

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

AMENDMENTS / ADDITIONS TO PUBLISHED PLANNING COMMITTEE REPORT

Small amendments or additions to published text are highlighted in ***bold and italics*** font. Changed paragraphs and conditions are in *italics* font. Deleted text is struck through.

DEVELOPMENT MANAGEMENT REPORT

Page 20 of Public Reports Pack:

4.1	222739	Uplands Business Park and Forest Trading Estate, Blackhorse Lane, Waltham Forest, E17	Sarah Parsons Stanley Lau
4.2	231949	Whitehall Primary School, 90 Normanton Park, Chingford, London, E4 6ES	Cyrus Wong

SECTION 1: RECOMMENDATION

Amend paragraph 1.3,

1.3 *“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;*
- *The wider site is appropriately managed and maintained; and*
- *Carbon emissions are offset and the site is sustainable.*

Clarification on paragraph 3.12:

Building heights in the surrounding area include the 21-storey Blackhorse View, which was the former Transport for London car park.

SECTION 6: PUBLIC CONSULTATIONS

Amend the table below paragraph 6.15 to read as follows:

Objection matter & sample comments	Officer Response
Building height	
<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 (Design) & 10 M (Environmental Impact) of this report.</i></p> <p><i>The inclusion of tall buildings aligns with the Blackhorse Lane SIL Masterplan Framework.</i></p> <p><i>Volume 1 Chapter 19 of the Environmental Statement submitted with the application finds all of the likely residual effects on townscape and visual impacts to be either beneficial (minor – moderate), neutral (negligible, minor-moderate), or have no effect.</i></p>
Character and appearance	
<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 that have made the area what it is out of the area, and replaces it, gentrifies it and takes the life out of it.</p>	<p><i>This matter is assessed within section 10 F (Design) of this report.</i></p> <p><i>Emerging policy LP1 identifies Blackhorse Lane as a Strategic Location for</i></p>

	<i>character-led intensification at the level of transformation.</i>
Sunlight, daylight and overshadowing	
<p>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.</p>	<p><i>This matter is assessed within section 10 M (Environmental Statement) of this report. The Environmental Statement finds that the likely residual effects of the development would be either negligible, or minor – moderate adverse.</i></p>
Affordable housing	
<p>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.</p> <p>It should be at least 20% social Housing rents to justify the size of the build.</p> <p>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.</p>	<p><i>This matter is assessed within section 10 E (Housing) of this report.</i></p> <p><i>The tenure split is contingent on financial viability and grant funding and is forecast to deliver between 83 – 285 low cost homes based on the scenarios set out at paragraph 10.68.</i></p>

Traffic congestion	
<p>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.</p>	<p><i>This matter is assessed within section 10 I (Transport, Highways & Servicing) of this report.</i></p>
Bus overcrowding	
<p>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.</p>	<p><i>This matter is assessed within section 10 I (Transport, Highways & Servicing) of this report.</i></p>
Impact on Walthamstow Wetlands	
<p>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</p> <p>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 behaviour of migratory birds and the knock-on effect this will have on the biodiversity of the Walthamstow.</p>	<p><i>This matter is assessed within sections 10 J & 10 M of this report.</i></p>
Principle of Development – industrial intensification	
<p>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.</p>	<p><i>This matter is assessed within section 10 B of this report.</i></p>
Construction impacts	

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 (Transport, Highways & Servicing) & 10 M of this report.</i>
Community infrastructure	
<p>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.</p> <p>Lack of childcare, especially for under-2s.</p> <p>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.</p>	<i>This matter is assessed in section 10 N (Impact on Infrastructure) of this report. Heads of Terms for the Section 106 Agreement secure the provision of an education plan to determine the need for creche, primary and secondary education contributions.</i>
Safety	
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?	<p><i>This matter is assessed within section 10 O (Safety & Security) of this report.</i></p> <p><i>The proposed development should increase levels of passive surveillance (eyes on the street) as a deterrent to antisocial behaviour. Planning conditions have also been recommended to ensure the scheme is secure by design.</i></p>
Creative Enterprise Zone	
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	<i>This matter is assessed within section 10 D (Business Relocation and Retention) of this report. The S106</i>

<p>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.</p>	<p><i>Heads of Terms secures £500,000 for the relocation and fit out of local affordable workspace in the Blackhorse Lane CEZ.</i></p>
<p>Parking</p>	
<p>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.</p>	<p><i>This matter is assessed within section 10 I (Transport, Highways & Servicing) of this report.</i></p>
<p>Density</p>	
<p>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.</p>	<p><i>This matter is assessed within section 10 F (Design) of this report.</i></p>

Amend the table following paragraph 6.16 to reflect a further consultation response from the Metropolitan Police:

Estate Strategy & Engagement
11/11/2022

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 & 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 base1, without any re-

provision within the North East Basic Command Unit (BCU)2 poses a significant risk to members of the public.”

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. Withdrew their objection on 05/12/23, with their consultant saying:

‘Further to our meeting on 14th November and the content of the committee report released today, we write on behalf of MPS to withdraw its objection to the Uplands Business Park planning application. MPS wishes to do this on the basis that:

- 1. The lease is being renewed and this is in the final stages of being signed.***
- 2. Insofar as the period beyond the lease extension, MPS remains concerned about finding a new site for the emergency response base within the borough, but understands that the Council considers this to be outside of what can reasonably be requested within the s106 agreement for the planning application.***

Given the above, MPS is withdrawing the objection to this planning application. MPS is keen to remain in dialogue with the Council, to secure assistance in finding a long term location for re-provision of the MPS base within the borough. We believe that this remains an important priority for both MPS and the Council.’

SECTION 7: OTHER CONSULTATIONS

Amend paragraph 7.2 to read:

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

SECTION 10:

Amend paragraph 10.13 to move below paragraph 10.14 and read:

The site and surrounding land ~~also~~ **currently** designated as SIL in the existing local plan fall within Site Allocation 69 – Blackhorse Lane SIL 3 **of the emerging Local Plan 2**. Guidelines for future development within this allocation include the co-location of residential uses with employment or commercial uses.

After paragraph 10.14, add:

The Blackhorse Lane SIL Masterplan Framework, which has been formally signed off by both the GLA and the Council has closely informed the approach towards Sections 10 B-D; the principle of the proposed land use, industrial re-provision, and business retention and relocation.

The Blackhorse Lane SIL Masterplan Framework Stage 1 Report / Study identified three sub-areas; Northern, Central, and Southern and provided the baseline, evidence base and initial direction for the future vision of the area and concluded that the Blackhorse Lane SIL could be redeveloped, whilst ensuring the principle of no-net loss of industrial capacity is adhered to.

The BHL SIL Masterplan Framework (Part A) document develops the spatial and policy approach, drawing on stakeholder engagement (commenced in December 2020) to ensure that the documents respond to the needs of local industry and the wider Blackhorse Lane community and, in turn, the proposed development that is the subject of this application. The Masterplan Framework was subsequently signed-off by the GLA and published on the Council's website. In addition, the applicant, in collaboration with the GLA and LBWF, has since prepared a Strategy for the Central Sub-Area in order to develop the Masterplan at a finer grain of detail. The Sub-Area Strategy has also recently been published on the Council's website. On completion, the Masterplan will be adopted as an SPD by LBWF to guide development within the Blackhorse Lane SIL.

While the introduction of residential uses within a SIL for co-location would not comply with London Plan Policy E7, the Blackhorse Lane SIL Masterplan Framework establishes that the land in the north of the SIL will be retained as SIL for industrial intensification, with the land in the centre and south to be re-designated as LSIS. This, in turn, will allow a mix of new uses – including residential – to be carefully introduced and co-located within this selected part of the site, which is to be redesignated as LSIS, thus ensuring that the proposed development will come forward in broad accordance with London Plan Policy E7 in terms of managing both LSIS and SIL sites.

Replace paragraph 10.25 with:

The Industrial Land Audit set out in the Appendix of the Stage 1 Masterplan identified an existing industrial capacity of c.28,000 sqm (GEA) for the application site. The Council and the GLA confirmed their agreement with this figure as the benchmark for re-provision at the pre-application stage.

The proposed development will deliver as a minimum 29,000 sqm (GEA) of industrial floorspace up to a maximum of 33,000sqm, an increase of between 1,000sqm – 5,000 sqm compared to the existing on-site provision. This, too, was confirmed by the Council and the GLA at the pre-application stage to represent an uplift compared to the existing quantum of industrial floorspace and, in turn, to fully comply with the adopted (and emerging) policies of the London Plan and Local Plan. The re-provision of the existing industrial floorspace will be secured through Conditions to any planning permission.

Amend paragraph 10.31 to correct the figure:

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.

Amend paragraph 10.58 to delete the second sentence.

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.~~

Amend paragraph 10.63 to insert the number of affordable dwellings:

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%) **(38 dwellings)** 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.

Clarification on paragraphs 10.69 and 10.89:

A total of 1,621 residential units are proposed, comprising 119 units in Phase 1 and a further 1,502 units in Phase 2. These figures are consistent with those set out in the wider planning application and are confirmed on Page 10 of the Financial Viability Assessment ('FVA') and Page 7 of the FVA Addendum.

A total of 1,800 homes were assessed for the purposes of the Environmental Impact Assessment ('EIA') and form the maximum parameters of the proposed development. The 1,681 figure quoted within the planning application reflects the balance of up to 1,800 homes across the entire development, minus the 119 units proposed within Phase 1.

Clarification on paragraphs 5.4 and 10.67:

With respect to the affordable housing offer, paragraphs 5.4 and 10.67 of the report both refer to the provision of 35% DMR units within Phase 1 as a “change” from the original affordable housing offer. This is, however, consistent with the offer proposed in the original submission, and this clarifies the position.

Amend paragraph 10.75 to read:

~~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.~~

Paragraph 2.6 of the GLA’s Assessment of Financial Viability (D52, page 3) says:

‘The FVA concludes that the proposed 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 approx. £257,860,000.’

Insert after paragraph 10.76 and before 10.77:

The GLA’s Viability team have advised that in the event the scheme is consented with less than policy compliance in affordable housing terms, it would be important to secure a minimum of four mid-term viability reviews. Each mid-term review should take place prior to implementation of each of the proposed four phases of the outline element.

The GLA’s Viability team also commented that in order to ensure that these reviews occur over the lifetime of the development, trigger points should be linked to delivery milestones.

The number of viability reviews would be key to ensure that any additional affordable housing could be provided if viability improves over the course of the development build.

The number of review mechanisms including early, mid-stage and late stage, would be secured as obligations to any s106 Agreement, which would accord with the London Plan (2021).

Insert after paragraph 10.80:

The GLA's Viability team agrees with officers' approach to securing a minimum of 20% affordable housing however, with a number of review mechanisms and acknowledging that the outline element will not be built out until the 2030s. The applicant team will be required to submit for Reserved Matters approval, most likely within each phase before that part of the development can commence. Along with the viability review mechanisms, this would ensure the scheme would secure the maximum amount of affordable housing before completion of the development, optimising available grant funding at each phase.

Add sentence at paragraph 10.82:

Two lifts have always been proposed within Block B1; the number of staircases within the block has however, been increased from one to two in order to comply with the BSS.

Amend the table below Paragraph 10.81 such that the row on '12, 13, 14, 15 & 16 – Shared Circulation' reads:

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. Access control systems (standard 13) can be addressed at condition stage. 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 <i>stairs, in addition to the two</i> lifts and one staircase originally provided, thereby complying with standard 15.</p>
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Amend paragraph 10.89 such that it reads:

At the second pre-application meeting, a scheme was presented with ~~119 dwellings in phase 1 and~~ **a total of** 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:

Amend paragraph 10.173 to insert the following words before the second sentence:

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. ***Further to the Townscape and Visual Impact Assessment (TVIA) contained within Volume 2, Chapter 8 of the Environmental Statement (ES).*** 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.

Clarification on paragraph 10.101:

This paragraph refers to the proposed tall buildings as definitively “*ranging in height from 72.4m AOD, 110m AOD & 145m AOD.*” These figures are in fact the maximum development parameters, i.e. the heights which the tall buildings could *potentially* extend up to.

Clarification on paragraph 10.125:

The paragraph states that an additional design guideline should be considered in relation to the intended boundary treatment between the proposal and the Dagenham Brook. However, the existing Design Guidelines already address this relationship in some detail (e.g. Design Guideline 5.5.2.4 (Access to the edge of the brook) and Design Guideline 5.5.2.6 (Brook vegetation)). These are considered to be sufficient given the extent of the applicant's (Blackrock's) control, and further details can, if required be secured by way of condition once the relevant Reserved Matters application comes forward.

Clarification on paragraph 10.186:

This refers to Block B1 as opposed to Block B2.

Clarification on paragraph 10.215

The paragraph suggests that responsibility for the maintenance and management of the green spaces will be transferred to the Council; however, this will remain with the applicant.

Amend 10.231 to read:

The southern part of Block B42 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.

Amend paragraph 10.260 to:

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.

Insert the following after paragraph 10.265:

The Shadow Habitat Regulations Assessment contained in Appendix 15.2 of the ES concludes that:

- ***'In the Shadow Habitats Regulations Assessment report, produced by Ecology Solutions, a detailed assessment of the implications of the development proposals on international / European designated sites has been undertaken, in view of the European sites' Conservation Objectives.***
- ***The findings of this work are set out within this document such that the Competent Authority (London Borough of Waltham Forest), in exercising their duties under the Habitats Regulations, has all the necessary information before them in considering the development proposals.***
- ***Assessment under Regulation 63 of the Habitats Regulations is required in this instance. The Site lies within close proximity to a number of international / European designated sites, including Lee Valley SPA / Ramsar site and Epping Forest SAC. In line with relevant guidance and case law, screening for likely significant effects has been undertaken in the first instance and the assessment has been proceeded to address the test of integrity (Appropriate Assessment).***
- ***All relevant potential pathways for significant effects to arise on the European / international designated sites as a result of the development proposals have been fully examined. Where necessary, mitigation / avoidance measures, which are integral to the project, have been described. This assessment has been undertaken with due regard had to relevant legislation, case law and planning decisions, guidance and information provided by Natural England.***
- ***Having considered all of the potential significant effects that could arise from the development proposals, in light of the avoidance and mitigation measures, Ecology Solutions conclude that the proposals would not result in any adverse effects on the integrity on any European / international designated sites (in view of their conservation objectives), when the development proposals are considered alone or in combination with other plans or projects.***
- ***As such, the development proposals would, by definition, be acceptable subject to securing the mitigation and avoidance measures proposed. In those terms the competent authority could legally and safely grant consent for the proposed plan/project'***

Amend paragraph 10.270 to read:

~~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.~~

The Shadow HRA is set out in Appendix 15.2 of the ES, which contains the Appropriate Assessment. Conclusions are summarised in Chapter 7 of the Shadow HRA.

Clarification on paragraph 10.274:

Paragraph 10.274 of the report refers to Policy SI 2 of the London Plan, and notes that this sets out a carbon emission reduction target for regulated emissions of 50% against Part L of the Building Regulations 2021. However, the scheme was submitted prior to the implementation of the 2021 Regulations, and was instead assessed against Part L of the 2013 Building Regulations, which officers accept.

Amend paragraph 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 7.2 ~~[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.~~ ***On 19/05/23 the Applicant sent further information to the GLA in relation to Energy and Whole Life-Cycle Carbon. LBWF Energy & Sustainability have sought but not yet received,*** the GLA response to ***this*** ~~any such~~ supplemental information, through an updated GLA Energy Memo.

Insert at the conclusion of paragraph 10.278:

The hierarchy referred to by the LBWF Energy & Sustainability Team forms part of the Greater London Authority guidance on preparing energy assessments as part of planning applications (June 2022) and London Plan Policy SI 2 – minimising greenhouse gas emissions. The policies seek to reduce energy demand (Be Lean), utilise heating infrastructure (Be Clean), draw upon energy from renewable sources (Be Green) and monitor energy performance (Be Seen).

Amend paragraph 10.280 as follows:

~~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 **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;-:**~~

- ~~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~~
- 1. Detailed application area – Energetik heat network - £203,387 (71.4 Tonnes/annum x £95/Tonne x 30 years)**
 - 2. Detailed application area – EON heat network - £290,593 (102.0 Tonnes/annum x £95/Tonne x 30 years)**
 - 3. Detailed application area – Heat pumps - £349,414 (122.6 Tonnes x £95/Tonne x 30 years)'**

Amend paragraph 10.313 to read:

The initial **ES** review (D56) issued by **Avison Young** in November 2022 outlined a number of points of clarification required from Quod in order to inform **their** 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 (D58) 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 (D57) which considered hydrogeological effects of basement construction at the Site. Avison Young reviewed the additional information and their final advice **note** (D60) **issued on 25 April 2023 is referenced below** on the adequacy of the ES is provided below. **In summary, the advice concluded that:**

'it is considered that the majority of the queries raised by Avison Young in November 2022 have been satisfactorily addressed through the enclosed clarifications provided by Quod on 27th February 2023 and LBWF are advised to note the recommended planning conditions identified by Avison Young within this letter and the Independent Review of the Environmental Statement dated November 2023. However, further clarifications have been raised in relation to Item No. 10.3 (the scoping out of industrial point source emissions from the air quality assessment) and No. 14.4 (satisfactory assessment of the likely significant effects resulting from a change in groundwater flows resulting from the presence of the basement extent proposed as part of the Development).'

Amend paragraph 10.322 to read:

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. ***The applicants submitted a Basement Assessment in May 2023.***

Clarification on paragraphs 10.324-10.326:

Regarding conclusions of the submitted Wind Microclimate Assessment ('WMA'), which is set out in Chapter 17 of the submitted ES. Specifically, Paragraph 17.5.71 of the ES states that:

“With the addition of further soft/hard landscaping elements which will be developed as the illustrative landscape masterplan is refined through the RMAs, it is expected that wind conditions can be satisfied for the Outline Part and safety exceedances can be eliminated.”

Additional assessments for the outline element will be undertaken at the Reserved Matters stage, in order to ensure that all parts of the proposed development are acceptable in terms of their wind-related effects.

Clarification on paragraphs 10.345-10.347:

Updates to the issue of fire safety have been made to the proposed development to ensure compliance with the latest British Safety Standards ('BSS'), which were introduced following the submission of the application. A summary of the revisions is provided in the submitted Revised Planning Statement dated 19th July 2023, as well as within the Revised Submission Cover Letter, dated the same. It is acknowledged that the Health and Safety Executive ('HSE') and the London Fire Brigade ('LFB') have confirmed their support for the updates as set out in their respective consultation responses, dated 21st August 2023 and 6th September 2023.

Amend the date in paragraph 10.346: (dated 13th February 20223)

Add a further line to paragraph 10.353: Accordingly an “Appropriate Assessment” has been carried out on this application., ***with the Habitat Regulations Assessment explained in amended paragraph 10.265.***

Clarification on paragraphs 11.2-11.3:

The Equality Impact Assessment ('EqIA') finds the proposed development to be acceptable in terms of its equality impacts. For ease of the reference, the conclusions are summarised in Chapter 5 of the EqIA.

SECTION 12:

After paragraph 12.8, add:

Key benefits of this application that are intended to be delivered include:

- ***The delivery of high-quality homes, employment premises, and public open spaces, through which the Proposed Development will serve as an ‘anchor’ of the wider regenerative change sought for the Blackhorse Lane Strategic Industrial Location (‘SIL’), Creative Enterprise Zone (‘CEZ’), and the surrounding area;***
- ***Enhanced pedestrian and cycle connectivity through the creation of a new 15-minute neighbourhood;***
- ***Contributions towards the delivery of local affordable workspace;***
- ***The generation of a significant number of new employment opportunities, including:***
 - ***255 gross full-time equivalent (FTE) construction jobs over the estimated 13-year construction period;***
 - ***245 net additional FTE jobs annually in Greater London, including 95 for Waltham Forest residents; and***
 - ***50 gross direct full-time equivalent (FTE) jobs on site on the Detailed part of the application, increasing to 985 FTE jobs once the development is fully complete (an estimated increase of c.700 additional on-site FTE jobs compared to the existing situation); and***
- ***Generation of £73.8m annually in direct net additional gross value add (‘GVA’) within Greater London, including £52.8m within Waltham Forest.***

Amend paragraph 12.9 to read:

The planning application is supported by an Environmental Statement which has been reviewed by an independent qualified Environmental Impact Assessor ***who has confirmed that the requisite testing has been carried out by the Applicant.***

CONDITIONS

Insert the following conditions after condition O23:

O24. Land Use Reconciliation (Outline)

- (a) Reserved Matters Applications for each phase or phases shall be accompanied by a statement setting out:***
- (i) The quantum of proposed development (including proposed dwelling mix, affordable housing and size, location, tenure, and layout of M4(3) accessible dwellings);***
 - (ii) The proposed floorspace by Use Class for that phase or phases; and***
 - (iii) The cumulative floorspace for that phase or phases and all other phases (approved and illustrative) to demonstrate how the particular Reserved Matters Application would ensure compliance with the following land use requirements for the Outline Phase as a whole (Plots C to H and J to K):***

- **15,006 sqm GEA flexible industrial floorspace within Use Classes E(g)(ii and iii), B2 and B8;**
- **167,398 sqm of GEA residential floorspace (C3);**
- **5,000 sqm GEA of flexible non-residential floorspace falling within Use Classes E, F1 and F2 and Sui Generis (Drinking Establishment/Bar); and**
- **All associated vehicle and cycle parking, hard and soft landscaping, infrastructure and accesses.**

(b) The overall quantum of land uses for the Outline Phase as a whole (Plots C to H and J to K) shall not exceed the maximum individual land use requirements set out in (a) unless the Local Planning Authority approves a different overall quantum of land uses by the time the Reserved Matters Application for the final Phase to be developed has been approved.

REASON: In order to ensure that the development is as assessed by the Local Planning Authority and in the interest of good planning.

O25. Sustainability Review (Outline)

Prior to the commencement of Phase 2 and any sub-phases of the same, the Applicant shall undertake a Sustainability Review of the developments environmental credentials and shall use all reasonable endeavours to apply steps to seek improvement to these credentials through the introduction of the most up-to-date green technologies, practices, and products to seek to improve the Development's sustainability during delivery of the outline stage. The Applicant will also submit prior to the commencement of each phase of development, an updated Energy Statement. The Sustainability Review and updated Energy Statement are to be submitted to the Council for approval of those details.

REASON: To ensure that the proposed development satisfies LP1 policy 87 – A Zero Carbon Borough; policy 88 – Decentralised Energy; and policy 89 – Sustainable Design and Construction throughout the project implementation period.

RECOMMENDATION

Officer recommendation remains unchanged.