



**'Shaping the Borough' - Waltham Forest Local
Plan (LP1) Examination**

**RESPONSE TO FURTHER MATTERS, ISSUES AND
QUESTIONS**

**MATTER 3: HOUSING LAND SUPPLY AND
BOROUGH WIDE HOUSING POLICIES**

January 2023

MATTER 3: HOUSING LAND SUPPLY AND BOROUGH WIDE HOUSING POLICIES

Housing Land Supply Over the Plan Period

3.1 Do the Council's Updated 5 Year Housing Land Supply (LPE32) and Updated Housing Trajectory (LPE31) demonstrate that there will be a deliverable five-year supply of housing land at adoption of the Plan and that there will be a reasonable prospect of this being maintained throughout the remainder of the Plan period?

The Updated Housing Trajectory (LPE31) and Updated 5 Year Housing Land Supply (LPE32) demonstrate both that there will be a deliverable five-year supply of housing land at adoption, and sufficient developable sites that this is likely to be maintained through the Plan period. Both have been informed by accurate and up to date evidence. The evidence gathering process leading to the identification of sites that will supply the anticipated housing delivery for the first 5 years of the plan is explained in Paragraph 3.1.2.2 to 3.1.2.6 of the Topic Paper (LPE30).

The starting point for the appraisal of land supply is the standardised assessments undertaken through the London-wide Strategic Housing Land Availability Assessment (SHLAA) and the Waltham Forest specific Growth Capacity Study (LPE44.1). This is supplemented with design-led testing, in alignment with London Plan Policy D3, demonstrating a design-led approach to optimising capacity, particularly for the component of supply made up of sites proposed for allocation through Local Plan 2. Viability and other delivery matters have also informed the phasing and capacity included for sites in the Updated Housing Trajectory (LPE31) and Updated 5 Year Housing Land Supply (LPE32), through site-specific studies and masterplanning work, the details of approved and submitted planning applications (including the stage of the planning process they have reached) and ongoing work with landowners, developers and other key stakeholders.

Based on this evidence, anticipated delivery phasing is itemised in the Updated Housing Trajectory (LPE31). Table 4 of the Updated 5 Year Housing Land Supply (LPE32) breaks down the calculation of expected supply against the housing requirement over the five-year period. Additional evidence is also given to support the deliverability of sites in the appendices of LPE32. Taken together, they demonstrate that there will be a five-year supply of housing land at the adoption of the plan.

The Council further considers that there is reasonable prospect that the rate of delivery will be maintained throughout the Plan period. This conclusion is supported by strong evidence provided in paragraph 3.1.3 of the Topic Paper (LPE30), and the planning status of sites. The likely build out rate of each site is provided in the Updated Housing Trajectory (LPE31). The evidence shows that there will be 5.14 years of housing land supply at the adoption of the plan, and this will not be less than 5.04 years over the revised Plan period (2023 – 2028).

In particular:

a. Having regard to the Planning Practice Guidance², does the evidence support the estimated supply of deliverable and developable new housing sites during the revised Plan period 2023-2038?

The Planning Practice Guidance (PPG), in paragraphs 7 and 20 of Housing Supply and Delivery¹, refers to the National Planning Policy Framework² (NPPF) in defining what constitutes deliverable and developable sites. Deliverable sites should offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within five years. Developable sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

¹ <https://www.gov.uk/guidance/housing-supply-and-delivery>

² NPPF Annex 2: <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#deliverable>

There is a distinction between sites that are deliverable, and sites that require further evidence to be considered deliverable. Sites that require further evidence to be considered deliverable are those which:

- Have outline planning permission for major development;
- Are allocated in a development plan;
- Have a grant of permission in principle; or
- Are identified on a brownfield register.

The PPG sets out the evidence required to demonstrate deliverability for these sites, which includes:

- Current planning status;
- Firm progress being made towards the submission of an application;
- Firm progress with site assessment work; or
- Clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

For the first five years of the plan, the Updated 5 Year Housing Land Supply (LPE32) appendices clearly break down the estimated supply of deliverable sites by categories of site in line with the PPG and provide accompanying commentary and evidence, based on the PPG requirements listed above, to demonstrate deliverability. This evidence, which includes current planning status and written commitment from developers to demonstrate firm progress with site assessment work or work towards the submission of a planning application, along with expected build out rates, provides a realistic estimate of housing delivery for the first five years of the revised Plan period.

The PPG, in paragraph 20³, notes that a pragmatic approach is appropriate when demonstrating the intended phasing of sites. Updates to housing land

³ [Housing supply and delivery - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/housing-supply-and-delivery)

trajectories can be used to provide greater certainty about delivery of sites considered developable and those identified over the longer time span. The Updated Housing Trajectory (LPE31) brings together all housing evidence, including that presented in the Updated 5 Year Housing Land Supply (LPE32) and evidence from a series of masterplans, Area Frameworks, feasibility studies and briefs. This underpins the estimates of new housing delivery during the Plan period, providing evidence of firm progress towards delivery in the short term and reasonable prospect of developability of sites in the long term.

b. Is there sufficient headroom in the housing supply expectations?

As shown by the Updated Housing Trajectory (LPE31), the Plan's housing targets can be met over the delivery period with the application of a 5% buffer. In most years, the targets can also be met with a 10% buffer applied. This provides confidence that the Council will continue to pass the Housing Delivery Test and demonstrate a 5-year housing land supply in future years. As shown in LPE31, modelled performance in the Housing Delivery Test demonstrates an average outperformance of the target by 12% across the Plan period⁴.

There is a high implementation rate of approved planning consents in the borough and a low rate of permissions lapsing across the past 15 years, with a calculated lapse rate of 6.3%⁵. As such the Council considers that there is sufficient headroom in the housing supply expectations.

⁴ Average of cells F23:S23 in Updated Housing Trajectory (LPE31).

⁵ This is calculated for the period FY2004-2019, with 922 lapsed units of a total 14691 benefitting from a grant of full planning permission.

c. Is it appropriate to rely to such a degree on future housing allocations in LP2?

Sites that are proposed to be allocated in Local Plan 2 (LP2) have been included in the Updated Housing Trajectory (LPE31) due to the evidence demonstrating their deliverability and developability, in line with the PPG requirements set out above. A significant proportion of these sites already benefit from planning consent, with many of these consents already implemented. The Council's 5-year housing land supply is reliant on only 25% (1,884 homes) of delivery from future proposed allocations which don't already benefit from planning permission. All of these sites have additional evidence to demonstrate deliverability. 54% (4,077) of the 5-year supply is from large sites (including some proposed site allocations) which already benefit from planning permission. As outlined below and in LPE32, there is firm evidence to support the Council's assessment of sites as deliverable.

d. Is a five-year supply of housing sites necessary for the soundness of this Plan?

In Plan-making, strategic policies should identify a 5-year housing land supply from the intended date of adoption of the plan⁶. The NPPF, in paragraph 68⁷, states that planning policies should identify a supply of specific deliverable sites for years one to five of the Plan period, referencing paragraph 74 which indicates the appropriate buffer to be included. The Plan would be unlikely to be effective if the increase in housing delivery cannot be demonstrated to be deliverable. This position has been demonstrated, as outlined at 3.2, in reference to a 5-year land supply requirement. If implemented, the transitional arrangements under the Levelling-up and Regeneration Bill: reforms to national planning policy would reduce this requirement to 4-years for a transitional period⁸.

e. Are the expected lead-in times, dates for first completions, rates of development (dwellings per year), and net site capacities realistic for the sites included in the 5 Year Housing Land Supply Statement (LPE32)? Including for the following sites:

- i The Score Centre**
- ii Lea Bridge Gas Holders**
- iii The Town Hall Campus**
- iv Sterling House/Homebase**
- v Marlowe Road Estate**
- vi Avenue Road/Thorne Close**
- vii Estate Way**
- viii Standard Public House**
- ix Blackhorse Lane (SIL 3)**
- x Joseph Ray Road**
- xi Lea Bridge Site 1_2_3**
- xii Hylands Phase 3**

⁶ Housing supply and delivery PPG, Paragraph 4 Reference ID: 68-004-20190722, available at: <https://www.gov.uk/guidance/housing-supply-and-delivery#demonstrating-a-5-yearhousing-land-supply>

⁷ NPPF Paragraph 68
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

⁸ Levelling-up and Regeneration Bill: reforms to national planning policy. Available at: <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

The expected lead-in times, dates for first completions, rates of development and net site capacities for the sites included in the 5 Year Housing Land Supply (LPE32) are realistic and based on up to date evidence.

Of the twelve sites identified, development has commenced on four. The completion rates and net capacity recorded for these sites are based on their planning approvals, with details of this is given in Appendix I of the Updated 5 Year Housing Land Supply (LPE32). These sites are:

- The Score Centre;
- The Town Hall Campus;
- Sterling House/Homebase; and
- Marlowe Road Estate.

Lea Bridge Gas Holders has full planning permission. A further five of the sites have submitted planning applications that are at various stages in the planning process.

- Avenue Road/Thorne Close (Submitted & consideration at Planning Committee on 26 January 2023)
- Estate Way (Submitted)
- Standard Public House (Resolution to Grant)
- Blackhorse Lane (SIL 3) (Submitted)
- Lea Bridge Site 1,2,3 (Resolution to Grant)

For the two remaining sites (listed below), evidence is provided in Appendix IV of the Updated 5 Year Housing Land Supply (LPE32) to demonstrate firm progress being made towards the submission of a planning application and confirming the developers' delivery intentions and anticipated start and build-out rates.

- Hylands Phase 3
- Joseph Ray Road

3.2 Is the updated Stepped Housing Requirement (LPE30 Table 1 page 23) and the associated delivery trajectory (LPE31) justified by the evidence and will the Stepped Housing Requirement be deliverable over the Plan period?

The stepped trajectory responds to the anticipated build out rates from up to date evidence and provides a deliverable way to match the Plan's target with expected supply. The Updated Housing Trajectory (LPE31) is justified as it brings together information about capacity and phasing based on the best available evidence. The Topic Paper in Sections 4, 5 and 6 provides more details on the evidence that has been used.

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

The Local Plan supports a character led approach to intensification, including achieving appropriate building heights and the potential for well designed tall buildings in the right places. 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 London Plan is clear that tall buildings can form part of a Plan-led approach to managing future growth, particularly in order to make optimal use of the capacity of sites with good public transport connectivity and access to services and facilities. To ensure that tall buildings play a positive role in shaping the character of an area, the London Plan requires boroughs to determine and identify locations where tall buildings may be an appropriate form of development, in line with London Plan Policy D1, London's Form, Character and Capacity for Growth. In line with the position taken in the London Plan, Local Plan 1 (LP1) is clear that tall buildings, in the right places, and subject to compliance with relevant policy tests to ensure the highest quality of design, can contribute to planned housing growth and make a positive contribution to the borough.

The proposed Tall Buildings policy, in conformity with the London Plan, sets out spatial locations where tall buildings could be supported on appropriate sites within Strategic Locations identified for a "Transition" or "Transformation" approach to character-led intensification. A number of sites within these locations have already been through the Development Management process and now benefit from a grant of planning permission,

which includes approval from the Mayor. The expectation that there will be further development of tall buildings is therefore justified, and the planned housing growth is reliant on tall buildings only insofar as the Plan expects development to optimise the potential of sites, within a framework of High Quality Design set out at Policy 56.

The supporting evidence, including the Characterisation and Intensification Study (LPE45) (also in the Evidence Base EB2.1), the Skyline Study (LPE45) and extensive masterplan work undertaken by the Council across the borough provides justification for the suitability of tall buildings on the identified sites/locations. Further detail is provided in response to questions on Matter 6: Built Environment, Housing and Design.

3.4 The Topic Paper (LPE30) refers to a future Waste and Land Release Strategy (such as at paragraph 5.3.8.2 page 102) and a future feasibility study to review waste sites and opportunities to deliver new homes (such as at paragraph 5.6.8.3 page 139). Could the outcome of these significantly affect the assumptions that have been made about capacity and housing land supply and, if so, how?

Work on the (renamed) 'Land & Waste Strategy' is underway. The strategy is undertaking a review of opportunities to deliver intensified waste operations on sites with existing waste uses. This exercise will not change the assumptions which have been made about the potential development capacity of these sites as part of the evidence base submitted in support of LP1. Reference has been made to this piece of work to highlight the proactive approach of the Council to working with delivery partners to ensure that sites come forward for development.

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?

As set out above, the Plan's approach to housing supply and the housing trajectory is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan.

There are no further main modifications to those set out at 3.1.5.8 – 3.1.5.10. of the Topic Paper (LPE30) are necessary for soundness.

Other Housing Policies

3.6 In reference to the Court of Appeal judgment *Smith v SSLUHC & Ors* dated 31 October 2022⁹ regarding the interpretation of the Planning Policy for Traveller Sites (2015), and the application of that policy to Gypsies and Travellers who have ceased to pursue nomadic lifestyles:

a. Are any amendments to, or further assessment of, the Council's Gypsy and Traveller Accommodation Assessment (EB4.2) necessary to identify the accommodation needs for Gypsies and Travellers?

No amendments to, or further assessment of, the Council's Gypsy and Traveller Accommodation Assessment (GTTA) (EB4.2) are necessary. The Gypsy and Traveller Accommodation Assessment (GTAA) (EB4.2)¹⁰ considered an expanded definition of Gypsies and Travellers, which included those who have ceased to travel temporarily or permanently.

The Intend to Publish London Plan (2019) proposed a more far-reaching definition of Gypsies and Travellers which included people with a cultural tradition of nomadism, a nomadic habit of life, or living in a caravan, whatever their race or origin, including:

- those who are currently travelling or living in a caravan;
- those who currently live in bricks and mortar dwelling households whose existing accommodation is unsuitable for them by virtue of their cultural preference not to live in bricks and mortar accommodation; and
- those who, on grounds of their own or their family's or dependants' educational or health needs or old age, have ceased to travel temporarily or permanently.

As outlined at paragraph 1.13 of the Gypsy and Traveller Accommodation Assessment (GTTA) (EB4.2), in addition to completing an assessment of need using the Planning Policy for Traveller Sites (PPTS) (2015) planning

⁹ EWCA Civ 1391

¹⁰ EB4.2 Gypsy and Traveller Accommodation Assessment (2020)

definition, an assessment of need using the Intend to Publish London Plan (2019) definition was also completed. Although this definition was not included in the adopted London Plan (2021), in light of the Court of Appeal judgment *Smith v SSLUHC & Ors* dated 31 October 2022, the Council consider it necessary to plan for the higher level of need identified. As detailed below, this need can be met through provision of additional pitches on existing sites in the borough.

b. Should the Plan make any further provision for Gypsy and Traveller accommodation for Gypsies and Travellers that have ceased travelling permanently and/or pursuing a nomadic lifestyle?

The Plan protects existing sites for Gypsy and Traveller accommodation and supports their intensification to meet identified needs. The Gypsy and Traveller Accommodation Assessment (GTTA) (EB4.2) concluded that needs arising from both the PPTS (2015) definition and the Intend to Publish London Plan (2019) definition could be met through provision of additional pitches on existing sites in the borough.

The Intend to Publish London Plan definition functions as a maximum figure to be planned for. Under the London Plan Intend to Publish definition, the need for seven additional pitches, over and above the PPTS (2015) definition is identified in the Gypsy and Traveller Accommodation Assessment (GTTA) (EB4.2)¹¹. This is comprised of one concealed household, three from teenage children, and three from new household formation derived from household demographics. This need for an additional seven pitches incorporates those who, because of their education or health needs, or old age, have permanently ceased to travel.

Although the Court of Appeal judgement¹² relates specifically to the challenge to the inspector's decision in the case of Ms Smith's appeal, it is likely that

¹¹ Paragraph 7.31, page 47, Waltham Forest

¹² [2022] EWCA Civ 1391

the conclusions reached regarding the discriminatory effect of the PPTS (2015) exclusion with reference to those who are no longer travelling because of their age or disability would also apply to the aspects of exclusions not discussed in *Smith v SSLUHC & Ors* but present in PPTS 2015, in particular with respect to education.

As such, with regard to the Public Sector Equality Duty, the previously proposed modification to Policy 23, Gypsies and Travellers and Travelling Showpeople, (SOPC033) should be further amended as follows:

Policy 23 - Gypsies and Travellers and Travelling Showpeople

Gypsies and Travellers' identified needs for ~~two~~ **up to nine** additional pitches will be met by:

- A. Protecting the existing provision of pitches for Gypsies and Travellers at Folly Lane and Hale Brinks North;
- B. Supporting intensification of existing sites to provide extra pitches at Folly Lane and Hale Brinks North in line with the need set out in the Gypsies and Travellers Needs Assessment.
- C. Any new site or substantial alteration to an existing site shall:
 - Provide satisfactory layout and facilities in terms of pitches, hardstanding, parking, turning space, amenity blocks, open space and play areas;
 - Be capable of connection to energy, water and sewage infrastructure;
 - Be accessible to public transport, services and facilities, and be capable of support by local social infrastructure;
 - Provide safe access to and from the road network;
 - Not cause harm to the residential amenity or the operational efficiency of nearby properties; and
 - Not cause harm to/or the loss of Metropolitan Green Belt, Metropolitan Open Land, protected Sites of Nature Conservation, Local Nature Reserves, Sites of Special Scientific Interest, Special Protection Areas and Special Areas of Conservation.

3.7 Will a five-year supply of specific, developable sites for Gypsies and Travellers be provided on adoption of the Plan, together with specific, developable sites or broad locations for growth for years 6 to 10 and, where possible, for years 11 to 15?

The Gypsy and Traveller Accommodation Assessment (GTAA) (EB4.2) concludes that there is ample undeveloped land on both existing sites to allow for sufficient intensification to meet identified needs over the Plan period. The residents who were interviewed to inform the GTAA were able to confirm that there is sufficient room on the site(s) for intensification to create additional pitches to meet current and future needs, and that they have the means to deliver additional pitches.

3.8 Are any main modifications necessary for soundness?

Main modifications are proposed as set out above in response to question 3.6B.