



LEE VALLEY REGIONAL PARK AUTHORITY

**REGENERATION AND PLANNING
COMMITTEE**

22 NOVEMBER 2018 AT 13:45

Agenda Item No:

6

Report No:

RP/24/18

**PLANNING CONSULTATION BY THE BOROUGH OF
BROXBOURNE ON AN OUTLINE APPLICATION INVOLVING
THE REDEVELOPMENT OF A SITE FOR UP TO 1,853
APARTMENTS, 19,051SM OF COMMERCIAL SPACE WITH
ASSOCIATED LEISURE USES AND A TWO FORM ENTRY
PRIMARY SCHOOL AND THE CREATION OF A NEW PLAZA
ON WINDMILL LANE.**

Presented by the Head of Planning and Strategic Partnerships

SUMMARY

The Authority originally submitted a 'holding' objection to the application pending the further submission of additional material (Paper RP/20/18) by the applicant to resolve areas of concern. The 'holding' objection addressed three matters relating to the 'prematurity' of the application given the likely impacts of the Crossrail 2 scheme, insufficient detail on its anticipated adverse impacts on biodiversity and the environment of the Regional Park and a lack of planning obligations relating to financial contributions required for new investment in the Regional Park's infrastructure. Whilst officers are now satisfied about the detail and scope of additional information included in the revised scheme on the environmental mitigation strategy it is unclear the amount of moneys which could become available for 'visitor infrastructure' and no changes have been included on the identification of 'safeguarding land' for a new bridge following the proposed closure of Windmill Lane. It is recommended that in respect of these two outstanding matters an objection should be made.

RECOMMENDATIONS

- Members Approve:
- (1) the Authority objects to the application on the following grounds:
 - (a) prematurity in that scheme does not clearly identify 'safeguarding' land required for a new route for Windmill Lane in the event of the Crossrail 2 scheme progressing. This is required to enable all

options to be considered as negotiations progress; and

- (b) the application does not include reference to a financial value for measures required to adequately mitigate for the large numbers of visitors to the Regional Park from this new development.

BACKGROUND

- 1 The application site comprises 12.8ha of flat land dominated by office and industrial units some of which comprised the former Headquarters of Tesco. Many of the units are largely vacant. Delamere Road, essentially an industrial estate road lies in the centre of the site and connects Windmill Lane to the south with Cadmore Lane to the north. The Windmill Lane frontage comprises a series of mixed uses. The site is bounded to the east by the Greater Anglia rail line with its western edge formed by the rear of residential properties on Palmers Way. In total the site contains 66,000sm of commercial floorspace of which 26,000sm comprises general industrial uses and 40,000sm light industrial/offices. The site includes a small amount of retail and leisure uses.
- 2 The site lies to the west of the rail line and across from the River Lee Country Park (RLCP) which is one of the Regional Parks main attractions with 1.5m visits pa which is entirely within the ownership of the Authority. The RLCP is one of the main access to nature sites within the Regional Park and features a mosaic of varied habitat including one Site of Special Scientific Interest (SSSI), Turnford and Cheshunt Pits which also forms part of the Lee Valley Special Protection Area (SPA) and Ramsar site. Despite the site's location outside the Regional Park it lies only 50 m from the boundary of the SSSI.
- 3 It is understood that this section of the rail line and the whole of the Cheshunt station and car park will be redeveloped as part of the Crossrail 2 scheme. A new station is required, designed to accommodate the increase in traffic which will result from improved services.
- 4 The Authority has had several pre application meetings involving both the Planning and Biodiversity teams. These have sought to resolve matters relating to an environmental mitigation strategy and investment programme required to mitigate the likely adverse impacts of the proposed scheme on the RLCP given that it is estimated that 3,300 people will be resident.
- 5 The proposed Crossrail 2 scheme has reached a critical stage involving an 'Independent Affordability Review'. This is reviewing the costs of the whole scheme and is due to be completed later this year when its findings will be presented to Government with a revised business case.
- 6 The Council's draft Local Plan is undergoing its 'Examination in Public (EIP) and officers made representations in respect of Policy CH1 which provides the policy framework for the development of this site. These representations resulted in the Policy being revised to include explicit reference to the Council working in partnership with both Natural England and the Authority to agree, ' a mitigation strategy containing a range of on site and off site measures to mitigate the effect of the development on the qualifying interests of the Special Protection Area.' The policy requires that the mitigation strategy will be in place by the time of the

grant of planning permission.

OUTLINE DESCRIPTION OF PROPOSED DEVELOPMENT

- 7 This is an outline application with all matters reserved apart from the access points into the site which include a new 'loop road' which will link into the proposed local centre proposed on a site adjacent to Cheshunt station. The application is accompanied by a series of 'parameter' plans required to establish the overall framework for more detailed applications which will be submitted for individual phases during the next 10 years from 2019 when demolition will commence.
- 8 The proposed scheme will involve demolition of the residential properties along the frontage to Windmill Lane and the site of No.211 will be required to create a new access point. A new road loop will be created around this point connecting to Delamere Road. Two access points are proposed onto Windmill Lane with just one onto Cadmore Lane.
- 9 The application seeks permission for:
 - 19,051sm of commercial and non-commercial floorspace;
 - 1,853 net residential units with some elderly specialist accommodation;
 - A 2 form entry primary school of 2,274sm on 0.55ha land;
 - 2,199 parking spaces; and
 - 1.9ha of public open space.
- 10 The application includes a Masterplan Design Statement which although submitted with the application is not included for approval at this stage. This sets out a comprehensive strategy for highways, townscape, massing, public realm, landscaping and land use. It identifies three different character areas within the site each of which build on local character. These include the Local Centre on Windmill Lane, the Urban village in the centre comprising predominantly residential uses and Cadmore Lane where there will be mixed uses. The Design Statement includes design codes for each sub parcel of land. The landscape strategy identifies a typology of landscape types for distinct areas of the site including pocket spaces, street furniture and rainwater gardens. A Lighting Strategy, provided on an illustrative basis also accompanies the application and masterplan.

DESCRIPTION OF SUGGESTED CHANGES IN RESPONSE TO THE AUTHORITY'S COMMENTS

- 11 In response to comments received from a number of parties, including the Council, the applicant has made revisions to the scheme and these are included in a revised scheme. In respect of the Authority's 'holding objection' the following changes have been made.
- 12 **Environmental Mitigation Strategy**
The Authority objected to the original environmental strategy on grounds of inaccuracies and a lack of detailed survey work required to provide the justification for mitigation measures. In response to these objections the Authority's Biodiversity team met with the applicant and suggested significant revisions to the proposed mitigation strategy. These have been accepted by the applicant and are now included in a revised submission. These will be included

in the Heads of Terms of a Section 106 agreement. The suggested changes to the draft Policy CH1 included in the Councils draft Local Plan will ensure their delivery.

13 CrossRail 2

From officer level discussions with the CrossRail 2 team it is apparent that the development of the site needs to be fully integrated into the rail construction and development programme. Of more critical importance for the Authority is the location of a new road crossing required to serve the youth hostel and Herts and Young Mariners site which will be required when the surface crossing is closed as part of the CrossRail 2 scheme. Whilst no decision has been made on its proposed location officers consider that some land needs to be safeguarded within the site to enable this to happen at some future point. Although there is a brief reference to land being safeguarded this has not been identified in the scheme. The revised application responds only to the comments received from Network Rail on this matter and states that as the CrossRail 2 project is not a 'committed scheme' no part of the site should be used to accommodate for a replacement crossing or works compound.

14 Whilst the applicant is correct in the assertion that the CrossRail 2 is not a committed scheme the Authority needs to maintain its stance in seeking to keep all options open for the route of the proposed new road at this stage.

15 Section 106 - Visitor Infrastructure

In pre application meetings with the applicant officers suggested a package of schemes required to strengthen the pathways in the adjacent section of the Regional Park. Initially it was considered that additional footways would be required but it is clear that the network of routes is sufficient although several are in need of repair. A scheme for new investment totalling £950k in the existing network and new toilets at Pindar car park was sent to the applicant in advance of the submission of the application.

16 Whilst the amended scheme includes in an Appendix to the revised Planning Statement some generic heads of terms of a Section 106 agreement it is unclear the balance of priorities. There has been no response to this request and for details of moneys from either the applicant or the Council. It is considered that this request is entirely in line with National Planning Policy Framework (2018) being both relevant and necessary for the development to proceed and that officers will continue to pursue this through negotiations.

ENVIRONMENTAL IMPLICATIONS

17 These are addressed in the body of the report.

FINANCIAL IMPLICATIONS

18 There are no financial implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

19 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966. The Act requires a local planning authority to consult with the

Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.

- 20 The Park Act enables the Authority to make representations to the local planning authority which they shall take into account when determining the planning application.

RISK MANAGEMENT IMPLICATIONS

- 21 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 22 There are no equality implications arising directly from the recommendations in this report.

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BACKGROUND REPORTS

Application Papers 18.055

April and September 2018

PREVIOUS COMMITTEE REPORTS

Regeneration and Planning RP/20/18

Planning Consultation

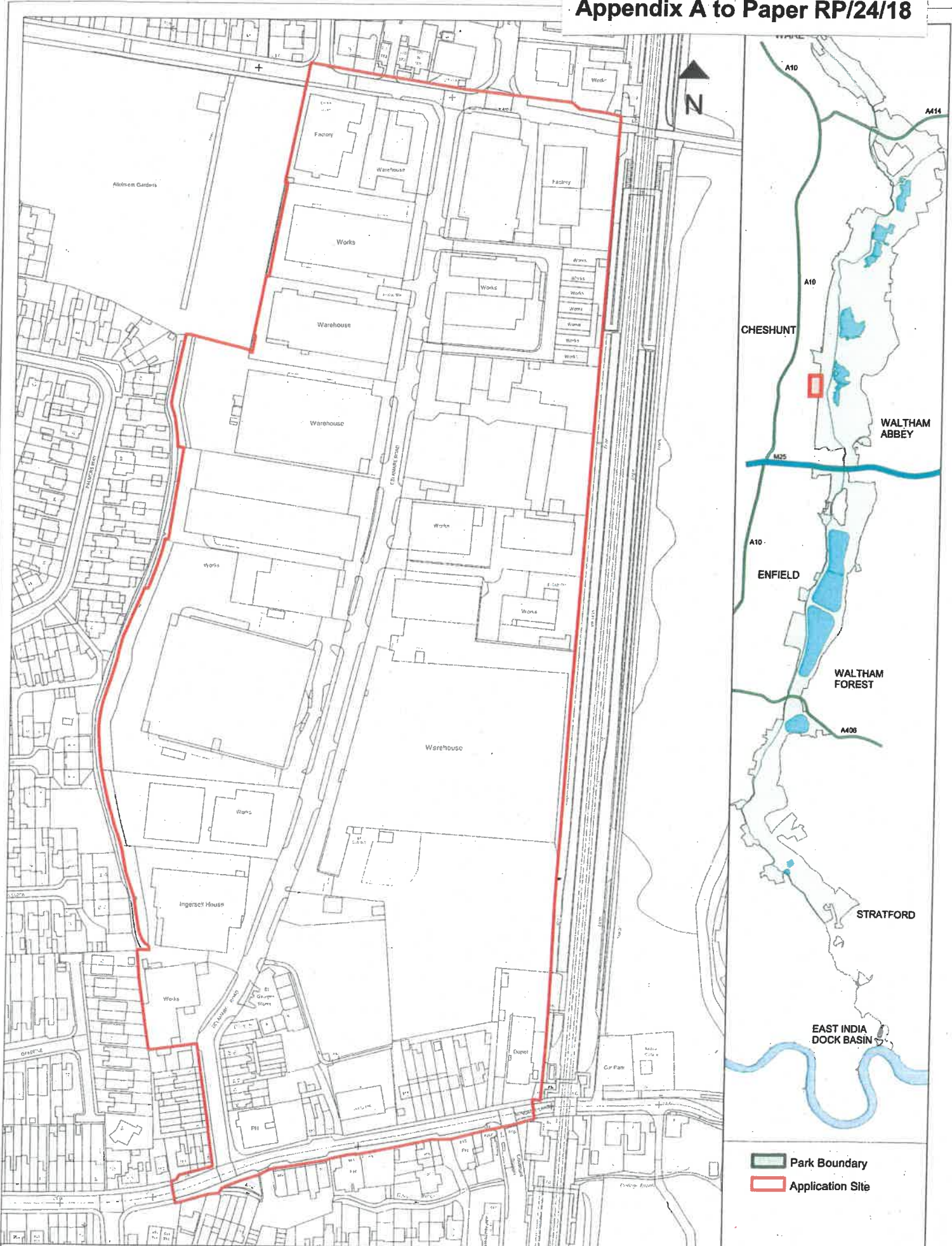
June 2018

APPENDICES ATTACHED

Appendix A Plan of the application site
Appendix B List of schemes for inclusion in Section 106 agreement
Appendix C Extract from proposed Section 106 Heads of Terms

LIST OF ABBREVIATIONS

RLCP River Lee Country Park
SPA Special Protection Area
EIP Examination in Public
SSSI Site of Special Scientific Interest



Appendix A - Plan of the application site

Requests for Planning Obligations

Turnershill Marsh bridge (includes new piers) – **£200,000** one off cost

1.

Hoggin path to Pochard Hide 394 x long at £10/m length - **£3,940**

2. Re surfacing of main path 282m length @£160/m length - **£45,120**

3. Bridge re surfacing 50 m length one off cost - **£100,000**

4. Connections to towpath 197m @£160m - **£31,520**

5. The High path – hoggin path 299m@£9.92/m - **£2,966**

6. Resurface existing path 539m@£160/m - **£86,240**

Other items

20 x fishing swims (platforms) @ £1,500 each - **£30,000**

£400k replacement toilets at Pindar car park incorporating ancillary storage for park equipment. The costs of these works are based on a similar project at our marina in Springfield, Hackney.

In total this comes to c£900,000

5. Lee Valley

1. Subject to demonstration of need generated by the development, to pay the Lee Valley Contribution of [.....] to BBC. The Lee Valley Contribution will be paid in six instalments:
 - (a) [.....] prior to the commencement of Phase 1
 - (b) [.....] prior to the occupation of any residential units in Phase 1
 - (c) [.....] prior to the commencement of Phase 2
 - (d) [.....] prior to the occupation of any residential units in Phase 2
 - (e) [.....] prior to the commencement of Phase 3
 - (f) [.....] prior to the occupation of any residential units in Phase 3

2. The Lee Valley Contribution will be used by BBC to fund [improvements to visitor facilities in the Lee Valley Country Park and for wetland mitigation measures to an agreed specification]. [Indicative measures include:
 - (a) the funding of additional and upgraded foot and cycle paths;
 - (b) other new signage within the Lee Valley Country Park;
 - (c) the provision of additional visitor facilities within the Lee Valley Country Park, including upgraded / replacement toilets to the Pindar car park area with ancillary storage for park equipment
 - (d) creation of reedbed on existing areas of open water (including funding of on-going management to stop succession);
 - (e) the provision of signage within the wetland areas alerting visitors to the risk of predation from pets and disturbance to the wetlands]

If the Lee Valley Contribution has not been spent by BBC within [...] years of receipt it will be returned to the payer.

3. To include within the marketing particulars for the residential properties advice in relation to the effects of predation from pets and disturbance to the wetlands;

4. To carry out monitoring to an agreed specification for specified period following completion of Phase 1 of the development to assess the impact of the development and provide a copy of the monitoring reports to BBC;

5. To include a restrictive covenant in the leases of all flats prohibiting the ownership of dogs and cats.

6. Green Infrastructure & Public Realm

1. A Green Infrastructure and Public Realm Management Plan for each Phase will be submitted to BBC for approval with the first reserved matters application for that phase. The Green Infrastructure and Public Realm to be provided in each Phase (including the green routes, 8m watercourse buffer strip play space