



‘Shaping the Borough’ - Waltham Forest Local Plan (LP1) Examination

Response to the Inspectors’ Matters, Issues & Questions

Matter 6: Built Environment, Heritage and Design

March 2022

Issue 1 - Whether the Plan has been positively prepared and whether it is justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to creating high quality places and preserving or enhancing the Borough's heritage (Policies 56 - 61 and 72 - 78).

Policy 56 – Delivering High Quality Design

Q127 Is the policy justified and is it consistent with national policy, including paragraphs 8b, 8c, 128, 129, 130, 131 and 134 of the NPPF?

Waltham Forest is committed to promoting exemplary standards of design and place-making and achieving the highest quality of development across the borough, particularly within the context of the borough's ambitious growth strategy.

Policy 56 is a key to achieving this and is consistent with national policy in this regard. The policy requires well-designed, attractive, sustainable, and functional places to live, work and spend leisure time within Waltham Forest. Without such a policy being in place the Council would have a limited degree of influence in seeking to ensure a high standard of design and would be wholly reliant on regional and national design policies, with no particular emphasis on local character and distinctiveness.

The specific requirements of the policy are informed by architectural and urban design best practice. They provide an appropriate level of detail to ensure the creation of high-quality buildings and places and are grounded in an understanding of the defining characteristics of the borough and its varying character, as evidenced in the Characterisation and Intensification Study (2019) and relevant conservation area appraisals and management plans.

The policy is entirely consistent with the NPPF in seeking to meet both the social and environmental objectives of sustainable development (paragraphs 8b and 8c). Policy 56 should also be read in conjunction with other policies in the Plan, including those on housing (Policies 12-22), green infrastructure and biodiversity (Policies 79-84), conservation and heritage (Policies 72-78), health and well-being (Policy 50) and climate change (Policies 87-91), which together address the key objectives of development supporting strong and vibrant communities, ensuring a sufficient number and range of new homes, fostering well-designed and safe places, protecting the borough's natural, built and historic environment, promoting healthy communities, improving biodiversity and meeting the challenges of climate change.

i. Should the policy cover the role of national and local design guides and codes and how these will be considered for decision-making?

With regard specifically to paragraphs 128 and 129 of the NPPF, it is accepted that the policy should make explicit reference to design guides and/or design codes and that, where appropriate, proposed development should take full account of the design principles set out in any relevant design documents prepared by the Council or prepared by an applicant in support of an application and agreed by the Local Planning Authority. An additional criterion is suggested as follows;

Demonstrate clearly how proposals respond to the design principles and framework set out in any design guides and/or codes prepared by the borough or prepared by an applicant in support of an application and agreed by the Local Planning Authority.

It is also suggested that the following text should be inserted into the supporting justification to this criterion to clarify situations where no design codes or other design guidance have been prepared;

“In the absence of local design guidance, the Local Planning Authority and applicants will be expected to defer to guidance in the National Design Guide and the National Model Design Code”.

It is further suggested that reference to design codes and other relevant design guidance should be added to criterion F in Policy 5 (Management of Growth), to read as follows;

Policy 5: Management of Growth (F):

Ensuring that development is planned and implemented in a coordinated way, guided by Supplementary Planning Documents (SPD), Masterplans, Planning Briefs, Design Codes and other relevant design guidance where appropriate. Pending the preparation and adoption of Masterplan SPDs for the identified strategic locations, proposals for major development coming forward will be considered on the basis of good growth principles and policies included in this plan and the London Plan;

Policy 56 is fully in accordance with paragraphs 130 and 134 of the NPPF. The criteria set out in the policy directly addresses paragraph 130 (criteria A-F) in the NPPF, regarding the function and quality of development (criteria P and Q), the requirement for visual attractiveness (F and G), being sympathetic to local character and distinctiveness (C and D), establishing a strong “sense of place” (D, H and R), optimising the

potential of sites (A), and creating places that are safe, inclusive and accessible (H, J and N).

With reference to paragraph 134 of the NPPF, it is accepted that for the avoidance of doubt an additional sentence should be inserted in the supporting text justification for the policy at paragraph 14.1 to state that;

“In accordance with the NPPF, development that is not well-designed will be refused, especially where it fails to reflect local design policies and guidance, and other regional and national guidance on design”.

ii. Is there sufficient emphasis on trees and tree-lined streets?

There is sufficient emphasis on trees in Policy 56, with clear requirements for tree planting set out in criteria I and landscape/public realm requirements in criteria H and M. The policy should also be read in conjunction with Policies 81 (Biodiversity and Geodiversity) and 82 (Trees). It is accepted that the importance of tree-lined streets in new development should be strengthened and a modification to criterion M is proposed as follows:

“M: Provide tree lined streets and multi-functional green spaces at ground podium, and roof level (as appropriate), through a well-integrated soft landscaping scheme that has been fully considered from the initial stages of design and makes satisfactory provision for future growth and aftercare;”

It is also suggested that an additional sentence should be inserted at paragraph 14.2 as supporting justification as follows;

Development should take the opportunities to incorporate high-quality landscaping and green spaces where appropriate, including tree planting and new tree-lined streets

Q128 Should the policy refer to masterplan approaches to design?

The amended criteria F at Policy 5 (Management of Growth) (above) makes reference to ensuring that development is planned and implemented in a coordinated way, guided by Supplementary Planning Documents (SPD), Masterplans, Planning Briefs, Design Codes and other relevant design guidance where appropriate. It also references support for the development of broad concept plans/planning framework guidance prepared by stakeholder groups or developers for small areas or clusters of sites. The supporting text for Policy 5 also sets out in detail the importance of a masterplan approach. Policy 30 (Industrial Masterplan Approach) also sets out support for a masterplan approach to designated industrial sites. It is accepted that it would strengthen Policy 56 to reiterate the importance of a masterplan approach and so the following modification is proposed at criteria B:

B): Explore the benefits of land assembly and/or co-ordinated development where appropriate, including as part of any masterplan approaches where possible to deliver the benefits of cohesive, high-quality design;

Q129 Is it sufficiently clear how criteria C, D, E and F should be applied in practice?

Criteria C, D E and F are sufficiently clear, and reflect similar criteria set out in both national design policy (including both the NPPF and the National Design Guide) and regional design policies in the London Plan (2021). These criteria are supported by evidence in the Characterisation and Intensification Study (2019), Skyline Study (2021) and Urban Design SPD (2010). Where necessary, supplementary detail and guidance will be provided in area-based masterplans, design guides and area frameworks, as set out in Policy 5. Applicants will be expected to demonstrate that they meet these requirements as part of any relevant application for planning permission. This will be assessed by an appropriately qualified and experienced member of the Place and Design team within the Local Planning Authority. The detailed manner in which this is done will depend on the specific context of the site. Any additional clarification would be provided where required during pre-application/other discussions and negotiations with applicants.

Q130 Are the requirements of criterion R justified and how will they be implemented in practice?

“Building for Life 12” has recently been updated as “Building for a Healthy Life” (BHL) (2020) with the original 12-point structure and underlying design principles remaining substantially unchanged. BHL is supported by Homes England and the Home Builders Federation, alongside a number of regional urban design organisations (including Urban Design London) and is seen as a well-established set of criteria in designing new homes and neighbourhoods. Criterion R is justified in principle, but a modification is proposed to update the title to “Building for a Healthy Life”.

Similarly, “Active Design” sets out ten principles that promote activity, health, and stronger communities through the design of new development and is supported by Public Health England and Sport England. Given that both these documents are supported by Government departments the use of the criterion is seen as fully justified. Where appropriate, the Council will assess proposals against the criteria within both documents in its design appraisal of schemes. Applicants will be expected to address this in any relevant submission.

Taking the above into account, the following modification is suggested;

For residential schemes, address the Homes England “Building for a Healthy Life” 12 criteria, and for all schemes address the ten principles of “Active Design”, as published by Sport England and supported by Public Health England, and...

An amendment to paragraph 14.6 is also suggested to incorporate the change of title from Building for Life to Building for a Health Life, as follows;

“Building for a Healthy Life 12” is a government-endorsed industry standard for well-designed homes and neighbourhoods. It consists of a series of questions designed to help structure discussions between local communities, local planning authorities, developers and other stakeholders, and to help local planning authorities assess the quality of proposed and completed developments. Residential development proposals will be expected to show evidence of how their development performs against the **Building for a Healthy Life 12** criteria. There is no obligation on applicants to use an external or independent consultant to complete an assessment, but they are free to do so if they so wish”.

Q131 *Will the policy be effective in improving biodiversity?*

Yes. Criteria I in Policy 56 sets out the importance of incorporating high-quality landscaping, tree planting and urban greening measures to maximise biodiversity and ecological value. This should be read in conjunction with Policy 81 (Biodiversity and Geodiversity), which sets out how proposals should seek to protect and enhance biodiversity and geodiversity resources.

Policy 57 – Taller and Tall Buildings

Q132 Is Policy 57 justified and how will it be implemented alongside Policy 56 in practice? Is the policy in general conformity with the London Plan?

Q132 Is Policy 57 justified and how will it be implemented alongside Policy 56 in practice? Is the policy in general conformity with the London Plan?

The Local Plan supports a character led approach to intensification, height and tall buildings. It recognises that some sites or areas in the Borough are more appropriate for greater levels of intensification and height than others and sets out an approach to intensification that is derived from a reading of context and character and based on the categories of 'transformation', 'transition' and 'reinforcement'.

This character-led approach and definitions of 'transformation', 'transition' and 'reinforcement' are set out in Policy 8 - Character-led Intensification and is supported by evidence from the Characterisation and Intensification Study (2019).

The proposed Policy 57, which is supported by Policy 8 and Policy 56 – High Quality Design, has been modified into two separate policies – Policy 57 - Tall Buildings and Policy 58 – Building Heights.

Policy 57 (Tall Buildings) conforms with Policy D9 of the London Plan by setting out the borough's definition of a tall building as buildings of 10 or more storeys. It also sets out where tall buildings would be supported, subject to thorough contextual analysis and a robust place making strategy, and the additional policy tests that will apply to tall buildings.

Policy 58 (Building Heights) sets out a range of heights that are likely to be acceptable on sites that are not suitable for tall buildings and where Policy 57 Tall Buildings would apply.

Policy 56 is clear that all proposals will be expected to deliver high-quality design. Policy 57 sets out additional policy that is specific to high quality tall buildings.

Q133 Should the policy be more specific in defining the locations in which taller and tall buildings will (or will not) be appropriate? Is it sufficiently flexible?

The proposed wording for Policy 57 has been modified to clarify that, subject to their impact on local character and context, tall buildings will only be supported on some sites identified for a Transition or Transformation approach to character-led intensification. A map in LP1 identifies these locations. Tall buildings are generally to be between 10 and 17 storeys in height. On some transformational sites however, there may be the opportunity to exceed this and, subject to contextual analysis, a robust place making strategy, and all of the policy tests, buildings of 18 storeys or more may be acceptable. Indicative ranges of potentially acceptable heights for these sites will be provided in Local Plan 2 (Site Allocations) which are supported by the Draft Skyline Study (2021) evidence base which tests illustrative heights and key views.

Q134 Is it sufficiently clear what is meant by 'taller' and 'tall' buildings and by 'transformation', 'transition' and 'reinforcement' and is it sufficiently clear how applications for mixed-height developments will assessed?

References to 'taller' buildings have now been removed with Policy 57 renamed as 'Tall Buildings' and giving a clear definition for tall buildings within the borough - buildings of 10 or more storeys. The character-led approach and definitions of 'transformation', 'transition' and 'reinforcement' are set out in Policy 8 Character-led Intensification and is supported by evidence from the Characterisation and Intensification Study (2019).

Given the variations in existing character and context that exist across the borough, appropriate building heights will need to vary in response. Proposed Policy 58 – Building Heights which must be applied in tandem with the approach to intensification defined by Policy 8 ('transformation', 'transition' or 'reinforcement') includes a table which identifies appropriate building and shoulder heights for the agreed level of intensification, including where Policy 57 - Tall Buildings would apply.

All developments, including mixed height developments will be expected to identify the proposed level of intensification in conformity with the definitions as set out in Policy 8. Appropriate height for the agreed level of intensification will then be assessed against the criteria set out in Policy 58 and, if it includes a tall building, in Policy 57. The Skyline Study has been developed as an illustrative evidence base for testing variation in height.

Q135 **Is the policy compatible with the Plan's spatial and growth strategy, including Policy 8 - Character Led Intensification?**

Policy 57 and 58 have been developed in tandem with Policy 8 to ensure a character led approach to intensification and height as set out in the response above. Policy 8, 57 and 58 are supported by the Characterisation and Intensification Study (2019) and Skyline Study. Proposed modifications to the wording of Policy 8 and 57, and the inclusion of Policy 58, seek to strengthen and clarify the application of the policy.

Policy 58 – Residential Space Standards

Q136 What is the relationship between Policy 58 and the Nationally Described Space Standards?

- The standards in Policy 58A (table 14.2) of the Local Plan match the Nationally Described Space Standards (Table 1).
- Policy 58A sets out internal standards up to 4-bed 6 person units and where proposals for larger units come forward developers will defer to the Nationally Described Space Standards.
- Policy 58B of the Local Plan seeks additional requirements in relation to dual aspect units. These align with Policy D6C of the London Plan.
- Policy 58B of the Local Plan also provides standards for external space. Please see Q137 below for further detail.

Q137 Are the external space standards set out in criterion C of Policy 58 justified and are they in general conformity with the London Plan? Is the policy sufficiently flexible to take account of site-specific circumstances and requirements?

- Yes, the external space standards set out in criterion C are justified and in general conformity with the London Plan.
- London Plan policy D6 section 9 allows for boroughs to set higher local standards for external amenity space stating '*Where there are no higher local standards in the borough Development Plan Documents...*' Policy 58 of the Local Plan provides these higher standards.
- Policy 58 of the Local Plan seeks a minimum of 10sqm of external amenity space for each 1-2 person dwelling and an extra 1m² for each additional occupant for dwellings containing three or more bedrooms. The London Plan seeks a minimum of 5m² of private outdoor space for 1-2 person dwellings and an extra 1m² for each additional occupant.
- The Local Plan standards align with the evidence base that has informed its preparation, and the specific context and character of the borough.
 - The Waltham Forest Green and Blue Infrastructure Study identifies gardens as being important in responding to climate change and helping to mitigate the adverse recreational impacts on Epping Forest
 - Paragraph 2.66 states '*All future development will need to be supported by suitable ... green ... infrastructure*'
 - Paragraph 9.11 states '*Private gardens [are] an essential component of a resilient urban environment. Gardens can help to mitigate the severity of impacts on deficiencies in public open spaces, can positively contribute to biodiversity and help communities to respond to a changing climate*'.
 - Policy 83 states '*The Council will protect and enhance the natural environment of the Epping Forest and its Special Area of Conservation (SAC) and seek to ensure that development proposals contribute to the mitigation of adverse recreational and air quality effects on the SAC.*'
 - The 2009 Characterisation Study underpins the 2019 Characterisation and Intensification Study. This is made clear in the introduction '*The conclusions of the 2009 LBWF Characterisation Study are presented together with an*

analysis of changes to this context resulting from development completed in recent years.'

- The 'Understanding the features of the Borough' section highlights how the borough's *'position between the Lea Valley and Epping Forest influences the overall character of the borough, with a strong sense of greenness evident throughout.*
- In the 'Lessons and recommendations' section, the study highlights *'one of the linking features of all the traditional dwelling typologies found in the borough is the provision of garden space for each dwelling.... This component of external space for each dwelling has a significant beneficial effect on the wellbeing of the families, contributing to healthier, happier communities'* (Page 84).
- The Study further adds on p87 that *'The role of private gardens in supporting a green streetscape should be recognised'*.
- Generous standards are set out in the Development Management Policies (paragraph 8.5). The new Local Plan standards reflect the importance of generous private spaces, whilst responding to the new, more ambitious growth strategy, with higher housing delivery targets.
- Whilst the external space standards required in criterion C of Policy 58 are in generally conformity with the London plan, we propose that the minimum requirement for private amenity space is amended from 3m² to 5m² with a 1.5m depth/width requirement added to provide even closer alignment and clarity.

Is the policy sufficiently flexible to take account of site-specific circumstances and requirements?

- Yes.
 - Policy 58 criterion C states that developments *'should'* provide minimum standards for houses and flats rather than *'will'* or *'must'* provide. This allows sufficient flexibility for site-specific approaches to be justified in response to circumstances and requirements.
 - Criterion C viii provides further flexibility stating, *'Where external amenity space standards cannot be provided on-site the Council may require financial contributions towards enhancing or upgrading the provision of local open space(s) in the vicinity of the development'*.

Policy 59 – Amenity

Q138 Would the policy be effective in providing for satisfactory living conditions for the future occupiers of new development as well as adjacent residential properties?

- Yes, when read in conjunction with other policies in the Local Plan, including the residential space standards, the policy will be effective in providing satisfactory living conditions for future occupiers. Further detail is also provided in section 5.9 of the 2010 Urban Design SPD. This SPD will be updated following adoption of the new Local Plan to provide further clarity.
- To provide greater clarity that this policy relates to both existing and future occupiers, the Council proposes to modify policy 59A to state **'avoid harmful impacts to *and from* adjacent residential properties'**.

Policy 60 – Designing Out Crime

Q139 Would the policy be effective and how would it relate in practice to Policy 52 (Making Safer Places)?

Policy 60 (Designing Out Crime) and Policy 52 (Making Safer Places), focus on very similar objectives and it is considered that the Plan would be clearer and more effective if they were combined into a single policy entitled “Making Safer Places and Designing out Crime”. See Council’s response to Q141.

The combined policy will be effective, and the Local Planning Authority will continue to work closely with the Metropolitan Police Designing out Crime Officer assigned to the borough in seeking to achieve Secure by Design objectives within all relevant development.

Q140 Should all major developments be required to achieve Secured by Design accreditation?

All major development should be required to seek to achieve Secure by Design (SBD) accreditation and to provide details of the measures to be incorporated into development, demonstrating how schemes can achieve SBD accreditation.

For clarification, the Council currently uses the following planning condition appropriate to the permission of relevant schemes;

Prior to above ground works, details of the measures to be incorporated into the development demonstrating how the development can achieve Secure by Design Certification, shall be submitted to, and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police Designing Out Crime Officers. The development shall be carried out in accordance with the agreed details and maintained thereafter.

It is not within its gift of the Local Planning Authority to award an SBD accreditation – the initiative is administered separately by the Metropolitan Police SBD service in liaison with their appointed Designing out Crime officers. Whilst the Council is fully supportive of the SBD principles in the design of new development, it must retain a clear “planning balance” in its consideration and assessment of schemes, particularly in this context where there may be a potential conflict with a recommendation from the Designing out Crime Officers. For example, the issue of connectivity and access has occasionally proved a point of contention with some major schemes, sometimes resulting in a difference of professional opinion. In that instance, whilst a proposed development may not meet all the criteria for SBD accreditation, it does not necessarily follow that the scheme would not achieve planning permission.

Q141 Should wider liaison be provided for in Criterion C?

A minor addition to the policy is suggested to include liaison with the Metropolitan Police Design out Crime Officers.

Taking into account the points above, modifications to Policy 60 are proposed as below;

Revised Policy 60: Making Safer Places and Designing out Crime

To improve community safety and cohesion Waltham Forest will work with partners to:

- A. Minimise opportunities for criminal behaviour by requiring all forms of new development to incorporate 'Designing out Crime' and Secured by Design, and require all major developments to apply for, and seek to achieve, Secured By Design accreditation via the Secured by Design scheme;**
- B. Co-ordinate land uses to minimise the likelihood of an increase in crime and disorder;**
- C. Promote safer streets and public realm improvements throughout the Borough, where necessary in liaison with the Metropolitan Police Designing out Crime Officers, Counter Terrorism Security Advisors (CTSAs), Traffic Management Unity (TMU) and with the British Transport Police (BTP).**

Policy 61 – Advertisements, Hoardings and Signage

Q142 Is the policy justified, effective and consistent with NPPF paragraph 136? Would it be effective given the separate consent system for the control of advertisements?

Para 136 states that “Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.” To this end, the controls imposed within Policy 61 relate throughout to access, highway safety and visual amenity in relation to street clutter and impact on heritage assets and with regard to the cumulative impacts of advertisements.

Policies 72 – 78

Q143 Do Policies 72-78 effectively deal with the full range of historic environment issues in a clear and consistent manner?

Policy 72 – Designated Heritage Assets

Policy 73 – Listed Buildings Policy

Policy 74 – Conservation Areas Policy

Policy 75 – Archaeological Assets and Archaeological Priority Areas

The separation out of designated heritage assets, listed buildings, conservation areas, and archaeological assets and archaeological priority zones into four individual policies is intended to provide greater distinction and more precise guidance for each of the respective heritage assets types. This was done so as to ensure the local plan sets out a positive strategy for the conservation and enjoyment of the built environment, as required by the NPPF.

By having four distinct policies it is felt that greater guidance can be included within these policies, making them more accessible and useful, and recognising the differences when assessing a listed building consent application, as compared with an application within a conservation area, for instance.

In reviewing this approach, it is recognised that having a policy for designated heritage assets as well as individual policies for listed buildings and conservation areas could lead to unnecessary confusion, especially when considering which policy to apply and which would take precedence.

An amendment is proposed to merge policies 72, 73 and 74, so that it is explicitly clear that these are all designated heritage assets, and that this singular policy will be the one that applies. The proposed singular policy would still apply Criteria A-H of Policy 72 and would be supplemented with some of the more specific criteria and wording from policies 73 and 74.

The revised singular policy would also incorporate amendments following queries and comments raised in Q144 - Q147. The revised policy 72 text is located at the end of this document in full.

Q144 Are Policies 72 and 73 consistent with national policy and statutory requirements associated with heritage assets? Is it justified to expect assets to be preserved and enhanced (our emphasis)?

The policies are considered consistent with national policy and statutory requirements. Paragraph 190 of the NPPF requires plans to set out a, 'positive strategy for conservation and enjoyment of the historic environment,' taking into account, 'the desirability of sustaining and enhancing the significance of heritage assets,' and, 'the desirability of new development making a positive contribution to local character and distinctiveness.' These desires and aspirations clearly imply enhancement, and not just preservation.

This emphasis on enhancement is further reiterated in paragraph 197, which details the approach to be taken when determining planning applications that would impact heritage assets, including, 'the desirability of sustaining and enhancing the significance of heritage assets'.

Notwithstanding that, it is accepted that it may not be possible for all applications to preserve and enhance, and additional wording is proposed to address this point:

- A** All proposals for listed buildings and their settings will be expected to conserve and, **where possible,** enhance their appearance and significance;

Q145 Is it sufficiently clear how criteria G and H of Policy 72, criterion D of Policy 74 and criterion E of Policy 75, would be applied in practice?

With regards criterion G of Policy 72, it is accepted that this could be elucidated in greater detail. It is proposed to reword this criterion as follows:

Where a non-designated asset of archaeological interest is identified via desk based or field-based assessment work, and which is assessed to be of equal significance to a scheduled monument, it will be treated as a designated asset and subject to the conditions of this policy; and

~~Heritage assets that is Non-Designated, but of archaeological interest holds or potentially holds evidence of past human activity worthy of expert investigation at some point, and is demonstrated to be of equal significance to scheduled monuments in the borough the asset will be subject to the conditions of this policy; and~~

This proposed amendment would bring it in line with the wording provided in the NPPF, at footnote 68.

With regards criterion H of Policy 72 it is considered sufficiently clear how the policy would be applied in practice, with the required detail available within the Planning Obligations SPD 2017 document, specifically at paragraphs 8.4 and 8.5 which address heritage assets.

With regards criterion D of policy 74, it is accepted that greater clarity could be provided, by including a reference to Chapter 17 Protecting and Enhancing the Environment, and specifically Policy 82, which addresses significant existing trees.

Where applications are received within conservation areas with the potential to impact a tree, the application will be reviewed by the council's Nature Conservation Officer, who may advise on the requirements for retention or mitigation measures, as well as potentially serving a Tree Preservation Order.

With regards criterion E of policy 75, it is considered sufficiently clear how the policy would be applied in practice, with the required detail available within the Planning Obligations SPD 2017 document, specifically at paragraphs 8.4 and 8.5 which address heritage assets.

Q146 Is criterion D of Policy 73 justified and consistent with NPPF paragraph 202 in requiring any change of use of a listed building to be demonstrated to be the asset's optimum viable use?

It is suggested that criterion D is reworded as follows:

Proposals for the change of use of a listed building will only be permitted where it can be demonstrated that the proposed use, **including any required physical changes, would have a neutral or beneficial impact on the significance of the heritage asset. Where a proposed change of use may lead to less than substantial harm to significance, this should be weighed against** the optimum viable use **of the building,** ~~which causes the least harm to the significance of the building and its setting and secures its~~ **any public benefits that might outweigh the harm, and the** long term viability **of the proposal.** Proposals that sensitively reuse listed buildings where original use has ceased and is no longer viable will be looked on favourably;

Q147 Is it sufficiently clear how Policy 73 will be implemented in practice, and is it consistent with policy 72? Is criterion E of Policy 73 consistent with criterion D of Policy 72 and with NPPF paragraphs 200 and 201?

As outlined in the response to Q144 it is proposed to merge Policies 72, 73 and 74 into a singular policy, recognising that all are designated heritage assets and that there should be commonality in how the policy is applied to them. This should address any issues of consistency that current exist between the three policies, notably in relation to criterion E of policy 73 and criterion D of policy 72.

In relation to criterion E of Policy 73 and criterion D of Policy 72, it is considered that these are consistent with paragraphs 200 and 201 of the NPPF.

NPPF Paragraph 200 states that substantial harm or total loss of a listed building should be 'exceptional' and 'wholly exceptional', and will, 'require clear and convincing justification'. Paragraph 201 supplements this with more detailed information on what justification and circumstances would need to be met if substantial harm or total loss is to be approved.

Criterion D of Policy 72 matches the wording of paragraph 201 of the NPPF, and is consistent. Nor does it contradict anything in paragraph 200 as it sets out what justification may be considered acceptable.

Criterion E of Policy 73 states that proposals to demolish listed buildings will only be permitted in exceptional circumstances, and is deemed to be consistent with paragraph 200 and 201 of the NPPF, which both note exceptional circumstances and the tests for meeting those circumstances.

Policy 76 – Non-designated Heritage Assets Policy 77 – Locally Listed Buildings

Q148 Is criterion B of Policy 76 justified and consistent with NPPF paragraph 203?

Criterion B of policy 76 is considered to be consistent with NPPF paragraph 203. The NPPF notes that all heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In the context of Waltham Forest, designated heritage assets are few in number, and it is argued that non-designated heritage assets take on a greater significance worthy of preservation. It is within that context that Criterion B states that substantial harm and total loss of non-designated heritage assets will not be supported by the council.

It is recognised that this alone does not address the emphasis in the NPPF paragraph, and it is proposed that additional wording is added to Criterion B of Policy 76, as follows:

B. Substantial harm and complete loss of Non-Designated heritage assets will **only be supported in exceptional circumstances**, ~~not be supported,~~ **and will require clear and convincing justification and evidence as to why the non-designated heritage asset cannot be retained or repurposed.**

Q149 Is Policy 77 consistent with Policy 76?

Both policy 76 and policy 77 concern non-designated heritage assets, but a decision was taken to provide specific clarity on locally listed buildings in policy 77, as the council maintains a local list of buildings of interest and will be preparing a more detailed SPD document to accompany this.

It is recognised that policy 77 should be consistent with policy 76, as ultimately both concern the same designation type – non-designated heritage assets.

Policy 76 is considered to be compliant and complementary to NPPF paragraphs 189, 190, 197 and 203. Please refer to question 148 above in relation to NPPF paragraph 203.

Policy 77 does deviate somewhat in that it uses 'strongly resisted' rather than 'will not be supported' in relation to complete loss of locally listed buildings and requires 'clear and robust justification' for proposals containing demolition.

It is proposed to amend criterion B of policy 77 so that it replicates criterion b of policy 76, for reasons of consistency.

Policy 78 – Highams Area of Special Character

Q150 Are the expectations of Policy 78 sufficiently clear to inform and assess development proposals in the Area of Special Character?

The Highams Area of Special Character recognises the cohesive design of the Highams Estate, a development by the Warner Housing Company who had an historic relationship with the borough, developing a number of estates from the late Victorian period onwards. The Highams estate was unlike many of their other developments, in so much as it was one of the last to be delivered, and done so in an arts and crafts style on much more suburban lines, with generous plot sizes and landscaping. Its area of special character status identifies it as a non-designated heritage asset.

Supporting information about the estate and its special qualities is made available on the council's 'Conservation areas and listed buildings' website page, in the form of the [Highams Area of Special Character information leaflet](#). This provides greater clarity on materials used in and on the estate, including facing materials, windows, front doors, roofs, gardens and curtilages.

An article 4 direction is also in place for the Highams Area of Special Character, which removes permitted development for side extensions and changes to roof profiles, such as hip to gable.

Additionally, the adopted Highams Park Local Plan includes provision for the area of special character, at Policy CDP1: Heritage assets, which states, '*There shall be a presumption in favour of development that enhances or preserves Conservation Areas, Areas of Special Character, archaeological assets and listed buildings,*' and, '*Development proposals within Conservation Areas or Areas of Special Character should respect the features and distinctive elements in respect of those areas and have regard to the Character Assessments*

within this Neighbourhood Plan.'

It is accepted that greater detail and clarity could be provided both in relation to the wording of policy 78 and in the supporting commentary text, to emphasise how the council will seek to preserve the area's special character where possible.

It is suggested that Policy 78 is amended as follows:

Policy 78 - Highams Area of Special Character

A. The Council recognises that the Highams Area of Special Character has local architectural and historic significance that merits **consideration and where appropriate** protection in the planning process; and

B. Development proposals will be expected to pay close attention to the area's defined character, making use of appropriate materials.

Applicants should refer to the 'Higham's Area of Special Character Information' leaflet available on the council's website, and to the Article 4 Direction for the Highams Area of Special Character, when preparing a planning application within the estate.

It is suggested that paragraph 16.29 is amended as follows:

16.29 The Highams Area of Special Character was designated by the Council in 1988 in recognition of the area's cohesive architectural and landscape quality. **Its interest lies in its historical relationship with the Warner family, who developed a number of residential areas within the borough from the late nineteenth century onwards, and was one their last major projects to complete. Built on a much more suburban scale compared to their other developments, the Highams Estate adopted an arts and crafts idiom, with a number of 'standard designs' used for properties. Key features include use of brick at ground floor and roughcast render at first floor, timber panelled front doors, red and brown clay roof tiles, and planted front gardens.** Although not deemed to be of sufficient interest to be merited with conservation area designation, and **is** not a statutory consideration within the planning process, **where applications are submitted within the estate, the Council will seek** to ensure the area's special interest is protected, **including those material qualities outlined above. In addition,** the Council has made an Article 4 Direction to ensure elements of the character of the estate are preserved and enhanced through the planning process, **requiring planning permission be applied for property extensions and changes to roof profiles.**

Q151 Overall, are Policies 56 - 61 and 72 to 78 soundly based and in general conformity with the London Plan?

The council believes that policies 56-61 and 72-78 are soundly based and in general conformity with the London Plan. The council are in in the process of preparing a statement of common ground with the GLA regarding the definition in the context of Waltham Forest as an outer London Borough of "Taller Buildings" with regards to Policy 57 – Taller and Tall Buildings.

Q152 Are any main modifications necessary for soundness?

Policy 5 – Management of Growth (F)

Add additional criterion to read: **Ensuring that development is planned and implemented in a coordinated way, guided by Supplementary Planning Documents (SPD), Masterplans, Planning Briefs, Design Codes and other relevant design guidance where appropriate. Pending the preparation and adoption of Masterplan SPDs for the identified strategic locations, proposals for major development coming forward will be considered on the basis of good growth principles and policies included in this plan and the London Plan;**

Policy 56 – Delivering High Quality Design

Add additional criterion to policy: **Demonstrate clearly how proposals respond to the design principles and framework set out in any design guides and/or codes prepared by the borough or prepared by an applicant in support of an application and agreed by the Local Planning Authority**

Strengthen Criterion B to read: **B:)Explore the benefits of land assembly and/or co-ordinated development where appropriate, including as part of any masterplan approaches where possible to deliver the benefits of cohesive, high-quality design;**

Strengthen Criterion M to read: **“M: Provide tree lined streets and multi-functional green spaces at ground podium, and roof level (as appropriate), through a well-integrated soft landscaping scheme that has been fully considered from the initial stages of design and makes satisfactory provision for future growth and aftercare;”**

Amend Criterion R to read: **For residential schemes, address the Homes England “Building for a Healthy Life” 12 criteria, and for all schemes address the ten principles of “Active Design”, as published by Sport England and supported by Public Health England, and...**

Policy 57 – Tall and Taller Buildings – reviewed and modified in line with the description above. Divided into a Policy on Tall Buildings, and a new policy on Building Heights.

Policy 59 - Amenity

Amend Criterion A of policy to read: **state 'avoid harmful impacts to and from adjacent residential properties'.**

Policy 60 – Making Places Safer and Designing Out Crime

Revised Policy 60 to read:

Policy 60 - Making Safer Places and Designing out Crime

To improve community safety and cohesion Waltham Forest will work with partners to:

- A. Minimise opportunities for criminal behaviour by requiring all forms of new development to incorporate 'Designing out Crime' and Secured by Design, and require all major developments to apply for, and seek to achieve, Secured By Design accreditation via the Secured by Design scheme;**
- B. Co-ordinate land uses to minimise the likelihood of an increase in crime and disorder;**
- C. Promote safer streets and public realm improvements throughout the Borough, where necessary in liaison with the Metropolitan Police Designing out Crime Officers, Counter Terrorism Security Advisors (CTSAs), Traffic Management Unity (TMU) and with the British Transport Police (BTP).**

Supporting Paragraphs Chapter 14:

Add the following supporting paragraph under policy 56 to read **14.:** **“In the absence of local design guidance, the Local Planning Authority and applicants will be expected to defer to guidance in the National Design Guide and the National Model Design Code”.**

Add the following sentence to supporting paragraph 14.2: **Development should take the opportunities to incorporate high-quality landscaping and green spaces where appropriate, including tree planting and new tree-lined streets**

Amend supporting Paragraph 14.6 to read: "**Building for a Healthy Life 12**" is a government-endorsed industry standard for well-designed homes and neighbourhoods. It consists of a series of questions designed to help structure discussions between local communities, local planning authorities, developers and other stakeholders, and to help local planning authorities assess the quality of proposed and completed developments. Residential development proposals will be expected to show evidence of how their development performs against the **Building for a Healthy Life 12** criteria. There is no obligation on applicants to use an external or independent consultant to complete an assessment, but they are free to do so if they so wish".

Policy 72 - Designated Heritage Assets

Policies 72, 73 and 74 to be merged into one policy as set out above, and to read as follows:

A. The Council will ensure designated heritage assets are preserved and enhanced within the planning process, with a strong presumption in favour of retention and enhancement, to ensure the borough's history, identity and sense of place is protected and maintained for existing and future generations;

B. A heritage statement should accompany all applications that affect designated heritage assets, clearly explaining the significance of the asset, how it will be impacted by the proposal, and providing clear and convincing justification for any change;

C. Any harm to designated heritage assets and their settings, irrespective of whether this would amount to substantial harm, total loss or less than substantial harm, will be given great weight in the planning process, and will require clear and convincing justification;

D. Development proposals that lead to either substantial harm to, or total loss of designated heritage assets and their settings will not be permitted, unless it can be demonstrated that such harm is necessary to achieve substantial benefits which could not be delivered otherwise, or all of the following apply:

- i. the nature of the heritage asset prevents all reasonable uses of the site;
- ii. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;

- iii. conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- iv. the harm or loss is outweighed by the benefit of bringing the site back into use;

E. Development that leads to less than substantial harm to the significance of a designated heritage asset and its setting will not be permitted, unless the public benefit of the proposal, including securing the optimum viable use of the site, outweigh the harm caused;

F. Proposals that sensitively and creatively bring designated heritage assets and their settings back into use whilst still maintaining their significance will be supported;

G. Where a non-designated asset of archaeological interest is identified via desk-based or field-based assessment work, and which is assessed to be of equal significance to a scheduled monument, it will be treated as a designated asset and subject to the conditions of this policy; and

H. Where a developer obligation is sought toward Heritage Assets, reference should be made to the Planning Obligations SPD.

Listed Buildings

I. All proposals for listed buildings and their settings will be expected to conserve and, **where possible** enhance their appearance and significance;

J. Reinstatement of historic building elements (e.g. roof coverings, rainwater and soil goods, windows and doors) should be carried out using traditional, historic or original material, employing specialist advice and craftsmanship;

K. Extensions to listed buildings and new development within the curtilage of listed buildings should:

- i. Be subservient to the host historic building in terms of location, floor area, height, massing and scale;
- ii. Respect the host historic building in terms of design, materials and detailing;
- iii. Respect the unity of groups of buildings (e.g. terraces) and the setting of nearby buildings; and
- iv. Respect the historic character and extent of the curtilage in relation to the amount of garden or other open space.

L. Proposals for the change of use of a listed building will only be permitted where it can be demonstrated that the proposed use, **including any required physical changes, would have a neutral or beneficial impact on the significance of the heritage asset. Where a proposed change of use may lead to less than substantial harm to significance, this should be weighed against** the optimum viable use **of the building, any public benefits that might outweigh the harm, and the** long term viability **of the proposal**. Proposals that sensitively reuse listed buildings where original use has ceased and is no longer viable will be looked on favourably;

M. Proposals for the demolition of listed buildings will only be permitted in exceptional circumstances. The fact a building has become derelict will not in itself be sufficient reason to permit its demolition or any substantial harm to its special interest; and

N. The Council will continue to work with Historic England in identifying listed buildings and structures that merit inclusion on the Heritage at Risk Register. Where such buildings are identified, the Council will work proactively with owners and other bodies to facilitate their successful restoration and reuse, consistent with their heritage value and special interest.

Conservation Areas

In order to preserve or enhance the borough's conservation areas, including their respective significance, character, appearances and settings, the Council will:

⊖. Permit development which preserves or enhances the character or appearance of the area;

P. Only permit the demolition of any building in a conservation area where it is clear that this would not have an adverse effect on the character or appearance of the area. In cases where demolition may be justified in accordance with national policy, consent to demolish will be given only when acceptable plans for redevelopment have been agreed;

Q. Use Article 4 directions to raise awareness of good conservation practice and encourage property owners to implement appropriate improvements to properties and other heritage assets which preserve or enhance the character of conservation areas;

R. Preserve any tree which contributes to the character of the conservation area, **in tandem with Policy 82**;

S. Identify and designate, where appropriate and with public consultation, new conservation areas in the borough;

T. Appraise and reassess the borough's existing conservation areas, periodically reviewing character appraisals and management plan documents; and

U. Where a developer obligation is sought toward Conservation Areas, reference should be made to the Planning Obligations SPD.

Policy 76 – Non-designated Heritage Assets Policy 77 – Locally Listed Buildings

Amend Criterion B to read:

B. Substantial harm and complete loss of Non-Designated heritage assets will **only be supported in exceptional circumstances, not be supported, and will require clear and convincing justification and evidence as to why the non-designated heritage asset cannot be retained or repurposed.**

Policy 78 - Highams Area of Special Character

Amend Policy 78 Highams Area of Special Character to read:

A. The Council recognises that the Highams Area of Special Character has local architectural and historic significance that merits **consideration and where appropriate** protection in the planning process; and

B. Development proposals will be expected to pay close attention to the area's defined character, making use of appropriate materials. **Applicants should refer to the 'Higham's Area of Special Character Information' leaflet available on the council's website, and to the Article 4 Direction for the Highams Area of Special Character, when preparing a planning application within the estate.**

Supporting Paragraphs: Chapter 16:

Amend Supporting Paragraph 16.29 to read:

16.29 The Highams Area of Special Character was designated by the Council in 1988 in recognition of the area's cohesive architectural and landscape quality. **Its interest lies in its historical relationship with**

the Warner family, who developed a number of residential areas within the borough from the late nineteenth century onwards, and was one their last major projects to complete. Built on a much more suburban scale compared to their other developments, the Highams Estate adopted an arts and crafts idiom, with a number of 'standard designs' used for properties. Key features include use of brick at ground floor and roughcast render at first floor, timber panelled front doors, red and brown clay roof tiles, and planted front gardens. Although not deemed to be of sufficient interest to be merited with conservation area designation, and **is** not a statutory consideration within the planning process, **where applications are submitted within the estate, the Council will seek** to ensure the area's special interest is protected, **including those material qualities outlined above. In addition,** the Council has made an Article 4 Direction to ensure elements of the character of the estate are preserved and enhanced through the planning process, **requiring planning permission be applied for property extensions and changes to roof profiles.**