

**LONDON BOROUGH OF WALTHAM FOREST**

Committee & Date:	Planning – 5 December 2023
Application Reference:	222739
Applicant:	(BNP Paribas Depository Services (Jersey) Limited and BNP Paribas Depository Services Limited as Trustees of the BlackRock UK Property Fund and NEAT Developments Limited)
Location:	Uplands Business Park, Blackhorse Lane, London E17 5QN
Proposed Development	<p>“HYBRID PLANNING APPLICATION for the phased demolition of all existing buildings and structures (excluding Uplands House), site preparation works, and comprehensive industrial-led mixed-use redevelopment of parts of UPLANDS BUSINESS PARK AND FOREST TRADING ESTATE, BLACKHORSE LANE, WALTHAM FOREST, LONDON, comprising:</p> <p>DETAILED planning application for the construction of two buildings (Blocks A1 and A2) comprising flexible industrial floorspace (Use Classes B2, B8, and E(g)(ii and iii)) and one mixed-use building (Block B) comprising residential dwellings (Use Class C3) and flexible industrial floorspace (Use Classes B2, B8, and E(g)(ii and iii)), as well as ancillary yard areas; car/cycle parking; amenity; plant; public, communal, and private realm; soft/hard landscaping; infrastructure, access, and highway works; and other associated works; and</p> <p>OUTLINE planning application (with all matters reserved) for the construction of up to eight development plots (with maximum building heights of up to 22.6 m A.O.D. (Plot C), up to 145.0 m A.O.D. (Plots D and H), up to 110.2 m A.O.D (Plots E and J), up to 72.4m A.O.D. (Plot F), up to 51.0 m A.O.D. (Plot G), and up to 40.5 m A.O.D. (Plot K) comprise up to 167,398sqm (GEA) residential floorspace (Use Class C3), up to 15,006sqm (GEA) of flexible industrial floorspace (Use Classes B2, B8, and E(g)(ii and iii)), and up to 5,000 sqm (GEA) of Classes E and F and Sui Generis (Drinking Establishment/Bar) floorspace, as well as ancillary yard areas; car/cycle parking; amenity; plant; public, communal, and private realm; soft/hard landscaping; infrastructure, access, and highway works; and other associated works.</p>
Wards Affected:	Higham Hill
Background Documents:	Document list, Environmental Statement, and Environmental Statement Non-Technical Summary 2

## 1 RECOMMENDATION

1.1 That Planning Permission be GRANTED subject to conditions, informatives, Stage 2 Referral to the Greater London Authority (GLA) and completion of a Section 106 Legal Agreement (S106) with the following Heads of Terms:

### 1. Contributions

- a. Business Relocation & Retention – £500,000 for the relocation and fit out of local affordable workspace in the Blackhorse Lane CEZ.
- b. Carbon Offset – dependant on the form of energy connection. Final payments to be in accordance with the Approved Updated Energy Statement for each phase. Planning stage estimates for Phase 1 as below; -
  - Detailed application area – Energetik heat network - £203,387 (71.4 Tonnes/annum x £95/Tonne x 30 years)
  - Detailed application area – EON heat network - £290,593 (102.0 Tonnes/annum x £95/Tonne x 30 years)
  - Detailed application area – Heat pumps - £349,414 (122.6 Tonnes x £95/Tonne x 30 years)
- c. Phase 2 information to be submitted as part of future reserved matters applications with any requisite payments secured using the same methodology;
- d. Construction Logistics Plan - £120,000 monitoring fee (split into £20,000 for Phase 1 and £100,000 for Phase 2);
- e. Epping Forest SAC Contribution for Phase 1 charged at £627 x 119 residential dwellings = £74,613. The same methodology to then be applied to each phase within the outline element where new dwellings are delivered, to support the delivery of mitigation measures by the Council;
- f. Highways;
  - Public realm improvements to Priestly Way - £150,000;
  - Walking & cycling improvements to Higham Hill Park and vicinity - £50,000 at phase 1 and £250,000 at phase 2;
  - Blackhorse Lane repairs - £225,000;
  - Blackhorse Lane walking & cycling upgrades - £75,000 at phase 1 and £300,000 at phase 2;
  - Controlled Parking Zone consultation Stage 2 - £15,000
- g. Air Quality – Contribution based on £100/residential unit and £10/sqm of industrial/commercial floorspace; Planning stage estimate for Phase 1 - £191,840.

- h. Higham Hill Hub - £100,000 at phase 1 to match fund funding bids; if match funding is successful the Council to consider allocating a proportion of any identified surplus from viability reviews towards funding the project.

**2. Business relocation and retention**

- a. Business Relocation & Retention Strategy

a) Industry first

After delivery of Phase 1, the total industrial (Use Classes E(g) (ii and iii), B2 and B8) floorspace capacity of the entire site (Phase 1 and Phase 2) will not fall below the existing industrial floor area of 28,000sqm GEA.

Residential development shall not be occupied until the practical completion of the proposed industrial floor areas in that particular phase;

The development will deliver a minimum of 28,000sqm GEA industrial floor area across the site upon completion.

b) Business Relocation & Retention - Creative Enterprises

Submission of a Business Relocation and Retention Strategy to be agreed by the Council, prior to commencement of Phase 1 to address the detailed application area of the site (with subsequent Strategies submitted on a plot (or part plot) by plot basis thereafter for Phase 2. The Business Relocation and Retention Strategy is to be prepared in accordance with the Blackhorse Lane SIL Masterplan Framework to include (but not limited to):

- A commitment to the 'Blackhorse Lane Charter';
- Process for early, open and transparent engagement with existing businesses located on the application site (including form and frequency of engagement);
- A Collaborative Retention and Relocation Process – Existing tenants where feasible will be given the opportunity to return to site on mutually acceptable commercial agreed terms and arrangements (including any associated rent free/discounted rent periods);
- A commitment by the Applicant and the Council to work with and support businesses through relocation process (particularly those businesses who can demonstrate substantial investment).

As confirmed in section 1.1, payment of a development contribution to the London Borough of Waltham Forest for the value of £500,000 for the relocation and fit out of local affordable workspace in the Blackhorse Lane CEZ.

**3. Housing**

- a. Provide 35% affordable housing (at 100% Discount Market Rent) by habitable room in Phase 1.

- b. Seek to provide at least 35% affordable housing (with a 30% low-cost rent, 70% intermediate tenure split) by habitable room in Phase 2, subject to viability review with a minimum provision of either:
  - (i) 20% affordable housing, with a tenure split of 50:50; or
  - (ii) 25% affordable housing, with a tenure split of 30:70 in favour of intermediate housing.
- c. Use reasonable endeavours to secure Affordable Housing Grant (or other public subsidy available to increase delivery of affordable housing) from the GLA the purpose of which is to maximise the amount of affordable housing to be delivered.
- d. The affordable comprising Low-Cost Rent to include Social Rent or London Affordable Rent and the affordable comprising intermediate to include London Living Rent, Discounted Market Rent or Shared Ownership. The Applicant anticipates Social Rent will be delivered as it is required to secure grant funding from the GLA with a view to using such grant to maximise the delivery of affordable housing overall or increase the proportion of Low Cost Rented homes should viability allow. In the event grant is not secured the Applicant would deliver London Affordable Rent to support viability and deliverability of the scheme.

#### **4. Viability review**

- a. Undertake one early, one mid stage and one late-stage viability review. In addition to this, the Applicant has agreed an additional review before the first Reserved Matters Application in Phase 2 (a total of 4 reviews).
- b. Viability reviews on a whole scheme review basis with an agreed Benchmark Land Value drawn down at the start of each phase and an agreed developer return.
- c. Mid-stage reviews at milestones agreed with the Greater London Authority and London Borough of Waltham Forest, and providing for 100% of any surplus to provide additional on-site affordable housing up to a maximum of 50%.
- d. Restrict occupation to levels agreed with the Greater London Authority and London Borough of Waltham Forest, to ensure the delivery of affordable housing alongside market housing.
- e. Undertake the late-stage review upon occupation of at least 75% of the residential units within the proposed scheme.

#### **5. Local labour**

- a. To use reasonable endeavours to provide 321 (three hundred and twenty-one) Apprentice Posts in the construction trade during the Construction Phase, with a default payment for each apprenticeship of £18,642 (eighteen thousand, six hundred and forty-two pounds) if not achieved.
- b. To provide 75 (seventy-five) Work Placements in the construction trade during the Construction Phase, with a default payment of £3,324 per placement if not achieved.
- c. Reasonable endeavours to procure 20% Local Suppliers during the Construction Phase and ensure these suppliers are local to the London Borough of Waltham Forest.

**6. Car free housing**

- a. Car free residential development, save for blue badge parking. Allow parking permits only for the residential aspect of Phases 1 and 2 to residents who qualify for and provide evidence of blue badge ownership.

**7. Energy**

- a. Submit an Updated Energy Statement to the Council prior to commencement of superstructure of each phase of the Development.
- b. Use reasonable endeavours to enter into agreements, on reasonable commercial terms, to connect the Development to the Energetik and/or EON Heat Network.
- c. In the event that agreement is not reached with Energetik and/or EON, to deliver an on-site energy policy compliant Low Carbon Heat Source

**8. Wheelchair housing**

- a. At least 10 percent of the Dwellings to be constructed in accordance with Part M4(3) of the Building Regulations.

**9. Education**

- a. Payment of primary and secondary education contributions if required at time of implementation of phase 2 with details secured by an appropriately worded planning obligation. The obligation would require an Impact Assessment to be undertaken as part of the preparation of the Education Plan prior to the submission of the first RMA for Phase 2 to determine the demand for Primary and Secondary School Places based on the available data and confirm if a contribution is required.
- b. Provision of an early year's facility (shell and core fit out) within Phase 2. An Education Plan will be provided to the council prior to the submission of the

first RMA for Phase 2, this will use the recognised data available at the time to assess the need for the Creche Facility or if in consultation with the Council a contribution to local services would be preferred. This is capped at an agreed level based on the provision of the new Creche Facility.

**10. Health**

- a. An allowance has been made for the provision of a health facility (fit out to shell and core) within Phase 2. The planning obligation will require the submission of a Health Delivery Plan to the Council as part of the first Reserved Matters Application (RMA) this will use the recognised data available at the time to assess the need for the facility or if in consultation with the local CCG a contribution to local services would be preferred. This is to be capped at agreed level based on the provision of a new Health Facility. This mechanism ensures either a Healthcare Facility is provided or a contribution is made by triggers to be agreed with the Council during the detailed negotiations of the legal agreement following committee.

**11. Travel plans**

- a. Provision of individual Travel Plans to respectively cover each land use class that meets the required threshold for a full Travel Plan (or Travel Plan Statement for those falling below the threshold).
- b. Travel Plans should, as a minimum, include details of:
- a Travel Plan co-ordinator
  - travel surveys
  - measures to encourage walking, cycling, use of public transport
  - monitoring and review mechanisms
  - programme and method of implementation

**12. Local Community Infrastructure Levy (CIL)**

- a. A commitment from the Council to reinvest up to £4.5million of the Applicants' Local CIL contribution to support the delivery of local strategic District Energy Network (DEN) infrastructure within the Blackhorse Lane area.

**13. Wetlands Waterside Park**

- a. Delivery of Wetlands Waterside Park prior to occupation of 950th unit unless otherwise agreed with the Council.

**14. Monitoring fee**

- a. Monitoring fee to be agreed

**15. Legal Fees**

- a. To pay the Council's legal fees for preparation of s106 legal agreement.

### Minor Amendments

- 1.2 That authority be given to the Assistant Director of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the Legal Agreement and to agree any minor amendments to the conditions to be attached to any planning permission or the Legal Agreement on the terms set out above.
- 1.3 In the event the Section 106 legal agreement is not completed within 6 months following the date of Planning Committee, the Assistant Director of Development Management and Building Control is hereby authorised to refuse the application, if appropriate, in consultation with the Chair. In the absence of this Legal Agreement, the proposed development would not be able to deliver the mixed-use development on the site. In the absence of the legal agreement the Council would not be able to ensure that:
- The development takes an industrial first approach to supporting employment and economic growth, including in relation to the Blackhorse Lane Creative Employment Zone.
  - Housing is high quality; meeting residents' need for decent homes.
  - The maximum amount of genuinely affordable housing is provided.
  - The development is connected to a district energy network, meets the carbon emission targets and primary energy targets set out in Part L 2021 and complies with the ultra-low NOx emission standards outlined in the Air Quality Neutral London Plan Guidance (LPG).
  - Necessary highway works are undertaken, measures to ensure the development does not result in unacceptable impacts are implemented.
  - Measures are in place to improve the public realm and promote sustainable travel options and reduce car use.
  - Unauthorised parking in surrounding streets is prevented.
  - The wider site is appropriately managed and maintained.

## **2 REASONS REFERRED TO COMMITTEE**

- The quantum of residential units and height of the proposed development exceeds the threshold and is strategic in planning terms and referable to the Mayor of London.
- Major matters of planning policy are involved.
- Significant public interest.

### 3 SITE AND SURROUNDINGS

#### Application Site

- 3.1 The application site measures approximately 5.45Ha in area and comprises the Uplands Industrial Estate and Forest Trading Estate. The industrial estate is operational and comprises 35 units, up to 3 storeys in height, across approximately c.30,500 sqm Gross External Area (GEA), of which c.28,000 sqm is functionally industrial. The buildings vary in age, condition and materiality but tend towards steel and brick warehouse building types. The location and boundary of the application site is shown in Figure 2.
- 3.2 The application site is irregular in shape, representing the land ownership of the Applicant. The northern part of the site (Phase 1 – detailed) and southern part of the site (Phase 2 – outline) link at the access road between Uplands House (within the subject site) and C&S Builders Merchants (outside the red line boundary).
- 3.3 The existing site is developed with industrial and commercial buildings operating with a range of uses. There is a growing number of food and beverage businesses (coffee roasting, brewing) who produce and sell to customers on site, plus warehouses, creative arts studios, technical training facilities and manufacturers, plus a Police dispatch facility.
- 3.4 Phase 1 includes existing Uplands Business Park industrial units 2, 22 – 30, 40 – 41, 50, 60 – 62, and Uplands House. The northern boundary is adjacent to Eden Girls School; the southern boundary is an access road running between Uplands House and 151 Blackhorse Lane (C&S Builders merchants, beyond the application ownership and boundary); the eastern boundary fronts Blackhorse Lane; and the western boundary is adjacent to Unit 3 of Uplands Business Park (beyond the application ownership and boundary) and the Eden Girls School.
- 3.5 Phase 2 includes existing Uplands Business Park industrial units 4-18. The northern boundary runs between units 3 (beyond the application ownership and boundary) and 4 of an existing multi-tenanted warehouse building; the southern boundary is at the rear of units 8, 9, and a surface car park, then running along Priestly Way to south of unit 4e; the eastern boundary is adjacent to the rear of residential and commercial properties at 101 – 151 Blackhorse Lane; and the western boundary is adjacent to the River Lea Flood Relief Channel.
- 3.6 The Site and surrounding land are shown in Figure 1.



Figure 1: Aerial photo of site (blue) and surrounds



Figure 2: Site location plan



The existing site comprises a range of warehouse and commercial buildings up to 3-storeys in height, including the red brick Uplands House facing Blackhorse Lane.

#### Site designations

- 3.7 On the Local Plan Proposals Map, the site is designated as:
- Strategic Industrial Land 3 (CS8, DM18)
  - Flood Zone 2 (CS4, CS5, DM34)
  - Archaeological Priority Zone (CS12, DM28)
- 3.8 The site is located within the Blackhorse Lane Masterplan Development Framework.
- 3.9 Land along the western boundary of the site to the Lee Food Relief channel is designated as:
- Green Corridor (CS5, DM35)
  - Lee Valley Regional Park (CS5, DM12)
  - Lee Valley Regeneration Corridor (CS1, DM1)
  - Green Belt
  - Site of interest for Nature Conservation
  - Site of special Scientific interest/RAMSAR/Special Protection Area (reservoirs west of the flood relief channel)
- 3.10 The site is not within a Conservation Area.
- 3.11 There are not any locally or statutorily listed buildings within the site or immediately adjacent to it. The nearest heritage listed building is the Grade II listed Ferry Boat Inn, approximately 800m south-west of the site.

#### Surrounding Context:

- 3.12 Beyond the Eden Girls' School to the north of the site is industrial land at 153 – 157 Blackhorse Lane (owned by Segro and subject to current planning application reference number 232134), and the Lockwood Way Trading Estate (owned by the London Borough of Waltham Forest). Some 200m further north of the Phase 1 site boundary, the land use becomes residential with predominantly two storey, red brick housing with pitched roofs extending through cul-de-sacs to Banbury Reservoir. Land immediately to the south of the site is used for industrial and commercial purposes, housed in large steel warehouse buildings of 2 – 3 storeys in height. Land further south, between Hooker's Road and Forest Road, is predominantly occupied by newly constructed residential led, mixed use developments. The architectural style and scale of the buildings varies, with heights of up to 18 storeys at the Blackhorse Mills development.
- 3.13 Land to the east of the site is predominantly residential, particularly on the eastern side of Blackhorse Lane, where contemporary, low rise apartment blocks are found amongst rows of Victorian, two storey terrace buildings, and attached two storey brown brick terraces constructed in the 1980s. To the west of the site is the Lee Flood Relief Channel and Thames Water reservoirs (Low Maynard, High Maynard, and Lockwood). On the opposite, western side of the reservoirs, is the London Borough of Haringey, where a combination of industrial land, recreational open space and new apartment buildings can be found.

## 4 APPLICATION PROPOSAL

### Hybrid Application

- 4.1 The application has been submitted in hybrid form. Aspects for consideration for full planning permission relate to Phase 1 in the northern part of the site. The remainder of the site is referred to as Phase 2 where outline planning permission is sought for the general principles of how the site can be developed, these principles are explained through an illustrative scheme. The exact details of the outline phase are confirmed through a process of reserved matters.
- 4.2 In this instance, all matters pertaining to Phase 2 are reserved for later determination. The reserved matters are defined under article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:
- ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
  - ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
  - ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
  - ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
  - ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.
- 4.3 Therefore, in addition to discharging conditions, if the Council resolves to grant planning permission, reserved matters applications for the access, appearance, landscaping, layout, and scale of Phase 2, will also need to be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the commencement of works on site.

### Proposed Use & Development - Overview

- 4.4 This hybrid planning application is for the proposed development described on the title page of this report, being summarised as:
- Phased demolition of all existing buildings and structures (excluding Uplands House);
  - Site preparation works;
  - Phase 1 - the construction of two buildings (Blocks A1 and A2) comprising flexible industrial floorspace (Use Classes B2, B8, and E(g)(ii

and iii)) and one mixed-use building (Block B) comprising residential dwellings (Use Class C3) and flexible industrial floorspace (Use Classes B2, B8, and E(g)(ii and iii)), as well as ancillary yard areas; car/cycle parking; amenity; plant; public, communal, and private realm; soft/hard landscaping; infrastructure, access, and highway works; and other associated works; and

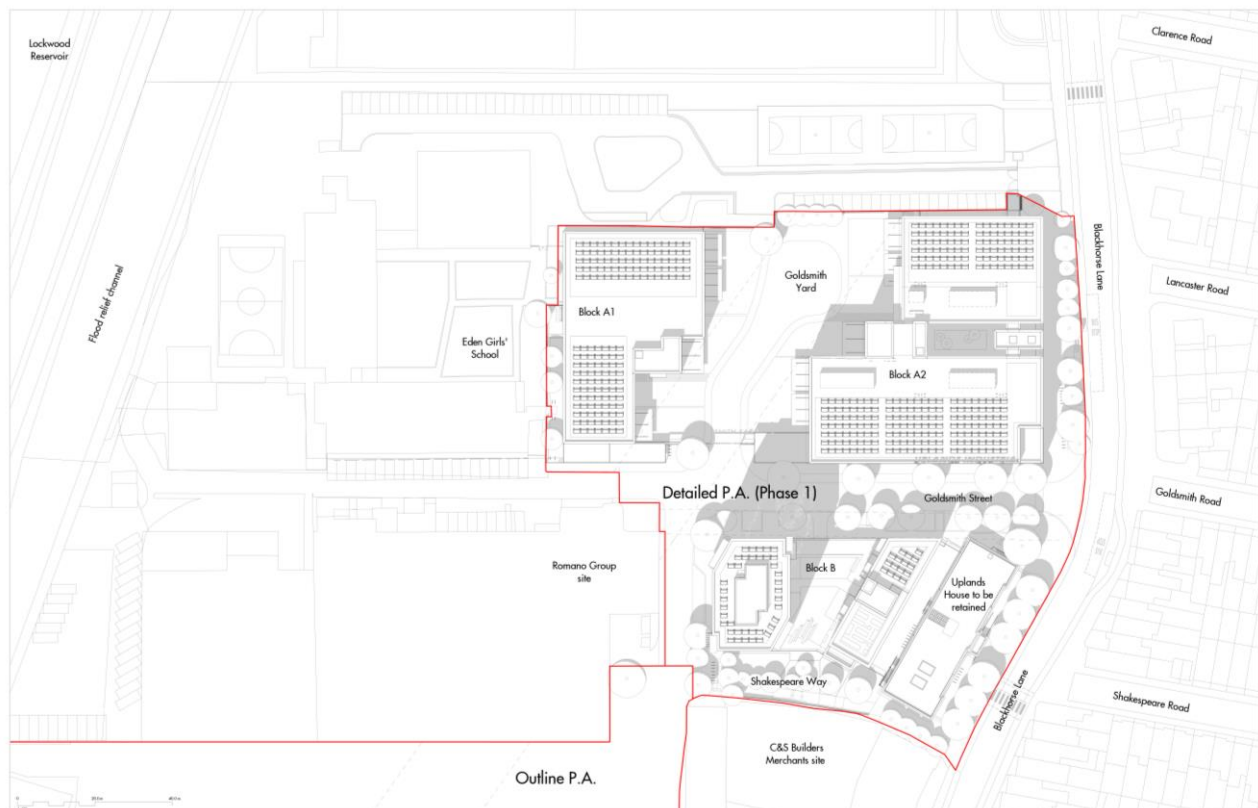
- Phase 2 (outline, all matters reserved) - construction of up to eight development plots with:
  - maximum building heights of up to:
    - Plot C: 22.6 m A.O.D.
    - Plots D and H: 145.0 m A.O.D.
    - Plots E and J: 110.2 m A.O.D
    - Plot F: 72.4m A.O.D.
    - Plot G: 51.0 m A.O.D.
    - Plot K - 40.5 m A.O.D. (Plot K))
  - Maximum floorspace with up to:
    - 167,398sqm (GEA) residential floorspace (Use Class C3)
    - 15,006sqm (GEA) of flexible industrial floorspace (Use Classes B2, B8, and E(g) (ii and iii))
    - 5,000 sqm (GEA) of Classes E and F and Sui Generis (Drinking Establishment/Bar) floorspace,
  - as well as ancillary yard areas; car/cycle parking; amenity; plant; public, communal, and private realm; soft/hard landscaping; infrastructure, access, and highway works; other associated works.

### Phase 1

- 4.5 As shown in Figure 3, Phase 1 of the proposed development (detailed) measures 1.52ha and is arranged with Block B at the rear of Uplands House (retained), then Blocks A1 & A2 in the northern part of the site separated from one another by Goldsmith Yard, a proposed service and multifunctional outdoor space. This phase provides 12,818sqm GEA residential, and 17,994sqm GEA flexible industrial floorspace (D10, page 9).
- 4.6 Vehicular access to Phase 1 is via existing access points immediately north and south of Uplands House, labelled on the as Goldsmith Street and Shakespeare Way respectively on proposed plan 19029-AAM-01\_07\_82. The vehicular access and yard space falls within the site boundary and is not for adoption (19029-AAM-01\_07\_83). Emergency vehicular access (19029-AAM-01\_07\_87) is also via these access roads. Cycle storage (19029-AAM-01\_07\_85) and refuse storage (19029-AAM-01\_07\_86) is integral to Blocks A1, A2 and B.
- 4.7 Outdoor amenity space for Phase 1 is located in Block B where 440sqm of shared / communal space is provided at ground and first floor level. A further 900sqm of private outdoor amenity space is also provided in Block B. The remainder of outdoor space on drawing 19029-AAM-01\_07\_84 is labelled as either public amenity (1,133sqm), streets (3,730sqm), and lanes (206sqm), and surrounding Block A, industrial yard (2,758sqm) and industrial amenity (226sqm) – noting that all of these spaces are at ground level and accessible

by private, commercial and service motorised vehicles.

Figure 3: Proposed site layout – Phase 1



- 4.8 Block A1 is a proposed 3 storey non-residential building, with Eden Girls School situated to the north and west; and the proposed Goldsmith Yard to the east. The ground floor has a single L-shaped unit, plus lobby and cycle storage; the first floor contains units A101, A102, A103; the second-floor units A104, A105, A106; and at third floor level, a green roof, photovoltaic panels, and plant equipment.
- 4.9 Block A2 is a proposed L-shaped 4 storey building on the eastern with Eden Girls School to the north, Blackhorse Lane to the east, Goldsmith Street to the south, and Block A1 to the west, on the opposite side of the proposed Goldsmith Yard. At ground floor level, Block A2 has a lobby, cycle storage, landscaped internal courtyard, two large units, plus two commercial units phasing Blackhorse Lane. At first floor level there are 7 units, plus communal facilities including meeting rooms, toilets, kitchenette and bin store, a similar arrangement is found on the second and third floors. Excluding ground floor level, the building provides a total of 32 units with an average size of 162sqm. At 5th floor level, there is space for a green roof, photovoltaic panels, and plant equipment.
- 4.10 Block B comprises two linked buildings, joined at ground floor level with communal facilities including lobby, parcel storage, blue badge car parking, plant equipment and bin store. There are also four, non-residential units facing the rear of Uplands House. The mezzanine level of Block B provides further communal amenities. At first floor level and above, Core B1 (west) and B2 (east) a total of 119 units. Block B2 extends to 7 storeys plus a communal roof terrace. Block B1 is 19 storeys plus roof access for PV panels and lift overruns.
- 4.11 The specification for development of phase 1 (D10, page 9) is also listed as including 440sqm of new children's play space.

Phase 2

- 4.12 Phase 2 proposes to demolish all of the existing buildings within a 3.93ha area, then redevelop the land with a range of industrial, residential, commercial, and recreational uses across Blocks (plots) C, D, E, F, G, H, and J. The arrangement of these blocks and the likely uses at ground floor level are shown in Figure 5 (19029-AAM-00-07\_016).
- 4.13 The application documents present an illustrative development proposal to depict how development might come forward on the site. The exact nature of the development will be decided through a series of applications for approval of reserved matters (access, appearance, landscaping, layout, and scale), details required by condition, and contractual terms and finance secured by agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). To bridge the gap between illustrative, outline proposal and completed development, the application is supported by Design Guidelines (D9) that set out what should or must be considered when progressing to more detailed stages of design and implementation. A Development Specification (D10), and Parameter Plans (D10, page 15) are also submitted for approval, including the minimum and maximum extent of building footprints (19029-AAM-00\_07\_013) and heights (19029-AAM-00\_07\_018), these are shown in Figures 6 and 7 respectively.
- 4.14 The development specification for Phase 2 (D10, page 10) includes a maximum of 15,006sqm industrial floorspace (Use Classes E(g) (ii and ii), B2 and B8); up to 5,000sqm GEA non-residential floorspace (Use classes E, F1 and F2, plus Sui Generis); up to 167,398sqm GEA of residential floorspace; new public realm and open space; and children's play space.
- 4.15 As per the Design and Access Statement (D4), the illustrative scheme is informed by the Blackhorse Lane Strategic Industrial Land Masterplan Framework (Part 1: 2020, Part 2: 2023), utilising a stacked industrial building typology. This takes the approach of modernising and intensifying industrial land uses, to accommodate them within multistorey developments, that require a smaller land area. Stacked developments also include residential uses on upper floors, as proposed in this scheme. The arrangement of the site is informed by constraints including a major water pipe running diagonally beneath the site, the western edge of the site being adjacent to the Lee Flood Relief Channel and Walthamstow Westlands – these constraints were also an opportunity with which to create landscaped publicly accessible open spaces, around which the buildings could be designed. The proposed buildings (D4, pages 483 - \*) are proposed to be used as:
- C – 450sqm industrial;
  - D – 36,900sqm residential, 600sqm commercial, 300sqm community;
  - E – 1,400sqm industrial, 18,900sqm residential, 275sqm community;
  - F – 14,400sqm residential, 1,1650sqm commercial;
  - G & H – 500sqm industrial, 29,000sqm residential, 225sqm community, 400sqm commercial;
  - J – 5,000sqm industrial, 43,200 residential, 1,000 commercial, and 200sqm community; and
  - K – 3,650sqm industrial, 5,800sqm residential.

Figure 4 shows the illustrative proposal in plan form (19029-AAM-00\_07\_100).

Figure 4: Illustrative proposal – Phase 2





Figure 5: Proposed site layout & ground floor uses – Phase 2

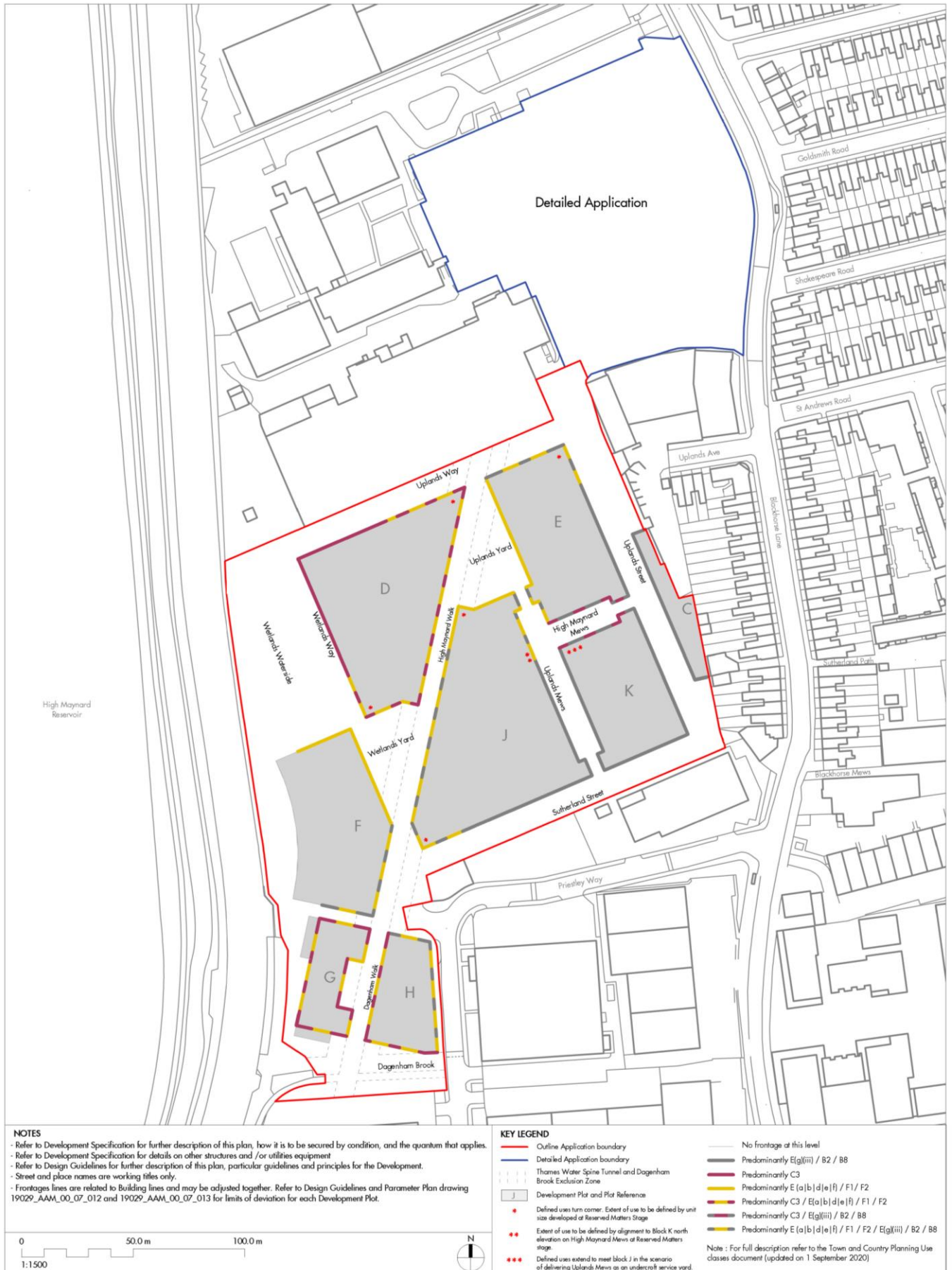


Figure 6: Minimum and maximum building lines – Phase 2

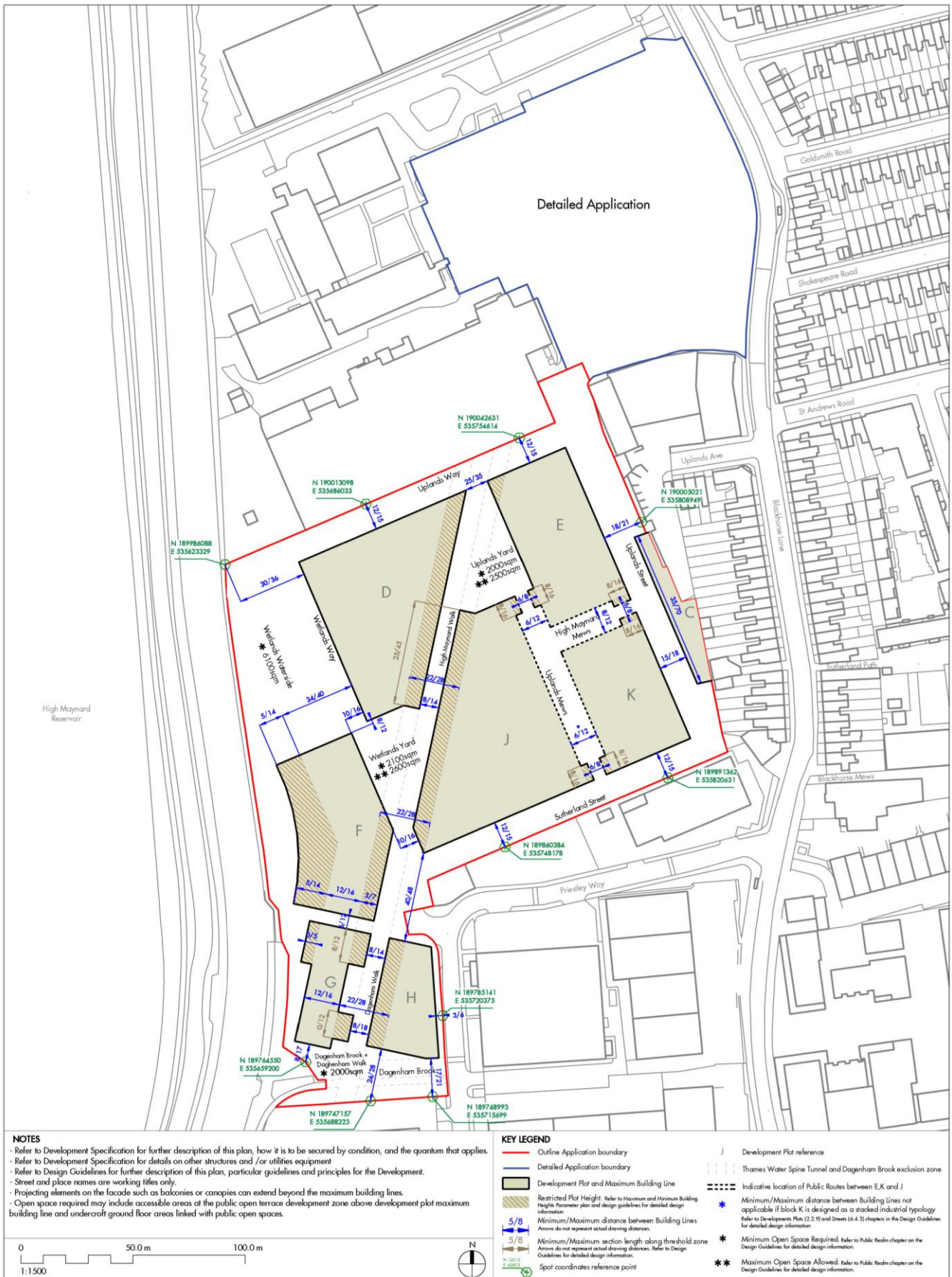


Figure 7: Minimum and maximum building heights – Phase 2



## 5 APPLICATION HISTORY

### Planning history for the site

- 5.1 As explained within the Blackhorse Lane SIL Masterplan Framework Stage 1 (pages 10 – 17), the site and surrounding land have a lengthy history of industrial development. From the 1890's to the present day, land within the site has been used for the manufacture of goods ranging from furniture, clothing, car parts, leather goods, and even ship propellers. These manufacturing processes took place in low rise, large floorplate buildings, often constructed with a steel roof, and steel or masonry façade.
- 5.2 The planning application history for the site is a matter of public record. The Planning Statement lists some relevant planning applications (D3, page 141 - 142), all of which involve employment, rather than residential based land uses. None of the historic applications within or immediately adjacent to the site set a precedent for determination of this application.
- 5.3 This application is preceded by the Blackhorse Lane Strategic Industrial Land (SIL) Masterplan Framework.
- 5.4 This application was validated on 14 September 2022, with subsequent amendments made to the proposed development, namely:
1. Phase 1 – accommodating a second stair core. Fire safety standards to tall buildings have prompted the following design changes to buildings in Phase 1 (detailed):
    - a. Insertion of second staircase into Block B1;
    - b. Associated reconfiguration of the internal layout and unit mix of Block B1;
    - c. Associated alterations to the fenestration of Block B1;
    - d. Associated reduction in the maximum building height (AOD) of Block B2; and
    - e. Associated alterations to the internal layout and the ground- and first-floor fenestration of Block B2.
  2. Affordable housing offer - Changes to the proposed affordable housing offer, can be summarised as:
    - a. 35% discounted market rent within the Build to Rent scheme in phase 1; and
    - b. either 20% affordable housing, with a tenure split of 50:50; or
    - c. 25% affordable housing, with a tenure split of 30:70 in favour of intermediate housing in phase 2.
  3. Description of development - The applicant has also requested that the description of development for phase 1 (detailed) be amended to remove the specification of building height and floor area. This is as a result of a court case which has had implications for all major developments, and is now a common approach. The height and floor area would be controlled through a planning condition if permission is granted.
- 5.5 Updates were made to some of the supporting technical documents to reflect these proposed amendments, including the Environmental Statement; Financial Viability Appraisal; and fire safety report.

- 5.6 The application was re-consulted for 30 days from 28 July 2023 to ensure that residents and other consultees had an opportunity to understand and comment on the proposed changes.

## 6 PUBLIC CONSULTATIONS

### Blackhorse Lane Masterplan Framework

- 6.1 The Blackhorse Lane SIL Masterplan Framework Stage 2 Part 2 (pages 63 – 79) explains the process of engagement undertaken with businesses, landowners, and the wider community.
- 6.2 Beginning in January 2021, LBWF began a process of engagement with building owners and operators within the Uplands Business Park, as well as surrounding residents, businesses, and stakeholders. The Summary of Landowner Engagement (September 2021), explains that between January and June 2021, views from existing businesses included:
- No changes were requested to the emerging spatial frameworks.
  - Support for the Blackhorse Lane Charter.
  - Romano Group - Supportive of general approach but unsure about viability of stacked industrial units.
  - Eden Girls School - main concern will be safeguarding students.
  - Wagland - supportive of approach and want to be part of long-term future. Felt proposals could help alleviate traffic issues.
  - C&S Builders Merchants - reiterated need for HGV access.
- 6.3 A summary from March 2021 of the ongoing landowner and business engagement found that of the 24 businesses that responded, 52% described the existing condition of their building as average, and 13% described it as particularly bad. Reasons cited for existing premises not working for the businesses within them included:
- poor heating, energy efficiency or insulation;
  - Leaks & poor drainage;
  - Poor public realm / front of house;
  - Needing more space; Traffic & poor access; and
  - Lack of windows and light.
- 6.4 In understanding existing issues surrounding ownership and affordability, 79% of businesses surveyed are tenants, with only 13% owning the freehold of the property from which they operate. Rent levels varied from £5 per square foot to over £20sqft, with an average of £15-19sqft, and 96% of the respondents did not pay service charges. When asked what would interest them if new industrial floorspace was provided, the responses were:
1. Covered yard space 70%;
  2. Larger premises 58%;
  3. Customer spaces 50%;
  4. Shared yard space 46%;
  5. Shared facilities 41%;
  6. Space on multiple floors 38%;
  7. Business support 29%;
  8. Smaller units 20%;

9. Other <20%.
- 6.5 The top concerns for existing businesses were:
1. Affordability;
  2. Lack of shops and amenities;
  3. Uninviting;
  4. Poor quality units / space; and
  5. Safety / crime.
- 6.6 Looking specifically at micro sized businesses such as designers, artists, and architects who sublet space from workspace providers, the cost of rent ranges from £300 - £800 per month, and they have an average spatial requirement of 18.7sqm GIA.
- 6.7 Following initial engagement with landowners and businesses, wider community engagement began in May 2021. Over 50 people joined an initial workshop and 121 provided comments online, including:
- (Need) “Creative workspaces, thriving community, affordable rents for small business to get off the ground.”
  - Compared to development nearer the station, people would like to see higher quality, lower density and scale, and more amenities and more open space;
  - “Inclusive, meeting the needs of everyone, affordable housing.”
  - “A walkable green space that is accessible for all.”
  - “Don’t want it to change too much, just make a bit nicer”.
  - “Lower height than the developments at the junction of Blackhorse Lane, reflecting the current heights.”
- 6.8 Two further community engagement sessions were held in September 2021, with 50 residents in attendance, expressing similar concerns to the initial engagement responses.
- 6.9 The Blackhorse Lane SIL Masterplan Framework and the stakeholder engagement that informed it, are a key consideration for the proposed use and development of the subject site.

#### Pre-Application Stage

- 6.10 As explained within the Statement of Community Involvement (D25), the Applicant undertook consultation in two phases between July 2021 and February 2022. Over 12,000 invitations to participate were distributed to the local community, alongside a social media campaign with a potential reach of more than 65,000 views. Over 150 people attended the events held in-person, and over 250 surveys were completed.
- 6.11 Key themes that emerged from the pre-application public consultation by the Applicant team were:
- Building height.
  - Homes and affordable homes.
  - Industrial character.

- Future of existing businesses.
  - Green spaces and public realm.
  - Connectivity for cyclists and pedestrians.
  - Sustainability.
  - Traffic, parking, and increased population density.
  - Design.
- 6.12 When asked what they thought of the proposed design during a second round of public consultation in January and February 2022, the average score from in-person responses was 6.1/10 and from online responses, 4.4/10. The reasons given for the scores were height; green space provision; and design and architecture. Pages 55 – 59 of the Applicant’s SCI set out how the themes that emerged through the consultation have influenced their approach.

#### Application Stage

- 6.13 Statutory consultation was undertaken by LBWF on the planning application in September – November 2023. The same process was repeated in July – September 2023 when the Applicant proposed amendments to the description of development, and the detailed design of Phase 1.
- 6.14 There have been approximately 194 individual objectors, key themes raised during the first round of consultation were:
- Height/Overshadowing – 84%
  - Services and Transport – 72%
  - Industrial Character – 56%
  - Green Spaces and Wetlands – 48%
- 6.15 **Objections** from the wider community include:

<b>Objection matter &amp; sample comments</b>	<b>Officer Response</b>
<p><b>Building height</b></p> <p>The existing developments around Blackhorse Road station have been planned to peak in height closer to the station, at the entrance to the area, and then come down in height the further they are from the station. This plan includes a new 35-storey building at the southern tip, springing up out of nowhere, twice as high as the tallest building at Blackhorse Mills.</p> <p>The London Borough of Waltham Forest Blackhorse Lane Local Area Action Plan that was issued and adopted in January 2015, specifically highlights how important it would be to “ensure appropriate building heights.” and “Tall buildings (i.e. 10 storeys and above) will not be acceptable anywhere in the plan area”... The scale of this proposed development is wildly out of scale with the predominantly low-rise buildings in the area.</p>	<p><i>This matter is assessed within sections 10 F &amp; 10 M of this report.</i></p>
<p><b>Character and appearance</b></p> <p>This development in its current format will ruin the Blackhorse Road area, it will take from the maker-lead and creative vibe that has made this place so great to live in, and replaces it with a dull, banal development that doesn’t benefit the area. It pushes innovate business</p>	<p><i>This matter is assessed within section 10 F of this report.</i></p>



that have made the area what it is out of the area, and replaces it, gentrifies it and takes the life out of it.	
<b>Sunlight, daylight and overshadowing</b>	
I am also very concerned about the impact of sunlight on the surrounding buildings. It is clear that the houses on Blackhorse Lane will be negatively impacted by the height of the buildings, which will block the afternoon/evening light. It does not appear that any tests have been conducted as to the impact where I live, on Sutherland Road.	This matter is assessed within section 10 M of this report.
<b>Affordable housing</b>	
Shared Ownership is not affordable to the majority of people who have grown up in the area. It will not take anyone off the Homelessness register. It will not address the housing crisis. Instead, all it will do is attract more new people to the area who can afford these properties, it will further push up the cost of housing in the area, increasing the effect of gentrification and pushing out local residents rather than creating homes for them. This is not a solution to the housing crisis but just adds to it for those who are less well off. It should be at least 20% social Housing rents to justify the size of the build.  The development must have a high level of social rent properties to limit the social cleansing and gentrification too often associated with new build in Waltham Forest. Please share the percentage that will be affordable and, of that, what percentage will be social rent. The development should not go ahead if it will not be at least 35% affordable and the developer is held to that.	<i>This matter is assessed within section 10 E of this report.</i>
<b>Traffic congestion</b>	
According to 9.12 in the Non-Technical Summary, traffic flows will increase only 11% and the “effects resulting from these increases in traffic would be negligible”. The effect on public transport (bus and underground/rail) will have “minor adverse effects due to increases in passengers”. It is hard to believe that 1,800 new homes (approximately 3,000 more people and 1,000 more vehicles) will have negligible effects on roads, considering that there is only one main road – Blackhorse Road – which will have to absorb all the inbound and outbound traffic.	<i>This matter is assessed within section 10 I of this report.</i>
<b>Bus overcrowding</b>	
The 158 bus is the only bus line on Blackhorse Lane Road. It is almost impossible to access the 158 bus on Blackhorse Lane which travels from Chingford between 7.30 and 8.30am. I have been a resident for over 10 years in this area, and I now have to walk to the tube station... This is not an option for everyone, especially for people with special needs or commuting to James Street.	<i>This matter is assessed within section 10 I of this report.</i>
<b>Impact on Walthamstow Wetlands</b>	
The Walthamstow Wetlands are a delicate and beautiful part of this area of London. It makes the area so special to have protected habitats which are respected. High rise buildings go against this and will spoil such a special corner of London  Reservoirs SSSI / Lee Valley SPA / Lee Valley Ramsar site the impact of this large / high development on migratory birds could be devastating. Whilst within the plans an assessment of migratory bird flight has been taken this does not take into account both the noise / light / visual impact on the migratory behaviour a development of this size will have on the	<i>This matter is assessed within sections 10 J &amp; 10 M of this report.</i>

behaviour of migratory birds and the knock-on effect this will have on the biodiversity of the Walthamstow.	
<b>Principle of Development – industrial intensification</b>	
These “innovative stacked industrial units” meet few of the needs of traditional industrial units. You end up with (either/or probably both) problems from residents dealing with issues that zoning areas separately sought to solve; and industries not having the facility to do thing efficiently within the confines of not being on the ground floor. This is industrial space which is important locally, being eroded by hot desking, but most of all, by flats.	<i>This matter is assessed within section 10 B of this report.</i>
<b>Construction impacts</b>	
Concerns over the duration of the build, the noise, the disruption to the local area.	<i>This matter is assessed in sections 10 G, 10 I &amp; 10 M of this report.</i>
<b>Community infrastructure</b>	
Childcare and schooling is already stretched, the bus network is often not able to support the number of residents currently here, and finding a GP and dentist is incredibly difficult without the increased burden expected for the number of additional residents proposed. I would support much smaller residential units being constructed. Lack of childcare, especially for under-2s. In addition, there are too many residential properties planned within the site for the local social infrastructure to cope with this number of properties. This is compounded by the fact that there are already within 1km of the site approved plans for an additional 1,600 residential properties across 5 separate developments. The council's own infrastructure delivery plan (Part 3: social and community infrastructure) is predicated on the demographic of the Higham Hill ward remaining broadly static for the next 20 years (P20) and the social infrastructure requirements have been planned accordingly. This development would then render such plans woefully inadequate.	<i>This matter is assessed in section 10 N of this report.</i>
<b>Safety</b>	
Concerned also about antisocial behaviour. There are already problems in the Blackhorse Mills development with folks gathering to smoke weed, nitrous, do donuts on the road etc. 5 nights out of 7. What are the plans to ensure the safety of pedestrians and locals from this type of behaviour?	<i>This matter is assessed within section 10 O of this report.</i>
<b>Creative Enterprise Zone</b>	
I work in Switchboard Studios which will be knocked in the first phase. As a local independent creative this space is vital to my new business, as a physical space to work, but also as it acts as hub for many local creatives. We often collaborate and help each other grow our small businesses. Unless there is a replacement creative work space the area will lose part of what makes it so special. I think the council has a done great redeveloping the area, but provision must be made for creatives and artists who live and work in the area, who spend a lot of money in the locality and have helped build Blackhorse Lane’s reputation as a creative and entertainment hub.	<i>This matter is assessed within section 10 D of this report.</i>
<b>Parking</b>	
Lack of visitors parking... There are almost no visitors parking nearby; the privately run car park by Blackhorse Rd is due to close. I understand that WF wants to encourage greener transport, but it's just not practical to have no visitors parking anywhere in the area, and this is significantly impacting residents in a detrimental manner.	<i>This matter is assessed within section 10 I of this report.</i>

<b>Density</b>	
Within the draft site allocations document dated November 2021, the wider Blackhorse Lane SIL 3 (16.12 hectares) is allocated for the provision 2,300 units. However, the subject site represents only 1/3 of the allowed allocation (5.44 hectares in size) although proposing to deliver between 1,600-1,800 homes, which is over double the density anticipated in the draft site allocation.	<i>This matter is assessed within section 10 F of this report.</i>

6.16 The following points of **objection** were made by external groups:

<b>Consultee</b>	<b>Summary</b>
London Wildlife Trust 01/02/2023	<p>“We urge local planning authorities to take a precautionary approach. It’s not development per se we might object to, it’s the height, scale and massing so close to the habitats, and how this is likely to extend along the Valley’s sides over the next 10-15 years, that is worrying.”</p> <p>“The Waltham Forest Biodiversity Action Plan, which should help inform detailed landscaping proposals.”</p> <p>“Through good ecological practice the development has the opportunity to embed useful and viable ecological features that can help relate to the Wetlands and the Brook.”</p> <p><i>Officer comment: see section 10 J of this report for details of the proposed ecology and habitat mitigation measures</i></p>
Environment Agency 27/01/2023	<p>Supersedes previous objection dated 21/11/2022, subject to inclusion of conditions, specifically:</p> <ol style="list-style-type: none"> <li>1. Implementation of the flood risk document;</li> <li>2. Flood compensation scheme to be agreed;</li> <li>3. Remediation strategy;</li> <li>4. Verification report;</li> <li>5. Monitoring and maintenance plan;</li> <li>6. Previously unidentified contamination;</li> <li>7. Infiltration of surface water;</li> <li>8. Piling; and</li> <li>9. Decommission of investigative boreholes.</li> </ol> <p>Further comments that:</p> <p>“The applicant should note that Source Protection Zone maps were updated in September 2022, more of the site now lies within SPZ1 than at the time of the submitted document. Should de-culverting of the Dagenham Brook be proposed in the future, the applicant must consider the level of hydraulic continuity between the shallow groundwater and reinstated surface water body. The quality of both controlled waters must be assured in the design.”</p> <p><i>Officer comment: see section 10 L of this report for an assessment of matters relating to flood risk.</i></p>
City of London 13/10/2022	<p>“The HRA for this development has suggested that all mitigation for the development would be provided through SAMM and SANG payments. However, at the present time LBWF have not signed up to the SAMMS Governance</p>

	<p>Agreement and the SANGS document is yet to be agreed with Natural England and re-presented to the Inspectors of the Local Plan. Therefore, this project, until such documents are agreed should be held in abeyance.”</p> <p><i>Officer comment: Waltham Forest have subsequently signed the Governance Agreement and have been collecting SAMMs payments since January 2023. The SANG document has been agreed between LBWF and Natural England, and presented to the Planning Inspectorate during LP1 hearings in March, at which Natural England expressed their support for LBWs approach. Natural England responded to Main Modifications consultation on 13 September 2023 to confirm that “After extensive consultation with Waltham Forest Council throughout the local plan process, Natural England has no comments with regards to the main modifications that are being proposed.”</i></p>
<p>Metropolitan Police Estate Strategy &amp; Engagement 11/11/2022</p>	<p>The development “will result in the loss of the Metropolitan Police Service (MPS) Emergency Response Patrol Team (ERPT) Base, currently a major employer, located in units 6B &amp; 7, which has been located on the site since 2004. The Metropolitan Police Service wishes to raise its significant concerns in relation to the proposals. When a member of the public dials 999 and asks for the police, the police officers who predominantly respond are from the Emergency Response Patrol Teams. The provision of emergency response (ERPT) to the local community is therefore a fundamental expectation of the public and a core requirement on the MPS when providing police services to London. The loss of the c3,066sq m ERPT base<sup>1</sup>, without any re-provision within the North East Basic Command Unit (BCU)<sup>2</sup> poses a significant risk to members of the public.”</p> <p><i>Officer comment: The Metropolitan Police are engaged in discussions with the site owners to secure an extension to their existing lease, since the base is located in phase 2 of the scheme there are several years to resolve this. While they have sought assurance within the Section 106 Agreement that they will be able to remain on site as part of the Business Relocation and Retention Strategy, this is a commercial matter and not appropriate for the Section 106.</i></p>
<p>Waltham Forest Civic Society 10/10/2022</p>	<p>Object for the following reasons:</p> <p>1. National Planning Policy Framework Para145. States: “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.” High tower blocks do not enhance the visual amenity or biodiversity and create a poor street scene.</p>

	<p>2. Local Plan – Housing Target: The justification of the extent of development proposed will be in terms of the higher housing target (1,800 pa) which Waltham Forest Council wishes to adopt. But that target has been questioned by the Planning Inspectors and the Council should not prejudge the Inspectors' decision whether to approve that higher housing target.</p> <p>3. Over development of this area - It will be hard to provide all the facilities (transport, health services, shops etc) for 1,650 flats which would mean more than 3,000 new residents in what has always been an industrial area.</p> <p>4. Height</p> <p>a. The heights proposed are far too high as they will overlook the Lea Valley creating a “New York Central Park” enclosed by huge high-rise blocks. It is already clear from the developments at Tottenham Hale very high-rise blocks create a miserable, overcrowded, over shadowed street scene. This is very poor planning.</p> <p>b. There should be a limit on this site of no more than 50m blocks. People using the river Lea for recreation don't want to be looking at huge blocks towering over the river. You only have to go to the Woodbury Downs Wetlands to see the damage huge tower blocks do to the views from open spaces.</p> <p>5. Transport</p> <p>a. Victoria line is already at capacity and this scheme will overload Blackhorse Lane station which is very busy. Thousands of new flats are being or have been built in Walthamstow and Tottenham Hale increasing the use of the already congested Victoria Line. This development will make it even more congested, making it impossible for passengers further down the line at Tottenham Hale and Seven Sisters to be able to access the line. It is not possible to increase the capacity of the Victoria line tracks.</p> <p>b. Roads – The local road network is already extremely busy and slow. Even though this will be a car free zone residents and businesses will need to be serviced by road-based vans and lorries further increasing the congestion. This is a large site so the extra traffic movements will be significant.</p> <p>6. Conclusion - The Council cannot keep increasing the number of homes and expect it to have no impact on the existing residents and local services. The Borough's services are already at breaking point, the roads heavily congested and public transport overcrowded.</p> <p>This scheme will also damage the views from the Lea Valley and make it an unattractive place to visit, which is completely contrary to the plan to encourage small business and leisure activities on the site. The density and height of this scheme</p>
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	<p>have to be considerably reduced to ensure it does not damage its future prosperity.</p> <p><i>Officer comment: Please refer to the assessment in Chapter 10, sections F, M, B &amp; I.</i></p>
<p>Star Academies (on behalf of Eden Girls School) 17/11/2023</p>	<p>'The Trust's concerns are broadly across 3 areas;</p> <p>1) Safeguarding As a school, we are primarily concerned about safeguarding our students. This includes boundary treatments and overlooking (real or perceived), both of which don't seem to have been considered in the developers plans. For example, the proposals the former office building (A1) which forms part of our site boundary to the south. The proposed windows face directly into the playground/MUGA area of the existing school creating an overlooking concern. Please note, we are currently working with the Home Office on additional security measures for our faith schools and have not been given an opportunity to discuss how these plans may impact on those additional measures.</p> <p>2) Overshadowing The building heights proposed also don't seem to have considered the impact of overshadowing on the school. The overshadowing is likely to impact on the quality of daylight in classrooms which could have a negative impact on the students' learning outcomes.</p> <p>3) Construction logistics and impact on the school redevelopment Eden Girls' School Waltham Forest was selected onto the School Rebuilding Programme (SRP) project in December 2022. Being part of this programme will enable the school to receive significant central government investment to address the current challenges faced by operating in the current building. We are concerned about the construction logistics associated with both developments and how these may impact on the redevelopment plans for the school. It is a high bar to get into the programme and schools are prioritised for meeting one or more of the following criteria:</p> <ul style="list-style-type: none"> <li>• they had buildings of specific construction types that require replacement</li> <li>○ their buildings had the highest condition need, identified in data collected in the Department's Condition Data Collection (CDC) and verified through collecting additional condition information.</li> <li>• their buildings had severe and urgent condition need that meant they were a high priority for replacement</li> <li>• their buildings had risks that have the potential to cause significant harm to pupils and/or staff that meant they were a high priority for replacement</li> </ul> <p>Therefore, we cannot afford for the neighbouring developments to delay the rebuild (expected completion July 2027) nor compromise where the new school is located on the</p>

	<p>site. I believe if the school had been considered in the master planning, that a better overall outcome could be achieved for all parties.'</p> <p><i>Officer comment: At masterplan framework, pre-application and application stage, Eden Girls School was consulted upon the application and the design of Blocks A1 &amp; A2 has evolved in response to earl- stage discussions regarding safeguarding. A final Construction Logistics Plan will be secured by condition. For assessment of Daylight, Sunlight, and Overshadowing, see section 10 M of this report.</i></p>
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## 7 OTHER CONSULTATIONS

- 7.1 The Planning Statement (D3, pages 143 – 144) lists the dates of topics of pre-application meetings with LBWF and statutory consultees, these pre-application meetings and workshops covered a range of matters including flood risk, urban design, transport, and employment.

### Internal and External Representations Received

- 7.2 The table below lists the responses received from consultees who **did not object** during the application stage:

Consultee	Summary
Greater London Authority Viability Team 16/11/2023	<p>The Assessment of Financial Viability (D55) found that:</p> <p>'The applicant's FVA submitted in support of the hybrid planning application is not considered robust and has not demonstrated that the affordable housing offer represents the maximum viable amount. A large number of inputs require review and the huge deficit would seem to indicate that the scheme is not deliverable.</p> <p>In the event that this scheme is consented with less than 35% affordable housing (or less than 50% affordable housing if there is a net loss of industrial capacity), a number of mid-term reviews will be required in addition to early and late-stage reviews.'</p> <p><i>Officer comment: viability reviews form part of the terms that need to be secured within the Section 106 Agreement to make this application acceptable in planning terms.</i></p>
Greater London Authority - Stage 1 referral 30/01/2023	<p>Recommendation:</p> <p>"That Waltham Forest Council be advised that the application does not yet comply with the London Plan for the reasons set out in paragraph 164. Possible remedies set out in this report could address these deficiencies."</p> <p>Paragraph 164 stated:</p> <p>"London Plan policies on industrial land, housing, affordable housing, urban design, heritage, transport, sustainable development and environmental issues are relevant to this application. The application does not currently comply with these policies, as summarised below:</p> <ol style="list-style-type: none"> <li>1. Land use principles: The proposed scheme would retain and consolidate industrial uses within the Strategic Industrial Land and would deliver replacement industrial use alongside residential use on the proposed Locally Significant Industrial Site. Noting the Council's emerging plan-led approach to the consolidation and redesignation of the industrial land at Blackhorse Lane, and the applicant's collaborative master planning process with the Council and GLA, this is accepted in land use terms. The maximisation of industrial floorspace, affordable workspace, and appropriate</li> </ol>



	<p>mitigation measures to safeguard the operation of industrial uses should be secured.</p> <ol style="list-style-type: none"> <li>2. Housing: 35% affordable housing with a tenure mix of 30% low-cost rent and 70% intermediate housing across the masterplan is proposed. This does not meet the borough's tenure split requirements and the proportion of low-cost rent units should be increased, before the application can be confirmed to meet Fast Track Route requirements. The industrial plot ratio requirement will also need to be reached in order for the Fast Track Route to be applicable. Further discussion with the GLA and the Council is necessary on these points. Affordability levels, income thresholds, appropriate review mechanisms, unit mix and play space should also be confirmed and secured.</li> <li>3. Urban design: The site is not identified in the development plan as suitable for tall buildings and, as such, the proposal does not currently comply with London Plan Policy D9.B. However, the site is identified suitable for tall buildings in the emerging development plan. The proposal would represent a transformational step change in height, scale, and density, which would have wide ranging impact. However, the impacts could be acceptable subject to securing of exceptional design quality and compliance with the development plan as a whole. Public access to the open/public space should be appropriately secured. Key details relating to the public realm, site layout and architectural details should be secured to ensure exemplary design quality is delivered. Amended drawings and an amended fire statement are required before further consideration, to include the provision of two or more staircases within the buildings over 30 metres in height.</li> <li>4. Transport: Additional details on trip generation, line loading for Blackhorse Road Station, and Road Safety Audit is required. Further justification of operational parking is required. Provision of active travel measures, cycle infrastructure, cycle parking, car parking, electric vehicle charging points, including appropriate conditions and obligation should be secured.</li> </ol> <p>Sustainable development and environmental issues: Further information and mitigation is needed on energy, whole life-cycle carbon, circular economy, urban greening, flood risk, sustainable urban drainage, air quality, and biodiversity. Provision of sufficient ducting space for full fibre connectivity infrastructure should be secured.</p>
<p>Urban Design &amp; Conservation 04/10/2023</p>	<p>Reviewed the amended proposal and can confirm there are no significant objections in design terms.</p> <ul style="list-style-type: none"> <li>• The Blackhorse Lane Masterplan sets out a clear aspiration which recommends a strong frontage on Blackhorse Lane and a continuous waterside route in the northern subsection of the masterplan. These form part of the key urban principles for the site and are</li> </ul>

	<p>considered to be achieved in the proposal, given the constraints of the site.</p> <ul style="list-style-type: none"> <li>• The bulk, scale and massing of the proposal is considered acceptable in design and townscape terms, given its status as a draft site allocation in LP2 and the fact it is identified as a site of transformation.</li> <li>• It is positive that the proposal is ambitious and incorporates high-quality materials and detailing with the bookend elements. A key successful aspect of the project is that the expressed vertical language found in many areas of the design.</li> <li>• This scale and presence of the proposal, paired with the boundary proposals to Blackhorse Lane helps to repair the urban condition on the eastern edge of the site, which is positive.</li> <li>• The scale and proportionality of the window openings work well and reflects the use of the building.</li> <li>• The proposed materiality and architectural language is considered to be acceptable in design terms. It is positive that this reflects the existing and emerging character of the area, and helps achieve a characterful and character-led design proposal.</li> <li>• The internal elevations have a coherent and well-designed elevation, which helps to achieve a coherent architectural language.</li> <li>• It is important that full bricks are specified, and a 1:20 section through the primary facades should be provided as part of a condition in order to ensure this quality is retained in line with draft Policy 56 (S) of LP1.</li> <li>• A condition is recommended for materials including a mock-up panel of brick and mortar to be reviewed on site. To ensure high quality design a condition specifying no brick slips should also be included.</li> </ul> <p><i>Officer comment: Please refer to Section 10B of the report.</i></p>
Strategic Transport 06/01/23	<p>Wetlands waterside element needs to ensure the shared-use path is wide enough to accommodate pedestrians and cyclists, clarity is needed on level differences, fencing of the edge with the flood relief channel needs to be both safe and attractive, the teenage play zone should be designed in conjunction with the adjacent school and the Council's Area Regeneration Team. The Healthy Street Transport Assessment is thorough but revised drawings / details are needed for:</p> <ol style="list-style-type: none"> <li>10. the design of Shakespeare Way;</li> <li>11. access and movement for pedestrians and cyclists in the Phase 2;</li> <li>12. cycle and vehicle parking;</li> <li>13. travel planning; and</li> <li>14. ground floor access.</li> </ol>

<p>Energy &amp; Sustainability 19/09/23</p>	<p>Consultation responses were also received from the Energy &amp; Sustainability Team on 02/02/2023, 24/04/23, and 03/07/2023, as part of an ongoing exchange of information with the Applicant team, these comments reflect their final position.</p> <p>An outline of the outstanding information requests includes:</p> <ol style="list-style-type: none"> <li>1. "Little new information has been provided, mainly references to the same information that LBWF has consistently pointed out previously as insufficient.</li> <li>2. Additional information is still required in order to be able to advise Planning Committee that options one or two are likely to be able to be delivered.</li> <li>3. GLA Energy memo has set out quite specific information that is required at this stage. Request that same pack of information stated as sent to the GLA, to be sent to LBWF.</li> <li>4. The stated evidence of "active communication" with Energetik and E.oN remains incomplete, therefore copies of communications are requested, not just summaries of such communication.</li> <li>5. The summary of discussions with Energetik does not include detailed evidence of those communications or documentation to demonstrate the applicant's assertions that this is fully "active communication" on development of this option. This evidence has been requested on a number of occasions. The need for written evidence of Energetik's agreement in principle So the issue is still outstanding with conclusive written evidence needed, including quoted cost of connection stated as supplied by Energetik.</li> <li>6. The applicant team state that further information and a route plan will be provided from EoN. This needs to be provided to both the GLA and LBWF as this is not in the pack of information sent by the applicant team.</li> <li>7. To fully demonstrate commitment for scheme to be "connection ready" one comprehensive plan is needed showing "connection ready" for phase 1 and other phases: schematics, room for plant and safeguarded route to boundary etc.</li> <li>8. Detailed calculations and schematics are needed to show how the third on-site heat pump option (two stage air to water and centralised water to water heat pump solution) calculations have been arrived at."</li> </ol> <p><i>Officer comment: For assessment of this matter, please refer to section 10 K of his report.</i></p>
<p>Enfield Council 09/11/2022</p>	<p>LB Enfield is a neighbouring borough and therefore needed to be consulted on the application, the responded: "Have reviewed the information provided on your website and consider that the proposals would not have any strategic implications for this Borough."</p>
<p>Metropolitan Police 09/11/2023</p>	<p>"At present our unit can only support an application for development on the site if there is a clear, written intention by the Developers to fully achieve SBD Accreditation via the most current SBD Homes and Commercial Guides based upon when</p>

	<p>development starts. Comments from the MPS Estates Management Team should be reviewed and discussed as appropriate. Compliance with SBD and CT measures and to guarantee appropriate measures are implemented can be ensured via the attaching of suitably worded conditions and an informative. If the below (and ongoing) advice was taken and implemented we believe that the site could achieve SBD Accreditation.</p> <p><i>Officer comment: For assessment of this matter, please refer to section 10 O of his report.</i></p>
Thames Water 31/10/2022	<p>Thames Water are currently working with the developer of application 222739 to identify and deliver the off-site water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the water network to serve Confirmed capacity for Phase 1 of 49 Flats and 20830 sqm of Warehouse but beyond that upgrades to the water network will be required. Works are on-going to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure. A condition should also be applied to restrict development near Thames Water assets.</p> <p><i>Officer comment: For assessment of this matter, please refer to section 10 L of his report.</i></p>
Historic England GLAAS 25/10/2023	<p>Conditions requested for a Written Scheme of Investigation (WSI) for historic buildings and archaeology, plus a programme of public engagement for heritage assets of archaeological interest.</p> <p><i>Officer comment: For assessment of this matter, please refer to section 10 H of his report.</i></p>
Greater London Authority (Urban Design) 25/01/2023	<p>Commented on blocks and agents of change; green infrastructure; public realm; spaces; streets; buildings; building heights; and appearance.</p> <p>"Design Guidelines state that highest standards of inclusive design should be reached – this should a 'must', reflecting importance of inclusive design in integrating this development into its surroundings." Further instances of requests to change the word "should" to "must" in the Design Guidelines: plant communities SuDS and water management; street activation for industrial buildings; adequate pedestrian and cycle routes; dual aspect homes (unless in exceptional circumstances); building heights; pre-demolition audit of existing materials for re-use; whole life cycle carbon emissions.</p> <p><i>Officer comment: For assessment of this matter, please refer to section 10 F of his report.</i></p>
London Fire Brigade 06/09/2023	<p>No further observations to make. Further consultation required if any material amendments are made to the proposal.</p>
Health & Safety Executive	<p>Detailed phase:</p>

21/08/2023	<p>“The revised drawings for block B1 show that the residential tower has been redesigned to include the addition of a second stair core (escape stair) that serves all upper residential levels. This addresses the concern raised by the HSE.”</p> <p>“The fire safety standard states that the use of dual-entry fire-fighting lifts is not recommended in residential buildings. It will be for the applicant to demonstrate compliance at later regulatory stages.”</p> <p>“It is noted from the revised drawings for building B2 that the design maintains a single stair escape route from the upper residential levels that connects with ancillary areas at ground floor level.</p> <p>The fire safety standard states that single residential stairs that serve ancillary accommodation is only suitable in buildings up to 11 m in height.</p> <p>Design changes necessary to provide a separate escape route from the ancillary areas are unlikely to affect land use planning considerations, such as the layout and appearance of the building, as a solution can be achieved by alterations to the internal layout. It will be for the applicant to demonstrate compliance at later regulatory stages.”</p> <p>Following a review of the information provided within the planning application, HSE is content with the fire safety design, to the extent that it affects land use planning.</p> <p>Outline phase:</p> <p>“HSE is unable to provide comment for the outline elements, with all matters reserved at this stage. Should the local planning authority be minded to grant outline planning permission, we strongly recommend the following:</p> <ul style="list-style-type: none"> <li>• The outline planning permission is subject to a suitable condition requiring the submission of a satisfactory fire statement with any reserved matters application, and;</li> </ul> <p>HSE is consulted in conjunction with the Local Planning Authority’s consideration of any reserved matters application.”</p> <p><i>Officer comment: For assessment of this matter, please refer to section 10 O of his report.</i></p>
Transport for London 07/08/2023	<p>Seeking a £9,000 S106 contribution to fund a study reviewing options for increasing the capacity of the London Overground part of Blackhorse Lane station.</p> <p>In a previous consultation response dated 10/02/2022, TfL also made comments in relation to:</p> <ul style="list-style-type: none"> <li>• Healthy Streets;</li> <li>• Public realm;</li> <li>• Cycle infrastructure &amp; parking;</li> <li>• Car parking (all non-residential spaces should be</li> </ul>

	<p>EVCP);</p> <ul style="list-style-type: none"> <li>Traffic (the traffic growth forecasting tool TEMPRO should be removed from the Transport Assessment).</li> </ul> <p><i>Officer comment: For assessment of this matter, please refer to section 10 I of his report.</i></p>
<p>Natural England 08/02/2023</p>	<p>No objection subject to appropriate mitigation being secured for:</p> <ul style="list-style-type: none"> <li>Disturbance during demolition &amp; construction;</li> <li>Bird strike;</li> <li>Wetlands waterside park;</li> <li>Epping Forest SAC;</li> </ul> <p><i>Officer comment: For assessment of this matter, please refer to section 10 J of his report.</i></p>
<p>Historic England 03/08/2023</p>	<p>"We do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions".</p>
<p>Segro 14/11/2022</p>	<p>"At 153-157 Blackhorse Lane, SEGRO is planning to deliver a multi-let industrial estate providing medium size industrial units with flexible, clear floorplates and direct access to yards. Such space will be suitable for a wide range of businesses from media to manufacturing and distribution. We have reviewed the plans for the Uplands scheme and expect the proposed employment space will be attractive to businesses seeking light industrial space and customer facing food and beverage premises, owing to local demand, the size of units proposed, the nature of access for service vehicles and the proximity to high density housing.</p> <p>We believe the overall diversity of business spaces that will be created across Uplands and 153-157 Blackhorse Lane will create a healthy ecosystem for a variety of businesses to find premises that suits their requirements and enables businesses to scale up or down as these change over time.</p>
<p>Lea Valley Regional Park Authority 06/12/2022</p>	<p>Do not object provided that:</p> <p>(a)the following elements of the Phase 2 outline application as set out in the Parameter Plans and Design Guidelines are secured by condition on any grant of consent:</p> <ul style="list-style-type: none"> <li>(i) the set back of the development from the Regional Park to the east of the new open spaces and public realm, with a significant step down in building heights towards the new open spaces as shown in the Parameter Plans and Design Guidelines;</li> <li>(ii) the inclusion of the Wetlands Waterside Park adjacent to the Flood Relief Channel and its connection south through to the Dagenham Brook as shown on the Public Realm Parameter Plan and Design Guidelines;</li> <li>(iii) the provision of a north-south pedestrian/cycle route through the Wetlands Waterside Park and other connecting new open spaces to link with Blackhorse Road Station in the south and ultimately with Lockwood Way in the north;</li> </ul>

	<p>(iv) the full range of biodiversity and ecological mitigation measures and enhancements resulting from the ecological assessments and the Biodiversity Net Gain calculations;</p> <p>(b) detailed Construction Environmental Management Plans for relevant phases of the development are produced and additional bespoke mitigation measures adopted during both the demolition and construction periods as recommended by the Environmental Statement and shadow HRA;</p> <p>(c) the following ecological enhancements are considered as part of the Phase 2 details:</p> <ul style="list-style-type: none"> <li>(i) the de-culverting of the Dagenham Brook to form part of the wetland park;</li> <li>(ii) installation of floating habitat rafts on the Flood Relief Channel (if agreed by the Environment Agency);</li> <li>(iii) the installation of Kingfisher nest tunnels in suitable locations should also be included;</li> </ul> <p>Officers would also expect the details of the on-going habitat management to be conditioned.</p> <p>(d) a detailed lighting strategy is produced for all phases of the development to be designed in accordance with the 'Institute of Lighting Professionals (2018, Bats and Artificial Lighting in the UK Guidance Note 08/18'. This should ensure that the Flood Relief Channel, Dagenham Brook and reservoirs are retained as dark corridors and include post-construction controls;</p> <p>(e) a financial contribution is secured via a planning obligation/Section 106 legal agreement towards open space and habitat enhancements on Tottenham Marshes Wild Marsh East, in accordance with the Council's Sustainable Alternative Natural Green Space Strategy and any relevant revisions required and agreed with the Authority, to align with the timescale of the outline phase of the development; A similar action would be supported for Douglas Eyre Playing Field, particularly if this could enable a new north south pedestrian link through the site alongside its western boundary. This would help deliver Park Development Framework Area Proposals for this area of the Park; and</p> <p>The LVRPA wish to be consulted on Phase 2 reserved matters applications.</p> <p><i>Officer comment: For assessment of this matter, please refer to section 10 J of his report.</i></p>
<p>London Fire Brigade 01/09/23</p>	<p>Emergency vehicle access - no further observations to make.</p>
<p>LBWF Highways 21/12/2022</p>	<p><i>Officer comment: LBWF Highways provided a detailed consultation response on 21/12/2022 and has subsequently engaged with the Applicant's transport consultants to overcome some initial concerns. The consultation response and subsequent correspondence forms the basis of the assessment in Chapter 10, section 10 I of this report.</i></p>

<p>Transport Strategy 17/05/23</p>	<p><i>Officer comment: The response from Transport Strategy was broadly supportive of the scheme, and made some recommendations for detailed design post resolution, including of the fencing to the flood relief channel and teenage zone (encouraging the involvement of LBWF's Area Regeneration Team as part of a co-design process). Revised drawings were requested specific features including cycle storage facilities, design concept for Shakespeare Way, and details of pedestrian and cycle interfaces at ground floor level. This information is able to be addressed at the stage of reserved matters and discharge of conditions.</i></p>
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## 8 DEVELOPMENT PLAN

- 8.1 Section 70(2) of the Town and Country Planning Act (1990) (as amended) sets out that in considering and determining applications for planning permission, the Local Planning Authority (LPA) must have regard to considerations including the provisions of the development plan and any local finance considerations, so far as material to the application, and any other material considerations.
- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 8.3 The Development Plan for the site, at the time of this report, comprises the London Plan (2021), and the Waltham Forest Local Plan Core Strategy (2012), and the Waltham Forest Local Plan Development Management Policies (2013). Other planning policies are material considerations.

### The London Plan (2021)

- 8.4 The London Plan (2021) is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital. Objectives and Policies relevant to this application include:
- GG1 Building strong and inclusive communities
  - GG1 Building strong and inclusive communities
  - GG2 Making the best use of land
  - GG3 Creating a healthy city
  - GG4 Delivering the homes Londoners need
  - GG5 Growing a good economy
  - GG6 Increasing efficiency and resilience
  - Policy SD1 Opportunity Areas
  - Policy SD6 Town centres and high streets
  - Policy SD7 Town centres: development principles and Development Plan Documents
  - Policy SD8 Town centre network
  - Policy SD9 Town centres: Local partnerships and implementation
  - Policy SD10 Strategic and local regeneration
  - Policy D1 London’s form, character and capacity for growth
  - Policy D2 Infrastructure requirements for sustainable densities
  - Policy D3 Optimising site capacity through the design-led approach
  - Policy D4 Delivering good design
  - Policy D5 Inclusive design

- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D8 Public realm
- Policy D9 Tall buildings
- Policy D10 Basement development
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D13 Agent of Change
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy H4 Delivering affordable housing
- Policy H5 Threshold approach to applications
- Policy H6 Affordable housing tenure
- Policy H7 Monitoring of affordable housing
- Policy H10 Housing size mix
- Policy H11 Build to Rent
- Policy H12 Supported and specialised accommodation
- Policy H13 Specialist older persons housing
- Policy S1 Developing London's social infrastructure
- Policy S2 Health and social care facilities
- Policy S3 Education and childcare facilities
- Policy S4 Play and informal recreation
- Policy S5 Sports and recreation facilities
- Policy S6 Public toilets
- Policy E1 Offices
- Policy E2 Providing suitable business space
- Policy E3 Affordable workspace
- Policy E4 Land for industry, logistics and services to support London's economic function
- Policy E5 Strategic Industrial Locations (SIL)
- Policy E6 Locally Significant Industrial Sites
- Policy E7 Industrial intensification, co-location and substitution
- Policy E8 Sector growth opportunities and clusters
- Policy E9 Retail, markets and hot food takeaways
- Policy E11 Skills and opportunities for all
- Policy HC1 Heritage conservation and growth

- Policy HC3 Strategic and Local Views
- Policy HC5 Supporting London's culture and creative industries
- Policy HC6 Supporting the night-time economy
- Policy G1 Green infrastructure
- Policy G4 Open space
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy G8 Food growing
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 3 Energy infrastructure
- Policy SI 4 Managing heat risk
- Policy SI 5 Water infrastructure
- Policy SI 6 Digital connectivity infrastructure
- Policy SI 7 Reducing waste and supporting the circular economy
- Policy SI 8 Waste capacity and net waste self-sufficiency
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy SI 14 Waterways – strategic role
- Policy SI 15 Water transport
- Policy SI 16 Waterways – use and enjoyment
- Policy SI 17 Protecting and enhancing London's waterways
- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
  - Policy T6.1 Residential parking
  - Policy T6.2 Office Parking
  - Policy T6.3 Retail parking
  - Policy T6.5 Non-residential disabled persons parking
- Policy T7 Deliveries, servicing and construction
- Policy T8 Aviation
- Policy T9 Funding transport infrastructure through planning

- Policy DF1 Delivery of the Plan and Planning Obligations
- Policy M1 Monitoring

#### Waltham Forest Local Plan Core Strategy (2012)

- 8.5 The Waltham Forest Core Strategy (2012) was adopted on 1st March 2012. The Core Strategy contains 16 policies designed to deliver the Council's vision for the physical, economic, environmental and social development of the Borough. These policies will be used to direct and manage development and regeneration activity up to 2026.
- 8.6 The policies considered relevant to this application are as follows:
- CS1: Location and Management Growth
  - CS2 - Improving Housing Quality and Choice
  - CS3 - Providing Infrastructure
  - CS4 - Minimising and Adapting to Climate Change
  - CS5 - Enhancing Green Infrastructure and Biodiversity
  - CS6 - Promoting Sustainable Waste Management and Recycling
  - CS7 - Developing Sustainable Transport
  - CS8 – Making Efficient Use of Employment Land
  - CS9 – Promoting Better Education
  - CS10 - Creating More Jobs and Reducing Worklessness
  - CS12 - Protecting and Enhancing Heritage Assets
  - CS13 - Promoting Health and Well-Being
  - CS15 - Well Designed Buildings, Places and Spaces
  - CS16 - Making Waltham Forest Safer

#### Waltham Forest Local Plan Development Management Policies (2013)

- 8.7 The Local Plan Development Management Policies Document was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long-term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:
- DM1: Sustainable Development and Mixed-Use Development
  - DM2 – Meeting Housing Targets
  - DM3 - Affordable Housing Provision
  - DM5 - Housing Mix
  - DM7 - External Amenity and Internal Space Standards
  - DM10 - Resource Efficiency and High Environmental Standards
  - DM11 - Decentralised and Renewable Energy

- DM12 - Open Space, Sports and Recreation
- DM13 - Co-ordinating Land use and Transport
- DM14 - Sustainable Transport Network
- DM15 - Managing Private Motorised Transport
- DM16 - Parking
- DM17 - Social and Physical Infrastructure
- DM18 – Strategic Industrial Locations
- DM19 – Borough Employment Areas
- DM21 - Improving Job Access and Training
- DM23 - Health and Well Being
- DM24 - Environmental Protection
- DM26 – New Retail, Office and Leisure Developments
- DM27 – Night Time Economy Uses
- DM29 - Design Principles, Standards and Local Distinctiveness
- DM30 - Inclusive Design and the Built Environment
- DM31 - Tall Buildings
- DM32 - Managing Impact of Development on Occupiers and Neighbours
- DM33 - Improving Community Safety
- DM34 – Water
- DM35 – Biodiversity and Geodiversity
- DM36 – Working with Partners and Infrastructure
- DM37 - Telecommunications

#### Blackhorse Lane Area Action Plan (2015)

8.8 The 2015 AAP for the area has the following vision:

“The long-term vision is to evolve Blackhorse Lane into a mixed-use area, comprising a range of housing, interspersed with small-scale local business/commercial spaces and public open spaces. Existing built fabric and cultures are retained and characterise the new neighbourhoods, creating meaningful desirable places to live and work. Residents and employees have access to resources and opportunities locally, offering betterment and wealth generation. Unique resources such as the Lee Valley Regional Park and the phenomenal Walthamstow Wetlands are integrated into a positive public realm framework, designed to encourage social interaction and creating access for all. New developments are well integrated, demonstrate high levels of environmental sustainability, and enhance the image of the area.”

8.9 The site and surrounding land along the flood relief channel are located within the character zone: industrial character.

8.10 The AAP sets out objectives for a:

1. Neighbourhood Centre

2. Place to Live
3. Green Place
4. Well Designed Place
5. Place for Creative and Green Industries
6. Sustainable Place
7. Connected Place
8. Community Place

8.11 The AAP further contains the following relevant policies:

- BHL1: Presumption in Favour of Sustainable Development
- BHL2: Housing Growth
- BHL3: Housing Densities
- BHL4: Household Sizes
- BHL5: Affordable Housing
- BHL6: Employment
- BHL7: Neighbourhood Centre and Local Retail Parades
- BHL8: Design and Local Character
- BHL9: Open Space and Nature Conservation
- BHL10: Walthamstow Wetlands and Lee Valley Regional Park
- BHL11: Flood Risk
- BHL12: Transport
- BHL13: Climate Change and Decentralised Energy
- Social Infrastructure

8.12 The Uplands Business Park was not included in the list of Opportunity Sites (AAP, Figure 20), but rather, in the list of discounted sites (number 2 on Figure 32, AAP).

## 9 MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework (2023)

- 9.1 National Planning Policy Framework (2023) 3.30 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions but does not change the legal status of the Development Plan. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 9.2 For decision-taking, the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

### The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

- 9.3 The regulations came into force on 16<sup>th</sup> May 2017. The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process.

### The Town and Country Planning and Infrastructure (Environmental Impact Assessment) (Amendment) Regulations 2018.

- 9.4 Minor updates to the EIA Regulations 2017.

### Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standard (2015)

- 9.5 This standard relates to the internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home including bedrooms and storage.

### London Plan Affordable Housing and Viability SPG (2017)

- 9.6 This supplementary planning guidance (SPG) focuses on affordable housing and viability. It includes four distinct parts: background and approach; the threshold approach to viability assessments and detailed guidance on viability assessments.

'Be Seen' Energy Monitoring Guidance London Plan Guidance (2021)

- 9.7 The 'Be Seen' Energy Monitoring Guidance London Plan Guidance (LPG) explains the process that should be followed to comply with the 'be seen' post-construction monitoring requirement of Policy SI 2 of the London Plan.

Public London Charter London Plan Guidance (2021)

- 9.8 The Public London Charter LPG supplements London Plan Policy D8 and sets out eight principles that would enable new public spaces in London to be safe, accessible, attractive, and inclusive.

Affordable Housing and Viability Supplementary Planning Document (2017)

- 9.9 The Affordable Housing and Viability Supplementary Planning Document (SPD) provides detailed guidance on Waltham Forest Local Plan Core Strategy and Development Management Policies related to affordable housing and viability.

Inclusive Housing Design SPD (2011)

- 9.10 The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability.

Planning Obligations Supplementary Planning Document (2017)

- 9.11 The Planning Obligations SPD provides detailed guidance on planning obligations and Section 106 agreements and how these work alongside the Community Infrastructure Levy (CIL) to help deliver necessary infrastructure in the Borough, supplementing Waltham Forest Local Plan Core Strategy and Development Management Policies.

Waste & Recycling Guidance for Developers (2019)

- 9.12 The Waste & Recycling Guidance for Developers is to help those involved in designing new developments to ensure safe and secure refuse and recycling storage and collection.

Waltham Forest Local Plan (LP1) 2020-2035 (Proposed Submission Document) (2020)

- 9.13 Waltham Forest Local Plan (LP1) is intended to replace the current Waltham Forest Local Plan Core Strategy and Development Management Policies. It has undergone consultation and was subject to an Examination in Public in March 2022. The Council consulted on a schedule of Main Modifications from 21st July 2023 to 21st September 2023.
- 9.14 In line with the NPPF, Local Planning Authorities may give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that



may be given); and

- The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

#### LP2 Waltham Forest Local Plan (LP2) Site Allocations (Draft 2021)

9.15 The Site Allocations Document will represent Part 2 of the Council's Local Plan. It complements the Strategic Policies document (Part 1) of the Local Plan. It identifies key or strategic sites with potential for redevelopment providing circa 19,000 new homes.

- Site SA69 – “Comprehensive redevelopment to replace and increase the quantum of existing industrial floorspace on the site in line with the framework established by the Council. Potential introduction of residential, commercial, and community uses, and improved public realm to be explored as part of sub-area masterplans brought forward by landowners/developers in line with the framework.”

9.16 With a total land area of 16.12ha, the site allocation extends north and south of the application site to include all Strategic Industrial Land on Blackhorse Lane. The intensification approach is ‘transformation’, with an indicative development capacity of 81,000sqm industrial floorspace, and 2,300 new homes delivered between 2022 – 2037.

#### Local Finance Considerations

9.17 Local finance considerations can include either a grant that has been or would be given to the Council from central government or money that the Council has received or will or could receive in terms of CIL. It is noted that:

- It is not thought that there are any grants which have been or will or could be received from central government in relation to this development.
- The Council expects to receive income from LBWF CIL in relation to this development. A portion of the municipal CIL will be used to offset the cost of a new District Energy Network connection (if the scheme is deemed unable to fund the infrastructure, and then only a maximum payment of £4.5million, and a portion not exceeding 50% of the total infrastructure cost).
- The Council expects to receive income from Mayoral CIL in relation to this development.

#### The London Plan Housing Supplementary Planning Guidance (2016)

9.18 This supplementary planning guidance (SPG) focuses on affordable housing and viability. It includes four distinct parts: background and approach; the threshold approach to viability assessments and detailed guidance on viability assessments.

Waltham Forest Local Plan Urban Design SPD (2010)

- 9.19 This document has the aim of raising the quality of design within the Borough. The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability.

Waltham Forest Affordable Housing & Viability SPD 2018

- 9.20 This supplementary planning document (SPD) has been prepared to provide further detailed guidance on affordable housing and viability. The document provides further guidance on how the Council will take viability into account when considering planning applications and what supporting information applicants will be required to produce. The Council does not intend to apply this guidance retrospectively to any planning applications being processed or determined.

Waltham Forest Planning Obligations SPD (2017)

- 9.21 This document seeks to provide transparent, clear and consistent information for the negotiation of planning contributions.

Historic England Advice Note 4: Tall Buildings (2015)

- 9.22 The purpose of this Historic England advice note is to support all those involved in dealing with proposals for tall buildings in implementing historic environment legislation, the relevant policies in the National Planning Policy Framework (NPPF), and the related guidance given in the Planning Practice Guidance (PPG).

Historic England Advice Note 3: The Setting of Heritage Assets (2017)

- 9.23 This document sets out guidance on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.

Conservation of Habitats and Species Regulations (as amended) 2017

- 9.24 The Conservation of Habitats and Species Regulations (as amended) 2017 (the Habitat Regulations) lay down rules for the protection, management and exploitation of important habitats and species. The objective is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora.

- 9.25 The 2017 Habitat Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC).

Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

- 9.26 This document explains the changes made to the Habitats Regulations 2017 as a result of Brexit. Most of the changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and

existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change.

Natural England – Epping Forest Special Area of Conservation

- 9.27 Natural England issued interim advice on 6<sup>th</sup> March 2019 in relation to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy and the Habitats Regulations. The advice applies to all residential development within the extended Zone of Influence, which includes the Local Planning Authority's area. The development is therefore liable to mitigation measures on any impact on the Epping Forest SAC which will be secured by an appropriate financial contribution.

Biodiversity and Geological Conservation: Circular 06/05

- 9.28 This Circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It sets out statutory obligations and their impact within the planning system.

European Site Conservation Objectives: Supplementary advice on conserving and restoring site features

- 9.29 This document provides Natural England's supplementary advice about the European Site Conservation Objectives relating to Epping Forest SAC.

Blackhorse Lane SIL Masterplan Framework

- 9.30 This is a two-stage masterplan developed in collaboration with the GLA and landowners and businesses within the designated Strategic industrial Land area. Stage 2 provides key strategic guidance on streets and urban blocks, scale and massing principles, access and servicing principles, public realm, creation of new industrial floorspace, business retention, sustainability and agent of change.

## **10 ASSESSMENT**

10.1 The main issues which shall be addressed within this report are as follows, for clarity the assessment is based on the final suite of drawings and documents received:

- A. Assessment Process
- B. Principle of the Proposed Land Use
- C. Industrial Land Provision
- D. Business Relocation and Retention
- E. Housing
- F. Design
- G. Impact on Neighbouring Amenity
- H. Heritage
- I. Transport, Highways, and Servicing
- J. Open Space, Landscape, Trees and Ecology
- K. Energy, Sustainable Design and Construction
- L. Flood Risk, Drainage and Water
- M. Environmental Impact
- N. Impact on Infrastructure
- O. Safety and Security
- P. Financial Considerations

### **A. ASSESSMENT PROCESS**

10.2 Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 provides descriptions of development and applicable thresholds where submission of an Environmental Impact Assessment (EIA) is required. The proposal falls within category 10: Infrastructure projects (urban development projects), (ii) more than 150 dwellings.

10.3 With respect to the process involved with assessing this type of application, the Mayor is consulted on all planning applications that are of Potential Strategic Importance (PSI) to London. These are commonly described as 'referred' applications. Redevelopment of the Uplands Business Park would meet the criteria for a referable application as set out in the Mayor of London Order (2008), because it is a development of 150 residential units or more and also because it includes development over 30 metres in height (outside the City of London).

10.4 Once an application has been submitted, LB Waltham Forest is required to refer it to the Mayor who then has six weeks to provide comments on the application, assessing whether it complies with the London Plan policies. This is a consultation response known as Stage 1. LBWF officers would then make a recommendation on the application according to its Terms of Reference (in this case at Planning Committee). The resolution is then referred to the Mayor for a final decision through a Stage 2 referral. The Mayor has 14 days to make a decision to allow the Local Planning Authority resolution to stand, to direct refusal, or to take over the application, thus becoming the Local Planning Authority. Should a direction be issued that the Mayor is to be the Local Planning Authority (effectively calling in the application), three policy tests must

be met, these are:

- i. The development would have a significant impact on the implementation of the London Plan;
- ii. The development would have significant effects that are likely to affect more than one London borough; and
- iii. There are sound planning reasons for intervention.

## **B. PRINCIPLE OF THE PROPOSED LAND USE**

### NPPF

As explained in chapter 10 A of this report, the NPPF (2023) has a presumption in favour of sustainable development (policy DM1), and achieving this relies upon interlinking economic, social, and environmental objectives.

### London Plan

- 10.5 The site is designated within the London Plan (2021) as a Strategic Industrial Location (SIL). SILs are locations that should be sustained as ‘concentrations of industrial, logistics and related uses that support the functioning of London’s economy’.
- 10.6 London Plan policy E4 says that a sufficient supply of land and premises should be made available and maintained to meet current and future demands for industrial and related functions. This includes the following uses currently understood to be found at the application site:
- light and general industry (Use Classes B1c and B2)
  - storage and logistics/distribution (Use Class B8) including ‘last mile’ distribution close to central London and the Northern Isle of Dogs, consolidation centres and collection points
  - wholesale markets
  - emerging industrial-related sectors
  - flexible (B1c/B2/B8) hybrid space to accommodate services that support the wider London economy and population
  - low-cost industrial and related space for micro, small and medium-sized enterprises
  - research and development of industrial and related products or processes (falling within Use Class B1b)
- 10.7 Where land is released to achieve wider planning objectives, it ‘should be facilitated through the processes of industrial intensification, co-location and substitution’ (E4). Furthermore, ‘Any release of industrial capacity in line with Part C should be focused in locations that are (or are planned to be) well-connected by public transport, walking and cycling and contribute to other planning priorities including housing (and particularly affordable housing), schools and other infrastructure’.
- 10.8 London Plan policy E7 ‘Industrial intensification, co-location and substitution’ explains that planning frameworks (such as the Blackhorse Lane SIL Masterplan Framework) should consider if certain logistics, industrial and related functions could be intensified to provide additional capacity for those functions and deliver other uses such as housing.
- 10.9 This process must meet the criteria set out in Part D, which is summarised below and annotated with the relevant chapters from this report.
1. the industrial and related activities on-site and in surrounding parts of the SIL are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation noting that many businesses have 7-day/24-hour access and

operational requirements – Chapter 10D

2. the intensified industrial, storage and distribution uses are completed in advance of any residential component being occupied – Chapter 1
3. appropriate design mitigation is provided in any residential element to ensure compliance with 1 above, with particular consideration given to:
  - a) safety and security – Chapter 10P
  - b) the layout, orientation, access, servicing and delivery arrangements of the uses in order to minimise conflict – Chapter 10J
  - c) design quality, public realm, visual impact and amenity for residents – Chapters 10G & H
  - d) agent of change principles – Chapter 10D
  - e) vibration and noise – Chapter 10N
  - f) air quality, including dust, odour and emissions and potential contamination – Chapter 10N

10.10 London Plan policy GG2 'Making the Best Use of Land' says that those involved in planning and development must (C) 'proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling'.

#### Local Plan

- 10.11 LBWF Core Strategy (2021) objective 8 is to make efficient use of employment land, including through 'enhancing an appropriate range of sites and premises to meet the demands of local businesses and growth sectors in order to attract and retain high quality services, industries and well-paid jobs on the borough while ensuring residents are able to access them'. Policy CS8 similarly says that the council will facilitate economic growth by ensuring the Borough has a healthy supply of land for industrial uses and that Walthamstow town centre is the primary location for significant new office developments (i.e. 50 people or more)', and by encouraging a mix of employment facilities and types, including for small and medium sized enterprises, and creative/ cultural industries.
- 10.12 Adopted Development Management policy 18 'Strategic Industrial Land' says that the loss of land designated to SIL to any alternative uses will be resisted, therefore it is important there is no net loss of existing industrial floorspace.
- 10.13 The site and surrounding land also designated as SIL in the existing local plan fall within Site Allocation 69 – Blackhorse Lane SIL 3. Guidelines for future development within this allocation include the co-location of residential uses with employment or commercial uses.
- 10.14 Beyond the emerging Local Plan, the Blackhorse Lane SIL masterplan Framework is also a material consideration, linking the adopted and emerging planning policies.
- 10.15 It is noted that the Applicant has sought modifications to the Planning Inspector's comments on Local Plan 1 (LP1) (Turley, 21/09/23) including:

- MM23: Proposing that the target of 3,090 new homes in the Blackhorse Lane SIL be a minimum target.
  - MM47, MM48, MM50: Employment Floorspace – Removal of the requirement to achieve an uplift in industrial floorspace, instead seeking to define industrial capacity as the existing floorspace on site, or what could be accommodated at a 65% plot ratio.
  - MM50/MM51: Safeguarding and managing change in SIL / LSIS: Removing the requirement for replacement of industrial floorspace on a like-for-like basis might mean that the types of industrial units re-provided on the site are not suitable for the purposes of existing tenants. The proposed amendments also seek to allow “future flexibility in the above (industrial) uses” – undermining the policy objective for industrial intensification. The proposed amendment to “work with landowners of adjacent sites to make the most efficient use of land” also presents the risk of displacement and net loss of industrial land uses.
  - MM56 Industrial Masterplan Approach: Proposal to change the requirement for retention of existing businesses from ‘will’ to ‘could’, and only for businesses that “express an interest” in staying on site.
- 10.16 An appropriately worded Section 106 Agreement is therefore considered important to ensure that the benefits associated with the scheme, and the mitigation measures that make it acceptable in planning terms, are not eroded throughout the project delivery period.

#### Land Use – Conclusions

- 10.17 The proposal for a mixed-use development that retains industrial land whilst densifying the site to introduce residential, commercial and community uses, is aligned with the direction of travel for the area. This is evidenced through the Masterplan Framework, relevant LP1 policies, and Site Allocation 69 in Local Plan Part 2.
- 10.18 The principle of this proposal is considered to accord with the National Planning Policy Framework’s presumption in favour of sustainable development and makes best use of land to support the delivery of sustainable, successful mixed-use places subject to the assessment against the remainder of the development plan and other material planning considerations.
- 10.19 The proposal involves the redevelopment of brownfield land that is well connected to public transport and therefore meets the objectives of policy 11 of the NPPF (2023) and policy GG2 of the London Plan (2021). The location and proposed density of development make the fullest use of London’s existing and future public transport, walking and cycling network, to support agglomeration and economic activity (GG5 G).
- 10.20 Reviewed against strategic policies in the London Plan and emerging Local Plan, the specific principle of residential housing at this site is supported. This is subject to further assessment of acceptability against other policies within the development plan, including, housing mix, housing quality, design, amenity impacts.
- 10.21 Subject to assessment of more detailed aspects of the proposal and taken on balance, the proposed land use is consistent with the aims and objectives of the NPPF as well as London Plan Policies E4, E5, E7, LBWF policy CS8, and the emerging policy position (LP1 policies 30, 31, and 38).



- 10.22 The principle of the proposed scheme, namely, to retain and consolidate industrial uses within the SIL whilst delivering co-located industrial and non-industrial uses (including residential), is therefore considered acceptable.

**C. INDUSTRIAL LAND PROVISION**

- 10.23 The site is an existing industrial estate and any proposal to redevelop the land must intensify that use (policies E4, E5, and E7).
- 10.24 The site currently contains 35 industrial units with a total floorspace of 30,500sqm, of which circa 28,000sqm is in industrial and / or employment use.
- 10.25 Stage 1 of the Blackhorse Lane Masterplan Framework explains at paragraph 3.1.3 that in assessing baseline conditions within the SIL, all buildings were included in the industrial floorspace calculations, regardless of the current use. This methodology is in line with London Plan Policy E 7 which seeks to retain industrial capacity. The benchmark for re-provision of industrial land should therefore theoretically be at least 30,500sqm GEA. Both the GLA and LBWF have agreed that the benchmark replacement industrial floorspace will be 28,000sqm GEA in recognition that the up to 5,000sqm GEA of Use Class E and F space will also serve some of the needs of industrial businesses.
- 10.26 Phase 1 of the proposed development provides 17,994sqm GEA flexible industrial floorspace (Use Classes E(g) (ii and ii), B2 and B8). The industrial uses are distributed across Blocks A1 (ground floor plus a total of 6 units across first and second floor levels), and A2 (ground floor plus 32 units at first to fourth floor level).
- 10.27 Phase 2 of the proposed development provides a maximum of 15,006sqm industrial floorspace (Use Classes E(g) (ii and ii), B2 and B8), the illustrative masterplan for the outline phase has this industrial floorspace distributed across Blocks C, E, G, H, J and K.
- 10.28 Although Page 11 of the Statement of Community Involvement states that 'A minimum of 29,000sqm of modern, high-quality industrial space is set to be provided to retain existing businesses and support significant job growth', there is no minimum industrial floorspace provision embedded in the application documents for approval. However, this will be secured through the section 106.
- 10.29 The application form (D1, page 4) does not specify the industrial floorspace proposed for Phase 1 and for Phase 2 only provides a maximum. The Development Specification (D10, table 3.1, paragraph 3.6) also only provides maximum rather than minimum figures for proposed industrial floorspace. Phase 2 seeks outline planning approval, with an illustrative scheme that is subject to change at reserved matters stage. To make the application acceptable in planning terms, minimum industrial floorspace re-provision will be secured through the Section 106 Agreement.
- 10.30 To avoid unnecessary displacement of existing industrial businesses, and a temporary loss to the Borough's industrial land supply, the S106 Agreement and planning conditions, also need to ensure the timely replacement of industrial floorspace.
- 10.31 Relative to the baseline context and noting the comments from existing businesses as part of the Masterplan exercise, the re-provision of 28,000sqm GEA industrial floorspace in newly constructed units with better thermal performance and modern facilities and services, within a high-quality public realm is supported.

## D. BUSINESS RELOCATION AND RETENTION

### Material Considerations

10.32 London Plan Policy E2 'Providing suitable business space' says:

- B - 'Development of B Use Class business uses should ensure that the space is fit for purpose having regard to the type and use of the space.
- C - Development proposals that involve the loss of existing B Use Class business space (including creative and artists' workspace) in areas identified in a local Development Plan Document where there is a shortage of lower-cost space or workspace of particular types, uses or sizes, should:
  - 1) demonstrate that there is no reasonable prospect of the site being used for business purposes, or
  - 2) ensure that an equivalent amount of B Use Class business space is re-provided in the proposal which is appropriate in terms of type, use and size, incorporating existing businesses where possible, and include affordable workspace where appropriate (see Policy E3 Affordable workspace).
- D - Development proposals for new B Use Class business floorspace greater than 2,500 sqm (Gross External Area), or a locally determined lower threshold in a local Development Plan Document, should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises.

10.33 Policy E3 defines affordable workspace as 'workspace that is provided at rents maintained below the market rate for that space for a specific social, cultural, or economic development purpose' (para. 6.3.2, London Plan 2021).

10.34 Policy E3 states that:

- A - 'In defined circumstances set out in Parts B and C below, planning obligations may be used to secure affordable workspace (in the B Use Class) at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose such as:
  - 1) for specific sectors that have social value such as charities, voluntary and community organisations or social enterprises for specific sectors that have cultural value such as creative and artists'
  - 2) workspace, rehearsal and performance space and makerspace
  - 3) for disadvantaged groups starting up in any sector
  - 4) supporting educational outcomes through connections to schools, colleges or higher education
  - 5) supporting start-up and early-stage businesses or regeneration.
- B - Consideration should be given to the need for affordable workspace for the purposes in Part A above:
  - 1) where there is affordable workspace on-site currently, or has been at any time since 1 December 2017, except where it is

demonstrated that the affordable workspace has been provided on a temporary basis pending redevelopment of the site

- 2) in areas identified in a local Development Plan Document where cost pressures could lead to the loss of affordable or low-cost workspace for micro, small and medium-sized enterprises (such as in the City Fringe around the CAZ and in Creative Enterprise Zones)
- 3) in locations identified in a local Development Plan Document where the provision of affordable workspace would be necessary or desirable to sustain a mix of business or cultural uses which contribute to the character of an area.

- Boroughs, in their Development Plans, should consider detailed affordable workspace policies in light of local evidence of need and viability. These may include policies on site-specific locations or defining areas of need for certain kinds of affordable workspace.
- Affordable workspace policies defined in Development Plans and the terms set out in Section 106 agreements should ensure that the objectives in Part A above are monitored and achieved, including evidence that the space will be managed by a workspace provider with a long-term commitment to maintaining the agreed or intended social, cultural or economic impact. Applicants are encouraged to engage with workspace providers at an early stage in the planning process to ensure that the space is configured and managed efficiently.
- Leases or transfers of space to workspace providers should be at rates that allow providers to manage effective workspace with sub-market rents, meeting the objectives in Part A, over the long-term’.

10.35 The Mayor of London will ‘encourage the delivery of new workspace for SMEs, the creative industries, artists and the fashion industry within new residential and mixed-use developments. He will also provide assistance to artists and creative businesses through the Mayor’s Creative Enterprise Zones (CEZs)’ (para. 6.3.7).

10.36 Locally, similar policy initiatives are found in the Development Management Policies (DM18), Blackhorse Lane AAP (BHL6) and draft Local Plan 1 (25, 26, 30, 31, 32, and 33).

10.37 Emerging LP1 Policy 30 – Industrial Masterplan Approach is key in explaining that masterplans for SIL will be supported where they accord with the following approach:

- A. “Take a comprehensive approach and consider the whole SIL, LSIS and BEA location;
- B. Do not lead to an overall loss and seeks to provide a net increase of employment floorspace in the SIL, LSIS or BEA location;
- C. Provide uses in line with Policy 26 - Safeguarding and Managing Strategic Industrial Land (SIL), Policy 27 - Safeguarding and Managing Change in Locally Significant Industrial Sites (LSIS), or Policy 28 - Safeguarding and Managing Change in Borough Employment Areas, as appropriate;
- D. Provide upgraded facilities to be fit for purpose;

- E. Take account of the particular character and visions for the area as identified in Appendix II Appendix 2 'Employment Land Character & Visions' and evidence base, with further guidance in the Industrial Intensification SPD;
- F. Are delivered in partnership and agreement by the Council and other stakeholders including the GLA;
- G. Undertake a two-stage identification process:
  - i. Firstly, Sub Areas of Intensification and Consolidation; and
  - ii. Secondly, Sub Areas of Potential Change;
- H. Deliver intensification and consolidation of sub areas; providing employment space ahead of any other development;
- I. Are supported by a Viability and Delivery Plan;
- J. Set out how existing businesses will be retained through a Retention and Relocation Strategy; and
- K. Are supported by a Servicing Strategy”.

10.38 The Blackhorse Lane SIL Masterplan Framework further seeks to apply many of these policies to the site and surrounding land.

10.39 The Blackhorse Lane Charter within the Framework (Stage 2, part 3, page 196) states that as development comes forward, these commitments will be required from landowners:

1. Increase in industrial floorspace
2. Retain existing businesses
3. Enable the delivery of the wider Strategic Industrial Location
4. Explore the potential for other uses

#### Draft Business Relocation & Retention Strategy

10.40 The draft Relocation and Retention Strategy submitted with the application (D34) says that 'The Strategy is submitted in draft in support of the Hybrid Planning Application and it is proposed that the key principles will be the subject of a planning obligation within the S106 legal agreement related to the proposed development'.

10.41 The Draft BRRS sets out the following approach (D34 pages 4 - 6):

1. Affordable workspace
  - 'The Applicant will provide an element of affordable workspace within the new development (amount and details of the affordable rent to be considered as part of the Application)
  - The affordable workspace could play a key role in retaining existing businesses.
  - Details of the amount and rent levels will be agreed with LB of Waltham Forest and then covered by the s106 agreement'.
2. Commitment to the 'Blackhorse Lane Charter: Retain Existing

Businesses’.

- ‘The Applicant is supportive of and will sign up to the ‘Blackhorse Lane Charter’
- The Applicant intends to consider the needs of existing businesses throughout the redevelopment process and will seek to rehouse them on Site where feasible
- The Applicant will make available support to businesses which could include some commercial incentives and/or resources (such as access to commercial agents and lists of available commercial properties) and will provide evidence of this to LB Waltham Forest.
- The Applicant is planning to deliver the majority of new industrial floorspace in the first phase of the development and implement a net positive phasing strategy throughout the redevelopment process, to minimise the need for existing businesses to relocate more than once. Details of this are set out below and included within the hybrid planning application’.

### 3. Early Engagement with Businesses

- ‘The Applicant has been proactively communicating with businesses either directly or through their asset management team and will offer a dedicated site contact throughout the phased redevelopment of the Site
- The Applicant has set up a website for Uplands Business Park to showcase the existing businesses and attract more like-minded businesses. This will also include key dates and information for businesses throughout the phased redevelopment of the Site.
- The Applicant will as far as reasonably practicable provide timelines as the project moves forward to ensure Businesses are kept up to date with the scheme’s timeline.
- The Applicant has proactively engaged with existing businesses through the phased preapplication public consultation sessions (including business only preview events and one-to-one meetings). Further details with regards to the engagement that has been undertaken as part of the pre-application process are provided within the Statement of Community Involvement submitted in support of this planning application.
- The Applicant intends to build on the pre-application engagement as the scheme moves forward to ensure businesses have the information, they need at each stage of the redevelopment process through a series of dedicated channels (including a dedicated project website, direct mail/emails and site notice boards).
- The Applicant will maintain a record of the business engagement and provide evidence of this to the LB of Waltham Forest at key stages throughout the process’.

### 4. Open and Transparent Communication with Businesses

- ‘The Applicant will provide open and transparent information on the project timeline through a series of dedicated communication channels (including a dedicated project website, direct mail/emails and site notice boards).

- The Applicant will continue to offer a single point of contact for existing tenants and organise drop-in sessions alongside one-to-one meetings at key points through the redevelopment process.
- The Applicant will proactively engage with businesses with regards to new industrial floorspace and provide details of rents, services charges and business rates to enable businesses to make an informed decision about the suitability of the new industrial spaces within the scheme’.

5. A Collaborative Retention and Relocation Process

- ‘The Applicant will work collaboratively with businesses and the LB of Waltham Forest to agree a retention and relocation process to guide the phase redevelopment of Uplands Business Park, the key principles of which are presented in this draft strategy.
- Existing Tenants where feasible will be given the opportunity to return to Site through the phased redevelopment on mutually acceptable commercially agreed terms and arrangements.
- Alongside the process outlined by the Applicant, the Council will provide reasonable assistance to businesses in identifying local available space either within the BHL SIL or the Borough as a whole. This will include providing information on the Council’s availability within its corporate estate and providing contact information for known space occupiers from other landlords that the Council is aware of within the Borough. In addition, where retention is not possible within the Borough the Council will liaise with Productive Valley partners to help tenants stay within the Upper Lea Valley’.

6. The Cost of Retention and Relocation

- ‘The Applicant will work with and support businesses through the relocation process. This may include access to resources and some financial support and will be considered on a case-by-case basis.
- The Applicant is committed to providing the opportunity to existing tenants to relocate to the high quality modern industrial floorspace and will seek to take a flexible approach to assist businesses with the phased transition in to the new space’.

10.42 The draft BRRS also includes a table illustrating with the delivery of replacement floorspace would be staggered. This is to ensure that except for Phase 1 where demolition of all buildings means that all employment floorspace will be lost on a temporary basis whilst construction is underway, the overall employment floorspace will never fall below the existing site wide amount of 28,000sqm.

### Assessment of BRRS

10.43 This assessment builds upon the previous chapter regarding quantum of industrial floorspace to be re-provided, and now considers how that space will be delivered in accordance with policy and the Charter contained in the Masterplan Framework.

- 10.44 At reserved matters stage it will be important for the scheme to demonstrate that it is providing suitable business space (policy E2). For a replacement industrial unit to be suitable for an end user, the size, access arrangements and design and tenure need to align with business need. Some of the large floorplate premises currently occupied by existing industrial tenants should therefore be re-provided in Phase 2.
- 10.45 At reserved matters stage, it will also be important to balance the operational needs of industry, with the amenity expectations of residents (policies E5 & D13). Conditions should be used to restrict the use of land proposed for industrial uses to those uses only, as well as to support their continued operational capacity.
- 10.46 Reflecting the hybrid nature of the application, the Applicant's Business Relocation and Retention Strategy is in draft format only, with further details to be resolved at the stage of conditions and reserved matters.
- 10.47 The fundamental principles of the BRRS should be secured through the Section 106 Agreement in order to guide the details produced at condition and reserved matters stage.
- 10.48 Item 1 of the draft BRRS is affordable workspace and says that that 'details of the amount and rent levels will be agreed with LB of Waltham Forest and then covered by the s106 agreement'. As an alternative to on-site provision the council has secured £500k for affordable workspace, which is welcomed.
- 10.49 Item 2 within the draft BRRS says that 'the Applicant is planning to deliver the majority of new industrial floorspace in the first phase of the development and implement a net positive phasing strategy throughout the redevelopment process, to minimise the need for existing businesses to relocate more than once'. The combination of conditions and section 106 clauses will ensure that once phase one is complete there will be no net loss of industrial floorspace across all phases. Given the Applicant's representations on modifications to LP1 MM50, MM51 and MM56; and the absence of a minimum industrial floorspace in the description of development (D1); Development Specification (D10); and plans for approval, it is important that the key objectives of the 'Blackhorse Lane Charter: Retain Existing Businesses' be secured through a binding S106 Agreement.
- 10.50 Items 3 & 4 of the draft BRRS relate to engagement with existing industrial tenants. It is evident from the masterplan process that engagement has occurred, and this will continue. While some tenants have raised concern about their long-term future, this will be a matter of on-going discussion, engagement.
- 10.51 The 'collaborative relocation and retention process' referred to in item 5 of the draft BRRS needs to be developed further; the process for developing and agreeing a strategy for phase 1 and the subsequent phases will be secured through the section 106 agreement.
- 10.52 Item 6 of the draft BRRS relates to support with the cost of businesses having to relocate from the site, either on a temporary or permanent basis. Uplands House (home to the Big Creative Training Campus) is located in Phase 1 and will be permanently retained however, all other buildings will be demolished, including those containing workspace providers Switchboard Studios & Arbeit. The Heads of Terms in the Section 106 Agreement make an allowance of £500,000 for the re-provision of affordable workspace.
- 10.53 In short, although the draft BRRS is based on the principles within the



Masterplan Framework, it is limited in detail. The Section 106 agreement will require a detailed strategy to be approved by the Council, to ensure the Framework objectives are delivered.

- 10.54 Without adequate safeguards being secured through conditions, reserved matters and the Section 106 Agreement, the proposed development could result in displacement of existing businesses within the SIL. However, the conditions, reserved matters and (principally) the Section 106 Agreement will be used to secure the outcomes sought by the relevant planning policies, to enable the scheme to deliver a significant benefit.

## E. HOUSING

### Quantum of Proposed Housing

- 10.55 The London Plan supports the building of more homes through Policy GG4, which promotes the delivery of genuinely affordable homes and the creation of mixed and inclusive communities, with good quality homes that meet high standards. Policy GG2 requires development proposals to make the best use of land by enabling development on brownfield land well-connected by public transport and by applying a design-led approach to determine the optimum development capacity of sites.
- 10.56 The London Plan also supports increasing housing supply and optimising housing potential through Policy H1, which states that the potential for housing delivery on all suitable and available brownfield sites should be optimised.
- 10.57 The London-wide Strategic Housing Market Assessment (SHMA) 2017 sets out an overall housing need figure for London - some 66,000 additional homes per annum. The London Borough of Waltham Forest SHMA (2017) identified a borough-level housing need of 23,000 dwellings over the period 2015 to 2035. More recently, the LBWF document 'Housing Futures: A Decent Roof for All (Waltham Forest Housing Strategy 2019 – 2024) has identified a need to deliver 18,000 homes over the 10 years from 2019.

### Housing Tenure

- 10.58 London Plan (2021) Policy H4 sets a strategic target for 50% of all new homes delivered across London to be genuinely affordable. For surplus public sector land (such as the application site) the policy requires delivery of at least 50% of proposed units as affordable housing.
- 10.59 London Plan (2021) Policy H5 sets out the Mayor's threshold approach, explaining when viability testing and review mechanisms are required. In summary, applications relating to surplus publicly owned sites are required to justify (through viability testing) any proposals which would deliver less than 50% of units as affordable housing.
- 10.60 London Plan (2021) policy H6 relates to affordable housing tenure. In summary, the Policy states that affordable housing should be split as follows:

low-cost rented homes	30% (min)
Intermediate products	30% (min)
To be determined by the borough as low-cost rented homes or intermediate products based on identified need	40% (min)

- 10.61 The LBWF Affordable Housing and Viability SPD (2018) and LBWF Development Management Policies (2013) Policy DM3 'Affordable Housing provision' (2013) provide detailed guidance on affordable housing and viability. Policy DM3 states that:

'In accordance with policy CS2, the Council aims to provide 50% of new housing to be affordable, by:

A) seeking the provision of affordable housing within all residential developments in the borough. The Council will firstly seek this to be on site and secondly on a nearby site. Where this cannot practicably be achieved, the Council may accept an off-site payment-in-lieu;

B) applying deferred contributions to housing sites capable of providing 10 or more homes which propose less than 50% affordable housing;

C) seeking a tenure split of 60% social/affordable rented units and 40% intermediate housing units;

D) seeking the use of legal agreements in phased residential development to ensure that all parts or phases make appropriate provision of affordable housing; and

E) seeking affordable housing schemes to be 'tenure blind' to ensure homes across tenures are indistinguishable from one another.'

10.62 LBWF's draft new Local Plan Proposed Submission Document (Regulation 19), policy 14 seeks a different tenure mix, being 70% social rented and 30% intermediate housing.

10.63 The proposal involves the creation of 119 new Build to Rent (BTR) dwellings in Phase 1, comprising (D14, page 9):

- 12 x studio apartments (10%)
- 63 x 1-bedroom apartments (53%)
- 44 x 2-bedroom apartments (37%)

of which (35%) would be Discounted Market Rent, meeting the relevant criteria defined in the London Plan Annual Monitoring Report. Priority will be given to key workers living and working in Waltham Forest.

10.64 For Phase 2, the initial affordable housing offer was 35% (with the exact housing product unspecified). The Housing Delivery Assessment (D48 page 6) originally submitted with the application specified an overall amount of housing for the illustrative scheme in Phase 2 as 148,245sqm GEA / 1,502 dwellings / 3,946 habitable rooms.

10.65 Prompted by changes to fire safety regulations that now require tall buildings to have a second stair core, the applicant amended their proposal and the accompanying Financial Viability Appraisal (FVA).

10.66 The Financial Viability Appraisal addendum (D39) sets out three different scenarios for affordable housing in phase 2, with the outcome contingent on a series of viability reviews.

10.67 The changes in relation to housing tenure are:

- '35% discounted market rent within the Build to Rent scheme in phase 1.
- Phase 2 will be delivered over a 10 - 12-year period and will not start until Phase 1 is completed (which itself will take 3 years to build starting from late 2024 at the earliest). Therefore, the Applicant is not in a position where it can take forward a final affordable housing offer for phase 2 based on today's viability. Based on existing 2023 viability the applicant has sought to demonstrate that no affordable housing is

viable in the absence of GLA grant funding, and if delivering phase 2 now in the current economic climate would make the following offer:

- either 20% affordable housing, with a tenure split of 50:50; or
- 25% affordable housing, with a tenure split of 30:70 in favour of intermediate housing in phase 2.

However, the applicant expects financial viability to have improved by Phase 2 and will also be seeking GLA grant funding to deliver a greater proportion of affordable housing. Given it will be at least 4 years before Phase 2 commences construction, it is not eligible to access the GLA's existing affordable housing grant programmes, which would require a start on site by 2026. In the context of the site's unique and lengthy phasing and delivery timescales the amount of affordable housing would therefore be subject to robust Early, Mid and Late-Stage reviews and an additional review before the first Reserved Matters Application for Phase 2 (detailed planning that would be subject to future public consultation and Planning Committee consideration). This would be a total of 4 reviews, all to be secured through the S106 Agreement. These reviews would lock in a requirement for the applicant to work with the Council to maximise access to GLA grant funding, as well as require updated viability information to reflect actual values and costs that would be verified at the point of delivery. Details of the affordable housing offer are found on page 5 of the Applicants' amended Planning Statement, and within their amended Financial Viability Appraisal'.

- 10.68 A subsequent presentation to brief members on the proposed amendments was held on 05 September 2023 and included the following of affordable housing scenarios based on the illustrative phase two scheme:

Phase 2	Low-Cost Rent (no. of homes)	Intermediate (no. of homes)	Total Affordable (no. of homes)
Baseline at 20% <ul style="list-style-type: none"> <li>▪ 50% Low-Cost Rent</li> <li>▪ 50% Intermediate</li> </ul>	111	145	256
Baseline at 25% <ul style="list-style-type: none"> <li>▪ 30% Low-Cost Rent</li> <li>▪ 70% Intermediate</li> </ul>	83	252	335
Target			
35% (Subject to Grant) <ul style="list-style-type: none"> <li>▪ 70% Low-Cost Rent</li> <li>▪ 30% Intermediate</li> </ul>	285	158	443

- 10.69 It is noted that the total estimated number of dwellings in the illustrative scheme for Phase 2 was 1,635 in the Financial Viability Appraisal, then in the FVA Addendum 1,621 dwellings but referred to in the affordable housing offer as "up to 1,681 new homes".

- 10.70 The Applicant has agreed to use reasonable endeavours to secure Affordable

Housing Grant (or other public subsidy available to increase delivery of affordable housing) from the GLA the purpose of which is to maximise the amount of affordable housing to be delivered.

- 10.71 The affordable housing “products” are to comprise Low-Cost Rent (Social Rent or London Affordable Rent), and intermediate (including London Living Rent, Discounted Market Rent or Shared Ownership). The Applicant anticipates Social Rent will be delivered as it is required secure to grant funding from the GLA with a view to using such grant to maximise the delivery of affordable housing overall or increase the proportion of Low Cost Rented homes should viability allow. In the event grant is not secured the Applicant would deliver London Affordable Rent to support viability and deliverability of the scheme.
- 10.72 No registered Provider of affordable housing is known to be engaged with the proposal at this time.
- 10.73 As part of their assessment, the Council’s consultant BPS reviewed the draft FVA Addendum and 23 August asked the Applicant’s consultant Quod for clarification on some items. A response was received on 20 October 2023 (D49), following which BPS issued their Final Position Note (D50) on 01 November 2023, to which Quod issued a further response on 07 November 2023 (D51).
- 10.74 The GLA subsequently completed their own review of the FVA Addendum, taking into account the additional documents D49 & D50 by Quod and BPS respectively, and on 16 November issued their assessment (D52).
- 10.75 The GLA’s Assessment of Financial Viability (D52, page 3) concludes that although a scheme incorporating 35% affordable housing in phase 1 as Discount Market Rent and 20% affordable housing at an affordable housing tenure split of 50% low-cost rent and 50% shared ownership, produces a negative residual land value of -£84,701,925. Quod’s previous FVA (dated July 2022) adopted a Benchmark Land Value (BLV) of £173,160,000. This would suggest a deficit of approximately £257,860,000.
- 10.76 The GLA’s further assessment finds that:  
‘The conclusion of the Quod FVA is not considered to be a realistic or robust assessment of development viability. There are a large number of inputs/assumptions adopted in Quod’s FVA with which the GLA do not agree. In particular, the GLA have significant concerns in respect to the adopted benchmark land value and the approach to developer profit’.
- 10.77 Matters relating to affordable housing and viability review are contained within the S106 Heads of Terms. BPS have concluded that the scheme is producing a sizeable deficit and as such would provide the maximum reasonable affordable housing provision when assessed on a current day basis.
- 10.78 The details of the proposed review mechanisms will be key to ensuring that any improvement to viability will be secured to deliver increased affordable housing on site. Matters to be secured in the section 106 agreement will be the benchmark land value (evidenced through an updated valuation), developer return (based on similar large schemes), a lack of progress review and timing of each review. The section 106 will also need to deal with future phases potentially delivered as build to rent. Finally, the Council will need to ensure that a minimum of 20% affordable housing is delivered in each phase,
- 10.79 Given the provision of 35% affordable housing in phase one and the fact that phase two will not commence for at least 4 years and take around ten years to be delivered, it is accepted that viability based on current costs and values

presents a particular snap-shot that is not necessarily indicative of the future situation. The use of robust review mechanisms will ensure that any value uplift is captured. The affordable housing offer is therefore acceptable.

- 10.80 In terms of tenure split, the 20% offer weighted in favour of low-cost rent delivers numerically more low-cost rent homes than the 25% offer weighted towards intermediate products. Given that low cost rented homes meets the Council's priority needs the delivery of at least 111 low cost rented homes is welcomed and is the Council's preferred option.

## Housing Quality

- 10.81 The London Housing SPG contains standards for dwellings (policy 3.5, Part C), the standards and their associated policies are listed below, alongside of an assessment for compliance in Phase 1.

Housing SPG Standards	Proposal & assessment
8 & 9 - Entrance & Approach	<p>Block B1 contains a communal entrance lobby of 70sqm on the western elevation, directly visible and accessible from an access road (plans 19029-AAM-B_07_100 &amp; 19029-AAM-01-07_83).</p> <p>The entrance to Block B2 is located on the laneway to the rear of Uplands House, this would be less visible from Shakespeare Way and will need carefully considered design, lighting, and materials to make the entrance clearly identifiable from the commercial / industrial units on either side.</p> <p>At first floor level there is a link bridge between a residential lounge in Block B1 and Block B2, this would offer supplementary access to street level for residents in Block B2.</p> <p>The distance from the car park entrance to the lift lobby of Block B1 is less than 18 metres.</p>
10 – Active frontages	<p>Until such time as land on the opposite, western side of the access road (outside of the red line boundary and owned by the Romano Group) is redeveloped with an active frontage, overlooking of the public realm will be limited to an oblique view from the new dwellings within Block B1.</p> <p>Owing to the proposed commercial / industrial units at ground floor level and the ground floor windows at the rear of Uplands House, there could be some passive surveillance of the entrance to Block 2 however, there would be relatively few “eyes on the street” outside of business hours and within a useful sight line.</p> <p>For both phases, the development will however, increase footfall and upgrade the quality of the public</p>

	<p>realm, providing an overall increase in natural surveillance to publicly accessible spaces.</p>
11 - Access	<p>90 per cent of the new dwellings in Phase 1 should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulation requirement M4(3) 'wheelchair user dwellings.'</p> <p>LBWF's consultants CAE undertook an assessment of the Inclusive Design Statement prepared by Allies and Morrison (D4) and a design review of 5 dwelling types. The appraisal of external approaches, parking and communal areas (assessed above) did not form a part of the CAE review. Using a red, amber, green (RAG) system, the Category 2 – Accessible and adaptable dwellings, section 2B (D53), CAE found that in all instances the relevant criteria was green or yellow, meaning that where necessary, further details could be provided at condition stage.</p> <p>For the Access Design Appraisal – ADM Category 3 indicative dwelling unit layouts (D54), confirmation was requested as to the type of CAT3 dwellings type (accessible or adaptable). Eight red items were also flagged for further action.</p>
12, 13, 14, 15 & 16 – Shared circulation	<p>The cores in Blocks B1 and B2 are each accessible to less than eight units and therefore comply with standard 12.</p> <p>Access control systems (standard 13) can be addressed at condition stage.</p> <p>Dwellings in Block B1 do not comply with standard 14 as they are accessed by an internal corridor that does not contain a source of natural light or ventilation, Block B2 does however comply with standard 14 as all dwellings have (enclosed) deck access.</p> <p>Only Block B1 contains dwellings entered at or above the seventh-floor level, and it has been amended throughout the course of the application to contain two lifts, thereby complying with standard 15.</p>
Standard 17, 18, 19 – Car parking	<p>The proposal meets the maximum parking allowances described in standard 17 by only offering blue badge parking spaces,</p> <p>Planning conditions will ensure that standard 18 is met by each designated wheelchair accessible dwelling having a car parking space that complies with Part M4(3). The siting and organisation of car parking in Phase 1 does not negatively affect the use and appearance of open spaces and therefore complies with standard 19.</p>
20, 21 – Cycle storage	<p>Plan 19029-AAM-B-07_100 shows that at ground level, Block B1 has 38 Sheffield cycle stands, and 9 cargo bike stands – with a total capacity for 85 bikes,</p>

	<p>it also has 116 x two tier stands and 16 Sheffield bike stands at mezzanine level that are accessible via a platform lift – bringing the total cycle parking provision for Block B1 to 349.</p> <p>Block B2 contains 22 x two tier bike stands (total capacity 44 bikes), plus 2 cargo bike stands, and 11 Sheffield bike stands – with a total capacity of 57 bikes. Based on unit type, the total cycle parking provision required for Block B1 is: 99 and for Block B2 40, therefore the proposal exceeds standard 20. Furthermore, the design of the communal cycle storage facilities in both blocks meets standard 21.</p>
22, 23 Refuse & recycling facilities	<p>Blocks B1 &amp; B2 each have refuse &amp; recycling facilities that are accessible from the ground floor lift lobby, with secondary. Each bin store has external access for refuse collection on the northern elevation, enabling direct access from Goldsmith Street, with a drag distance of less than 10 metres. The Waste Management Strategy (D17, page 16) confirms that the bin stores will be designed to British Standard BS5906:2005 'Waste Management in Buildings – Code of Practice', thereby complying with standard 23. standards.</p> <p>Further details on refuse and recycling matters, including for non-residential uses, are assessed in section J of this report chapter, plus in the Design and Access Statement (D4), and Delivery and Servicing Management Plan (D42).</p>
24 – Dwelling space standards & 25 – Functional dwelling space requirements	As evidenced by the floorplans, the dwellings in Phase 1 meet nationally described space standards and are able to accommodate the functional requirements of Approved Document Part M, thereby meeting standards 24 & 25 of the Housing SPG.
26, 27 – Private open space	Each dwelling in Phase 1 has a minimum of 5sqm private outdoor space, and all balconies have a minimum depth and width of 1500mm.
28 - Privacy	<p>The first floor of Block B2 is directly opposite the rear windows of Uplands House, however an internal access deck provides screening and bedrooms placed on the opposite, western side of the block.</p> <p>There is sufficient distance between blocks B1 &amp; B2 to afford privacy to residents. At first floor level, private balconies for dwellings in Block B2 provide stand-off distance from the communal open space of the podium.</p>
29 – Dual aspect	Phase 1 contains 10 dwellings that could be considered single aspect as the openable windows on the eastern side are located within an enclosed area of deck access. However, the fenestration of the eastern façade of Block B2 and lower building height of Uplands House, means there should be sufficient



	daylight and ventilation for these to have some of the attributes of a dual aspect dwelling. All of the remaining dwellings in B1 and B2 have either a triple, corner, or angled dual aspect.
30 - Noise	In Block B1 the communal corridor wraps around a lift shaft at the centre of the building core, meaning that none of the dwellings are adjoined to it. In block B2, at each level, the dwelling to the north of the lift shaft has a low risk of noise transfer, mitigated by arranging the lounge room on the opposite side of the wall. As such, Phase 1 is considered to comply with Standard 30.
31 – Floor to ceiling heights	All dwellings in Blocks B1 and B2 have floor to ceiling heights of at least 2.5m, meeting the requirements of Standard 31.
32 – Daylight & sunlight	All of the proposed dwellings in Phase 1 will provide for direct sunlight to enter at least one habitable room for part of the day, meeting standard 32.
33 – Air quality	The Applicant has submitted an Air Quality Positive Statement (D21) and should therefore meet standard 33.
34 – Environmental performance	A condition is to be applied for the dwellings to achieve not less than Home Quality Mark 4 stars.
35 – Energy & CO2	Standard 35 sets a target for development proposals to meet minimum carbon reduction targets of zero carbon in 2016 – 2036. Phase 1 was submitted prior to the Part L 2021 legislation and therefore only the 2013 Building Regulations apply – these seek a 35% reduction in CO2 emissions, and although residential element is forecast to achieve a 58% reduction, it is disappointing not to see greater ambition in carbon reduction.
36 - Overheating	There is no single aspect, south facing dwellings proposed in Phase 1 and all dwellings have openable windows and doors to balconies that will aid natural ventilation, reducing the risk of overheating.
37 - Water	Conditions will require all dwellings to install water efficient devices, the development should also look to explicitly incorporate blue roofs to harvest rainwater for reuse.
38, 39 - Flooding and drainage	As explained in sections J & L of this chapter, the proposed scheme incorporates flood resilience measures including Sustainable Urban Drainage Systems (SUDS) and therefore complies with standards 38 & 39.
40 - Ecology	As explained in section K of this chapter, the ecological value of the existing site is limited but forecast to improve as a result of the proposal.
41 – Design process	A condition will be included, requiring submission of a detailed circular economy strategy.

10.82 The proposed housing in Phase 1 demonstrates a good level of compliance with the London Housing SPG.

- 10.83 The illustrative scheme (Phase 2) is not yet at a level of detail where the quality of housing can be assessed against London Housing SPG standards however, the Design Guidelines give appropriate direction for the reserved matters stage. Matters covered within the Design Guidelines (D9) include dual aspect homes and security of residential lobbies.

#### Conclusions

- 10.84 Taken together, the two phases of the proposed development could yield up to 1,800 dwellings – this would make a significant contribution to the Council's housing needs as identified in the SHMA (2019).

## F. DESIGN

### Urban Design – Overview

10.85 In terms of design of the built environment, the National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. London Plan Policy D3 (Optimising site capacity through the design-led approach) is concerned with good quality and contextual design and states, inter alia, that developments should:

‘Enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.’

10.86 The London Plan Policy D3 also states developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well. Furthermore, London Plan Policy D4 (Delivering Good Design) expects the design of development proposals to be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.

### Design Review Panel

10.87 During pre-application stage, two Design Review Panel (DRP) sessions, led by the Design Council, were held on the 24<sup>th</sup> February 2021, and 05<sup>th</sup> October 2021.

10.88 At the first pre-application meeting, the proposed scheme was described as re-providing 30,000sqm existing industrial floorspace, plus up to 2,000 new homes. Visualisations of the proposed development were provided but did not specify building heights. Subsequent comments provided by the DRP included:

“The panel is yet to be convinced that the site can support the quantum of development currently proposed and are concerned that such a high quantum might put undue pressure on amenities. The panel also recommends that height and massing is re-examined throughout the scheme, with a particular focus on the tall buildings proposed to the South of the site. Tall buildings can have a negative impact on the feeling of place, and the panel encourages the design team to strike a better balance between the emerging context of tall development in the local area and the general experience and well-being of residents and community members.

This is a complex scheme which integrates multiple uses for a diverse set of stakeholder groups. A strong sense of place will be required to successfully

bring these different strands together and the panel welcomes the placemaking aspirations expressed by the design team. However, it is important that the scheme considers the area beyond the red line. With that in mind, the panel recommends that the design team gives greater consideration to how the scheme can integrate with the wider area and how it can support the needs of the local community.”

- 10.89 At the second pre-application meeting, a scheme was presented with 119 dwellings in phase 1 and 1,650 dwellings in Phase 2 with buildings up to 38 storeys in height. The panel provided the following comments as part of their review:

“Overall, design development has been positive, especially as a result of redistributing the massing, which has unlocked space for a more generous public realm, as appropriate for a scheme of this size. However, we think that the building heights should be reduced further to resolve some of the remaining issues such as microclimate and useability of the public realm as well as lack of human scale at street level throughout the scheme.”

“The scheme has greatly improved since the last Design Review, mainly due to the relocation of taller elements which has allowed for a much more generous public waterfront park. However, whilst we acknowledge the need for housing, we are concerned that the density proposed here has led to height and massing that is currently compromising the quality of the public realm. The project team ought to be optimising, not maximising, the site to find the right balance between delivering housing and industrial space alongside a high-quality public realm and necessary amenities and infrastructure required to support the housing and surrounding communities.”

### **Urban Design – Assessment**

- 10.90 Council Urban Design Officers have reviewed the proposal and provided the following comments on site layout; form and massing; architecture and materials; internal layout / quality of accommodation; landscape and play.

### **Site Layout**

#### **Detailed Application**

- 10.91 Both blocks are considered appropriate in relation to site layout, as they help to reinforce the principles outlined in the masterplan. They address the street frontage of Blackhorse Lane in a positive way, and create streets that are legible and coherent in design terms.
- 10.92 The east-west connection between Blackhorse Lane and the wider site is crucial, and so the interface of the proposal to Blackhorse Lane at Goldsmith Street and Shakespeare Way is considered to be of the utmost importance. It is welcome therefore, that these streets are active and of high quality, with improved public realm and active uses at ground level.

Outline Application

- 10.93 The Proposal's intended block layout is considered appropriate, and is considered to work well with the various constraints on the site, such as the Thames Water Spine Tunnel and the required accessing arrangements.
- 10.94 The diagonal pedestrian route encompasses new public spaces with distinctive characters, as well as providing new open space at the heart of the scheme. The building line is set back on the west of the site in order to offer a new public space and provide a buffer to the Walthamstow Wetlands. This helps to mitigate the proposed height of the proposed taller elements.
- 10.95 The block structure helps to organise the proposal and create clearly legible streets, that help to bring a coherent urban grain to the site, more closely referencing the urban grain in the wider context and creating a positive urban environment.
- 10.96 A key consideration is how the edge of the site to the south and the north will relate to its neighbouring context, outside of the site boundary. This is considered to correspond successfully with Masterplan Stage 2B, as the proposals allow for new active frontages to be incorporated when surrounding sites come forward.

Figure 8: Hybrid Application Proposed Site Layout



## **Form and Massing**

### Detailed Application

- 10.97 The proposed scale and massing of Block A is considered to be acceptable in design terms, it is of an appropriate scale and height, as outlined in the Phase 2 masterplan for the area. The proposal is in keeping with the scale and massing of the neighbouring school building, which appears comfortable in views from within the school courtyard. The buildings step down in scale towards Blackhorse Lane, in order to relate more closely to the context of the adjacent character to the east, whilst helping to improve the edge condition to the streetscape, helping to bring activity and a sense of safety to the streetscape.
- 10.98 Block B is composed of two elements, B2 to the west, behind Uplands House, and B1 which has a taller residential element. The proposal is considered to qualify as a Tall Building, as outlined in the draft LP1 Policy 57. The proposal is considered to transition effectively from the lower scale of Blackhorse Lane, and the Uplands House building, to more height towards the centre of the site, in keeping with the Masterplan. The proposal is considered to comply with the additional design considerations required by the policy as it is of a high-quality design and has good provision of public realm at street level. Wind mitigation has been achieved through an appropriate design of the soft landscaping proposals, as referenced in the Wind Microclimate chapter of the ES.

### Outline Application

- 10.99 The proposed height strategy across the site is considered to be acceptable. The proposals are developed in accordance with the Skyline Study and are considered to comply with Policy 57 – Taller and Tall Buildings in the emerging Local Plan (LP1) as the site is located within a Strategic Location and is an opportunity site.
- 10.100 The proposal helps to co-ordinate and cluster heights with recently completed and planned developments nearby, it is appropriately located nearby local transport links, and forms a wayfinding landmark to the cultural and creative uses and businesses in the Creative Enterprise Zone (CEZ).
- 10.101 The proposals have been developed to include tall buildings, ranging in height from 72.4m AOD, 110m AOD & 145m AOD. This has been developed to create gaps between the scheme's tall buildings, helping them to be read as separate forms in the skyline, which is considered successful. The arrangement and layout of the massing, helps to create a coherent cumulative skyline against the reservoir setting. As the townscape and heritage visual impact assessment (THVIA) confirms, in many key views from the east and the west, the proposal has a distinctive hierarchy to height, and allows for a composition of taller buildings that do not read as a wall of development.
- 10.102 The new open spaces that are provided in proximity to the tall buildings are considered to mitigate the impact of these tall buildings and help to ensure a positive environment at ground level.
- 10.103 The wind impacts of the tall buildings are largely suitable for strolling and walking in the windiest of conditions, as outlined in the microclimate study. This is shown without any soft landscaping and no additional mitigation measures. However, additional wind measures can be introduced during the detailed RMA for the site in order to ensure an appropriate and comfortable environment for pedestrians, which is welcome and considered acceptable at this stage. As the

detailed design of these buildings comes forward in more detail, further wind mitigation can be introduced.

- 10.104 Another positive aspect of this approach is the increased amount of public space that is delivered through the ground floor of the site. The location of height next to new public open spaces helps to offset the impact of the proposed height. The proposed public realm also helps to unlock views across the adjacent reservoirs and wetlands, helping to give a better visual connection and appreciation of this environment.

## **Architecture and Materials**

### Detailed Application

#### Block A

- 10.105 The proposed architectural language of the industrial Block A of Phase 1 is considered to be appropriate and of a high quality. This building has a legible industrial character, due to the ratio and scale of glazing, with an emphasised horizontality which is considered acceptable and appropriate for the context.
- 10.106 It is acknowledged that due to the level change along Goldsmith Street, there is a resulting blank façade. The provision of additional glazing here would likely compromise the use of the industrial space internally. Instead, this frontage is proposed as a biodiverse green wall which is considered appropriate and helps to further reinforce and enhance any future route towards the wetlands from the east, helping to encourage use of the new open spaces proposed as part of the outline application, from residents further afield to the east. The opposite side of the street is activated with fenestration, which helps to provide a sense of safety and activation.
- 10.107 The proposed materiality is considered to be of a high quality as it reinforces the industrial character of the block, as well as using robust materials – which are detailed well. The level of drawings provided at this stage is well developed and helps to ensure that a scheme of exemplar design quality can be delivered.
- 10.108 It is positive that the proposal is ambitious and incorporates high-quality materials and detailing with the bookend elements. A key successful aspect of the project is that the expressed vertical language found in many areas of the design.
- 10.109 This scale and presence of the proposal, paired with the boundary proposals to Blackhorse Lane helps to repair the urban condition on the eastern edge of the site, which is positive.
- 10.110 The scale and proportionality of the window openings work well and reflects the use of the building.
- 10.111 The proposed materiality and architectural language is considered to be acceptable in design terms. It is positive that this reflects the existing and emerging character of the area, and helps achieve a characterful and character-led design proposal.
- 10.112 The internal elevations have a coherent and well-designed elevation, which helps to achieve a coherent architectural language.
- 10.113 It is important that full bricks are specified, and a 1:20 section through the primary facades should be provided as part of a condition in order to ensure



this quality is retained in line with draft Policy 56 (S.) of LP1.

#### Block B

- 10.114 Whilst the architectural language and detailing of block B1 is considered to be of a high quality and acceptable in design terms, it is considered that the western elevation of Block B2, facing Blackhorse Lane, requires further revision.
- 10.115 The white concrete used in block B2 is considered to stand out too much and reads too literally as a reference to the window frame colour of Uplands House in the foreground. In fact, the accented stone of Uplands House has aged to make the contrast between brick and stone more subtle, something that the current proposal would benefit from. The white also fails to tie into the architectural language and tones of accent balconies and window frame colours found elsewhere in Block B1, which makes it appear incongruous and somewhat disjointed. A more muted reddish terracotta tone would be considered more appropriate, as it will help to tie in the highlighted elements to the Metalwork found elsewhere on the block (RAL 3009 or similar). Ideally this won't be as bright and eye-catching as the white is at present. A positive precedent of this is Henley Halebrown's Taylor Court & Chatto Court scheme, where the concrete columns and balcony units help to compliment the brick with a level of subtlety.
- 10.116 Further detail on the proposed soffit material of the balcony for Block B2 is required, as these will likely be prominent in views from Blackhorse Lane.

#### Outline Application

- 10.117 The proposed Design Guidelines offer a comprehensive and high-quality set of design guidelines to inform future detailed applications on the site. The design guidelines are considered appropriate to secure exemplar design as part of future reserved matters applications (RMA's). There is a focus on quality materiality and detailing, as well as guidance on how future proposals should relate to their climatic conditions and be formed to help mitigate potential wind impacts at ground level.

#### **Internal Layouts/Quality of Accommodation**

##### Detailed Application

- 10.118 The proposed internal layout and quality of accommodation of Block A is of a high quality and corresponds with the industrial use.
- 10.119 The proposed internal layout and quality of accommodation of Block B is of a high quality and corresponds with the mixed-use residential use. The entrance lobbies are well defined and inviting. The circulation method for block B2 is particularly positive, given it provides outlook and a visual connection to Blackhorse Lane due to the proposed gallery access to homes. The mews separating Uplands House from Block B2 is considered to be appropriate and helps to provide an active and lively character, which will help activate the streetscape on both Shakespeare Way and Goldsmith Street.
- 10.120 The proposed core of block B1 is considered to be of a high quality, and the location of corresponding private external amenity spaces across block B are considered to be appropriate in design terms. The layout is informed by an

analysis of sensitivity to the corresponding edges, relating to outlook and the individual units are considered to be acceptable in design terms.

#### Outline Application

- 10.121 The Design Guidelines provide the framework for achieving high quality and appropriate quality of accommodation for both industrial and mixed-use residential uses within the site. Guidance is also provided regarding the appropriate design and placement of bin and bike storage, as well as balcony location and type, which will help to give coherence and quality across the development. The guidelines also give clarity on the expectations for residential lobbies to ensure they are welcoming and inviting spaces for residents.

#### **Landscape & Play**

##### Detailed Application

- 10.122 The proposed potted plants in the Block A lightwell are not considered appropriate, as these should be integrated to the ground, rather than this more temporary character.
- 10.123 More detail of the proposed play to Block B Podium Garden would be useful, as the play provision is lacking in detail at present.

##### Outline Application

- 10.124 The design guidelines related to play are considered to ensure that high quality design can be achieved and that natural play is prioritised across the site.
- 10.125 An additional design guideline should be considered in regards to the intended boundary treatment between the proposal and the Dagenham Brook. This is an important boundary as it is integral in forming an appropriate relationship between the Wetlands Waterside and the Brook. Further detail is required in order to ensure this boundary is adequately designed, including using a robust material, of an appropriate colour and height to ensure visual connection with the water.

#### **Urban Design - Conclusion**

- 10.126 The bulk, scale and massing of the proposal is considered acceptable in design and townscape terms, given its status as a draft site allocation in LP2 and the fact it is identified as a site of transformation.

## **G. IMPACT ON NEIGHBOURING AMENITY**

### **Daylight & Sunlight**

- 10.127 The Development Plan contains policies, which seek to appropriately safeguard the amenities of residential occupiers when considering new development.
- 10.128 Policy D6 of the London Plan (2021) states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.
- 10.129 Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013) seeks to ensure that the impact of new development on neighbouring amenity would be acceptable in terms of outlook and privacy, as well as in relation to daylight, sunlight, and overshadowing.
- 10.130 Emerging Local Plan LP1 Policy 59 states that new development should respect the amenity of existing and future occupiers, neighbours and the surrounding area by avoiding harmful impacts from overlooking, enclosure and/or the loss of privacy, outlook and daylight / sunlight to adjacent residential properties.
- 10.131 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) Guidelines are adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.132 The properties identified by the applicant team as requiring consideration for daylight and sunlight are listed below:
- Eden Girls' School Waltham Forest;
  - 101 to 115 Blackhorse Lane (odd numbers);
  - 116 to 146 Blackhorse Lane;
  - 148 to 222 Blackhorse Lane (even numbers only);
  - 224-238 Blackhorse Lane;
  - 240 Blackhorse Lane;
  - 145 Black Horse Lane (1 to 5 Curve Court);
  - 1 to 5 St. Andrews Road (odd numbers only);
  - 77 Shakespeare Road;
  - 2 Goldsmith Road; and
  - 1-3 Uplands Avenue.
- 10.133 The amenity areas identified by the applicant team as requiring consideration for overshadowing are listed below:
- Eden Girls' School Waltham Forest;
  - 103 to 145 Blackhorse Lane (odd numbers only); and
  - 1 to 3 Uplands Avenue.
- 10.134 In addition to the amenity areas, Walthamstow Reservoirs have been included within the transient overshadowing assessment.

**Daylight to existing neighbours**

- 10.135 The results show that when assessed against the baseline, 33% of the windows assessed would meet the BRE Guideline criteria for VSC and 86% of the rooms assessed would meet the BRE criteria for NSL.
- 10.136 The effect of the Development upon the daylight to these properties are considered to be negligible (not significant):
- 240 Blackhorse Lane;
  - 1, 2 and 5 St Andrews Road;
  - 77 Shakespeare Road; and
  - 2 Goldsmith Road.
- 10.137 The effect of the Development upon the daylight amenity to a property is considered to be minor adverse where:
- Despite minor VSC alterations to the windows serving a room, the NSL alteration to the room is fully BRE Guideline compliant; or
  - Despite VSC alterations great then minor to the windows serving a room, the retained VSC value is over 20% and the NSL alteration to the room is fully BRE Guideline compliant.
- 10.138 The properties that meet the above criteria and therefore experience a minor adverse (not significant) effect are as follows:
- 101 Blackhorse Lane;
  - 116 to 182 Blackhorse Lane (even numbers only);
  - 186 Blackhorse Lane;
  - 194 Blackhorse Lane;
  - 202 Blackhorse Lane;
  - 206 to 210 Blackhorse Lane (even numbers only);
  - 212 Blackhorse Lane;
  - 214 Blackhorse Lane; and
  - 2 Uplands Avenue.
- 10.139 The remaining properties are assessed as follows:
- Eden Girls School minor adverse (not significant);
  - 103 Blackhorse Lane minor adverse (not significant);
  - 105 Blackhorse Lane minor to moderate adverse (significant);
  - 107 Blackhorse Lane minor adverse (not significant);
  - 109 Blackhorse Lane moderate adverse (significant);
  - 111 Blackhorse Lane moderate to major adverse (significant);
  - 113 Blackhorse Lane minor adverse (not significant);
  - 115 Blackhorse Lane minor to moderate adverse (significant);
  - 117 Blackhorse Lane minor to moderate adverse (significant);
  - 119 Blackhorse Lane minor to moderate adverse (significant);
  - 121 Blackhorse Lane moderate adverse (significant);
  - 123 Blackhorse Lane moderate adverse (significant);
  - 125 Blackhorse Lane minor to moderate adverse (significant);
  - 127 Blackhorse Lane minor to moderate adverse (significant);
  - 129 Blackhorse Lane minor to moderate adverse (significant);
  - 131 Blackhorse Lane moderate adverse (significant);
  - 133 Blackhorse Lane minor to moderate adverse (significant);

- 135 Blackhorse Lane minor to moderate adverse (significant);
- 137 Blackhorse Lane minor to moderate adverse (significant);
- 139 Blackhorse Lane minor to moderate adverse (significant);
- 141 Blackhorse Lane minor to moderate adverse (significant);
- 143 Blackhorse Lane minor to moderate adverse (significant);
- 145 Blackhorse Lane, 1 to 5 Curve Court minor to moderate adverse (significant);
- 184 Blackhorse Lane minor adverse (not significant);
- 188 Blackhorse Lane minor adverse (not significant);
- 190 Blackhorse Lane minor adverse (not significant);
- 192 Blackhorse Lane minor adverse (not significant);
- 196 Blackhorse Lane minor adverse (not significant);
- 198 Blackhorse Lane minor adverse (not significant);
- 200 Blackhorse Lane minor adverse (not significant);
- 204 Blackhorse Lane minor adverse (not significant);
- 216 Blackhorse Lane minor adverse (not significant);
- 218 Blackhorse Lane minor adverse (not significant);
- 220 Blackhorse Lane minor adverse (not significant);
- 222 Blackhorse Lane minor adverse (not significant);
- 224-238 Blackhorse Lane minor adverse (not significant);
- 1 Uplands Avenue minor adverse (not significant); and
- 3 Uplands Avenue minor adverse to moderate adverse (significant).

### **Sunlight to existing neighbours**

10.140 The potential sunlight effects to existing properties from the development has been assessed against the baseline conditions for APSH. The results show that 86% of windows assessed for annual sunlight and 88% for winter sunlight would meet the BRE Guideline criteria.

10.141 The properties that show full BRE compliance for both the annual and winter sunlight against the baseline and which would satisfy the BRE Guidelines are not listed here. The effect of the proposal upon the sunlight to the following properties is considered to be negligible (not significant):

- 101 Blackhorse Lane;
- 116-186 (even) Blackhorse Lane;
- 190-196 (even) Blackhorse Lane;
- 200-218 (even) Blackhorse Lane;
- 222 Blackhorse Lane;
- 240 Blackhorse Lane;
- 1 and 2 St. Andrews;
- 77 Shakespeare Road;
- 2 Goldsmith Road;
- 2 Uplands Avenue; and
- Eden Girls School.

10.142 The effect of the proposal upon the sunlight amenity to a property is considered to be minor adverse where:

- Despite sunlight alterations, the winter sunlight is either a small absolute change of 1% or retains a winter sunlight of 4% with the annual sunlight either fully BRE Guideline compliant or retains an annual sunlight of over 19%.

10.143 The properties that would meet these criteria and experience a minor adverse (not significant) effect are as follows:

- 103 Blackhorse Lane;
- 113 Blackhorse Lane;
- 143 Blackhorse Lane;
- 188 Blackhorse Lane;
- 198 Blackhorse Lane;
- 220 Blackhorse Lane;
- 5 St Andrews Road;
- 1 Uplands Avenue; and
- 3 Uplands Avenue.

10.144 The results of the remaining properties that do not meet the above criteria are listed and discussed in further detail below.

- 105 Blackhorse Lane minor to moderate adverse (significant);
- 107 Blackhorse Lane moderate adverse (significant);
- 109 Blackhorse Lane moderate to major adverse (significant);
- 111 Blackhorse Lane moderate to major adverse (significant);
- 115 Blackhorse Lane moderate to major adverse (significant);
- 117 Blackhorse Lane moderate adverse (significant);
- 119 Blackhorse Lane moderate adverse (significant);
- 121 Blackhorse Lane moderate adverse (significant);
- 123 Blackhorse Lane moderate adverse (significant);
- 125 Blackhorse Lane moderate adverse (significant);
- 127 Blackhorse Lane moderate adverse (significant);
- 129 Blackhorse Lane moderate adverse (significant);
- 131 Blackhorse Lane moderate adverse (significant);
- 133 Blackhorse Lane moderate adverse (significant);
- 135 Blackhorse Lane minor (not significant);
- 137 Blackhorse Lane moderate adverse (significant);
- 139 Blackhorse Lane moderate adverse (significant);
- 141 Blackhorse Lane moderate adverse (significant);
- 145 Blackhorse Lane, 1 to 5 Curve Court minor adverse (not significant);  
and
- 224 to 238 Blackhorse Lane minor adverse (not significant).

10.145 Both the NPPF and the Mayor's Housing SPG highlight the need for flexibility when considering daylight/sunlight. The residual levels of daylight/sunlight are considered acceptable in an urban location where development has been planned through a master planning exercise.

### **Overshadowing**

10.146 The potential overshadowing effects of the proposal on surrounding amenity areas has been carried out.

10.147 The sun hours on ground results show that, except for 115 Blackhorse Lane, all amenity areas assessed would meet the BRE Guidelines. The effect on these amenity areas is negligible (not significant).

10.148 Whilst the results for 115 Blackhorse Lane demonstrate a major alteration,

35% of the area would receive 2 hours of sunlight on March 21st, which is reasonable for an urban location. The effect of the Development on this property is moderate adverse (significant).

- 10.149 In relation to 113 Blackhorse Lane, whilst this area does not receive 2 hours of sunlight to 50% of its area, there is no change from the baseline condition and therefore, the effect on this amenity area is negligible (not significant).
- 10.150 The detailed reserved matters for the Outline part of the proposal will need to comply with and be controlled by the Design Guidelines and further daylight, sunlight and overshadowing assessments. This means that the eventual detailed developments within Outline part will not necessarily be built out to the full extent of the maximum parameters in all instances. Residual daylight, sunlight and overshadowing effects will be further assessed at the future reserved matters stage for the Outline part of the proposal.

### **Overlooking**

- 10.151 The proposed residential, industrial and commercial development in Phase 1 is not immediately adjacent to any residential land uses.
- 10.152 In Phase 2 there is sufficient physical distance, and adequate provision within the Design Guidelines to mitigate the risks of overlooking of existing private outdoor amenity space and habitable room from proposed Blocks C, E & K.
- 10.153 The proposed development is considered to meet the objectives of policy DM32 with respect to overlooking.

### **Noise & Disturbance**

- 10.154 Noise and disturbance is often most acute during the construction stage of a development and whilst construction impacts arising from a development are not on the whole a material planning consideration, a number of residential occupiers residing in properties neighbouring the site have raised concerns about the impacts on their lives from demolition and construction.
- 10.155 London Plan policy D14 (A) says that in order to reduce, manage and mitigate noise to improve health and quality of life, residential development proposals should manage noise by:
- ‘Mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses’.
- 10.156 During construction works, existing residents surrounding the site and those living within completed phases of the development are likely to experience elevated noise levels. Potential construction phase noise and disturbance impacts are explained in the Outline Construction Logistics Plan (D16), chapter 6 of the Environmental Statement (D11), and Construction Method Statement (D43). Construction will result in noise, disturbance, dust and vibration impacts, all of which can be minimised if managed properly. The implementation of noise and vibration control and management measures, secured by condition, will help to reduce the likelihood of noise disturbance to occupants of these properties.
- 10.157 At operational stage, the proposed development will be designed to avoid significant adverse noise impacts on health and quality of life, including whilst balancing the need for industrial land uses to continue being able to operate

from the site, firstly from existing buildings, and then replacement units.

10.158 Overall, and for the reasons explained above, the proposal is considered to meet London Plan policy D14; and policy DM24.

**Amenity impacts – Conclusion**

10.159 Subject to the submission of acceptable details at reserved matters stage and through conditions, the application is considered to be acceptable and in accordance with London Plan policy D6 and policy DM32.



## H. HERITAGE

### Significance of Area and Buildings (Heritage)

- 10.160 The Council is under statutory duties contained within sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to grant permission only to applications which preserve or enhance listed buildings, their settings and conservation areas.
- 10.161 The National Planning Policy Framework (2023) provides a range of policies relating to heritage protection at paragraphs 189 to 208. The Council has considered the proposed development in relation to these policies and particularly Paras 199 to 208.
- 10.162 Policy HC1 of the London Plan (2021) require that development preserves or enhances the character of designated heritage assets.
- 10.163 The TVHIA provided demonstrates the expected impacts to heritage assets within a 1km radius. These include;
- Warehouse on Site (GLHER)
  - Ferry Boat Inn (Grade II Listed)
  - Bridge over River Lea (Locally Listed)
  - The Marine House Pumping House (Locally Listed)
  - No 108 Edward Road (Locally Listed)
  - Rodi Café (Locally Listed)
  - Blackhorse Road Station (GLHER)
  - Lloyd Park Conservation Area
- 10.164 The impacts of the proposed development on these heritage assets are considered as follows as required by the above identified legislation and policy.
- 10.165 Warehouse on Site (GLHER) - The significance of this site lies in the historic interest due to its use as a dyeing and cleaning works during the first world war. The architectural interest is very limited as the fabric has undergone a large amount of change over time – much of the original fabric has been lost. The proposal would require the loss of the host building, however as industrial uses will again be provided as part of the application, it is considered that this would not cause harm to the significance of the non-designated heritage asset.
- 10.166 Ferry Boat Inn (Grade II Listed) - The significance of The Ferry Boat Inn lies in its architectural interest as an early Georgian coaching inn, with sash windows and tiled pitched roof. The site also has historical interest due to its location on the old east-west route into London. The setting of the asset is enhanced by the Coppermill Stream and the River Lea which run either side of the pub. As the proposal is located to the north-east of the site at some distance away, it is not considered that the proposal has any impact on the significance or setting of the asset.
- 10.167 Bridge over River Lea (Locally Listed) - The significance of the bridge is primarily associated with its historic function as an important crossing point over the bridge. The wider setting has undergone significant change since its construction and does not contribute to the significance of its setting. As a result, the proposal is not considered to impact the significance or setting of this locally listed building.
- 10.168 The Marine House Pumping House (Locally Listed) - The significance of the pumping house is its architectural interest as a piece of Victorian utilitarian architecture. The upper part of the chimney stack has recently been rebuilt. There is also historic significance due to its historic industrial function. The site

is now a museum and visitor centre to the wetlands. The immediate setting within the Walthamstow Wetlands contributes to its significance as it relates to its historic relationship between the function and the nearby location of the reservoirs. The proposal is not considered to impact the significance or setting of the asset, due to its distance from the locally listed building.

- 10.169 No. 108 Edward Road (Locally Listed) - This asset's significance derives from the ornate façade at ground level and its historic significance as an off license within a residential setting and association with the Truman Brewery. The proposal is not considered to impact the significance or setting of the asset as it is not visible in longer views.
- 10.170 Rodi Café (Locally Listed) - The significance of this asset is derived from its historic use as a café since 1925, as well as its interiors which are well preserved. The asset's significance is also derived from its location within a Victorian terrace. The surrounding context is typified by variations in scale to the west. As a result of the proposal being located approximately 400m to the northwest, it is not considered to cause any harm to the significance or the setting of this locally listed building.
- 10.171 Blackhorse Road Station (GLHER) - The significance of this asset is related to its architectural interiors and the mural on the front of the station entrance. The proposal is not considered to affect the significance or the setting of the asset due to its distance from the asset.
- 10.172 Lloyd Park Conservation Area - The Lloyd Park Conservation Area was designated in September 2015. The conservation area is compact and self-contained and is a high quality and largely intact example of one of the early phases of Warner Estate development. They are distinctive and of a high quality. Although longer views in and out of the Conservation Area are limited, when considering the impact of the proposals on the character and setting of the Conservation Area, the proposal is most visible in views along Winns Avenue facing west. Although there is some backdropping to the northern terrace of Winns Avenue, it is considered that this adequately preserves the character of the Conservation Area due to the distance from the terrace. Therefore, any backdropping contributes to a distant skyline which is considered to be appropriate in an urban setting. As a result, the proposal is not considered to cause harm to the setting or the significance of the Conservation Area.

#### Heritage Conclusion

- 10.173 It is therefore considered that, since there is no identified harm, the policy tests relating to substantial and less than substantial harm to designated heritage assets in NPPF paragraph 201 and 202 are not engaged. It is also considered that, since there is no identified harm, the balancing act required in relation to non-designated heritage assets in NPPF paragraph 203 is not engaged.
- 10.174 Therefore, it is considered that the Council has discharged its duty in relation to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that the proposals preserve and enhance the Lloyd Park Conservation Area and do no harm to the setting of the listed buildings identified.
- 10.175 It is therefore further considered that the proposals are in compliance with London Plan Policy HC1 Heritage Conservation and Growth and the NPPF.

## **I. TRANSPORT, HIGHWAYS, AND SERVICING**

### **Policy**

- 10.176 The NPPF (2021) states that development should:
- Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - Allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 10.177 The NPPF also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.178 To assess the impacts of construction, the expected level of construction vehicles has been calculated using the Transport for London (TfL) Construction Logistics Tool. During the demolition and construction phase, the ES (11, Volume 1, Chapter 9, page 8) predicts that construction traffic will have a maximum impact well below the 10% threshold set out in the IEMA Guidelines.
- 10.179 At the regional level, Policy T1 of the London Plan (2021) states that development proposals should facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.
- 10.180 The London Plan (2021) Policy T2 sets out the Mayor's Healthy Streets framework for ensuring that new developments deliver mechanisms which facilitate residents making shorter, regular trips by walking or cycling. Policy T3 requires developments to be mindful of transport capacity and connectivity.
- 10.181 London Plan (2021) policy T4 states where mitigation is appropriate a financial contribution will be required to reduce the cumulative impacts of development on public transport infrastructure including walking and cycling.
- 10.182 London Plan (2021) Policy T5 and Table 10.2 set out the minimum standards for new development cycle parking provision. Appendix 4 of the WFLP Development Management Policies (2013) sets out the Council's cycle parking standards.
- 10.183 London Plan Policy T6.1 suggests that disabled persons parking should be provided for 10% of the proposed residential units. The Policy goes further and states that 3% of the disabled persons parking spaces should be provided from the outset, and provision for the remaining 7% marked out on a plan. Paragraph 10.6.10 of the London Plan (2021) also states that these spaces should not at any point be used for general parking.

- 10.184 The supporting text to London Plan (2021) policy T6.1 is clear that through Parking Design and Management Plans, applicants should provide details of how initial and future provision of disabled persons parking spaces will be made, managed and enforced. Parking Design and Management Plans should show where these spaces will be located and demonstrate how their availability will be made clear to residents prior to occupation to inform their housing decision.
- 10.185 London Plan (2021) policy T6.5 states that all non-residential elements should provide access to at least one on or off-street disabled persons parking bay.
- 10.186 London Plan (2021) Policies T6.1 and T6.5 also set out EVCP requirements. This is one charging unit for 20% of spaces, with the remaining spaces provided with passive provision.
- 10.187 London Plan (2021) Policy T7 set out the policy for assessing the effects of development on transport capacity. Policy DM13 of the WFLP DM Policies (2013) states that the Council will ensure that development is properly integrated with the transport network by requiring development proposals to submit Construction Logistics Plans, Delivery and Servicing Plans and the uptake of the Freight Operators Recognition Scheme where appropriate in accordance with the London Freight Plan and coordinated with travel plans.
- 10.188 Policy DM15 of the WFLP DM Policies (2013) states that the Council will ensure the most efficient use of the borough's available highway network by requiring development to connect to the highway network in a way that encourages road users to use the most appropriate road in accordance with Waltham Forest's road hierarchy and discouraging through-traffic from using local roads and avoiding individual access direct to the Transport for London Road Network, Strategic Road Network and district distributor roads.
- 10.189 At the local level, Policy CS7 of the WFLP Core Strategy (2012) sets out that the Council will promote sustainable travel by guiding development to accessible locations, including town centres, to reduce the need to travel by car and to encourage walking, cycling and the use of public transport.
- 10.190 In addition, Policy DM14 of the WFLP Development Management Policies (2013) states that the Council will encourage sustainable travel. Major developments should be developed and contribute to a well-connected network of streets that optimises permeability and legibility and should have no detrimental impact on the walking and cycling environment.

## **Existing context**

### **Existing public transport**

- 10.191 As explained within the ES (D11), The Site categorised by TfL as being within Public Transport Accessibility Level (PTAL) 2 -3, with 0 being very poor access to public transport and 6b being excellent. Public transport can be accessed from a northbound bus stop in front of Uplands House, on southbound on the opposite sided of the road – both stops are serviced by the 158-bus route. The 158-bus route provides connections to Chingford Mount, Walthamstow Academy, Blackhorse Road Station, St. James's Street Station, Lea Bridge, Leyton Station and Stratford Bus Station. The bus service is very frequent and operates around every 6 minutes.
- 10.192 Blackhorse Road Station, on the Overground and Victoria lines, is 375m south

of the Site and within walking distance. The station has adjacent cycle parking and is within London Travel Zone 3. The Overground services generally operate at around every 15 minutes between the hours of 06:30am till after midnight Monday to Saturday and 09:00am to approximately midnight on Sundays. The Victoria Line services generally operate every few minutes between the hours of 05:30 until after midnight, 7-days a week

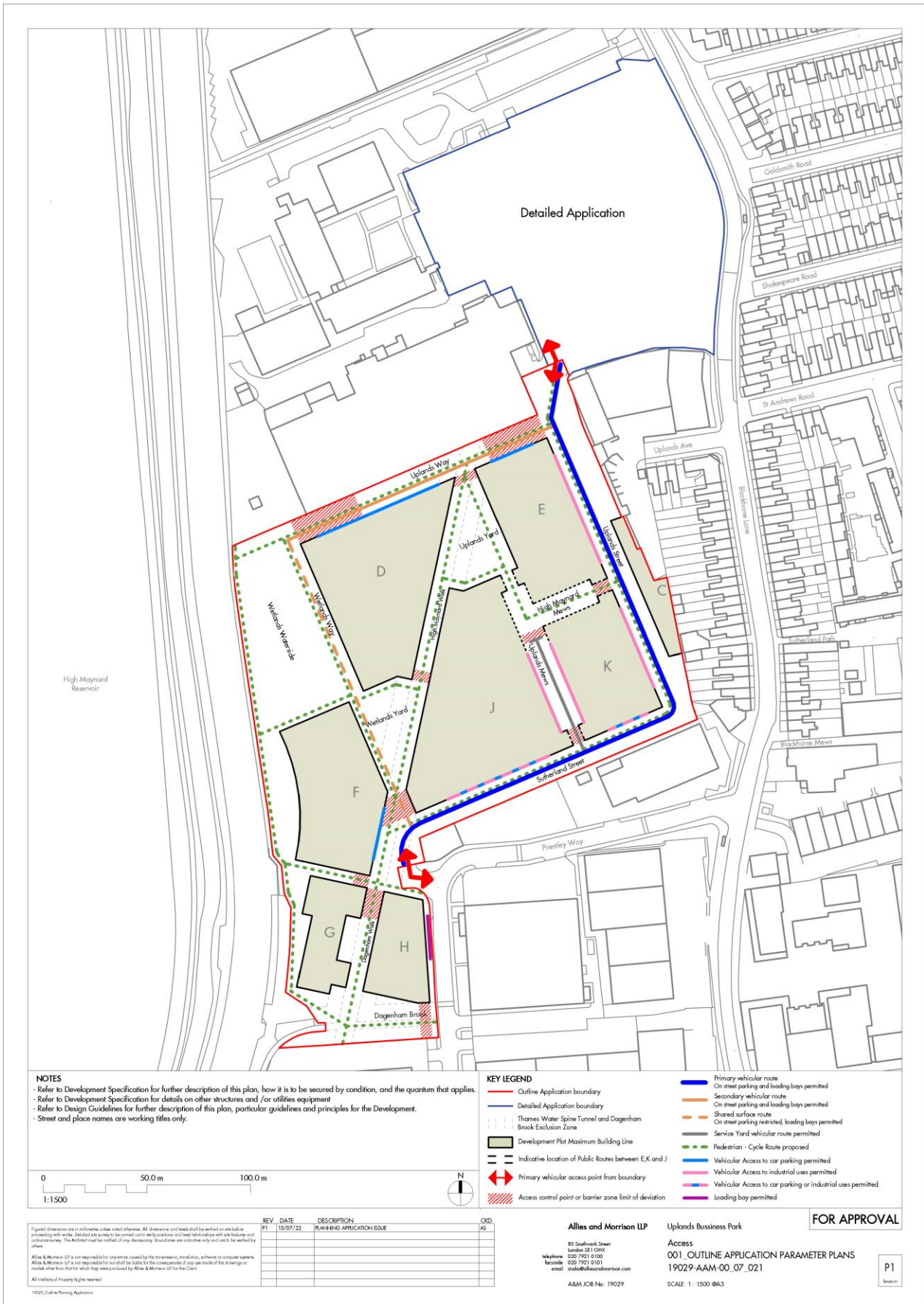
#### Existing Access

- 10.193 Blackhorse Lane (B179) is a single carriageway road which varies in width between 7m – 8m wide and is subject to a 20mph speed limit. Blackhorse Lane runs in north-west / south-east direction which connects the A406 North Circular Road, to the north, and to the south with Blackhorse Road (A1006) and Forest Road (A503). To the south of the Site, Blackhorse Lane meets the signal-controlled junction of Forest Road (A503) and Blackhorse Road (A1006). The junction incorporates pedestrian crossing facilities and on-street cycle lanes. To the north of the Site Blackhorse Lane becomes Billets Lane but continues as the B179 to the Crooked Billet Interchange to the A406 North Circular Road and the A112 Chingford Road.
- 10.194 The Site is accessed by three points on Goldsmith Street (off Blackhorse Lane), Shakespeare Way and Priestley Way. In the surrounding area, footways are included on all local highways, there are level crossings over junctions, and a Zebra crossing over Blackhorse Lane, slightly north of Phase 1. Regarding existing cycle access, Blackhorse Lane has dedicated off-road cycle routes along much of its length.

#### Development Proposal

- 10.195 Matters pertaining to transport, highways, and servicing are addressed in the application documents Design and Access Statement (D4), chapter 9 of the Environmental Statement (D11), section 6 of the Design Guidelines (D9), the Healthy Streets Transport Assessment (D18), and Outline Construction Logistics Plan (D16), Residential Travel Plan, and Workplace Travel Plan (D20), Car Parking Management Plan (D15), Waste Management Strategy (D17).
- 10.196 The proposed access arrangements for Phase 2 are shown below.

Figure 9: Phase 2 Proposed Access Arrangements



### Car parking proposals

- 10.197 The proposal is predominantly car free for residents, with only disabled car parking provided at 5% the total number of dwellings. Future residents (other than blue badge holders) will not be eligible to obtain parking permits. It is envisaged an appropriate planning condition will secure this requirement. For the Phase 1 (and subsequently for the Phase 2) there will be a concierge for residents and arrangements in place so that deliveries can be left in a secure place, reducing the need for residents to use cars for shopping trips. This also reduces the need for return deliveries if the resident is not home to receive the delivery. Each new household will be offered 2 years free car club membership for use in the local area plus driving credit. Membership will allow residents to book vehicles for use, subject to hourly or daily charges. Free membership of a car club scheme would act as a major attraction for potential tenants/owners who are considering moving to the site but are concerned over the car-capped nature of the development.
- 10.198 The car parking arrangements for industrial and commercial uses will be restricted to operational needs, not staff car parking. On-site car parking will be managed and controlled under a Car Parking Management Plan. A total of 19 spaces will be provided in Phase 1 on Goldsmith Street (including 4 no. bays for vans), in the form of parallel and perpendicular bays. Within Goldsmith Yard there is also capacity for up to 26 cars/vans. The design of parking and loading bays is specified in Design Guideline 6.3.3.4.

### Electric Vehicle Charging Points (EVCP)

- 10.199 Active electric charge points will be provided for a minimum of 20% of commercial bays and all residential vehicle parking spaces. Electric bike charge points will also be made available. Conditions should be imposed on any consent to ensure that EVCP are provided along with a Parking Design and Management Plan.

### Cycle Parking

- 10.200 It is proposed to provide a total of 214 long stay spaces and 14 short stay spaces for the residential uses in Phase 1. For Phase 1 commercial and industrial uses, 257 long stay and 54 short stay cycle parking spaces are proposed. To encourage cycling to work, shower rooms and lockers are to be provided for commercial employment staff, as well as EV charging points for electric cycles and shared maintenance facilities.
- 10.201 The detailed and illustrative plans demonstrate that there is sufficient space to accommodate the required Blue Badge parking spaces, and would accord with Policy T6.1 of the London Plan (2021), Policy CS7 of the WFLP Core Strategy (2012) and Policy DM14 of the WFLP DM Policies (2013).

### Active Travel

- 10.202 Cycle parking facilities for residents, businesses and their associated visitors, are proposed within the site.
- 10.203 Pedestrians and cyclists will take priority in the public realm through design decisions including:

- Shakespeare Way being closed to traffic to enable pedestrian and cyclist access only.
- Enhanced road and footway/cycleway widths.
- Streets with constrained vehicle access and speeds.
- A new footway/cycleway waterside link along the River Lee Flood Relief Channel (seeking through the Blackhorse Lane SIL Masterplan Framework to connect up to neighbouring land.

10.204 Principles for design of the public realm are set out in Guideline 6 – Streets (D9), including guideline 6.3.3.3 Footways – designed to ensure that streets in phase 2 make sufficient room for pedestrians. The guidance arranges the streets into typologies and describes what must or what should occur at reserved matters stage.

10.205 To deliver some of the active travel measures already proposed, the Council's Highway Officer has advised that a contribution towards Active Travel and Walking and Cycling is also required to contribute towards improved pedestrian and cycling links. The planning obligation is necessary to mitigate the impacts that the development will have as a result of increased pedestrian and cycling movements as well as the increased servicing and delivery presence that the proposal will generate.

#### Travel Plan

10.206 A draft residential Travel Plan has been prepared in support of the planning application. This has been reviewed by TfL and the Council's Highway Development team and considered acceptable. A financial contribution towards Travel Plan monitoring will be secured within the legal agreement.

#### Public Transport

10.207 The application proposes up to 1,800 dwellings across both phases, plus re-provision of industrial land uses and supplementary commercial and community uses. The scheme is largely car-free and although there will be a need for journeys by bus and train, many trips could be undertaken on foot or by bike.

#### Construction Logistics Plan

10.208 In line with the London Plan (2021) Policy T7, a full Construction Logistics Plan (CLP) will be secured through condition.

#### Highways Works S.278

10.209 Extensive pre-application discussions have been held between the applicant and the Highways Development team to establish the agreed approach to the highways works and general arrangement.

10.210 All roads within the development will remain privately owned and will not be adopted by the Council. The Section 106 legal agreement will require the applicant to enter into a separate Section 278 agreement with the Local Highway's Authority, as appropriate to carry out off-site highway works.



### **Assessment of impacts**

- 10.211 Chapter 9 of the Environmental Statement (D11) by Ardent Consulting Engineers Limited 'presents an assessment of the likely significant effects of the Development on Transport and Access both within the construction and operational phases. Mitigation measures are identified, where appropriate, to avoid, reduce or offset any significant adverse effects identified and/or enhance likely beneficial effects. The nature and significance of the likely residual effects are reported'.
- 10.212 Objectors to the application have expressed concerns that current levels of overcrowding on the 158-bus route, (Victoria Line) London Underground and Overground, will be made worse by the proposed development. The completed Development stage is predicted to have a minor to moderate adverse effect with respect to bus services and minor adverse effect on rail infrastructure due to the predicted increase in passenger numbers. Emphasis on active travel modes through Travel Plans and the provision of high-speed broadband to allow residents to work effectively from home are some of the measures to help to further mitigate the impacts upon public transport. In addition, it is anticipated that S106 contributions will be required as part of any mitigation.
- 10.213 The completed Development stage is predicted to have a negligible effect with respect to traffic volumes and traffic congestion on the surrounding road network. Travel Plans for residential and the commercial elements will be implemented which will monitor travel patterns and encourage sustainable forms of active travel.
- 10.214 On-site car parking would be managed and controlled under a CPMP (Appendix 9.8). A concierge system / estate management will control the access of vehicle in certain areas of the Site and manage deliveries through the DSMP (Appendix 9.9) including last mile courier and cargo bike delivery. Consolidation of deliveries will be achieved where possible. DSMP and WMS (Appendix 9.10) would control the delivery/servicing trips as well as refuse collection.

### **Healthy Streets Assessment**

- 10.215 In accordance with the Mayor's Healthy Streets framework, the applicant has undertaken an Active Travel Zone assessment to assist the understanding of the proposed development potential to contribute to promote sustainable travel.
- 10.216 The Applicant has also undertaken an initial assessment of the scheme against the ten healthy streets indicators. The scheme is largely in outline form and the detailed design of streets is not yet known. A condition is recommended to ensure reserved matters applications are also assessed against Healthy Street criteria.

### **Delivery and Servicing**

- 10.217 The outline Delivery and Servicing Management Plan submitted with the confirms a commitment to ensuring that delivery and servicing requirements of the proposed development can be properly integrated into the scheme.
- 10.218 A detailed Delivery and Servicing Management Plan to be secured by condition would cover the detailed design and waste collection arrangements for both residential and private waste collection associated with the other uses. This

document will also provide detail on the management of the servicing bays, and necessary enforcement measures, and how the delivery and servicing arrangements will adhere to the Mayor's Vision Zero approach. As such the delivery and servicing provisions are considered acceptable by the Council's Highways Development, Waste Services and TfL in line with Policy DM32 of the WFLP Development Management Policies (2013) and London Plan (2021) Policy T7.

#### Transport - Other

- 10.219 On a separate transport matter, in accordance with Policy T8 Aviation, the Civil Aviation Authority (CAA) is a statutory consultee for the application because the minimum heights of Blocks D & H exceed 100m above ground level (19029-AAM-00 07\_014 & 1YUZY-AAM-00 O/ UTO). A response is yet to be received from the CAA but any concerns could be addressed at reserved matters stage, when the exact position of the tallest elements of the development are known.

#### **Highways - Conclusions**

- 10.220 LBWF's Highways team have engaged constructively in an ongoing dialogue with the Applicant team to resolve initial concerns and queries about specific elements of the proposal.
- 10.221 Contributions have been sought for a range of highways improvements; these are included in the list of contributions in Chapter 1 of this report.
- 10.222 The proposed development would not have an adverse impact on the existing highway network from a capacity or highway safety perspective.
- 10.223 In light of the above considerations, Highways Services do not object to the proposed development, subject that appropriate conditions, S106 contributions, and a Section 278 agreement are secured. On this basis, the development would therefore be consistent with policies T1 – T9 of the London Plan (2021) and policies DM13, DM14, DM15 and DM16 of the WFLP Development Management Policies (2013).

## **J. OPEN SPACE & LANDSCAPE, TREES & ECOLOGY**

- 10.224 The submitted documents pertaining to these matters are the Arboricultural Report Impact Assessment (D26), Design and Access Statement (D4), Shadow Habitat Regulations Assessment (D27), and Biodiversity Assessment (D46).

### **Open Space & Landscape**

- 10.225 London Plan policy G4 expects Development Plans (part A) to (3) promote the creation of new areas of publicly accessible open space particularly green space, ensuring that future open space needs are planned for, especially in areas with the potential for substantial change and 4) ensure that open space, particularly green space, included as part of development remains publicly accessible. The policy expects development proposals to (2) create areas of publicly accessible open space, particularly in areas of deficiency. The development proposals are compliant with this policy.
- 10.226 Policy D8 of the London Plan (2021) requires development proposals to encourage and explore opportunities to create new public realm where appropriate. Development proposals should provide well-designed, safe, accessible, inclusive, and attractive public realm spaces that relate to the local context of the site.
- 10.227 Policy GG6 'Increasing efficiency and resilience' is applicable given the landscaped open spaces and tree coverage should help reduce or offset the urban heat island effect, and reduce the risk of flooding by including sustainable drainage.
- 10.228 At a local level, policy DM12 of the WFLP Development Management Policies (2013) states that development proposals should optimise physical and visual access between the built environment and open spaces. The policy also seeks to enhance green infrastructure and maximise access to open spaces within the borough by improving connectivity within the green infrastructure network. Emerging LP1 policies 50 (Promoting Healthy Communities) and 80 (Parks, Open Space and Sport and Recreation) are also applicable.
- 10.229 As set out in the Design and Access Statement sections, Landscape Plans for Approval (DAS Appendix F1), and Design Guidelines (Appendix G), the development proposal creates new publicly accessible open spaces within and through the site.
- 10.230 In Phase 1, some play elements would be introduced at ground floor level, immediately south of Block B1. This could provide a useful doorstep play space however, the detailed design needs to carefully consider the western edge to Uplands Street and the existing industrial buildings opposite. At first floor level, residents of Blocks B1 & B2 share a communal terrace with play features. Blocks A1 & A2 also have communal terraces at first floor level.

Figure 10: Phase 1 First Floor Plan



- 10.231 The southern part of Block B1 provides a communal roof terrace for residents, with the northern part of the roof utilised for a blue-green roof designed to manage rainfall and increase biodiversity.
- 10.232 The overall quality of the public realm will be improved through tree planting, and to ensure this is deliverable, the Applicant is encouraged to understand subsurface constraints relating to utilities, obstructions, and contaminants, as soon as possible. The green wall proposed for Block A2 will assist in improving the Urban Green Factor (UGF) of the site but will need to be carefully specified and supported by a funded maintenance strategy to optimise chances of this benefit enduring over the life of the development, so too the balcony greening features.
- 10.233 Section 7 of the DAS (D4) and Appendix G to the Design Guidelines (D9) explain the approach to open spaces. The open space strategy is informed by the Thames Water spine tunnel running diagonally across the site, turning it from a constraint into an opportunity for access and open space.
- 10.234 Three “yards” anchor the open space strategy. The first, Goldsmiths Yard is closest to a typical, multi-functional industrial yard that is used for deliveries, parking, goods storage, and activities. As currently occurs on site, Goldsmiths Yard will also provide spill over space for the retail facing food and beverage manufacturers such as Signature Brewery. The second, Uplands Yard, is located in Phase 2 and has a residential / community focus including play equipment. Finally, the Wetlands Yard in the south-western part of Phase 2 is

a publicly accessible open space that links ground floor commercial uses with the Wetlands Waterside.

- 10.235 Wetlands Waterside is the largest of the open spaces - located adjacent to the Flood Relief Channel and the reservoirs, it will start at Dagenham Brook and stretch across the length of the site. The illustrative plans show a terrace with views onto the Wetlands, generous steps with integrated trees and flowering herbaceous planting beds, leading to the lower level with recreation and play space for all age groups. A shared cycle and footpath will in time connect existing walks along the reservoirs with the station. Stretches of wildflower meadows, lawned, partly mounded areas with playful elements and a substantial number of trees will make this open space an attraction for people working locally, new residents and the wider Blackhorse Lane community. Small copses and woodland areas will provide habitats and opportunities for educational nature, and fitness trails. Play spaces for a range of ages are proposed, and a water themed play space should also be included (Design Guideline G 5.3.2.6, G5.4.2.6).
- 10.236 The Dagenham Brook and Walk is proposed as a further open space beside the wetlands, but quieter, and smaller.
- 10.237 All these spaces will be publicly accessible, and this is recognised as a benefit weighing in favour of the scheme, although the weight to be assigned is unclear until reserved matters phase when specific proposals are made for the number and type of dwellings, and the amount of private and communal open space they will require. Communal open space needs are not quantified in planning policy, though Table 3.2 of the London Plan 2021, stipulates there should be 'sufficient space to meet the requirements of the number of residents.
- 10.238 At podium and roof level, more open spaces are proposed – some publicly accessible and others for communal open space.
- 10.239 At reserved matters stage, it will also be important to assess how the proposal adheres to the standards within Table 3.2 of the London Plan (Qualitative design aspects to be addressed in housing developments).
- 10.240 Further details of the design will be secured through at reserved matters stage and by condition. The streets, yards and open spaces within the scheme will be not adopted by LBWF however, public access and maintenance arrangements will be secured through the Section 106 Agreement. The quality of the proposed public realm will be measured in part by TfL's guidance on Healthy Streets.

### **Trees**

- 10.241 LBWF's Trees and Urban Greening Team provided a consultation response to the proposal on 21/12/2023, following which the Applicant responded by email on 24/01/2023, to which LBWF TUGT Officers made final comments by email on 24/04/23.
- 10.242 The Arboricultural report was found to be well written and draws upon the relevant national, regional, and local policies and relevant legislation. It identifies the geological conditions, known at local level to be a clay-based profile, the conclusions and relevance of which in Arboricultural terms are detailed in 4.3 page 7 of the report.
- 10.243 The survey of the existing trees on and adjacent to the site makes recommendations in terms of works necessary in line with sound Arboricultural

practice. The survey includes trees on the public highway in Blackhorse Lane E17 which are within the remit of the Council's Tree Section. Decisions as to the future management of those trees' rests with that team, as does the definitive view as to the acceptability of the proposed development in relation to any trees on the public highway.

- 10.244 In accordance with British Standard 5837:2012, a categorisation rating was given to the existing trees and tree groups on and adjacent to the site:
- 3 'A' category trees
  - 6 'B' category trees
  - 25 'C' category trees/groups
- 10.245 The report goes on to state that tree removals are required in order to facilitate the development.
- No category A trees are to be removed
  - No category B trees are to be removed
  - 13 category C trees and 3 category C groups will require removal.
- 10.246 A further 6 trees which appear to fall outside of the scope of the survey also require removal. These are described as the 3.5m tall laurel, the 2.5m tall elder, the 3.5m tall sycamore, the 2.5m tall palm, the 5m tall hawthorn and the 5m tall plum. Three of the trees are considered for removal due to noted defects or problems with proximity to buildings (T25, T26 and a 5m plum).
- 10.247 The Arboricultural Impact Assessment (AIA) successfully sets out the potential impacts that a development could have on retained trees and their root protection areas (RPA). It also identifies how retained trees may impact on a development due to their proximity to the built form. The AIA concludes that, in respect of the proposed development, there will be no impact on any of the retained trees or their RPAs and that the retained trees are at a sufficient distance such that no future conflict with the built form will occur. However, the report goes on to state that the correct methodology must be employed during all phases of the development to ensure that the retained trees and their RPAs are adequately protected from demolition and construction activities. Protection requirements are detailed in an Arboricultural Method Statement (AMS) appended to the report (see below).
- 10.248 In terms of the tree removals, the report concludes that, due to the condition of the trees and their relative lack of amenity, there will be no significant impact. In addition, mitigation planting in the form of new trees and accompanying multi-functional, biodiverse soft landscaping will serve to replace and enhance the lost amenity and biodiversity.
- 10.249 The Arboricultural Method Statement sets out the protection measures required in relation to the retained trees and their RPAs. At present, the AMS is considered to be acceptable in principle though, as this is proposed as a phased development, it would be beneficial to have a specific AMS and accompanying Tree Protection Plan (TPP) that focuses on each stage. The submitted TPP is not easily read as it is at a large scale and the specifics in relation to particular trees are lost. As a result, it is recommended that a further AMS is submitted so that a greater level of detail with site specific methodologies and protection requirements can be obtained. Therefore:
- 10.250 As mentioned within the submission, the Council's Tree Preservation and Urban Greening Officer had detailed discussions with the landscape designer in respect of the proposed landscaping. It is noted that the submitted plans are broadly in line with the conclusions of those discussions and the amount of tree coverage proposed for the detailed stage is welcomed.

- 10.251 However, a number of tree species shown on the plans indicate that initial officer concerns with regards to juxtaposition and suitability of the public realm in particular, have not been fully addressed. It is recommended that further consideration is given to the selected tree species where they may have an impact on, or be impacted by the built form and associated uses. In detail (see Fig.1), officers are concerned with:
- The eventual size and spread of the Liquidambar styraciflua when in proximity to building elevations
  - The impact of fruit dropping on the public highway and parked vehicles that arises with species such as Corylus colurna.
  - It is recommended that this element of the proposal is revised.
- 10.252 Subsequent to their initial assessment, tree officers clarified that:
- Liquid Ambar Styraciflua where planted as street trees in the borough they outgrow their situation and prove costly to manage, necessitating regular cyclical management.
  - Good design should wherever possible, site the right tree in the right place and consider the eventual growth and habit of selected species amongst many other considerations; therefore, the general juxtaposition referred to, whether windows or building should be considered appropriately. The concept of broader crowns providing better habitats and better mitigation to assist with the urban heat and microclimates, is understood, however the trees should be given the appropriate space and sustainability should also be considered, in terms of the possible future management of broader crowned species as they mature, which can be mitigated early in the process by species/cultivar selection.
  - Corylus colurna – would urge caution where planting in a street scene and particularly where the crown is likely to be situated over parking spaces.
- 10.253 As the public realm including street trees will not be adopted by LBWF, the applicant can have the discretion to plant these species but is encouraged to have a robust landscape and estate maintenance strategy.
- 10.254 A condition requiring a fully detailed Arboricultural Method Statement for approval by the Local Planning Authority should be attached to the permission. Such details should include protection measures, foundation design, root barriers and any other steps required to ensure the protection of the trees on and adjacent to the site for each phase of development.
- 10.255 Notwithstanding the acceptability of the 'Arboricultural Impact Assessment' a condition requiring details of a revised Arboricultural Method Statement is recommended, to ensure that details with regards to tree protection, foundation design, root barriers and other steps required for the safeguard of trees is reviewed and agreed further. Additionally, a condition requiring details of soft and hard landscaping is also recommended, in accordance with the requirements of policy D8 of the London Plan (2021) and policy DM12 of the WFLP Development Management Policies (2013).

## **Ecology**

- 10.256 The proposed urban greening for the development incorporates a number of ground level green spaces, podium planting, extensive green roofs and vertical greening. The Outline scheme includes a waterside park, a public open space

over the Dagenham Brook, and a series of smaller green spaces (referred to as yards) linked by greened public realm connections. The principles set out within the Design and Access Statement focuses on connectivity, biodiversity, sustainability and health and well-being all in which urban greening is seen to play an important role. Amongst other considerations, there is an emphasis on diverse species and maturity for the vegetative habitat, broad canopy trees, year-round biophilic stimulus and an exemplary public realm.

- 10.257 In general terms, this approach is supported and the proposal aligns with the principles set out during initial discussions with Council officers.
- 10.258 The podium planting, private terraces, courtyards and extensive green roofs, amount to a fair level of urban green for this initial stage. However, further detail is required in respect of all planted areas, including the underplanting proposed for the trees in the public realm, and this should include the size, densities and species of the selected plants and trees. These details can be secured by condition.
- 10.259 Regarding Urban Green Factor (UGF), the DAS (pages 229-231) confirms that the detailed element will achieve a UGF of 0.3 (as it predominantly comprises new industrial floorspace, which requires a lot of hard landscaping), while the more mixed-use outline element will target a UGF of 0.4. At detailed design stage, the Applicant team is encouraged to work with Officers to increase the UGF in Phase 1 to achieve a UGF score of at least 0.4.
- 10.260 Maintenance of the green space is a key consideration and should be effectively planned, budgeted and managed for the long term. This would be in line with relevant policies and best practice guidance and would result in the high-quality urban greening and wider benefits for biodiversity that ought to be achieved as part of new developments. The responsibilities for the management of the green spaces should be fully detailed, agreed and financed with any transfer of responsibility to the Council's Highways or Parks team agreed by the respective officers.
- 10.261 A Biodiversity Net Gain Assessment has been undertaken and this demonstrates that an increase of 947.27% would be achieved through the proposed development. This comfortably exceeds the minimum 10% target currently set as a benchmark through the emerging legislation under the Environment Act 2021.
- 10.262 In order to counteract a lack of certainty with regards to future phases, a default condition category of 'poor' has been selected within the BNG metric for the future habitat creation, so as to prevent an overemphasis for the potential gains. Given that the proposal significantly exceeds the 10% target, officers consider this to be an acceptable approach.
- 10.263 The site is 24m (at closest point) away from the Walthamstow Reservoirs, an internationally designated site, and is also within the zone of influence of the Epping Forest Special Area of Conservation. It is understood that detailed discussions have been had between the developer, Natural England, LBWF and other relevant parties with regards to the development's potential environmental impacts. This has resulted in the production of a shadow Habit Regulation Assessment, various ecological surveys and protected species surveys.
- 10.264 The submitted ecological report identifies the statutory and non-statutory designated sites in proximity to the proposed development. It is noted the Chingford to Walthamstow rail sides SINC (Grade 2) has been omitted. However, given the distance of the rail sides from the site, coupled with the



attention paid to mitigatory measures required for the statutory sites, this omission is considered by officers to be an oversight of limited importance. A summary of the sensitivity of nearby statutory sites and protected species is set out in the report, finding most to be high value.

- 10.265 Given the sensitivity of the adjacent designated Wetlands and the qualifying species of waterfowl, a series of wintering bird surveys were undertaken. These surveys concluded that the site was not being overflowed by the wetland and wading birds (qualifying species) as they tended to have a north to south flying pattern associated with the open habitat of the wetlands. The site was noted to be used by more common bird species such as Gulls and Carrion Crows with only one sighting of four over-flying Gadwall, noted during a December Survey.
- 10.266 Bats were noted to be foraging on site, thought to be species more tolerant to higher light levels (Pipistrelles). However, a subsequent bat emergence survey conducted on those parts of the site identified as having potential for roosting bats concluded that no bat roosts were present within or immediately adjacent to the site. However, it should be noted that low level bat activity was observed during the survey work and involved a number of species; Soprano Pipistrelle, Noctule, Common Pipistrelle, Leisler's Bat and Nathusius' Pipistrelle.
- 10.267 A full assessment of the proposal's potential for adverse effects on the designated sites, both during the construction phase and as a result of the completed development, was undertaken. It was concluded that (pre-mitigation), a moderate adverse impact would result from activities during the construction phase and it is recommended within the report that detailed Construction Environmental Management Plans are produced for each phase of development. This is to ensure that appropriate mitigatory measures are undertaken. The residual (post mitigation) effects from both construction and the completed development are found to be negligible.
- 10.268 It was further concluded that the completed development would have a minor adverse impact on the identified designated sites and, as a result, as series of recommendations are made to mitigate those impacts on site and as part of wider strategic requirements.
- 10.269 Impacts on foraging bats are also considered, though it is determined that the provision of ecological enhancements through the development would improve the forage and roosting opportunities across the site.
- 10.270 Officers agree that, given the limited ecological value of the existing site, the proposed development and associated urban greening would result in an improved landscape that provides environmental and ecological benefits. However, it is crucial that an effective, ongoing program of surveying and monitoring is undertaken as each phase of the development progresses. There should be a continued dialogue between the developer's ecologist, Natural England and the Local Authority to ensure that all necessary assessments are made so that the designated sites and protected species are effectively shielded from potential negative impacts.
- 10.271 In addition, to determine whether the stated Biodiversity Net Gain is achievable over the long term (30 years), an ecological management plan would be required alongside effective monitoring.

## **Conclusion**

- 10.272 The hybrid application is broadly supported as it appears to have effectively considered urban greening, biodiversity and ecological concerns at the initial stages of the design. The result is a proposal that, at both outline and the current detail stage, incorporates urban greening as an asset and views it as an integral part in providing a place that residents and the wider community can enjoy living and working within. Full consideration has been given to the site's ecological importance and effective mitigation has been programmed.
- 10.273 There are a number of remaining issues relating to specific details that need to be resolved, though these could be addressed through appropriate conditions. If minded for approval, therefore, it is recommended that:
1. A condition requiring a fully detailed Arboricultural Method Statement for approval by the Local Planning Authority should be attached to the permission. Such details should include protection measures, foundation design, root barriers and any other steps required to ensure the protection of the trees on and adjacent to the site.
  2. A condition requiring soft landscaping details to be submitted for approval by the Local Planning Authority should be attached to the permission. Such details should include species, sizes and densities of the proposed plants and the specification of any proposed green roofs and living walls.
  3. A condition requiring detailed planting, management, and maintenance plans to be submitted for approval by the Local Planning Authority should be attached to the permission. These plans will need to demonstrate how the soft landscaping proposal will be successfully implemented and maintained in the long term. Such details should include planting methods and maintenance schedules with reference to the relevant British Standards and horticultural and arboricultural best practice guidance.
  4. A condition requiring a detailed Ecological Management Plan (EMP) to be submitted for approval by the Local Planning Authority should be attached to the permission. The EMP will need to demonstrate how the predicted Biodiversity Net Gain will be successfully implemented and maintained in the long term and for at least 30 years.
  5. A condition requiring habitat enhancement details to be submitted for approval by the Local Planning Authority should be attached to the permission. Such details include the number, positioning and type of habitat bricks and boxes proposed for birds, bats, and invertebrates.

**K. ENERGY, SUSTAINABLE DESIGN AND CONSTRUCTION****Energy**

- 10.274 Policy SI2 of the London Plan (2021) sets out a carbon emission reduction target for regulated emissions only, of 50% against Building Regulations 2021 using SAP10 carbon factors as calculated using the GLA Energy Reporting Tool. The policy also requires that non-domestic units achieve 15% of this from 'Be Lean' measures. In accordance with the London Plan hierarchy under policy SI2 of the London Plan (2021), where a connection to a district heating or cooling networks are not viable, on-site low carbon heating plant should be proposed and heat pumps should be prioritised followed by lower emission CHP if heat pumps are not viable.
- 10.275 Policy DI3 of the London Plan (2021) states how relevant energy companies and bodies should engage at an early stage of development proposals, to establish the future energy and infrastructure requirements that would arise from large-scale development proposals.
- 10.276 Policy DM11 of the WFLP Development Management Policies (2013) requires development proposals that exceed 100 sqm to reduce the site's carbon emissions through on-site renewable energy to ensure that the proposed renewable system is appropriate and has no adverse impact on local amenity and the environment, including air quality.
- 10.277 The submitted Energy Assessment and Sustainability Strategy (D33) was assessed by the GLA's Energy Team and the Council's Energy and Sustainability Consultant as part of the Stage 1 response.
- 10.278 LBWF's Energy & Sustainability Team, provided detailed comments on the strategy, that formed the basis of an exchange of correspondence on the matter. An initial review dated 18/10/2022, has been updated on 09/01/2023, 20/02/2023, 02/05/2023, and finally, 17/07/23. As explained within Section [X] the consultation response from LBWF Energy and Sustainability expresses their concern that despite the volume of correspondence, many items remain outstanding despite repeated requests for further information, particularly on the feasibility, design and deliverability of the three options. Furthermore, no evidence has been provided of additional information stated to have been sent to the GLA. That evidence is required, plus of the GLA response to any such supplemental information, through an updated GLA Energy Memo.
- 10.279 Comments from the latest version of the review include:
- 'If the development wants to claim the significant carbon savings from the Energetik connection and have this as their primary solution, then a lot more work is needed to show this is a real option that has been progressed in detail and that the relevant inputs into the energy software and therefore the demonstrated carbon savings are realistic. Unfortunately, it appears that a pipework route has not been confirmed in detail and there is no detailed information about resolving an economic agreed solution with the Energetik network operators. We would expect to see detailed Heads of Terms (HOT's) reached at this stage together with a clear identified pipework connection route. The LPA needs to be clear about the deliverability, and the deliverability of claimed carbon savings, for each of these hierarchy of options'.
- 10.280 Planning obligations, conditions and informatives are recommended in line with the advice given by the Energy and Sustainability specialists, including a carbon offset contribution with three scenarios:

1. Energetik connection - An offset payment of £203,387 for the detailed application should be made to achieve net-zero carbon in line with WF policy DM10. This should be secured through a S106 with 100% upfront payment (pre-implementation). A further £862,363 is expected to be needed for the outline application although this will need re-calculating when the detailed application for this section is submitted.
2. E.ON connection - the offset payment for the detailed application is expected to be £290,593 and for the outline application a further £1,548,066.
3. Onsite heat pumps connection - the offset payment for the detailed application is expected to be £349,414 and for the outline application a further £1,826,107.

#### Pre-Demolition & Circular Economy

- 10.281 Policy SI7 of the London Plan (2021) states that 'referable applications should promote circular economy outcomes and aim to be net zero-waste.
- 10.282 The Circular Economy section of the Energy Assessment and Sustainability Strategy (D33, section 11.5, page 32, and Appendix A.15) provides an introduction to the topic and sets out high level principles.
- 10.283 Section A15.8 of the Strategy relates to demolition and reclamation, simply says that 'this element of the cycle is often the most difficult to control as existing materials on site may be unknown'. This is not a sufficient response for a site that the applicant has long since had access to, at this stage of an application and particularly for the detailed Phase 1, there should be an estimated quantity of the types of materials in each industrial building to be demolished.
- 10.284 This section of the strategy also does not attempt to commit to diverting a percentage range of existing materials to reuse.
- 10.285 Further details are needed to:
1. Explain the specific measures being undertaken to move products up the hierarchy, from recycled to salvaged or re-used.
  2. Explain the actions being taken to find buyers for Key Demolition Products (KDP) including bricks, timber, and non-ferrous metals, as well as other components of the existing warehouses and commercial buildings to be demolished.
  3. Align with the pre-demolition audit and the 'reduce; re-use; recycle' hierarchy.
  4. Update the Cost Plan within the FVA should be offset to reflect the revenues raised / costs saved.
  5. by the sale of demolition materials by the reuse or recycling of existing materials.
- 10.286 This element of the proposal is not currently policy compliant and therefore a condition is needed to ensure that a Circular Economy Statement is submitted to demonstrate:
1. How all materials arising from demolition and remediation works will be re-used and/or recycled, as high as possible up the waste hierarchy.

2. How the proposal's design and construction will reduce material demands and enable building materials, components, and products to be disassembled and reused at the end of their useful life.
3. Opportunities for managing as much waste as possible on site.
4. Adequate and easily accessible storage space and collection systems to support recycling and re-use.
5. How much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
6. How performance will be monitored and reported.

#### Sustainability - Conclusion

10.287 Further work is needed to improve the sustainability of the proposal and to provide clear evidence as to how this will be achieved. A sustainability review mechanism is therefore to be included within the Section 106 agreement, ensuring that at the best possible endeavours are made to improve the sustainability of the project at each stage of development, including demolition of the existing warehouse buildings, connecting a sustainable source of energy, designing for passive solar orientation and natural ventilation, and optimising the performance of the building fabric. The client, lead contractor, and a range of specialist consultants (architecture, sustainability, daylight / sunlight, landscape architecture, waste & drainage), will need to be engaged with addressing this challenge.

## L. FLOOD RISK, DRAINAGE AND WATER

- 10.288 Paragraph 159,162, 167, and 169 of the NPPF (2023), policies CS4 and DM34 of the Local Plan, Policies 91 and 93 of the Draft Local Plan, S15, S112 and S113 of the London Plan all seek to reduce the vulnerability of the environment to flooding.
- 10.289 Nationally, the Environment Agency provides guidance on flood risk and how this risk should be managed in the context of a changing climate. Flood risk assessments: climate change allowance (Environment Agency, 2016) states that for significant new settlements, flood risk needs to be assessed in the context of a credible maximum climate change scenario, in this case the upper end allowance for peak river flow. Preparing a Flood Risk Assessment: Standing Advice (Environment Agency, 2022) is also applicable. Paragraphs 159, 162, 167 & 169 of the NPPF (2021) are relevant to the assessment of this application – these policies seek to reduce the probability and consequences of flood risk both to development site and surrounding area.
- 10.290 Most of the site is located within flood zone 1 and represents a low (0.1%) annual risk of flooding, although the western edge of phase 2 (outline) includes areas of medium (zone 2: 0.1-1.0%) risk, and high (zone 3: >1%) risk. The requirements for development within flood risk zones are set by the Environment Agency and in this instance, require the complete of a Flood Risk Assessment (FRA).
- 10.291 A Flood Risk Assessment and Drainage Strategy Report (D30) was submitted with the application and summarises the approach to Flood Risk as:
- ‘The Detailed Part is located in Flood Zone 1 where the probability of river or sea flooding is less than 0.1% chance in any given year. Therefore, the probability of tidal or fluvial flooding in the Detailed Part is assessed as negligible.
- Areas of the Outline Part are located in Flood Zones 2 and 3. Flood Zone 2 is land assessed as having between 0.1% – 1% chance of river flooding in any year or 0.1% - 0.5% of sea flooding in any year. Flood Zone 3 is land >1% chance of river flooding in any year or >0.5% chance of sea flooding in any year. To ensure the Development doesn't increase the risk of flooding in the areas surrounding the Site hydraulic flood modelling has been carried out and the proposed ground floor FFL of the buildings located within the flood zone have been raised to 300mm above the design flood water level for a 1 in 100 year +17% climate change fluvial flood event. A flood water compensation analysis has also been completed and found that the Development will provide a greater volume of floodwater storage than the existing Site. Therefore, the Development doesn't increase the fluvial flood risk off-site’
- 10.292 The proposal seeks to manage drainage through measures such as Sustainable Drainage Systems (SuDS), green roofs, blue roofs, lined permeable paving, tree pit attenuation and underground geo-cellular attenuation tanks. It is proposed to attenuate surface water to reduce it to greenfield runoff rates before discharging into the local Thames Water surface water sewer, which then outfalls to the River Lee Flood Relief Channel further downstream.
- 10.293 Paragraph 1.2.1.5 of the Design Guidelines (D9) says that:

- Flood risk must be managed through SUDs and other forms of sustainable drainage;
  - De-culverting the Dagenham Brook should be explored.
  - All new development should incorporate flood resilience and recoverability measures as per HQM 3.1 criteria 6 or BREEAM PoI 03 criteria 4
  - Greenfield runoff rates must be achieved through measures in line with the drainage hierarchy, with an aspirational target of zero surface water run-off up to and including the 1:100-year event.
- 10.294 The Flood Risk Assessment (D30) was reviewed by the Environment Agency, Thames Water and LBWF's lead flood risk specialist. The Environment Agency initially (21/11/2022) objected to elements of the proposal, but withdrew their objection on 27/01/2023, contingent upon conditions for:
1. Implementation of the flood risk document;
  2. Flood compensation scheme to be agreed;
  3. Remediation strategy;
  4. Verification report;
  5. Monitoring and maintenance plan;
  6. Previously unidentified contamination;
  7. Infiltration of surface water;
  8. Piling; and
  9. Decommission of investigative boreholes.
- 10.295 Thames Water (31/10/2022) also requested the use of planning condition to ensure that 'development doesn't outpace the delivery of essential infrastructure'.
- 10.296 LBWF's Senior Drainage and Flood Engineer met with the Applicant's highways and drainage consultants, who then provided a Design Note (25/05/2023) that resolved most residual concerns.
- 10.297 Section 106 contributions for flood risk were requested by LBWF, for £15,000 for Phase 1 and Phase 2 flood modelling and development of Walthamstow Marshes Flood Study report and also to undertake optioneering to develop potential flood mitigation options for future strategic flood mitigation projects in the area; and £100,000 in Phase 1 and £300,000 in Phase 2 to develop detailed designs and for the delivery of strategic flood mitigation projects identified in the Walthamstow Marshes flood stud report, and to implement the objectives of the Dagenham Brook River Restoration Corridor Project. The Applicant has declined to agree to those contributions on the basis they are not considered necessary.
- 10.298 On the basis of the above and subject to appropriately worded planning conditions, the flood risk, drainage and water matters are considered policy compliant.

## **M. ENVIRONMENTAL IMPACT**

### **Legislation**

- 10.299 The Environmental Impact Assessment (EIA) is a process that identifies the likely significant positive and negative environmental effects of a proposed development, both from any related demolition and construction works, and once the proposed development is complete and operational. The process aims to prevent, reduce, and mitigate any adverse significant environmental effects, where these are identified. Proposed developments to which EIA is applied are those that are likely to have significant effects on the environment by virtue of factors such as their nature, size, or location. The process and outcomes of the EIA are presented in a single Environmental Statement (ES). The ES reports the potential environmental effects associated with the proposed development: both direct and indirect and examines cumulative effects. The scope of the ES includes the natural, built, and human environments and includes a description of the proposed mitigation measures.
- 10.300 The 2011 EIA Directive 1 on the assessment of the effects of certain public and private projects on the environment was replaced in 2014 by a fully updated EIA Directive 4. The 2014 EU Directive has been transposed into UK Law through Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Statutory Instrument 2017/571), referred to in this report as the '2017 EIA Regulations'. The 2017 EIA Regulations came into force on 16 May 2017.

### **Scoping**

- 10.301 In February 2021, the Applicant submitted a Draft EIA Scoping Report to LBWF. This comprised a report prepared by Quod (the 'Quod Draft EIA Scoping Report') setting out the intended scope and content of the forthcoming ES. This created an opportunity to receive comments on the Quod Draft EIA Scoping Report ahead of any formal request for an EIA Scoping Opinion.
- 10.302 Avison Young undertook a review of the Quod Draft EIA Scoping Report and engaged with the LBWF in respect of key findings and recommendations. The findings of the review were reported in a document entitled 'Independent Review of the Draft Environmental Impact Assessment (EIA) Scoping Report' dated 22nd March 2021, which was issued to Quod. In conclusion, although Avison Young agreed with majority of the intended scope of the EIA, additional information and clarification was required to make a robust evaluation of the proposed scope of forthcoming EIA.
- 10.303 Following this, the Applicant submitted a request for an EIA Scoping Opinion to LBWF on 13th August 2021 in line with Regulation 15 of the EIA Regulations. The request was accompanied by an EIA Scoping Report prepared by Quod which took into account the findings of the Independent Review of the Draft Environmental Impact Assessment (EIA) Scoping Report.
- 10.304 The EIA Scoping Report was reviewed by LBWF and informed, alongside consultee responses and advice from Avison Young, the EIA Scoping Opinion dated 7th October 2021. The EIA Scoping Opinion confirmed that LBWF were in agreement with the proposed scope of the EIA as outlined within the EIA Scoping Report subject to a number of points being considered.
- 10.305 On the 7th October 2021, the EIA Scoping Opinion was issued, concluding that



the following environmental topics would be **scoped into** the EIA:

- Greenhouse Gas Emissions (Climate Change).
- Socio Economics.
- Transport and Access.
- Air Quality.
- Noise and Vibration.
- Archaeology.
- Ground Conditions and Contamination.
- Water Resources, Flood Risk and Drainage.
- Biodiversity.
- Daylight, Sunlight and Overshadowing.
- Wind Microclimate.
- Townscape, Heritage and Visual.

10.306 The EIA scoping process also concluded that the following environmental topics should be scoped out from the EIA on the basis that significant effects were unlikely to arise from the Development:

- Human Health.
- Materials and Waste.
- Vulnerability to Major Accidents and Disasters.
- Light Pollution.
- Solar Glare.
- Telecommunications.
- Aviation.
- Energy and Sustainability.
- Electromagnetic Fields.
- Utilities.

### **Environmental Statement**

10.307 The application is supported by an ES (D11) by Quod, that was supplemented by a further information report (D14) on the amendments made to the application (Phase 1 stair core, description of development, and affordable housing offer). The Environmental Statement (D11) contains the following technical assessment chapters:

- Greenhouse Gas Emissions (Climate Change).
- Socio Economics.
- Transport and Access.
- Air Quality.
- Noise and Vibration.
- Archaeology.
- Ground Conditions and Contamination.
- Water Resources, Flood Risk and Drainage.
- Biodiversity.
- Daylight, Sunlight and Overshadowing.
- Wind Microclimate.
- Townscape, Heritage and Visual.

10.308 Regulation 18 (4)(a) of the EIA Regulations requires an ES to be based on the

most recent EIA Scoping Opinion or Direction issued. Having reviewed the technical scope of the ES, the Council is satisfied that the ES is based on the scope set out in the EIA Scoping Opinion dated 7th October 2021, which represents the most recent EIA Scoping Opinion.

- 10.309 The Environmental Statement (D11) and amended Non-Technical Summary (D59) are appended to this report.
- 10.310 The residual effects and the significance of them, is summarised in the table below.

### **Environmental Statement – Review**

- 10.311 On behalf of the Council, consultants Avison Young have reviewed the Environmental Statement prepared by the Applicant's consultant, Quod. The primary purpose of the review is to advise LBWF, as the local planning authority, whether the ES is compliant with the requirements of the EIA Regulations. The EIA Regulations establish the minimum information to be supplied by an applicant within an ES, as well as information that the local planning authority can request as being reasonably justified given the circumstances of the case. Under the EIA Regulations, where an ES is deemed not to be complete, Regulation 25 of the EIA
- 10.312 Regulations makes provision for a request to be issued to the applicant for further environmental information. This Report therefore considers whether the ES is complete and / or identifies areas where clarifications or further information may be required under Regulation 25 of the EIA Regulations to make the ES complete. This Report also provides comments / observations on matters of clarification to assist with decision making.
- 10.313 The initial review (D57) issued in November 2022 outlined a number of points of clarification required from Quod in order to inform Avison Young's final advice to the LBWF on the adequacy of the ES. Quod provided their response to the clarifications and queries raised on 27th February 2023. Avison Young reviewed the response received from Quod (D59) and provided a draft letter of advice to LBWF on 18th April 2023. A discussion on the advice from Avison Young was then held with LBWF on 21st April 2023. Subsequently, the applicant submitted a separate Technical Note to LBWF on 21st April 2023 (D58) which considered hydrogeological effects of basement construction at the Site. Avison Young reviewed the additional information and their final advice (D60) on the adequacy of the ES is provided below.
- 10.314 Volume 1, chapters 1, 2, 4, 5, 6, 7, 8, 12, 13, 14, 16, 18 – No comments and no further information required.
- 10.315 Independent Review of the Non-Technical Summary – No comments and no further information required.
- 10.316 Volume 1, Generators –The clarification from Quod is considered satisfactory provided that the following is secured through Planning Condition(s) attached to any Planning Permission:
- For the Detailed Part: To reduce the potential for adverse impacts, the generator flue should terminate vertically above the highest point of the roof of Block A1 and that emissions be discharged at a suitably

high velocity to ensure suitable dispersion. Assessment to demonstrate this should be provided.

- For the Outline Part: Further air quality assessment should be undertaken as part of the Reserved Matters Application(s) accounting for the location, height and specification proposed within the detailed design which should include the generator flue terminating vertically above the highest point of the proposed roof and that emissions be discharged at a suitably high velocity to ensure suitable dispersion.

- 10.317 Volume 1, industrial emissions – The Quod response states that it is reasonable to scope out the effect of industrial emissions from the EIA as future operators of the Development could not be traditional ‘dirty’ heavy industrial occupiers and any industrial process would require an environmental permit. However, the land uses proposed include B2 General Industrial uses which could include industrial processes which are not typically suitable for residential areas such as this one and the granting of an environmental permit does not guarantee that no significant effects would arise.
- 10.318 Volume 1, Construction traffic assessment – Unless the LBWF Air Quality Officer considers that quantified assessment is required, the qualitative assessment of construction traffic emissions presented within the ES is considered satisfactory and no further information is required.
- 10.319 Volume 1, industrial and commercial noise – The Quod response confirms how the key issue of industrial and commercial noise was considered as part of the design for the co-location scheme but does not clarify how that was then assessed for the Development as proposed in the Planning Application. Not only is this important to identify any significant effects but it also provides information to the applicant on the cost of mitigation measures which could be substantial for a co-location scheme of this nature. We therefore recommend to LBWF that a Planning Condition is attached to any Planning Permission to set internal noise criteria for the Detailed Part and ensure that no significant effects arise for the Outline Part, in line with Paragraph 11.8.9 of the ES, as follows:
- “Operations can be assessed in accordance with BS4142:2014 and a planning condition requiring such assessment could be applied to ensure no greater than medium magnitude of impact at the closest residential sensitive receptors which would be of minor adverse significance. i.e. non-significant.”
- 10.320 Volume 1, scheme design and management - The Quod response provides suitable clarification that the measures identified in the Acoustic Design Statement are embedded into the design proposed for approval. Having reviewed the Design Code, this isn’t immediately obvious, and it is also not referenced at all in Chapter 5: Description of Development. It is therefore recommended that a Planning Condition be attached to any Planning Permission to secure this.
- 10.321 Volume 1, assessment methodology for water resources, flood risk and drainage - It is recommended that LBWF ensure that appropriate protection of the water bodies in the area is ensured through measures that can be specified in the CEMP and implemented accordingly, using a Planning Condition

attached to any Planning Permission granted.

- 10.322 Volume 1, assessment methodology - Avison Young recommend that clarification be sought from Quod on whether there would be likely significant environmental effects resulting from the presence of the maximum extent of basement proposed within the Planning Application, as shown in the Basement Development Zones Parameter Plan.
- 10.323 Volume 1, effects of construction on biodiversity – The Quod response doesn't add any new information or clarification to that already provided in the ES. There appears therefore to be ambiguity remaining over the reasons why contamination of the Lee Valley reservoir Chain / Walthamstow Reservoirs is unlikely to, or would not occur, as a result of the Development, as detailed earlier in this letter. It is recommended that LBWF ensure that appropriate protection of the water bodies in the area is ensured through measures that can be specified in the CEMP and implemented accordingly, using a Planning Condition attached to any Planning Permission granted.
- 10.324 Volume 1, assessment methodology – wind microclimate - The Quod response states that illustrative landscaping masterplan was used for assessing the Outline Part of the Development to assess the effectiveness of the landscaping measures. However, this is not the correct approach to take, as the illustrative landscaping masterplan presents just one of many ways that landscaping could be provided in accordance with the landscape design guidelines which are the actual proposals presented for approval. Avison Young therefore recommends that further assessment is secured by LBWF through a Planning Condition attached to any Planning Permission granted. LBWF are also reminded that even when considering the illustrative landscaping scheme, significant effects including strong winds posing a safety risk have been identified in the ES
- 10.325 Volume 1, Completed development (para. 17.5.1) - LBWF should note that it is therefore the assessment for Configuration 3 that should inform LBWF's decision on the Planning Application.
- 10.326 Volume 1, Cumulative effects (para. 17.6.1 – 17.6.9) – The Quod response does not provide any further clarification on the point raised. LBWF should, therefore, note that the correct configuration appraisal on which the assessment of cumulative effects should be made is that for Configuration 5, which is presented as a summary in Table 17.5. As such, it is acknowledged that the correct assessment results are provided in the ES. It is considered that LBWF have sufficient information to inform their decision on the planning application with respect to this matter and no further information is, therefore, required. Avison Young therefore recommends that further assessment is secured by LBWF through a Planning Condition attached to any Planning Permission granted. LBWF are also reminded that significant effects including strong winds posing a safety risk have been identified in the ES. The potential for the Outline Part of the Development to result in significant effects should, therefore, be considered when making a decision on the Planning Application, since no mitigation measures have been identified at this stage.
- 10.327 Volume 2, the development outline – We have interpreted the Quod response to mean that the massing of the illustrative scheme has been shown within views of the Development as a wireline within the wireline of the maximum

parameters. This is unnecessary as no assessment should be made of the illustrative proposals since they are not the subject of the Planning Application. We therefore advise LBWF to consider the assessment results for the correct spatial parameters when making their decision.

**ES Conclusions**

- 10.328 Officers consider that the ES, its accompanying suite of associated documents and the standalone reports which comprise the planning application are sufficiently comprehensive and complete to allow the local planning authority to take into account the likely significant effects of the development when making a decision. The ES was independently reviewed by Avison Young who also considered the information to be sufficient.
- 10.329 The ES conclusions on the likelihood and extent of harm, its scale (Negligible, Minor, Moderate and Major) and the significance of residual effects are considerations which form part of the planning recommendation for the approval of the proposed development.
- 10.330 Overall, following the clarifications and corrections that have been put into place by the Applicant as a result of liaison with Avison Young, it is considered that there are no outstanding issues and therefore a Regulation 25 request for further information is not necessary.

**N. IMPACT ON INFRASTRUCTURE**

- 10.331 London Plan policy S1 (C) supports the provision of high quality, inclusive infrastructure that addresses a local or strategic need and supports service delivery. It supports (D) making the best use of land including the co-location of different forms of social infrastructure and the rationalisation or sharing of facilities. It expects new facilities to be (E) accessible by public transport and requires that (F) any losses of social infrastructure in areas of need are only supported where 1) there are realistic proposals for re-provision that contribute to serve the needs of the neighbourhood and wider community, or 2) the loss is part of a wider public service transformation plan. Part G requires that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan (see Part F2).
- 10.332 To ensure that growth in the borough is supported by the necessary investment in infrastructure, the Council has produced an Infrastructure Delivery Plan setting out what infrastructure is required, where and how it will be funded and delivered. The Plan is a live document that is reviewed regularly in partnership with infrastructure providers (for example NHS, National Grid, Transport for London).
- 10.333 All developers over a certain threshold (and subject to certain reliefs) pay a non-negotiable Community Infrastructure Levy collected by the Council and invested into the infrastructure needed across the borough. Where, for specific planning reasons, either to meet specific planning policies or mitigate specific impacts of a development, developers make additional Section 106 contributions towards infrastructure, usually in the vicinity of their site. In this instance contributions have been sought to support the Higham Hill Community Hub.

**Healthcare**

- 10.334 The health of communities is a consideration as part of new development. Health Impact Assessments are required in order to assess how new development will affect the health of local communities.
- 10.335 The applicant undertook a complete assessment using the NHS London Healthy Urban Development Unit (HUDU) rapid Health Impact Assessment (HIA) (D38) Tool was required. The HIA demonstrates how the proposal would create a healthy, inclusive and safe place, responding to policy 8 of the NPPF (2019); policy GG3 of the London Plan (2019); policy DM6.1 of the Local Plan; H1 of the emerging Local Plan (2019) and the LBI document Health Impact Assessments (HIA) for Major Applications: Guidance and Screening.
- 10.336 Infrastructure requirements may be funded through both planning obligations and the CIL. Planning obligations are specific requirements to be fulfilled by developers to ensure that impacts arising from a new development are addressed. Infrastructure needs and requirements change over time in response to the development and growth of LBWF as well as changing objectives and priorities for both the Council and its partners. The LBWF CIL is used to fund the provision, improvement or replacement of community infrastructure that supports the development of the borough.
- 10.337 The Healthy Urban Development Unit for London guidance recommends a

ratio of GPs to patients of 1:1,800. Neither the 1km nor the 1.5km buffer for GP surgeries exceeds this recommended ratio. Given the relative accessibility of the location in relation to other practices, existing provision is considered adequate.

- 10.338 If the need is identified in the future, a request for an allocation of funding can be made through council's existing S106 and CIL allocation processes.
- 10.339 The proposed development supports the objectives of London Plan policy GG3 (creating healthy city),

### **Education**

- 10.340 There is sufficient education capacity to absorb any need arising from phase one. Given the timeframe for delivery of phase two, there may be a need at the time of delivery to contribute towards increasing education capacity locally. The section 106 agreement will establish a mechanism determine whether a contribution will be required.

**O. SAFETY AND SECURITY**Secure by Design

- 10.341 London Plan Policy 7.3 Designing out Crime requires development proposals to take account of the principles set out in national guidance and Secured by Design best practice. Buildings and spaces should deter criminal opportunism and provide residents with an increased sense of security, without being intimidating or reliant on excessive management, for example they should not create a fortress like environment. Passive surveillance (or eyes on the street) is encouraged, including through active frontages (ground floor uses with a visually permeable elevation and a generous distribution of entrances). The proposal should demonstrate that it is safe and secure, meeting the relevant objectives within policy D11 of the London Plan (2021). Moreover, policy DM33 of the WFLP Development Management Policies (2013) seeks for a safe environment with appropriate levels of natural surveillance.
- 10.342 Section 12 C of the submitted Design and Access Statement sets out measures to tackle crime prevention with recommendations to enhance security. This document has been reviewed by the Metropolitan Police's Design Out of Crime Officer. As advised, the proposed security measures are on balance, considered suitable for achieving Secured by Design accreditation and a condition requiring details of these measures is recommended.
- 10.343 Given the presence of brewery tap rooms, bars and restaurants within the existing and proposed development, a referral was also made by the MPS Design Out of Crime Officer to the MPS Counter-Terrorism Security Advisors, a condition is recommended to ensure that this aspect has been given full consideration.
- 10.344 Other design security details with regards to CCTV, intruder alarms, door/windows specifications, access control and keypads would also be dealt with by condition, in consultation with the Metropolitan Police. As such, it is considered that the proposed security measures, including building layout and gating to the parking areas would be acceptable and would secure SBD accreditation, in accordance with the requirements of policy D11 of the London Plan (2021).

Fire Safety

- 10.345 Policy D12 of the London Plan (2021) requires the submission of a 'Fire Safety Statement' for all major forms of development proposals. This strategy should be produced by a third-party, independent, and suitably qualified assessor and should aim for design proposals that incorporate appropriate features to reduce the risk of a fire. The strategy should include appropriate fire alarm systems, measures for minimising the risk of fire spread, details of means of evacuation and passive/active fire safety measures.
- 10.346 The submitted 'Fire Statement' (dated 13th February 2022) provides details of means of escape within each industrial unit and specifications of features that would reduce the risk to life, such as fire detection and alarm systems, passive fire safety measures, access routes of fire service vehicles and hydrants, to meet the highest standards of fire safety in accordance with policy D12 of the London Plan (2012).
- 10.347 A condition requiring the submission of a detailed fire strategy is also



recommended, to ensure that appropriate safety The Fire Statement submitted with the application has been reviewed by the Health and Safety Executive. Subject to appropriate conditions, the proposal is considered to accord with London Plan policy D12 (Fire Safety).

## **P. FINANCIAL CONSIDERATIONS**

### **Planning Obligations**

10.348 As per Government guidance, 'Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. This can be via a planning agreement entered into under section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority; or via a unilateral undertaking entered into by a person with an interest in the land without the local planning authority. Planning obligations run with the land, are legally binding and enforceable. A unilateral undertaking cannot bind the local planning authority because they are not party to it. Planning obligations are also commonly referred to as 'section 106', 's106', as well as 'developer contributions' when considered alongside highways contributions and the Community Infrastructure Levy.

### **Community Infrastructure Levy**

10.349 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).

10.350 The application is subject to both the Mayoral and the Waltham Forest Council Community Infrastructure Levy.

10.351 Community Infrastructure levy (CIL) applies to most new developments (new buildings or extensions) which involve creating 100m<sup>2</sup> or more of gross internal floor space. CIL is a source of funding from new development to help support local infrastructure. Funding raised through the levy can be used to pay for improvements such as parks, play spaces, education, health facilities and the transport network. Dispensations may be sought for development such as social housing or charitable relief.

10.352 The Mayor's Community Infrastructure Levy (MCIL1) was introduced in 2012 to help finance Crossrail and on 1 April 2019 the new, replacement charging schedule (MCIL2) came into effect in order to fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.

### **Epping Forest Special Area of Conservation**

10.353 Waltham Forest shares a boundary with the Epping Forest Special Area of Conservation and following research in the form of a visitor survey by Footprint Ecology, has been found to fall within a wider Zone of Influence (ZOI) based on the distance the majority of visitors will travel to visit Epping Forest SAC. This report identified that 75% of visitors travelled up to 6.2Km to the SAC and as result of the whole of the London Borough of Waltham Forest falls within this ZOI for recreational pressure. All new residential development within this ZOI constitutes a LSE (Likely Significant Effect) on the sensitive interest features of the SAC through increased recreational pressure, either when considered 'alone' or 'in combination'. According an "Appropriate Assessment" has been carried out on this application.

- 10.354 The Council as Local Planning Authority is obliged to ensure that any grant of planning permission would have sufficient mitigation measures in place so as to ensure that there would be no harmful impact on the Epping Forest SAC arising from LSE. The Local Planning Authority is a “competent authority” under the Habitat Regulations and is legally obliged to take Natural England’s advice into account in decision making and attach great weight to it.
- 10.355 For schemes comprising one or more units of residential accommodation a new package of costed Strategic Access Management Measures (SAMM) has been prepared by the City of London Conservators of Epping Forest. This Mitigation Strategy has been agreed by all of the partners in the agreement and is in the process of adoption. A new SAMM levy is now in operation which requires a contribution of £627 per unit from all new residential schemes. Natural England is supportive of this approach, provided the total expected contribution is delivered to the City of London Conservators to support the delivery of SAMM in Epping Forest SAC. Community Infrastructure Levy (CIL) would secure financial contributions towards the SANGS, allocated to projects within the relevant catchment area, as identified in the strategy.
- 10.356 Should there be a forthcoming approval for this application the development, based on current circumstances and regulations would be liable for £627 x 1 residential unit payment towards the Epping Forest SAMM levy.

#### Local Finance Considerations

- 10.357 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).
- 10.358 There are no grants which have been or will or could be received from central government in relation to this development.
- 10.359 The Council has not received but expects to receive income from LBWF CIL in relation to this development.
- 10.360 The Council has not received but expects to receive income from Mayoral CIL in relation to this development.

## 11 ADDITIONAL CONSIDERATIONS

### Public Sector Equality Duty

- 11.1 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
  - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
  - C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
    - The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
    - The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balance against other relevant factors.
    - It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Equalities Impact Assessment

- 11.2 In relation to the Equality Act 2010, an Equalities Impact Assessment (EqIA) is a way of measuring the potential impacts (both positive and negative, temporary and permanent) that a proposal may have on the key protected characteristics covered by the Equality Duty and on Human Rights. An EqIA was submitted with the application (D47) to anticipate and mitigate against impacts that the proposal could have on people with the protected characteristics.
- 11.3 Regarding the temporary, construction phase of the scheme, the assessment finds there will be positive impacts associated with employment and skills, but negative amenity impacts (noise, disturbance) could affect local populations living near the site, including those within protected groups who may be more likely to spend more time at home than others. During construction there would be a benefit to a group typically disadvantaged in the construction sector - of the apprentices to be delivered. At operational phase, the creation of a permeable site with increased public open space, enhanced connectivity and integration with the surrounding neighbourhood is found to be beneficial to all persons in the local area.

Human Rights

- 11.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.
- 11.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## **12 CONCLUSIONS**

- 12.1 This report provides Officer's comprehensive consideration of the planning application and its supporting documentation, including the further/additional information submitted and any representations received.
- 12.2 The conditions set out in the agreed S106 Heads of Terms would ensure that any adverse impact of the scheme is mitigated against and the positive aspects of the proposal advanced by the applicant are carried out through the implementation.
- 12.3 This Report has considered the proposals in light of the adopted development plan policies and other material considerations or representations relevant to the environment effects of the proposals.

### Planning balance

- 12.4 As identified within this report, the proposed development would result in identified benefits and identified harm in planning terms.
- 12.5 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with a planning application 'the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material consideration.'
- 12.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 12.7 The impacts that weigh against the scheme must be considered against the benefits the proposals would bring forward.
- 12.8 Officers have been mindful of the weight that must be afforded to impacts, in this case, the benefits (such as a housing, modernised industrial premises, and new publicly accessible green and open spaces) are compelling. Officers are of the view that they carry such weight as to outweigh impacts.
- 12.9 The planning application is supported by an Environmental Statement which has been reviewed by an independent qualified Environmental Impact Assessor.
- 12.10 The application has been the subject of a robust public consultation regime and concerns have been taken into account. Overall, officers have given careful consideration to the submitted Environmental Statement and where impacts are forecast to arise from the proposed development, adequate mitigation measures have been introduced to make the proposed development acceptable in planning terms.

### **13 RECOMMENDATION**

13.1 That authority to be given to the Assistant Director of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the Legal Agreement and to agree any minor amendments to the conditions attached to the planning permission or the Legal Agreement on the terms set out above.

13.2 In the event that the Section 106 legal agreement is not completed within a reasonable timeframe following the date of Planning Committee, the Assistant Director of Development Management and Building Control is hereby authorised to refuse the application in consultation with the Chair. In the absence of the legal agreement the Council would not be able to ensure that:

- Affordable housing would be delivered;
- The integrity of the Epping Forest SAC is not compromised;
- The aims of policies seeking the creation of employment opportunities and jobs growth are met;
- Sufficient capacity exists in educational, health and sports facilities to cope with additional demand from the development;
- Necessary highway works are undertaken;
- Measures are in place to improve the public realm and promote sustainable travel options and reduce car use;
- Sufficient capacity exists in the public transport network to cope with additional passengers;
- The development is car free;
- Access between the site and that associated with application ref: 211244 is secured (for infrastructure and movement);
- The wider site is appropriately managed and maintained;
- Carbon emissions are offset and the site is sustainable; and
- Tree loss and air quality impacts are appropriately mitigated.

## CONDITIONS

### Detailed Phase:

#### **F1. Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: For the avoidance of doubt and in the interests of proper planning.

#### **F2. Development in Accordance with Details**

The development shall not be carried out otherwise than in accordance with the approved plans and documents, unless otherwise agreed in writing by the Local Planning Authority.

Plans:

Existing Site Plan	19029_00_07_001	Rev. P1
Proposed Phase 1 Site Plan	19029_00_07_002	Rev. P2
Existing Phase 1 Plan	19029_01_07_080	Rev. P1
Phase 1 Demolition Plan	19029_01_07_081	Rev. P1
Proposed Phase 1 Plan	19029_01_07_082	Rev. P2
Adopted Roads	19029_01_07_083	Rev. P2
Amenity Space Provision	19029_01_07_084	Rev. P2
Cycle Storage	19029_01_07_085	Rev. P2
Refuse Storage	19029_01_07_086	Rev. P2
Emergency Vehicle Access	19029_01_07_087	Rev. P2
Existing Plan – AODs	19029_01_07_088	Rev. P1
Proposed Plan – AODs	19029_01_07_089	Rev. P2
Sections AA – BB	19029_01_07_350	Rev. P2
Sections CC – DD	19029_01_07_351	Rev. P2
Sections EE – FF	19029_01_07_352	Rev. P2
Lower Ground Floor	19029_A_07_099	Rev. P1
Ground Floor (Mezzanine Level 1)	19029_A_07_100	Rev. P2
Level 01	19029_A_07_101	Rev. P2
Level 02	19029_A_07_102	Rev. P2
Level 03	19029_A_07_103	Rev. P2
Level 04	19029_A_07_104	Rev. P2
Roof Plan	19029_A_07_110	Rev. P2
East and West Elevations	19029_A_07_200	Rev. P2



South and North Elevations	19029_A_07_201	Rev. P2
Yard and Lightwell Elevations	19029_A_07_202	Rev. P2
Boundary Fence Elevations	19029_A_07_203	Rev. P2
Sections AA and BB	19029_A_07_300	Rev. P2
Sections CC and DD	19029_A_07_301	Rev. P1
Bay Study 01	19029_A_07_400	Rev. P1
Bay Study 02	19029_A_07_401	Rev. P1
Bay Study 03	19029_A_07_402	Rev. P1
Bay Study 04	19029_A_07_403	Rev. P1
Bay Study 05	19029_A_07_404	Rev. P1
Ground Floor	19029_B_07_100	Rev. P2
Mezzanine	19029_B_07_100M	Rev. P2
Level 01	19029_B_07_101	Rev. P2
Level 02	19029_B_07_102	Rev. P2
Level 03	19029_B_07_103	Rev. P2
Level 04	19029_B_07_104	Rev. P2
Level 05	19029_B_07_105	Rev. P2
Level 06	19029_B_07_106	Rev. P2
Level 07	19029_B_07_107	Rev. P2
Level 08	19029_B_07_108	Rev. P2
Level 09	19029_B_07_109	Rev. P2
Level 10	19029_B_07_110	Rev. P2
Level 11	19029_B_07_111	Rev. P2
Level 12	19029_B_07_112	Rev. P2
Level 13	19029_B_07_113	Rev. P2
Level 14	19029_B_07_114	Rev. P2
Level 15	19029_B_07_115	Rev. P2
Level 16	19029_B_07_116	Rev. P2
Level 17	19029_B_07_117	Rev. P2
Level 18	19029_B_07_118	Rev. P2
Roof Plan	19029_B_07_119	Rev. P2
East Elevation – Uplands House	19029_B_07_200	Rev. P2
West Elevation B1	19029_B_07_201	Rev. P2
North Elevation B2	19029_B_07_202	Rev. P2
North Elevation B1	19029_B_07_203	Rev. P2

South Elevation B2	19029_B_07_204	Rev. P2
South Elevation B1	19029_B_07_205	Rev. P2
East Elevation B2	19029_B_07_206	Rev. P2
Section AA	19029_B_07_300	Rev. P2
Section BB	19029_B_07_301	Rev. P2
Section CC	19029_B_07_302	Rev. P2
Bay Study 01 – B2	19029_B_07_400	Rev. P2
Bay Study 02 – B1	19029_B_07_401	Rev. P2
Bay Study 03 – Podium	19029_B_07_402	Rev. P2
Bay – B01 & B02 Axonometric Study	19029_B_07_403	Rev. P2
Bay – B01 Study Axonometric	19029_B_07_404	Rev. P2
Residential Unit Mix and Overall Summary	19029_2QA_Detail_Application_Residential unit mix and overall summary	Rev. P2
Block A Accommodation	19029_2QA_Detail_Application_Block_A_Accommodation	Rev. P1
Block A GEA	19029_2QA_Detail_Application_Block_A_GEA	Rev. P1
Block A GIA	19029_2QA_Detail_Application_Block_A_GIA	Rev. P1
Block B Accommodation	19029_2QA_Detail_Application_Block_B_Accommodation	Rev. P2
Block B Industrial Accommodation	19029_2QA_Detail_Application_Block_B_Industrial_Accommodation	Rev. P2
Block B GEA	19029_2QA_Detail_Application_Block_B_GEA	Rev. P2
Block B GIA	19029_2QA_Detail_Application_Block_B_GIA	Rev. P2

## Documents (Hybrid):

TITLE	Author
Demolition Plans	Quod (+ Various)
Environmental Statement (Comprising Volumes 1, 2 and 3)	Various
Car Parking Management Plan	Ardent
Outline Construction Logistics Plan	Ardent
Waste Management Strategy	Ardent
Healthy Streets Transport Assessment	Ardent
Residential Travel Plan	Ardent
Framework Workplace Travel Plan	Ardent
Air Quality Positive Statement	CDC
Phase 1 Fire Safety Statement	CDC

Phase 2 Fire Safety Statement	CDC
Fire Safety Strategy Report	CDC
Statement of Community Involvement	Concilio
Arboricultural Report Impact Assessment	Crown Trees
Shadow Habitat Regulations Assessment	Ecology Solutions
Wind Microclimate Assessment	RWDI
Noise and Vibration Assessment	Ardent
Flood Risk Assessment and Drainage Strategy Report	Meinhardt
Ventilation Statement	Meinhardt
Utility Constraints Report	Meinhardt
Energy Assessment and Sustainability Strategy	Meinhardt
Draft Business Retention and Relocation Strategy	NEAT Developments
Daylight, Sunlight and Overshadowing Assessment (Internal)	The Chancery Group
Daylight, Sunlight and Overshadowing Assessment (External)	The Chancery Group
Town Centre Uses Assessment	Turley Economics
Health Impact Assessment	Turley Economics
Financial Viability Appraisal	Quod
Townscape, Heritage and Visual Impact Assessment	The Townscape Consultancy and Rockhunter
Socio-Economics Assessment	Turley Economics
Delivery and Servicing Management Plan	Ardent
Construction Method Statement (incl. Demolition)	Ardent
Archaeological (Desk Based) Assessment	Museum of London Archaeology
Land Contamination Assessment	Meinhardt and A- Squared
Biodiversity Assessment	Ecology Solutions
Equality Impact Assessment	Turley Economics

REASON: For the avoidance of doubt and in the interests of proper planning. To ensure that the external appearance of the development is satisfactory and to protect residential amenity of nearby occupiers, the visual amenities of the area as well as protecting the environment and to accord with London Plan (2021) policies D1, D2 and D3, WFLP Core Strategy (2012) policies CS15 and CS5 WFLP Development Management Policies (2013) Policies DM29, DM30 and DM35.

### **F3. Land Use Requirements**

In accordance with drawings approved in Condition F2, the detailed element of the development hereby approved shall comprise the following:

- 119 residential units (C3);
- 17,994 sqm GEA of flexible industrial floorspace within Use Classes E(g)(ii and iii), B2 and B8;
- All associated hard and soft landscaping, infrastructure; and
- Provision of yard space vehicle and cycle parking.

REASON: To ensure an appropriately balanced and complimentary range of uses on site, and to ensure that the development is carried out in accordance with the approved plans and other submitted details and to ensure that the quantum of floorspace keeps within the parameters assessed pursuant to the EIA in relation to the development and to accord with London Plan (2021) policy SD6 and WFLP Core Strategy (2012) policy CS14.

#### **F4. Development in Accordance with Details**

The development shall be implemented in accordance with the approved details and the approved measures shall be brought into operation prior to the first occupation of each Phase of the approved detailed development hereby approved.

REASON: In the interest of creating safer, sustainable communities, in compliance with Policy CS16 of the Waltham Forest Local Plan – WFLP Core Strategy (2012) and Policy DM33 of the Waltham Forest Local Plan – Development Management Policies (2013).

#### **F5. Restriction of Permitted Development Rights – Class E to Residential**

Notwithstanding the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place.

REASON: To avoid loss of employment on the site.

#### **F6. Elevations and Materials**

The elevational detail, including materiality of the proposed development shall incorporate details of all materials, colours and finishes to be used on all external surfaces of the buildings in each Phase of the approved detailed scheme. The details shall also include:

- Bay studies at a scale of 1:20, through key points on the elevations, as agreed with the Local Planning Authority.
- Details and samples of materials for windows, areas of glazing, terrace areas, building entrances, soffits and any other materials, presented on a materials palette board, accompanied by elevations indicating exactly where the materials are to be used.
- Detailed drawings and sections at a scale of 1:5 or 1:10 through:
  - Facade variations,

- Entrances,
- Terrace areas,
- Edge protection
- Roofing covering the areas between buildings in the phase,
- Parapets and roof edges,
- Balcony details,
- Heads, cills and jambs of openings

The development shall be carried out in accordance with the approved scheme and shall be fully implemented prior to the development hereby approved first being brought into use and shall thereafter maintained as such for the lifetime of the development.

REASON: To ensure that the development presents a satisfactory appearance in accordance with London Plan (2021) Policies D1, D2 and D3, WFLP Core Strategy (2012) policies CS15 and CS5, WFLP Development Management Policies (2013) policies DM29, DM30 and DM35.

#### **F7. Materials**

Prior to commencement of the development of each Phase of the approved detailed scheme (excluding demolition, ground works and substructure), and notwithstanding any indications shown on the approved plans, samples and a schedule of materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: To ensure a satisfactory appearance in accordance with policies CS12 and CS15 of the Waltham Forest Local Plan Core Strategy (2012), policy DM28 of the Waltham Forest Local Plan – Development Management Policies (2013) and policy D4 of the London Plan (2021).

#### **F8. Roof Level Structures**

Details of any roof-level structures (including lift over-runs, flues/extracts and plant room) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site for each Phase of the approved detailed scheme. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.

REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding street scene or the character and appearance of the area in accordance with policies D4 the London Plan 2021.

#### **F9. Lifts**

All lifts hereby approved shall be installed and operational prior to the first occupation of each of the buildings hereby approved.

REASON: To ensure that inclusive and accessible routes are provided throughout the floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.

#### **F10. Bats**

The construction and demolition of the hereby approved development shall be carried out strictly in accordance with the recommendations and mitigation/enhancement measures detailed within the Environmental Statement and shall be maintained as such thereafter. No change therefrom shall take place without the prior written consent of the Local Planning Authority.

REASON: To ensure that the presence of any bats on the site is appropriately accounted for, to ensure the demolition and development hereby approved does not cause harm to wildlife, habitats and valuable areas for biodiversity in accordance with policy G6 of the London Plan.

#### **F11. Urban Greening Factor**

Each Phase of the approved detailed development hereby permitted shall achieve an Urban Greening Factor of 0.3. Should there be any decrease in the Urban Greening Factor, a report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of each Phase of the approved detailed development hereby permitted which satisfactorily demonstrates why the Urban Greening Factor stated above cannot be achieved. The report shall give consideration to additional planting, intensive or semi-intensive green roofs.

REASON: In the interest of biodiversity, sustainability and to ensure that green infrastructure is maximised on the site.

#### **F12. Landscaping and Ecology**

Prior to occupation of the detailed phase of development, details of the hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The plans and details of soft and hard landscaping shall include:

- Planting plans;
- Written specification of planting and cultivation works to be undertaken;
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate;
- Proposed finishing levels or contours;
- Means of enclosure and boundary treatments including the siting, design and height and finish of all new walls, gates, fencing, railings and other means of enclosure. The boundary treatment shall ensure that adequate pedestrian visibility splays are provided;
- External amenity spaces;
- Details of play space provision (including details of maintenance);
- Car and ambulance parking layouts (including landscaping around car parking areas);

- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials proposed site-wide (Phase 1) maintenance and management of the public realm and landscaping areas;
- Minor artefacts and structures (such as cycle stores, furniture, refuse storage, signs and shall include lighting (poles and heads etc) for amenity spaces and streets); and
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures).

The approved plans and details of landscaping shall be implemented within 6 months or the next available appropriate planting season after completion of the external development works in accordance with the approved details and retained as such for the lifetime of the development.

REASON: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies CS15 of the WFLP Core Strategy (2012), and Policies DM23, DM32, DM35 of the WFLP Development Management Policies (2013).

#### **F13. Arboricultural Method Statement**

Prior to commencement of the detailed phase of development (other than demolition, site clearance and preparation, groundwork, and development below DPC level), an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The details shall include protection measures, foundation design, root barriers and any other steps required to ensure the protection of any trees to be retained on or immediately adjacent to the site.

REASON: To ensure a satisfactory appearance in the interest of local amenity and biodiversity in accordance with Policies CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32, DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

#### **F14. Habitat Enhancement Report**

Prior to the occupation of the detailed phase of the / each phase of the detailed development, a Habitat Enhancement Report shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the number, positioning and type of habitat bricks, boxes, and hibernacula proposed for birds, bats, and invertebrates.

REASON: In the interest of biodiversity in accordance with Policies CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32, DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

#### **F14. Ecological Management Plan**

Prior to the occupation of each phase of the detailed development, an Ecological Management Plan (EMP) providing details of a long-term maintenance and habitat creation for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The details shall include updated surveys and assessment in respect of protected species, as required and proportionate to each phase, and information regarding the precautionary avoidance and mitigation measures to be adopted during vegetation clearance and demolition to avoid and mitigate for impacts to faunal species.

REASON: In the interest of biodiversity and local amenity, in accordance with policy CS5 of the Waltham Forest Local Plan – Core Strategy (2012) and Policy DM35 of the Waltham Forest Local Plan – Development Management Policies (2013).

#### **F15. Highway Condition**

Prior to the commencement of the detailed phase of the / each phase of the detailed development, a specification for a highway condition survey to assess the condition of highway before and after construction works shall be submitted to and approved in writing by the Local Planning Authority and the condition survey report shall include a site location plan highlighting the location of the photographs. The highway condition survey shall then be carried out in accordance with the approved timescales contained within the approved specification and it shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied.

REASON: In the interest of pedestrian and highway safety, to comply with Policy CS7 of the Waltham Forest Local Plan – Core Strategy (2012) and Policy DM14, DM15 and DM32 of the Waltham Forest Local Plan – Development Management Policies (2013).

#### **F16. Car Parking Management Plan**

Prior to occupation of each phase of the detailed development hereby approved, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be laid out and allocated in accordance with the approved management plan and shall be made available for the purposes of parking private motor vehicles in association with the development and for no other purpose. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

REASON: In the interests of highway and pedestrian safety in accordance with policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

#### **F17. Cycle Parking**

Prior to occupation of each phase of the detailed development and notwithstanding any indication on the submitted drawings, a schedule showing the number and location of all cycle parking spaces and details of secure and sheltered cycle storage facilities, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed cycle strategy shall be fully implemented prior to occupation and shall be permanently retained thereafter.

REASON: In the interest of security and sustainable development, in compliance with Policies CS6, CS15 and CS16 of the Waltham Forest Local Plan - Core Strategy 2012 and Policies DM13, DM14, DM23 of the Waltham Forest Local Plan – Development Management Policies (2013).

#### **F18. Servicing & Delivery Plan**

Prior to occupation of each phase of the detailed development, a detailed Servicing and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall make reference to safety measures that will be in place to reduce conflicts between service vehicles and other users (cyclists, vehicles, and pedestrians) and shall also include details of how delivery vehicle movements can be rationalised.



REASON: In the interest of highway safety, in compliance with Policies CS6, CS15 and CS16 of the Waltham Forest Local Plan - Core Strategy 2012 and Policies DM13, DM14, DM23 of the Waltham Forest Local Plan – Development Management Policies (2013).

**F19. BREEAM**

Within three months of commencement of each phase of the detailed development hereby permitted, a Design Stage Certificate(s) shall be submitted to, and approved in writing by, the Local Planning Authority. The non-residential floor space hereby permitted shall be constructed to achieve not less than BREEAM 'Excellent', unless it can be demonstrated that this is not feasible through the submission to and approval of a feasibility statement by the Local Planning Authority.

The non-residential units hereby permitted shall be constructed to achieve not less than the BREEAM rating approved by the Local Planning Authority following the submission of the Design Stage Certificate(s). The non-residential units in each phase of the detailed development shall not be occupied until a report (from a suitably qualified BREEAM Assessor) confirms the rating approved at Design Stage has been achieved at As Built stage and has been submitted to BRE for certification. This report must be submitted to and approved in writing by, the Local Planning Authority. Formal certification confirming that not less than the rating approved at Design Stage has been achieved for each non-residential unit shall be submitted to, and approved in writing by, the Local Planning Authority within six months of first occupation of each/the non-residential unit(s).

REASON: In the interest of addressing climate change and to secure sustainable development.

**F20. Home Quality Mark**

Within three months of commencement of each phase of the detailed development hereby permitted, a Design Stage Certificate(s) showing how the residential floor space hereby permitted shall be constructed to achieve not less than HQM 4 stars (or the equivalent standard in such measure of sustainability for residential building design which may replace that scheme) shall be submitted to, and approved in writing by, the Local Planning Authority.

The residential units hereby permitted shall be constructed to achieve not less than HQM 4 stars in accordance with the submitted report (or the equivalent standard in such measure of sustainability for residential building design which may replace that scheme). The residential units in each phase of the detailed development shall not be occupied until a report (from a suitably qualified HQM Assessor) confirms that not less than HQM 4 stars has been achieved at As Built stage, in line with the Design Stage certificate, and has been submitted to BRE for certification. This report must be submitted to and approved in writing by, the Local Planning Authority. Formal certification confirming that not less than '4 stars' has been achieved for each residential unit shall be submitted to, and approved in writing by, the Local Planning Authority within six months of first occupation of each residential unit.

REASON: To achieve the sustainable delivery of development, including by ensuring that residential development targets higher standards of sustainability, in accordance with policy 89 of LP1.

**F21. Overheating Mitigation**

Prior to façade installation works commencing on each phase of the detailed development, full details of mitigation measures and their reduction to overheating risk (undertaken using the recommended approach set out in GLA guidance (CIBSE

TM59 methodology) shall be submitted to the Local Planning Authority and approved in writing.

The fully detailed and revised mitigation measures may include:

- a. Updated glazing measures
- b. Solar control glazing
- c. Ventilation panels (louvres)
- d. Side hung window / door openings to increase passive ventilation of units;
- e. Balcony design;
- f. External blinds; and
- g. Mechanical Ventilation and Heat Recovery system.

Each phase shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.

REASON: In order to ensure that the design of residential units are such that they would achieve comfortable temperatures in the event of extreme weather scenarios (which are becoming more common). These measures are necessary in order to secure compliance with GLA guidance. These base measures secure compliance with policies D6 and SI4 of the London Plan.

#### **F22. Solar Photovoltaics**

Prior to first occupation of each phase of the detailed development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These submissions shall demonstrate how Solar PVs have been maximised on site, and details shall include but not be limited to: location; area of panels; how the PV output has been maximised and design (including section drawings showing the angle of panels in-situ, and elevation plans). The solar photovoltaic panels as approved shall thereafter be installed prior to the first occupation of each of the buildings and retained as such permanently thereafter.

REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.

#### **F23. Waste Management and Circular Economy**

Prior to occupation of each phase of the detailed development hereby approved, an updated Waste Management Strategy which sets out a scheme for the storage and disposal of waste and recycling, including details of methods for collection and enclosures, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details and the refuse stores brought into use prior to the occupation of each phase of the detailed development hereby permitted and shall be retained as such.

REASON: To enable the Local Planning Authority to assess waste management arrangements and to ensure that satisfactory waste management measures are implemented and maintained.

#### **F24. Post-construction Monitoring**

Prior to occupation of each phase of the detailed development hereby approved, a post-construction monitoring circular economy report shall be completed in line with the GLA's Circular Economy Statement Guidance. The post-construction monitoring

report shall be submitted to the GLA, currently via email at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk) alongside any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of each phase of the detailed development hereby approved.

REASON: In the interest of sustainable development in accordance with policies D3 and SI7 of the London Plan (2021).

#### **F25. Post-construction Monitoring**

Prior to occupation of each phase of the detailed development hereby permitted, a post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template shall be completed in line with the GLA's Whole-Life-Cycle Carbon Assessment Guidance. The post-construction assessment shall be submitted to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk) alongside any supporting evidence in accordance with the guidance. Confirmation of submission to the GLA shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of each phase of the detailed development.

REASON: In the interest of sustainable development and to maximise on-site carbon dioxide savings in accordance with Policy SI2 of the London Plan (2021).

#### **F26. Noise Mitigation – Dwellings**

Notwithstanding the details and drawings approved, prior to superstructure works commencing on each phase of the detailed development hereby approved, a scheme for sound insulation and noise control measures for the residential units including details of the adoption of suitable acoustic glazing specification and facade construction shall be submitted to the Local Planning Authority and approved in writing. The sound insulation and noise control measures shall achieve the following internal noise targets:

- Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)
- Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour
- Dining rooms (07.00 - 23.00 hrs) 40 dB LAeq, 16 hour

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the relevant phase of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority. The detailed specification and design of sound insulation and noise control measures will need to be managed alongside and aligned with measures to address overheating. In this regard, this condition and Condition F21 (Overheating mitigation) shall be developed in parallel and shall be determined alongside each other to prevent one unacceptably impacting the other. The development shall be carried out strictly in accordance with the details so approved and retained as such thereafter.

REASON: In order to protect the amenity of future residential units to achieve an appropriate internal noise environment. These measures will ensure the amenity of future residential units accord with London Plan Policy D14.

#### **F27. Noise to Balconies**

Details of how balconies have been designed to maximise screening and absorption of noise impacts from surrounding non-residential uses shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site to those relevant Plots in the detailed phase of the scheme. The balconies shall be built in accordance with details so approved, shall be implemented prior to first occupation and shall be maintained as such thereafter.

REASON: To ensure that the amenity of residents is not adversely affected in accordance with London Plan Policy D14.

#### **F28. Plant Equipment – Noise**

The design and installation of new items of fixed plant associated with the commercial element of the detailed scheme shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 T. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.

REASON: In order to protect the amenity of future and existing residential properties from noise generated by the operation of commercial plant equipment, in particular ASHP units located across the roofs of the development hereby approved. These measures are necessary to secure compliance with Development Management Policy DM2.1 and London Plan Policy D14.

#### **F29. Plant Equipment Noise Verification Report**

Prior to occupation of each phase of the detailed development to which the commercial plant equipment is located the applicant shall submit to and have approved in writing by the Local Planning Authority, a report prepared by an appropriately experienced & competent person, to assess the noise from the mechanical plant to demonstrate compliance with Condition F28. The report shall include site measurements of the plant in situ. Any noise mitigation measures needed to secure compliance shall be installed prior to occupation of each phase of the detailed development to which the plant is located and permanently retained thereafter.

REASON: In order to protect the amenity of future and existing residential properties from noise generated by the operation of commercial plant equipment, in particular ASHP units located across the roofs of the development hereby approved. These measures are necessary to secure compliance with London Plan Policy D14.

#### **F30. Sound Insulation**

Prior to the commencement of each phase of the detailed development (other than demolition, site clearance and preparation, groundwork, and development below DPC level), a sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority, which will incorporate details of sound insulation measures to be installed within the proposed buildings to manage noise and disturbance. The scheme of noise mitigation measures shall be prepared by a suitably qualified consultant/engineer and shall demonstrate that the proposed sound insulation will achieve a level of protection which is at least +5dB above the

Approved Document E standard (Dwelling houses and flats) for airborne sound insulation and -5dB for impact sound insulation. The development shall be carried out in accordance with the approved scheme and shall be fully implemented prior to each phase of the detailed development hereby approved first being brought into use and shall thereafter maintained as such for the lifetime of the development.

REASON: To protect the amenities of occupiers and the surrounding area, to comply with Policies CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

### **F31. Air Quality and Noise**

A construction/demolition method statement for each phase of the detailed development shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the following:

- Works of demolition and construction shall be carried out during normal working hours i.e., 8:00 – 18:00 Mondays to Fridays and 8:00 – 13:00 Saturdays with no noisy working audible at the site boundary being permitted on Sundays and Bank Holidays.
- Haulage routes.
- Likely noise levels being generated by plant.
- Details of any noise screening measures.
- Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded.
- When works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibrations levels are exceeded. Note: It is expected that vibration over 1 mm/s measured as a peak particle velocity would constitute unreasonable vibration.

All the above submissions shall have regard to the Mayor's SPG.

Each phase of the detailed development shall be carried out in accordance with the hours of operation stated in this condition and the approved construction and demolition statement hereby required.

REASON: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with policies CS7 and CS13 of the Waltham Forest Local Plan Core Strategy (2012) and policies DM14, DM15 and DM24 of the Waltham Forest Local Plan - Development Management Policies (2013).

### **F32. Non-Road Mobile Machinery**

On-site plant and machinery must comply with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards for the Opportunity Areas.

REASON: To ensure that air quality is not adversely affected by the development in line with London Plan 2021 policy SI1(D) and the Mayor's SPG: The Control of Dust and Emissions during Construction and Demolition.

### **F33. Drainage Strategy**

Prior to the commencement of the detailed phase of the development (other than demolition, site clearance and preparation, ground works and development below DPC level), a drainage strategy detailing any on and/or off-site drainage works, shall be submitted to, and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of permanent foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: In the interests of future health of occupiers of the development and to Waltham Forest Local Plan – Core Strategy (2012) and policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

### **F34. Fire Statement**

The details and measures set out in the Fire Statement and Fire Safety Strategy shall be implemented in accordance with the approved document, unless otherwise agreed in writing by the Local Planning Authority. Should any subsequent change(s) be required to secure compliance with the submitted Fire Safety Strategy, a revised Fire Statement would need to be submitted to and approved by the Local Planning Authority. The Statement would need to detail how the development proposal would function in terms of:

- The construction of the industrial buildings: methods, products and materials used;
- The means of escape for all building users: stair cores, escape for building users who are disabled or require level access, and the associated management plan approach;
- Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these;
- How provision will be made within the site to enable fire appliances to gain access to the building.

The development shall be carried out in accordance with the Fire Safety Strategy under this condition and shall be maintained as such thereafter.

REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

### **F35. Piling Method Statement**

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be

carried out, including measures to prevent and minimise the potential for damage to sub-surface water infrastructure and the programme of the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater in accordance with policies CS4 and CS13 of the Waltham Forest Local Plan - Core Strategy (2012) and policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

### **F36. Construction Logistics Plan**

Prior to commencement of construction works for each phase of the detailed development (excluding demolition works) hereby approved, a detailed Construction Logistics Plan to cover construction works of the development is required to be submitted for approval by the Local Planning Authority prior to commencement of works and using the TfL template and guidance, which include inter alia:

- Journey planning, highlighting access routes.
- Method of access and parking of construction vehicles.
- Measures to prevent deposition of mud on the highway.
- Dust mitigation and suppression measures to control the spread of dust from demolition, disposal, and construction.
- Site operation times.
- Loading and unloading locations, taking into consideration existing parking restrictions.

The development shall be implemented in accordance with the approved details.

REASON: In the interests of highway and pedestrian safety in accordance with policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

### **F37. Contamination**

Prior to commencement of development, evidence that the site building(s) were built post 2000 or alternately a pre-demolition and refurbishment asbestos survey in accordance with HSG264 shall be submitted to and approved by the Local Planning Authority, which shall be supported by appropriate mitigation measures to control risks to future occupiers of the development. The scheme must be written by a suitably qualified person and submitted to the Local Planning Authority for approval and shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed uses. Detailed working methods are not required but the scheme of mitigation shall be independently verified for the satisfaction of the Local Planning Authority prior to first occupation of the development.

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS13 of the adopted Waltham Forest Local

Plan – Core Strategy (2012) and Policies DM24 and DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

### **F38. Remediation**

Prior to commencement of construction works, a scheme including the following components (where applicable) to address the risk associated with site contamination shall be submitted to and approved in writing by the Local Planning Authority:

A) A Desk Study report including a preliminary risk assessment and conceptual site model.

B) A ground investigation based on the findings of the Desk Study Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C) The results of the investigation and revised risk assessment and based on these, in the event that remediation measures are identified necessary a remediation strategy shall be submitted giving full details of the remediation measures required and how they will be undertaken.

D) A verification report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete. Any investigation and risk assessment must be undertaken in accordance with Land Contamination Risk Management Government Guidance. In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported immediately to the Local Planning Authority. For the avoidance of doubt, this condition can be discharged on a section-by-section basis. The verification report cannot be produced prior to construction and therefore this condition must be approved by the Local Planning Authority prior to occupation instead.

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

### **F39. Archaeology**

No development (excluding above ground demolition / site clearance works) shall take place within each phase of the detailed development until a Stage 1 written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development (excluding above ground demolition / site clearance works) shall take place other than in accordance with the agreed WSI, and the programme and methodology of site modelling and evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved by the Local Planning Authority in writing. For land that is included within the stage 2 WSI, no development (excluding above ground demolition / site clearance works) shall take place other than in accordance with the agreed stage 2 WSI which shall include:



A) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

B) Proposals for public outreach and interpretation if appropriate; and

C) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: In order to protect historic assets of Archaeological interest that may be present on site, which the Local Planning Authority seeks to ensure investigated and conserved, in compliance with Policy CS12 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM28 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

#### **F40. External Lighting**

Prior to occupation of each phase of the detailed development, details of any form of external illumination and / or external lighting on the buildings and around the site including any street lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of any part of the development hereby permitted and retained as such for the lifetime of the development.

REASON: In order to protect the living conditions of existing and future residents in the locality and ensure that the development hereby approved does not cause harm to wildlife, habitats or valuable areas for biodiversity in accordance with Policies CS5 and CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policy G6 of the London Plan 2021).

#### **F41. Digital Infrastructure**

Prior to occupation of each phase of the detailed development, detailed plans demonstrating how the development would provide sufficient ducting space for full fibre connectivity infrastructure for all end users within the development shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to support the delivery of full-fibre or equivalent digital infrastructure in accordance with Policy SI6 of the London Plan (2021).

#### **F42. Thames Water**

There shall be no occupation beyond the Confirmed capacity for Phase 1 of 49 Flats and 20830 sqm of Warehouse, until confirmation has been provided that either:

- i. all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- ii. a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues.

### **Outline Phase:**

#### **O1. Reserved Matters Submission (Outline)**

The Outline **Phase** of the permission hereby approved, as depicted on the approved plans, has been granted permission under Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and before any development is commenced in respect of **any relevant phase (i.e. a plot or part of a plot)** in the Outline **Phase**, the approval of the Local Planning Authority in writing shall be **obtained for that relevant Phase (i.e. plot or part of a plot)** for the following Reserved Matters:

- (i) Layout
- (ii) Scale
- (iii) Appearance
- (iv) Landscaping
- (v) Access

Full particulars of these Reserved Matters for **each relevant phase (i.e. plot or part of a plot)**, including plans, sections and elevations and all to an appropriate scale, and any other supporting documents shall be submitted to the Local Planning Authority for the purpose of obtaining their approval, in writing. The development shall then be carried out in accordance with those particulars.

Each Reserved Matters application shall relate to the Plot (in whole or in part) or Plots and associated spaces and routes as identified on the approved parameter plans.

REASON: In order to comply with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) which requires the submission to and approval by, the Local Planning Authority of Reserved Matters.

#### **O2. Development Controls**

The development shall not be carried out otherwise than in accordance with the approved plans and documents, unless otherwise agreed in writing by the Local Planning Authority.

Parameter Plans:

Planning Application Boundary Plan	19029_00_07_010	Rev. P1
Demolition	19029_00_07_011	Rev. P1
Development Plot Extents	19029_00_07_012	Rev. P1
Maximum and Minimum Building Lines	19029_00_07_013	Rev. P1
Existing and Proposed Site Levels	19029_00_07_014	Rev. P1

Ground Floor Land Uses	19029_00_07_015	Rev. P1
First Floor Land Uses	19029_00_07_016	Rev. P1
Upper Floor Land Uses	19029_00_07_017	Rev. P1
Maximum and Minimum Building Heights	19029_00_07_018	Rev. P1
Basement Development Zones	19029_00_07_019	Rev. P1
Public Realm	19029_00_07_020	Rev. P1
Access	19029_00_07_021	Rev. P1

#### Development Management Documents (Outline):

Title	Author
Design Guidelines	Allies and Morrison
Development Specification Document	Turley & Quod

REASON: For the avoidance of doubt and in the interests of proper planning. To ensure that the external appearance of the development is satisfactory and to protect residential amenity of nearby occupiers, the visual amenities of the area as well as protecting the environment and to accord with London Plan (2021) policies D1, D2 and D3, WFLP Core Strategy (2012) policies CS15 and CS5 WFLP Development Management Policies (2013) Policies DM29, DM30 and DM35.

#### **O3. Time Limit – Reserved Matters Submission (Outline)**

(a) The submission of all reserved matters for the development to which this Permission relates must be submitted not later than the expiration of twelve (12) years beginning with the date on which the outline permission is granted.

(b) The implementation of each phase of this permission must be begun not later than the expiration of two years from the final approval of the reserved matters for that phase.

REASON: As required by Section 92 of the Town and Country Planning Act 1990 (As Amended).

#### **O4. Phasing (Outline)**

Prior to commencement of each phase (plot or part of plot) in relation to the outline development hereby approved, a detailed phasing and implementation plan, including the order and timing of development of individual buildings, landscaped areas, bicycle parking and car parking areas within the relevant phase, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development proceeds in a satisfactory manner and to accord with London Plan (2021) Good Growth Objectives GG1, GG2, and GG3. The objectives and purposes of this condition are such that it is required to be complied

with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

#### **O5. Approval of Details (Outline)**

Approval of the details of the access, layout, scale, landscaping and appearance of individual phases of the development (hereinafter called the reserved matters) shall be obtained in writing from the Local Planning Authority for each phase in the outline phase of development, before development of that phase is commenced.

For each phase (plot or part of a plot), the detailed drawings and supporting documentation to be submitted shall, as part of the reserved matters, comply with the approved Parameter Plans and Development Specification, largely accord with the Design Guidelines, and include the following:

- i. Hard and soft landscaping plans including drawings, specifications and supporting details.
- ii. Plans of the site showing the existing and proposed ground levels and the proposed finished height of all proposed buildings. Such levels shall be shown in relation to a fixed and known ordinance datum point.
- iii. Full plans of the buildings including all roof plant.
- iv. Full plans and elevations of all buildings and any other structures, incorporating details of materials to be used for external surfaces, architecture, decoration, lighting, colour, and texture.
- v. Full elevations, plans and sections at an appropriate scale showing the future potential provision of intake/extract ventilation and ductwork for non-residential uses as applicable.
- vi. Plans and details showing the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside the development.

REASON: To ensure the landscaping and appearance of the development is appropriate in accordance with London Plan (2021) Policies G7, D1, D2 and D3, WFLP Core Strategy (2012) policies CS15 and CS5, WFLP Development Management Policies (2013) policies DM29, DM30 and DM35. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

#### **O6. Restriction on PD Rights**

Notwithstanding the provisions of Schedule 2, Part 3, Class MA the Town and Country Planning (General Permitted Development) Order 2015 (or any order

revoking and re-enacting that Order with or without modifications), no change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) shall take place.

REASON: To contribute to the creation of a mixed and balanced community to avoid the loss of employment floorspace.

#### **O7. Design and Access Statement**

Each application for approval of Reserved Matters relating to a particular phase or phases shall be accompanied by a Design and Access Statement which:

- i. Demonstrates compliance with the Parameter Plans and Design Guidelines hereby approved;
- ii. Explains how the proposed detailed designs would deliver inclusive design solutions; and
- iii. Explains how detailed design and management arrangements have taken account of the need to create a safe and secure environment and achieve 'Secured by Design' accreditation.

REASON: To enable the Local Planning Authority to adequately assess the quality of the proposed detailed designs.

#### **O8. Car Parking Management Plan**

Prior to the first occupation of a particular outline phase or phases, a Car Parking Management Plan for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be laid out and allocated in accordance with the approved management plan for that phase and shall be made available for the purposes of parking private motor vehicles in association with the development and for no other purpose. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

REASON: In the interests of highway and pedestrian safety in accordance with policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

#### **O9. Deliveries and Servicing**

(a) Each application for approval of Reserved Matters relating to a particular Phase or Phases shall be accompanied by a Framework Delivery and Servicing Plan. The Plan shall include envisaged principles and strategies for the following:

- i. Management of servicing and deliveries to each phase;
- ii. Vehicle types, expected frequencies, loading / unloading locations, adequacy for each phase;
- iii. Management measures - booking systems, coordination at point of order, work with suppliers etc.;
- iv. Use classes utilising and benefiting from the plan;

v. Links to the Travel Plans and Car Park Management Plans;

vi. Access routes; and

vii. Review processes, opportunities for improvement

(b) Prior to the first occupation of a Phase, a Detailed Delivery and Servicing Plan for that Phase or Phases, setting out detailed arrangements in accordance with the principles and strategies in the relevant approved Framework Delivery and Servicing Plan (or updating those where deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority

(c) The development in a particular Phase or Phases shall then be carried out in accordance with the approved detailed Delivery and Servicing Plan for that Plot or Plots.

REASON: In the interest of highway safety, in compliance with Policies CS6, CS15 and CS16 of the Waltham Forest Local Plan - Core Strategy 2012 and Policies DM13, DM14, DM23 of the Waltham Forest Local Plan – Development Management Policies (2013).

#### **O10. BREEAM**

Within three months of commencement of a particular phase or phases of the outline development hereby permitted, a Design Stage Certificate(s) shall be submitted to, and approved in writing by, the Local Planning Authority. The non-residential floor space hereby permitted shall be constructed to achieve not less than BREEAM 'Excellent, unless it can be demonstrated that this is not feasible through the submission to and approval of a feasibility statement by the Local Planning Authority.

The non-residential units hereby permitted shall be constructed to achieve not less than the BREEAM rating approved by the Local Planning Authority following the submission of the Design Stage Certificate(s). The non-residential units in that particular phase or phases of the outline development shall not be occupied until a report (from a suitably qualified BREEAM Assessor) confirms the rating approved at Design Stage has been achieved at As Built stage and has been submitted to BRE for certification. This report must be submitted to and approved in writing by, the Local Planning Authority. Formal certification confirming that not less than the rating approved at Design Stage has been achieved for each non-residential unit shall be submitted to, and approved in writing by, the Local Planning Authority within six months of first occupation of each of the non-residential unit(s).

REASON: In the interest of addressing climate change and to secure sustainable development.

#### **O11. Home Quality Mark**

Within three months of commencement of a particular phase or phases of the outline development hereby permitted, a Design Stage Certificate(s) showing how the residential floor space hereby permitted shall be constructed to achieve not less than HQM 4 stars (or the equivalent standard in such measure of sustainability for

residential building design which may replace that scheme) shall be submitted to, and approved in writing by, the Local Planning Authority.

The residential units hereby permitted shall be constructed to achieve not less than HQM 4 stars in accordance with the submitted report (or the equivalent standard in such measure of sustainability for residential building design which may replace that scheme). The residential units in that particular phase or phases of the outline development shall not be occupied until a report (from a suitably qualified HQM Assessor) confirms that not less than HQM 4stars has been achieved at As Built stage, in line with the Design Stage certificate, and has been submitted to BRE for certification. This report must be submitted to and approved in writing by, the Local Planning Authority. Formal certification confirming that not less than '4 stars' has been achieved for each residential unit shall be submitted to, and approved in writing by, the Local Planning Authority within six months of first occupation of each residential unit.

REASON: To achieve the sustainable delivery of development, including by ensuring that residential development targets higher standards of sustainability, in accordance with policy 89 of LP1.

## **O12. Noise Assessment**

Each application for approval of Reserved Matters for a particular phase or phases shall be accompanied by a scheme for sound insulation and noise control measures for the residential units, including details of the adoption of suitable acoustic glazing specification and facade construction. The scheme shall be submitted to the Local Planning Authority and approved in writing. The sound insulation and noise control measures shall achieve the following internal noise targets:

- Bedrooms (23.00-07.00 hrs) 30 dB LAeq,8 hour and 45 dB Lmax (fast)
- Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour
- Dining rooms (07.00 - 23.00 hrs) 40 dB LAeq, 16 hour

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the relevant phase of the outline development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority. The detailed specification and design of sound insulation and noise control measures will need to be managed alongside and aligned with measures to address overheating. In this regard, this condition and Condition O13 (Overheating Mitigation) shall be developed in parallel and shall be determined alongside each other to prevent one unacceptably impacting the other. The development shall be carried out strictly in accordance with the details so approved and retained as such thereafter.

REASON: In order to protect the amenity of future residential units to achieve an appropriate internal noise environment. These measures will ensure the amenity of future residential units accord with London Plan Policy D14.

## **O13. Overheating Mitigation**

Each application for approval of Reserved Matters for a particular phase or phases shall be accompanied by a detailed Overheating Assessment for that phase or phases. The assessment shall be undertaken using the recommended approach set out in GLA guidance (CIBSE TM59 methodology) and submitted to the Local Planning Authority and approved in writing.

The fully detailed and revised mitigation measures may include:

- a. Updated glazing measures;
- b. Bolar control glazing;
- c. Ventilation panels (louvres);
- d. Side hung window / door openings to increase passive ventilation of units;
- e. Balcony design;
- f. External blinds; and
- g. Mechanical Ventilation and Heat Recovery system.

Each phase shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.

REASON: In order to ensure that the design of residential units are such that they would achieve comfortable temperatures in the event of extreme weather scenarios (which are becoming more common). These measures are necessary in order to secure compliance with GLA guidance. These base measures secure compliance with policies D6 and SI4 of the London Plan.

#### **O14. Waste Management and Circular Economy**

Each application for approval of Reserved Matters for a particular phase or phases shall be accompanied by a Waste Management Strategy setting out a scheme for the storage and disposal of waste and recycling, including details of methods for collection and enclosures. The Waste Management Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details and the refuse stores brought into use prior to the occupation of the phase or phases to which it relates and each phase of the detailed development and shall be retained as such.

REASON: To enable the Local Planning Authority to assess waste management arrangements and to ensure that satisfactory waste management measures are implemented and maintained.

#### **O15. Air Quality Neutral Assessment**

Each application for approval of Reserved Matters for a particular phase or phases shall be accompanied by an Air Quality Neutral Assessment in accordance with the Air Quality Neutral London Plan Guidance (2023).

REASON: To enable the Local Planning Authority to assess any likely adverse impacts on air quality in accordance with Policy SI1 (B) (2a) of the London Plan (2021).

#### **O16. Air Quality**



(a) Each application for approval of Reserved Matters for a particular phase or phases shall be accompanied by an Air Quality Assessment Report. The Report shall compare the levels of nitrogen dioxide and PM10 to the objective levels set out in the Air Quality Standards Regulations 2010 and propose mitigation where the objective levels are exceeded for either pollutant at the façade of the detailed designs for the approved development.

(b) Identified mitigation measures shall be fully implemented prior to occupation of dwellings in the phase or phases to which they relate.

REASON: To prevent loss of amenity due to poor air quality.

#### **O17. Fire Statement**

Each application for approval of Reserved Matters relating to a particular phase shall be accompanied by a Fire Statement which addresses the requirements of London Plan Policy D12.

REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

#### **O18. Piling Method Statement**

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to sub-surface water infrastructure and the programme of the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater in accordance with policies CS4 and CS13 of the Waltham Forest Local Plan - Core Strategy (2012) and policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

#### **O19. Construction Environmental Management Plan**

Prior to the commencement of development in any outline phase or phases, a construction/demolition method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the following:

- Works of demolition and construction shall be carried out during normal working hours i.e., 8:00 – 18:00 Mondays to Fridays and 8:00 – 13:00 Saturdays with no noisy working audible at the site boundary being permitted on Sundays and Bank Holidays.
- Haulage routes.
- Likely noise levels being generated by plant.
- Details of any noise screening measures.
- Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded.
- When works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibrations levels are exceeded. Note: It is expected that

vibration over 1 mm/s measured as a peak particle velocity would constitute unreasonable vibration.

All the above submissions shall have regard to the Mayor's SPG.

The development shall be carried out in accordance with the hours of operation stated in this condition and the approved construction and demolition statement hereby required.

REASON: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with policies CS7 CS13 of the Waltham Forest Local Plan Core Strategy (2012) and policies DM14, DM15 and DM24 of the Waltham Forest Local Plan - Development Management Policies (2013).

#### **O20. Contamination**

Prior to the commencement of construction works in any outline phase or phases, a scheme including the following components (where applicable) to address the risk associated with site contamination shall be submitted to and approved in writing by the Local Planning Authority.

A) A Desk Study report including a preliminary risk assessment and conceptual site model.

B) A ground investigation based on the findings of the Desk Study Report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C) The results of the investigation and revised risk assessment and based on these, in the event that remediation measures are identified necessary a remediation strategy shall be submitted giving full details of the remediation measures required and how they will be undertaken.

D) A verification report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete. Any investigation and risk assessment must be undertaken in accordance with the Land Contamination Risk Management Government Guidance. In the event that additional significant contamination is found at any time when carryout the approved development it must be reported immediately to the Local Planning Authority. For the avoidance of doubt, this condition can be discharged on a section-by-section basis. The verification report cannot be produced prior to construction and therefore this condition must be approved by the Local Planning Authority prior to occupation instead.

REASON: To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM34 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

#### **O21. Water Infrastructure**

Prior to the commencement of superstructure works for each phase of the outline phase of development, submit an assessment to demonstrate how residential mains water demand will be limited to 105 litres per person per day (excluding allowance of 5 litres for external water consumption) and how industrial/commercial mains

water demand will achieve at least the BREEAM Excellent Standard for the WAT01 water category (12.5% improvement over baseline).

The assessment shall be submitted to and approved in writing by the Local Planning Authority for each relevant phase of development. Where approved, the measures shall be carried out strictly in accordance with the details so approved, installed, and operational prior to the first occupation of the buildings for each phase to which they form part, or the first use of the space in which they are contained and shall be maintained as such thereafter.

REASON: To ensure the sustainable use of water in accordance with London Plan 2021 policy SI5.

## **O22. Archaeology**

No demolition or development (excluding above ground demolition / site clearance works) shall take place within each phase of the outline development until a Stage 1 written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development (excluding above ground demolition / site clearance works) shall take place other than in accordance with the agreed WSI, and the programme and methodology of site modelling and evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved by the Local Planning Authority in writing. For land that is included within the stage 2 WSI, no demolition/development (excluding above ground demolition / site clearance works) shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- B. Proposals for public outreach and interpretation if appropriate; and
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: In order to protect historic assets of Archaeological interest that may be present on site, which the Local Planning Authority seeks to ensure investigated and conserved, in compliance with Policy CS12 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM28 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

## **O23. Ecological Management Plan**

Prior to the occupation of each phase of the detailed development, an Ecological Management Plan (EMP) providing details of a long-term maintenance and habitat creation for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The details shall include updated surveys and assessment in respect of protected species, as required and proportionate to each phase, and information regarding the precautionary avoidance and mitigation measures to be adopted during vegetation clearance and demolition to avoid and mitigate for impacts to faunal species.

REASON: In the interest of biodiversity and local amenity, in accordance with policy CS5 of the Waltham Forest Local Plan – Core Strategy (2012) and Policy DM35 of the Waltham Forest Local Plan – Development Management Policies (2013).

**Entire Development:**

**F/O1. CIL Phasing**

This planning permission is a 'Phased planning permission' for the purposes of the CIL Regulations (as amended); which expressly provides for the approved development to be implemented in phases.

Phase 1 Block A, Phase 1 Block B and each individual Plot within Phase 2 shall be treated as a separate 'phase' and as separate chargeable development for the purposes of the CIL Regulations.

(a) Phase 1 Block A: 17,994 sqm GEA of flexible industrial floorspace within Use Classes E(g) (ii and iii), B2 and B8; as identified on approved plan ref: 19029\_00\_07\_002 Rev. P2

(b) Phase 1 Block B: 119 residential units (C3); as identified on approved plan ref: 19029\_00\_07\_002 Rev. P2];

(c) Phase 2 Plots C, D, E, F, G, H, J and K and associated Streets, Yards, Parks and Edge Conditions consist of separate phases of flexible residential (Use Class C3), flexible industrial floorspace (Use Classes E(g)(ii and iii), B2 and B8) and flexible non-residential floorspace falling within Use Classes E, F1 and F2 and Sui Generis (Drinking Establishment/Bar), as identified on approved parameter plan ref: 19029\_00\_07\_020 Rev. 1.(each Plot being a separate phase).

REASON: In order that this planning permission qualifies as a Phased planning permission for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended) and to provide clarity on the extent of the 'Phases'. Thereby to assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

**F/O2. Secure by Design**

The development hereby approved, shall achieve Secure by Design Certification.

- a) Prior to above ground works, details of the measures to be incorporated into the development demonstrating how each Phase of 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.

- b) Prior to the first occupation, each Phase of the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police and thereafter shall be fully retained and maintained as such for the lifetime of the development.

REASON: In the interest of security and to protect the living conditions of existing and future residents in the locality in accordance with Policy D11 of the London Plan (2021) and Policy DM33 of the of the Waltham Forest Local Plan Development Management Policies (2013).

#### **F/O3. Green / Brown Biodiverse Roofs**

Notwithstanding the plans hereby approved, green/brown roofs shall be maximised across the development. Details shall be submitted to and approved in writing to the Local Planning Authority prior to superstructure works commencing on site for each relevant phase of the development, demonstrating the following:

- a) how the extent of green/brown roof has been maximised;
- b) that the green/brown roofs are biodiversity based with extensive substrate base (depth 80 -150mm); and
- c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be accessed for the purpose of essential maintenance or repair, or escape in case of emergency. The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 6 months or the next available appropriate planting season after completion of the external development works for each Phase of the approved detailed scheme, and shall be maintained as such thereafter.

REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise water run-off.

#### **F/O4. Planting Maintenance**

All planting, seeding, or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons prior to the completion of the development. Any new trees or shrubs which, within a period of 3 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the Local Planning Authority agrees any variation in writing.

REASON: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32 and DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

#### **F/O5. Tree Standards**

All trees shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscaping Operations (excluding hard surfaces).

REASON: In the interest of biodiversity and local amenity, in accordance with policy CS5 of the Waltham Forest Local Plan – Core Strategy (2012) and Policy DM35 of the Waltham Forest Local Plan – Development Management Policies (2013).

#### **F/O6. Carbon Emissions**

Prior to the occupation of each phase of the detailed and outline development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2013 Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained.

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of policy SI2 of the London Plan and Waltham Forest Policy DM10.

#### **F/O7 Air Quality & Dust Management Plan**

Prior to demolition for each phase of the detailed and outline development, full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP) shall be submitted to and approved in writing by the Local Planning Authority. In preparing the AQMDP the applicant should:

- Follow the recommendations outlined in the AQ assessment submitted with the application and the guidance on mitigation measures for sites set out in Appendix 7 of the Control of Dust and Emissions during Construction and Demolition SPG 2014. Both 'highly recommended' and 'desirable' measures should be included.

The development shall thereafter proceed in accordance with the approved AQDMP.

The AQDMP can form part of the Construction Environmental Management Plan (CEMP) so long as it also includes the following for each relevant phase of work (demolition, earthworks, construction and trackout):

- a) A summary of work to be carried out;
- b) Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;

- c) Inventory and timetable of all dust and NO<sub>x</sub> air pollutant generating activities;
- d) List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
- e) Details of any fuel stored on-site;
- f) Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
- g) Summary of monitoring protocols and agreed procedure of notification to the Local Planning Authority; and
- h) A log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring.

Dust monitoring should be carried out on site. Baseline monitoring should commence before the commencement of works and continue throughout all construction phases. Details of the equipment to be used, its positioning, additional mitigation to be employed during high pollution episodes and a proposed alert system should be submitted to the Council for approval. No demolition or development shall commence until all necessary pre-commencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The Institute of Air Quality Management "Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites" details appropriate monitoring for the scale of the site or project.

REASON: To manage and mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole, and to avoid irreversible and unacceptable damage to the environment in accordance with London Plan (2021) Policy SI1 (D), Policy DM24 of the Waltham Forest Local Plan Development Management Polices (2013), and the London Plan SPGs for Sustainable Design and Construction and Control of Dust and Emissions during Construction and Demolition. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

#### **F/O8. Surface Water Drainage**

No drainage systems for the infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater in accordance with policies CS4 and CS13 of the

Waltham Forest Local Plan – Core Strategy (2012) and policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

**F/O9. Secure by Design**

Prior to occupation of each Phase of the approved detailed scheme and each subsequent phase of the outline development (plot or part of plot) of the scheme, an Access Control and Counterterrorism Security Strategy shall be confidentially submitted to and approved in writing by the Local Planning Authority, in conjunction with the Metropolitan Police. The strategy shall include but not be limited to the following details:

- A Dynamic Lockdown Plan for the building, which includes measures for restricting access and egress to the building and details of physical secured access/egress points, potential areas to be locked down, policies and procedures for staff and communication system.
- CCTV coverage.
- Security Lighting.
- Hostile Vehicle Mitigation (MCM) measures.



## INFORMATIVES

### Section 106

1. You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

### Community infrastructure Levy Liability

2. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Waltham Forest Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Waltham Forest CIL Charging Schedule and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at [@walthamforest.gov.uk](mailto:@walthamforest.gov.uk). The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60-day payment window. Further information and all CIL forms are available on the Planning Portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> and the Waltham Forest website at [cilinfo](http://cilinfo). Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <http://planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/>.

### Trigger Definitions

3. A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.

### Application Process

4. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website, and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions and the decision was delivered in a timely manner.

### Hours of Construction

5. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800- and 1800-hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.

### Groundwater Discharge

6. The developer is to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a

permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

### **Signage**

7. If approved it is the developer's responsibility to ensure all signage associated with the proposed development i.e., street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.

### **Thames Water Assets**

8. The proposed development is located within 15 metres of Thames Waters underground assets. As such, the development could cause the assets to fail if appropriate measures are not taken. Please read the guide 'working near our assets' to ensure works are in line with the necessary processes that should be followed if it's considered working above or near Thames Water Pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>.

### **Controlled Waters Detailed Quantitative Risk Assessment**

9. A detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a 'competent person', e.g., a suitably qualified hydrogeologist.

### **DQRA Input Parameter Sensitivity**

10. In the absence of any applicable on-site data, an arrange of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

### **DQRA Compliance Point**

11. GP3 version 1.1 August 2013 provided further guidance on setting compliance points sin DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliancepoints-quantitative-risk-assessments> Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

### **Leaching Tests**

12. Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and works-case exposure conditions, leaching mechanisms, and study objectives. During risk assessment one should characterise the leaching behaviour of contaminated solid using an appropriate suite of tests. As a minimum, these tests should be:

- Up flow percolation column test, run to LS 2 – to derive kappa values.
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario; and
- LS 2 batch test – to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL 11.

The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g., monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with guidance Verification of Remediation of Land Contamination:

- <http://publications.environmentagency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>

### **Surface Water Infiltration**

**13.** Infiltration of surface water has the potential to mobilise contamination present within the soil. Where the proposal involves the discharge of anything other than clean roof water via sealed drainage, within sensitive groundwater locations, a risk assessment and suitable level of treatment may be required. In certain circumstances, the discharge may be classified as a groundwater activity and require an environmental permit.

### **Designing Out Crime**

**14.** The applicant must seek the advice of the MPS Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813.

### **Environmental Permitting**

**15.** The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-riskactivities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environmentagency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **Floodline**

**16.** The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free

service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message.

### **Roller Shutters**

17. The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed, a new planning application must be submitted for the council's formal consideration.

### **Landscaping Standards**

18. The following British Standards should be referred to when preparing details for the Landscaping of the site: a. BS: 3882:2015 Specification for topsoil b. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs c. BS: 3998:2010 Tree work - Recommendations d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces) e. BS: 4043:1989 Recommendations for Transplanting root-balled trees f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf). h. BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations i. BS: 8601:2013 Specification for subsoil and requirements for use.

### **Tree Protection Standards**

19. The following British Standards should be referred to in preparing submission details for the Tree Protection Works: a. BS: 3998:2010 Tree work - Recommendations b. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations 15 The following British Standards should be referred to in preparing submission details for Tree Planting: a. BS: 3882:2015 Specification for topsoil b. BS: 3998:2010 Tree work - Recommendations c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces) e. BS: 4043:1989 Recommendations for Transplanting root-balled trees f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf). h. BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations i. BS: 8601:2013 Specification for subsoil and requirements for use.

### **Mayor's Infrastructure Coordination Service**

20. The applicant is advised to speak with the Mayor's Infrastructure Coordination Service to support the planning and efficient delivery of infrastructure for the development.

### **Temporary Sales and Marketing Suite**

21. The applicant is advised that planning consent will be required for a temporary sales and marketing suite.

### **22. De-culverting of the Dagenham Brook**

Thames Water note that Source Protection Zone maps were updated in September 2022, more of the site now lies within SPZ1 than at the time of the submitted document.

Should de-culverting of the Dagenham Brook be proposed in the future, the applicant must consider the level of hydraulic continuity between the shallow

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groundwater and reinstated surface water body. The quality of both controlled waters must be assured in the design.

## APPENDICES