

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 16 th July 2024
Application reference:	240470 – Full Planning
Applicant:	London Borough of Waltham Forest
Location:	Chestnuts House, 398 Hoe Street, Walthamstow, London, E17 9AA
Proposed development:	Change of use from adult educational use (Use Class F1(a)) to creative workspace(s) (Use Class E(c) and E(g)) with ancillary café/restaurant (Use Class E(b)). Associated work(s) to include: electrical and lighting upgrade, internal restoration works, redecoration, structural works, repair of the existing windows (metal and timber framed) and exterior doors, refurbishment of the main entrance gates, repair of boundary wall masonry, installation of replacement door to coach house, demolition of a single storey outbuilding, placing of chimney capping at roof level and associated repair work(s).
Wards affected:	Markhouse
Appendices:	None

1. RECOMMENDATION

- 1.1 Recommendation to GRANT Planning permission under reference 240470 subject to conditions and informatives.

2. REASONS REFERRED TO COMMITTEE

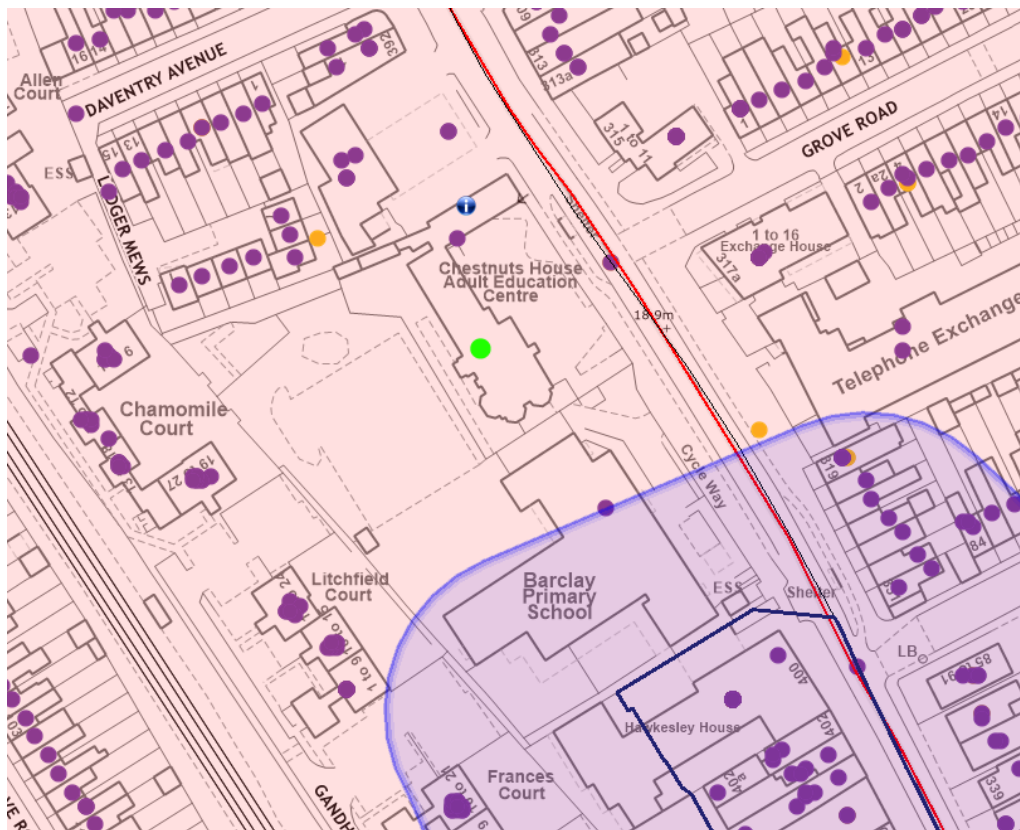
- 2.2 The application is referred to planning committee as the Council is the applicant.

3. SITE AND SURROUNDINGS

- 3.1 The application site known as Chestnuts House is located on the western side of Hoe Street. Chestnuts House is Grade II* listed, with clear historic and architectural significance as a large 18th century house, built when the surrounding area was still largely rural and undeveloped. As a building it is one of the most high status examples of 18th century architecture within the borough, and contains a number of fine interiors which survive with much original fabric. It was built for and home to a number of city merchants and traders, denoting its high status, as well as latterly being used as an asylum and a school, and more recently as an adult education centre by the local authority. It is presently home to property guardians, who have been there for several years.



3.2 Location Plan



3.3 The building is on Historic England's 'At Risk Register' and has been for several years, as a result of it being without a sustainable end use and consequently enduring prolonged and ongoing disrepair.

- 3.4 As well as the main building having listed status, the two forecourt piers at the entrance to the main building are listed in their own right.



- 3.5 The immediate surrounding area on Hoe Street is formed of a mixture of commercial, educational and residential properties/ units, with a petrol station to the north and Barclay Primary School to the south and west.
- 3.6 The site is not located within a Conservation Area, it is listed but is not subject to any relevant Article 4 direction.
- 3.7 This application is accompanied by one for Listed Building consent, on this agenda, reference 240548, which will deals with the alterations and adaptations of the Listed Building.

4. APPLICATION PROPOSAL

- 4.1 The application concerns a number of different areas/ proposals, including:
- Change of use from adult educational use (Use Class F1(a)) to creative workspace(s) (Use Class E(c) and E(g)) with ancillary café/restaurant (Use Class E(b)).
 - Window(s) & Door(s) alterations/ replacement
 - External lighting
 - Demolition of an outbuilding
- 4.2 It is anticipated that the works will result in the building being removed from the 'At Risk Register'. The application(s) have been subject to pre-application discussions, including

consultation with Historic England, and the proposal(s) are the recipient of Levelling Up Funding.

5. RELEVANT SITE HISTORY

A. Planning

5.1

213173	Listed building consent for the installation of Photo voltaic panels to the rear roof slopes, internal secondary glazing to all windows, loft/ roof space insulation, air source heat pumps (located externally at ground floor rear of building), LED internal lighting.	Approved (with Conditions & Informatives)
213148	Installation of Photo voltaic panels to the rear roof slopes and installation of air source heat pumps (located externally at ground floor rear of building) (amended description).	Approved (with Conditions & Informatives)
212971	Demolition of existing side boundary wall and installation of brick wall with upper security fence.	Approved (with Conditions & Informatives)

B. Pre-application Advice

5.2

PRE_23_0461	Internal and external works (including installation of mezzanine floor to coach house, repairs including window replacement, electrical upgrade, and structural strengthening)	<p>Response:</p> <ul style="list-style-type: none"> Overall, the principle of the works to Chestnuts House and the Coach House would be supported given the resulting outcome will remove the listed building from the Heritage At Risk Register. The works to repair and reinstate the historic fabric of the building would be supported to ensure long term viable use.
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C. Enforcement

5.3 None

D. Adjacent sites/ neighbouring properties

5.4 None

6. PUBLIC CONSULTATIONS

6.1 One site notice was displayed on the site, dated 04/04/2024 (Planning Consent).

6.2 The Council consulted with the following neighbouring properties -

- 1-24 Litchfield Court, 2 Gandhi Close
- 1-27 Chamomile Court, 5 Yunus Khan Close
- 390-398 Hoe Street
- 1-17 Daventry Avenue
- 309-317 Hoe Street
- 133a Grove Road
- 1-7 Ledger Mews

7. REPRESENTATIONS

Public Representations

7.1 As a result of the public consultation, no comments or objections were received.

Internal & External Representations

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

Consultee	Response
Planning Policy	<ul style="list-style-type: none"> • No response received.
Transport Policy	<ul style="list-style-type: none"> • No response received.
Conservation	<ul style="list-style-type: none"> • The applications concern a number of different areas/proposals, including a change of use, various repair and restoration works, changes to electrical routes and servicing, and the demolition of modern ancillary buildings. • The proposal is considered acceptable with the use of conditions for further details.
Tree Preservation & Urban Greening	<ul style="list-style-type: none"> • Impacts on trees on site would be minimal. • the mature horse chestnut growing on the adjacent land to the southeast, care must be taken when working around the root protection areas.
Highways	<ul style="list-style-type: none"> • Concerns regarding the impact of construction due to the proximity of the existing school and bus stop immediately outside the frontage of the site. • A condition survey will be required. • Due to the adjacent school, construction vehicles will need to adhere to the following permitted delivery hours, Monday to Friday 9.30am to 2.30pm.
Environmental Health	<ul style="list-style-type: none"> • A response was not received
Historic England	<ul style="list-style-type: none"> • The details related to this application can be determined with input from the Councils' conservation adviser.

	<ul style="list-style-type: none"> • We would welcome further information about possible opportunities to enhance the immediate setting of the house and to secure occasional public access to the primary interior spaces.
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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 Pt 1 (2024). 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:

- E1 Offices.
- E3 Affordable workspace.
- D3 Optimising site capacity through the design-led approach.
- D4 Delivering good design.
- D12 Fire Safety.
- D14 Noise.
- HC1 Heritage conservation and growth.
- HC5 Supporting London’s culture and creative industries.

Waltham Forest Local Plan Pt 1 (2024)

8.6 The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October 2020 and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1.

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

- Policy 1 Presumption in Favour of Sustainable Development.
- Policy 24 Supporting Economic Growth and Jobs
- Policy 31 Workspaces
- Policy 32 Affordable Workspace
- Policy 35 Promoting Culture and Creativity
- Policy 53 Delivering High Quality Design
- Policy 57 Amenity
- Policy 61 Active Travel
- Policy 64 Deliveries, Freight and Servicing
- Policy 65 Construction Logistic Plans
- Policy 70 Designated Heritage Assets
- Policy 71 Listed Buildings
- Policy 77 Green Infrastructure and the Natural Environment

9.0 MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2023)

- 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 and beautiful places
 - Conserving and enhancing the historic environment

Local Finance Considerations

- 9.6 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. The proposals for Chestnuts House are supported by Levelling Up Fund grant from central government.
 - 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
- B. Design & character
- C. Heritage
- D. Residential amenity (existing occupiers)
- E. Hours of operation
- F. Trees and biodiversity
- G. Highways
- H. Waste management
- I. Secure by design

A. Principle of development

- 10.2 The property was last in permanent use in August 2011 when it was occupied by Waltham Forest Community Learning and Skills Service, who then moved to 97 Queen's Road, E17 8QR on 01 September 2011. It has since been secured by live in guardians. Bringing the property back into beneficial use is supported.
- 10.3 Policy 24 of the Local Plan states that opportunities for employment growth will be maximised to ensure there is sufficient capacity to deliver 52,000sq.m of additional employment floorspace by focussing the delivery of class E in non-designated employment sites and supporting the delivery of a range of employment typologies in suitable locations.
- 10.4 The justification behind Policy 35 states that ensuring land and facilities are used efficiently is important for the borough and may require the dual use of sites for a range of uses. The Council will support opportunities to use vacant buildings, land and open spaces for flexible and temporary meanwhile uses. The proposed change of use falls within Use Class E. Although the proposal requires some flexibility in the use, it would be restricted to the following –
- Class E (b) – sale of food and drink for consumption (mostly) on the premises
 - Class E (c) – provision of:

- E(c)(i) Financial services,
- E(c)(ii) Professional services (other than health or medical services), or
- E(c)(iii) Other appropriate services in a commercial, business or service locality
- Class E (g) - Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

As Use Class E is a flexible use with numerous uses available to change without the need for planning permission, some of which would be unsuitable at this location, a restrictive condition would be attached to ensure planning control over the any future change of use of the building.

- 10.5 This proposed application covers a range of use from office space(s), creative workshop (spaces) and a Café all falling within the above listed Use Class E. The economic value of the building is substantial and this proposal would revive an otherwise derelict decaying listed building. The building would now serve a purpose whilst also contributing to the stimulation of the local economy. Therefore, the proposal is considered consistent with the aims and objectives of Policy 24, 31, 32 and 35 of the Local Plan.

B. Design & Character

- 10.6 Policy 53 of the Local Plan states that development proposal will be supported where they respond appropriately to their context in terms of scale, height, and massing. Achieving exemplar quality of design, and architecture and landscaping that respects its context. Policy 71 states that all proposals for listed buildings and their settings will be expected to conserve the building, its setting and any features of special architectural or historic interest and, where possible, enhance the significance of the asset.
- 10.7 The proposal concerns areas of internal and external works, external works will be addressed within the planning application.

Windows / doors

- 10.8 A detailed survey of existing windows has been submitted as part of the application, which identifies various issues such as corrosion, timber decay, inability to open/close windows, and clashes with the existing secondary glazing.



10.9 The application presents a sensitive repair approach to the windows, rather than a wholesale replacement approach, which is supported. Timber windows will be repaired in situ, using localised timber repairs and epoxy resin, alongside replacement of window furniture and cords, replacement of any Georgian wire glass with clear glass, and removal of paint and allowance for repainting in more suitable paints. The approach to the repair of windows and doors at the property is considered to be acceptable in relation to the listed building, securing a large

amount of original historic fabric, and ensuring that the condition of the building as a whole is improved and avoiding future decay through disrepair.

- 10.10 A similar approach will be taken in regard to repairs of external doors on the main house. The application also includes a proposal to alter the windows within the stable block, introducing a double door into the space facing onto the forecourt. These doors are not believed to be original to the stable block, but the proposed design seeks to largely replicate the existing arrangement ensuring continuity, introducing French doors. This is acceptable, altering a piece of non-original fabric, and making this part of the building more accessible and useable as a lettable space. It is hoped that this will lead to increased activation of the forecourt space in the future.

Lighting

- 10.11 Lighting proposals are still being developed in detail, and we understand that a specialist lighting consultant with expertise in historic buildings has been appointed. As a result, subject to when further proposals are submitted, the lighting proposals will currently need to be conditioned should permission be granted for these applications.

Demolition

- 10.12 The application proposes to demolish a single storey ancillary building at the rear of the main property, which was most recently in use as a toilet block. This is a modern and functional addition to the listed building and not of any historic interest, and therefore its demolition would not cause harm to the significance of the listed building.



Ground level view of the flat roof section to be removed.

- 10.13 The proposed works would conserve the building, its setting and preserve all historic features of interest. The proposal is also consistent with the aims and objectives of Policy 70 which states that the Local Planning Authority will support proposals that sensitively and creatively bring designated heritage assets back into use whilst still maintaining their significance. The building has been on the Historic England's At Risk Register for several years, as a result of it being without a sustainable end use and consequently enduring prolonged and ongoing disrepair. This proposal will enable sensitive repairs to take place resulting in a sustainable end use for the building. It is acknowledged that there will be some localised areas of harm to the built fabric as a result of required interventions, but these instances are considered to have been sufficiently addressed and accounted for and are considered essential for securing the long term long-term future of the building.
- 10.14 Taking all points into consideration this proposal would satisfy the end objectives of Policies 53, 70 and 71 of the Local Plan and therefore acceptable.

C. Heritage

- 10.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving the character of Listed Buildings and their setting or any features of special architectural and historic interest.
- 10.16 In accordance with Policy 71 of LP1, proposals are expected to conserve listed buildings and where possible enhance the significance of the heritage asset.
- 10.17 The proposal takes a sensitive approach to refurbishing the listed building and piers. Most of the internal works do not require planning permission but rather Listed Building Consent, which is assessed under application 240548, on this agenda.
- 10.18 This application deals with the historic elements which would require planning permission relating to the window(s) and door(s) involving repairing and replacing certain elements of the windows and surrounds (detailed above within section B). The proposal also involves the demolition of an outbuilding which is a later addition and holds no historic value. An internal and external lighting plan will be submitted in a later approval of details application.
- 10.19 The proposed works are considered sensitive, which preserve and enhance the history of the historic building. Therefore, consistent with the aims and objectives of Policy 70 and 71 of the Local Plan.

D. Residential Amenity (Existing occupiers)

- 10.20 Policy 57 states that new development should respect the amenity of existing and future occupiers, neighbours and the surrounding area by avoiding harmful amenity impacts.

- 10.21 Adjacent to the site, on Hoe Street, is a petrol station and to the rear the playing field for Barclay Primary School, each of which bound the nearest residential properties. Towards the rear of the application site is Chamomile Court and Litchfield Court which are set back by some distance (approximately 50m).
- 10.22 The proposed works relate to alterations and repairs to the fabric of the existing building and therefore non impactful to the neighbouring residential occupiers to warrant a reason for refusal. The use will encourage more footfall and activity within the building, however, due to its location, fronting Hoe Street, it would not be to the detriment of surrounding occupiers.
- 10.23 Taking these points into consideration, the proposal is consistent with the aims and objectives of Policy 57 of the Local Plan.

E. Hours of operation

- 10.24 The hours of operation for the uses have been indicated as 06:00 to 00:00, Monday to Sunday. This would be following the hours of the adjacent petrol station, which is closer to the residential properties. Officers are satisfied that the proposed operational hours, and the use which can satisfactorily operate close to residential properties, being within the creative sector, office workspaces and café/ restaurant, would not result in unacceptable harm.
- 10.25. However, to ensure the compatibility with residential uses nearby, from any potential noise generated from the application site a suitable condition would be attached to any permission planning condition. The scheme is therefore consistent with the aims and objectives of Policy 57 of the Local plan.

F. Trees and biodiversity

- 10.26 Within the frontage of the site, adjacent to the front boundary wall are two large trees, the most significant being a mature Horse Chestnut tree. As it is within the boundary of the Council-owned listed building there is no TPO attached to it. Nonetheless, the aim to provide full protection to these trees to maintain the setting of the Listed Building and surrounding amenity.
- 10.27 As the proposed works mainly relate to repairs and amendments to the fabric of the existing building any the impact on the trees would be minimal.
- 10.28 The refuse and recycling stores are proposed to be located between a soft landscaped area adjacent to the trees, which may present accessibility difficulties, thus eroding the available and limited green space through footfall. The Tree Preservation and Urban Greening Officer noted that although no information has been provided in relation for the storage, *'a precautionary approach must be taken when working around on and off-site trees. Any significant works or movement of construction vehicles/activities would need to consider potential impacts on the trees and their root protection areas and take appropriate mitigatory steps'*.

- 10.29 Prior to the submission of this proposal, the applicant sought pre application advice. They were advised that 'Further details and design ideas should be considered for landscaping to the front forecourt area and boundary treatment. This area is an expanse of tarmac and detracts from the character of the building. Details of this should be submitted in any forthcoming planning application'. Further details pertaining to soft and hard landscaping have not been received as part of this application and therefore an assessment could not be made. With any approval, a condition requesting this information prior to the commencement of works would be attached. It is considered that well designed hard and soft landscaping would have a positive effect to the setting of the Listed Building.
- 10.30 With the inclusion of a condition to secure the required information, this element of the proposal is acceptable with regard to Policy 77 of the Local Plan.

G. Highways and Cycling

- 10.31 Policy 65 states that to minimise the impact of construction vehicles on the road network, all new commercial development should implement efficient and sustainable servicing and delivery of goods, waste and servicing activity to and from sites.
- 10.32 Due to the proximity of the application site to the adjacent primary school and bus stop located close to the entrance gates, Highway colleagues raised concerns in relation to the impact of the proposed works on the public highway advising that the movement of vehicles into the site should only occur during the hours of 9.30am – 2.30pm, Monday - Friday. A Detailed Construction Logistics Plan will be required prior to any works starting on site and will be secured by way of planning condition.
- 10.33 Policy 64 states that development should seek to minimise the adverse impacts of deliveries and servicing at both the construction and operational phases. Information pertaining to servicing of the site post construction has not been provided. Highways state that the applicant will need to confirm whether vehicles will service the site from within the site boundary, including the size and frequency of the vehicles. As no information was provided a condition requiring submission of a delivery and service plan must be provided prior to occupation.
- 10.34 Policy 61 states that all new development will be expected to support a shift to active transport modes and encourage an increase in walking and cycling. It is noted that there is a segregated cycle path outside of the application site. Officers note that cycle storage would be provided on site, however, details of said storage have not been given.
- 10.35 Appendix 1 - Parking standards states that the provision of secure cycle parking must be provided as follows:

Use Class E(c) and (b)

- Long stay - From a threshold of 100 sqm: 1 space per 175 sqm (GEA)
- Short stay - From a threshold of 100 sqm: Mini Holland areas: 1 space per 20 sqm (GEA) Rest of borough: 1 space per 40 sqm (GEA).

Use Class E(g)

- Long stay - 1 space per 50 sqm (GEA)
- Short stay - 1 space per 500 sqm (GEA) for visitors with minimum 2 spaces

10.36 Although the applicant has demonstrated that there will be provision for secure cycle storage, only the location has been provided. The final number, location and details of covered and secure cycle storage provision will be required by condition.

10.37 Taking these points into consideration, the proposal is considered acceptable in relation with Policies 64, 65 and 61 of the Local Plan.

H. Waste Management

10.38 Policy 57 of the Local Plan states that new development should respect the amenity of existing and future occupiers, neighbours and the surrounding area by providing sufficient facilities for the storage, collection and disposal of refuse, considering the level and type of provision, its location, and any negative impacts it may have on visual amenity, access, health and security.

10.39 There is no statutory duty for the local authority to collect refuse and recycling from commercial buildings. However, Officers would still need to establish that proposed storage is adequate for the proposed use. The Waltham Forest Waste & Recycling Policy for Developers (2022), sets out the Council's expectations. This document states that developers must –

- Ensure there is adequate storage capacity for the estimated quantity of waste and include in their applications for commercial use a waste management scheme for recycling to achieve 75% of commercial waste should be recycled, including adequate provision for food waste.
- Ensure there is separate collections of paper, metal, plastic and glass, as required by The Waste Regulations 2011 and waste storage and collection facilities must be designed to meet these requirements.
- Commercial use relating to officers the developer must ensure there is 2.0 cubic metres of waste storage for every 1,000sq.m gross floor space

10.40 The applicant has illustrated the location of the refuse and recycling area on the proposed site plan. However, no further information has been provided with regard to the enclosure and number of refuse and recycling bins being proposed.



10.41 As stated above, the requirement for the refuse storage details will be controlled by condition to be provided prior to the commencement of works.

I. Secure by design

10.42 The application site still maintains its front access gates and the decaying window(s) and door(s) will be repaired throughout. No additional window or door openings have been proposed. The applicant is encouraged to make use of further safety features such as CCTV or additional external lighting to make the location safer, in line with secure by design principles.

11. CONCLUSION

11.1 In summary, the proposed works at Chestnuts House, 398 Hoe Street are considered appropriate and acceptable in principle. They would provide a long term sustainable use for the building and the proposed development would not have any undue negative impacts on the Listed Building or its setting within the surrounding area, nor the neighbouring amenity with respect to noise, overlooking or loss of privacy.

11.2 The scheme will satisfactorily adhere to the local and national 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 supporting documentation and thereafter maintained as such for the lifetime of the development

Plan(s) titled:

- EVO-XX-00-D-A-010 Rev P1 (Existing Location Plan) - 07/12/2023
- EVO-XX-00-D-A-011 Rev P1 (Existing Site Plan) - 07/12/2023
- EVO-XX-00-D-A-012 Rev P1 (Proposed Location Plan) - 07/12/2023
- EVO-XX-00-D-A-013 Rev P1 (Proposed Site Plan) - 07/12/2023
- NPS-ZZ-00-D-A-020 Rev P1 (Existing Basement Floor Plan) – 07/12/2023
- EVO-ZZ-00-D-A-021 Rev P1 (Existing Ground Floor Plan) - 07/12/2023
- EVO-ZZ-00-D-A-022 Rev P1 (Existing First Floor Plan) - 07/12/2023
- EVO-ZZ-00-D-A-023 Rev P1 (Existing Second Floor) - 07/12/2023

- EVO-ZZ-00-D-A-024 Rev P1 (Existing Roof Plan) – 19/01/2024
- EVO-ZZ-00-D-A-025 Rev P1 (Existing East Elevation A) - 07/12/2023
- EVO-ZZ-00-D-A-026 Rev P1 (Existing East Elevations A1-A3) – 19/01/2024
- EVO-ZZ-00-D-A-027 Rev P1 (Existing South Elevation B) – 19/01/2024
- EVO-ZZ-00-D-A-028 Rev P1 (Existing West Elevation C) – 19/01/2024
- EVO-ZZ-00-D-A-029 Rev P1 (Existing West Elevations C1-C4) – 19/01/2024
- EVO-ZZ-00-D-A-030 Rev P1 (Existing Elevation D) - 19/01/2024
- EVO-ZZ-00-D-A-031 Rev P1 (Existing North Elevation E) - 19/01/2024
- EVO-ZZ-00-D-A-040 Rev P1 (Proposed Basement Floor Plan) - 07/12/2023
- EVO-ZZ-00-D-A-041 Rev P1 (Proposed Ground Floor Plan) – 19/01/2024
- EVO-ZZ-00-D-A-042 Rev P1 (Proposed First Floor Plan) - 19/01/2024
- EVO-ZZ-00-D-A-043 Rev P1 (Proposed Second Floor) – 19/01/2024
- EVO-ZZ-00-D-A-044 Rev P1 (Proposed Roof Plan) – 19/01/2024
- EVO-ZZ-00-D-A-045 Rev P1 (Proposed East Elevation A) - 19/01/2024
- EVO-ZZ-00-D-A-046 Rev P1 (Proposed East Elevations A1-A3) – 10/01/2024
- EVO-ZZ-00-D-A-047 Rev P1 (Proposed South Elevation B) – 19/01/2024
- EVO-ZZ-00-D-A-048 Rev P1 (Proposed West Elevation C) - 19/01/2024
- EVO-ZZ-00-D-A-029 Rev P1 (Proposed West Elevations C1-C4) - 19/01/2024
- EVO-ZZ-00-D-A-040 Rev P1 (Proposed Elevation D) - 19/01/2024
- EVO-ZZ-00-D-A-051 Rev P1 (Proposed North Elevation E) - 19/01/2024
- EVO-ZZ-00-D-A-060 Rev P1 (Proposed Ground Floor Plan - Coach House Sketch views of structural framing) – 19/01/2024
- EVO-ZZ-00-D-A-600 Rev P1 (Proposed Riser Cupboard Details) – 02/05/2024
- Typical Tiled Roof Fixing Detail – undated
- 2107-24-24 (Safesite Proposal) – April 2024

Document(s) titled:

- Structural Repair Proposals Version 1- 08/02/2024
- Fire Strategy Sketch – 09/02/2023
- Outline Specification for Proposed Electrical Services Rev 2 – February 2024
- Proposed Small Power Layout, Ground Floor – 05/02/2024
- Proposed Small Power Layout, First Floor - 05/02/2024
- Proposed Small Power Layout, Second Floor - 06/02/2024
- Proposed Fire Alarm Services Layout, Basement – 22/09/2023
- Proposed Fire Alarm Services Layout, Ground Floor – 22/09/2023
- Proposed Fire Alarm Services Layout, First Floor – 22/09/2023
- Proposed Fire Alarm Services Layout, Second Floor – 22/09/2023
- Proposed ICT Layout, Basement – 16/11/2023
- Proposed ICT Layout, Ground Floor – 16/11/2023
- Proposed ICT Layout, First Floor – 16/11/2023
- Proposed ICT Layout, Second Floor – 16/11/2023
- Energys – Outdoor LED Wall Light (undated) – product specification literature
- Energys – LED Linear Light (undated) – product specification literature
- Voyager Blade 2 – Escape Sign (undated) - product specification literature
- Timber Condition Investigation (March 2023)
- Masonry Damp Investigation (March 2023)

- Window and Door Condition Investigation (September 2023)
- Outline Specification for Repairs For Planning Application/Listed Building Consent – Rev 2 (February 2024)
- Planning, Heritage, Design and Access Statement (21/02/2023)

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

3. No development shall take place on site whatsoever, until a detailed Construction Logistics Plan and Highway Condition Survey has been submitted to and approved by the local planning authority.

(a) The Detailed Construction Logistics Plan shall include details of site access, journey planning, access routes, hours of delivery (Due to the adjacent school, construction vehicles will need to adhere to the following permitted delivery hours, Monday to Friday 9.30am to 2.30pm only), temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details throughout all demolition and construction works. Guidance www.walthamforest.gov.uk/parking-roads-and-travel/roads-and-pavements/highways-advice-developers/construction-logistics-plans.

(b) The Highway condition survey must include the adjoining footway, cycle track and carriageway along Hoe Street.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents ensuring that disruption is kept to a minimum and does not affect highway traffic flows to comply with Policies 50, 57, 63, 65, 87 and 89 of the adopted Waltham Forest Local Plan Part 1 (2024).

4. Prior to the commencement of development hereby permitted, full details relating to the following shall be submitted to and approved in writing by the Local Planning Authority:

a) the design of covered, secure and lockable cycle parking to meet at least the minimum number required ; and

b) the volume and finishing materials of any refuse and recycling storage.

The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall be thereafter maintained as such for the lifetime of the development.

Reason: To preserve and enhance the character and appearance of the building and conservation area, in accordance with Policies 57, 71 and 72 of the adopted Waltham Forest Local Plan LP1 (2024).

5. Prior to the commencement of the development, notwithstanding site investigation and clearance works, demolition and groundworks to slab level, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

a) External lighting

Shall incorporate measures to ensure that light from the luminaires would not exceed 10 EV(lux) when measured at any residential or light sensitive window overlooking the development, all luminaries shall be oriented and designed in such a way to minimise light spillage beyond the site boundary and prevent glare to the windows of residential or light sensitive properties identified.

b) Internal lighting

Details of all internal lighting should clearly be illustrated across marked-up floor plans and elevations. Specific samples of the lighting solutions will be required.

The lighting scheme shall be implemented in accordance with the agreed details and thereafter maintained as such for the lifetime of the development.

Reason: To protect the amenities of adjoining occupiers and the surrounding area, in order to comply with Policies 50 and 57 of the adopted Waltham Forest Local Plan Part 1 (2024).

6. Prior to the commencement of development on site, details of the hard and soft landscaping to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the retained and proposed planting around the site, along with the requirement to demonstrate that all hardstanding areas are permeable. The development shall be carried out solely in accordance with the approved details and all approved planting shall be carried out in the first planting season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedges, shrubs and greenspaces forming part of the approved scheme which within a period of five years, dies, is removed or becomes seriously damaged or diseased shall be replaced with others of similar size and species.

Reason: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies 53, 77, 79 of the adopted Waltham Forest Local Plan Part 1 (2024).

7. Prior to first occupation a Delivery & Servicing Plan must be submitted and approved by the local planning authority. The Delivery & Servicing Plan must include:

- site layout plan (to scale) identifying site access point.
- a plan showing where safe and legal loading can take place.
- delivery vehicle routing including swept path analysis to demonstrate that delivery vehicles can access the development.
- details of the total number of vehicle movements including the number of deliveries and the times when deliveries and servicing takes place.
- details of how deliveries could be managed to reduce the number of trips and use more sustainable modes, where possible.
- details of a waste management strategy – refuse collection is a servicing activity and will need to be considered.

Reason: In the interest of highway and pedestrian safety, in order to comply with Policies 50, 57, 63 and 87 of the adopted Waltham Forest Local Plan Part 1 (2024).

8. Prior to first occupation of the development hereby permitted, full details of any kitchen extraction equipment, including details of any external plant equipment and/or ducting, shall be submitted to and approved in writing by the Local Planning Authority. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to first occupation of the development and shall be retained for the lifetime of the development.

Reason: In the interest of environmental health and to protect the amenities of nearby occupiers within the surrounding area, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

9. The use hereby approved must only operate between the hours of 06:00 - 00:00hours, Monday to Sunday.

Reason: To safeguard the residential amenity of the area in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

10. Noise produced on the premises must not increase the existing background noise level (LA90 5mins) when measured (LAeq 5mins) 1 metre external from the nearest residential or noise sensitive premises.

Reason: To protect the amenity of residential properties and the surrounding area in accordance with Policy 85 and 87 of the adopted Waltham Forest Local Plan Part 1 (2024).

11. No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved or submitted to and approved by the Council in consultation with Historic England.

Reason: In order to preserve and enhance the character and setting of the Listed Building in accordance with Policy 70 and 71 of the Local Plan Pt 1 (2024).

12. The use hereby approved, shall only operate within Use Class E (b), E(c) and E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended). No change of use of this premises that would otherwise be permitted by the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that order, shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: To protect the amenities of adjoining occupiers, in compliance with Policies 48, 50 and 57 of the adopted Waltham Forest Local Plan Part 1 (2024).

Informatives:

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

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. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions.

4. 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

5. Construction activities must not affect traffic flows on the highway. No materials can be stored on the highway and no construction related activities can take place on the highway. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.

6. The mature horse chestnut tree growing on the adjacent land to the southeast of site. a precautionary approach must be taken when working around on and off-site trees. Any significant works or movement of construction vehicles/activities would need to consider potential impacts on the trees and their root protection areas and take appropriate mitigatory steps.

7. To be read in conjunction with listed building consent application, reference 240548