

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning 7 th May 2024
Application reference:	240359
Applicant:	Blackhorse UK Propco
Location:	Altham House, 1 Blackhorse Lane, Walthamstow, London E17 6DS
Proposed development:	Variation of Condition 2 (Approved Plans) of planning permission reference 222417, dated 12/04/2023, involving minor material amendments to the approved development, comprising an uplift in co-living accommodation numbers and alterations to the massing, together with minor changes to the layout and landscaped public realm. For information only: The MMA would deliver an additional 49 purpose built shared living (co-living) units within two additional floor levels for accommodation together with a new commercial unit comprising a dedicated space the Creative Enterprise Zone at ground floor, community access at ground floor and additional communal amenity for residents across the development.
Wards affected:	St James, William Morris and High Street
Appendices:	None

1 RELEVANT SITE HISTORY

- 1.1 Since publication of the Committee report, officers consider the site history (Section 4) should include some narrative around the requirement for an amendment to the description of development (Ref: 222417) to which this variation relates to, should Members be minded to resolve to grant planning permission for this planning application Ref: 240359.
- 1.2 The original description of development Ref: 222417 states, *Redevelopment of the site involving the demolition of existing structures/building and the construction of a mixed-use two to nine storey building (over basement) to provide a new music/cultural venue (sui generis), bar (sui generis), retail unit (Use Class E) and shared co-living accommodation with associated internal and external amenity space (sui generis) together with ancillary refuse/cycle stores, servicing areas, landscaping, public realm works and disabled car parking.*
- 1.3 As the description of development makes reference to nine storeys and a retail unit, and after the Finney judgement (Case Name: Finney v Welsh Ministers & Ors [2019] EWCA Civ 1868 (05 November 2019)), S73 applications, such as this proposal Ref: 240359 cannot have the effect of conflicting with the description of development to which this variation relates to. The proposal would result in an increase of two storeys to 11 storeys and replacement of the retail unit with space for the Creative Enterprise Zone.

(Update Item 4.1)

- 1.4 To address this, a S96a non-material amendment application would be required to amend the description of development and should be submitted for consideration if Members are minded to resolve to grant planning permission for this proposal Ref: 240359.

2 RECOMMENDATION

- 2.1 Officer recommendation remains unchanged. Procedurally, a s96a application would be required to be submitted and assessed to amend the description of development prior to any issue of a decision notice for this planning application Ref: 240359.