

**LONDON BOROUGH OF WALTHAM FOREST**

Committee/Date:	Planning – 7 <sup>th</sup> March 2023
Application reference:	223287
Applicant:	London Borough of Waltham Forest
Location:	15 Davies Lane, E11 3DR [Good Shepherd building]
Proposed development:	Construction of a new pedestrian gateway and brick piers in existing boundary wall and installation of permeable paving.
Wards affected:	Leytonstone
Appendices:	None

**1 RECOMMENDATION**

- 1.1 Recommendation to GRANT planning permission under reference subject to conditions and informatives.

**2 REASONS REFERRED TO COMMITTEE**

- 2.1 Due to the number of objections received from the local community, the case has been referred to Planning Committee by planning officers and the Council is the Applicant

**3 SITE AND SURROUNDINGS**

- 3.1 The application site is part two-storey, part three-storey building set within a large, L-shaped plot along the southern boundary of Davies Lane, approximately 140.0m east of its junction with High Road Leytonstone, between The Pastures Youth Centre and Davies Lane Primary School. Single-storey additions exist along the left flank.
- 3.2 The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction other than the Borough-wide change of use from Class C3 to C4.

**4 PROPOSED DEVELOPMENT:**

- 4.1 Planning permission is sought for a new pedestrian gateway inset along the existing boundary wall, associated permeable walkway, and soft landscaping with the removal of an existing tree (T67).
- 4.2 The proposed pedestrian gate would be inset along the existing boundary wall approximately 4.5m east of the existing vehicle access gate to The Pastures Youth Centre. The Sentry Swing gate, measuring 1.5m in width and 2.2m in height, would be framed by brick piers in keeping with the materials and design of the adjacent vehicular access.

- 4.3 A level access footpath comprising permeable paving, approximately 50.0m<sup>2</sup>, would be constructed along the right flank of The Good Shepherd Building joining with an existing concrete pathway at the rear.
- 4.4 The lawned area between the proposed pathway and western property boundary would be replaced with soft landscaping thereby creating a buffer between vehicular and pedestrian movement.

## **5 RELEVANT SITE HISTORY**

### **A. Planning**

- 5.1 131052 - Construction of new pedestrian entrance gate (granted 06.03.2014).
- 5.2 910334 - Erection of two bay portakabin for use as office LPC 01.11.93 (granted 17.10.1991).
- 5.3 830180 - Continuation of use of hall as playgroup (granted 20.01.1984).
- 5.4 820326 - Use of hall as playgroup LPC 30.11.83 (granted 15.11.1982).
- 5.5 800779 - Erection of a sports hall/gym & youth centre (granted 01.04.1980).

### **B. Pre-Application**

- 5.6 N/A

### **C. Enforcement**

- (i) Enforcement Investigations
- 5.7 N/A
- (ii) Enforcement Notice
- 5.8 N/A

### **D. Adjacent Sites**

#### 9 Davies Lane

- 5.9 610603 - Non-material amendment to planning permission ref: 131093 to allow 3 boiler flues to be attached to the eastern elevation of the building, emanating from the plant room (granted 03.11.2016).

#### Davies Lane Primary School, 74 Davies Lane

- 5.10 163024 - Non-material amendment to planning permission ref: 131093 to allow 3 boiler flues to be attached to the eastern elevation of the building, emanating from the plant room (granted 03.11.2016).
- 5.11 163000 - Details of landscaping pursuant to conditions 4, 14, 15 and 16 of planning permission ref: 131093 (granted 17.11.2016).
- 5.12 160118 - An application for non-material amendment following a grant of planning permission 2013/1592. Installation of 2000mm high acoustic plant screening above proposed kitchen extension and amendment to the location of windows within proposed staircase (granted 08.04.2016).
- 5.13 142772 - Re-arrangement of entrance area; stair and lift re-configured; increase height of roof level in main hall; amendments to window and door configuration

to east elevation of main hall; extension of plant room to rear and east side of main hall; addition of retractable ladders to north elevation at ground/first and first/second level and extension of plant enclosure on roof of plant room (granted 28.01.2015).

- 5.14 142463 - Discharge of condition 6 on planning permission 2013/1592.
- 5.15 142409 - Discharge of conditions 4, 5, 7, 13 & 14 on planning permission 2013/1593.
- 5.16 142372 - Discharge of condition 12 of planning permission 2013/1592.
- 5.17 142293 - An application for a non-material amendment following a grant of planning permission including; Alterations and widening to external doors to gable end at west and east elevations, reduction of glazing within the southern elevation glazed link between new build and existing children's' centre, the enlargement of heating pump enclosure and revision to the size and siting of wind catchers over northern and southern roof (granted 20.11.2013).
- 5.18 132558 - Discharge of conditions 3, 11, 12 & 18 on planning permission 2013/1593.
- 5.19 132083 - Installation of a sports cage on front playground (granted 20.11.2013).
- 5.20 131093 - 1) Existing School Site - (North of Davies Lane) - Demolition of existing storage sheds, classroom building, dining and kitchen block and erection of part ground, part first and part second floor extensions to west of existing school to provide new entrance, sports hall, dining room, and kitchen, new landscaping and lighting. 2) Part of Pastures site (South of Davies Lane) - Construction of two storey classroom block, to accommodate sports hall, offices and ancillary educational spaces with internal connection to the existing Davies Lane Children's' Centre, widening of vehicle entrance and formation of new car park, new pedestrian gates, play space, landscaping, boundary (granted 11.12.2013).
- 5.21 050923 - Erection of 3.6m high mesh fencing and gates, to replace existing (withdrawn 30.03.2009).
- 5.22 041059 - Erection of a single storey rear extension to form medical/office room adjacent to reception area as shown on drawing ED01/ext03 received on 28th June 2004. Erection of a single storey rear extension to form medical/office room adjacent to reception area (granted 20.08.2004).
- 5.23 740580 - Erection of a 3bay mobile classroom for use as dining unit (permitted development 15.01.1974).
- 5.24 730028 - Erection of system timber building to provide 2 classrooms & toilet accommodation (permitted development 15.01.1974).
- 5.25 730386 - Erection of a mobile classroom (permitted development 13.03.1973).

20 Ferndale Road

- 5.26 212130 - Lawful Development Certificate (Proposed)-Construction of dormer roof extension to main rear roof and extension above two storey rear projection together with installation of three roof-lights to front roof (granted 25.08.2021).

22 Ferndale Road

- 5.27 221935 - Lawful Development Certificate (Proposed) - Construction of a dormer roof extension to main rear roof (with French doors and safety glass). Installation of two roof lights to front slope (granted 25.08.2022).
- 5.28 191526 - Construction of single storey side infill extension (granted 25.07.2019).  
28 Ferndale Road
- 5.29 720401 - Conversion of existing flats into self-contained flats (granted 27.03.1972).  
32 Ferndale Road
- 5.30 760651 - Conversion into 2 self-contained flats including two storey rear extension & external staircase (granted 26.07.1976).  
38 Ferndale Road
- 5.31 020477 - Formation of room in the roof, involving installation of rear dormer window (refused 22.04.2022).  
40 Ferndale Road
- 5.32 153912 - An application for a lawful development certificate for a proposed development - loft conversion with two rear dormer windows and three rooflights at front (granted 02.12.2015).  
46 Ferndale Road
- 5.33 210030 - Lawful Development Certificate (Proposed)-Construction of dormer roof extension to main rear roof and extension above two storey rear projection together with installation of three roof-lights to front roof (granted 03.03.2021).

## **6 PUBLIC CONSULTATIONS**

- 6.1 The Council circulated 30 consultation letters to neighbouring properties (including flats) on the **12<sup>th</sup> December 2022**, as follows:
- Flat A, 5 Davies Lane, Leytonstone, London, E11 3DR
  - Flat B, 5 Davies Lane, Leytonstone, London, E11 3DR
  - Ground Floor Flat 1, 7 Davies Lane, Leytonstone, London, E11 3DR
  - First Floor Flat 2, 7 Davies Lane, Leytonstone, London, E11 3DR
  - Edward House, 9 Davies Lane, Leytonstone, London, E11 3DR
  - 11 Davies Lane, Leytonstone, London, E11 3DR
  - 13 Davies Lane, Leytonstone, London, E11 3DR
  - Davies Nursery School, 25 Davies Lane, Leytonstone, London, E11 3DR
  - 30 Davies Lane, Leytonstone, London, E11 3DR
  - 32 Davies Lane, Leytonstone, London, E11 3DR
  - 36 Davies Lane, Leytonstone, London, E11 3DR
  - 34 Davies Lane, Leytonstone, London, E11 3DR
  - 38 Davies Lane, Leytonstone, London, E11 3DR
  - Flat A, 40 Davies Lane, Leytonstone, London, E11 3DR
  - Flat B, 40 Davies Lane, Leytonstone, London, E11 3DR
  - 42 Davies Lane, Leytonstone, London, E11 3DR
  - 44 Davies Lane, Leytonstone, London, E11 3DR
  - 46 Davies Lane, Leytonstone, London, E11 3DR

- Ground Floor Flat 1, 48 Davies Lane, Leytonstone, London, E11 3DR
- First Floor Flat 2, 48 Davies Lane, Leytonstone, London, E11 3DR
- 50 Davies Lane, Leytonstone, London, E11 3DR
- 52 Davies Lane, Leytonstone, London, E11 3DR
- Flat A, 54 Davies Lane, Leytonstone, London, E11 3DR
- Flat B, 54 Davies Lane, Leytonstone, London, E11 3DR
- 56 Davies Lane, Leytonstone, London, E11 3DR
- Flat A, 58 Davies Lane, Leytonstone, London, E11 3DR
- Flat B, 58 Davies Lane, Leytonstone, London, E11 3DR
- Davies Infants School - Ground Floor, Davies Lane Primary School, 74 Davies Lane, Leytonstone, London, E11 3DR
- 13 Cotton Close, Leytonstone, London, E11 3DU
- 14 Cotton Close, Leytonstone, London, E11 3DU

6.2 The application was advertised via a site notice on the **12<sup>th</sup> December 2022**.

6.3 Due to technical difficulties in submitting online representation the public consultation period was extended from **25<sup>th</sup> January 2023** until **8<sup>th</sup> February 2023**.

6.4 The Council received a total of 11 objections as a result of the public consultation.

6.5 The representations relating to the issues of concern raised are detailed in the table below and are also matters which are addressed within the “Assessment” section of this report.

<b>Objection</b>	<b>Response</b>
Technical difficulty submitting objections online	The public consultation period was extended until 08.02.2023.
Consultation period over holidays unreasonable	
Risk assessment regarding potential safety issue has not been undertaken	A risk assessment regarding potential safety issues is not a requirement for planning permission.
Stakeholders using the site have not been consulted	All interested and affected parties have been notified and consulted in accordance with The Town and Country Planning (Development Management Procedure) (England) Order, 2015 (as amended) as set out above.
Unnecessary proposal that does not warrant exorbitant public spending	Project funding is not a material planning consideration.
New internal fencing promotes segregation	The application under consideration does not propose erection of internal fencing. Internal fencing or boundary treatments that does not (i) front a highway or (ii) exceed 2.0m in height would not require planning permission.

Application should be decided by elected members	The Council received eleven letters of representation and thus the application has been referred to Committee for a decision
Works would damage the historic and attractive wall along Davies Lane	The application site is not registered as a listed building or locally listed building and the site does not lie within a conservation area of special character, therefore, no elements, including boundary treatments, are designated or undesignated heritage assets, that warrant protection.
Existing gate would satisfy operational needs of all stakeholders using the site	Set out in section 10 of the report
No justification on operational or safety grounds	
Incongruent appearance and confusing to users of the site	
Proposal not required by the current leaseholder of Good Shepherd Studios due to existing front door entrance off Davies Lane	
Existing pedestrian gate safe and suitable for visitors to Pastures Youth Centre	
No public parking inside existing gate and would be hazardous to users of Pastures Youth Centre	
Vehicular access comprises emergency and contractor vehicles authorised by the Pastures Duty Manager. Same arrangement would be in place in spite of proposal.	
More clarification required concerning safeguarding against safety	
No obvious safeguarding concern as staff across both properties would assume safeguarding responsibilities	
Superfluous provision of entrances (four gates) to The Pastures Youth Centre and Good Shepherd Building	
Recent refurbishment of the Good Shepherd Building provides access to the rear	

Sense of community involvement is damaged if present access arrangements between management parties are overruled by Council	
Money better spent on a notice board or rainwater harvesting measures	
Works would damage the historic and attractive wall along Davies Lane.	

## 7 OTHER CONSULTATIONS

### 7.1 Internal Consultees

Consultee	Comments
Tree Preservation and Urban Greening Officer	Arboricultural Report and Method Statement dated 09.12.2022 (reference 190618-PD-11) considered acceptable.  Soft Landscaping Scheme and Maintenance Management Plan dated December 2022 (reference 190618-TMA-ZZ-RP-L-9000 (Revision P02)) considered acceptable.  Replacement tree indicated in the landscaping scheme is to be double staked in accordance with the relevant British Standards and best practice guidance.
Place & Design	No comments received.

## 8 DEVELOPMENT PLAN

### The London Plan (2021)

8.1 On Tuesday 2nd March 2021, The Mayor of London published the replacement London Plan. From this date it forms part of the Development Plan for the purpose of determining planning applications. The 2021 London Plan supersedes the 2016 London Plan, which no longer has any effect. The relevant policies within the London Plan 2021 are:

- D3: Optimising site capacity through the design-led approach
- D4: Delivering good design
- D5: Inclusive Design
- G1: Green Infrastructure
- G5: Urban Greening

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

- 8.2 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.
- 8.3 The policies considered relevant to this application are as follows:
- CS3: Providing Infrastructure
  - CS13: Promoting Health and Well Being
  - CS15: Well Designed Buildings, Places and Spaces

Waltham Forest Local Plan - Development Management Policies (2013)

- 8.4 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:
- DM23: Health and Well Being
  - DM29: Design Principles, Standards and Local Distinctiveness
  - DM30: Inclusive Design and the Built Environment
  - DM32: Managing Impact of Development on Occupiers and Neighbours
  - DM35: Biodiversity and Geodiversity

## **9 MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework (2021)

- 9.1 The National Planning Policy Framework (NPPF) was revised on 20 July 2021 and 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. 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" and 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 "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 9.3 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high-quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes'.
- 9.4 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:



- Decision-making
- Achieve well-designed places

Waltham Forest Local Plan Urban Design SPD (2010)

- 9.5 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.

Shaping the Borough – London Borough Waltham Forest Draft Local Plan Part One Submission Draft (April 2021)

- 9.6 The Draft Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed Submission Version between 26th October 2020 and 14th December 2020. It has now been submitted to the Secretary of State for examination. This is an early stage of the plan making process, and less weight will be given to its policies.
- 9.7 The Draft new Local Plan proposes to be a “combined” document comprising 12 thematic policies and a revised spatial strategy, splitting the borough into North, South and Central Waltham Forest.
- 9.8 The Draft Local Plan clearly sets out the Council’s growth agenda which seeks to facilitate the sustainable delivery of 27,000 new homes and 46,000sqm of employment floorspace over the next plan period. The draft policies relating to housing type and mix are reflective of the London Plan (2021).

Policy 52: Making Safer Places

Policy 50: Promoting Healthy Communities

Policy 56: Delivering High-Quality Design

Policy 79: Green Infrastructure and the Natural Environment

Policy 81: Biodiversity and Geodiversity

Policy 82: Trees

Local Finance Considerations

- 9.9 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).
- i. There are no grants which have been or will or could be received from central government in relation to this development.
  - ii. The Council has not received and does not expect to receive any income from LBWF CIL in relation to this development.
  - iii. The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.

**10 ASSESSMENT**

10.1 The main issues for consideration, in relation to the proposed development are as follows:

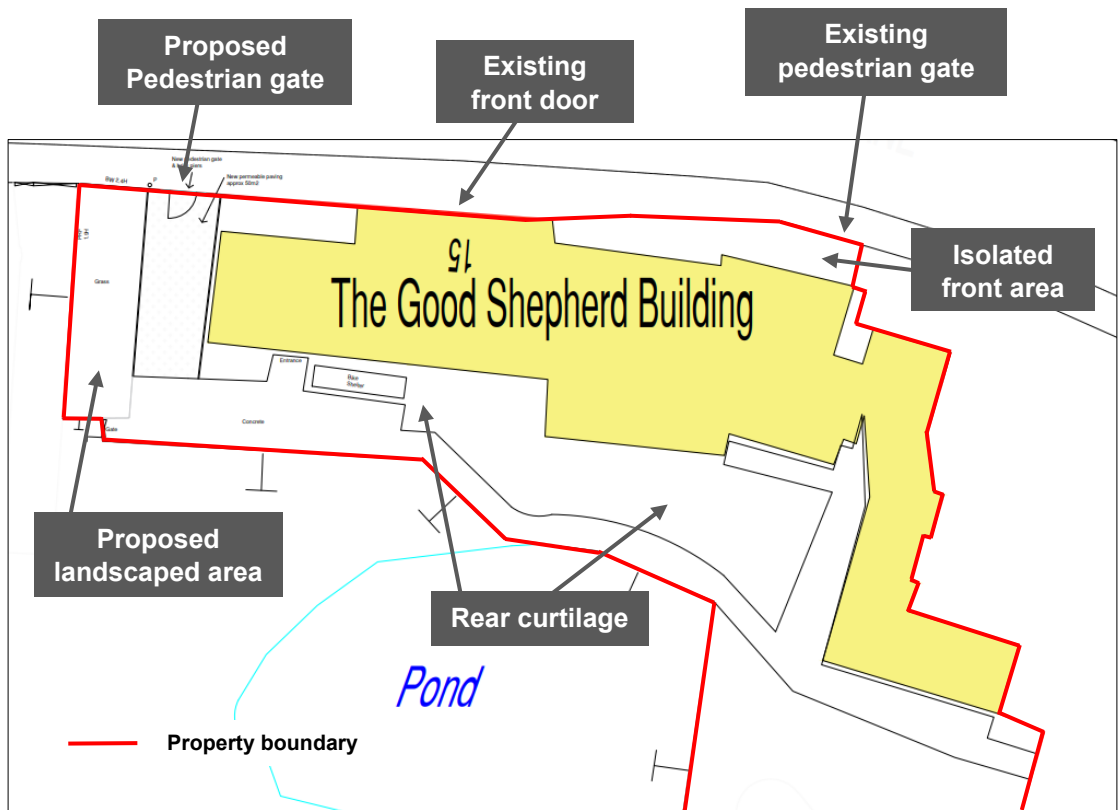
- A. Urban Design
- B. Impact on Neighbouring Amenity
- C. Trees and Local Biodiversity

**A. Urban Design**

10.2 Policies CS15 and DM29 of the Local Plan seek to ensure developments enhance local character in relation to the architectural integrity of the existing building and the surrounding area.

10.3 Access to the application site, being the Good Shepherd Building, is currently provided by means of a pedestrian gate along the northern boundary near the adjoining box gardens and an on-street front door to the ground floor of the main building. The northern property boundary (front) terminates at the north-eastern corner of the main building, slightly left of the existing pedestrian gate, and follows the built form of the single-storey elements along the left flank. Therefore, the existing pedestrian gate only serves the isolated area forward of the main building. Within the curtilage of the application site, the rear garden can only be accessed through the main building. Hence, a new pedestrian gate including a level access paved walkway is proposed along the western boundary at the right flank.

10.4 The building would accommodate various art related enterprises or studios, event spaces, and a café sited at the rear. The proposal would streamline access to businesses located at the rear that would otherwise interfere with use of space due to restricted internal circulation. Improved accessibility of the application site would also contribute to successful operation and management of businesses.



10.5 At present, pedestrian access to the rear of the application site is gained through the vehicle entrance gate at the adjoining property, being The Pastures Youth Centre. The Pastures Youth Centre and Good Shepherd Building are separate entities with separate leases. Notwithstanding the fact that the vehicle entrance gate is not within the curtilage of the application site, the use of a vehicle entrance for pedestrian raises health and safety concerns; separate routes for pedestrians and vehicles would ensure safe and convenient movement. Where pedestrian and vehicles use the same route, it is required that the access driveway be wide enough to pass pedestrians safely. Argument is made no public parking is provided and the driveway is only used by contractors and emergency services. However, the width of the driveway measures some 3.0m which is not a safe passing width. Additionally, no vehicle turning facilities are provided and vehicles exiting the property in a reversing direction further undermines pedestrian safety.



10.6 The pedestrian gate comprises a vertical pale design in keeping with the vehicle entrance gate observed at the adjoining property. To maintain continuity of architectural design and unifying the street scene, the proposed gate would be framed by brick-built piers reflecting the scale and height of the brick piers at the adjoining property. Construction materials would match that of the existing boundary wall and the proposed gate would be powder coated with a black finish. It is indicated the proposed gate would open inwards and would subsequently not interfere with pedestrian movement along the public footpath.

10.7 The proposed walkway, comprising approximately 50.0m<sup>2</sup>, would provide a level approach to the building to enhance inclusive design for all users. Permeable paving would be used to reduce surface water run-off and is considered an appropriate surfacing material. Soft landscaping introduced between the

proposed walkway and the adjoining vehicular entrance would create an effective barrier ensuring pedestrian safety. Officers considered the landscaping design and maintenance management plan acceptable.

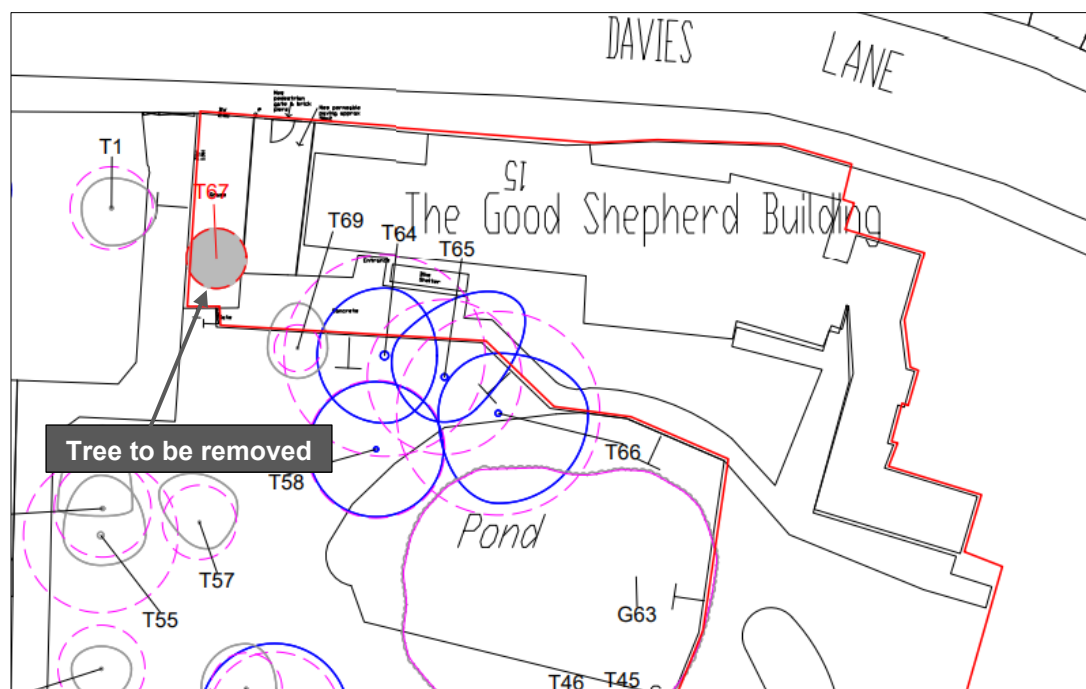
- 10.8 The proposed gate and associated works would not detract from the boundary rhythm whilst providing safe and secure access for pedestrians to the rear of the Good Shepherd Building. As such, the proposal is considered acceptable and accords with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM29 of the Waltham Forest Local Plan Development Management Policies (2013).

## **B. Impact on Neighbouring Amenity**

- 10.9 Policy DM32 seek to maintain the amenity of occupiers of adjoining properties in terms of daylight/sunlight, outlook, and privacy.
- 10.10 Given the positioning and design of the gate and associated works, it is unlikely that there would be any undue harm to neighbouring amenity in terms of loss of daylight, sunlight, outlook or privacy. As such, the proposal complies with Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

## **C. Trees and Local Biodiversity**

- 10.11 Policy DM35 of the Local Plan advises that development proposals will not normally be granted planning permission where they pose adverse direct or indirect effects on any land or area within the identified Sites of Special Scientific Interest (SSSI), Sites of Importance to Nature Conservation (SINC), Special Areas of Conservation (SAC), RAMSAR sites, Special Protection Areas or to protected or priority species. The application site does not fall within any of the above designations.
- 10.12 Development proposals must retain, restore, or enhance existing biodiversity resources where appropriate. Should this not be possible, mitigation and compensation measures should be clearly set out with supporting evidence for their effectiveness and relevance in relation to supporting the site-specific biodiversity value. Where opportunities arise, provision should also be made to support species and habitats using appropriate landscaping. A tree survey, Arboricultural Impact Assessment (AIA) and landscaping scheme was submitted together with the application.
- 10.13 It is noted that a Rowan tree identified as T67 is to be removed, primarily for arboricultural reasons on account of its poor condition but also to facilitate the proposed development. A replacement Silver Birch tree is proposed in situ as detailed in the submitted soft landscaping scheme. It is stated that the removal of T67 will be suitably mitigated by the planting of the new tree, and this will result in improved amenity over the long term.



- 10.14 The proposed construction and landscaping operations required to implement the development will take place outside of the root protection areas (RPA) of the retained trees. However, tree protection measures are recommended within the AIA to ensure that no incursion into the RPA occurs as set out in an appended Arboricultural Method Statement (AMS). The proposed development would not result in any significant harm to the remaining trees on the application site. The Council's Tree Preservation Officer has no objection to the removal of the existing tree (T67) and considered the landscaping scheme and AMS, including the replacement tree, acceptable in terms of quality and quantity.
- 10.15 The plants specified in the soft landscaping scheme, including the replacement tree mentioned above, appear to have been carefully selected and is acceptable in terms of quality and quantity. The accompanying five-year management plan would enable the correct implementation of the landscaping scheme and ongoing maintenance of the planted areas. It is understood that the replacement tree would be double staked in accordance with the relevant British Standards and best practice guidance.
- 10.16 Sufficient consideration has been given to the existing and proposed trees and soft landscaping which accords with Policy DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

## 11 CONCLUSION

- 11.1 The proposed gate and associated works are considered minor and would not detract from the host building or character of the surrounding area whilst providing safe and secure access for pedestrians to the rear of the Good Shepherd Building.
- 11.2 Sufficient consideration has been given to the existing and proposed trees and the proposed soft landscaping would enhance the biodiversity value of the site.
- 11.3 All material considerations have been taken into account, including responses to the consultation. The conditions recommended would ensure that the

development is implemented according to the drawings and specifications, and it is not considered that there is any material planning considerations in this case that would warrant a refusal of this application. Taking into account the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning policy terms.

## **12 ADDITIONAL CONSIDERATIONS**

### Public Sector Equality Duty

- 12.1 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.
  - D.** The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.2 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.
- 12.3 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

- 12.4 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.
- 12.5 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 approve 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.

### 13 RECOMMENDATION

13.1 The Planning Committee is requested to grant planning permission subject to conditions and informatives set out below.

13.2 Conditions and reasons:

1. The development hereby permitted shall begin no later than the expiration of three years from the date of this permission.

**Reason:** to comply with the provisions of section 91(1) (a) of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and thereafter maintained as such for the lifetime of the development:

Drawing numbers:

- EVO-ZZ-00-D-A-010 Revision P1, dated 01.11.2022
- EVO-ZZ-00-D-A-011 Revision P1, dated 26.10.2022
- EVO-ZZ-00-D-A-012 Revision P1, dated 26.10.2022
- EVO-ZZ-00-D-A-013 Revision P1, dated 26.10.2022
- 190618-TMA-ZZ-DR-L-4000 Revision P01, dated 02.12.2022

Supporting Documents:

- Design and Access Statement, dated November 2022
- Sentry Swing Gate product specification JSW 97 Issue 03
- Soft Landscape Specification and Maintenance Plan, dated December 2022

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

3. The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing boundary wall and be accord with the product specification sheet (Sentry Swing Gate product specification JSW 97 Issue 03) and shall thereafter be retained as such for the lifetime of the development.

**Reason:** To safeguard the visual amenities of the area in accordance with Policy CS15 of the Adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM29 of the Adopted Waltham Forest Local Plan – Development Management Policies (2013).

4. The development shall fully conform with the recommendations of the Arboricultural Impact Assessment and Method Statement, submitted with this application dated 09.12.2022.

**Reason:** To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policy CS15 of the Adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM35 of the Adopted Waltham Forest Local Plan – Development Management Policies (2013).

13.3 Informative:

- i. This determination does not constitute permission to build under the Building Regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
- ii. This notice is without prejudice to your responsibilities under any other legislation.
- iii. To assist applicants the Local Planning Authority has produced policies and provided written guidance, all of which is available on the Council's website and which have been followed in this instance. The Local Planning Authority delivered the decision in a timely manner.

**14 BACKGROUND DOCUMENTS**

14.1 None