

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 8 th January 2024
Application reference:	231885
Applicant:	London Borough of Waltham Forest
Location:	Land at the rear of 48-50 Station Road, Chingford, London E4 7BE
Proposed development:	Use of premises for commercial, business or service (Use Class E(g)) including alterations to existing door [Amended Description]
Wards affected:	Chingford Green
Appendices:	1. Appeal Decision Reference APP/U5930/X/21/3285564 and APP/U5930/C/21/3275895 2. Enforcement Notice Reference IN_475145

1 RECOMMENDATION

- 1.1 It is recommended Planning permission is GRANTED subject to conditions.

2 REASONS REFERRED TO COMMITTEE

- 2.1 The application was called in by Councillor Mitchell Goldie.

3 SITE AND SURROUNDINGS

- 3.1 The application proposal relates to the rear of 48-50 Station Road, Chingford E4, outlined in red in the below site location plan.



- 3.2 The application site is occupied by a single-storey warehouse-type building. It appears to straddle the former boundary between 48 and 50 Station Road. The building is finished with corrugated cladding, it has a large roller shutter opening and a smaller pedestrian door on the front elevation of the building, facing Rale Lane. The property has as well, a door to the rear of the building, opening into a courtyard facing the rear of Nos. 48 and 50 Station Road. The other elevations are finished in brick.
- 3.3 Opposite the application, across on Rale Lane, the site faces the rear boundary of the residential properties along Buxton Road, named numbers 1a and 1b Buxton Road in particular.
- 3.4 The application site has been occupied by different businesses, including furniture making and car repairing. Planning history shows that the site has been used for storage of and minor repairs of electric trucks as early as 1960s.
- 3.5 The application site falls within Station Road Conservation Area and North Chingford District Centre, although the property is not listed.
- 3.6 There is a mix of uses along the frontage of this section of Station Road, including cafes, a hair salon, a tattoo parlour, several take aways and retail stores. With the frontage of the application site is occupied by a pizza/burger takeaway at No.48 and a pie shop and hot food takeaway at No.50. The majority of properties on this stretch of Station Road have also residential accommodation above ground floor level and benefit from a long rear yard

where access can be gained to the rear lane, named Rale Lane. Some of the properties within this row, the rear yard has been developed with various extensions or outbuildings.

- 3.7 The application site fronts Rale Lane, an adopted public highway which can be accessed via Buxton Road and Mornington Road. The character of Station Road and Rale Lane is the one of a busy mixed commercial high street, with a rear lane serving the commercial properties on one side and some independent businesses and, serving the domestic garages of the residential properties on Buxton Road and Willow Street, on the opposite side. The area becomes predominantly residential beyond Rale Lane and is characterised by two storey terraced properties of a variety of style and design.
- 3.8 The site is generally well connected to road network and public transport with a PTAL level 4.

4 APPLICATION PROPOSAL

- 4.1 Planning Permission is sought for the following:

- 4.1.1 Use of premises for Part G under Use Class E (Commercial, Business or Service), which includes:

- (i) an office to carry out any operational or administrative functions,
- (ii) the research and development of products or processes, or
- (iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

- 4.1.2 The application also includes the alterations to front door facing Rale Lane with an electronic roller shutter of the same dimension as existing.

5 RELEVANT SITE HISTORY

A. Planning History

- 5.1 The council received the following planning applications at the rear of 48-50 Station Road:

- 230329: Change of use of ground floor premises rear of 48-50 Station Road to facilitate a use falling within the remit of use class E commercial, business or service; operating between the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 18:00 Saturdays – Withdrawn on 20/07/2023

- 210661: Lawful Development Certificate (Existing)- Use of property as general industrial (Class B2) – Validated on 03/03/2021, Non Determination Appeal (reference APP/U5930/X/21/3285564), Dismissed on 11/01/2023

5.2 The Council received the following planning applications at the rear of 48 Station Road:

- 180891: Lawful Development Certificate (Existing) - Continuous use of property as garage for the repairing and servicing of motor vehicles – Withdrawn on 11/09/2018
- 131387: Demolition of existing industrial building and construction of 2 x two-story, two bed dwelling houses – Refused on 25/11/2013
- 100872 (2010/0291): Change of use to gymnasium (use class D2) – Refused on 13/05/2010
- 080411 (2008/0507/CLE): Use for repair and servicing of motor vehicles as shown on unnumbered site location plan and drawing no 602/10 received on 4 March 2008 – Withdrawn on 27/06/2008
- 001885 (1972/0180): C.O.U. from storage to fabrication of light steel fire escapes, gates and railings etc – Refused on 02/01/1972
- 002722 (1967/0365): Storage of and minor repairs to electric trucks – Approved on 02/01/1967

B. Pre-Application

None

C. ENFORCEMENT

5.3 There is an enforcement investigation (reference IN_388606) on site in relation to Extended use of site with new plant/machinery and hours of operation from 15/08/2014. The investigation resulted in the issue of an Enforcement Notice (reference IN_475145) on 28th May 2021.

5.4 The notice requires the landowner to:

1. Cease the use of the property as a workshop for the repair and maintenance of motor vehicles (Use Class B2).
2. Remove all machinery, hydraulic lifts, pneumatic drills along with minor tools, fixtures fittings associated with the unauthorised use.

3. Remove all associated debris and detritus from the land in respect of steps 1 and 2 outline above.

- a. The period for compliance with the requirements is six months after the notice takes effect.

5.5 The Enforcement Notice was appealed against. The appeal decision (reference APP/U5930/C/21/3275895) was issued on 11 January 2023, with the Inspector dismissing the appeals (attached as an appendix to this report). The Decision Notice has since been complied with the tenants moved out, the property remains vacant. The current application seeks permission for an alternative use for the currently vacant site.

D. Adjacent Site

None relevant

6 PUBLIC CONSULTATIONS

6.1 The application has been advertised via Site Notice and Press Notice (Conservation Area) since 02/10/2023.

6.2 The Council circulated 159 consultation letters to local residents on the 02/10/2023, as follows:

- 26-60 (even), 28a, 30a, 38a, 38b, 38c, 40a, 42a, 46a, 48a, 50a, 52a, 52b, 54a, 56a, 56b, 58a, 58b, 60a, 60b, 60c, 67- 97 (odd) 67a, 71a, 73a, 75a, 81a, 87a, 91a, 91b, 91c, 93b, 95a, 97a, Station Road
- Ground Floor Shop, Ground Floor Flat and First Floor Flat, 44 Station Road
- Ground Floor, First Floor and Second Floor, 60 Station Road
- Ground Floor, First Floor and Second Floor, Meridian House, 62 Station Road
- Suite 1-11, 2a, 6a and 6b, Meridian House, 62 Station Road
- First Floor South and First Floor North, 62a Station Road
- 1-4 Anton House, 65a Station Road
- Ground Floor and First Floor Flat, 69 Station Road
- Flat 1-2, 73a Station Road

- Ground Floor, First Floor, Part Rear First Floor, Second Floor, 77-79 Station Road
- Ground Floor and First Floor Flat, 83 Station Road
- Flat 1 and 2, 89 Station Road
- Rear of 26, 40, 40a, 42, 48, 50, 58 Station Road
- 1-17 (odd), 1a, 1b, 2a, 11a, 15a, 15b Buxton Road
- 1-2, Ground Floor Office 1 and 2, First Floor 1, 2 and 3, 2 Stone Terrace, Buxton Road
- 1-3 Space Hall, Buxton Road
- 5 and 7 Thaxton Place
- 1-3 Groom Court, Thaxton Place
- 1-4 Argyll House, Thaxton Place
- 2, 2a, 4 and 6 Willow Street
- 2a and 9 Stanley Road
- Flat 1-8, 9-11 The Drive

6.3 A response was received from Cllr Goldie, and whilst no specific comments were raised about the scheme, it was requested the application be called-into committee.

6.4 The Council received 1 response as a result of the public consultation. The public response received related to the following matters:

Objections	Officer response
Broad definition of the proposed Use Class E Part G.	The nature and suitability of the proposed use is assessed in section 10B of the report.
The proposed use of the site for commercial purposes would be out of keeping with the neighbouring residential uses.	The impact on character and appearance is assessed in section 10C of the report.

The proposal would have detrimental impact on amenity in terms of movement, noise and nuisance.	The principle and policy reference for determining a change of use application is detailed in section 10B. The impact on neighbour amenity is assessed in section 10D. LBWF Environmental Team and Highway Team were consulted and raised no objections.
The proposal would have detrimental impact on highway safety and cause inconvenience to users by the site.	The impact on parking and access is assessed in section 10E. LBWF Highway Team was consulted and raised no comments.

7 STATUTORY CONSULTATION

Comments	Officer Response
<p><i>LBWF Highways</i></p> <p>The team had no comments to make on the proposal</p>	<p>This is considered in section 10E: Parking and Highway Matters.</p>
<p><i>LBWF Place & Design</i></p> <p>No comments were received from either the Design officer or the Conservation Officer</p>	<p>This is considered in section 10C: Character and Appearance.</p>
<p><i>LBWF Transport Policy</i></p> <p>No adverse transport policy impacts identified.</p>	<p>This is considered in section 10E: Parking and Highway Matters.</p>
<p><i>LBWF Planning Policy Team</i></p> <p>Broadly supportive of the proposal</p>	<p>This is considered in section 10B: Principle of Development – Use Class E(g)</p>
<p><i>LBWF Environmental Health Team</i></p> <p>Application is considered to be more appropriate.</p>	<p>This is considered in section 10D: Impact on Neighbouring Amenity.</p>
<p><i>London Fire Brigade</i></p> <p>No comments were received.</p>	<p>In the event of approval, an informative is recommended that the notice is without prejudice to applicant's responsibilities under any other legislation.</p>

8 DEVELOPMENT PLANS

- 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 must have regard to:
- the provisions of the development plan, so far as material to the application;
 - 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'. The development plan for Waltham Forest comprises the Core Strategy, the Development Management Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

The London Plan (2021)

- 8.3 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:
- Policy D1 London's form, character and capacity for growth
 - Policy D4 Delivering good design

Waltham Forest Local Plan Core Strategy (2012)

- 8.4 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.

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

- Policy CS5: Enhancing Green Infrastructure and Biodiversity
- Policy CS7: Developing Sustainable Transport
- Policy CS8: Make Efficient Use of Employment Land
- Policy CS12: Promoting and Enhancing Heritage Assets
- Policy CS13: Promoting Health and Well Being
- Policy CS14: Attractive and Vibrant Town Centres
- Policy CS15: Well Designed Buildings, Places and Spaces

Waltham Forest Local Plan Development Management Policies (2013)

8.6 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:

- Policy DM14: Sustainable Transport Network
- Policy DM16: Parking
- Policy DM20: Non-designated Employment Area
- Policy DM24: Environmental Protection
- Policy DM25: Managing Town Centre Uses
- Policy DM28: Heritage Assets
- Policy DM29: Design Principles, Standards and Local Distinctiveness
- Policy DM32: Managing Impact of Development on Occupiers and Neighbours
- Policy DM35: Biodiversity and Geodiversity

9 MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2023)

9.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as the heart of the framework.

9.2 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:

- Promoting healthy and safe communities
- Achieve well-designed places

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

9.3 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 undergone examination and consultation on proposed modifications concluded on 21 September 2023. The plan has reached an advanced stage and weight will be given to it, in accordance with the Guidance set out in the NPPF.

9.4 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.

9.5 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 1: Presumption in Favour of Sustainable Development
- Policy 11: North Waltham Forest
- Policy 56: Delivering High Quality Design
- Policy 59: Amenity
- Policy 65: Development and Transport Impacts
- Policy 74: Conservation Areas
- Policy 81: Biodiversity and Geodiversity
- Policy 82: Trees

Urban Design Supplementary Planning Document – 2010

9.6 This document has the aim of raising the quality of design within the Borough. The core principles underlying the advice in the SPD are to build upon and improve local character in all new development.

The Chingford Station Road Conservation Area Appraisal and Management Plan (2023)

- 9.7 The document provides a detailed analysis of the historic evolution of the Station Road Area of Chingford. It discusses the Station Road West Shopping Parage.

Local Finance Considerations

- 9.8 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. Background information
- B. Principle of the Development
- C. Appearance and Character
- D. Impact on Neighbouring Amenity
- E. Parking and Highway matters
- F. Trees and Biodiversity

A. Background information

Enforcement / Appeal

- 10.0 The most recent use, the repair and maintenance of motor vehicles as per use Class B2, was the subject of an Enforcement Notice. During the enforcement investigation which resulted in the issue of the Notice, an

application for Certificate of Lawful Development (Existing) was also submitted but not determined by the Council.

- 10.1 The Enforcement Notice and the Certificate of Lawful Development (Existing) were appealed on the grounds section 174(2)(a)(d)(f) and section 195 of the Town and Country Planning Act 1990 as amended respectively. The appeal was heard at a full inquiry with a decision to dismiss having been issued on 11th January 2023. The appeal was dismissed, and the Notice has been complied with the tenants moved out, the property remain vacant.
- 10.2 As detailed in the appeal decision, the main considerations for the appeal determination are:
- whether or not the use of the appeal site for any purpose falling within Class B2 of the 1987 Order commenced prior to the relevant dates in this case; and
 - whether or not there has been a continuous use of the appeal site for a purpose falling within Class B2 of the 1987 Order for a period of 10 years beginning with the date (i.e. commencement) of the breach.
- 10.3 Based on the supporting documents provided by the applicant, the Inspectorate concluded that, by applying the relevant test of the evidence, it is agreed that the use of the site for a Class B2 use commenced in July 2010. However, this use did not continue beyond November 2010.
- 10.4 It should be highlighted that, as confirmed during the inquiry and Planning Inspectorate, the application site has historically been occupied by multiple businesses, which has established the commercial use nature of the application site.
- 10.5 The appeal was dismissed as the appellant failed to demonstrate, on the balance of probability, that the site has been used continuously for a period of 10 years, therefore a Certificate of Lawful Development (Existing) shall not be granted.
- 10.6 The application in hand seeks to rectify this against the updated Use Class Order, and the provisions relevant to the current application relate to the following taken from the Use Class order.

B. Use Class E (g)

- 10.7 Use Class E(g) is defined by Use, or part use, for all or any of the following purposes for

(i) an office to carry out any operational or administrative functions,

(ii) the research and development of products or processes, or

(iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

- 10.8 A new Use Class E (Commercial, Business and Service) was created on 1st September 2020 in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, with the notion to introduce a broad and diverse range of uses which principally serve the needs of visiting members of the public and or are suitable for a town centre area.
- 10.9 Within Class E, Part G is specifically designed and worded to be compatible to residential uses. This sub-group would restrict the site to be used only by office for administrative, operation or research activities, which is expected to have limited amenity impact due to their nature, or the light industrial process, as highlighted in its definition, " which can be carried out in any residential area without detriment to the amenity".

B. Principle of the Development – Use Class E(g)

- 10.10 The application site is located within the North Chingford District Centre as set out in Schedule 4 of the Local Plan Development Management Strategies (2012). Policies CS14 and DM25 of the Local Plan (2012 and 2013) set out the council is committed to promote successful vibrant centres by ensuring the scale of development proposed in a centre is appropriate to the role and character of the centre and its catchment.
- 10.11 The application site seeks permission for Class E (g) use. The commercial use for this premises is not new and is a well-established commercial property in the North Chingford District Centre within short walking distance to a good range of commercial uses. It is considered given its generous size, considerably larger than the average commercial unit on Station Road, the building and the proposed use would be able to offer an alternative space for commercial uses that intrinsically require a larger floorspace for operations. As such, the site provides an opportunity to contribute to the diversity of service provide at North Chingford District Centre to serve residents at the edge of the residential area and shopping parade, while is compatible with the nearby residential properties.

- 10.12 The proposed Class E (g) use would also be in line with the policy aspiration set out in relation to employment. In accordance with Policies CS8 and DM20 of the Local Plan (2012 and 2013), the council will support applications for more productive uses in non-designated employment land (i.e., land currently or last used for such purposes but not identified on the policies map), which would be the case for the application site. The notion is carried on to Policy 11 of the Emerging Local Plan (2021) which sets out that development will be supported in and around the designated centres where it strengthens, supports, and encourages existing and new employment opportunities in North Chingford District Centre.
- 10.13 It is acknowledged that the rear siting behind Station Road sets the application site outside of the Primary Shopping Frontage designated for the parade on Station Road in the Local Plan and in closer distance to dwellinghouses. Policy DM25 (E, H) specifies that in such cases, i.e., change of use applications within the designated boundaries of the District Centres but outside the primary frontages, the Council will in addition consider the impact of the proposals on amenity, the character and function of the parade while capturing the potential merits of town centre proliferation.
- 10.14 The main consideration in determining the application, as highlighted by the Planning Inspectorate, should then lie on whether the development would be able to have acceptable impact on neighbourhood amenity while capturing the development opportunity on site.
- 10.15 It is acknowledged the discussion in appeal inquiries surrounded focus on the lawfulness of the site being used for maintenance and repair of motor vehicles, which falls within use Class B2 of the 1987 Order. Regardless of the dispute over the lawfulness of the use, following the revisions to the Use Classes Order, it is considered that it would be appropriate to re-evaluate the site against the updated class.
- 10.16 As opposed to the generic Class E (Commercial, Business and Service), a narrower defined Class E(g) would be appropriate for the subject site, given its proximity to residential properties, as it would limit the uses that are compatible with residential uses. Class E(g) would restrict the site to be used only by office for administrative, operation or research activities, or for light industrial process., the industrial process, as highlighted in its definition, would be "without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, or grit".
- 10.17 It is noted, that although one objection was received expressing concerns regarding the ample potential uses under Class E(g), the scope of uses allowed for would be appropriate to a town centre and enable the building to be attractive for a range of business to occupy the building while

guaranteeing its compatibility with other uses which would also be beneficial to the vibrancy of the District Centre, while responding to the market demands, the current economic climate and the changes to our high streets.

- 10.18 This also in line with the latest Use Class Order to promote flexibility on how commercial premises are used to facilitate new servicing and offerings. Furthermore, Policy DM25 of the Waltham Forest Development Management Policies (2013) states that the Council would approach planning applications in town centres with flexibility. As such, in light of the above considerations, Class E(g) is considered an appropriate use for its town centre location.
- 10.19 In case of approval, the decision would also be subject to appropriate planning conditions, for the application site, in compliance with Policy 25 of the Emerging Local Plan (2021), which specifies the council should focus on the delivery of Class E, Part G in town centres and non-designated employment sites.
- 10.20 On balance, given the site history and its well established light industrial/commercial use, its setting and the nature of the proposed use in accordance with the updated Use Class Order, the principle of the development is supported and would accord with Policies CS8 and CS14 of the Waltham Forest Local Plan - Core Strategy (2013), Policies DM20 and DM25 of the Waltham Forest Local Plan - Development Management Policies (2013), Policy 11 of the Emerging Local Plan Part (2021) and the National Planning Policy Framework (2023).

C. Appearance and Character

- 10.21 There are national calls to improve and enhance the development, regardless of size or scale, we should be seeking quality developments. Paragraphs 131 to 141 of the NPPF require development to be of a high quality and design to ensure that schemes make a positive contribution towards making better places for people. The "Living With Beauty: Promoting Health, Well-Being and Sustainable Growth" states that "We should therefore be advancing the cause of beauty on three scales, promoting beautiful buildings in beautiful places, where they are also beautifully placed" (p10).
- 10.22 In Waltham Forest Local Plans (2013), Policy CS15 and DM29 seek developments to create positive and inclusive environments (buildings and spaces) of high quality that contribute to the distinctiveness of Waltham Forest's neighbourhoods. This notion persists in policy 56 of the Emerging Waltham Forest Local (2021).

- 10.23 The proposal involves the installation of a new roller shutter on the frontage of the subject building, facing Rane Lane, and no other physical alterations to facilitate the proposed use. According to the manufacturer specification submitted, the material of the proposed roller door is durable and of similar appearance to the existing roller shutter on site. This is also confirmed in the application, which will be secured by means of a planning condition to limit the visual impact of the development.
- 10.24 It is noted that the site is located within the recently designated Station Road Conservation Area, where policies are in place to preserve and enhance its heritage characters, including CS12 and DM28 of the Adopted Local Plan (2012 and 2013) and Policy 74 of the Emerging Local Plan Part One (2021). Section 72 of the 1990 Listed Buildings and Conservation Areas Act requires the Council to pay special attention to the desirability of preserving or enhancing conservation areas when carrying out a function under the planning acts. While the proposal would represent minimal changes to the building appearance, it is considered that there are already similar buildings with shutters in this section of Rale Lane, as such the proposed replacement of roller shutter al would have a neutral impact on the character of Conservation Area or wider streetscape given its discreet back land location, facing Rale Lane where this elevation is common.
- 10.25 The application site has historically been occupied by multiple businesses, which, to an extent, attributes to the mixed character of Rale Lane, as transition area between the more commercial and busy nature of Station Road and the more residential character of the streets to the rear of Brixton Road. The subject site would be considered an appropriate location for the continued of commercial use, specifically within the perimeters of the proposed commercial use as Use Class E(g) without detrimental harm to the area character.
- 10.26 On balance, given the minimal visual changes proposed and taking into consideration the site context, the proposal would be in keeping with the surrounding area and settings without causing detrimental harm to the appearance and character of the site, streetscape or wider Conservation Area, as such, the proposed development is in accordance with Policies CS12 and CS15 of the Waltham Forest Local Plan – Core Strategy (2013), Policies DM28 and DM29 of the Waltham Forest Local Plan – Development Management Policies (2013), Policies 56 and 74 of the Emerging Local Plan Part (2021), Policies D4 of the London Plan (2021) and the National Planning Policy Framework (2023).

D. Impact on Neighbouring Amenity

- 10.27 Policy CS13 and DM32 seek to ensure the well-being of residents and manage the impact of development on neighbouring amenity. DM24 states that developments should be sensitive to their surroundings.
- 10.28 Given the limited changes of the proposed development and existing boundary treatment, the proposed development is unlikely to harm the outlook, daylight/sunlight and privacy of the neighbouring residents.
- 10.29 The new shutter, according to the manufacturer brochure, is carefully designed to ensure a quiet operation with a sound reduction capability. The replacement of the existing deteriorated shutter would therefore constitute an improvement to the current roller shutter to effectively minimise the noise created by both, the opening/closing of the shutter and the activities within. The council's Environmental Health team were also consulted and concluded that the application would be appropriate and raises no objections.
- 10.30 It is mindful that the proposed activities associated to Class E(g) may result in some degrees of nuisance from movements and noise. The main considerations in this assessment, however, would be whether these impacts would be within acceptable range and whether they can be effectively mitigated by means of planning conditions.
- 10.31 It is acknowledged that there is objection raised by the neighbours as the site is in proximity to their rear boundary enclosures of houses on Buxton Road, numbers 1a and 1b Buxton Road in particular. The Inspector noted the very short distance between the main entrance and the gardens opposite [c5m] and the shortness of those gardens, meaning the rear of the properties was also particularly close. While the Planning Inspectorate agreed the opening and closing of the roller shutter, amongst other potential noise and disturbance from the use of the site, is likely to be noticeable, the new replacing roller shutter, will be an improvement and result in noise reduction, allowing quieter opening and closing and ultimately mitigating this impact.
- 10.32 The Planning Inspectorate added that if the site were to be used for a purpose falling within use Class E(g), it must not cause detriment to the amenity of that area. Since the proposed Class E(g) use class is specifically designed and worded to be compatible with residential uses as it would restrict the site to be used only by office for administrative, operation or research activities, which is expected to have limited amenity impact due to their nature, or the light industrial process, as highlighted in its definition, "which can be carried out in any residential area without detriment to the amenity". On this basis, it is therefore considered appropriate to secure neighbouring amenity. In the event of approval, a planning condition is recommended to restrict the site for uses falling within Class E(g) shall be carried out and no use otherwise is allowed without obtaining a planning permission from the LPA.

- 10.33 It is considered that, by reason of the scale and nature of development, the proposal is unlikely to result in noise and nuisance that would amount to an unacceptable level. To ensure this, it is considered that a planning condition to restrict the noise level of the activity would be appropriate in relation to the scale and nature of the proposed development.
- 10.34 The hours of operation for the Class E(g) use are proposed to be 07:00 to 19:00 Monday to Friday and 08:00 to 18:00 Saturdays, except for Bank Holidays. The hours fall within appropriate working hours, which would be similar to the opening hours of shops along Station Road, if not shorter. With the business close in the evening, Sundays and Bank Holiday, it would minimise the nuisance to surrounding neighbours. This is recommended to be secured by mean of a planning condition if the application is minded for approval.
- 10.35 Based on the considerations above, the proposed development is considered to have an acceptable impact on the amenities of neighbouring residents in terms of noise and nuisance that cannot be effectively managed by planning conditions, as such it would comply with Policies CS13 of the adopted Waltham Forest Core Strategy (2012), Policies DM24, DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013) and Policy 59 of the Emerging Draft Local Plan (2021).

E. PARKING AND HIGHWAY MATTERS

- 10.36 Policy CS7 (Sustainable Transport) and DM14 (Sustainable Transport Network) states that the Council will resist developments that would have a harmful impact on the walking and cycling environment. Policy DM16 (Parking) seeks to ensure safe, sufficient, and efficient parking facilities to be provided for residents and users.
- 10.37 As observed during the visit, there are several on-street payable parking spaces at the entrance of Buxton Road from Station Road and on Station Road, and more unrestricted parking spaces in the wider residential area.
- 10.38 It is minded that the proposed use would inevitably create some extent of pedestrian movement or vehicle manoeuvre such as staff or customers arriving or leaving the site and deliveries. However, given there is existing activity along Rale Lane, any footfall created would not be new and, given the modest scale of the proposed development, unlikely to amount to an unacceptable and detrimental level that would warrant a refusal.
- 10.39 Moreover, the site is well connected to public transport with a PTAL level 4, served by multiple buses and within close walking distance to Chingford Overground Station, therefore it would be fair to conclude the site is highly

accessible by public transport, which would limit potential for any parking stress associated with the proposed use. Rale Lane is a registered public highway and provides access to the rear of properties on Station Road and the rear gardens of numerous residential properties along Buxton Road and Willow Street. There are, as confirmed during the visit, signages at both end of Rale Lane that it is subject to restrictions for vehicles parking, stopping, and loading/unloading.

- 10.40 Furthermore, since Rale Lane falls within the jurisdiction and control of the Council Highways Department, and although the proposed use may result in parking and stopping, they will be subject to relevant enforcement actions. In this regard, the current control on parking on site is considered appropriate and sufficient, although an informative is recommended to remind the applicant in case of approval.
- 10.41 Highway Team and Transport Policy Team were consulted with the application and confirmed there is no comment or objections in relation to Parking or Road Network. On balance of the site accessibility, road network, the proposed use and adjacent parking spaces, the proposed use would not be considered to have unacceptable impact on highway safety.
- 10.42 Policy 65 (Development and Transport Impacts) of the Emerging Local Plan (2021) states that the impacts of highways should be considered at the development stage with suitable mitigations. The proposal involved only the replacement of roller shutter to facilitate the change of use. By reason of its scale and nature, the proposed work would be unlikely to create additional traffic during the construction to an unacceptable level, as such a Construction Logistic Plan would not be considered necessary.
- 10.43 On balance, it is considered that the proposed scheme would not have any detrimental impact on parking, pedestrian safety or other highway matters that would warrant a refusal, and it would be in compliance with Policy CS7 of the adopted Waltham Forest Core Strategy (2012), Policies DM14 and DM16 of the Waltham Forest Local Plan - Development Management Policies (2013) and Policy 65 of the Emerging Local Plan (2021).

F. TREES AND BIODIVERSITY

- 10.44 The proposed works would only involve the replacement of roller shutter and would not result in the loss of any trees. It is also not within close proximity of any trees. As such, the proposal is considered in compliance with Policy CS5 of the adopted Waltham Forest Core Strategy (2012), Policy DM35 of the Waltham Forest Local Plan - Development Management Policies (2013) and Policies 81 and 82 of the Emerging Local Plan Part One (2021), which seek

to protect, enhance and develop the green infrastructure and biodiversity in the borough.

11 CONCLUSION

- 11.1 Following the assessment above, it is concluded that the proposed use to Class E(g) and associated work would utilise an existing structure at a location and contribute to the viability and vitality of North Chingford District Centre.
- 11.2 The proposed change of use would be in keeping with the well-established character of the area and bring about minimal visual changes to the appearance streetscene, the wider locality and the Conservation Area.
- 11.3 Given the compatible nature of the proposed use Class E(g) with residential uses, the impact of the proposal on neighbour amenity has been assessed and is considered acceptable, which would be further regulated by the conditions listed in section 13.
- 11.4 The proposal given that would have no further significant impact on parking, traffic, trees or biodiversity.
- 11.5 The application has been considered against the relevant development plan policies and other material considerations including Policies CS5, CS7, CS8, CS12, CS13, CS14 and CS15 of the Waltham Forest Local Plan - Core Strategy (2012), Policies DM14, DM16, DM20, DM24, DM25, DM28, DM29, DM32 and DM35 of the Waltham Forest Local Plan - Development Management Policies (2013), Policies 1, 11, 16, 56, 59, 65, 81 and 82 of the Emerging Local Plan (2021) and, Policies D1 and D4 of the London Plan (2021) and National Planning Policy Framework (2023).

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.

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

Human Rights

12.2 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.

12.3 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

13 RECOMMENDATION

13.1 It is recommended that the Planning Committee resolve to grant permission subject to the following conditions:

Conditions

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 shall be retained in accordance with the following drawing numbers and documents: MDP.SR/01, MDP.SR/02, MDP.SR/03, MDP.SR/04, MDP.SR/05, MDP.SR/06, MDP.SR/07 (undated) and Magroll 95mm Industrial Insulated Rollers Door (version.2017).

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

3. The development hereby permitted shall be constructed entirely of the materials details shown on the approved proposed plan number MDP.SR/05 unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained as such for the lifetime of the development.

Reason: To safeguard and enhance the visual amenities of the locality, 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 use of the building hereby approved, shall only restrict to Use Class E Part G and for no other purpose within and outside Use Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 without planning permission having first been obtained from the Local Planning Authority.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012), Policies DM14, DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013) and Policy 59 of the Emerging Draft Local Plan (2021).

5. The uses hereby approved shall only operate between the following hours: 07:00h to 19:00h on Mondays to Fridays (except Bank Holidays), and 08:00h to 18:00h on Saturdays (except Bank Holidays).

Reason: To protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies CS13 of the adopted Waltham Forest Core Strategy (2012), Policies DM15 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013), and Policy 59 of the Emerging Draft Local Plan (2021).

6. Noise from the use of the premises shall be at least 10dB(A) below the typical underlying background noise level (LA90) when measured at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in accordance with BS4142:2014 +A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason: To protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies CS13 of the adopted Waltham Forest Core Strategy (2012), Policies DM15 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013), and Policy 59 of the Emerging Draft Local Plan (2021).

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

Reason: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies CS7 and CS13 of the adopted Waltham Forest Core Strategy (2012) and Policies DM14, DM15, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Informative(s):

1. 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.

2. 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.

3. If the public highway is damaged as a result of the construction works this would be reinstated by the Council and funded by the developer. Further information can be found at <https://www.walthamforest.gov.uk/parking-roads-and-travel/roads-and-pavements/highways-advice-developers/photographic-condition>

4. This notice is without prejudice to your responsibilities under any other legislation.

5. The applicant is advised that it is the responsibilities the site users to ensure clear and unobstructed access on Rale Lane, and the usage of this public highway subject to other legislations and enforcement actions.