

23rd January 2023

Dear Ms Copsey,

This submission is made on behalf of the Conservative Councillors Group in Waltham Forest. We comprise of 13 councillors representing 5 of the 6 wards in the North of the Borough.

We note from the documentation that previously submitted representations on the Plan will be considered as part of the Examination and so it is not necessary to repeat them. We do stand by representations made at the previous stage and wish to add the following new representations based on the Inspectors' "Further Matters, Issues and Questions."

We shall be referring in particular to the following matters raised by the inspectors

2.1 The SA Addendum (LPE36.1) tests the sustainability implications of the 10-year target for net completions in Waltham Forest set out in the London Plan (1264 dwellings). Is the Topic Paper's conclusion (paragraph 3.7.2.5), that Option 1 (27,000 dwellings) remains the preferred option, reasonable and justified by the evidence?

2.3 The Topic Paper (LPE30 pages 21-22) sets out further changes to the proposed distribution of housing growth set out in the Plan's Policies 4, 9, 10 and 11. Are these changes justified and in general conformity with the London Plan?

2.4 Overall, is the scale and distribution of housing and employment growth justified, including with regards to general conformity with the London Plan's housing target for the Borough, flood risk, the effect on Habitats Sites, and the effect on air quality? Are any main modifications necessary for soundness?

3.3 To what extent is the delivery of the planned housing growth reliant upon tall buildings and is this justified?

3.5 Overall, is the Plan's approach to housing supply and the housing trajectory positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan? Are any main modifications necessary for soundness?

5.6 The Sustainability Report Addendum (LPE36.1) identifies that the effect of the Plan's scale of growth (SA Option 1 in LPE36.1) on the flood risk objective is "uncertain" and that the effect of the level of growth as set out in the London Plan (SA Option 2 in LPE36.1) is "minor positive". It also identifies that the majority of growth in Option 2 could be delivered on sites in Flood Zones 1 and 2.

a. Is the Plan's spatial strategy for housing justified and consistent with national policy in relying on sites in Flood Zones 2 and 3 for around 50% of planned housing growth?

b. Does the Sustainability Report Addendum (LPE36.1) strike a reasonable balance between Sustainability Appraisal objectives SA1 (meeting local housing needs) and SA11 (reducing flood risk and improving resilience to climate change)?

6.1 Is the approach to tall buildings and building heights set out in the Topic Paper (LPE30 section 3.5) and in the Statement of Common Ground (LPE27) justified and in general conformity with the London Plan?

6.3 At a strategic level, are the sites/locations identified on the map at Figure 2 of the Topic Paper (LPE30 page 52) as having potential for tall buildings appropriate and justified by the evidence? To what extent has the Skyline Study (LPE46) informed the sites/locations identified in Figure 2?

6.6 Overall, is the approach to tall buildings and building heights positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan? Are any main modifications, including to Policy 57, necessary for soundness?

London Plan Conformity

Examination of LP30 shows that the Council will clearly not be in conformity with the London Plan.

The published London Plan sets a 10 year housing target for Waltham Forest of 12,640 new homes (1,264 per year) based on a London-wide assessment of capacity/available sites.

Waltham Forest Council Proposes 27000 new homes over the 15 years of the Local plan. The housing requirement will be set at 1264 for the four years from 2023/24 to 2026/27, and then increase to 1504 in from 2027/28- 2028/29 and again to 2404 for the five years to 2033/34, before reducing to 1504 for the remainder of the plan period to 2037/38.

This means that the council target over the 6 remaining years of the London Plan will be 8064 which is out of conformity when compared with 7584 in the London Plan.

The London Plan makes clear at 4.1.11 that if a target is needed beyond the 10 year period (2019/20 to 2028/29), boroughs should draw on the 2017 SHLAA findings (which cover the plan period to 2041). It should also roll forward the housing capacity assumptions applied in the London Plan for small sites.

The Council seems to be engaging in "sleight of hand". They are attempting to backload their targets in order to appear to be more in conformity with the London Plan but the targets for the next 5 years will be almost double the London Plan targets.

An 1800 target was initially proposed at an early stage of the London Plan but the Planning Inspectors examining the London Plan reduced that number as the formula used to calculate supply from small sites was not shown to be justified. The Council have not drawn on the 2017 SHLAA findings and have not produced evidence to show the planning inspectors made a mistake and therefore should roll forward the housing capacity assumptions in the London Plan for small sites. We do not believe that what the council proposes is in conformity with the London Plan and therefore we cannot say that this proposal is justified or sound

Sustainability Appraisal

The Council's own SA says that "approximately 50% of the Option 1 scale of growth option could be delivered on sites within flood Zone 1 and 50% would need to be delivered on sites within flood zones 2 and 3 (circa 10,000 homes)." Because so many homes would have to be built on flood plains the report says "as it is not certain that all developments would be granted permission in Flood Zones 2 and 3, an uncertain effect is therefore identified."

Option 2 would not require any building on Zone 3 land thus would clearly be more sustainable and justified by the evidence. We do not believe the sustainability appraisal justifies the targets the Council proposes.

Tall Buildings

As a borough Waltham Forest has always been a low rise borough and this is particularly true of the North of the Borough which we as councillors represent. There is no justification for 9 stories being considered a tall building in Waltham Forest. Given the very low rise nature of the borough, 6-8 storeys would in most areas easily be a tall building. The definition should be lower than 9 storeys for Waltham Forest. In order to achieve such overblown housing targets the Council will have to permit development of many more tall buildings. This would be completely out of character and unjustified for Waltham Forest and particularly for the sites the Council outlines in the North of the borough. We outline examples below for which we have strong doubts about their soundness.

472- 510 Larkshall Road and James Yard

A planning application (Application Ref: 203040) was submitted in 2022 for part of this site at 480-510 Larkshall Road. The application proposed a six and seven storey development with 68 units. The application was refused. It is currently under appeal after public inquiry.

The reasons given by the council for refusal were that "The proposed development, by reason of building height, scale and massing, would be a visually incongruous and an out of keeping form of development that would harm the character and appearance of the Highams Park District Centre. The proposal would therefore be at odds with the predominant built form of the surrounding area and contrary to Policy D4 of the London Plan (2021), Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (2012), Policy DM29 of the Waltham Forest Local Plan Development Management Policies (2013) and Policies CDP1 and CDP2 of the Highams Park Neighbourhood Plan (2020)."

Further to this the Council's Statement of Case to the public Inquiry strongly argues that the size of the development was inappropriate due to the impact the height, density and massing would have on the character of the Highams Park District Centre.

The Council stated:

“6.6 Policy CDP2 of the Neighbourhood Plan encourages development that make a positive contribution to the character of existing buildings and taking into account the predominant local character, setting and any distinctive building design features as described in the relevant Character Assessment for the area in which the development is located.

The National Design Guide (“the NDG”) also advises at paragraph 43 that well-designed new development is integrated into its wider surroundings, physically, socially and visually. Further, proposals for tall buildings require special consideration for example in terms of their location and siting, relationship to context; impact on local character, views and sight lines; and composition - how they meet the ground and the sky. As regards the NPPF, chapter 12 relates to achieving well-designed places and the creation of high quality and sustainable development.

6.7. There does not appear to be any dispute that the Proposed Development is a tall building: see, for example, the Appellant’s Statement of Case at paragraph 5.28 where, without any apparent disagreement, the Appellant quotes paragraph 9.83 of the OR (Officer's Report) where the officer reached this conclusion. Even if this is not common ground, the Council submits that the Proposed Development should be considered to be a tall building for the purposes of the London Plan (see in particular Policy D9) and for the local development plan documents (see in particular policy CS15 of the Core Strategy referring to ‘taller buildings’, policy DM29 of the Development Management Policies and paragraph 5.7.2 of the Urban Design SPD).

6.8. The adopted development plan documents and the Urban Design SPD consistently recognise that: (1) the building heights in the Council’s area are generally low, mostly two to three storeys in height, with few residential tower blocks; (2) there are limited opportunities within the Council’s area where buildings of a height like the Proposed Development will be appropriate; and (3) ‘proposals involving building heights of this 480-510 Larkshall Road Written Statement of Case Waltham Forest Council scale will require a particularly convincing and robust design case and in many circumstances may still be considered inappropriate’. The Proposed Development must be assessed in light of all these factors. This is all the more the case because the local area, both immediately and more widely, around the Appeal Site is characterised by buildings heights of two to three storeys, with a small number of higher buildings at four storeys.

6.10. The Council submits that on a proper understanding of the local character and appearance of the area in which the Appeal Site is situated, the Proposed Development would be visually incongruous and out of keeping form of development in the street scene and the local area by virtue of the excess height, scale and massing of the Proposed Development. The height, scale and massing of the Proposed Development would have an unacceptable impact on the surrounding townscape which consists of mainly two to four storey buildings forming the Highams Park District Centre, including in local views (both immediate and wider) within, through and across the District Centre. These harmful effects arise from the Proposed Development considered as a whole and from the greater height, massing and scale of blocks B and C in particular.

6.12. Overall, the Proposed Development is not a successful design led approach to the Appeal Site, as required by local and national policy set out above. There is an absence of a clear and robust design rationale which properly recognises and understands the local area, in particular local distinctiveness, as manifested through 480-510 Larkshall Road Written Statement of Case Waltham Forest Council its key characteristics, such as building height, scale and massing. The Proposed Development’s height, scale and massing does not positively respond to this local context and distinctiveness as required by the local and national policies set out above.”

Given the council's strong argument that 6 to 7 stories and 68 units is too big for this site it seems strange to us that LPE46.1 is proposing 6-8 storeys on this site. Given the council's argument it would appear to us that the potential for development on this site has been seriously overestimated and therefore this proposal cannot be said to be sound.

Highams Park Industrial Estate

This site is very close to the 472- 510 Larkshall Road and James Yard site on the opposite side of Larkshall Road. As the name suggest this site is presently allocated to light industrial use with several low rise industrial units.

LPE46.1 is again proposing 6-8 storeys for this site. Given its proximity to the 472- 510 Larkshall Road and James Yard site it would seem reasonable that the arguments above would also apply to this site and that 400 units at 6-8 storeys would be unreasonable. It would be completely out of keeping with the Highams Park area. Again, we do not believe this is a sound proposal.

In addition the consultation process on the local Plan has led to very significant objections to several of the proposed allocations being received. In particular the allocations in the New Road Leisure Centre site, Hall Lane Sainsbury's and Albert Corner in South Chingford.

Yours sincerely,

Cllr Emma Best AM

Leader, Waltham Forest Conservative Group