

LONDON BOROUGH OF WALTHAM FOREST

PLANNING COMMITTEE

DAY/DATE/TIME	VENUE:
Tuesday, 2 August 2011 7.30 p.m.	Council Chamber Waltham Forest Town Hall Forest Road, E17 4JF
CONTACT:	TEL./E-MAIL:
Oliver Craxton Democratic Services	020 8496 4380 oliver.craxton@walthamforest.gov.uk

Dear Member,

This is formal notice advising you of the above meeting. The Agenda is set out below. Supplementary Items will only be added if the Chair considers them urgent.

Martin Esom
CHIEF EXECUTIVE

MEMBERSHIP:

Chair: Councillor P. Barnett

Vice Chair Councillor J. Gray

Councillors: A. Mahmood, E. Northover, E. Phillips, A. Siggers and E. Vincent

AGENDA

1. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

2. DECLARATIONS OF INTEREST (Page 1)

Members are asked to declare any personal/or prejudicial interest they may have in any matter which is to be considered at the meeting.

3. MINUTES OF THE MEETING HELD ON 5TH JULY 2011 (Pages 2 - 4)

4. DEVELOPMENT MANAGEMENT (Pages 5 - 6)

To **Note** the Chair has agreed to the submission of the Update Report of the Director of Development at the meeting in accordance with the urgency provisions of Section 100 B (4) of the Local Government Act 1972 to ensure that Members have before them all the relevant facts and information about the planning applications set out on the agenda.

To **RESOLVE** that, in the event of recommendations being amended at Committee in the light of debate, other representations made by Members of the public, applicants or their agents, the task of formalising the wording of condition(s) and/or reasons for refusal be delegated to the Director of Development along the broad lines indicated at the meeting.

New Applications

- 4.1** Application 2011/0623 Drapers Field, 22 Gordon Road, Stratford, E15 (**Pages 7 - 27**)
- 4.2** Application 2011/0430 Triangle House, 2-8 Harrow Road, Leytonstone E11 (**Pages 28 - 36**)
- 4.3** Application 2011/0846/LA Lloyd Park, Forest Road E17 (**Pages 37 - 49**)

Waltham Forest Council *Information*

Waltham Forest Council and Committee Meetings



All Council/Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

Most meetings are held at Waltham Forest Town Hall which is an accessible venue located in Forest Road E17 between Waltham Forest Magistrates Court and Waltham Forest College. The nearest underground and railway station is Walthamstow Central which is approximately 15 minutes walk away from the Town Hall. Buses on routes 275 and 123 stop outside the building.

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Copies of agendas, reports and minutes are also available for inspection at Waltham Forest Town Hall and local libraries.

Contact officers listed on the agenda will be able to provide further information about the meeting and deal with any requests for special facilities.

Contact details for report authors are shown on individual reports. Report authors should be contacted prior to the meeting if further information on specific reports is needed or if background documents are required.

LONDON BOROUGH OF WALTHAM FOREST

Planning Committee

5th July 2011
(7.30pm – 7.51pm)

PRESENT

Chair Councillor Peter Barnett

Councillors A. Mahmood, E. Northover, E. Phillips, E. Vincent, P Herrington
and G. Lyons

6. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

Apologies for absence were received from: Councillor Jenny Gray.

The following substitute member arrangements were in place:

Councillor G. Lyons for Councillor J. Gray and Councillor P. Herrington
for Councillor A Siggers.

7. DECLARATIONS OF INTEREST

None declared.

8. MINUTES OF THE MEETING HELD ON 7TH JUNE 2011

The minutes of the meeting held on 7th June were confirmed as a correct record and signed by the Chair.

9. DEVELOPMENT MANAGEMENT

The Committee considered applications for planning permission received by the Director of Development under the Town and Country Planning Act 1990 and took into account the oral representations made by members of the public and applicants and their agents.

The Committee resolved that, in the event of officer recommendations on the planning applications being amended at Committee in the light of debate and other representations made, the task of formalising the wording of conditions and/or reasons for refusal be delegated to the Director of Development along the broad lines indicated at the meeting. Details of the applications and the Committee's decisions are set out in these minutes.

9.1 Application 2011/0283: 4 Gainsborough Road, Leytonstone, E11

As Councillor Vincent arrived after discussion on this item had commenced she took no part in the discussion or voting thereon.

Planning permission refused for Application 2011/0283, contrary to the recommendations set out in the main report, for changes of use from offices into a Large House in Multiple Occupation, for the reasons set out below:

Reasons for Refusal:

The proposed development would, by virtue of the number of effectively self-contained units, the limited range of communal facilities and amenities, the size of the majority of units and the anticipated level of occupancy, comprise an overdevelopment of the site and provide cramped and unsatisfactory living accommodation for future occupiers. The application is therefore contrary to Policy BHE1 of the Waltham Forest Unitary Development Plan (2006).

It was also noted that it is not clear if the premises will be used as a care home, given the name of the applicant's company.

9.2 Application 2010/1392: Ruckholt Road Footbridge, Adjacent to A106 and Existing Ruckholt Road Bridge, Leyton, E10

Planning permission granted for Application 2010/1392, in line with the reasons and recommendations set out in the main report, subject to the conditions set out in section 10 of the report, for formation of a pedestrian and cycle bridge.

9.3 Application 2011/0481/LA: St. Saviours Primary School, 33 Verulam Avenue, Walthamstow, E17

Planning permission granted for Application 2011/0481/LA, in line with the reasons and recommendations set out in the main report, subject to the condition specified in paragraph 8.1, for variation of condition 2 of planning permission 2010/0653 – alterations to elevations, increase in height of lift shaft and changes to external finishes.

9.4 Application 2011/0619/LA: Mission Grove Primary School, Buxton Road, Walthamstow, E17

Planning permission granted for Application 2011/0619/LA, in line with the reasons and recommendations set out in the main report, subject to the conditions specified in paragraph 10.1, for installation of a steel framed canopy.

9.5 Application 2011/0627/LA: Warwick School South, Brooke Road, Walthamstow, E17

Planning permission granted for Application 2011/0627/LA, in line with the reasons and recommendations set out in the main report,

subject to the conditions specified in paragraph 10.1, for erection of a canopy abutting a school building.

9.6 Application 2011/0624/LA: Stoneydown Primary School, Pretoria Avenue, Walthamstow, E17

Planning permission granted for Application 2011/0624/LA, in line with the reasons and recommendations set out in the main report, subject to the conditions specified in paragraph 10.1, for installation of two canopies and toilets.

9.7 Application 2011/0419/LA: Waltham Forest Town Hall, 701 Forest Road, Walthamstow, E17

Conditional planning permission granted for Application 2011/0624/LA, subject to approval by the Department of Communities and Local Government, in line with the reasons and recommendations set out in the main report, subject to the conditions specified in paragraphs 10.1 and 10.2, for alterations and removal of internal walls at ground and second floor level.

10. PUBLIC SPEAKERS

There were none.

11. HISTORIC BUILDINGS GRANT APPLICATION

The Committee considered a single application for Historic Buildings Grant towards the cost of repair and restoration works to the roof of “Hillside”, Vestry Road E17, which is a locally listed building within Orford Road Conservation Area.

Given the Council’s policy to encourage and support the sympathetic maintenance, repair and restoration of the limited stock of historic buildings in the borough, and to support works that preserve or enhance the character or appearance of its designated Conservation Areas, the committee was of the view that the application should be supported.

The Committee accordingly **RESOLVED** that a Historic Buildings Grant of £2,712 be made towards the cost of roof repair and restoration works at “Hillside” Vestry Road, E17.

Chair.....

Date.....

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning Committee- 2 August 2011
Title:	DEVELOPMENT MANAGEMENT REPORT
Directorate:	Environment and Regeneration
Report of:	Director of Development
Contact:	Zainab Esmail
Phone:	(020) 8496 6725
E-Mail:	Zainab.Esmail@walthamforest.gov.uk
Action required:	1. Pass Resolutions set out below under “3” 2. Consider Deferred Items set out below under “4” 3. For decision as recommended for each item
Wards affected:	Listed below under “2. REPORT AUTHORS” and as stated in main report(s)
Appendices:	• Deferred items update • As stated in main report(s) • Text of Unitary Development Plan policies referred to in main report(s)
Status:	Open
Overview & Scrutiny Committee for Call-in Purpose	Not applicable

1 FURTHER INFORMATION

- 1.1 Members are advised that all letters of representation received concerning the items on this part of the agenda are available for inspection at the meeting.
- 1.2 Members are advised that further letters of representation and other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the meeting in a Development Management Update Report.
- 1.3 This document is also available in large print. Please contact Zainab Esmail for copies. Either phone on (020) 8496 6725 or email at Zainab.Esmail@walthamforest.gov.uk

2 REPORT AUTHORS

- | | | | |
|-----|-----------|---|------------------------|
| 4.1 | 2011/0623 | Drapers Field
22 Gordon Road, Stratford
E15 | Richard
McEllistrum |
| 4.2 | 2011/0430 | Triangle House
2-8 Harrow Road,
Leytonstone E11 | Sonia Malcolm |
| 4.3 | 2011/0846 | Lloyd Park, Forest Road,
Walthamstow E17 | Fred Doody |

3 RESOLUTIONS

- 3.1 To NOTE that, our Chair has agreed to the submission of the Update Report of the Assistant Director of Development at our meeting in accordance with the urgency provisions of Section 100B(4) of the Local Government Act 1972 to ensure that Members have before them all the relevant facts and information about the planning applications set out in the agenda.
- 3.2 To RESOLVE that, in the event of recommendations being amended at Committee in the light of our debate, other representations made by Members of the public, applicants or their agents, the task of formalising the wording of condition(s) and/or reasons for refusal be delegated to the Assistant Director of Development along the broad lines indicated by us at our meeting.

4 DEFERRED ITEMS

- 4.1 There are no deferred items from previous meetings of the planning committee.
- 4.2 If it is possible to continue consideration of any of the other applications, details will be provided in the Update Report that will be presented to the Committee at the meeting.

5 BACKGROUND INFORMATION

- 5.1 Unless stated to the contrary at the end of any individual report, the background papers for the applications reported in this agenda are the relevant application files for each application, any related history files quoted under "RELEVANT SITE HISTORY" and the following published documents:
- The adopted Waltham Forest Unitary Development Plan (2006).
- 5.2 These documents are available for inspection Monday to Fridays between 9am and 5pm at Sycamore House, Town Hall, Forest Road, E17 4JF.

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning Committee 7 th August 2011
Application reference:	2011/0623
Applicant:	London 2012, Mailpoint 43A, 22 nd Floor, 1 Churchill Place, Canary Wharf, London, E14 5LN
Location:	Drapers Field, 22 Gordon Road, Stratford, E15 2DD
Proposed development:	Temporary Athletes' Village Operational Support Area (VOSA) to provide back of house services during the London Olympic and Paralympic Games 2012 (from 1st September 2011 - 31st December 2012), comprising: erection of a 13 metre high tented warehouse building; an administration building; WC building; 1 x pedestrian & 1 x vehicle accreditation area structures; refrigeration storage unit; 28 shipping containers and an Outer Perimeter Fence (OPF) and demarcation fence. Provision for 24 parking spaces, 44 parking spaces for buggies and, associated alterations and landscaping.
Wards affected:	Cathall
Appendices:	None

1 RECOMMENDATION

- 1.1 That planning permission is granted subject to the applicant entering into s106 and s111 legal agreements and subject to conditions.

2 SUMMARY OF REASONS FOR RECOMMENDATION

- 2.1 The temporary use of the application site for the proposed development is considered, subject to the conclusion of legal agreements regarding the reinstating and mitigating works, and the discharge of the conditions referred to below, to be acceptable in planning terms, offering a sufficient benefit to sporting and leisure facilities within the borough to sufficiently offset the temporary loss of the existing facilities. The proposed temporary use represents a necessary function in order to facilitate the successful operation of the Athletes Village and therefore that of the wider Olympic and Paralympic Games. The need to provide this function, in addition to the adequacy of the mitigating and reinstating works, are considered to comprise material considerations justifying the approval of the development, as a departure from a policy (ENV20 – Playing Fields) of the Development Plan. The proposal has been otherwise considered against Policies SP1, SP2, SP3, SP15, SP16, SP18, TSP4, TSP10, TSP13, TSP14, TSP17, ENV1, ENV6, ENV20, ENV22, BHE1, BHE3, BHE4, BHE5,

BHE7, BHE9, BHE17, WPM6, WPM10, WPM11, WPM14 and WPM19 of the Waltham Forest Unitary Development Plan 2006 and there are no grounds on which to withhold planning permission.

3 REASONS REFERRED TO COMMITTEE

3.1 This application is being referred to committee for decision because:

- Major matters of planning policy (involving a departure from a policy of the development plan) are involved
- The Council would be involved in a financial liability
- There is significant public interest
- The matter is considered to be contentious or controversial
- The matter is of such importance that it has been referred to Committee by officers

4 DETAILS OF PROPOSAL AND SURROUNDINGS

4.1 Site:

4.2 The site comprises land and a pavilion building at Drapers Field, which is an identified Playing Field in the Unitary Development Plan (UDP) and part of which lies within an Archaeological Priority Zone, part within the Temple Mills safeguarding area and the Leyton Character Area of the Northern Olympic Fringe Area Action Plan. The site also lies within a defined area of Local Park Deficiency (Figure 7.4, p134, UDP)

4.3 The application site does not extend to the full boundaries of Drapers Field, being set away from the lower level footpath running parallel from the High Road to the east and not extending to the full width of the Field on the western boundary either. A small strip of land (approx 5m in width) separates the northern edge of the site from the East London Drama & Music Centre (occupied by the Woodlands Montessori Preparatory School) and properties at the ends of Westdown and Gordon Roads. The vehicular access onto Temple Mills Lane lies to the south, with a secondary access at the end of Gordon Road, on the northern boundary, which, in addition to the parking area within Drapers Field which is reached from that access, would lie outside of the application site. Pedestrian access can be gained through the southern vehicular access, and otherwise towards the northern end of the High Road boundary.

4.4 The site comprises a pitched roof pavilion to the south east corner, a floodlit and fence enclosed artificial surface sports pitch at the southern end and open playing fields for the remaining land to the north. As is noted above, Drapers Field, outside the application site area, includes a level footpath adjacent to its eastern boundary, between which are interspersed mature trees set at regular intervals on an elevated bank, and this tree screening is also a characteristic of the sites western and southern boundaries also.

- 4.5 The site amounts to 2.23 hectares and is generally flat, with levels rising to the southern artificial pitch and access beyond. Ground levels on the High Road are raised above the site by more than 2m, and this level difference becomes less pronounced towards the southern end of the site.
- 4.6 Surroundings:
- 4.7 The Olympic Park adjoins Drapers Field to the south and west, and residential and commercial properties lie to the north and east, primarily in the form of two storey buildings, though with some 3 storey examples. Leyton High Road (A112) is part of the Transport for London Road Network (TRN), becoming Major Road to the south of the site. The site lies at the southern edge of this Borough, with LB Newham lying beyond Temple Mills Lane at the site's edge. The site's location can otherwise be characterised by its proximity to the Olympic Park, Leyton Tube Station and Neighbourhood Centre (to the north), with Stratford town centre lying a greater distance to the south.
- 4.8 Proposal:
- 4.9 The application proposes the temporary use of the greater part of Drapers Field as a Temporary Athletes Village Operational Support Area (VOSA), to provide back of house services during the London Olympic and Paralympic Games 2012 (from 1st September 2011 - 31st December 2012), comprising: erection of a 13 metre high tented warehouse building; an administration building; WC building; 1 x pedestrian & 1 x vehicle accreditation area structures; refrigeration storage unit; 28 shipping containers and an Outer Perimeter Fence (OPF) and demarcation fence. Provision for 24 parking spaces, 44 parking spaces for buggies and associated alterations and landscaping. The existing pavilion would also be used in association with the VOSA.
- 4.10 In December 2012 the site is proposed to be returned to the Council for reinstatement and improvement works. The details of these works will be set out in a s106 agreement, to which the Olympic Delivery Authority and the Council will be parties. The agreement would provide a contribution (to the sum of £2,000,000) to secure works, which will generally comprise the following, as a minimum:
1. The re-provision of a full size, floodlit and fenced Artificial Grass Pitch
 2. The installation of a new junior natural turf pitch including drainage and pitch improvement works
 3. Improvement works to the changing pavilion
- with the timetable for these works anticipating their substantial completion by no later than 30th September 2013. Works to be carried out with the agreement of, and to the standards required by, Sport England
- 4.11 In addition to a proposed s106 agreement relating to Drapers Field, it is proposed that there will be a parallel agreement under s111 (of the

Local Government Act 1972 and s2 of the Local Government Act 2000) agreement relating to the off-site mitigating works, which would be funded by the applicant (by a sum of £3,465,000) and undertaken by the Council elsewhere in the Borough, is also proposed. Those mitigating works will generally comprise, as a minimum:

1. At Marsh Lane: the erection of a new sports pavilion, with ancillary facilities, the reinstatement of football pitches (including any necessary drainage and seeding work) and construction of a full sized basketball court, with associated improvements in access to the site
2. At Abbots Park: the refurbishment of the existing pavilion and improvements to the tennis courts.
3. At Church Lane (Leytonstone): the construction of a new multi-use games area (MUGA).

- with the timetable for these works anticipating their substantial completion in advance of the start of the 2012 Olympic Games (July 2012) (with the exception of the Marsh Lane pitches, where completion is anticipated to be no later than 30th September 2013). Works to be carried out with the agreement of, and to the standards required by, Sport England. Specific details of works involving the MUGA at Abbots Park remain to be agreed with Sport England.

- 4.12 Section 111 of the Local Government Act 1972 enables a local authority to do "any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions"
- 4.13 Section 2 of the Local Government Act 2000 enables a local authority to "do anything which they consider is likely to achieve any one or more of the following objects-
- (a) the promotion or improvement of the economic well-being of their area;
 - (b) the promotion or improvement of the social well-being of their area, and
 - (c) the promotion or improvement of the environmental well-being of their area."
- 4.14 The funding for these off-site works is to be secured under s111 and s2 because these powers have a wider scope and are thus viewed as a more appropriate vehicle (than s106) for securing the funding, especially in the light of recent regulations imposing new restrictions on the scope of section 106 obligations. The Draper Field works listed above relate to site specific works and associated contributions and thus a section 106 agreement remains the most appropriate instrument through which these works should be achieved
- 4.15 This agreement is material to the application as it would facilitate a commitment on both sides to ensure that the offsite works are carried

out and because the works mitigate the overall impact of the development generally

- 4.16 The applicant notes that the development is required due to design developments on the Olympic Park following the initial plans, which have necessitated the use of this site for the VOSA. The Olympic site does incorporate capacity for a number of 'back of house' (BOH) functions, including athlete greeting areas and dining facilities, but inadequate space is now available to otherwise provide a VOSA within the Park. The supporting information notes that the need to provide a space of sufficient size and the flexibility to meet the unpredictable 'what of' scenarios that may arise was required. And such a space did not exist within the Park itself.

5 RELEVANT SITE HISTORY

- 5.1 There have been numerous planning applications for this site, the majority of which are not directly relevant to the determination of this application, with the exception of the following:
- 5.2 2011/0280/EIA
- 5.3 The above application was to obtain an Environmental Impact (EIA) Regulations Screening Opinion, received on 22nd February 2011, relating to development involving the 'temporary use of Drapers field as an Olympic village operational support area (VOSA)'. Decision: The development does not constitute EIA development (15 March 2011)
- 5.4 It should be noted however, that permissions granted in 1998 related to the current sporting pavilion (1998/0694/BC) and extension of the hours of operation of the floodlit pitch (1998/0190/BC) up until 10pm.

6 CONSULTATION:

6.1 Publicity & Neighbour Notification

- 6.2 Over 1100 letters were sent to residents and properties in Waltham Forest and Newham (including addresses on Gordon, Cranbourne, Westdown, Etchingham, Nutfield, Frith, Millais, Leslie, Downsell, Stewart, Drapers, Crownfield, Colegrave, Chandos, Leyton and Major Roads, High Road and Henrietta Street, for which the 21 day consultation periods were:

Consultation	21 day period expiry
Letters to Waltham Forest residents sent 24/05/11	14/06/11
Letters to Newham residents sent 07/06/11	28/06/11
Site Notices placed on 03/06/11	24/06/11
Press Notice placed 06/06/11	27/06/11

6.3 8 letters of objection have been received, one of which was supported by a petition containing 14 names, for which the main material issues relate to:

- Procedural objections regarding transparency, form and length of publicity / consultation
- Impact on local residents and schools with regards to quality of life including, loss of privacy, increased level of noise, traffic, air pollution and dust, footfall and flood lighting.
- The proposals would be out of place and keeping with the surrounding residential properties.
- Lack of justification of choice of site for proposed use
- Loss of open space temporarily
- Loss of Trees
- Light Pollution
- Existing lack of open space. Local parks do not provide adequate open spaces
- Uncertainty regarding the date for and form of the reinstatement of the field.
- Uncertainty regarding off site mitigating works (ie-increased provision of facilities elsewhere)
- Concerns that the site will be sold after the Olympics / potential residential redevelopment, with more than one letter citing an expectation that residential development is expected to occur.
- Potential increase in crime.
- Harm to archaeological artefacts.
- Impact on existing drainage issues.
- Noise & disturbance / Inadequate noise survey information.

6.4 External Consultation:

6.5 Greater London Authority: The GLA have confirmed that the development would 'not raise any strategic planning issues' and that the loss of the playing fields is only for a temporary period and can be successfully reinstated.

6.6 Transport for London: Advise that the construction should be carried out in accordance with the Olympic Construction Management Plan, that vehicle movements should be planned and coordinated to avoid the AM & PM peaks, and that obstruction and disruption to the High Road shall be kept to a minimum.

- 6.7 Sport England: No objection, subject to the s106 and s111 agreements being drafted to its approval and signed off before permission is granted. SE require the re-provision of at least: a. A full sized, floodlit, fenced 3G artificial grass pitch (AGP), b. reinstatement of a new quality natural turf playing field, including a junior football pitch, c. refurbishment of the existing changing pavilion and d. the reinstatement of fencing around the Drapers Field site to safeguard the sport facilities. Further, during the period of temporary use, that alternative facilities be provided 'in suitable locations...at similar times and on similar terms (to the facilities on Drapers Field)'. They note that this mitigating development will be likely to include improving playing fields, re-providing pitches and providing new changing accommodation, as well as assisting users to access other sites in proximity to Drapers Field.
- 6.8 Environment Agency: No objection providing Thames water their acceptance of the additional discharge into their sewer. Failing to do so the drainage strategy will need to be revised. No objection regarding Waste and Surface Water Quality.
- 6.9 Metropolitan Police Crime Prevention Design Advisor: No response (received at the time of writing the report)
- 6.10 London Borough of Newham: No response
- 6.11 The Olympic Delivery Authority: No response
- 6.12 Norlington School: No response
- 6.13 The London Playing Fields Foundation (LPFF): Have raised a number of concerns, which primarily relate to uncertainty regarding the reinstatement of the Field's current (sporting) facilities, as opposed to merely providing open space, or parkland, and the need to provide suitable alternative provisions. The inadequacy of the drainage of the existing pitches is also cited, with the scheme providing an opportunity to address this deficiency.
- 6.14 Internal consultees:**
- 6.15 Highways: No objection, but note that the Transport Assessment lacks a Travel Plan indicating how workers will travel to the site, that site drainage will need to meet Thames surface water drainage policies, that the area will be covered by a games time CPZ and provide information in regard to lighting levels.
- 6.16 Spatial Planning: No objection in principle in policy terms, subject to conditions being applied which ensure that temporary structures and facilities are removed and the site is reinstated and the open space enhanced, which is a requirement of the existing UDP and the emerging LDF, including the draft Core Strategy and Northern Olympic Fringe Area Action Plan (NOFAAP)
- 6.17 Environmental Health – Noise: No objection, subject to imposition of a condition regarding the attenuation of noise to neighbouring properties being no higher than the existing background level.

- 6.18 Environmental Health – Air Quality: No objection due to the temporary nature of the proposed development.
- 6.19 Environmental Health – Contaminated Land: Note that historical site use and land preparation may lead to risk of disturbing munitions / ordnance.
- 6.20 Environmental Health – Light pollution: No objection subject to condition regarding angle of floodlight beams
- 6.21 Tree Officer: No response at the time of writing the report
- 6.22 2012 Team: Supports of the temporary development, in recognition of its importance in the successful delivery of the 2012 Olympic & Paralympic Games. Whilst the temporary loss of Drapers Field to the local community is acknowledged as unfortunate, the development does provide a unique opportunity to improve the site (and other nearby open spaces) over the next two-three years. Outdoor sports facilities in Leyton are in desperate need of investment, which would certainly not otherwise be forthcoming in the current economic climate. This development, whilst implying a short-term loss of facilities, would ultimately result in better outdoor sports and leisure facilities in the area, as well as higher-quality open spaces generally.

7 PLANNING POLICY CONSIDERATIONS

7.1 Waltham Forest Unitary Development Plan (2006)

The text of all policies listed below is appended to this agenda: SP1, SP2, SP3, SP15, SP16, SP18, TSP4, TSP10, TSP13, TSP14, TSP17, ENV1, ENV6, ENV20, ENV22, BHE1, BHE3, BHE4, BHE5, BHE7, BHE9, BHE17, WPM6, WPM10, WPM11, WPM14, WPM19

- 7.2 A number of London Plan (2008) policies are relevant to this application, though are less specific to the site or development proposed (than the UDP policies above) and are not referred to in detail here. Those Policies include: 3B.9, 3D.4, 3D.6 and 3D.8
- 7.3 National Planning Policies: PPS1, PPS5, PPG13, PPG17, PPS23 and PPG24.

8 KEY PLANNING CONSIDERATIONS

8.1 Procedure

- 8.2 Prior to addressing the merits of the development, it is considered to be appropriate to address the limits concerns that have been raised regarding the transparency, nature and duration of public consultation. In this regard a significant number of neighbour notification letters were despatched (over 1,100), several site notices were placed, and a press notice was issued. This publicity, as noted above, led to responses from only 22 persons. Some 3 weeks have expired following the end of the last consultation deadline (28th June), and responses received after that deadline have been taken into account. It should also be noted

that complaints regarding the lack of multi-lingual publicity are unfounded, as information in several languages is enclosed with all neighbour consultation letters in order to allow non English speakers to contribute to the consideration of the application.

- 8.3 Concerns have also been raised regarding the actual intention of the Council in regard to the future use of Drapers Fields, and perceived inconsistencies regarding the current proposals. The development as described by the applicant, including the restoration works as proposed within the draft s106 or the mitigation works as set out in the draft s111 agreement, is what has formed the basis of this report. It does not represent the views of the Council officers in responsible for leisure management, or gaining any benefit from the Council's interaction with the applicant in regard to ownership agreements regarding the site. It addresses only the development in regard to the policies of the Development Plan, and other considerations material to the assessment by a Local Planning Authority of such a planning application.
- 8.4 The main issues to be considered in relation to this scheme are:
- The Principle of the Development
 - Visual Appearance & Impact on Local Character
 - Impact on Surrounding Occupiers
 - Impact on Highways Network
 - Loss of Trees
 - Drainage
 - Planning Obligations
 - Other Matters
- 8.5 Principle of the Development
- 8.6 The proposed development would involve a departure from the UDP on the basis that it involves the loss of a Playing Field, albeit temporarily. The application has been advertised as such and this consideration forms a central part of the assessment of the scheme.
- 8.7 Drapers Field comprises a defined Playing Field, and UDP Policy ENV20 notes that the Council will seek to retain existing playing fields. Only in 'exceptional cases' will the Council allow the loss of pitches, and then only when the proposed use is for an 'alternative sports / recreational activity'. Though it is at an early stage and of limited weight, policy NOF3 (Open Spaces) of the Northern Olympic Fringe Area Action Plan specifically reiterates the need to promote 'the continued use for open area recreation for playing fields such as Drapers Fields..'.
- 8.8 Whilst the proposed use could be argued to be ancillary to a sports / recreational activity, this use is not such that the policy would have

been prepared in anticipation of such a function. As such, it is likely that the scheme should be regarded as a departure from a policy of the development plan.

- 8.9 The basis for demonstrating a need for the proposed development has been the vital function it would provide in support of athletes facilities for the 2012 Olympic & Paralympic Games (hereafter referred to as the 'Games'). Officers are aware of the importance of the concept of a 'Compact Games' and the resultant high density of development and activity within the Park, which is size no greater than for example, Hyde Park and Kensington Gardens, yet will provide some 350,000m² of floorspace, accommodate up to 17,350 athletes and officials and attracts visitors and spectators in the hundreds of thousands at any one time.
- 8.10 Such is the compactness of the Park that providing a further 2 hectare facility on land in some other location closely adjoining the Athletes Village, on land not occupied by the various sporting venues, athlete, staff, media and visitor facilities, including the numerous back of house (BOH) temporary facilities, would be liable to prove impracticable. An illustration of level of BOH facilities that have already been accommodated within the Park include the main dining building, and the adjacent athlete coach park, each of which are a comparable size to the proposed VOSA.
- 8.11 It should be noted that the applicant states that the VOSA facilities had initially been intended to be provided within the park, but that design development later ruled that out, as opposed to having been planned to be located at Drapers Field from the outset. Thus the scheme has not progressed on the same path as that followed in choosing the location for the Police facility at Wanstead Flats, where that facility was known to need to lie outside the Park from the outset.
- 8.12 The nature of the combined temporary facilities is that permanent, multi storey structures only required for games time would not be viable, and thus open, flat land is required. Within the necessary, short distance of the athletes village, the application site is considered to be the only site able to provide this function. Further the function is considered to be a necessary one, vital to the support for the athletes village, and thus of significant importance to the operation of the Games.
- 8.13 Therefore the need for the use is not contested by officers, and the choice of site is also understood, and is not contested. Beyond this conclusion however, is the assessment as to what harm would occur as a result of this use and whether, after mitigation, the harm outweighs the benefit of the proposed use of the site to the Games function.
- 8.14 The development would remove the Field, and it's facilities, from public use for a period of 15 months. It is clear that the Field provides a significant benefit to a large number of local residents, workers, sporting clubs and school users. It is also clear that the Field makes more of a contribution than other similarly sized facilities in the Borough due to the dearth of other options in the immediate locality. As such

the existing site use provides a significant benefit which must be taken into careful consideration.

- 8.15 As is noted above, there is a clear need for the proposed development, but this alone cannot outweigh even the temporary loss of the facility to any significant degree. As such, substantial steps are required to be taken to ensure that substantial benefits would arise following the cessation of the proposed use, and more importantly, that adequate improvements to alternative provision are carried out, and that the applicant provides an appropriate contribution to that mitigation.
- 8.16 Mitigating & Restorative Works
- 8.17 This approach of course assumes that the harm is capable of being offset, and that the applicant is willing to make a contribution capable of achieving that level of mitigation.
- 8.18 In regard to the first question, though the proposed use is temporary, 15 months is not an insignificant period of time, and thus a significant amount of works will need to occur. The applicant has proposed to enter into the section 111 agreement referred to above, which would fund a range of improvement works at Marsh Lane, Abbots Park and Church Lane open spaces.
- 8.19 Those works have been the subject of detailed discussions with Sport England, the Council's 2012 team and other relevant departments
- 8.20 The restorative works on the Field would comprise those set out in paragraph 4.10 above. The mitigating works would comprise those set out in paragraph 4.11. The timetable for the restorative works requires the greater part of them to be substantially complete by the commencement of the Olympic Games (July 2012). As is noted in this report, the proposed timetables have been and will remain subject to agreement by Sport England.
- 8.21 Therefore the development, whilst involving a temporary loss of facilities, would, through the proposed legal agreements, restore and improve the facilities re-provided at the Field to the benefit of users in this Borough, and those from the London Borough of Newham.
- 8.22 The s111 contribution would therefore successfully mitigate a significant proportion of the harm arising from the loss of the use of the Field, with only a limited period of time passing between the closure of the site and the provision of the mitigating improvements works elsewhere in the Borough. Thus, the development would, whilst providing improved facilities during games time, also do so for the foreseeable future for the wider population in the southern part of the Borough.
- 8.23 The input and support of Sport England is considered to have been vital to ensure that the most appropriate and beneficial restored and mitigating facilities can and will be provided. These works can and will be secured through prescriptive legal agreements, with the greater part of the works and the associated timetables requiring the agreement of Sport England. Therefore, whilst some respondents have elicited a

concern regarding whether the contributions would be sufficient to offset the described harms, and spent, by the Council, in the right place and at the right time, the specific nature of the legal agreements are considered to be sufficient to ensure that the impacts of the development are adequately mitigated.

- 8.24 It must also be recognised that the legal agreements, whilst setting out the general scope of the restorative and mitigating works, have not included a detailed and comprehensive list of each and every action and all works, so as to allow the Council the flexibility to respond to issues that may arise on each of the sites, and if necessary, modify the exact detail of the works, whilst of course not stepping outside the general description of works as set out above. It would thus be inappropriate and impractical to require a detailed schedule of works at this stage, especially as a number of them would require the later benefit of planning permission themselves.
- 8.25 For the above reasons, the principle of the proposed use and the temporary loss of the existing use of the Field, subject to the securing of the restorative and mitigating works, is accepted, and a departure from a policy of the development plan is considered to be justified. The other, direct impacts arising from the proposed development, are addressed below, in order to determine whether the form of the development can also be considered to be acceptable.
- 8.26 Visual appearance & Impact on Local Character
- 8.27 The proposed development would exert a significantly different impact on the appearance and character of the locality than is current exerted. Though the site benefits from decent tree screening on its southern, western and part northern frontages, this will not serve to conceal the utilitarian nature of the site buildings and uses proposed. The site would be dominated by the central, pitched roof warehouse building proposed, and otherwise by lesser gateway buildings and facilities, external storage containers and associated vehicle parking. It would also be covered by hardstanding, floodlit and surrounded by the 4.8m high Outer Perimeter Fence (OPF).
- 8.28 Thus the positive contribution that the existing open site makes in regard to visual relief and the character of the Leyton High Road at this point would be temporarily lost. However, it is not considered to have been viable for a less harmful visual impacting development to have been achieved, either through an alternative layout, or through concealing planting. Such actions would have impaired the function of the site and would be liable to undermine the security function of the OPF. The levels of luminance from the site floodlights have been assessed, and are not considered to be excessive, or objectionable, and would exert a similar impact to the existing floodlit artificial pitch, albeit across a much greater proportion of the site.
- 8.29 As noted above, the site is moderately well screened, and it's lower ground levels (than the High Road) will lessen the impact of the bulk of buildings, materials, vehicles and enclosures. Despite this, the

development would introduce a material harm to the character and appearance of the area. This harm can, however be adequately balanced by the substantial benefit that the development would ultimately provide, is a necessary by product of the required function, which is considered to be necessary, and acceptable in principle, and in any regard would represent only a temporary aberration.

- 8.30 It is important to note also, that the character of this specific corner of the borough, and those other areas within or adjacent to the Olympic Park (including those parts of this Borough which are for the time being, under the jurisdiction of the Olympic Delivery Authority) is and has been influenced by the presence of the wider Park development, and will remain so for the years to come during the post-Games legacy development. This visual characteristic is thus not unprecedented locally, and is, for the other reasons given above, acceptable in the circumstances.
- 8.31 Impact on Surrounding Occupiers
- 8.32 The development would exert impacts on surrounding users in a variety of ways, principally including changes in noise levels, increased illumination, increased traffic, demand for parking, changes in air quality and associated impacts. The assessment of traffic generation and parking demands are dealt with separately in the Highways and Parking section below.
- 8.33 In regard to noise, the site would operate 24 hours a day, and would incorporate the movement of people and vehicles, and would include noise from plant including air conditioning systems and from refrigerated storage containers. The Environmental Health officer has assessed the submitted information and does not object to the proposed development, subject to the imposition of a condition controlling the noise levels emitted by plant within the site to an appropriate level. This condition has been attached to the recommendation. A further condition controlling the hours of construction and dismantling shall also be attached.
- 8.34 Even subject to these conditions, movement of persons and vehicles on site is proposed to occur 24 hours a day, and while the change in levels serves to limit potential disturbance to properties across the busy High Road, vehicle movement and activity in close proximity to the end properties in Gordon Road is liable to lead to more significant disturbance to the residents of those properties. As such, a solid, acoustic barrier would need to be formed at the site's northern edge, extending across the greater part of the northern barrier. Subject to this and the conditions listed above, the impact through increased noise would be able to be adequately mitigated.
- 8.35 The information provided within the supporting information in regard to lighting levels and spill is considered to be adequate, though a condition shall be attached to ensure that the main light beams are directed downwards, with angles 70 degrees below the vertical. The design and construction of the lights shall also be required to be in

accordance with The Institution of Lighting Engineers (ILE) Guidance Notes 2005.

8.36 In regard to the impact on air quality, as the proposed use would be temporary, and would otherwise be located in close proximity to the application site were that use within the Olympic Park, no objection is raised as no significant impact would arise as a result of the proposed development.

8.37 The consideration of impact on occupiers within the LB Newham is more straightforward in this regard, as the most sensitive (residential) properties do not immediately adjoin the site and thus would not be harmfully impacted in regard to the impacts addressed above. Therefore, in conclusion, the development is in accordance with UDP Policies serving to protect the amenities of surrounding occupiers.

8.38 Impact on Highways Network

8.39 The level of vehicular traffic associated with the proposed development, at approx 10 two way trips per hour, and 87 delivery movements per day, would not exert a significant impact on the existing traffic levels around the site. Further, the structure of the Olympic Route Network (ORN) would allow for this traffic to avoid residential areas within this Borough. The relevant section of the ORN provides a link from Bow roundabout to the Lea interchange, and traffic would from the south, access from Major Road, and would only otherwise enter or leave the site from Temple Mills Lane (TML), leading out onto Ruckholt Road (west of the railway line), and thereafter onto the A12.

8.40 Although staff movements are not liable to be so controlled, a high proportion of staff would be expected to use public transport, given likely traffic conditions during the Games, and the high level of accessibility of the Park itself. As such, and potential traffic outside of the ORN would be liable to not be dissimilar from the existing level of trips to and from the site. Therefore, in regard to traffic levels, and associated impacts, the development is considered to be acceptable.

8.41 In regard to staff parking levels and potential impacts on the surrounding area, the application lists 100 staff as being anticipated on the site. The scheme provides for 24 car parking spaces, which given that, due to the 24 hour operation, only a modest proportion of those 100 staff would be expected to be on-site at one time, and this, in combination with the accessibility of the Park (and of the nearby Leyton Neighbourhood Centre and Tube Station) is considered to be adequate.

8.42 Neighbours concerns regarding overspill parking are thus considered to be unwarranted, and the on-site levels adequate. Officers are aware of the extent of the existing local Controlled Parking Zone and that a wider Games time CPZ is anticipated, which would, in any regard, address any concerns that neighbours may have.

8.43 Loss of Trees

8.44 It is noted that the submitted Tree Survey and recommendations make recommendations contrary to the proposed tree removal referred to immediately thereafter. The applicant does propose the removal of the 2 mature London Plane trees, identified as trees 90 & 92 on the attached plan. These trees contribution to the tree lined avenue character that is evident on the High Road and TML, and their loss would need to be offset by replacement planting. Given the size and contribution that these trees make, replacement planting to a minimum level of 4 trees shall be required by condition. It is recommended that some of those replacement trees are located in the position of the trees that are to be removed, in order to fill the clear void that would have arisen in the row. Subject to this condition, the development is considered to meet the requirements of Policy ENV22.

8.45 Drainage

8.46 Responses to consultation have included concerns regarding the existing drainage function of the site. Sport England have specified that the reinstating works meet a certain standard and demonstrate acceptable drainage function. The Environment Agency raise no objection to the proposed development in this regard, as the development would be temporary and the site restored to its green field character thereafter. However, this is subject to Thames Water accepting the additional surface water discharge into their system.

8.47 The scheme incorporates a predominance of impermeable hard surfaced land, without flow attenuation. As no confirmation has yet been provided as to the agreement of this approach from Thames Water, a condition shall be attached requiring either confirmation of their consent to this approach, or otherwise a scheme of surface water attenuation.

8.48 Sport England and the Council will work together to ensure the reinstated pitches are appropriately drained, and the agreement of the former to this method of drainage will be required by the s106 legal agreement. Subject to these requirements, the development is considered to be acceptable and in accordance with the aims of Policy WPM19 (Surface Water Run Off).

8.49 Planning Obligations

8.50 As is noted above, the applicant has submitted proposed s106 and s111 legal agreements, and subsequently been involved in discussions with Council officers and Sport England in order to provide draft agreements that would provide for effective restorative and mitigating development. Subject to the views of the Members determining this application, the content of these draft agreements is largely agreed with the ODA and with the support and involvement of Sport England.

8.51 The financial contributions associated with those agreements are significant (equating to a total of £5,465,000), but only part of this has been secured through the s106 agreement where there is a requirement for the benefits secured to be what is necessary to make the development acceptable in planning terms, directly related to the

development and fairly and reasonably related in scale and kind to that development.

- 8.52 Only with the completion of the s106 agreement, can the on site disbenefits described above be adequately outweighed.
- 8.53 Additionally, whilst the off-site mitigating contribution is also significant in mitigating the planning disbenefits of the proposals and will, of course, benefit residents and users of the application site and the wider area, not only during the period when the Field is unavailable, but for the foreseeable future.
- 8.54 Other Matters
- 8.55 Local residents have also raised additional concerns including dust pollution, potential increased incidence of crime, harm arising through increased footfall, to archaeological artefacts.
- 8.56 Dust emanated through construction works can and will be controlled through the imposition of a construction management condition. The development is not in itself considered to be liable to lead to any increased incidence in crime, and moreover, the site would be secure and host to a significant increase in securing and cctv coverage than is currently the case, so the development would be liable to discourage crime or antisocial behaviour around the site. Any increase in pedestrian movement associated with the proposed site use would be insignificant in comparison to the likely Games time levels, and would otherwise be unlikely to effect any measurable harm, given the dependence and interrelationship of site activities with the Park itself, as opposed to the surrounding roads of Newham and Waltham Forest.
- 8.57 A narrow part of the western side of the site lies within an Archaeological Priority Zone, and as the development would involve limited earthworks, the imposition of watching brief condition is considered to be appropriate in order to ensure that the necessary measures are taken to ensure that any findings are correctly treated.
- 8.58 In regard to inclusive access, the development is noted to have been designed in accordance with the Olympic Park Inclusive Design Strategy and published guidelines. A condition shall be attached to ensure that it will also be carried out in accordance with such.

9 HUMAN RIGHTS

- 9.1 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.

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 for

application 2011/0623 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.

10 EQUALITIES

- 10.1 In making your decision you must also have regard to the public sector equality duty (PSED) under s.149 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.
- 10.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 10.3 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.
- 10.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic

11 RECOMMENDATION

SUBJECT TO THE APPLICANT ENTERING INTO s106 and s111 LEGAL AGREEMENTS WITH THE COUNCIL TO ENSURE THE FOLLOWING:

- 11.1 At Drapers Field (embodied within a section 106 (of the Town & Country Planning Act 1990) agreement), a contribution (to the sum of

£2,000,000) securing the restorative works, which, at a minimum, would comprise:

1. The re-provision of a full size, floodlit and fenced Artificial Grass Pitch
2. The installation of a new junior natural turf pitch including drainage and pitch improvement works
3. Improvement works to the changing pavilion

- with the timetable for these works anticipating their substantial completion by no later than 30th September 2013. Works to be carried out with the agreement of, and to the standards required by, Sport England.

- 11.2 Outside the application site an agreement under section 111 of the Local Government Act 1972 and section 2 of the Local Government Act 2000 agreement, securing the sum of £3,465,000, necessary to ensure delivery of the mitigating works which would, as a minimum, comprise:

1. At Marsh Lane: the erection of a new sports pavilion, with ancillary facilities, the reinstatement of football pitches (including any necessary drainage and seeding work) and construction of a full sized basketball court, with associated improvements in access to the site
2. At Abbots Park: the refurbishment of the existing pavilion and improvements to the tennis courts.
3. At Church Lane (Leytonstone): the construction of a new multi-use games area (MUGA).

- with the timetable for these works anticipated to achieve substantial completion in advance of the start of the 2012 Olympic Games (with the exception of the Marsh Lane pitches, where completion is anticipated to be no later than 30th September 2013). Works to be carried out with the agreement of - and to the standards required by - Sport England. Specific details of works involving the MUGA at Abbots Park remain to be agreed with Sport England.

The Planning Committee is requested to resolve that planning permission be granted subject to the following conditions:

- 11.3 Conditions (summarised)

1. Development to occur only during the period referred to in the description of development, with all associated materials, plant, vehicles and structures associated with the approved development installed on or after the 1st September 2011 and thereafter removed from the site no later than the 31st December 2012.
2. Carried out in accordance with plans (listed)
3. Demolition & Construction Method Statement, prior to commencement including confirmation that wheel washing facilities for vehicles leaving the site during construction works shall be

installed on site in accordance with ODA Code of Construction Practice (2007)

4. UXO / contaminated land site investigation, prior to commencement
5. During the course of the construction and carrying out of the development approved, access shall be provided to Council officers and their agents to ensure that any unforeseen contamination or hazardous problems are recognised and any such contamination or hazard shall be treated by remedial action specified by the Council or their agent or as agreed in writing
6. The developer shall provide certification on completion of remediation works from the specialist contractor that the works were completed wholly in accordance with the agreed details.
7. Any fill material brought onto the site will be inert and not contaminated or prejudicial to the restored outdoor sports use of the site.
8. Prior to the commencement of the development a written agreement with Thames Water indicating their acceptance of additional discharge into their sewer shall be submitted to and approved in writing by the Local Planning Authority. In the event that Thames Water refuses to accept the additional surface water or place a restriction on the discharge rate, a revised drainage strategy shall be submitted and approved in writing by the Local Planning Authority and thereafter provided in full prior to the commencement of the use hereby approved.
9. Parking to be provided prior to the commencement of use
10. Arboricultural method statement (retained trees)
11. Proposed replacement tree planting (details (including a minimum of 4 replacement trees) approved prior to expiry of temporary use period hereby approved and planted in next planting season)
12. No loading or unloading of shipping containers / skips / other equivalent storage vessels to or from the site, beyond the position of the southern elevation of the main warehouse building outside the hours of 8am and 6pm, Monday to Friday, 8am to 5pm Saturdays and at no time on Sundays or bank holidays
13. Noise from plant not exceeding LA90, 1m external to nearest noise sensitive premises
14. Provision of acoustic barrier (northern site boundary)
15. Access to all site buildings shall be provided in full accordance with the Olympic Park Inclusive Design Strategy, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the use hereby approved.
16. The flood lighting of the site associated with the approved temporary use shall be installed so that the main beams are directed downwards with the beam angles below 70 degrees the vertical, and shall not lead to light spill levels above those levels as

set out in the approved drawings. The design and construction of the lights shall be in accordance with The Institution of Lighting Engineers (ILE) Guidance Notes 2005.

17. Archaeological watching brief

12 BACKGROUND DOCUMENTS

12.1 None

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning 2 August 2011
Application reference:	2011/0430
Applicant:	Dr John Samuel
Location:	Triangle House, 2-8 Harrow Road, Leytonstone E11 3QF
Proposed development:	Change of use of industrial building into medical centre (use class D1) with associated external alterations, parking and landscaping.
Wards affected:	Cann Hall
Appendices:	None

1 RECOMMENDATION

1.1 Refusal with Informatives

2 SUMMARY OF REASONS FOR RECOMMENDATION

- 2.1 The proposal has been considered in relation to the Council's adopted policies aimed at protecting designated employment and industrial land from inappropriate uses that would undermine the strength of these areas and thus the future potential for employment of local residents and wealth creation for the borough residents. The proposal was found to be contrary to policy INB2 of the Waltham Forest Unitary Development Plan (2006).

3 REASONS REFERRED TO COMMITTEE

- A Member of the Council has requested Committee consideration
- Major matters of planning policy are involved

4 DETAILS OF PROPOSAL AND SURROUNDINGS

- 4.1 The proposal property is a large vacant two-storey, purpose-built industrial building (B1/B2) with workshop on the ground floor and associated offices above, providing a total of 982m² (gross). It is set within it's own secure site, with parking provision for approximately 20 cars, located at the junction of Harrow Road and Howard Road.
- 4.2 The property is within the designated Howard Road Local Employment Area (LEA6), which comprises of the proposal property and units 1-16 Acacia Business Centre.
- 4.3 Adjacent to the site fronting Harrow Road are residential properties, 2 – storey houses and 3- storey block of flats. To the rear is Acacia Business Centre that includes units with a High Road Leytonstone frontage. To the north of the site is a Homebase store. Directly

opposite the site, on the Harrow Road frontage is the rear of 96a Napier Road, an industrial site that is not designated.

- 4.4 The proposal is for the change of use of the property from industrial to a medical centre, incorporating alterations to the internal space, parking layout, and landscaping. The use would initially be contained on the ground floor, with the upper floor being safeguarded for future community use or extended primary care.
- 4.5 The main ground floor medical centre would provide extensive facilities for the occupiers and visitors. It would comprise of 8 medical and nursing rooms. There would also be a pharmacy with its own consultation room. The remaining space would be staff areas.
- 4.6 There would be a number of alterations to the building itself, as well as internal alterations for the creation of the individual rooms. Full disabled access and facilities, including the provision of a lift and disabled car parking spaces, the installation of high level windows on the west elevation, alterations to window and door openings on the south and east elevations. The existing car park would be reconfigured to provide a separate visitor and staff car park, as well as a space for an ambulance.
- 4.7 The main entrance to the building would be on the Howard Road frontage. The proposal would include the provision of a lightweight canopy leading from the car park up to the entrance door. Beneath the canopy would be 6 cycle parking spaces and a pram area.
- 4.8 The proposal involves the relocation of an existing medical centre and GP surgery at 108-110 Harrow Road, the Harrow Road Medical Centre, which is located at the junction of Harrow Road with Montague Road.
- 4.9 In relation to the proposal the subject of this report, it is important for Members to be aware of the planning history of applicant's current location and the background to the application.
- 4.10 The Harrow Road Medical Centre is a busy local health service, with a large number of registered patients. The current surgery currently comprises a reception area, 10 consulting rooms, 3 offices, minor surgery room, and a library (records room). In its present form the clinic would not be able to continue to operate unless the level of health care service it provides is increased whereby it operates as a polyclinic.
- 4.11 For these reasons, the applicant sought to expand the existing premises. On 3 April 2009, planning permission was granted by this committee for the extension of the existing Harrow Medical Centre (2009/0023) by following –
 - i) The creation of 2 additional floors on the building
 - ii) Erection of a single and two storey rear extensions
 - iii) The creation of an accessible front entrance
- 4.12 This proposal sought to improve and extend the existing surgery to achieve this transition and secure the appropriate NHS funding

required. At the time of the application, the number patients registered was given as 2500 (whereas the supporting information provided with this application cites a registered total of approx 8000, seemingly a very significant increase in 2 years). The proposal would result in increasing the number of consultation rooms within the practice, along with the introduction of an in-house pharmacy. The permission is extant and will expire on 3 April 2012.

- 4.13 The applicant has stated that although planning permission was granted for significant extensions to the existing premises, the Medical Centre would fail to provide sufficient improvements to make the scheme viable. Additional difficulties found in the implementation of the approval related to the structural stability of the building and party wall issues.
- 4.14 The application includes a letter from a specialist estate agent, noting that the property had been marketed since August 2010, and that the agent 'did not receive any enquiries from any B1, B2 or B8 users'. It is noted that a copy of the property details has been made available, which makes specific references to 'suitable for a variety of uses – subject to planning'. It also noted that the property is 'Back on market due to aborted negotiations'. These references suggest that an excessive emphasis was placed on its suitability for non-employment (B Use Classes) uses and that the marketing may have been discontinued for some period when a previous offer was in place (possibly the school occupier which the agent refers to having been accepted in December 2010).

5 RELEVANT SITE HISTORY

- 5.1 1980/1254 Erection of a 2-storey industrial building with provision for car parking Approved 22 December 1980
- 5.2 1981/0349 Erection of a two-storey industrial building with provision for car parking /servicing and access from Howard Road Approved 11 June 1981

6 PUBLIC CONSULTATIONS

- 6.1 Consultation letters were sent out to 46 surrounding occupiers in Harrow Road, Howard Road and Saul's Green.
- 6.2 Although no letters were received from the surrounding occupiers, one was received from a member of the Harrow Road Medical Centre, Patients' Participation Group in support of the application.
- 6.3 The comments were as follows -
- The Patient's Group sees the building, once adapted, as presenting an opportunity for the provision of existing and increased health care services under one roof, which the existing site cannot.
 - More services would be available to patients, including a pharmacy, education, counselling services and exercise classes so that they would not have to travel as much

- The move would allow a significant number of additional people (some thousands) to be registered to cater for the current demand.
 - Increased employment opportunities for local people
- 6.4 A joint letter was also received from the Ward Members, Councillors Liz Phillips and Nicholas Russell. Their comments were in support of the proposal, and their comments are as follows –
- There is an increased demand for the services due to the increase in housing in the south of the borough
 - The existing premises were advised by the Care Quality Commission who confirmed that the existing clinic would fall short of the minimum required standards
 - The previous use of Triangle House employed 12 people, 6 of which were mechanics who were out on the road all day. The existing Health Centre employs 15 people, which would increase by a further 10 staff if they move to Triangle House, all of whom would be from the local community.

7 PLANNING POLICY CONSIDERATIONS

7.1 Waltham Forest Unitary Development Plan (2006)

The text of all policies listed below is appended to this agenda: SP7, SP14, SP18, INB2, GCS1, GCS2, GCS3, GCS5, TSP5, TSP17, BHE3, BHE4, BHE5, Appendix 1 Car Parking Standards, Appendix 2 Cycle Parking Standards.

7.2 London Plan (2008)

Policy 3A.20 to 3A.23 relates to healthcare, a policy which seeks to ensure that London boroughs are committed to providing new and improving existing healthcare facilities, as well as promoting the general health of Londoners.

7.3 Inclusive Design and Accessible Buildings (SPD 2011)

The supplementary planning document sets out the requirements and specifications for all schemes to provide fully accessible and inclusive buildings.

8 KEY PLANNING CONSIDERATIONS

- 8.1 The key planning considerations relate to the principle of the development in relation to the loss of an employment use, and compliance with the adopted standards for public buildings.

8.2 Principle of the development

The improvement of facilities for the provision of primary healthcare is acceptable in principle and encouraged. Indeed policy GCS3 of the development plan states that where the need for new and improved health care services is established, the Council will assist the health

authority, which includes GP's, in identifying suitable sites. In addition policy GCS5 of the plan states that the Council will generally welcome proposals for surgeries and other associated primary health care services, subject to there being no conflict with other policies in the plan. The Council's commitment to these uses is clearly set out.

8.3 The proposal relates to a building within a designated Local Employment Area (LEA6) for which there policies aimed at their protection. Policy INB2 states this protection and that any application for non-business class uses would not normally be permitted.

8.4 Therefore, a balance has to be struck in relation to the loss of employment land and the creation of a community site in a location where there is a demand.

8.5 Loss of employment land

8.6 As stated above, the proposal site is located within a designated Local Employment Area, and comprises of a two-storey building office/industrial building, which is the largest building within designated area. The remaining units are those within the Acacia Business Centre, comprising 16 small business units.

8.7 The policies and proposals of the emerging Core Strategy and Development Management Policies Development Plan Documents of the Local Development Framework serve to achieve the following goals:

- Facilitate sustainable economic growth
- Whilst ensuring a healthy supply of land is provided in the existing Strategic Industrial Land (SIL) and Borough Employment Areas (BEA), identify those areas within those designated areas that could be better allocated to non-employment or mixed use development, such as the mixed use sites to be de-designated from BEA in the Northern Olympic Fringe Area Action Plan area.
- Intensify and upgrade employment land in the BEA, including upgrading of existing Local Employment Area (LEA) to strengthen its function

8.8 The above priorities in regard to this scheme mean that whilst the overall level of designated employment land is to reduce, the desire to increase employment levels in the Borough means that those areas not scheduled for release or mixed use designation will need to make an even more important contribution.

8.9 Thus, the Local Development Framework process has analysed the most appropriate areas to allow release or mixed use and has concluded that the subject site should have its employment function protected and enhanced.

8.10 The applicants have submitted justification for the change of use that would result in the loss of this employment land.

- 8.11 The main justification is that the proposed expansion of the existing Harrow Road Medical Centre at 108-110 Harrow Road cannot be carried out, due to structural and party wall issues. Also, that the approved extensions would fall short of the additional requirements set out for the Centre to meet the new Care Quality Commission registration, and that the service would not be able to provide continued service whilst the works were being carried out.
- 8.12 Officers are not aware of the revised requirements for the service, though advice and assistance to provide an acceptable scheme at the existing location would have been readily given were it requested, and as was the case for the previous approved schemes on the site.
- 8.13 Details were given of the search to find alternative premises within the catchment area of the clinic. The documentation listed 14 sites/properties that were looked at for possible relocation, however, it appears that only one, being the former Leytonstone Police Station appeared suited to meet their needs but was not available. These searches were carried out in December 2010 and by a street-by street survey by car on 26th May 2011, after the submission of this application and the purchase of the site by the applicant, Dr Samuel.
- 8.14 Officers had advised that support may in exceptional circumstances, be given for the use of the proposal site on a temporary basis to allow the development to proceed at the current location, but were advised that this would be an unsuitable option, due to the cost of fitting out the premises.
- 8.15 Further justification was submitted relating to level of employment that would be created by the proposed change of use. The further submission states that the relocation of the Centre would allow the patient list to expand and thus the number of staff to accommodate. The practice would have a total of 23 staff, 8 additional FTE staff comprising GP's, nursing staff and admin staff.
- 8.16 It is acknowledged that the level of employment may well rival that of an industrial/business use, but this employment would be outside of the sector that the Council aims to protect and enhance in this location particularly, and indeed expand upon for the benefit of the Borough as a whole.
- 8.17 Account is taken of the difficulties of carrying out the approved development within the existing surgery location, yet concerns regarding disturbance to service during extension works at the current site would surely have been considered when the approved application was submitted, Officers are not satisfied that the proposed loss of an employment site is justified in this case.
- 8.18 The supporting evidence from the estate agent appears to overly promote non employment uses, and suggests that the property has on at least one occasion been taken off of the market while negotiations continued relating to a non employment use. It is anticipated that as the site has now been purchased, the marketing has since ceased. Thus, it has not been clearly demonstrated that continuous marketing

has occurred for any significant period of time, nor has an independent view been able to be reached as to whether the property was marketed at an appropriate value for employment uses.

8.19 The submitted evidence is thus incomplete. Also, the statements from the planning and estate agents appear contradictory. The estate agent notes that no enquiries were received in their letter of 31st May 2011, though the planning agent 3 weeks earlier (10th May) states that the estate agent did receive 'preliminary telephone enquiries' and thus enquiries were made, though the planning agent describes them as representing 'very limited interest'.

8.20 It is not clear what efforts have been made to seek an additional smaller site in addition to the existing surgery, or whether a single larger site was the only solution pursued.

8.21 Compliance with the adopted standards for public buildings

The proposal, being for a community use in which you would expect a large number of visitors would be required to be inclusive or be adapted to ensure that would allow full disabled access for visitors and staff.

8.22 The proposal would involve internal alterations to provide full medical centre facilities, consultation rooms and pharmacy. All public areas and rooms would be fully accessible, but some of the doors to the staff areas have doors that would not meet the minimum 900mm clear opening door width. A lift would be provided for access to the upper floor, as would a disabled persons toilet.

8.23 The scheme would provide a fully inclusive building that would generally satisfy the standards set out in the Inclusive Design and Accessible Buildings SPD. To ensure that the proposal would be fully compliant, a suitable condition could be attached to an approval.

8.24 The car park would provide four designated disabled car parking spaces and an ambulance bay, which is acceptable.

8.25 Conclusion

The proposal would provide a beneficial medical facility to rival what could be provided at the existing surgery location, and meet the needs of the current patients and those in the future. However, this would not adequately mitigate the loss of an important industrial/business site within a designated Local Employment Area, and this would be contrary to the aims of the Council to protect such sites from uses outside the business use classes, and would be contrary to policy INB2 of the Waltham Forest Unitary Development Plan 2006.

9 HUMAN RIGHTS

9.1 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.

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 for refusal of permission in this case interferes with applicant's 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 neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

10 EQUALITIES

- 10.1 In making your decision you must also have regard to the public sector equality duty (PSED) under s.149 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.
- 10.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 10.3 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.
- 10.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic

11 RECOMMENDATION

The Planning Committee is requested to resolve that planning permission be refused for the following reason:

11.1 Reasons for Refusal:

1. The proposal would result in the loss of a significant business/industrial building within the designated Howard Road Local Employment Area that would severely undermine the existing and prospective employment function of that area. The application would therefore be contrary to policy INB2 of the Waltham Forest Unitary Development Plan (2006)

11.2 Informatives:

1. The applicant is advised that the application has been considered on the basis of drawing numbers 032.11/01, 032.11/02, 032.11/03, 032.11/04, 032.11/05, 032.11/06, 032.11/07, 032.11/08, 032.11/09 and 032.11/10 received 17 May 2011.

12 BACKGROUND DOCUMENTS

- 12.1 None

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning 2 August 2011
Application reference:	2011/0846/LA
Applicant:	London Borough of Waltham Forest
Location:	Lloyd Park, Forest Road E17
Proposed development:	Variation of condition 1 attached to planning permission 2011/0533/LA, involving alterations to hard and soft landscaping, removal of east pontoon, alterations to planting areas and alterations to hub buildings and bowls pavilion.
Wards affected:	William Morris
Appendices:	None

1 RECOMMENDATION

- 1.1 It is recommended that planning permission be granted.

2 SUMMARY OF REASONS FOR RECOMMENDATION

- 2.1 The application has been considered in relation to relevant policies in the adopted Waltham Forest Unitary Development Plan (2006), in particular policies SP1, ENV14 and BHE1. The main issue in considering the application was the impact of the proposed changes on the design and appearance of the park. The proposals are considered to be acceptable in relation to this issue and it is not considered that there are any other material planning considerations in this case that would warrant a refusal of the application.

3 REASONS REFERRED TO COMMITTEE

- The Council is the applicant

4 DETAILS OF PROPOSAL AND SURROUNDINGS

- 4.1 Lloyd and Aveling Park is the most visited park in the Borough, attracting nearly a million visitors a year. It is located on Forest Road and is bounded by Winns Terrace and Carr Road to the west, Brettenham Road to the north and Bedford Road, Omnibus Way and Aveling Park Road to the east. The main entrance to the park is on Forest Road and there are other entrances on Winns Terrace, Brettenham Road, Cazenove Road, Aveling Park Road and Bedford Road. A public footpath (Clay Path or 'night path') runs through the park to the north of the moat, linking Bedford Road and Winns Terrace. The footpath is a right of way and is open 24 hours a day.
- 4.2 The park was developed in two phases; Lloyd Park was part of the private gardens of the Water House (now the William Morris Gallery, a Grade 2* listed building) and was opened as a public park in 1900.

Aveling Park was added in 1912 and provides large open playing fields. The southern parts of the park around the William Morris Gallery include a moat and island, which originate from the medieval period, and ornamental gardens. The Waltham Forest Theatre, which has now been demolished, was located on the island. The northern part of the park is open in character and provides space for informal recreation and events.

4.3 Planning permission and listed building consent were granted in 2009 for a park master plan that included the following elements:

- The demolition of the Waltham Forest Theatre, the café and gallery building, the aviary, the bowling pavilion adjacent to the synthetic green and the depot building to the northeast of the moat.
- The construction of a new park facility building ('The Hub'), comprising a café, a community room, a gallery, a park keeper's office and parks mess room. The existing artists studios would be retained.
- The construction of a new synthetic bowling green and clubhouse adjacent to the grass bowling green.
- The construction of a new concrete skateboard bowl to the north of 'The Hub' building.
- The construction of a new children's play area between The Hub and the Lloyd Park Centre (an existing nursery not part of the application site),
- With the demolition of the Waltham Forest Theatre, the island would be opened up to become an accessible part of the park. The island and moat would be developed as an ecologically diverse area. The island would also be used as an outdoor performance area during the summer months and a circular performance space will be formed.
- The construction of a new pedestrian bridge on the north side of the island.
- The construction and planting of a new William Morris interpretative garden.
- The closure or re-alignment of the Clay Path/night path between Bedford Road and Winns Terrace.
- Landscaping and planting works throughout the park.
- Improvements to all park entrances and gates.
- The removal of some existing trees and the planting of new trees.
- Alterations in front of the William Morris Gallery to re-introduce a carriage drive and an avenue of trees to the southwest of the Gallery.
- A new biomass boiler and fuel store will be located in the existing depot adjacent to the Aveling Park Road entrance.

4.4 This application seeks approval for a number of minor amendments to the approved plans comprising the following:

- Revised design of the rear garden terrace to include more footpaths and seasonal planting beds.
- Removal of a section of path running north south beside the existing grass bowling green. The path to be replaced by a grass.
- Changes to the materials to be used for the paths from resin bonded gravel to macadam.
- Removal of the proposed pontoon on the east side of the moat.
- Removal of proposed hoggin paths to the outer circuit of the Aveling Park fields.
- Revised design of the play area adjacent to the hub buildings.
- Reduction in the area of shrub planting to the bed east of the rear garden terrace.
- Reduction in the area of shrub planting to north sector of the island.
- Aveling field woodland tree planting design revised to include additional areas of whip (small tree) planting.
- Reduction in floor area of the proposed gallery by 15m² and of the parks office by 24m².
- Reduction in the height of the proposed hub buildings and bowls pavilion by 450mm.
- The brick wall wrapping around the existing artists studios to be replaced by a mesh fence with climbing plants to create a green wall.
- One changing room omitted from the bowls pavilion.

5 RELEVANT SITE HISTORY

5.1 **2011/0533/LA** An application for a non-material amendment to add an approved plans condition to planning permission reference 2009/0196/LA. **Approved 13 May 2011.**

5.2 **2009/0156/LA** 1. Demolition of existing theatre, café, gallery, aviary, bowling pavilion and depot building. 2. Construction of new park facility building (The Hub), new synthetic bowling green and clubhouse, in situ concrete skateboard bowl, children's play area, outdoor performance space on island, new pedestrian bridge on north edge of island. 3. Landscaping and planting works throughout the park. 4. Alterations to park entrances and gates. 5. Provision of biomass boiler and fuel store. **Approved 23 April 2009.**

6 PUBLIC CONSULTATIONS

6.1 The occupiers of 7–69 Winns Terrace were consulted about this application. At the time of writing this report no objections have been received although the consultation period has not yet expired. Any

objections or other representations that are received will be reported in an update report.

7 PLANNING POLICY CONSIDERATIONS

7.1 Adopted Waltham Forest Unitary Development Plan (2006)

On the Proposals Map, the site is designated as a Park. The southern part of the park is designated as a Park and Garden of Local Historic Interest and an Archaeological Priority Zone. Part of the southern part of the park is also a Site of Local Nature Conservation Importance. The following policies are relevant to this application and are appended to this agenda: SP1, TSP4, TSP17, ENV8, ENV10, ENV14, ENV15, ENV17, ENV19, ENV22, BHE1, BHE14.

7.2 National Policies

PPS1 'Delivering Sustainable Development'.

PPG15 'Planning and the Historic Environment'.

PPG17 Planning for Open Space, Sport and Recreation'.

8 KEY PLANNING CONSIDERATIONS

8.1 The key planning consideration in considering the application is the impact of the proposed revisions on the design and appearance of the park.

8.2 The proposed changes mainly result from the need to ensure that the project is completed within budgets. The changes, which are detailed at paragraph 4.4 of this report, are of a minor nature and it is not considered that they will have any significant adverse impact on the design and appearance of the park. The changes would not be visible from outside the park and would have no impact on neighbouring residents. The additional whip planting to Aveling fields should enhance the nature conservation value of the park. The proposed changes to the hub buildings and bowls pavilion will not significantly affect either their design or functionality.

9 HUMAN RIGHTS

9.1.1 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.

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.

10 RECOMMENDATION

The Planning Committee is requested to resolve that planning permission be granted subject to the following condition:

Condition:

1. The development shall be built in accordance with drawings numbers DWG-008A, DWG-009A, DWG-010A, DWG-011A, DWG-001, DWG-102, DWG-101A, DWG-102A, DWG-103A, DWG-104A, DWG-127, 2042_GAD_000001_A, 2042_GAD_000002_A, 2042_GAD_000003_A, 2042_GAD_000004_A and 2042_GAD_000009_A received on 9 February 2009, drawings DWG-105B, DWG-116B, DWG-117B, DWG-118B, 2042_GAD_400010_E, 2042_GAD_400020_A, 2042_GAD_420010_H, 2042_GAD_440010_G and 2042_GAD_440020_F received on 16 May 2011 and drawings DWG-100 rev D, DWG-106 rev C, DWG-107 rev C and DWG-128 rev D received on 16 June 2011.

Reasons

1. To ensure the development is completed in accordance with the approved details.

10.1 Informatives:

1. You are reminded that this permission relates to condition 1 attached to planning permission 2009/0156/LA and does not alter or affect any other condition attached to that permission.

11 BACKGROUND DOCUMENTS

11.1 None

LONDON BOROUGH OF WALTHAM FOREST

Planning Committee 2 August 2011

(Item 4)

APPENDIX: TEXT OF UNITARY DEVELOPMENT PLAN POLICIES

- BHE1** A) New development proposals will be permitted if:
They are compatible with or improve their surroundings in:
Layout;
i Site coverage;
ii Architectural style;
iii Scale;
iv Bulk;
v Height;
vi Materials;
vii Landscaping;
viii Visual impact;
ix Their relationship to nearby properties; and
x Their relationship to mature trees.
B) They harmonise with the townscape and general character of the areas in which they are set; and
C) They provide appropriate facilities for the benefit of occupiers and visitors.
- BHE3** The Council will seek to ensure that proposals do not harm the local environment or the amenity of neighbouring occupiers. Permission will be granted for development if it;
A) Provides a satisfactory level of sunlight, daylight, privacy and outlook for occupiers of existing and adjoining properties; and
B) Does not prejudice the amenity of the occupiers of adjacent properties by reason of noise, vibration, fumes, smells, smoke, ash, dust, soot, grit, hours of operation or other forms of pollution; and
C) Provides adequate arrangements for the storage, collection and disposal of refuse.
- BHE4** Planning applications will be assessed for their transport impact, including cumulative impacts on the environment, the road network, and on all transport modes including public transport, walking, and cycling.
The amount of car parking to be provided must have regard to the level of accessibility of the site (for public transport, shops and services) and the implications of the development for traffic congestion, traffic management and the safety of pedestrians, cyclists and other road users.
- BHE5** Applications for new development (including the alteration, extension or change of use of buildings and land) to which the public have access should where practical and reasonable, be designed so that everyone, including disabled people, can conveniently reach and enter any buildings or use any open air facilities. The Council will

seek to secure best practice by commending access for all guidelines to developers.

- BHE7 The Council will expect development layouts to be designed to reduce the opportunities for crime by incorporating the aims and objectives of both 'secured by design' and 'designing out crime' concepts, such that:
- A) Public, private and semi-private spaces are clearly defined in terms of their use and control.
 - B) The informal surveillance of public and semi-private spaces around buildings is maximised through the positioning of windows, entrances and other forms of overlooking.
 - C) Front elevations should address the principal adjoining streets, containing where possible, habitable rooms and actively used main entrances, with private areas to the rear of the property.
 - D) Entrances are overlooked by development, provided with good lighting and are visible from the street.
 - E) Rear gardens do not adjoin public space.
 - F) Parking spaces are provided within view of all properties and are not accessible via the rear gardens of residential properties.
 - G) Public spaces and access ways through or adjoining a site are overlooked by development, provided with good lighting, set away from cover and provide good sight lines.
- BHE9 The Council will encourage the use of sensitively designed lighting proposals which enhance the architectural attraction of public buildings, especially those in town centres. Proposals should be designed so as to preserve the darkness of the night sky - particularly near areas of green belt or metropolitan open land or public open space. Lighting displays should be designed so that they do not:
- give rise to nuisance to road users;
 - cause harm to residential amenity; nor
 - act to the detriment of the character and function of the local area.
- BHE14 The Council will not agree to proposals involving the demolition of any building which is on the statutory list of buildings of special architectural and/or historic interest.

The Council will not permit uses, alterations or extensions that would be detrimental to the fabric, appearance, historic interest or setting of these buildings; and it will encourage proposals which seek their rehabilitation, maintenance and repair.

The design of alterations or extensions to a listed building must be sympathetic in all respects to the period and style of the original building.

Wherever possible consideration should be given to improving access for people with disabilities to all listed buildings open to the public or where people are employed.

- BHE17 The Council will ensure the preservation, protection and where possible the enhancement of the archaeological heritage of the borough.
- ENV1 Urban open space comprises public and private open land as defined on the proposals map by several designations. Development that would result in the loss of such open space will not be permitted unless open space of equivalent or better value in terms of quantity, quality, amenity, accessibility or value to biodiversity is provided elsewhere in the borough. Development of open land in areas of open space deficiency will not be approved unless equivalent or better replacement open space can be provided nearby
- ENV6 The Council will, in accordance with national legislation, seek to safeguard those species given special protection in law. Planning permission will not be granted for development or land use changes which would have a significant adverse impact on badgers, other protected species, or biodiversity action plan species that are uncommon, declining, or under threat in London. Where development is permitted that may affect species protected under these policies, the Council will impose conditions, where appropriate, and seek to use its powers to enter into planning obligations to:
- A) facilitate the survival of individual members of the species;
 - B) reduce disturbance to a minimum;
 - C) and provide adequate alternative habitats to sustain at least the current levels of population
- ENV8 Development on, within or adjacent to Sites of Local Nature Conservation Importance, will not be permitted if it is likely to cause serious harm to nature conservation interest at the defined site.
- ENV10 Where appropriate, the Council will seek to improve facilities for visitors at the sites of nature conservation importance. Access will be restricted where the conservation of nature may be adversely affected by disturbance
- ENV14 The Council seeks to retain all the parks within the borough (as shown on the proposals map). Proposals for change of use or for built development at these locations will be refused, except where the development is ancillary to, or complements recreational open space use. Any such built development should be so designed and sited as to maintain the open aspect of the park and enhance its park setting
- ENV15 Planning permission will not be granted for development proposals which would harm the character, appearance, setting or features, of

historic parks, gardens and formally laid out areas identified by the local planning authority as being worthy of protection.

- ENV17 The Council will seek to provide easily accessible, safe, and stimulating play areas for all the borough's children, especially those under seven and where possible children with disabilities.
- ENV19 In order to encourage walking as a recreational activity, the Council will maintain, and wherever possible improve the borough's footpaths and walkways. Where appropriate, it will also seek by the use of planning obligations, ways to create new footpaths and walkways
- ENV20 The Council will seek to retain existing playing fields (as shown on the proposals map), and in appropriate cases will seek to secure their improvement. Only in exceptional cases will the council allow the loss of pitches, provided that the change of use is for alternative sports/recreational activity, or by making improvements to existing facilities.
- ENV22 In order to protect and improve the amenity and biodiversity value of trees, the Council will: A) where appropriate, make tree preservation orders on trees or groups of trees; B) aim to ensure that other trees of lesser public amenity value and those of value to nature conservation are retained wherever possible; C) ensure that, whenever appropriate, in granting planning permission for any development, adequate provision is made for the protection of existing trees and the planting of new trees which should be of locally indigenous species wherever possible; D) encourage other public authorities and private landowners to implement new tree planting which should be of locally native species wherever possible E) encourage proper and beneficial management of woodland areas; F) seek the use of planning obligations with developers to plant appropriate species of trees wherever services allow, in public streets and where appropriate, in open spaces.
- GCS2 The Council will seek to retain community facilities. Where retention of an existing facility is impractical, the council will seek redevelopment for a suitable use including mixed use development. The Council will encourage new or improved community facilities to tackle social exclusion.
- GCS3 When the need for new or improved health care services is established the Council will assist the health authority in identifying suitable sites.
- GCS5 The Council will generally welcome proposals for doctors' surgeries and other associated primary health care services, subject to policy GCS1.

- INB2 The Council will seek to protect the following Local Employment Areas for employment generating uses:-
- Ravenswood Industrial Estate
 - Shaftesbury Court
 - Joseph Ray Road
 - Hatherley Mews
 - Acacia Business Centre
 - Lennox Road
- Where there is an adverse effect on the environment of the surrounding area, the Council will encourage modernisation and improvement of existing premises or re-use for less environmentally intrusive employment operations. Applications for nonbusiness class uses will not normally be permitted.
- SP1 The council will seek to maintain and enhance the natural and built environment of the borough. In particular it will:
- A) Ensure that new developments or changes of use enhance rather than detract from their surroundings;
 - B) Promote the improvement of the urban environment of the borough;
 - C) Conserve and enhance areas and buildings of special townscape value or of historic and architectural interest;
 - D) Continue to protect the Green Belt and Metropolitan Open Land from incompatible development;
 - E) Conserve and enhance open spaces within the urban area which have an important role to play whether for amenity reasons, for nature conservation, or for recreation and community purposes;
 - F) Protect and enhance green chains and promote borough biodiversity.
- SP2 New development will be expected to make a positive contribution to improving the quality of the urban environment in Waltham Forest. It should be designed with proper consideration of key urban design principles relating to:
- townscape (local context and character),
 - urban structure (space and movement),
 - urban clarity and safety,
 - the public realm (landscape and streetscape - including public art),
 - wildlife habitat,
 - architectural quality, and
 - sustainability.
- SP3 The council will treat the impact of new development on the movement of people and goods as an important consideration when deciding applications for planning permission.

- SP7 The council will support businesses in the borough and regeneration objectives by seeking to retain land in employment uses from loss to other uses in the designated employment areas. Outside these the council will seek to retain land in employment use except where continued employment use will cause unacceptable environmental problems, or where redevelopment for employment use is impracticable.
- SP15 The council will seek to retain existing sites in leisure and recreational use. The council will also seek to maximise the use of existing facilities for the benefit of all sections of the community. New facilities will generally be welcomed.
- SP16 The council will ensure that planning policies reflect the needs of all borough residents and give priority to the most disadvantaged communities and neighbourhoods.
- SP18 Where necessary, the council will seek a planning obligation in order to facilitate development.
- TSP4 In order to maintain, and wherever possible improve the environment for pedestrians and wheelchair users, the Council will:
- A) Generally oppose any proposals which would result in the loss of any footpath or footway, or which would cause a deterioration in the environment for pedestrians;
 - B) Seek to maintain, and wherever possible improve the footpaths, footways, pavements, and pedestrian areas in the borough, and other facilities such as verges, street furniture, and street lighting which affect the environment for pedestrians;
 - C) Pedestrianise parts of shopping streets where possible and practicable;
 - D) Support the use of “home zones” in suitable residential and mixed use developments;
 - E) Improve pedestrian links to public transport facilities.
- TSP5 In order to promote cycling as a healthy and efficient form of transport, the Council will:
- A) Support the provision of primary cycle routes in the borough as part of a strategic cycle network for London;
 - B) Provide safe local cycle routes and lanes where possible;
 - C) Seek provision of secure cycle parking facilities at public transport interchanges, shopping centres, and adjacent to public buildings;
 - D) Seek to ensure that appropriate provision is made in new development for cycle parking in accordance with the Council’s standards (see [Appendix 2](#));
 - E) Where necessary and reasonable, seek planning obligations to fund cycle parking, changing facilities and new/improvements to, cycle routes;
 - F) Improve security for cyclists;

- G) Improve cycling links to public transport facilities;
- H) Take account of the needs of cyclists in the design of all new roads, highway improvements, and traffic management measures, and ensure that works are completed to a high standard.

TSP10 In order to minimise the environmental damage caused by heavy goods vehicles, the Council will: A) seek to ensure that developments which generate heavy goods traffic are located where adequate access is available. Such developments should make adequate provision for off-street loading, unloading, and lorry parking; B) seek to protect environmentally sensitive areas from the adverse environmental effects of lorries; C) control night-time on-street lorry parking; D) support the control of night-time and weekend lorry movements in London; E) encourage the movement of as much freight as possible by rail and waterway; F) give better protection to those sites and routes (existing and potential) which could be critical in developing infrastructure to widen transport choice - such as interchange facilities, allowing road to rail transfer.

TSP13 The Council will seek environmental improvements for those who live and work adjacent to the Transport for London Road Network (TLRN) roads.

TSP14 The Council will seek to improve conditions on the borough's main road network (as shown on the proposals map) in order to: A) improve safety and security for pedestrians; B) improve accessibility for people with disabilities and for those less mobile; C) improve facilities for cyclists; D) improve road safety; E) achieve the segregation of vehicles and pedestrians; F) route through traffic and heavy lorries away from residential areas; G) reduce delay for buses; H) achieve environmental improvements for those who live and work on main roads.

TSP17 The Council will seek to alleviate the problems of on-street parking by means of:

- A) Controlled Parking Zones;
- B) Giving priority for parking space, where possible, to residents, shoppers, people with disabilities, and short-stay parkers;
- C) Providing off-street car parks in commercial centres, where appropriate;
- D) Making specialised provision to meet the needs of disabled persons in public off-street car parks, near disabled persons' homes and at public buildings;
- E) Providing, where necessary, parking laybys and other preventative measures in order to minimise obstruction;
- F) Ensuring that proposals for which planning permission is required should make the appropriate provision for off-street parking in accordance with the council's car parking standards (see Appendix 1);
- G) Generally opposing developments which are likely to result in parking which would obstruct bus routes and other main traffic routes;

H) Introducing more car free/reduced off-street parking developments in areas where on-street parking controls are in place.

WPM6 Development resulting in unacceptable pollution of air, land or water will normally not be permitted. In appropriate cases the Council will require developers to submit an Environmental Impact Assessment demonstrating all practical steps being taken in their proposals to avoid pollution. In addition, and where appropriate, the Council will also take into account the pollution effects on Epping Forest.

WPM10 The Council will resist developments that could lead to unacceptable levels of noise pollution or vibration.

WPM11 The Council will resist development that could lead to an unacceptable level of light pollution.

WPM14 The Council will oppose development that would pose an unacceptable risk to the quality of groundwater or would have a detrimental effect upon the quality of surface water.

WPM19 Where new development would increase surface water run-off, the Council will expect new development to utilise Sustainable Urban Drainage techniques wherever possible. Where such techniques are not incorporated, applicants should explain why they are not practicable.