

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 8 th October 2024
Application reference:	241506
Applicant:	Mr Michael Seedin
Location:	37 Orford Road, Walthamstow, London E17 9NL
Proposed development:	Change of use of the rear of the ground floor (to Class E) to be used in conjunction with the existing cafe, installation of rooflights and kitchen extraction system and a single-storey side/rear conservatory extension.
Wards affected:	Hoe Street
Appendices:	None

1 RECOMMENDATION

- 1.1 That planning permission is GRANTED subject to conditions and informatives.

2 REASONS REFERRED TO COMMITTEE

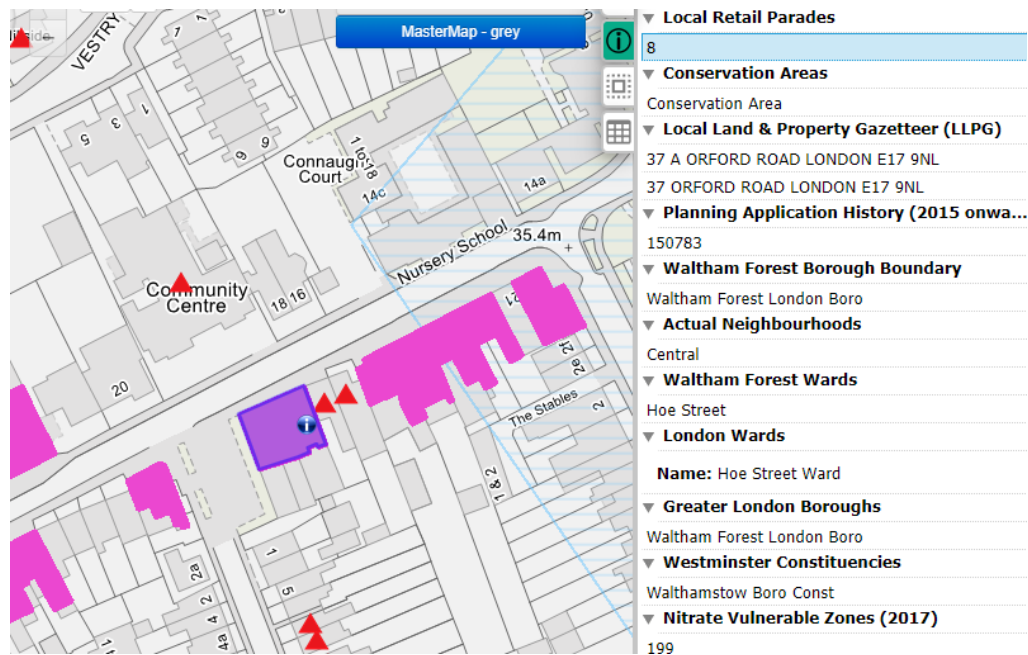
- 2.1 This application is referred to the Planning Committee due to the number and type of representations received which are contrary to the planning officer's recommendation of approval.

3 SITE AND SURROUNDINGS

- 3.1 The application site is located on the southern elevation of Orford Road at the heart of the Orford Road conservation area, which contains a collection of buildings dated from the early-Victorian period onwards and evidences the original commercial civic centre of Walthamstow before it moved westward following the opening of the railway line in the 1870s. No. 37 is not a listed building. Nos. 35 and 33 are locally listed. It is a local retail parade with high footfall.
- 3.2 The property is typical of the character of the conservation area: a two-storey building with a commercial unit at ground-floor level with a traditional shopfront. There is one residential flat above (no. 37A) and a dormer extension is present at second-floor level. For the purpose of the application, the site extends to include the ground floor only and the existing building projects to the rear boundary, filling almost the entire plot with exception to a small courtyard-style garden to the side. Like other properties in the terrace row, no. 37 can be accessed via a narrow service road to the side of 1 Eden Road.
- 3.3 There is considerable planning history at the site which has led to some confusion regarding its lawful use. Historically, the rear of the site operated as a separate planning unit with class B1 and B8 use as an office/light industrial and storage. An application to change the use to a café (ref. 150783) related to the front of the site only, confirmed by its

site location plan. The condition of the existing building at the rear of the site is very poor, is acknowledged to have been vacant for some time and it is not watertight. This was identified by a site inspection for previous application 232089 on 25th September 2023. It is confirmed to have been vacant at the point that Class E superseded Class B1 (31st August 2020), therefore bearing in mind this and its overall condition, the LPA considers the rear of the site to have a nil use.

- 3.4 The surrounding properties contribute to a mixed-use area generally and include cafés, restaurants, retail shops and pubs. This contributes to the character of Walthamstow Village. Within the terrace row historically are commercial shopfronts with residential uses above, though the adjoining property no. 35 has since been converted to residential at ground-floor level. To the rear Eden Road is a residential street.



4 APPLICATION PROPOSAL

- 4.1 The application seeks planning permission to change the use of the rear of the site to operate in conjunction with the existing Class E café/restaurant at the front. This would be facilitated by a modest single-storey side/rear extension, an air extraction and ventilation system and minor alterations to fenestration at the side elevation. Please refer to appendices A and B which outline the site extent and its proposed layout.
- 4.2 The extension would involve part-demolition of the existing rear projection, which is confirmed to be in very poor condition and may not be structurally sound as existing. The areas of demolition are outlined to on the existing ground-floor plan as the existing conservatory only and, following the extension, some internal walls. The extension would read as a continuation of the existing building. Its height would follow the existing building at ca. 3m. Three rooflights would replace existing openings which have failed.
- 4.3 Drawings confirm that the proposed use of the rear would primarily be a dining room. Other minor changes are proposed to the internal layout to

create an additional kitchen, which would not constitute development. A replacement conservatory would be installed to the side, providing access to the small garden where any existing access is hazardous.

- 4.4 The proposed extension would facilitate the use as a dining room in association with the existing café use fronting Orford Road.
- 4.5 The extraction system would include a fresh air intake at the side elevation, ducting through the building and additional kitchen, ending with an exhaust flue above the dining room.

5 RELEVANT SITE HISTORY

5.1 Planning:

- 232089 - Construction of a single storey rear extension, air extraction and ventilation system to rear and alterations to fenestration at side elevation. (Non-determination appeal decision pending)
- 222367 - Change of use from industrial use (Class E(g) to restaurant (Class E(b), including construction of single storey rear infill extension and side conservatory, three roof lights to ground floor extension rear roof. (Withdrawn)
- 213015 - Construction of single storey rear and side extensions and all associated internal works. (Withdrawn)
- 150783 - Change of use of cafe into mixed use (Approval)
- 010644 - Formation of 3 bed flat at first and second floor level. Refurbishment of existing shopfront. (Approval)
- 940784 - Erection of first floor to provide self-contained flat (Approval)
- 911057 - Erection of single-storey storage building at rear (Refusal)
- 880402 - Erection of 2 storey extension over existing to form 4 bed flat (Approval)
- 880151 - Erection of extension to warehouse and new low-pitched roof (Approval)
- 760760 - Erection of single-storey extension to store building (Approval)
- 710673 - Erection of single-storey extension (Approval)
- 700294 - Redevelopment of site by erection of 2 storey offices on front part and single-storey store on rear part (Refusal)
- 700141 - Alterations to front elevation and reconstruction of single-storey back addition (Approval)

5.2 Pre-application:

None

5.3 Enforcement:

5.3.1 Enforcement investigations:

- ENF/220341 - Unauthorised erection of forecourt - parklet (Pending further investigation)

- IN_383870 - Building being built at rear (Case closed)
- IN_381266 - Non-compliance with approved plans (Case closed)
- IN_400131 - Change of use from a hairdresser to food shop (Case closed)

5.3.2 Enforcement notices:

- NT_050536 - Notice issued against breach of planning control (Case closed)

5.4 Adjacent/neighbouring sites:

None relevant.

6 CONSULTATION

6.1 Public Consultation

A site notice was displayed, dated 24th June 2024, and a press notice was published. The following addresses have been consulted by individual letter notification:

- 33 Orford Road, Walthamstow, London, E17 9NL
- 35 Orford Road, Walthamstow, London, E17 9NL
- 35a Orford Road, Walthamstow, London, E17 9NL
- 37a Orford Road, Walthamstow, London, E17 9NL
- 39 Orford Road, Walthamstow, London, E17 9NL
- 39a Orford Road, Walthamstow, London, E17 9NL
- 41 Orford Road, Walthamstow, London, E17 9NL
- 41a Orford Road, Walthamstow, London, E17 9NL
- Addresses at 16-18 Orford Road, Walthamstow, London, E17 9LN
- The Asian Centre, 18a Orford Road, Walthamstow, London, E17 9LN
- 1 Eden Road, Walthamstow, London, E17 9JS
- 3 Eden Road, Walthamstow, London, E17 9JS
- 5 Eden Road, Walthamstow, London, E17 9JS

The Council received **20** representations, though some were found to be duplicated, therefore resulting in **7** objecting addresses.

Objection Received	Officer Response
General objection to: Noise and fumes from the ventilation/exhaust system. Use of the rear as a drinking/eating establishment. Height of conservatory	Environmental Health officers raise no objection to the flue system subject to conditioning its maintenance to ensure no undue fumes and smells. Use of the garden can be controlled by way of a planning condition to ensure its impact is not unneighbourly. The height of the conservatory is considered acceptable.
General objection to:	The flue would be situated approx. 19m from the rear elevation of no. 37 Orford Road, 13m

Objection Received	Officer Response
<p>Noise and odour from the kitchen extraction system, requesting the system to terminate above any nearby dormers.</p> <p>Waste storage and arrangements</p>	<p>from no. 35 and over 8m away from the rear elevations of 1-5 Eden Road, terminating approx. 4m above ground level. A flue terminating above dormer-level would appear incongruous and excessively high in this location.</p> <p>There are no amendments proposed to the building's waste storage arrangements and the Council's waste and recycling department raised no objection.</p>
<p>Objection to fumes/smells and access to the building</p>	<p>Environmental Health officers raise no objection to the flue system subject to conditioning its maintenance to ensure no undue fumes and smells.</p>
<p>Objection to the extraction system in that it is not of adequate height and the garden use represents over intensification</p>	<p>Environmental Health officers raise no objection to the flue system subject to conditioning its maintenance to ensure no undue fumes and smells.</p> <p>A flue terminating above dormer-level would appear incongruous and excessively high in this location.</p> <p>Use of the garden can be controlled by way of a planning condition to ensure its impact is not unneighbourly.</p>
<p>Reported inaccuracies regarding detail of the alley</p> <p>Uncertainty of the extent of demolition</p> <p>Suggestion for redesign</p> <p>General objection to:</p> <p>Lack of site management plan</p> <p>Side door emergency access</p> <p>Eventual installation of ramp access from the side door</p>	<p>Officers have determined no inaccuracies in the application following a site inspection.</p> <p>Demolition has been indicated in drawing number 201.</p> <p>Site management and side door access may be controlled by way of a planning condition.</p>

A further letter was received, signed by local residents objecting to the scheme (7 addresses in total, some of which have already previously objected above).

6.2 Statutory Consultation

Consultees	Response
Highways	<p>Due to the constrained site, a detailed CLP should be provided prior to the commencement of works on site.</p> <p>A condition survey should be provided which covers a 10m dimension either side of the application site to ensure that, if the public highway is damaged as a result of construction works, this is reinstated by the Council and funded by the developer.</p> <p>A grease interceptor shall be introduced after the kitchen foul outlet and before discharge into the public sewer.</p>
Environmental Health	A taller extraction system is preferred, though the suggested system is acceptable subject to conditioning maintenance as per the submitted documents.
Design & Conservation	No objection given that the proposal would largely be out of view from public vantage points.
Waste & Recycling	Properties such as 37 Orford Road, which have no space on-site for the storage of wheeled bins and no access to a dropped kerb, can make use of a sack collection service.
Tree Officer	Advises applicant to ensure no negative effects of potential leaf fall and detritus from the Sycamore tree. However, no objection is raised.

7 **DEVELOPMENT PLAN**

The London Plan (2021)

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

- D1 London's form, character and capacity for growth
- D4 Delivering good design
- G6 Biodiversity and access to nature
- G7 Trees and woodlands

Waltham Forest Local Plan LP1 (2024)

7.2 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 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. The relevant policies are:

- 40: Revitalisation, Adaptation and Regeneration in Designated Centres and Parades
- 53: Delivering High Quality Design
- 57: Amenity
- 72: Conservation Areas
- 80: Trees
- 93: Waste Management

8 OTHER MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2023) and 2024 consultation

8.1 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. It contains a presumption in favour of sustainable development, described as at the heart of the framework.

For decision-taking the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The NPPF gives a centrality to design policies. 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."

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

- Achieving well-designed and beautiful places
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

Local Finance Considerations

8.2 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.

Other Planning Guidance

- 8.3 Orford Road Conservation Area Appraisal & Management Plan (2009)

9 ASSESSMENT

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

- A. Principle of development
- B. Design and character
- C. Heritage
- D. Neighbouring amenity
- E. Environmental health
- F. Trees and biodiversity
- G. Highways
- H. Waste management

A. Principle of development

- 9.2 The principle of extending a commercial unit within the conservation area is acceptable, subject to compliance with the relevant development plan policies. Likewise, there is no objection raised to the improvement of the existing facilities.
- 9.3 Policy 40 supports revitalisation within retail parades. It is explained that revitalisation and adaptation can be supported in locations where a retail or commercial demand no longer exists as evidenced by vacancies. In this instance the historic commercial use of the rear of 37 Orford Road has ceased to exist and has resulted in it being vacant long-term. As such, proposals to adapt the use can be supported in principle.
- 9.4 Furthermore, no objection is raised to installing external equipment which is necessary and ancillary to the relevant Class E operation(s), subject to compliance with the relevant development plan policies.

B. Design and character

- 9.5 Policy 53 seeks to ensure that development responds appropriately to its context in terms of scale, height and massing, enhancing local character in relation to the architectural integrity of the area.
- 9.6 The proposal would involve extending the unit to the side/rear alongside the construction of a conservatory-style extension to the side. It would follow a standard flat roof design, matching the existing projection at the rear of the property, and there would be no increase in height (3m).

Overall, this increase in floor space/footprint is considered minor in nature and would allow for access to the small side garden, which is currently not possible or would be hazardous due to the internal condition of the building. Materials are proposed to match the existing property, which is a sensible approach, though given the sensitive context in the conservation area further detail is requested as to the brick and other conservatory materials, which can be controlled by way of a planning condition. Materials are expected to match traditional elements found within the conservation area which would preserve the area's significance.

- 9.7 Any rooflights would also be standard in their appearance and would not materially change the interpretation of the building, as these would replace a number of existing openings only and would not protrude any considerable distance above the plane of the existing flat roof. The rooflights would ensure that the dining room can be naturally lit and ventilated.
- 9.8 The exhaust flue would be standard in its appearance and, given its siting to the rear, would not be overly visible from within the streetscene. Other similar ancillary equipment is present at the rear of commercial operations on Orford Road, which provides an acceptable precedent.
- 9.9 For the above reasons, subject to discharge of any necessary conditions, the development is considered to comply with the design objectives of Policy 53 of the Local Plan.

C. Heritage

- 9.10 The site is located within the Orford Road Conservation Area. In accordance with Policy 72, developments should seek to preserve or enhance the borough's conservation areas. This reflects the statutory duty under the 1990 Act for the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Conservation officers have been consulted and conclude that, given the limited visibility and the appearance of the existing extension, the scheme is considered acceptable in the context of the conservation area. Only limited oblique views would be had from public vantage points.
- 9.11 Given the positioning of the exhaust flue, which would be largely out of view from public vantage points, this is also less likely to impact the significance of the conservation area.
- 9.12 Greater detail in respect of the materials for all elements of the development are expected – e.g. brickwork, windows, skylights, conservatory. These should be traditional materials found in the conservation details be secured by condition.

D. Neighbouring amenity

- 9.13 Policy 57 seeks to maintain the amenity of current and future occupiers in terms of overlooking, noise, enclosure and/or the loss of daylight, sunlight, outlook and privacy.

- 9.14 Some overlooking may be present in replacement of any windows facing the garden amenity space of no. 35 Orford Road. It is recommended that any replacement fenestration serving this elevation is fitted with obscured glazing to prevent potential for unneighbourly overlooking, given that this directly faces a private garden, though the openings are acknowledged to be historic.
- 9.15 A boundary fence at ca. 2m height runs the perimeter of the garden and protects neighbours in terms of privacy and overlooking. The extension at the rear boundary would extend along the rear wall at the shared boundary to no. 5 Eden Road, a residential dwelling, by an additional 1.5m width at ca. 3m height. Given that this wall does not run the entire length of the neighbouring garden, it would not lead to an unacceptable in-fill or sense of enclosure to no. 5. No additional properties would be affected in terms of daylight, sunlight, outlook and privacy as a result of the built form of the extension. In this regard the proposed development would largely be comparable with the existing situation.
- 9.16 The main amenity considerations are noise and disturbance resulting from intensified use of the building and garden, together with any ventilation and extraction equipment.
- 9.17 Noise impact can be controlled by restricting the hours of operation. Previous application 150783 confirms the hours of the café to the front of the building are conditioned as follows (5): *08:00 to 22:30 Monday to Friday, 09:00 to 22.30 Saturday and 10.00 - 22.00 Sunday only unless otherwise approved in writing by the Local Planning Authority.* Planning officers see no material reason why the full site could not operate with these same hours with satisfactory mitigation against noise.
- 9.18 The garden area should operate with sensitivity as this directly adjoins residential gardens, with suggested operating hours of 08:00-19:00 Monday to Friday, 09:00-19:00 Saturday and 10:00-19:00 Sunday. Whilst the Village Pub (no. 31) is historic, its large garden provides a precedent for this type of development on Orford Road and is considerably larger than the garden at no. 37. A noise impact assessment has been submitted alongside this application. Noise level of patrons in the garden is specified at 67dB. At the sensitive receiver location this is 39dB. The receiver location is indicated as a first-floor window within the rear outrigger of no. 35 Orford Road.
- 9.19 The extraction equipment takes the form of a fresh air grille located within the east elevation of the building bordering the garden of no. 35 Orford Road, situated ca. 13m from the main rear elevation of the property. A grille would replace an existing window at the side elevation and operate with a reported sound level of 78dB at source. It outlines that 19dB negative loss can be expected for 9m distance, for overall 24dB sound level at the receiver.
- 9.20 The ventilation system would continue internally to the new kitchen area through internal ductwork which makes use of internal silencers and an internal electrostatic air cleaner. Air would be extracted via a roof-

mounted flue which operates at 56dB sound level at 3m distance. This is reported 20dB from the receiver location.

- 9.21 Taking into consideration the general outdoor ambient sound levels of everyday life, particularly in an urban area such as London, the reported sound levels are not considered to be at a level that causes undue harm to the amenities of existing or future occupiers, or one that warrants refusal of the application as a standalone matter. The system would only operate within specified opening hours.
- 9.22 With the above in mind, the submitted documents demonstrate that the resulting sound levels of the extraction system would not cause harm to the amenity of nearby occupiers. Any resulting noise would therefore not be at a level that warrants refusal of the application. Likewise environmental health officers are satisfied that any effects in terms of odours and fumes can be successfully managed by correct and regular maintenance of the system, in accordance with the odour control assessment. For these reasons the cumulative amenity impact is minimal, and no objection is raised with regard to Policy 57 of the Local Plan.

E. Environmental health

- 9.23 Environmental health officers were consulted during the assessment period of the application and raised no objection to the proposed flue design and siting. Whilst a slightly higher flue is preferred, the solution is acceptable as submitted.
- 9.24 A condition is recommended to ensure that the system is maintained and operated in accordance with the submitted Risk Assessment for Odour to ensure nearby occupiers are protected from fumes and smells. A high level of odour control is required and filters shall be replaced every 6-12 months as suggested by the assessment. Anti-vibration mounts shall be installed to prevent the transmission of structure borne noise and vibration causing nuisance within any adjacent or adjoining premises.
- 9.25 On this basis the ventilation is not considered to cause harm to neighbouring occupiers in terms of environmental and public health.

F. Trees and biodiversity

- 9.26 A significant Sycamore tree is located in an adjacent garden to the west of the site, the trunk ca. 0.5m from the existing rear projection. A tree report has been submitted and addresses the impacts that may occur to this tree, which has protection under the conservation area status. It is confirmed that the tree was subject to a S211 notice (ref. 232886) and it has been agreed that it can be felled and replaced. Should the tree be removed, this would no longer form a consideration for the application.
- 9.27 Until then the tree remains a material consideration. The north/eastern extent of the crown overhangs the site. The proposed rooflights and flue would therefore be at least partially underneath the northeast-facing crown spread of the tree.
- 9.28 The arboricultural impact assessment concludes in paragraphs 6.1.4 and 6.1.5 that, overall, there would be minimal impact upon the tree in

terms of the exhaust flue and rooflights. The proposed rooflights would have ca. 3m clearance from the branches. The crown has been managed by some pruning in the past in terms of maintaining the existing structure and no objection is raised to a continuation of this. Adequate measures such as leaf guards should be in place to ensure that this is managed effectively.

- 9.29 The ductwork would be partially underneath the northeast-most side of the tree's crown. The vent would terminate 1m above roof height and therefore 4m above ground level. This means ca. 2m clearance where venting fumes are estimated to be between 37 and 40 degrees C from the point of extraction. This is summarised as acceptable.
- 9.30 Most of the root protection area (RPA) is underneath the existing concrete floor slab which would be retained and any material storage and mixing would be confined to areas outside of the RPA. Any demolition would be carried out with ground protection in place and taken apart by hand from the existing hard surface. Any future excavation within the RPA must first reference the arboriculturist.
- 9.31 Tree officers were consulted during the assessment period of the application and generally considered the proposal and approach acceptable in terms of mitigating harm to the tree, subject to conditioning of the recommendations in the tree report, in accordance with Policy 80 of the Local Plan.
- 9.32 Given that the development would impact less than 25sqm of on-site habitat, biodiversity net gain (BNG) is not considered to apply.

G. Highways

- 9.33 The application site is located within a Controlled Parking Zone (CPZ) and access to most of Orford Road by private vehicle is prohibited between 10:00-22:00, though some limited vehicle parking is available at the front section facing Orford Road.
- 9.34 Highway officers were consulted and raised no objection in principle to the proposal. Though in the absence of a construction logistics plan (CLP) the application fails to demonstrate how the proposed development could be built or serviced without impacting or affecting the surrounding public highway and its network during the construction phase. This can be secured by way of a pre-commencement planning condition. A CLP should be submitted because of the constrained nature of the site; it fronts a parklet that terminates the junction of Eden Road with Orford Road, and the surrounding area is a pedestrianised high street with high footfall. The CLP should explain how vehicles will access the site and where loading/unloading will take place, whether this impacts the nearby bus route, business loading bays, amongst other matters. A CLP must follow CLOCS CLP guidance and further information including templates is available online.
- 9.35 Given that considerable investment has been made into the public realm on and surrounding Orford Road, it is requested that a carriageway condition survey is secured by way of a planning condition. This would take the form of a simple photographic survey of the footways which

cover all areas of the site adjoining a highway, plus 10m dimension either side. This ensures that, should there be damage to the highway as a result of construction works, this would be reinstated by the Council and funded by the developer. Further information, including example surveys, can be found on the Council's website. Photograph locations shall be indicated on a site plan.

- 9.36 A request for S106 CLP monitoring contribution of £250 was made by highway officers, however given that no legal agreement will be entered into, such a request is redundant.

H. Waste management

- 9.37 In response to the comments received by representations regarding waste storage, it has been confirmed by waste officers that properties such as no. 37 Orford Road, which have no space on-site to store wheeled bins and no use of a dropped kerb, can make use of sack waste collection services.
- 9.38 Businesses are reminded that, when arranging trade waste collections, they must ensure that waste is presented for collection only between 06:00-09:00 on Mondays, Wednesdays and Fridays. Waste must be stored within the building at any other time.
- 9.39 Businesses are required to comply with the following aspects of commercial waste presentation storage. Failure to comply with the below can result in a fixed penalty notice or court proceedings.
- Commercial waste must fit within the branded bin or refuse sack provided by the licensed collection organisation.
 - The bin/container must not overflow; rubbish must not overhang and be stacked on top of or beside the bin/container.
 - Presented waste should not cause a problem, obstruction or be harmful to local facilities.
 - The bin/container should not be placed or stored on the public highway other than the time(s) specified or agreed by the Local Authority.
 - If the collector fails to collect the waste, it is the business's responsibility to remove it. Bags shall be removed from the highway until the waste can be collected.

10 CONCLUSIONS

- 10.1 Following the above assessment, it is considered that the proposal would not cause harm to the overall character and appearance of the property, the streetscene nor the wider conservation area. Likewise, there would be no unacceptable impacts in terms of residential amenity, highways safety and biodiversity. Considering the consistency of the scheme with the Local Plan, subject to the discharge of necessary conditions and considering all material planning considerations, the proposal is acceptable.
- 10.2 It is therefore recommended that planning permission is granted subject to conditions and informatives.

11 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 10.1 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.
- 11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.3 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 balanced against other relevant factors.
- 11.4 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

- 11.5 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.
- 11.6 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.

12 RECOMMENDATION

12.1 It is recommended to the Planning Committee that planning permission is granted subject to the following conditions and informatives:

12.2 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 hereby permitted shall be carried out in accordance with the following approved plans and thereafter maintained as such for the lifetime of the development: - drawing numbers N.A/37OR202, N.A/37OR/204, N.A/37OR/205, N.A/37OR/206, N.A/37OR/207, N.A/37OR/208, dated 14th August 2024.

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

3. Prior to the commencement of development on site, notwithstanding site investigation, clearance works, demolition and construction to slab level, samples and/or a schedule of materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policies 53 and 72 of the adopted Waltham Forest Local Plan LP1 (2024).

4. Prior to the commencement of development on site a Construction Logistics plan shall be submitted to and approved in writing by the Local Planning Authority. The logistics plan shall include details of site access, journey planning, access routes, hours of delivery, 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.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents to ensure that disruption is kept to a minimum and does not affect highway traffic flows, to comply with Policy 65 of the adopted Waltham Forest Local Plan LP1 (2024).

5. Prior to the commencement of development on site a highway site condition survey to assess the condition of the public highway surrounding the site shall be submitted to and approved in writing by the Local Planning Authority. Any damage to the highway incurred as a result of the construction works would be reinstated by the Council and funded by the developer.

Reason: In the interest of highway and pedestrian safety, to comply with Policies 61 and 66 of the adopted Waltham Forest Local Plan LP1 (2024).

6. The Class E use hereby approved shall operate between the hours of 08:00-22:30 Monday to Friday, 09:00-22.30 Saturday and 10:00-22:00 Sunday, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining occupiers, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

7. The external garden area as illustrated by drawing number N.A/37OR/202 shall operate to visiting members of the public only between the hours of 08:00-19:00 Monday to Friday, 09:00-19:00 Saturday and 10:00-19:00 Sunday and at no time shall there be any amplified sound or live music within the premises, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining occupiers, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

8. The development shall fully conform with the recommendations of the Arboricultural Impact Assessment Rev 1 and Method Statement, dated November 2023. The development shall be carried out solely in accordance with the approved details, and all works shall comply with BS 3998:2010 (Tree Work - Recommendations) and shall be supervised by a suitably qualified arboriculturist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the wellbeing of trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policy 80 of the adopted Waltham Forest Local Plan LP1 (2024).

9. Prior to first occupation of the development hereby approved any replacement windows(s) serving the east elevation to the boundary of no. 35 Orford Road shall be fitted with obscured glazing and apart from any top-hung light that has a sill height of not less than 1.7 metres above the internal finished floor level of the room it serves shall be non-opening. The window(s) shall thereafter be permanently retained as such.

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining property, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

10. The side access door serving the west elevation, as indicated by drawing number N.A/37OR/202, shall be used for the purpose of servicing, maintenance and emergencies only and shall not be used as a secondary entrance to the unit by visiting members of the public.

Reason: To preserve the privacy and amenities of the adjacent property occupiers, in accordance with Policy 57 adopted Waltham Forest Local Plan LP1 (2024).

11. The extraction system shall be correctly installed, operated, maintained and regularly serviced in accordance with the manufacturer's instructions, as specified in the Odour Control Assessment dated 1st June 2022.

Reason: To ensure that the system is operating correctly and efficiently so as to not cause an odour or noise nuisance to neighbouring properties and in the interest of amenity protection, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

12. Prior to first occupation of the development hereby approved a Noise Assessment Report providing details of measures to be taken to contain internally generated noise, including acoustic treatment of windows and ventilation equipment, shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved measures which shall be fully implemented before the use commences and shall thereafter be retained for the lifetime of the development.

Reason: To protect the amenities of adjoining residential properties, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

13. A post installation noise assessment shall be carried out to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken where necessary. Approved details shall be implemented prior to occupation and thereafter be retained for the lifetime of the development.

Reason: To protect the amenities of adjoining occupiers and the surrounding area in accordance with Policy 50 of the adopted Waltham Forest Local Plan LP1 (2024).

12.3 Informatives

1. 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 have been followed in this instance, and offers a pre-planning application advice service.

2. The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

3. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and not at all on Sundays or on Public/Bank Holidays.

4. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and eaves overhang, will encroach on, under or over adjoining land. The applicant's attention is also drawn to the terms of the Party Wall Act 1996.

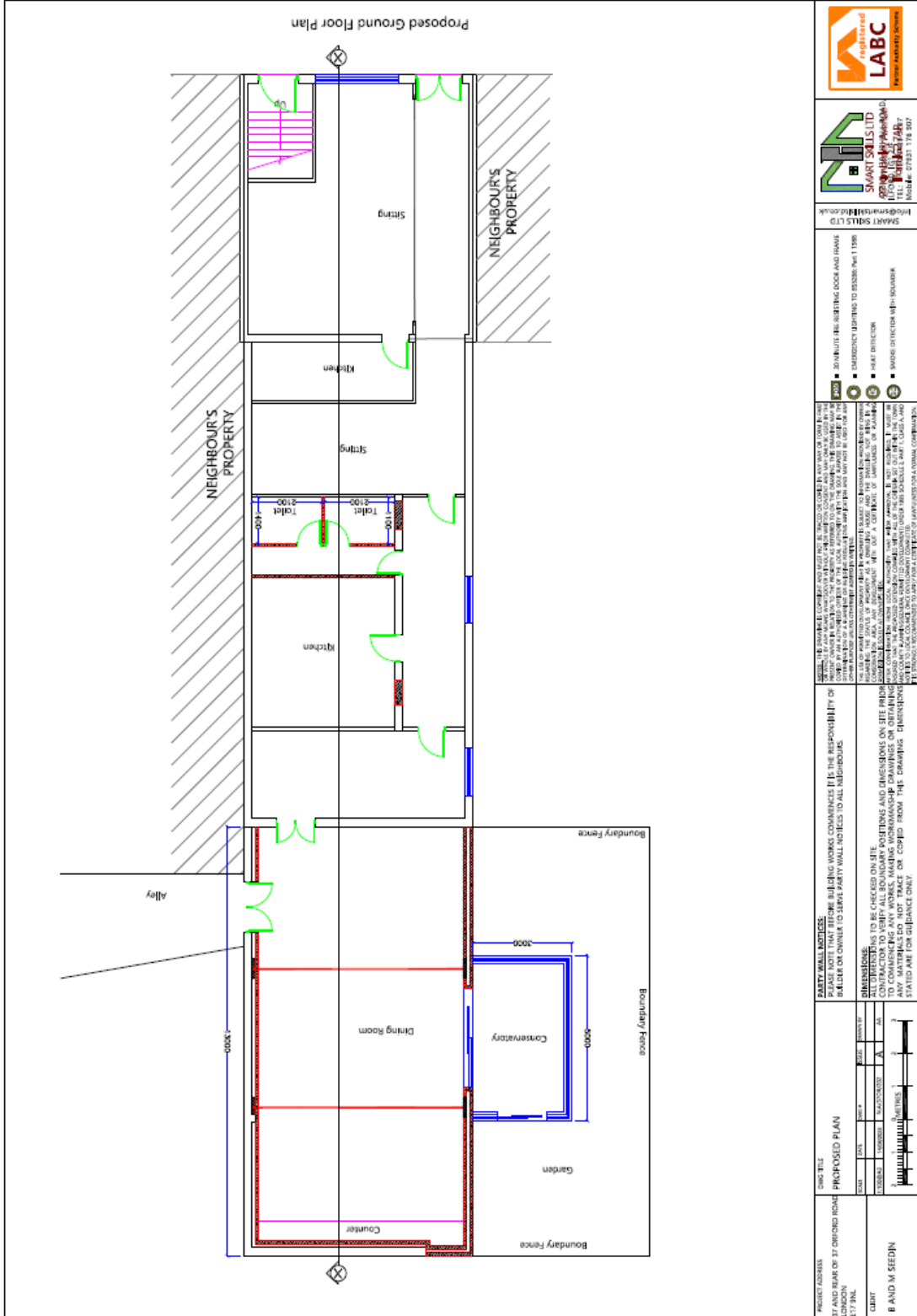
5. It is an offence to place scaffolding, skip or hoarding on the highway without permission. Early contact with the Council's Network Operations is advisable, as it may affect the construction programme.

6. The applicant is reminded that this consent relates to planning permission only and that any replacement signage to the frontage of no. 37 Orford Road may require additional advertisement consent.

Appendix A: Site location plan



Appendix B: Proposed ground-floor plan



SMART SKILLS LTD
 110@smithskills.co.uk

- 1000 • 20 MINUTE BUILDING DOOR AND FRAME
- 1001 • EMERGENCY LIGHTING TO BS5266 Part 1 1996
- 1002 • HEAT DETECTOR
- 1003 • MADE DETECTOR WITH SOUND

THE DRAWING CONTRACTOR HAS BEEN MADE AWARE OF THE NEIGHBOUR'S PROPERTY AND HAS TAKEN ACCOUNT OF IT IN THE DESIGN OF THE PROPOSED WORKS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED BY THE NEIGHBOUR'S PROPERTY AND FOR OBTAINING NECESSARY PERMISSIONS FROM THE NEIGHBOUR'S PROPERTY OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMISSIONS FROM THE NEIGHBOUR'S PROPERTY OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMISSIONS FROM THE NEIGHBOUR'S PROPERTY OWNER.

PARTY WALL NOTICES
 PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCE (IF IS THE RESPONSIBILITY OF THE CONTRACTOR) TO VERIFY ALL BOUNDARY POSITIONS AND DIMENSIONS ON SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMISSIONS FROM THE NEIGHBOUR'S PROPERTY OWNER. ANY MATERIALS NOT TRACT OR COPIED FROM THE DRAWING DIMENSIONS STATED ARE FOR GUIDANCE ONLY.

DATE	BY	REVISION
15/08/2023	LABC	1
15/08/2023	LABC	2
15/08/2023	LABC	3
15/08/2023	LABC	4
15/08/2023	LABC	5
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15/08/2023	LABC	30

PROJECT ADDRESS
 27 AND 29 ST ANDREW ROAD
 LONDON
 E17 3HL

DATE
 15/08/2023

BY
 LABC

REVISION
 1

SCALE
 1:50

PROJECT NO.
 B AND M 0023