plaza.
- For the listed kennels, new allotments for use by local communities together with associated equipment stores and community room.
- New play areas, public squares and greens spaces for the use of local people of all ages.
- Improvements and extensions to existing pedestrian and cycle routes and enhanced public access to ensure that the new facilities are accessible to wider communities.
- An extended green corridor adjacent to the River Ching.
- A new combined heat and power unit, which would provide energy more widely.

10.69 The aspiration for the proposed mix of uses is intended to be balanced with complementary community uses and infrastructure in order to create distinctive and liveable communities in accordance with Policies CS13 and CS15 of the LBWF LP Core Strategy [2012].

#### Residential Amenity Impact

10.70 There are no residential neighbours immediately to the east and west of the site however, the northern and southern boundaries adjoin the rear gardens of the properties in Rushcroft Road and Empress Avenue respectively.

10.71 The overall design approach is for the back gardens of adjoining houses to face onto the back gardens of the new houses located along the northern and southern boundaries of the site. In comparison to the existing spectator stands located along these boundaries [which are positioned hard to the site edge and which rise to the equivalent of five

storeys in height], the proposal would position development considerably further from the rear of the adjoining properties and will reduce the overall heights of the buildings.

- 10.72 The Council's Urban Design SPD [2010] amplifies the amenity requirements. In order to prevent overlooking or loss of privacy, the Guidance encourages the provision of an indicative 20m separation distance between two storey properties [increasing by 10m per storey]. Independently of the minimum separation distances between buildings, it is recommended that new developments with habitable rooms overlooking existing private gardens be set back 5m per storey from the common boundary. The SPD notes that *'whilst these standards provide a useful starting point, a 'blanket' approach to the adoption of these standards can sometimes result in the creation of unattractive residential environments by denying the ability to provide privacy through careful design'*.
- 10.73 Along the northern boundary, the main spectator stand rises from the equivalent of four storeys in height immediately adjacent to the site edge, to five storeys approximately 12m from the boundary.
- 10.74 The proposed new houses along this boundary would rise to a maximum of four storeys in height, but would be set in from the site boundary. The separation distance between the rear of the adjoining properties and the new houses would range from between 20 to 25m. Where the building is four storeys in height, the top floor of the proposed accommodation would be orientated into the site, and would contain no windows to the rear. Whilst there would be the potential for some overlooking from the windows in the rear of the first and second floors, these rooms are designed to contain bedrooms rather than living accommodation, the window sizes are to be modest and there are opportunities for additional boundary planting. In terms of daylight and sunlight the new development would not break a 'rule of thumb' 25 degree line as taken from a ground floor window on the nearest adjoining property.
- 10.75 The spectator stand does not extend the full length of the northern boundary and for some residents there will be new houses at the rear of their properties where no development currently exists. The building heights of the six new mews-style homes to be positioned where there are no existing spectator stands would be two storeys and be positioned approximately 23m from the rear elevation of the neighbouring homes. There are no windows in the rear of the third storey element and the proposal would accord with the relevant daylight and sunlight guidelines.
- 10.76 The short terrace of the mews-style properties would be located adjacent to the new pedestrian and cycle access to Rushcroft Road, in the north-east corner of site. These buildings would be orientated to face into the site such that any views towards the rear gardens of the adjoining properties would be less oblique.

- 10.77 In the north-west corner of the site, adjacent to the proposed vehicular access from Chingford Road, the new nursery building would be between one and two storeys. Along its rear elevation, the building would not contain a clear window and is not therefore considered to have any material impact upon residents in Rushcroft Road in terms of overlooking or loss of privacy. Similarly, the two-storey element of the nursery building occupies a part of the site currently occupied by the taller north spectator stand.
- 10.78 Within the south-west corner of the site, there is currently a separation distance of approximately 25m between the rear of the neighbouring properties in Empress Avenue and the two-to-three storey south spectator stand. The proposed development has been pulled back from the boundary and the separation distances are generally 35m [reducing in certain instances to 30m]. Although some of the new houses on this boundary rise to four storeys in height, the fourth storey is set back from the rear elevation and the proposed development would not extend above the plane of a line drawn from the ground floor windows of the neighbouring properties to the ridge line of the existing grandstand.
- 10.79 Having regard to the proposed access arrangement, the proposal seeks to utilise the existing entrance from Chingford Road and would not allow for vehicular access from either of the residential streets to the north or the south. This will serve to minimise noise and disturbance for nearby residents.
- 10.80 In considering the scale of blocks backing onto properties in Rushcroft Road and Empress Avenue, consideration of the potential impact on the privacy and amenity of existing residents is relevant. This has included an analysis of both existing and proposed separation distances and the detailed elevation treatment of the proposed blocks.
- 10.81 The separation distances generally fall below the guidance set out in the Council's Urban Design SPD [2010]. Taking into context of the existing distances between the north and south stands and residential properties, would represent an improvement in distances between elevations. The proposed terraced block running along the northern site boundary would be both generally lower and further set away from the rear gardens of properties in Rushcroft Road than the existing north stand. This would result in an improvement in terms of the proximity of built form. In addition, on the third storey element of this block, there are either no windows or alternatively angled and obscure glazed windows to prevent direct overlooking to rear gardens. Where the block rises to four storeys, no windows are proposed.
- 10.82 On the three-to-four-storey south-western block backing onto Empress Avenue, the proposed block, whilst slightly higher than the existing south stand, would be set back further away than at present. On the fourth storey element of this block, appropriate screening would be provided to prevent direct overlooking from upper floor balconies, with angled windows also proposed where appropriate. Gardens in

Empress Avenue are also more extensive than those in Rushcroft Road, which would minimise direct impact.

- 10.83 With regard to the taller blocks along the southern boundary, concerns have been expressed by residents with regard to both the scale and massing of the riverside block and its potential impact on overlooking at the end of the block nearest the eastern-most three-to-four rear gardens in Empress Avenue. In response, the applicant has reduced the height of the western end of this block to five storeys, resulting in a gradual transition in height from five to seven storeys. Angled glazing is also proposed where appropriate along with directional louvered screening to prevent direct overlooking into the nearest rear gardens. Further along the block, separation distances are greater and within acceptable limits.
- 10.84 The five-to-eight-storey block at the western corner of the site is just over 120m away from the nearest residential property in Empress Avenue and therefore well within acceptable limits with regard to separation and privacy distances.
- 10.85 At the far north-eastern corner of the site is a small mews-type block of two-to-three storeys, designed to activate the entrance into the scheme adjacent to one of the main pedestrian entrances into the site from Rushcroft Road and the nearby Rush Croft Sports College. At its nearest point, this block is approximately 7m away from the adjacent rear garden wall of the property in Rushcroft Road. The applicant has proposed appropriate screening to the upper floor balcony of the nearest proposed unit to prevent direct overlooking into the neighbouring rear garden.
- 10.86 Where possible, the applicant has introduced mitigation measures to protect existing residential amenity as far as is practically possible, whilst providing a suitable and usable level of amenity for future residents of the scheme.

#### Transport

- 10.87 LBWF Transport Planning's comments raise no objection to the proposal subject to conformity with their comments to the application as stated earlier in the report. The proposal would not accord with LBWF Transport Planning on viability grounds. LBWF Highways do not object to the proposal [having received comments on the 301-unit scheme], which would not be dissimilar to comments received for the revised scheme in terms of the subject matter and the comments have been considered accordingly throughout the report in terms of development layout, highway works on Chingford Road [s278], parking provision, road safety, refuse and waste management, lighting, flood risk and drainage, impact on public transport and s106.
- 10.88 The applicant has submitted an Addendum to the Transport Assessment by Transport Planning Practice [December 2011] addressing the comments of the LBWF Highways officer. It concludes by stating, *'The content of the scheme now includes a skateboard park and climbing wall within the Tote building and there is a small reduction*

*in the number of residential units. These changes are not expected to significantly change the vehicle and public transport trip generation of the development proposals.*

- 10.89 *Various amendments have been made to address the highway and transport related comments by TfL and LBWF. The main areas where further discussion will be required relate to the level of s.106 contributions towards enhancements of bus services and the provision of a new traffic signal management system to maximise the capacity of the existing highway network.'*
- 10.90 The applicant is proposing £286,000 in s106 contributions to TfL towards mitigating the capacity problem on the bus network along the Blackhorse Lane corridor and a contribution of £60,000 towards any Controlled Parking Zone consultation and implementation for the immediate area around Empress Avenue and Rushcroft Road.

#### Environmental Considerations

##### *Air Quality*

- 10.91 LBWF's Air Quality Officer recommended that a condition be imposed on any planning permission granted dealing with the issue of air quality so that this can be considered when the detailed design stage of the scheme is reached. A condition has also been recommended to verify the CHP and re-assess the scheme in view of any change to the CHP unit.

##### *Noise*

- 10.92 When assessing a proposal for residential development near a source of noise, Local Planning Authorities should determine into which of the four noise exposure categories [NECs], as recommended in previous legislation and was assessed on this basis at the time of submission of the scheme, which is considered to be a material planning consideration.
- 10.93 **Noise Exposure Categories**

<b>NEC</b>	
<b>A</b>	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.
<b>B</b>	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
<b>C</b>	Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against

	noise.
<b>D</b>	Planning permission should normally be refused.

10.94 With reference to the above NECs for road traffic noise sources, the measured noise levels, taking into account both day and night time levels fall within Categories B and C. The eastern part of the site has been measured as Category B with the Chingford Road frontage as Category C.

10.95 A series of conditions are recommended to any planning permission to ensure an adequate level of protection is afforded to existing residents around the site, notably along Rushcroft Road and Empress Avenue and to future occupiers from the proposed development.

*Refuse*

10.96 New residential developments in the Borough should include appropriate provision for the storage and collection of household waste and recycling. A condition is recommended as part of any planning permission for details of waste management for the development including recycling. This would include the types of waste and collection arrangements and hours of operation. Details are expected to have regard to:

- Access to all for waste facilities for both future residents and users of the development and upon collection;
- Measures to mitigate against vermin and animal scavenging;
- Ease of maintenance, including cleaning;
- Safety from fire risk and smoke;
- Ventilation; and
- Sound insulation.

Consultation Responses

10.97 Taking each notable point in turn, and in no particular order, a summary response to the issues raised as a result of consultation is provided:

10.97.1 **Scheme is not viable:** The viability of a scheme ensures the maximum reasonable provision for affordable housing and s106 contributions. The issue of viability is a matter for the applicant however, does impact on the amount of s106 contribution and this is considered in greater detail in Section 11 below.

10.97.2 **Loss of employment:** The site is not designated as an employment site or safeguarded for employment in planning policy terms. On this basis, the loss of employment would not preclude the change of use of the site to the type of mix proposed.

- 10.97.3 **Loss of iconic greyhound / leisure facility:** The acceptability of the principle of development and land use has been outlined earlier in this report. In planning policy terms, the site is not constrained by designations of the Development Plan that again, would preclude the loss of the greyhound racing facility to other acceptable uses.
- 10.97.4 **Increase in traffic congestion and off-site parking / insufficient parking provision:** The proposal would result in a parking provision below the maximum standards as set in the LBWF LP Draft Development Management Policies [2011].
- 10.97.5 **Overdevelopment:** Reported earlier, the proposal of 316 HRH exceeds the density range set in the London Plan [2011]. Density calculation should however, be used as a guide to the acceptability of the proposal.
- 10.97.6 **Lack of social infrastructure provision including doctors, schools, dentists, hospitals, etc:** The s106 contributions include monies towards education and healthcare, as detailed in the following section.
- 10.97.7 **Design / scale / visual impact:** The LBWF Urban Design Officer reports no objection in principle to the design of the scheme however, acknowledges that any development of this size and scale would have an impact to a greater or lesser degree on residents living in the immediate area.
- 10.97.8 **Loss of heritage / identity:** The proposal would result in the loss of the use of the site for greyhound racing. Having regard to the principle of development and land use, it is acceptable in planning policy terms as outlined earlier in the report.
- 10.97.9 **Demolition of listed buildings and impact:** English Heritage do not object to the proposal however remain *'concerned about the massing in the centre of the site with relation to the setting of the listed buildings... concerned about the juxtaposition of scales next to the listed kennels provided by the proposed part 8 storey building.'*
- 10.97.10 **Increase in criminal activity:** The proposal would seek to be designed in accordance with the principles and Practices of Secured By Design to minimise the risk of crime. This initiative is recommended as a condition to any planning permission.
- 10.97.11 **Loss of outlook and privacy / overlooking:** The LBWF Urban Design Officer acknowledges there would be some impact to occupiers of existing neighbouring properties. Measures taken to mitigate impact include angled and obscured glazing to the upper floor windows of the northern terrace block and details of balcony screening to be confirmed through the imposition of appropriate planning conditions to any planning permission.

- 10.97.12 **Loss of access to Selwyn School during construction:** The footpath from Empress Avenue towards Highams Park would be maintained during the course of construction.
- 10.97.13 **Site should retain recreational use:** The proposed mix of uses would incorporate sports and recreation.
- 10.97.14 **Introduce greater community / leisure facilities, e.g. cinema, bowling alley:** The proposed mix of uses is a matter for consideration as part of the scheme design. Should a proposal be submitted to the Local Planning Authority that would include a cinema / bowling alley, it would as with all planning applications be considered on its merits.
- 10.97.15 **Out of character:** The design of the scheme is considered acceptable by the LBWF Urban Design Officer. It would comprise a form of uses compatible with the surrounding area, i.e. residential-led.
- 10.97.16 **Environmental Health considerations including air quality, noise, health, vermin:** LBWF Environmental Health section raise no objection to the proposal. Any subsequent matters relating to the application site could be reported to the department for further investigation. Appropriate noise conditions are recommended to any planning permission to protect the living conditions of existing and future residents in the locality.
- 10.97.17 **Loss of trees:** Conditions to any planning permission are recommended for details of hard and soft landscaping to address concerns regarding this issue and to the screening of properties to protect the living conditions of existing and future occupiers in the locality.
- 10.97.18 **Loss of daylight / sunlight:** The submitted Daylight and Sunlight Report confirms that the overall impact on existing surrounding properties represents an improvement from the existing. The amenity space within the central courtyard is designed such that the BRE recommended levels of available sunlight are more than achieved.
- 10.97.19 **Impact on biodiversity and wildlife habitat:** The proposal would achieve open space provision and urban design objectives that seek to promote and enhance biodiversity and wildlife habitat on and off-site, as supported by the submitted Landscape, Biodiversity and Open Space Strategy.
- 10.97.20 **Flawed documents / information supplied by the applicant:** The planning application documents were assessed at the time of validation and were considered acceptable for the purpose of assessment of the scheme. Subsequent documents and drawings submitted since the original submission have been assessed on the basis of the information shown.
- 10.97.21 **Lack of community engagement / consultation by the applicant:** This is not a matter for the Local Planning Authority

to comment on however, sufficient consultation on the planning application has been carried out by the Council.

- 10.97.22 **Proposed leisure facilities and BMX / skateboard park would attract gangs / graffiti / vandalism:**
- 10.97.23 **Movement of bus stops:** This is the subject of ongoing discussions between LBWF Highways section and London Buses. There is no confirmation on the relocation of bus stops at the time of writing this report.
- 10.97.24 **Location of substation:** A condition is recommended to any planning permission for further details of the substation and any enclosure to protect the living conditions of existing and future residents in the locality.
- 10.97.25 **Access nearest to Empress Avenue opened up to traffic:** This access would be for pedestrians only.
- 10.97.26 **Health and Safety in the event of a fire particularly with the eight-storey building / insufficient emergency exits; and**
- 10.97.27 **No CCTV provision and Police base / office:** The scheme does not provide for CCTV or a Police base.
- 10.97.28 **Change of use / loss of greyhound facility:** The acceptability of the principle of development and land use is reported earlier in the report.
- 10.97.29 **Insufficient leisure offer and s106 contribution:** This is considered in greater detail in Section 11 below.
- 10.97.30 **Insufficient public consultation:** Sufficient consultation on the application has been carried out by the Local Planning Authority.
- 10.97.31 **Inappropriate housing mix:** The housing mix proposed by the applicant results in a higher number of two-bedroom units than what would normally be preferred.
- 10.97.32 **Insufficient supplementary information following revisions to the scheme:** The applicant has provided supporting information in the form of revised plans and addendum statements to the original documents, which are considered satisfactory for the purpose of assessment of the application.
- 10.97.33 **Housing need can be accommodated without redevelopment of the site:** This is not an issue in planning policy terms that would preclude development of the site for housing.
- 10.97.34 **Affordable offer confusing:** The affordable housing provision made by the applicant has been set out earlier in the report and comprises 60 units as affordable housing [24 units as affordable rent and 36 units as shared ownership].
- 10.97.35 **Loss of public space:** The proposal provides open space within the scheme that would be accessible to all members of the community and beyond.

- 10.97.36 **Proposal would devalue neighbouring properties:** The devaluation of properties is not a material planning consideration.
- 10.97.37 **Effect on properties along Rushcroft Road in terms of the type of houses proposed on this street:** Two houses are proposed on Rushcroft Road that seek to replicate the scale of the arrangement of existing properties.
- 10.97.38 **Effect on utilities networks and neighbouring properties during construction:** A construction and demolition method statement is recommended as a condition to any planning permission to protect the living conditions of existing occupiers of neighbouring properties. It would have regard to hours of construction and the proposed type of machinery used, etc. for consideration.
- 10.97.39 **Land ownership issues:** This is a civil matter that should be resolved between the interested parties.
- 10.97.40 **Insufficient number of family housing:** Family housing consists of units with three or more bedrooms. The proposal would provide 47 three-bed units and 34 four-bed units; a total of 81 family housing out of the 294 units proposed. This is below the preferred provision of the Council as reported earlier in the report.
- 10.97.41 **Increase in flooding:** The Environment Agency is satisfied, through mitigation measures that there would be no change in terms of the impact on land and / or property adjacent to the site in ordinary conditions, and would represent an improvement during a storm event given the managed released of fluvial flooding, which does not currently take place.
- 10.97.42 **Leisure facilities should be accessible for all:** The leisure facilities would be accessible to all members of the community and beyond.
- 10.97.43 **Assurance that any dirt, dust and debris that enters the site will be cleared at the applicant's expense and not at the expense of the residents and that any damage done to properties / fences / boundaries, etc will be made good:** A Construction and Demolition Method Statement would need to be submitted to the Local Planning Authority for approval as part of any planning permission to protect the living conditions of neighbouring residents.
- 10.97.44 **Save Our Stow Representation:** *The following is a response to the issues highlighted by Save Our Stow where they have not been referred to earlier in the report.*
- 10.97.45 Reference to the acceptability of principle of development and land use has been reported earlier, and the issue of viability is considered in Section 11. Although there have been pre-application discussions and a formal response has been

provided by the Council to a pre-application scheme, the Local Planning Authority has not received a formal application submission from Mr Morton or any other party for an alternative scheme that retains the use of the site for greyhound racing, which would as with all planning applications, be considered on its merits.

- 10.97.46 Determination of the application is not premature as the application is assessed against an up-to-date Development Plan.
- 10.97.47 The design in terms of housing unit mix and affordable housing provision is not policy compliant and this is acknowledged.
- 10.97.48 The scheme has been revised to address the impact on the listed buildings, particularly a reduction in height of the central blocks towards the Tote.
- 10.97.49 The design in terms of overlooking and affect on neighbouring properties and density has been noted earlier in the report.
- 10.97.50 Regarding flood risk, the applicant has submitted an updated Flood Risk Assessment to address the concerns of the Environment Agency, to which no objection is raised to the proposal. The initial proposal to de-culvert the River Ching has been abandoned and other flood mitigation measures have been proposed that will preserve the status quo on the site.
- 10.97.51 In response to contamination, a condition is recommended to any planning permission for the submission of an Intrusive Site Investigation to be submitted to and approved in writing by the Local Planning Authority to determine the presence of contaminants across the site.
- 10.97.52 A viability appraisal was submitted with the application and this is considered in Section 11 below.
- 10.97.53 The traffic generation figures in the submitted Transport Assessment have not been independently verified and the information provided has been taken as presented. Following comments made by LBWF Highways, the applicant has submitted an Addendum to the Transport Assessment by Transport Planning Practice [December 2011] that seeks to address the issues raised through an updated leisure offer and s106 contributions. In addition, a contribution of £46,400 will be made under a s278 Agreement towards junction improvements outside the site and towards stadium trails.

## **11 S106 / VIABILITY**

### s106

- 11.1 Section 106 [s106] of the Town and Country Planning Act [1990] allows a Local Planning Authority to enter into a legally-binding agreement or

planning obligation with a landowner in association with the granting of planning permission. The obligation is termed a s106 Agreement.

11.2 s106 obligations are material considerations in the determination of a planning application. The purpose of a s106 agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

11.3 The requirements of the Development Plan combined with the requirements of the Planning Obligations SPD [2008] would result in the following requirements in terms of a s106 agreement for the scheme proposed:

- **Affordable Housing:** Provision of 147 units as affordable housing [50%];
- **Leisure:** Contribution of £1,750,000 towards Walthamstow Forest Pool and Track and leisure improvements in the Borough;
- **Education:** Contribution of £1,046,170 towards education improvements in the Borough, including refurbishment / upgrade of a primary and / or secondary school within a one-mile radius of the site;
- **Health:** Contribution of £354,046 towards healthcare in the Borough;
- **Community Sports Trust:** Contribution of £250,000 towards Community Sports Trust to help support the ongoing operation of the Stadium Sports Centre;
- **Transport:** Contribution of £215,600 towards transport improvements in the Borough;
- **Air Quality:** Contribution of £209,260 towards air quality improvement in the Borough;
- **Landscaping:** Contribution of £110,250 towards trees and landscaping in the Borough;
- **Libraries:** Contribution of £58,843 towards the maintenance and / or upgrade of libraries in the Borough;
- **CCTV:** Contribution towards CCTV equipment;
- **Transport for London:** Contribution of £286,000 to Transport for London;
- **Environment Agency:** Contribution of £73,644 towards environmental improvements within the Brook catchment area;

- **Controlled Parking Zone:** Contribution of £60,000 towards any Controlled Parking Zone consultation and implementation for the immediate area around Empress Avenue and Rushcroft Road;
- **Employment and Training:** Provision for local employment and training initiatives arising out of the construction phases of the development and to use reasonable endeavours to encourage its contractors and sub-contractors to recruit and train employees from the area of the Council required during the construction of the development;
- **Car Club:** The provision of a minimum of two Car Club parking spaces free of charge;
- **Travel Plan:** The preparation, implementation and future monitoring of a Travel Plan, to be agreed in writing by the Local Planning Authority prior to the first use of any part of the development or first occupation of any of the residential units hereby permitted;
- **Resident Permit Restricted:** With the exception of Blue Badge holders, all residents and users of the development shall be ineligible for Resident Parking Permits in the event of any future implementation of a Controlled Parking Zone in the immediate area around Empress Avenue and Rushcroft Road;
- **S278 Agreement:** That the developer enters into an appropriate agreement with the Council as Local Highway Authority to meet the cost of alterations and improvements to the highway, any stopping up of existing accesses or related works to the public highway;
- **Legal Fees:** Payment of legal fees for the preparation of the legal agreement; and
- **Monitoring and Implementation:** Payment of 5% of the total amount of s106 contributions to London Borough of Waltham Forest for the monitoring of and compliance with this agreement.

11.4 The Applicant's offer in terms of s106 affordable housing provision and contributions differ from the Development Plan compliant position as follows:

- **Affordable Housing:** Lower contribution of 60 units [20% by unit numbers];
- **Transport:** No contribution;
- **Air Quality:** No contribution;
- **Landscaping:** No contribution;
- **Libraries:** No contribution;
- **CCTV:** No contribution; and

- **S278 Agreement:** Specific contribution of £46,400 towards junction improvements outside the site and towards stadium trails rather than a general commitment to carry out works.

- 11.5 To the extent recognised above, the scheme is non-compliant with some of the Council's policies. A viability appraisal was submitted with the application to demonstrate that the level of s106 contribution offered was the maximum that could be reasonably achieved having regard to other development considerations and costs. The Council is entitled to regard viability as a material consideration that can be weighed along with other material considerations and enable the development to be approved despite its partial non-compliance with some Development Plan policies. At the date of publication of this report, updated viability information has been received very recently and was assessed by the Council's external adviser [Appendix 1]. In summary, it is concluded that level of s106 contribution offered is in his view, the maximum that can be reasonably achieved having regard to other development considerations and costs.
- 11.6 As Members are aware from other schemes, the Council has standard s106 terms in place that are in accordance with Policy CS2 *Improving Housing Quality and Choice* of the Core Strategy [2012] to ensure that viability is subsequently re-assessed and should viability improve, the s106 Agreement will include mechanisms for re-assessment and for further payments to be made and / or affordable housing provision up to the maximum policy shortfall.
- 11.7 The viability re-assessment will be undertaken on a phased basis to reflect scheme phases and outturns.
- 11.8 The applicant will be expected to provide detailed evidence on an open-book basis at the point of completion, or close to completion of each phase, to determine whether a higher level of affordable housing and / or increased s106 contributions can be provided. When assessing viability, the Council will use the Residual Land Value approach.
- 11.9 A number of market sale units will need to be identified that can be flipped to affordable housing units should the viability re-assessment demonstrate that scheme viability has improved.
- 11.10 A restriction on occupation will be applied to an appropriate number of market sale units to reflect the policy shortfall.

## 12 OTHER MATTERS

### Flood Risk

- 12.1 **Development Drainage Strategy:** Currently, the site discharges unrestricted to the River Ching watercourse by direct rainwater pipe connections to the existing culverted watercourse and by direct piped connections to the adjacent sewers.

- 12.2 The Environment Agency has agreed to a restricted discharge to the watercourse that will be made for the proposed development. This would restrict surface water run-off to at least half the current peak flow rate, with surface water being attenuated on-site.
- 12.3 Sustainable Drainage System [SUDS] features such as brown roofs, permeable paving and sub base attenuation, coupled with a flow control device to restrict the discharge rate off-site would provide a reduced peak flow into the watercourse, being controlled at source, and with improved water quality by the use of permeable paving.
- 12.4 **Fluvial Flood Risk:** Consideration to fluvial flood risk from the River Ching has been assessed with regards to development of the site. The River Ching enters a culvert at the south-east corner of the site. The watercourse remains confined for approximately 160m before emerging as an open channel to the rear of Empress Avenue.
- 12.5 Currently, circa 1400m<sup>3</sup> of water is accommodated above ground on-site during a 1 in 100 year [plus climate change] return event.
- 12.6 The Environment Agency has confirmed that the River Ching would remain culverted and that the proposed development will be shown to accommodate at least 1,400m<sup>3</sup> on-site during the relative storm events. This will mimic the existing conditions and prevent displacement of fluvial above ground flows to other areas off-site.
- 12.7 It is proposed that the above ground flows would be accommodated in three above ground ponds and by utilising the on-site road network to temporarily store, and then release the above ground flows back into the River Ching. The location of the ponds are proposed in three areas:
- Between Blocks R and OPQ;
  - Immediately to the west of the allotments; and
  - Within the soft landscaped area to the immediate east of the southern half of the retained west stand. Only the southern road needs to be utilised for the stated purpose during the storm event.
- 12.8 The Environment Agency agreed that the resultant 1,400m<sup>3</sup> would be retained on-site until the storm has passed. This would provide an element of betterment as the flow in the River Ching would be managed and reduce downstream peak flow rates and peak water volume currently displaced off-site.
- 12.9 The overall result would therefore represent no change in terms of the impact on land and / or property adjacent to the site in ordinary conditions, and would represent an improvement during a storm event given the managed release of fluvial flooding, which does not currently take place.
- 12.10 **River Ecology:** Allowing a river to remain culverted when there is an opportunity to de-culvert is contrary to a national, statutory Directive in the form of The European Water Framework Directive [2000]. The Directive came into force on December 2000 and became part of UK

law in December 2003. It provides the Environment Agency an opportunity to plan and deliver a better water environment, with an emphasis on ecology. The Environment Agency has confirmed that a financial contribution of £73,644 as part of any legal agreement towards a local project [or projects] fulfilling the objectives of the Directive would be required in order for the site to comply with the requirements.

- 12.11 Within the site, the culverted River Ching would be traced by soft landscaping to create an '*ecological corridor*' using native plant species and native shrubs such as low willow, suggestive of a dry river bed.
- 12.12 Following amendments to the revised plans that incorporates the above, the Environment Agency raise no objection to the proposal.

#### Sustainability

- 12.13 A series of sustainability and energy efficiency measures are proposed including:
- Improved Building Envelope and Energy Performance of 25% above Part L of the Building Regulations [2010];
  - A decentralised energy centre would provide district heating and combined heat and power [CHP];
  - Redevelopment of a brownfield site;
  - Specification of materials from recycled sources with low embodied energy;
  - Specification of locally sourced materials;
  - Natural ventilation or '*whole house*' mechanical ventilation with heat recovery;
  - A-rated and low water use appliances;
  - Sustainable drainage systems for rainwater integrated into the landscape proposals;
  - Bio diverse roofs over the apartment blocks to assist attenuation, enhance local nature conservation and potentially increase biodiversity of the existing Green Corridor; and
  - Possible installation of smart meters [energy monitoring devices to promote energy efficiency and reduce carbon dioxide emissions].
- 12.14 In addition, the applicant has made a commitment to achieving Code Level 4 on the Government's Code for Sustainable Homes. The Code for Sustainable Homes is an environmental assessment method for rating and certifying the performance of new homes. It is a national standard for use in the design and construction of new homes with a view to encouraging continuous improvement in sustainable home building. It became operational in April 2007. Where Building Regulations apply, compliance is necessary at all times.

- 12.15 All of the above sustainable concepts are integral to the project, and not dependent on the occupant.
- 12.16 LBWF's Energy Efficiency Officer reported that the development would reduce carbon dioxide emissions by 30% and through CSH Level 4 combination of efficiency measures, plus community heating with CHP [against 2010 Building Regulations]. Target is exceeded whereby the London Plan [2011] requires 20%.
- 12.17 A condition to any planning permission is recommended for 20% of all spaces to include electric charging points for vehicles in the interest of sustainable transport and is supported by the Greater London Authority.

#### Other Representations

- 12.18 Save Our Stow wish to report the following representations that have historically been submitted to the Council. They are not representations made in relation to this planning application.
- 12.19 **Petition:** 25,000 circa signed petition for the retention of greyhound racing was handed to the Council by The Rt Hon Iain Duncan Smith MP on 16<sup>th</sup> August 2008.
- 12.20 **LBWF LDF:** 2,361 submissions to LBWF requesting that the stadium be retained for greyhound racing under the then LBWF LDF 'Call for Sites' in Summer 2009. The figure includes letters, newspaper cut-outs, emails and a petition containing 86 signatures.

#### Local Finance Considerations

- 12.21 S143 of the Localism Act [2011] adds new wording to s70(2) of the 1990 Act, and requires planning decisions to take account of local financial considerations "so far as" material to the planning application.
- 12.22 Local finance considerations means:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - Sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy [CIL].
- 12.23 In terms of this scheme, an estimated payment of £202,747 towards the Mayoral CIL is required for this planning application but this income is subject to confirmation and will be transferred directly to the Greater London Authority.
- 12.24 No grant or other financial assistance is expected to be received.

### **13 S17 CRIME & DISORDER ACT [1998]**

- 13.1 Policy 7.3 of the London Plan [2011] seeks to ensure that developments should address security issues and provide safe and secure environments.

- 13.2 The Council have consulted the Crime Prevention Design Adviser [CPDA] in relation to the detailed crime and security matters. In addition to providing the Council with comments on the application, the CPDA has liaised directly with the applicant in relation to these matters, and wider counter-terrorism concerns that are now considered with major developments located in town centres. The CPDA is responsible for approving [or not] any application for a Secured By Design accreditation that may be applied for by the applicant.
- 13.3 Overall, the CPDA has advised that no objection in principle is raised in relation to the scheme, subject to the detailed Secured By Design matters being secured by conditions to any planning permission. As such, the application is considered to be acceptable in the context of Policy 7.3 *Designing out crime* of the London Plan (2011) and Policy CS16 *Making Waltham Forest Safer* of the LBWF LP Core Strategy [2012].

## **14 HUMAN RIGHTS**

- 14.1 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.
- 14.2 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.

## **15 EQUALITIES**

- 15.1 In making your decision, you must also 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 s.149, is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 12.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

## **16 CONCLUSION**

- 16.1 The proposal represents a form of development, which has regard to the listed buildings and neighbouring residential amenity. It is generally in accordance with the Development Plan. All material planning considerations have been taken into account and it is not considered that there are any other material planning considerations in this case that would warrant a refusal of the application.
- 16.2 The proposed design and scale and separation distances to existing nearby residential dwellings have been considered by the applicant. The layout of the site and the design of the buildings would improve permeability within and across the site.
- 16.3 The proposed development would provide a modern, contemporary design that responds appropriately to the local context, and would provide appropriate living conditions for future occupiers of the development. The layout and orientation of the buildings and separation distance to neighbouring residential properties is considered acceptable.
- 16.3.1 New open space and play leisure facilities would promote the importance of recreation through good quality, secure and stimulating play provision in accordance with the London Plan [2011].
- 16.4 Taking into account the consistency of the scheme with the Development Plan and weighing this against all material considerations, the proposal is considered to be acceptable in planning policy terms.
- 16.5 For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended to **GRANT** planning permission subject to

- Referral to the Mayor of London for his Stage 2 Report; and
- Completion of the s106 agreement on the terms outlined above.

1.1.2 It is also 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 above subject only to minor amendments to the terms of the s106 agreement.

## **17 CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2. Samples and a schedule of materials shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of each phase of the development. The development shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory appearance in accordance with Policy CS15 of the LBWF LP Core Strategy [2012].

3. Prior to the commencement of development, a plan indicating the positions, design, materials and type of boundary treatment and other means of enclosure to be erected has been submitted to, and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the buildings are occupied. The development shall be carried out in accordance with the approved details and thereafter be permanently retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality in accordance with the Policy CS15 of the LBWF LP Core Strategy [2012].

4. The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to 'Lifetime Homes' standards, and thereafter retained to those standards.

REASON: To ensure inclusive development and provision of 'Lifetime Homes' standard housing in accordance with Policy CS15 of the LBWF LP Core Strategy [2012].

5. The development hereby permitted shall not commence until there has been submitted to, and approved by, the Local Planning Authority, a scheme of hard and soft landscape works which shall

include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities within a planting schedule, also the method of planting including soil composition, tying and staking, a maintenance care regime including mulching and watering and the replacement of any species that die within 5 years of planting.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with Policies CS5 and CS15 of the LBWF LP Core Strategy [2012].

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons prior to the occupation of the building[s], or the completion of the development, whichever is the sooner. Any new trees or shrubs which, within a period of 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the Local Authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with Policies CS5 and CS15 of the LBWF LP Core Strategy [2012].

7. No site works or development other than demolition, substructure and drainage shall commence until details of the levels of the building[s], road[s] and footpath[s] in relation to the adjoining land and highway[s], and any other changes proposed in the levels of the site, have been submitted to, and approved by, the Local Planning Authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement in accordance with Policy CS15 of the LBWF LP Core Strategy [2012].

8. The development hereby permitted shall not be occupied or used until a scheme for:
  - The storage and disposal of refuse / waste / recycling including a detailed site waste management plan; and
  - Vehicular access thereto

has been submitted to and approved in writing by the Local Planning Authority prior to commencement of development of each relevant phase of development, and agreed facilities provided prior to occupation of any part of that phase or first use within each phase and thereafter retained.

REASON: To ensure adequate standards of hygiene and refuse / waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties in accordance with Policies CS6 and CS15 of the LBWF LP Core Strategy [2012].

9. Development shall not commence until a surface water drainage system for the site based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that adequate drainage facilities are provided in accordance with Policies CS4 and CS15 of the LBWF LP Core Strategy [2012].

10. The development of any buildings hereby permitted shall not commence until works for the disposal of foul and surface water have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that adequate drainage facilities are provided in accordance with Policies CS4 and CS15 of the LBWF LP Core Strategy [2012].

11. The development of any buildings hereby permitted shall commence until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding in accordance with Policies CS4 and CS5 of the LBWF LP Core Strategy [2012].

12. At least 29 of the residential units hereby permitted shall be built as wheelchair accessible housing or adaptable to wheelchair housing, details which are to be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of these wheelchair accessible housing or wheelchair adaptable housing and thereafter permanently retained.

REASON: To ensure a reasonable provision of wheelchair accessible housing is provided as part of the development and to

respond to future housing needs for those with disabilities in accordance with Policy CS2 of the LBWF LP Core Strategy [2012].

13. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

REASON: To secure the provision of archaeological excavation and the subsequent recording of the remains in the interest of national and local heritage in accordance with Policy CS12 of the LBWF LP Core Strategy [2012].

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 [or any order revoking or re-enacting that order with or without modification], no development which would otherwise fall within Classes A, B, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out to the proposed houses without the prior written permission of the Local Planning Authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling and to safeguard the amenity of neighbouring residents in accordance with Policies CS13 and CS15 of the LBWF LP Core Strategy [2012].

15. Prior to commencement of each relevant phase of the development hereby permitted, details that show how the principles and practices of Secured By Design to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be submitted to and approved in writing by the Local Planning Authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured By Design website:

<http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

- All main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
- All window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes [downpipes] shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Such details shall be approved prior to occupation or use of the relevant phase and thereafter retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Section 17 of the Crime & Disorder Act 1998 and Policy CS16 of the LBWF LP Core Strategy [2012].

16. Notwithstanding the information shown on the submitted plans, details of car and cycle parking [including disabled spaces] shall be submitted to and approved in writing by the Local Planning Authority prior to first use or occupation of each phase and thereafter retained as such for the life of the development unless otherwise agreed in writing by the Local Planning Authority. The car parking spaces shall only be used for cars and motor vehicles and for no other purpose.

REASON: To ensure adequate provision of parking and a satisfactory form of development in accordance with Policies CS7 and CS13 of the LBWF LP Core Strategy [2012].

17. Prior to commencement of development, details of an updated Air Quality Assessment identifying mitigation measures to be included within the design and construction shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the living conditions of existing and future residents on and around the application site in accordance with Policy CS13 of the LBWF LP Core Strategy [2012].

18. Prior to commencement of development, an Intrusive Site Investigation shall be submitted to and approved in writing by the Local Planning Authority to determine the presence of contaminants across the site. The Investigation shall include a remediation strategy and access arrangements for independent monitoring of its implementation. Any further remedial works following identification of any unforeseen contaminants shall be carried out in a timetable to be agreed by the Local Planning Authority.

REASON: To enable a thorough determination of the presence of any contaminants on-site given the residential development proposed and the need for remedial measures where appropriate, and to comply with Policy CS13 of the LBWF LP Core Strategy [2012].

19. All of the residential units shall be constructed to meet a minimum Level 4 of Code for Sustainable Homes.

REASON: In the interest of sustainability, energy efficiency and to provide a high quality development in accordance with Policy CS15 of the LBWF LP Core Strategy [2012].

20. Prior to commencement of development, details of electric charging point locations and technical specifications [to be provided at a level of 20% of all spaces] shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented prior to first use or occupation of any part of the development and thereafter permanently retained.

REASON: In the interest of sustainability and to provide a high quality development in accordance with Policy CS15 of the LBWF LP Core Strategy [2012].

21. Prior to commencement of development, a programme of phasing works shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the living conditions of existing and future residents in the locality in accordance with Policies CS13 and CS15 of the LBWF LP Core Strategy [2012].

22. Notwithstanding the information shown on the submitted plans, details of mitigation measures to all upper floor windows of the rear elevation of northern terrace to address direct overlooking into the rear gardens of Rushcroft Road properties shall be submitted to and approved in writing prior to commencement of that part of the development. Such details as approved shall thereafter be permanently retained.

REASON: To protect the living conditions of existing residents adjacent to the site to address in accordance with Policies CS13 and CS15 of the LBWF LP Core Strategy [2012].

23. Notwithstanding the information shown on the submitted plans, details of mitigation measures to all upper floor balconies in the southern elevation of these units to address direct overlooking into the rear gardens of Empress Avenue properties and balconies of the mews-style houses to address direct overlooking into Rushcroft Road properties shall be submitted to and approved in writing prior to commencement of that part of the development. Such details as approved shall thereafter be permanently retained.

REASON: To protect the living conditions of existing residents adjacent to the site to address in accordance with Policies CS13 and CS15 of the LBWF LP Core Strategy [2012].

24. Prior to commencement of that part of the development, details of any additional ground floor windows to the front elevation of the

mews-style houses shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To enhance the living conditions of future occupiers of these properties in accordance with Policies CS13 and CS15 of the LBWF LP Core Strategy [2012].

25. Prior to commencement of development, details of the CHP unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter permanently retained.

REASON: To ensure the CHP unit conforms to emission levels set by the Greater London Authority and in the interest of sustainability, energy efficiency and to provide a high quality development in accordance with Policy CS15 of the LBWF LP Core Strategy [2012].

26. Prior to occupation of any of the residential units or prior to the first use of any of the non-residential uses hereby permitted [whichever is the soonest], details of the hours of operation of the non-residential uses shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the living conditions of existing and future residents on and around the application site in accordance with Policy CS13 of the LBWF LP Core Strategy [2012].

27. Prior to commencement of development, an updated Demolition and Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority, including hours of operation, measures to suppress dust, details of wheel washing equipment to be provided on-site and prescribed haul routes and traffic generation details. In addition, a Development Phasing Statement shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any part of the development.

REASON: To protect the amenities of those living and working in the locality in accordance with Policy CS13 of the LBWF LP Core Strategy [2012].

28. The proposed nursery shall only be used for the purpose specified in this application and for no other purpose, including any other purpose within Class D of the Schedule to the Town and Country Planning (Use Classes) Order 1987 [or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification] unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the living conditions of residents in the locality in accordance with accordance with Policy CS15 of the LBWF LP Core Strategy [2012].

29. Prior to commencement of each phase of development incorporating car parking within buildings / basements, a detailed Car Park Management Scheme to Parkmark standard, and including lighting, and any CCTV, all forms of gating, shuttering or barrier controls, help / alarm systems and monitoring arrangements shall be submitted to and approved in writing by the Local Planning Authority. The agreed arrangements shall be fully implemented by the time each part of the development is brought into use and thereafter retained as such.

REASON: In the interests of personal safety and security in accordance with Policy CS16 of the LBWF LP Core Strategy [2012].

30. Prior to commencement of construction of any phase of the development, full details of wildlife habitat enhancements to be incorporated into that phase of the development through the landscaping scheme or otherwise shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To harness the potential to increase habitat and biodiversity as a result of the development in accordance with Policy CS5 of the LBWF LP Core Strategy [2012].

31. Prior to commencement of development, details of any CCTV and lighting scheme for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Each phase shall not be used or occupied until the relevant part of the scheme has been implemented in accordance with the approved details and thereafter so maintained.

REASON: In the interests of visual amenity, public safety and privacy in accordance with Policies CS13, CS15 and CS16 of the LBWF LP Core Strategy [2012].

32. Prior to commencement of development, a plan of work detailing the removal of asbestos containing materials [ACMs] in compliance with current legislation shall be submitted to and approved in writing by the Local Planning Authority. The relevant documentary evidence of the safe disposal of asbestos waste via copies of consignment notes shall thereafter be forwarded to the LBWF Environmental Health section.

REASON: In the interest of health and to protect the living conditions of existing and future residents in the locality in accordance with Policy CS13 of the LBWF LP Core Strategy [2012].

33. Prior to first occupation of any of the residential units hereby permitted, details of the substation and any enclosure shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the amenities of those living and working in the locality in accordance with Policy CS13 of the LBWF LP Core Strategy [2012].

34. The development hereby permitted shall not commence until detailed particulars of the levels of noise to be generated in the buildings, of the provision to be made for the insulation of the buildings against the transmission of noise and vibration by reason of granting this permission, and of times during which noise producing activities will be carried out shall be submitted to, and approved in writing by the Local Planning Authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents in accordance with Policy CS13 of the LBWF LP Core Strategy [2012].

35. Before any plant and / or machinery is used on the premises, it shall be enclosed with sound insulating material and mounted [where applicable] in such a way, which will minimise transmission of structure borne sound in accordance with a scheme to be agreed in writing by the Local Planning Authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents in accordance with Policy CS13 of the LBWF LP Core Strategy [2012].

36. Prior to commencement of development, a scheme shall be agreed with the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. The agreed scheme shall be fully implemented before the first use of any of the non-residential part of the development and shall be retained in its approved form for so long as the uses continue on site.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents in accordance with Policy CS13 of the LBWF LP Core Strategy [2012].

37. Details of plant and machinery, including that for fume extraction, ventilation, refrigeration and / or air conditioning shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the relevant part of that development. The approved details shall be so installed, used and thereafter retained as to prevent the transmission of noise and vibration into any neighbouring premises.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents in accordance with Policy CS13 of the LBWF LP Core Strategy [2012].

38. The development shall be carried out in accordance with the approved Flood Risk Assessment [FRA] prepared by MLM Consulting [Ref: TRC/613620/R6 Revision 6, dated April 2012] and the following mitigation measures detailed therein:

- Finished floor levels to be set as high as is reasonably practical above, and no lower than, the 1 in 100 chance in any year flood level, taking the effects of climate change into account.
- Provision of appropriate volume for volume floodplain compensation, for all flood events up to and including the 1 in 100 chance in any year event, taking the effects of climate change into account.
- Reducing surface water runoff rates to approximately 80-85% of the existing rates for all storm events up to and including the 1 in 100 chance in any year storm event, taking the effects of climate into account.
- Provision of storage on site to attenuate all storm events up to and including the 1 in 100 chance in any year event, taking the effects of climate change into account.
- Provision and maximisation of Sustainable Drainage Systems [SUDS] including permeable paving and brown roofs.
- Identification and provision of safe routes into and out of the site to an appropriate safe haven, during all flood events up to and including the 1 in 100 chance in any year event, taking the effects of climate into account.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To minimise flooding by ensuring the satisfactory storage and disposal of surface water from the site; to prevent increased flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure safe access and egress from and to the site; and to reduce the risk of flooding to the development and future occupants in line with the Technical Guidance to the NPPF [2012].

39. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 chance in any year storm event, taking the effects of climate change into account, will be reduced by approximately 80-85% when compared to the existing rates. The scheme shall also provide for the maximisation of Sustainable Drainage Systems [SUDS] such as brown roofs and permeable paving on site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To minimise the risk of flooding off-site by ensuring the satisfactory storage and disposal of surface water runoff from the site in line with Policy 5.13 of the London Plan [2011].

40. No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
  - All previous uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on [1] to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in [2] and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in [3] are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To prevent pollution of groundwater and the Ching Brook, and to prevent deterioration and promote recovery of these water bodies in line with the Thames River Basement Management Plan.

41. No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan [a “long-term monitoring and maintenance plan”] for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To prevent pollution of groundwater and the Ching Brook by ensuring that any works set out in the approved remediation strategy are carried out effectively.

42. If, during development, contamination not previously identified is found to be present at the site then no further development [unless otherwise agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To prevent pollution of groundwater and the Ching Brook by ensuring that any unidentified contamination encountered during construction is dealt with appropriately.

43. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: To prevent pollution of groundwater and the Ching Brook by ensuring that any infiltration of surface water drainage does not mobilise contaminants.

44. Piling or any other foundation designs or ground source heating and cooling systems using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To prevent pollution of groundwater and the Ching Brook by ensuring that deep piling or other penetrative works do not introduce a new pathway for pollutants.

45. No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas [except privately owned domestic gardens], shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
- Detail extent and type of new planting [NB planting to be of native species]
  - Details of maintenance regimes
  - Details of any new habitat created on site
  - Details of treatment of site boundaries and/or buffers around water bodies
  - Details of management responsibilities.

REASON: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with Paras 109 and 118 of the NPPF [2012].

46. The development shall be carried out in accordance with the following Drawing Numbers [unless details therein are otherwise reserved for determination through approval of conditions set out above]:

Received 23.12.11

- P-100 to P117;
- P-203A, P-206A to P-209A, P-213A, P215-219A, P-225A to P-261A, P-262; and
- P-300A to P-363A, P-365A, P-366 to P-370.

Received 24.04.12

- P-200B, P-202B, P-204B, P-205B, P-210B to P-212B, P-214B, P-220B to P-224B, and
- P-364B.

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

## **18 INFORMATIVES**

1. A s106 agreement has been entered into between the applicant and the London Borough of Waltham Forest in conjunction with the grant of planning permission.

2. The decision to grant permission has been taken having regard to the policies and proposals in the LBWF LP Core Strategy [2012] and to all other relevant material considerations as outlined in the application report. With respect to adjoining occupiers it has been considered that the development does not unduly compromise the amenity of neighbouring occupiers by reason of its size, scale and design. Accordingly, the development has been considered against Policies CS1-CS7, CS9-CS13, CS15 and CS16 of the LBWF LP Core Strategy [2012] and Policies 2.8, 3.1, 3.3, 3.4, 3.5, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.16, 3.18, 5.1, 5.2, 5.3, 5.7, 5.12, 5.13, 5.17, 5.18, 5.21, 6.3, 6.9, 6.13, 7.1, 7.2, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 8.2, and 8.3 of the London Plan [2011].
3. The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.
4. The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner[s] where the building owner intends to carry out building work which involves:
  - work on an existing wall shared with another property;
  - building on the boundary with a neighbouring property;
  - excavating near a neighbouring building; andthat work falls within the scope of the Act. Procedures under this Act are quite separate from the need for planning permission or building regulations approval.
5. The planning permission will impose a restriction making residential occupiers ineligible for residents parking permits in any surrounding Controlled Parking Zone.
6. This decision has been made on the basis of measurements scaled from the plan[s], unless a dimensioned measurement overrides it.
7. The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.
8. The applicant is encouraged to apply for Secured By Design accreditation where appropriate. This is a national Police initiative.

It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award.

9. **IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a Certificate of Lawfulness.

10. In response to the removal of ACMs, copies of the relevant notification forms that need to be submitted to the Health and Safety Executive [at least 14 days prior to works to which Control of Asbestos Regulations apply] must be forwarded to the Local Planning Authority at the same time. A copy of the HSE response [issued in a letter or counter notice] acknowledging the asbestos removal / demolition works with any informatives or guidance shall be submitted to the LBWF Environmental Health section.

11. Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage byelaws, a Flood Defence Consent from the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the Ching Brook. This is irrespective of any planning permission that may be granted and additional details are likely to be required in order to obtain consent. Please contact Nick Beyer on 01707 632638 or [nick.beyer@environment-agency.gov.uk](mailto:nick.beyer@environment-agency.gov.uk).

12. Supporting documents submitted with the application that should be read in connection with the submitted plans:

- Planning and Regeneration Statement by AKA Planning [June 2011];
- Daylight and Sunlight Report by Calford Seaden [June 2011];
- Landscape, Biodiversity and Open Space Strategy by Liz Lake Associates [April 2011];

- Landscape Drawings by Liz Lake Associates [May 2011]:
  - 1270 01 Rev B Planting Strategy Plan
  - 1270.01 Ching River Improvements
  - 1270.09 Public Node / River Ching
  - 1270/11 Rev C Hard Landscape Masterplan
  - 1270.12 Visualisation of Courtyard Gardens
  - 1270.13 Soft Landscape Masterplan
  - 1270.14 Eastern Play Area
  - 1270.15 Public Node / River Ching
  - 1270.16 Play Design;
- Ecological Assessment by Eco Planning UK Ltd for and on behalf of Liz Lake Associates [January 2011];
- Arboricultural Report by Eco Planning UK Ltd for and on behalf of Liz Lake Associates [February 2011];
- Environmental Noise Survey and PPG24 Assessment by Hann Tucker Associates [June 2011];
- Energy Efficiency Statement and Sustainability Strategy by Calford Seaden [June 2011];
- Foul and Surface Water Sewerage and Utilities Statement [June 2011];
- Site Waste Management Report by Quadrant Construction [June 2011];
- Method Statement for Demolition by Quadrant Construction [June 2011];
- Transport Assessment by Transport Planning Practice [June 2011];
- Contaminated Land Survey by MLM Consulting Engineers Ltd [June 2011];
- Heritage Statement by Montague Evans [June 2011];
- Archaeological Desk Based Assessment by CgMs Consulting [June 2011];
- Air Quality Screening Assessment for Walthamstow Stadium Site, London by Matthew Whitman [June 2011];
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- Schedule of Works to Listed Buildings by Martin Associates [June 2011];
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- Response to London Plan July 2011 Chapter 5 by Calford Seaden [December 2011];
- Addendum Report 2 To Design & Access Statement by Conran + Partners [April 2012];
- Flood Risk Assessment by MLM Consulting Engineers Ltd [April 2012];
- Landscape, Biodiversity and Open Space Strategy UPDATE by Liz Lake Associates [2012]; and
- Landscape Drawings by Liz Lake Associates [April 2012]:
  - 1270/11 Rev E Hard Landscape Masterplan
  - 1270.13 Rev B Soft Landscape Masterplan.

**19 BACKGROUND DOCUMENTS [APPENDIX 1]**

19.1 Viability Document by BPS Surveyors [25<sup>th</sup> April 2012].