

GREATER LONDON AUTHORITY

Mayor's Office

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Our ref: PDU/2162/DBH07
Your ref: 2008/1490 & 2008/
Date: 10 November 2009

Kevin Herring

Environment & Regeneration
Waltham Forest Council
Sycamore House
Town Hall Complex
Forest Road
WALTHAMSTOW E17 4JF

Dear Mr Herring,

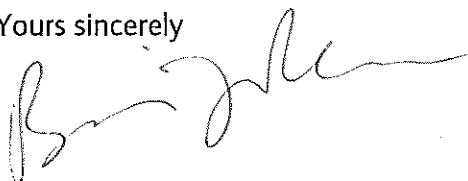
Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008
Re: The former C&A warehouse site, Highams Park (Your references: 2008/1490 and 2008/1491)

I refer to your letter of 21 October 2009 informing me that Waltham Forest Council is minded to grant planning permission for the above development. I refer you also to the notice that was issued on 29 October 2009 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on these cases (our references PDU/2162/02 and 2162a/02, copy enclosed), I am content to allow Waltham Forest Council to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to direct refusal or to take over the application for my own determination.

I have taken the environmental information made available to date into consideration in formulating my decision.

Yours sincerely



Boris Johnson
Mayor of London

cc Jennette Arnold, London Assembly Constituency Member
Jenny Jones, Chair of London Assembly Planning and Housing Committee
Ian McNally & John Pierce, GoL
Colin Lovell, TfL
Javiera Maturana, LDA
Emma Beardmore, GL Hearn, 20 Soho Square, LONDON W1D 3QW

10 November 2009

Tesco, Highams Park

in the London Borough of Waltham Forest

planning application nos. 2008/1490 & 2008/1491

Strategic planning application stage II referral (new powers)

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

The proposal

Duplicate and detailed planning applications for a **mixed-use redevelopment** comprising **retail superstore** (class A1), **employment uses** (class B1- B8), **253 residential units** (class C3), seven independent units for retail and restaurant (class A1- A3) uses, **community uses** (class D1) and associated car parking, access roads, plant & equipment and landscaping.

The applicant

The applicant is **Spenhill Properties Ltd** (on behalf of Tesco Stores) and the architect is **Collado Collins**.

Strategic issues

The outstanding issues relate to **children's playspace**, **urban design**, the **energy** provisions of the scheme, **transport** and **inclusive access**.

Recommendation

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

Context

1 On 29 October 2009, the Mayor of London received documents from Waltham Forest Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A, 1B(c), 3B and 3F of the Schedule to the Order 2008:

1A- "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats".

1B- "Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings— (c) outside Central London and with a total floorspace of more than 15,000 square metres".

3B- "Development—(a) which occupies more than 4 hectares of land which is used for a use within Class B1 (business), B2 (general industrial) or B8 (storage or distribution) of the Use Classes Order; and (b) which is likely to prejudice the use of that land for any such use".

3F- "Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use".

2 On 30 October 2008, the Mayor considered a combined planning report (our references PDU/2162/01 and PDU/2162a/01), and subsequently advised Waltham Forest Council that the applications did not comply with the London Plan, for the reasons set out in paragraph 83 of the above-mentioned report; but that the possible remedies set out in paragraph 84 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below).

4 On 13 October 2009, Waltham Forest Council decided that it was minded to grant planning permission for the revised application, and on 29 October 2009 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the interim decision to proceed unchanged, direct Waltham Forest Council under Article 6 to refuse the application, or issue a direction to Waltham Forest Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 11 November 2009 to notify the Council of his decision and to issue any direction.

5 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

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

Update

7 At the consultation stage, Waltham Forest Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 83 of the above-mentioned report; but that the possible remedies set out in paragraph 84 of that report could address these deficiencies. In particular, the applicant was requested to:

- Submit a schedule on the distribution of children's play space within the development in terms of their size, equipment and suitability for age groups 0-4, 5-11 and 12-16 as requested in (paragraph 48) the attached report, in order to facilitate a proper assessment against the Mayor's guidance; and the developer's proposals to make good any shortfall by way of a financial contribution towards off-site provision within reasonable proximity of the site.
- Revise the submitted layout to include at least a pedestrian link between Halex Road and Cherry Place/Mulberry Mews to the existing residential community to the west as explained in (paragraph 49 of) the attached report.

- Address the issues raised in the energy section (paragraphs 56 to 68) of the attached report, prior to any further referral of this application to the Mayor.
- Provide a full response to each of the points made by Transport for London (in paragraphs 69 to 73) before any further referral of this case to the Mayor.
- Address the access issues raised at the London Access Forum (paragraphs 75 and 76 above) in respect of London Plan policy 4B.5.

8 The applicant's response to these are as follows:

Children's playspace

9 The revised plans showed a reduction in the total number of residential units from the 261 to 253, which would in turn reduce the child yield and overall requirement for play space.

10 A quantitative and qualitative schedule of play areas has been provided in the revised design and access statement. It indicates a child yield of 209, for which the Mayor's SPG guidance seeks a benchmark provision of 2,090 sq.m. of specially designated and equipped children's playspace.

11 That requirement has been fulfilled by the provisions (totalling 2,385 sq.m.) made within the courtyard of block G on Mulberry Green, and the south side of Lime Row.

Permeability of the site layout

12 The provision of a pedestrian link with access restricted to emergency vehicles between Cherry Place and Aldriche Way is welcomed. The link would improve permeability of a site laid out to provide good surveillance, and afford direct access from the Aldriche Estate to the proposed store without compromising security. The link resolves a principal concern over the previous layout.

Energy provisions

13 The applicant's energy strategy has been revised twice in response to the deficiencies identified since consideration of the initial report on this scheme. The latest version avoids the use of biomass and bio-fuel systems and their associated air quality, supply and storage implications. It also introduces a third option of tri-generation gas-fired combined cooling heating and power (CCHP) unit and solar thermal panels, which would reduce the baseline carbon dioxide emissions by 26% and 4% respectively.

14 This tri-generation unit is basically a standard type of gas-powered CHP, which can additionally be used for cooling purposes via the use of an absorption chiller, and in this case is primarily concerned with refrigeration/freezing of food in the proposed retail store. It can also be used for space heating requirements in cold weather, as is often the case with CHP systems. Either way it can also generate electricity for use on site. It is this combined arrangement of generating heat and electrical power together at the same time (hence the term CHP) at a localised level, which gives the efficiency and environmental benefits. The Council is a significant user of CHP and is therefore well aware of its ramifications. This is acceptable as the preferred technology.

15 Solar thermal hot water would also be generated in the residential component of the scheme, with the additional 4% CO₂ saving over the base case serving as a bonus from a renewable source of energy.

16 The latest option fulfils the London Plan hierarchy for 'renewables' in terms of CO₂ reduction relative to the baseline- although the proposed technology is low carbon rather than zero carbon, and relies on the use of natural gas.

17 The Council proposes a planning condition to secure these provisions, as set out in the revised energy strategy of 17 June 2009.

Transport for London's comments

18 Since the initial referral, the trip generation assessment and modelling has been revised to provide a better understanding of the transport impact of this development. TfL still considers that trip generation may have been underestimated, however, even in the worse case scenario, the development is unlikely to have an adverse effect on the nearest part of the TLRN. The installation of new signal-controlled junctions will require TfL consent and their operation should include pedestrian phases and mechanisms to minimise bus delays.

19 TfL is satisfied there will be sufficient capacity on the bus network to accommodate the additional demand generated by the development. Nevertheless, in order to encourage public transport use, TfL welcomes the contribution of £60,000 towards bus stop accessibility improvements.

20 The retail development will provide 349 parking spaces, which is within the London Plan maximum for a site with a PTAL of 2. The car park will also fulfil a town centre role with the redevelopment of a nearby public facility. A car park management strategy would be secured through section 106 agreement, which is supported. The residential element will include 0.5 parking spaces per unit, which is acceptable in this location, together with the provision of £15,000 for the Council to set up a controlled parking zone. 281 cycle parking spaces will be secured by condition, which complies with TfL cycle parking standards. Travel plans have been secured for the various land uses and these will be secured and funded by section 106 agreement. To complement these, TfL welcomes the provision of two car club vehicles to be secured through the section 106 agreement. TfL is, however, disappointed that neither a service and delivery plan nor a construction logistics plan has been secured, though it is expected that the main impact will be on borough roads rather than the TLRN.

Inclusive design/access

21 The revised proposal to provide of an additional lift within the freestanding residential block G is particularly welcome, as is the submission of supplementary plans with detailed layouts to demonstrate compliance with the 'Lifetime Homes' and wheelchair housing standards.

Response to consultations

22 The Council advertised the application as a major development by press and site notices, and an initial total of 4,427 consultation letters to local addresses. Officers reported that a total of 121 written replies (a 2.7% response rate) were received in relation to the original plans, including 10 letters of support. The remaining 111 were letters of objection, including representations from Highams Park Forum, the Highams Park Society, The Highams Park Residents Association, and the Village Against Urbanisation Group.

23 A further round of consultation of all those originally consulted, was carried out by the Council at the end of July 2009, following the submission of revised plans. The re-consultation produced an additional 159 letters and emails to the Council, only 5 of which were in support of the development.

24 Additional representations were received following the decision of the local planning committee's to defer consideration of this scheme from 8 September 2009 to 13 October 2009.

25 The representations included an objection from the local MP on behalf of his constituents and himself, the grounds of which are included in the summary in paragraph 29 below.

26 Further objections from Highams Park Forum and Highams Park Society; 8 letters of objection from local residents, and a petition from 41 signatories titled Highams Park Traders for Regeneration in support of the scheme.

27 The London Assembly Member for the North East constituency, which includes Highams Park wrote on behalf of local residents to express concern over inadequate traffic impact assessment, the adverse effect of increased traffic on local roads, and the loose drafting of planning conditions relating to the delivery of the residential and employment elements of the scheme.

28 At the time of writing, GLA officers had received a total of 183 written representations (including one from a planning consultancy objecting on behalf of the local Co-operative Group), and a further 69 emails and letters were copied to or addressed directly to the Mayor, the vast majority of which objected to the development. Given the sheer number of representations, however, there may be some overlap in counting those letters sent to both the Council and the Mayor/GLA.

29 The principal grounds of **objection** were:

- No need for unduly large retail store in this location.

Comment:*

Whilst the gross area of the store exceeds that considered by the Secretary of State in 2007, the difference is due to the inclusion of an energy centre and a covered atrium leading to the main entrance of the present scheme. The net area (3,399 sq.m.) is of similar size to that proposed in the called-in scheme (3,390 sq.m), for which the Secretary of State accepted that there was a demonstrable need in that location. The actual trading area, excluding the entrance lobby, café and customer toilets is calculated at 3,111sq.m.

- Several retail superstores/supermarkets available within easy reach of Highams Park.
- The store would affect the vitality and viability of town centres nearby.
- Unduly high density of residential development.
- The proposals were out of scale and character with its suburban village/Victorian setting.
- Inadequate capacity of social infrastructure to support additional population.
- Level crossing would exacerbate traffic tailbacks and delay buses.

Comment

The Secretary of State accepted that there would be some congestion and delays, but not to an extent that would justify a refusal of planning permission. TfL accepts that position.

- The impact of increased noise and air pollution on residential amenity.

- The mixed-use development should be employment-led.
- The loss of several mature trees, some subject to Tree Preservation Orders.
- A lack of consultation on the negotiations that have taken place between Council officers and the applicant, and a lack of sufficient time for allotted speakers to address the Council's planning committee.

30 *The comments on specific objections relate to the principle of development and provide clarification of the strategic planning issues addressed in this and the earlier report to the Mayor. The Council's committee report addresses each of the remaining issues, particularly those of local rather than strategic planning significance.

31 The main reasons in **support** of the scheme were:

- The development would regenerate Highams Park and the increased activity would bring extra trade, jobs and a wider choice of goods and services to a declining neighbourhood centre.
- Concern about a large retail store setting up away from Highams Park if the development is not allowed to go ahead which would further the decline in the area by drawing more trade away from it.
- The additional housing would help meet an identified local need.
- The scheme would generate new employment within the area.
- The development would return an under-used site to beneficial use and reduce anti-social behaviour and crime.

Other comments

32 Redbridge Council: Objects to the proposals on the grounds that the size and scale of the store which could cause a trade diversion of up to 10% from the South Woodford District Shopping Centre. It also objects on grounds of a perceived conflict with PPS6 in terms of store location and policies of the Redbridge and the Waltham Forest UDPs.

33 CABE: Following the latest revisions, the Commission for Architecture and the Built Environment was supportive of the scheme as thoughtful in design and successful in combining the various land uses – in particular the panel welcomed the way the impact of the store had been addressed by animating its elevations.

34 PCT: The Primary Care Trust expressed strong support for the scheme, given the difficulties the PCT has experienced in finding premises locally that are fit for purpose for local GP's support.

The proposed legal agreement

35 The Council's resolution to grant permission for the scheme is subject to conditions and the completion of a legal agreement to secure the following benefits, including financial contributions in excess of £2 million:

- An affordable housing contribution of 40.8% by habitable room, comprising 94 out of the total 253 units- 56 for social renting and 38 intermediate. (The breakdown of this would

be: 28 one-bed, 10 two-bed 3 person, 36 two-bed 4 person, 6 three-bed 5 person, 5 x three-bed 6 person and 9 x four-bed 7 person flats). No more than 50% of the market units shall be occupied until a binding contract has been entered into with a Registered Social Landlord to take a lease on all the affordable units. The affordable housing should be available for occupation within its entirety within 2 years of the retail store opening for trading.

- The operation and management of the store car park for the store itself and for time-restricted linked trips (2 hours free parking) to the adjoining Highams Park Neighbourhood Centre.
- Construction of the employment blocks E, H and J on completion of the retail store, with 50% being available for occupation within 18 months of completion of the store. The Primary Care Trust accommodation in block H should be constructed first and retained for first occupation by the PCT for 18 months after completion, or such longer time as may be agreed by the relevant parties. The remaining employment units to be constructed on occupation of 40% of those first constructed.
- The provision of 20 places for employment and skills training for persons currently unemployed within the local area and who are Waltham Forest residents; and a commitment to enter into a Local Employment Partnership (LEP) with Job Centre Plus to maximise local employment opportunities for both full and part-time jobs within the development, with 70% local recruitment the target.
- A payment of £1,055,210 to the Council on commencement of the residential development, representing the combined revenue and capital contribution arising from the application of the Healthy Urban Development Unit (HUDU) Model to the new residential development (as provided by Revision R dated 12th June 2009). In the event that the PCT facility does not go ahead, the sum would be held for local healthcare provision to be identified in the future.
- A sum of £530,245 payable on commencement of the residential development in recognition of the child yield of the scheme and the need for additional primary and secondary school places to meet any deficiency resulting from the development.
- The provision of a car club, to be operated and managed by a Car Plus accredited operator in accordance with a Car Club Plan for a minimum of two years from occupation of the first residential unit. Two car club vehicles would be provided with two designated parking bays within the development.
- A financial contribution of £60,000, payable on commencement of development, for public transport enhancement i.e. to promote inclusive transport by carrying out accessibility improvements to four bus stops within the vicinity of the site.
- A financial contribution of £15,000 secured by a S278 Agreement in respect of the Traffic Management Orders needed to set up a Controlled Parking Zone (CPZ) within the Home Zone residential area of the site, to benefit residents and deter commuters. An additional £10,000 would be required if the Council is to provide all associated signage and carriageway markings.
- A financial contribution of up to £353,375 for highway infrastructure improvement works on the approach roads to the site (Jubilee Avenue, Hickman Avenue and Larkshall Road), in recognition of their key function in terms of access and to safeguard against additional

wear and tear. The breakdown of these is as follows: highway improvements-Hickman Avenue up to £135,390; Jubilee Avenue up to £88,345; lighting improvements –Hickman and Jubilee Avenue up to £75,000; Larkshall Road up to £55,000.

- A contribution of £171,125 towards environmental improvements comprising street tree planting in the vicinity of the development (£121,125) and public art (£50,000).
- A financial contribution of £ 15,390 towards implementation of the Council's Air Quality Action Plan, based on the recognised formula in the SPD " Planning Obligations" 2008, in respect of the frontage of the development (retail units,18 flats above and associated car parking) and in recognition of the need to mitigate the effects of air pollutants associated with traffic on Larkshall Road.
- A contribution of £40,000 for monitoring the legal agreement.

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

Policy test guidance GOL Circular 1/2008

36 The initial policy test regarding the Mayor's power to take over and determine applications, referred under categories 1 and 2 of the schedule to the Order, is a decision as to who should have jurisdiction over the application rather than a decision as to whether planning permission should ultimately be granted or refused.

37 The policy test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) Significant impact on the implementation of the London Plan.
- b) Significant effects on one or more borough.
- c) Sound planning reasons for his intervention.

38 Parts (a) and (b) of the test identify the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor's intervention, having regard to the Council's draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.

39 This report considers the extent to which the policy tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008.

Policy test analysis

40 GOL Circular 01/2008 states that individual housing schemes of over 150 units (Category 1A of the schedule) may not, on their own, have impacts on more than one borough and consequently applications referred under category 1A are not required to meet part b) of the policy test... 'significant effects on more than one borough'.

41 Cumulatively, however, housing schemes of more than 150 units add up to a significant proportion of the overall housing supply in London, and in the context of the level of need for housing in London, schemes of that size are capable of being of strategic importance.

42 The application proposes the delivery of 253 residential units, which would contribute to London's strategic housing needs. In this regard, the application meets the requirements of policy test a) above.

43 Part c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene. Having regard to the details of the proposal, the Council's interim resolution to grant permission and the Mayor's original comments, the application would deliver a high-density mixed-use scheme, with a proportion of affordable housing close to the Waltham Forest target (measured by habitable room), whilst the design approach is positive.

44 For these reasons, officers recommend that the Mayor should not intervene in this application.

Legal considerations

45 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction. The Mayor must also have regard to the guidance set out in GOL circular 1/2008 when deciding whether or not to issue a direction under Articles 6 or 7.

Financial considerations

46 If the Mayor directs refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*Costs Awards in Appeals and Other Planning Proceedings*) emphasises that parties usually pay their own expenses arising from an appeal.

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

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

Conclusion

49 The proposal is for a mixed-use development with a high-density residential component, new employment space, community space, and a retail store. The store is of a size for which the

Waltham Forest UDP and the Secretary of State, in a call-in decision, have identified a need in the Highams Park Neighbourhood Centre.

50 Details of the development have been the subject of protracted negotiations between the applicant and relevant planning authorities over several years. Whilst there is still strong local opposition to the latest of many revisions, the outstanding strategic issues have been resolved and, on balance, are considered to fulfil the London Plan policy requirements.

for further information, contact Planning Decisions Unit:

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30 October 2008

Tesco, Highams Park

in the London Borough of Waltham Forest

planning application nos. 2008/1490 & 2008/1491

Strategic planning application stage 1 referral (new powers)

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

The proposal

Duplicate and detailed planning applications for a **mixed-use redevelopment** comprising retail superstore (class A1), employment uses (class B1- B8), 261 residential units (class C3), seven independent units for retail and restaurant (class A1- A3) uses, community uses (class D1) and associated car parking, access roads, plant & equipment and landscaping.

The applicant

The applicant is **Spenhill Properties Ltd** (on behalf of Tesco Stores) and the architect is **Collado Collins**.

Strategic issues

The principal issues for consideration are: **regeneration** of surplus **employment** land; **retail policy** on the need, scale and potential impact of the proposed superstore and the application of the sequential test to site selection; the proposed **housing** provision, the **mix** of uses, urban **design/architectural quality**, **transportation** issues, **access/social inclusion**, and the overall **sustainability** of the development in terms of **energy** usage and **climate change** implications.

Recommendation

That Waltham Forest Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 83 of this report; but that the possible remedies set out in paragraph 84 could address these deficiencies.

Context

1 On 18 October 2008, the Mayor of London received documents from Waltham Forest Council notifying him that duplicate planning applications of potential strategic importance had been submitted for a development of the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 30 October 2008 to provide the Council with a statement setting out whether he considers that the applications comply with the London Plan, and his reasons for taking that view. The Mayor may

also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The applications are referable under Categories 1A, 1B(c), 3B and 3F of the Schedule of the Order 2008:

1A- "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats".

1B- "Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings— (c) outside Central London and with a total floorspace of more than 15,000 square metres".

3B- "Development—(a) which occupies more than 4 hectares of land which is used for a use within Class B1 (business), B2 (general industrial) or B8 (storage or distribution) of the Use Classes Order; and (b) which is likely to prejudice the use of that land for any such use".

3F- "Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use".

3 Once Waltham Forest Council has resolved to determine the applications, it is required to refer them back to the Mayor for his decision as to whether to direct refusal; take them over for his own determination; or allow the Council to determine them itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of these cases.

5 The Mayor of London's statement on these cases will be made available on the GLA website www.london.gov.uk.

Site description

6 The 4.63-hectare site is bounded on the north by Junction Road and some large industrial units; on the south by residential properties fronting Selwyn Avenue, on the west by properties fronting Aldriche Way, and on the east by Larkshall Road.

7 The site contains a large distribution warehouse (12,913 sq.m.) previously occupied by C&A stores and four smaller, single-storey industrial units (B1(c)/B2/B8) with an aggregate floor area of approximately 3,717 sq.m.

8 The site is predominantly hard-surfaced for car parking and servicing and is accessed from Larkshall Road. The western boundary of Highams Park shopping precinct runs along Larkshall Road, adjacent to the eastern boundary of the site.

9 The site is located just 100 metres west of the Highams Park Rail Station and 750 metres north of the A406 North Circular Road, which forms part of the Transport for London Road Network (TLRN) and approximately 1km east of Chingford Mount Road, which forms part of the Strategic Road Network (SRN). Bus services 212 and W16 run north and south along Larkshall Road and Winchester Road. The site has a Public Transport Accessibility Level of 2, on a scale of 1 to 6, where 6 is excellent.

Details of the proposal

10 The applications propose:

- A Tesco superstore (5,523 sq.m. gross floorspace/3,388 sq.m. net), with 349 car parking spaces for customers and town centre visitors.
- Seven independent shop units for retail and restaurant (use classes A1 –A3).
- 7,281 sq.m. of new employment space (use classes B1-B8).
- 261 residential units, including a mix of houses and flats, of which 100 (38%) would be affordable units for social renting and shared ownership.
- A 'homezone' environment with shared pedestrian/vehicle surface and controlled on-street parking for residents.
- 1,180 sq.m. of space for community uses.
- A public green space at the centre of the development to serve as a children's play area.
- Associated plant, access roads and landscaping.

11 The site would be laid out with the superstore situated in the south-eastern corner, to ensure a close relationship with the existing neighbourhood shopping centre around the intersection of The Broadway, Selwyn Avenue, Larkshall Road, The Avenue and Hale End Road. A widened 'welcome area' (Lime Row), with community buildings on the south (blocks B) and the store facade on the north would form a pedestrian approach to the main entrance of the store from The Broadway. Vehicle access would be from the western side of Larkshall Road, via Jubilee Avenue and into the basement car park.

12 A new tree-lined street, Halex Road, would be constructed in an east-west direction to link Jubilee Avenue. Halex Road would separate the proposed employment units on the north from the proposed residential development on the south. The principal entrance to the home zone would be Cherry Lane- a shared surfaced pedestrian priority street leading south into a cul-de sac named Cherry Place and a dead-end Mulberry Mews. The latter run would parallel to Halex Road, with a row of terrace houses fronting onto its southern side.

13 The employment units would be predominantly two-storey buildings (J and H) fronting Halex Road with servicing at the rear. Additional units (E) would be sited along the north-west elevation of the store.

14 The residential buildings would vary in height from two-storey terraced houses to five-storey blocks of flats. The affordable housing would be arranged as a block of flats with a communal amenity area situated along the western portion of the site, stretching the length of Cherry Lane (block G) and a terrace of townhouses (K) on the south side of Cherry Place, in the south-western corner.

15 The market units would comprise a terrace of town houses, with private rear gardens, along the south side of Mulberry Mews; a row of townhouses (D) attached to the south-eastern elevation of the superstore; upper floor flats (A) attached to the eastern elevation of the store, fronting Larkshall Road; a block of flats attached to the west-facing flank of the store (block C); and an L-shaped block of flats (block F), which in conjunction with the latter, form a horseshoe arrangement around Mulberry Green on the western side of the store.

16 A total of 134 car parking spaces (86 at grade and 48 basement) would be provided for residential occupiers, whilst 349 (241 at grade and 108 basement) spaces would be provided for the main store and smaller retail units. A further 70 surface parking spaces would be provided at the rear of the employment units.

Case history

17 The site has a protracted planning history. In December 2004, the previous Mayor considered a planning application for a redevelopment of this site by Tesco Stores Ltd. It proposed a mixed-use scheme comprising a Tesco foodstore (gross floor area 5,793 sq.m.), five small retail units (1,950 sq.m.), three employment units (8,361 sq.m), 35 flats and a total of 486 car parking spaces.

18 The Mayor accepted the principle of a mixed-use development, a foodstore to revitalise the retail offer in Highams Park and the potential for linked trips to the town centre. However, he expressed disappointment over the low number of residential units proposed and the subsequent failure of the scheme to maximize the development potential of a site on the edge of a town centre. Waltham Forest Council refused to grant planning permission for that development.

19 In September 2005, the previous Mayor considered a further (i.e. revised outline) application for a mixed-use redevelopment, comprising a reduced Tesco foodstore with gross floor area of 5,016 sq.m. and 390 car parking spaces; two small retail shop units (gross floor area of 340 sq.m.); 8,361sq.m. of employment space (for use within classes B1/B8); and 78 units of residential accommodation with 41 parking spaces.

20 The Mayor directed the Council to refuse the application on grounds that it did not fulfil the energy, sustainable development, design and children's playspace policies of the London Plan. He subsequently cancelled that initial direction in February 2006, following relevant revisions to the scheme, thereby allowing the Council to grant planning permission in accordance with its resolution of September 2005. The application was, however, called-in by the Secretary of State in May 2006 and a Public Inquiry held in January 2007.

21 The Secretary of State accepted the principle of a mixed-use development as proposed but, on balance, dismissed the appeal on grounds of its scale, massing and design. The Secretary of State's detailed comments on various aspects of the proposal are referred to in the relevant sections of this report.

Strategic planning issues and relevant policies and guidance

22 The relevant issues and corresponding policies are as follows:

- Economic development & regeneration *London Plan; the Mayor's Economic Development Strategy*
- Retail *London Plan; PPS6; PPG13*
- Employment *London Plan; PPG4; draft PPS4; Industrial Capacity SPG*
- Housing *London Plan; PPS3; Housing SPG; Providing for Children and Young People's Play and Informal Recreation SPG*
- Affordable housing *London Plan; PPS3; Housing SPG*
- Density *London Plan; PPS3; Housing SPG*
- Mix of uses *London Plan*
- Urban design *London Plan; PPS1*

- Sustainable development *London Plan; PPS, PPS Planning and Climate Change Supplement to PPS1; PPS3; PPG13; PPS22; the Mayor's Energy Strategy; Sustainable Design and Construction SPG*
- Transport/parking *London Plan; the Mayor's Transport Strategy; PPG13*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Wheelchair Accessible Housing BPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Equal opportunities *London Plan; Planning for Equality and Diversity in Meeting the spatial needs of London's diverse communities SPG; Diversity and Equality in Planning: A good practice guide (ODPM)*

23 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2006 Waltham Forest Unitary Development Plan and the London Plan (Consolidated with Alterations since 2004).

24 The draft Core Strategy (Issues and Options Consultation Stage) is also a material consideration.

Land use policy and the principle of development

25 The vacant site has no specific landuse designation in the London Plan. It was historically part of an industrial estate and designated as such in the Council's previous (i.e.1996) UDP. Its subsequent re-designation as a *Mixed Use Regeneration Area (MURA 1)* in the 2006 UDP, wherein proposals for redevelopment are expected to deliver retail, residential and no less than 25% of the developable portion of the site for business use, is a more accurate reflection of the site's close proximity to Highams Park's core shopping area, the general decline in manufacturing industry, and the thrust of strategic planning policy in London.

26 In the 2007 appeal decision, the Secretary of State endorsed the planning inspector's comment that a similar mix of uses "...complies with the development plan to the extent that the site is allocated in the UDP for mixed uses aimed at securing regeneration; and that the number, mix, location and range of the residential units would satisfy PPS3." The Council and former Mayor of London accepted this principle in their earlier resolutions to allow a similar mix of uses on the site. The current proposals are, therefore, acceptable in landuse policy terms.

27 In terms of the meeting the UDP requirements for a mix of retail, residential and business uses, the replacement of 7,281 sq.m. of business space represents over 43% of the original 16,630 sq.m. business space on the site; whilst the 261 residential units proposed is more than a three-fold increase over the 78 units previously accepted by the former Mayor. These significant increases are welcome both in terms of the UDP policy requirements, and the London Plan objective to optimise the use of previously used land to accommodate growth in London.

28 Although the proposal would result in the loss of some 9,350 sq.m. of potential business space, it is pertinent to note that the site is not a strategic industrial location or part of the London-wide reservoir of land that should be protected in order to maintain the balance between supply and demand of productive industrial land. The existing site offers little in the way of employment, given that the former C&A warehouse has been vacant for some years. The occupiers of the other units were Farsound Ltd and International Lifts - the former has relocated from the site; the latter is looking to occupy new premises just beyond the application site boundary. In effect, the net loss of industrial employment resulting from the latest proposal would be minimal.

Retail issues

29 Highams Park is designated as a '*Neighbourhood Centre*' in the UDP hierarchy of shopping centres, but is also generally recognised as a centre that may actually be operating at '*District Centre*' level within the borough.

30 Whilst *Neighbourhood Centres* are below the hierarchy identified in the London Plan as being of strategic significance to London, they are covered by policies 2A.8 and 3D.1 to 3D.3, which give strong support for the development of a competitive retail sector and, in line with the national guidance provided in PPS 6 (*Planning for Town Centres*), requires borough Councils to adopt policies that, amongst other things:

- Assess the need and capacity for additional retail, leisure, commercial and other town centre development and reconcile these by making appropriate provision, following the sequential approach.
- Identify more local and neighbourhood centres and those with distinct roles in meeting special needs.
- Relate the scale of retail, commercial and leisure development to the size and role of a centre and its catchment.
- Encourage additional comparison goods capacity in larger town centres and convenience goods capacity in smaller town centres of appropriate scale ... to secure a sustainable pattern of retail provision.
- Provide a framework for maintaining, managing and enhancing local and neighbourhood shopping facilities and, where appropriate, for providing further facilities in accessible locations, including new residential communities.

31 Assessed against those criteria, the UDP affirms the need to maintain and strengthen centres designated at the lower end of the shopping hierarchy, but cautions that it is unlikely that large-scale retail, leisure and commercial development would be appropriate outside '*Major*' and '*District*' Centres. Despite that conclusion, policy TRL3 identifies the **Highams Park application site as one of the sites on which** a need for additional convenience shopping space of up to 5,000 sq.m. can be provided.

32 Commenting on the scale of the retail store proposed in 2005, following the Public Inquiry, the Secretary of State agreed with the Inspector that it was inappropriate relative to the present designation of Highams Park as a '*Neighbourhood Centre*', but went on to conclude that it could be justified in terms of quantitative and qualitative need, the sequential approach to site selection and the effect on existing centres. The latest proposal is for a store with gross floor area 507 sq.m. larger than that which was the subject of the Public Inquiry, however, its net floor (i.e. trading) area would only amount to 3,388 sq.m., which is well within the 5,000 sq.m. need specified in UDP policy TRL3.

33 It follows from the foregoing that, in principle, an anchor superstore of the scale and size proposed is supported in local and strategic policy terms, whilst the Secretary of State's opinion on that aspect of the scheme is a material planning consideration to which significant weight ought to be attached.

Housing issues

34 The London Plan sets a strategic target for 6,650 homes to be built in the borough of Waltham Forest between 2007/8 and 2016/17, with an annual target of 665, as indicated in table 3A.1 of the London Plan.

35 The application proposals make provision for 261 units of residential accommodation, comprising a mixture of one, two, three and four-bedroom units, including 46 terrace houses with south-facing gardens for families. The residential element would comprise:

Unit type	Number of units	%
1-bed flat	108	41
2-bed (3 person) flat	22	8
2-bed (4 person) flat	96	38
2-bed (4 person) house	9	4
3-bed (5 person) house	7	3
3-bed (6 person) house	11	4
4-bed (7 person) house	8	3
Total	261	100

36 The homes would be built at a density of 343 habitable rooms per hectare, which is significantly above the range of 150 to 250 habitable rooms per hectare indicated in the London Plan for a suburban site with moderate (PTAL 2) public transport accessibility.

37 The provision is a significant increase in the number of new homes proposed in the 2004 (35) and 2005 (78) applications for development of this site. The main difference between the latest proposals and the residential scheme considered at Public Inquiry is that the flats will no longer be constructed above the superstore, but on land adjacent to it.

38 The applicant has confirmed that all the housing units would be built to Lifetime Homes Standard, with 10% designed to wheelchair accessible standards, as required in policy 3A.5 (*Housing Choice*) of the London Plan.

Affordable housing

39 London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

40 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

41 Waltham Forest Council has set an overall borough target of 50% from all sources in its UDP and an indicative target of 40% from private developments on sites of 0.5 hectares and above, or comprising 15 units or more.

42 Of the 261 residential units proposed, 100 (38%) would be affordable. This equates to 40% measured by habitable rooms and is based on the assumption that the preferred social landlord would secure a housing grant. The applicant maintains that this is the maximum amount of affordable housing the scheme can afford, based on an initial viability assessment undertaken by its property consultants, G.L. Hearn, using the Three Dragons toolkit (version 2007/8) as one of two appraisal models. The applicant's offer is considered to be reasonable, particularly in the current market conditions. The consultant's appraisal was not, however, submitted with the application for GLA officer assessment.

43 The affordable housing would comprise a mixture of social rented and intermediate tenures, the breakdown of which is provided in the following table:

Unit type	Affordable units		Market units	Total units	Habitable rooms	% (H.R.)
	Social rented	Intermediate				
-	-	-	-	-	-	-
1-bed flat	12	23	73	108	216	30
2-bed (3 person) flat	1	7	14	22	66	9
2-bed (4 person) flat	33	10	53	96	288	41
2-bed (4 person) house	0	0	9	9	27	4
3-bed (5 person) house	1	1	5	7	28	4
3-bed (6 person) house	3	1	7	11	44	6
4-bed (7 person) house	8	0	0	8	40	6
Total	58	42	161	261	709	100
%	22	16	62	100	-	-

44 It can be calculated from the table that the affordable housing would be split on a social rented to intermediate ratio of 63:37 by habitable room, which is below the London Plan target of 70:30 but considered acceptable. There has been a substantial increase in the overall quantum of housing over previous proposals; and the weighting of the scheme in favour of larger units (including 2 bed, 4 person units) to accommodate families and meet an identified local need is welcomed.

45 The applicant has indicated that in the event that a social housing grant cannot be secured, a cascade mechanism would be sought, under the terms of a legal agreement, to alter the tenure mix or reduce the affordable housing provision to a 'financially neutral' position, as though the public subsidy had been secured. This is reasonable in the current economic climate and is an approach that has been accepted in other cases.

Children's play space

46 Policy 3D.13 of the London Plan sets out that "the Mayor will and the boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs." Using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' it is anticipated that there will be approximately 113 children within the development. The guidance sets a benchmark of 10 sq.m. of

useable child playspace to be provided per child, with under-5 child playspace provided on-site. As such the development should make provision for 1,130 sq.m. of playspace.

47 The development includes a generous mix of private, communal and publicly accessible space suitable for children's play, but these have not been specifically quantified to enable a full and proper assessment against supplementary planning guidance. The provision comprises:

- An equipped public space, Mulberry Green, in the centre of the residential development, for small children to play.
- A communal amenity space and roof terrace as part of the Cherry Lane apartments.
- Individual (private) gardens at the rear of the townhouses fronting Mulberry Mews and Cherry Place.
- Balconies and roof terraces.
- Shared surfaces within the 'home zone' area of the development.

48 The applicant is requested to provide a schedule of these spaces in terms of their size, equipment and suitability for age groups 0-4, 5-11 and 12 -16 to facilitate their assessment against the Mayor's guidance.

Urban design and architectural quality

49 The proposed site plan is generally well considered comprising two streets and a square that sit on either side and behind the main Tesco store, and have the potential to integrate with future development of the remainder of the industrial estate. These series of streets would allow for greater permeability of the site if they were connected to the residential community to the immediate west. Unfortunately, they do not do this, creating in effect a large cul-de-sac that is in part isolated from the wider existing community. This should be addressed by providing at least a pedestrian link between Halex Road and Cherry Place/Mulberry Mews to the residential community to the west. The applicant has argued that this has not been done in order to design out crime. The proposed layout of streets and spaces are well overlooked by residential and commercial uses and this should be sufficient to achieve this without the need to segregate this development from the community to the west.

50 The development is arranged with two and three storey terrace houses backing onto the existing two storey terrace houses of Selwyn Avenue. These have their own rear garden spaces that in turn back onto the gardens of Selwyn Avenue. The scale of the housing steps up to five-storey blocks of flats towards the centre of the site and these are arranged around two public spaces that provide for play and amenity. The scale of the blocks is relatively modest and well proportioned in terms of the scale of the spaces in which they are located. The use of terraced house and garden typology adjacent to the existing terraced houses is well considered and helps integrate the development into its context.

51 The main store has car parking at ground floor level with the store located above it. This avoids having an area of open car parking- one of the weaknesses of the previous scheme.

Height, mass and bulk of the main store

52 The store has a series of smaller shop-fronts along Larkshall Road and houses along its southern edge. Integration of the development with the industrial estate and the scheme is achieved by having a layer of commercial uses along the northern edge of the site. This should

ensure the long-term viability of the remainder of the industrial estate. The architecture is simple and contemporary and generally well considered.

53 Car parking and access allows for some on-street car parking, normalising the appearance of the streets without overwhelming the landscaping with a mass of at grade car parking. The main service access to the store is along the main road into the industrial estate separating it from the residential element of the scheme, something that is far better considered than in the previous scheme.

54 Internal layouts provide a generally good mix of dual and single aspect flats, with a limited number of north-facing flats and a regular placing of core access points ensuring a good level of activity at ground floor level. Overall the design of the scheme is well considered, subject to the points about the connection to the neighbouring housing estate being addressed.

Climate change mitigation

55 The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply, and incorporating renewable energy technologies with a target of 20% carbon reductions from on-site renewable energy. The policies set out ways in which developers must address mitigation of and adaptation to the effects of climate change.

Energy

56 Policies 4A.1 to 4A.8 of the London Plan focus on how to mitigate climate change, and the carbon dioxide reduction targets that are necessary across London to achieve it.

Baseline Emissions

57 The applicant needs to clarify whether building regulations 2006 approved software have been used for the calculation of the baseline emissions of residential and non-domestic element.

58 The baseline emissions should be representative of a development that just complies with minimum CO2 requirements under building regulations 2006. Total energy should be considered, i.e. unregulated energy usages should be taken into account.

Energy efficiency

59 In addition, the proposed energy efficient design measures need to be described in the energy strategy. For instance, the applicant suggests that level 3 of the Code of Sustainable Homes would be achieved for the dwellings with the use of energy efficiency measures only. This is quite challenging and whilst it is welcomed, the applicant should describe how it would be achieved. Supportive Standard Assessment Procedure calculations should also be submitted.

60 In general, for both the domestic and non-domestic elements, the calculations submitted should show that the use of energy efficient measures reduces CO2 emissions beyond current building regulations.

Cooling

61 The energy strategy suggests that active cooling is only required for the main store but not for offices, retail, residential or community centre. The applicant needs to clarify whether this is the case.

District heating

62 The applicant has proposed that a single energy centre will allocate all plant required for the supply of cold and hot water around the development to provide cooling and heating requirements.

63 The applicant has proposed two energy supply options, both of them considering a unique energy centre and a single heating and cooling supply of the *relevant* buildings:

- Option 1: Bio-fuel Combined Cooling Heat and Power (CCHP) and solar thermal (claimed 51% CO₂ savings given by renewable). Waste heat from the Combined Heat and Power (CHP) plant has been proposed to provide some of the heating requirements of the development. Also, absorption chiller would be used to provide part of the cooling requirements. Top-up electrical chillers and gas boilers would provide the top up cooling and heating.
- Option 2: Gas CCHP and solar thermal and biomass boiler and solar thermal (13% savings from the use of gas-fired CCHP and 10% via the use of renewable). Similar to the previous option, but with the addition of a biomass boiler.

64 For clarification purposes, the applicant should provide a drawing showing the extent of the proposed heat and cooling networks and also indicating those house/buildings for which individual solutions will be implemented, i.e. solar thermal systems.

65 Also by looking at options 1 and 2, one can deduce that under option 2, the CHP plant size has been reduced (with respect to plant suggested in option 1) to allow for the addition of the biomass boiler. The CHP size should be optimised first, even though this closes the technical suitability of using biomass boilers. If as a result of the CHP plant size review, the biomass boiler option ceases to be viable, alternative renewable technologies should be adopted such complementary electricity generation with photovoltaics.

66 For the final options proposed, the applicant needs to develop the carbon savings calculations undertaken. Monthly profiles showing the estimated energy consumption and the amount of heating/cooling provided by the proposed heating and cooling systems required to achieve the claimed carbon savings should be provided.

67 If CHP and biomass boilers are finally pursued, given that CHP and biomass boilers are both base load technologies, further explanation of how these two technologies will be successfully operated in tandem needs to be provided.

68 Further information on the plans for the supply, delivery and storage of the biomass needs to be provided (together with any other information required by the GLA Air Quality team).

Comments of Transport for London

69 Insufficient information on trip generation figures has been provided in the transport assessment report, which quotes trip rates from a 2006 assessment. In the absence of further validation of the base model, TfL cannot determine whether the figures are representative of the site and its current and future uses. TfL welcomes further discussion about this matter. Furthermore the transport assessment does not assess the impact on public transport capacity. For example, it makes no attempt to identify the number of bus trips generated by the development. Consequently TfL cannot determine the impact of the development on bus capacity. TfL expects

trip generation calculations by mode rather than simply by private car to determine whether or not the application complies with London Plan Policy 3C.2 'Matching development to transport capacity'. Subject to further assessment TfL may seek a contribution to mitigate the impact of the development on public transport capacity and welcomes further discussion about these matters.

70 In order to safeguard bus operations and accessibility in line with London Plan Policy 3C.4 'Land for transport', TfL is concerned the proposed 'loading only' area on The Broadway would interfere with bus operations and should be located elsewhere. The developer should investigate merging the two puffin crossings at The Broadway and Winchester Road crossings in order to reduce bus and general traffic delays. The development will increase usage of nearby bus stops and therefore TfL seeks a capped contribution of £60,000 towards bus stop accessibility improvements for four stops (17931 Hickman Avenue, 17932 Broadway and stops 17929 and 17930 at Highams Park Station).

71 In order to minimise the impact of servicing activity on the network in accordance with London Plan policy 3C.25 'Freight strategy' TfL welcomes the provision of off-street loading/servicing facilities. TfL would encourage the developer to investigate the scope for sharing these facilities with the residential users of the site in order to provide a safe and secure drop-off point for home deliveries. TfL welcomes the production of a Delivery and Servicing Plan and also expect a Construction Logistics Plan be secured through condition in order to minimise impacts to the local highway network during the construction period.

72 TfL welcomes the submission of a framework travel plan and the commitment to providing a residential travel plan and a workplace travel plan. In order to comply with London Plan policy 3C.2 both travel plans should comply with TfL's Travel Planning guidance. Currently the Travel Plans lack firm commitment and a clear means to implement adequate management structures.

Conclusion

73 In the absence of an up-to-date transport assessment, TfL is unable to fully consider the transport impacts of the proposals in accordance with London Plan policy 3C.2 'Matching development to transport capacity'.

Access/social inclusion

74 London Plan policy 4B.5 (*Creating an inclusive environment*) requires all future development to meet the highest standards of accessibility and inclusion. It also requires design and access statements to be submitted with development proposals, to demonstrate how the principles of inclusive design, including the specific needs of disabled people, have been integrated into the proposed development and how inclusion will be maintained and managed.

75 A design and access statement was submitted with the application. The plans were subsequently reviewed at the London Access Forum, where the applicant was requested to address the following concerns:

- The lack of mobility scooter turning space within the wheelchair accessible housing.
- Provision of a single lift within the residential blocks and the lack of an alternative in the event of a breakdown.
- How the superstore car park would be managed to ensure it is not over-occupied by town centre shoppers and commuters.

- The lack of separate pavements for mobility scooter and wheelchair users in the 'home zone' areas

76 These issues should be addressed prior to any further referral of this application to the Mayor.

London Development Agency's comments

77 None received at the time of writing.

Response to local consultation

78 At the time of writing, GLA officers had received 65 local representations (60 letters and 5 emails), directly addressed to the Mayor, presumably in response in the Council's statutory consultations.

79 The correspondents, which include... all objected to the proposed development on grounds that can be summarised as follows:

- No need for a new superstore as there are enough foodstores and supermarkets nearby in Chingford, Woodford Green, South Woodford, and Walthamstow, to mention just a few.
- The development would generate unacceptable levels of traffic, with conditions exacerbated as articulated servicing vehicles access the site and/or the level crossing barriers are closed for train movements.
- The high-density development is excessive and out of scale with the Victorian and Edwardian character of the area.
- Lack of support infrastructure and social amenities to cope with the predicted growth in population.
- Loss of several (23) mature trees, including horse chestnut and mulberry, many of which are legally protected.
- The scheme would cause closure of smaller shops and businesses, leading to local unemployment.
- 24-hour store opening would destroy the 'suburban village' community of the area.
- A worsening of noise and air pollution, energy usage
- Worsening health and safety concerns.
- The basement car parks would provide a haven for vandalism and antisocial behaviour.

Local planning authority's position

80 At the time of writing, it could not be ascertained when Council officers would report this case to the local planning committee or what their recommendation was likely to be.

Legal considerations

81 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

82 There are no financial considerations at this stage.

Conclusion

83 London Plan policies on are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- The provision of children's play space on site has not been adequately quantified for different age groups to allow proper assessment against London Plan policy 3D.13 and the benchmarks provided in the Mayor's supplementary planning guidance.
- The lack of permeability between the site, particularly the store, and the existing residential community to the west, does not accord with London Plan policies 4B.1 and 4B.5, which seek to promote high quality inclusive design that is accessible, usable and permeable for all users.
- Additional information is required to fulfil the requirements of the energy policies (4A.1 to 4A.8) of the London Plan.
- Additional information is required to enable Transport for London to complete a full assessment of the scheme against the London Plan transport policies.
- The proposed access arrangements raise some concerns for people with disabilities, particularly those that are especially reliant on lifts and mobility scooters; thereby falling short of the requirements of London Plan policy 4B.5

84 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- Submit a schedule on the distribution of children's play space within the development in terms of their size, equipment and suitability for age groups 0-4, 5-11 and 12 -16 as requested in (paragraph 48) this report, in order to facilitate a proper assessment against the Mayor's guidance; and the developer's proposals to make good any shortfall by way of a financial contribution towards off-site provision within reasonable proximity of the site.
- Revise the submitted layout to include at least a pedestrian link between Halex Road and Cherry Place/Mulberry Mews to the existing residential community to the west as explained (in paragraph 49) above.

- Address the issues raised in the energy section (paragraphs 56 to 68) of this report, prior to any further referral of this application to the Mayor.
- Provide a full response to each of the points made by Transport for London (in paragraphs 69 to 73 above) before any further referral of this case to the Mayor.
- Address the access issues raised at the London Access Forum (paragraphs 75 and 76 above) in respect of London Plan policy 4B.5.

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