

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 5th September 2023
Application reference:	230487
Applicant:	Auto Car Care Ltd
Location:	Arches 75 to 78 Rosebank Road, Walthamstow, London, E17 8NH
Proposed development:	Construction of a single storey rear extension together with excavation to form a vehicle inspection pit in association with existing commercial MOT use (Use Class B2).
Wards affected:	Lea Bridge
Appendices:	None

1. RECOMMENDATION

- 1.1 Recommendation to GRANT planning permission under reference 230487 subject to conditions and informatives.

2. REASONS REFERRED TO COMMITTEE

- 2.2 The application is referred to planning committee at the request of Councillor Gerry Lyons.

3. SITE AND SURROUNDINGS

- 3.1 The application site known as Arches 75 to 78 Rosebank Road is located on the eastern side of Rosebank Road. The site specifically consists of a railway arch with ground fronting onto Rosebank Road which is bounded by steel fencing. Officers note that from site visits, as well as it being confirmed by the Applicant, that the arches (75, 76, 77 & 78) are currently running operations in conjunction with each other and in use as an MOT garage/station (Use Class B2). *B2 General industrial - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste).*
- 3.2 There is a boundary fence which separates the front area between Arch Nos. 78 and 79 and no boundary fencing is in place to separate the front and rear yard areas which serve Arches 75 to 78. Planning Officers note that Arch 78 Rosebank Road is not internally accessible by the arches on either side (Arches Nos. 77 and 79 Rosebank Road). The works proposed which form part of this application only relates to Arch 78 Rosebank Road (this is discussed further below).
- 3.3 Nos 1 to 31 Rosebank Road (opposite) to the west comprise two storey terrace residential properties which face the front of the application site. The archway also currently hosts a rear open area facing onto the flank wall and garden area serving No. 62 Bakers Avenue (an end of terrace two storey residential property to the east). Notably there is no access to the application site from Bakers Avenue, with the site bounded by a steel fence and high flora behind. Rail lines which serve London Overground are located above the proposed arch in question with these lines connecting Walthamstow Queens Road Station to the north and Leyton Midland Road Station located south of the site. The closest town centre would be Bakers Arms, Leyton and notable larger roads in proximity to the site are Boundary Road, located approximately 70m north of the proposed arch site and Lea Bridge Road, located approximately 180m south of the site.

- 3.4 The immediate surrounding area on Rosebank Road is formed of a mixture of commercial and residential properties/units. The commercial units are all located beneath the arches on the eastern side of Rosebank Road with the arches all in use as car and MOT garage facilities.
- 3.5 The site is not located within a Conservation Area, is not listed and is not subject to any relevant Article 4 direction.

4. APPLICATION PROPOSAL

- 4.1 The application seeks planning approval for the construction of a single storey rear extension at the rear of Arch 78 Rosebank Road together with excavation to form a vehicle inspection pit in association with the existing use.
- 4.2 The proposed extension would project approximately 8m in depth from the rear elevation of the arch and be approximately 0.20m from the rear site boundary shared with No. 62 Bakers Avenue. It would be approximately 9.22m wide and would have eaves heights of approximately 3m on either flank and a maximum roof height of approximately 3.6m. The structure would have a rendered finish.
- 4.3 The inspection pit would be located centrally within the extension and would be approximately 4.3m in length, 2m width with a depth of 1.72m.

5. RELEVANT SITE HISTORY

A. Planning

- 5.1 031349 - Proposal: Change of use of Arches 77 and 78 to MOT test centre and car repairs, and use of Arches 75 and 76 as ancillary offices, stores and parking area
Decision: Approved (with Conditions and Informatives) - Decision Issued Date: 03-12-2004
- *Planning Conditions for application 031349 raise no concerns that may impact the determination of this application. Please see Appendix A for full details of the wording for Conditions 4 to 9 attached to 030149.*
- 5.2 990749 - Proposal: Refurbishment of railway arch for office use including installation of new shopfront - Decision: Approved (with Conditions & Informatives) - Decision Issued Date: 10-05-1999

B. Pre-application Advice

- 5.3 None

C. Enforcement

- 5.4 None

D. Adjacent sites/ neighbouring properties

- 5.5 None

6. PUBLIC CONSULTATIONS

6.1 One site notice was displayed on the site, dated 16/05/2023.

6.2 The Council consulted with the following neighbours:

- Arch 82 Russell Road, Leyton, London, E10 7ES
- Arch 83-84 Russell Road, Leyton, London, E10 7ES
- Arch 85 Russell Road, Leyton, London, E10 7ES
- Arch 86 Russell Road, Leyton, London, E10 7ES
- Arch 87-90 Russell Road, Leyton, London, E10 7ES
- Arch 91-94 Russell Road, Leyton, London, E10 7ES
- 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31 Rosebank Road, Walthamstow, London, E17 8NH
- Arch 75 To 78 Rosebank Road, Walthamstow, London, E17 8NH
- Arch 77 Rosebank Road, Walthamstow, London, E17 8NH
- Arch 78 Rosebank Road, Walthamstow, London, E17 8NH
- Arch 79-80 Rosebank Road, Walthamstow, London, E17 8NH
- 57, 59, 65, 67, 69, 71, 75, 79, 81, 83, 85, Bakers Avenue, Walthamstow, London, E17 9AN
- 38, 40, 42, 44, 46, 50, 52, 54, 56, 58 Bakers Avenue, Walthamstow, London, E17 9AW
- 62 - 64 Bakers Avenue, Walthamstow, London, E17 9AW

7. REPRESENTATIONS

Public Representations

7.1 The Council received a total of 1 representation as a result of the public consultation. This representation comes in the form of an objection to the proposal for which is summarised in its various parts below:

Objection Points:	Council Response(s):
The application for construction of a single storey rear extension and excavation to form a vehicle pit have started.	Planning Officers visited the property on 19/06/2023 and confirmed that works which form part of this application have not started on site.
They have excavated a pit at arch no.77 as well as arch no.78.	It was found that excavation works had started within arch no.77, however no works have started for the proposed development which forms this application. However, it should be noted that planning permission would not be required for internal works within the existing arches.
The Council has investigated the business and had four vehicles removed for parking violations, one was also found to have no insurance and eleven penalty charge notices (PCNs) were issued.	These matters are not material planning considerations.
They recently operated an illegal car wash on the public highway and they do not respect their licensing hours.	In the event of such illegal activities being conducted on site, these should be reported to the Councils Licencing Team, Planning Enforcement Team and Environmental Health and Contamination Team, so that appropriate action can be taken.

<p>Impact on neighbouring amenity in respect to noise, pollution, light – other concerns raised in regards to anti-social behaviour (ASB).</p>	<p>The application site does not propose to alter the use of the site nor that of the current opening hours. ASB is not a material planning consideration.</p> <p>It should be noted that the purpose of this application is to assess the acceptability for an extension only and not that of the established business operation/function on the site, for which a commercial MOT use is lawful.</p> <p>The Neighbour Amenity section of the report will address the elements of the objection further.</p>
<p>The works do not add to the locality of the distinctive character of Walthamstow. The proposal is highly inappropriate for a residential street and adds distress to residents.</p>	<p>Again, it should be noted that the purpose of this application is to assess the acceptability for an extension only and not that of the business operation/function on the site, for which a commercial MOT use is lawful.</p> <p>The Urban Design section of the report will address the elements of the objection further.</p>

7.2 On review of the objection comments, it would appear that the main themes of the objection are the effects the works would have on neighbouring residential amenity and that the works would not be in keeping with the surrounding residential context. These elements are addressed under the below assessment sections.

Internal Representations

7.3 The below table illustrates comments and representations received from the following noted bodies:

Consultee	Response
Highways	No responses received
Transport Policy	No objections raised to the proposed works
Environmental Health	No responses received
Waste Management	No responses received
TFL	<p>The proposed single storey rear extension and excavation to form a vehicle inspection pit is located within a railway arch underneath railway line belonging to Rail for London Ltd.</p> <p>We therefore urge the applicant to consult Location Enquiries (SMBLocationEnquiries@tfl.gov.uk) and receive approval prior to determination from this party.</p>

	TfL Spatial Planning have no other comments to make on this application.
TFL (Overground)	No responses received
Network Rail	No responses received
DLR	Confirmed that London Underground/DLR Infrastructure Protection have no comment to make on this planning application as submitted. It was advised that the proposal may affect Network Rail and London Overground (LO) Infrastructure.
London Fire Brigade	No response received.

8. PLANNING POLICY

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 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.

8.5 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
- D12 Fire Safety
- D14 Noise
- SI13 Sustainable Drainage
- T7 Deliveries, Servicing and Construction

Waltham Forest Local Plan Core Strategy (2012)

8.6 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.

8.7 The policies considered relevant to this application are as follows:

- CS1: Location and Management Growth
- CS7: Developing Sustainable Transport
- CS8: Making Efficient Use of Employment Land
- CS10: Creating More Jobs and Reducing Worklessness
- CS13: Promoting Health and Well Being
- CS15: Well Designed Buildings, Places and Spaces

Waltham Forest Local Plan Development Management Policies (2013)

8.8 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:

- DM19 - Borough Employment Areas
- DM20 - Non-Designated Employment Areas
- DM21 - Improving Job Access and Training
- DM23 - Health and Well Being
- DM24 - Environmental Protection
- DM29 - Design Principles, Standards and Local Distinctiveness
- DM30 - Inclusive Design and the Built Environment
- DM32 - Managing Impact of Development on Occupiers and Neighbours

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

8.8 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.

8.9 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.

8.10 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 19 Small Sites
- Policy 56 Delivering High Quality Design
- Policy 59 Amenity
- Policy 68 Managing Vehicle Traffic

Other Policies

8.11 Supplementary Planning Document Urban Design (2010)

9.0 MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2021)

- 9.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It is 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 It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 9.3 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: 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".
- 9.4 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'
- 9.5 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Building a strong, competitive economy
 - Making effective use of land
 - Achieve well-designed places

Shaping the Borough – London Borough Waltham Forest Draft Local Plan Part One (Proposed Submission Document)

- 9.6 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 is consulting on a schedule of Main Modifications from 21st July 2023 to 21st September 2023.
- 9.7 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).

9.8 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.

9.9 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 56 Delivering High Quality Design
- Policy 59 Amenity
- Policy 68 Managing Vehicle Traffic

Local Finance Considerations

9.10 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. Principle of Development

10.2 The application site is not subject to any particular protective policy or land use designations and the surrounding arches are noted to be commercial in use. The existing use of the arch as being under a B2 Use Class is lawful and has been lawful since 03/12/2004. The proposal does not indicate that the opening hours would be altered. Neighbouring arch units would also appear to fit within this use class and it is also noted that these types of uses are common within railway arches.

10.3 The character and front appearance of the arch facing onto Rosebank Road is not proposed to alter as the extension is at the rear facing Bakers Avenue. This element will be considered within the design section of this report.

- 10.4 The proposal does not involve the change of use of the unit, thus the current use would remain.
- 10.5 Policy DM20 of the Waltham Forest Local Plan Development Management Policies (2013) for which deals with Non-Designated Employment Areas, notes: that railway arches offer scope for use as employment areas. Specifically, section (D) of Policy DM20 notes that proposals for studio space and craft workshops will be encouraged within the borough's railway arches, provided these do not undermine the vitality and viability of town and district centres.
- 10.6 The works proposed is to enclose the existing external floor space to serve the operating business on site and is therefore considered acceptable in principle due to the proposal not altering that of the existing arches use class, nor hours of operation.

B. Urban Design

- 10.7 Policies CS15 and DM29 discuss the Council's expectation of a high standard of urban and architectural design for all the new development.

- *Single-storey rear extension:*

- 10.8 The proposed single-storey rear extension would be located to the rear of the railway arch, with the proposed area for where the proposed single extension would be placed, facing onto Bakers Avenue. The proposed extension would project approximately 8m in depth from the rear elevation of the arch and thus be approximately 0.20m from the site boundary shared with Bakers Avenue.
- 10.9 It would be approximately 9.22m wide and would have eaves heights of approximately 3m on either flank and a maximum roof height of approximately 3.6m. The proposed brick elevations would be finished in render.
- 10.10 The proposed single storey rear extension would occupy the majority of the rear yard area to the rear of Arch 78 only (the existing yard to the rear of Arches 75, 76 and 77 will not be altered as a result of the proposed works). Based on its siting and the surrounding area it is not considered to represent works of unreasonable height nor depth. The proposed extension would be similar in terms of depth with the existing rear addition which is sited at the adjacent Arch No.79 Rosebank Road. The addition would not be considered a feature which would appear at odds with the surrounding area. Further to this, such development would be consistent with existing extensions with the wider area in terms of scale and height.
- 10.11 The proposed development, given the design, scale and materials would be acceptable within the existing urban form in the vicinity and the wider locality in accordance with Policy D4 London Plan (2021), Policies CS15, DM29 and DM32 of the Waltham Forest Local Plan – Core Strategy (2012) and Development Management Policies (2013).

- *Inspection pit:*

- 10.12 The proposed inspection pit is proposed to be approximately 4.3m in length, 2m in width and would have a depth of approximately 1.72m depth from ground level and would be located centrally within the proposed single-storey rear extension. It would be approximately 3.41m in distance from either flank elevation wall of the proposed extension and approximately 1.71m from the rear wall of the new extension and approximately 1.84m from the arch's original rear elevation.

10.13 As the proposed inspection pit would be within the single storey extension, it would not be visible from the public realm and would thus not impact onto the character of the surrounding area.

10.14 In light of this, the proposed development, given the design, layout, height, scale and materials would be acceptable within the existing urban form in the vicinity and the wider locality in accordance with Policy D4 of the London Plan (2021), Policies CS15, DM29 and DM32 of the Waltham Forest Local Plan – Core Strategy (2012) and Development Management Policies (2013)

C. Neighbour Amenity

10.15 Policy DM32 (Managing Impact of Development on Occupiers) aims to ensure that daylight/sunlight, outlook and privacy are maintained for existing occupants and their neighbours in their homes and gardens as well as for the intended occupants of new habitable rooms.

10.16 Policy DM24 considers that "noise sensitive uses such as residential should be located away from major sources of noise pollution and vibration, unless appropriate mitigation can be provided" and also provides that "noisy new developments should normally be located away from noise sensitive uses and should demonstrate that there is no cumulative increase in noise pollution to sensitive receptors."

10.17 The proposed works would enclose the external area facing onto Bakers Avenue and thus obscurity of works for the business that could take place in this area would be achieved. Indeed, this area changed from an external use area to an internal use area would likely result in negation of noise pollution from work activity carried out in this area due to the area being closed/covered. As such it is considered noise emanating from site would broadly experience less to arguably the same as to the existing situation.

10.18 The proposed extension in terms of its siting and height would be of subordinate nature to the arch and based on neighbouring residential properties distances of separation are not considered to unreasonably impact upon the amenity of these neighbouring properties' occupants.

10.19 In summary, it is considered that the proposed development would not harm the amenity of neighbouring occupiers. It is noted that the works would be obscured from residential views from occupants living on the western side of Rosebank Road due to the siting of the new extension behind the arch. With regards to Bakers Avenue properties, the proposed works would be single storey in height, would be approximately 0.2m from the site boundary with the site boundary being of steel fence and flora so to partially obscure views, with it noted that the proposed situation would appear similar to residents along Bakers Avenue in terms of the existing situation due to the existing site's steel fencing and fauna which is of a similar height to that of the proposed extension.

10.20 Notwithstanding this, the nearest neighbouring property (No. 62 Bakers Avenue) also hosts a side passage at approximately 1m in width which would act to increase separation distance from the proposed works. When considering No. 62's flank windows, their siting to the outrigger and indeed the distance of separation would be considered sufficient to negate amenity concerns.

D. Parking & Highways Impact

- 10.20 Local Plan Policy DM14 (Sustainable Transport Network) states that the Council will actively encourage sustainable travel. Developments should not have a harmful impact on the walking and cycling environment.
- 10.21 Local Plan Policy DM16 states that the Council would seek to effectively manage parking by encouraging car-free and car-capped development in locations that have high levels of parking stress.
- 10.22 The immediate surrounding area is part of a Controlled Parking Zone (CPZ), whereupon parking within Rosebank Road is only for permit holders with parking noted to operate between: Mon-Fri 8am-12:30pm, 2:30 to 6:30pm and Sat 8:00 to 6:30pm. The proposed works would be located within the curtilage of the site to the rear and within the new extension. The proposal would not change the current parking conditions within the area and Officers note the existing front courtyard already is able to facilitate off-street parking. Any on-street parking would be the subject of highway restrictions and enforcement.
- 10.23 In summary, Officers are satisfied that the proposed works would ensure compliance with the objectives of Policies DM14 and DM16 of the Waltham Forest Local Plan – Development Management Policies (2013).

11. CONCLUSION

- 11.1 In summary, the proposed works at Arch 78 Rosebank Road, Walthamstow, are considered appropriate and acceptable in principle. It is not considered that the proposed development and its extended floor area would have any undue negative net impact on the character and design of the arches within the surrounding area, nor the neighbouring amenity with respect to poor outlook and noise, the existing parking and circulation on site.
- 11.2 The proposed development is acceptable, adheres to the in-force policy framework within the Council's Local Plan, and is therefore recommended to be approved, subject to conditions and informatives.

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 approve 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 refuse 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 refuse 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 resolve that planning permission be granted subject to the following conditions and informatives.

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:

- Location Plan;
- Planning Design and Access Statement;
- Plans, Drg No: ZAAVIA/78RR/101, Issue B, Date: 01/03/23;
- Elevations, Drg No: ZAAVIA/78RR/104, Issue A, Date: 11/01/23;
- Proposed Site Plan, Drg No: ZAAVIA/78RR/109, Issue B, Date: 01/03/23;
- Section, Drg No: ZAAVIA/78RR/110, Issue B, Date: 01/03/23;
- Roof Plans, Drg No: ZAAVIA/78RR/107, Issue B, Date: 01/03/23;
- Existing Site Plan, Drg No: ZAAVI/78RR/108, Issue A, Date: 11/01/23;
- Elevations, Drg No: ZAAVIA/78RR/106, Issue B, Date: 01/03/23;
- Elevations, Drg No: ZAAVIA/78RR/105, Issue B, Date: 01/03/23;
- Elevations, Drg No: ZAAVIA/78RR/103, Issue A, Date: 11/01/23;
- Plans, Drg No: ZAAVIA/78RR/102, Issue B, Date: 01/03/23;

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/extension shall be in accordance with the approved plans 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 Policies DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Informatives:

1. The applicant is advised to contact Location Enquiries (SMBLocationEnquiries@tfl.gov.uk) and receive approval prior to determination from this party.

14. BACKGROUND DOCUMENTS

14.1 None

Appendix A:

The below extract is taken from the Decision Notice of planning application reference; 031349, for which illustrates the lawful use of the arch and its conditions attached to its lawful use.

- 4 The premises comprising numbers 77 and 78 Rosebank Road shall be used only for MOT Class IV vehicle testing by appointment only, ancillary repairs and servicing of private vehicles and for no other purpose whatsoever, including breaking, dismantling, panel beating or paint spraying at any time.
- 5 The premises comprising numbers 75 and 76 Rosebank Road shall be used only for the parking of staff and customer vehicles, ancillary storage of vehicle parts and an ancillary administration office in connection with the MOT testing and vehicle repair workshops at numbers 77 and 78 Rosebank Road and for no other purpose whatsoever, including vehicle repairs.
- 6 No repairs, servicing and testing of vehicles pursuant to this planning permission shall be undertaken except within the railway arches at numbers 77 and 78 Rosebank Road and none shall take place on the forecourt area along the Rosebank Road frontage.
- 7 { All plant machinery and equipment installed by reason of the granting of this permission shall be maintained and operated so as to prevent the transmission of noise and vibration into neighbouring premises.
- 8 The use hereby permitted shall only be carried out between the hours of 8.30am and 6.30pm Mondays to Fridays, 8.30 to 1pm on Saturdays and not at all on Sundays or Public Holidays. There shall be no collections or deliveries of vehicles by breakdown vehicles, staff or customers outside of these times.
- 9 All vehicles which have been left with or are under the control of the applicant in connection with the use hereby approved shall only be stored, parked or repaired within the planning unit in accordance with the drawings hereby approved.

Fig 1: Planning Condition [4 to 9] with planning reference 031349