

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 5 th November 2024
Application reference:	241922
Applicant:	London Borough of Waltham Forest
Location:	War Memorial Park, Chingford Mount Road, Chingford, London, E4
Proposed development:	Change of use of existing sports pavilion building and toilet block into cafe and community hub with public toilet facilities and storage (Use Class E(b)). Associated works to include installation of external cladding and alterations to fenestration, installation of 4 roof-lights and PV panels, access ramp, bicycle parking provision and hard and soft landscaping.
Wards affected:	Larkswood
Appendices:	None

1 RECOMMENDATION

- 1.1 That planning permission is GRANTED subject to conditions.

2 REASONS REFERRED TO COMMITTEE

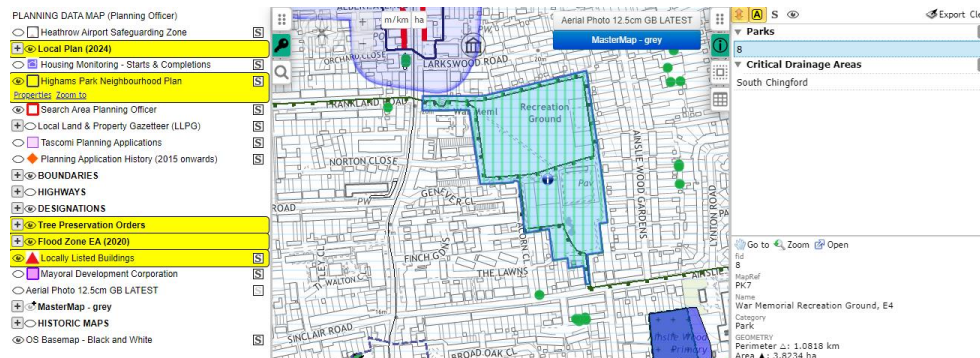
- 2.1 The Council is the applicant.

3 SITE AND SURROUNDINGS

- 3.1 The application site is located within Memorial Park which is situated close to Chingford Mount town centre in Larkswood ward. The entire park and the buildings are owned by the Council. Memorial Park provides a range of amenities, including sports pitches, bowling greens and an existing car park to the south, serving the surrounding residential area which is characterised by low-rise dwellinghouses and pockets of green space.
- 3.2 The proposal site is an existing single-storey sports pavilion and a separate toilet WC block, which is currently derelict and used intermittently for storage. The pavilion was originally built in 1970 as a timber structure but has since undergone several upgrades and alterations, resulting in the existing brick façade appearance. These

structures are located to the centre of the park and are accessible by pedestrian paths from Chingford Mount Road and Ainslie Wood Road.

- 3.3 The property is not located within a Conservation Area, is not listed, and is not subject to an Article 4 direction. The site forms part of the Parks Designation and is within a Critical Drainage Area.



4 APPLICATION PROPOSAL

- 4.1 Planning Permission is sought for the following:

Change of use of an existing sports pavilion building (64.8m²) and a separate toilet block (14.6m²) into a café/community hub with public toilet and storage (Use Class E(b)).

- 4.2 The proposal would retain the existing structure with associated refurbishment works which include the installation of external rainscreen cladding panels and alterations to fenestration; installation of 4 roof-lights on the north-facing roof plane and PV panels on the south-facing roof plane, access ramp around the storage block, 4 new Sheffield bicycle parking and hard and soft landscaping.

5 RELEVANT SITE HISTORY

A. Planning

- 5.1 1970/0045 (#700225) – New Sports Pavilion – Approved (with Informatives) on 19/02/1970
- 5.2 1974/0050/BC (#740249) – Demolition of existing wooden building and erection of extension to existing pavilion to provide changing accommodation – Approved (with Informatives) on 04/02/1975
- 5.3 1982/0611 (#820580) – Erection of single-storey extension to pavilion – Approved (with Conditions and Informatives) on 31/08/1982

- 5.4 1999/0951 (#990106) – Extension to existing pavilion to provide storage facilities for bowling equipment – Approved (with Conditions and Informatives) on 16/11/1999

B. Pre-Application

- 5.5 None

C. Enforcement

(i) Enforcement Investigations

- 5.6 None

(ii) Enforcement Notice

- 5.7 None

D. Adjacent Site

- 5.8 No relevant planning history.

6 CONSULTATIONS

Public Consultation

- 6.1 The Council circulated 288 consultation letters to local residents on the 11th September 2024, as follows:
- 2-76 (even) Larkwood Road
 - 1-46 Libro Court, 2a Larkwood Road
 - Church, Libro Court, 2a Larkwood Road
 - South Chingford Brotherhood Hall, Libro Court, 2a Larkwood Road
 - 31-97 (odd), 65a Ainslie Wood Road
 - Bowling Club, Ainslie Wood Sports Ground, Ainslie Wood Road
 - 1-87 (odd) Ainslie Wood Gardens
 - 1-12, 14-18, 20-32(even) Acorn Close
 - 2-14 (even) Oakfield
 - 1-36, 1a, 12a Kingsley Gardens
 - 2-17 The Lawns
 - 1-17 Genever Close

- 186-204 (even), 186a, 186b, 188a, 188b, 190a, 192a, 192b, 194a, 196a, 198a, 200a, 200b, 202a, 204a Chingford Mount Road
- Parkview House, 212 Chingford Mount Road
- Adjacent 212 Chingford Mount Road
- Rear of 186-192 Chingford Mount Road

6.2 The Council received no responses as a result of the public consultation.

Other Consultation

6.3 LBWF Consultation Responses' below lists the responses received from Waltham Forest Council consultees and external consultees.

Consultee	Response
LBWF Place and Design Team	<ul style="list-style-type: none"> • Supportive of the proposal, step free access and internal layout. • Comments were raised over the limited cladding details and its thickness.
LBWF Place and Design Team (Tree)	<ul style="list-style-type: none"> • No objection raised with clarification sought.
LBWF Parks and Open Spaces Team (Trees)	<ul style="list-style-type: none"> • No objection raised subject to adherence to the submitted Arboricultural Method Statement.
LBWF Highway Team	<ul style="list-style-type: none"> • No comments except a highway condition survey of the access and 10-metre buffer on Ainslie Wood Road is requested prior to development.
LBWF Drainage Team	<ul style="list-style-type: none"> • No objection raised but requested clarification and calculation of the permeability of soft landscaping.
Metropolitan Police Service	<ul style="list-style-type: none"> • Concerns was raised over the surveillance and security of the public toilet.
LBWF Sustainability & Energy Team	<ul style="list-style-type: none"> • No comments or objection raised.
LBWF Environmental Health Team	<ul style="list-style-type: none"> • No comments or objection raised.

LBWF Transport Policy Team	<ul style="list-style-type: none"> • No comments or objection raised.
LBWF Waste & Recycling Team	<ul style="list-style-type: none"> • No comments or objection raised.
LBWF Strategic Regeneration Team	<ul style="list-style-type: none"> • No comments or objection raised.
LBWF Environmental Health Team	<ul style="list-style-type: none"> • No comments or objection raised.
Sports England	<ul style="list-style-type: none"> • No comments raised as the proposal does not have any impact on any existing playing fields nor generate significant demand for new indoor or outdoor sports facilities.
London Fire Brigade	<ul style="list-style-type: none"> • No comments or objection raised.
Thames Water	<ul style="list-style-type: none"> • No comments or objection raised.

7 DEVELOPMENT PLANS

7.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

7.2 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'.

7.3 The Development Plan for the site, at the time of this report, comprises the London Plan (2021), and the Waltham Forest Local Plan 2024 (LP1). The NPPF does not change the legal status of the development plan.

The London Plan (2021)

7.4 The London Plan is the overall strategic plan for London and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital from 2019 to 2041. The relevant policies within the London Plan 2021 relevant to this application are considered to include but not limited to:

- Policy D1 London's form, character and capacity for growth
- Policy D4 Delivering good design
- Policy D13 Agent of Change
- Policy D14 Noise
- Policy S1 Developing London's social infrastructure
- Policy S5 Sports and recreation facilities
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and Woodlands
- Policy SI2 Minimising greenhouse gas emissions
- Policy SI8 Waste capacity and net waste self-sufficiency
- Policy SI12 Flood risk management
- Policy SI13 Sustainable drainage
- Policy T4 Assessing and mitigating transport impacts

Waltham Forest Local Plan - Shaping the Borough (LP1) (2024)

7.5 The Waltham Forest Local Plan (LP1) plan was adopted on 29 February 2024 and forms the new development plan for the borough, superseding both the Core Strategy (2012) and Development Management Policies (2013).

7.6 The relevant Local Plan policies are:

- Policy 1 – Presumption in Favour of Sustainable Development
- Policy 5 – Management of Growth
- Policy 46 – Social and Community Infrastructure
- Policy 48 – Promoting Healthy Communities
- Policy 50 – Noise, Vibration and Light Pollution
- Policy 53 – Delivering High Quality Design
- Policy 57 – Amenity
- Policy 60 – Promoting Sustainable Transport
- Policy 61 – Active Travel
- Policy 78 – Park, Open Spaces and Recreation
- Policy 79 – Biodiversity and Geodiversity
- Policy 80 – Trees
- Policy 85 – Zero Carbon Borough
- Policy 87 – Managing Flood Risk
- Policy 93 – Waste Management

8 MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2023) and 2024 Consultation

- 8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 8.2 For decision-taking paragraph 11 of 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".
- 8.3 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high-quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes.
- 8.4 The specific policy areas of the NPPF considered to be most relevant to the of this application are as follows:
- Promoting healthy and safe communities.
 - Making sufficient use of land
 - Achieve well-designed places

Supplementary Planning Document Urban Design (2010)

- 8.5 This document has the aim of raising the quality of design within the Borough. The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability.

Waltham Forest – Waste & Recycling Guidance for Developers (2019)

- 8.6 The Waste & Recycling Guidance for Developers is to help those involved in designing new developments to ensure safe and secure refuse and recycling storage and collection.

Local Finance Considerations

- 8.7 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).
- 8.8 The Council received a Levelling Up Funding of £8.4m from the Department of Levelling Up Housing and Communities (DLUHC) in March 2023 to enhance the public realm in Chingford Mount and Highams Park. The proposed development is one of several projects within this wider enhancement initiative.

9 ASSESSMENT

- 9.1 The main issues for consideration, in relation to the proposed development are as follows:
- A. Principle of the Development
 - B. Urban Design
 - C. Neighbouring Amenity
 - D. Waste Management
 - E. Drainage and Flood Risk
 - F. Trees and Biodiversity
 - G. Parking and Highway

A. Principle of the Development

(i) Loss of sport pavilion

- 9.2 Policies 48 and 78 of the LP1 set out to protect all parks and sport facilities within the Borough, and stress that development proposals in parks and open spaces will only be acceptable where they are ancillary to the open space use and its inherent character.
- 9.3 The application site houses a sport pavilion and disused toilet currently under Use Class F2 (formerly Class D2), which was built in 1970 to complement the use of the adjacent Tennis Court and Bowling Green. As shown in the planning history, the existing buildings are the outcome of multiple alterations between 1970-90 and have been maintained in the same condition since then. The structure is currently dilapidated and boarded-up, and used occasionally for storage by the Council's Parks

and Community Team. The separate toilet block is closed to the public and currently non-functional.

- 9.4 Although the site is within a designated park, the sport pavilion is itself not subject to any designation within the LP1 (2024). Given the fact the intended sporting function has not been fully utilized and the poor condition of the building, the proposed cessation of the sporting use is notional and considered unlikely have a negative impact on the broader provision of sports facilities in the Borough. Sport England was consulted and is supportive of this position, noting that the proposal does not affect any existing playing fields or create significant demand for new indoor or outdoor sports facilities, and raised no further comments.
- 9.5 Moreover, the proposed scheme aims to retain the community-focused nature of the buildings while offering upgraded facilities, namely a modern public toilet amenity and a café, which is anticipated to benefit the users of the tennis courts and the bowling green nearby. In this regard, the proposal would in turn complement and encourage the usage of the existing sport facilities in Memorial Park to the benefit of the wider community in line with Policies 48 and 78 of the LP1.

(ii) Introduction of community café

- 9.6 Policy 46 of the LP1 and Policy S1 of the London Plan encourage the provision of adequate social infrastructure in appropriate locations to meet local needs.
- 9.7 Prior to the submission of the application, the Council's Regeneration Team have conducted a series of engagement and co-design sessions with local residents, revealing a strong community desire for a kiosk or café to serve a social function at this locality, where the nearest comparable establishment is a 15-minute walk away on Chingford Mount Road. It is also noted there are currently no toilet facilities available to the public within the park.
- 9.8 Strategically positioned as a focal point at the centre of Memorial Park, the community café would benefit from clear visibility and accessibility from the playground in the north and tennis court in the south, along with direct access from the park entrances on Chingford Mount Road and Ainslie Road. A total of 3 entrances to the building would be provided, including a separate public toilet access without requiring passage through the main café. The proposed introduction of a community café and public toilet in this locality would therefore complement the existing park amenities, and ultimately present an opportunity to enhance the recreational open space offered at Memorial Park. In this regard, the proposed development aligns with the objectives of Policies 46 and 78,

particularly 78(G) which encourages the provision of ancillary facilities to enrich the user experience of open spaces. It is worth-noting that similar initiative has been tested and proven successful in other local parks of the Borough such as Leyton Jubilee Park (ref.131005), Higham Park (ref. 171022) and Vincent Road Playground (ref.202136).

- 9.9 The proposed development seeks to re-use the existing building structures and foundation whilst retrofitting it to meet modern standards. Without the need to add significant bulk to the site, it would also adhere to the boarder objectives of Policy 5, which promotes the efficient use of previously developed land, as well as the presumption in favour of sustainable development as set out in NPPF (2023) and Policy 1 of the LP1.
- 9.10 The nature of the development is to provide refreshments and drinks to park users and additional community space, managed by an independent operator. In light of this, the proposal is considered unlikely to deflect from the park's primary functions or result in any significant changes to the park's inherent character. In the event of approval, planning conditions restricting the premises to operating solely as a café with community hub (Use Class E(b)), along with associated cooking equipment, would help safeguard the long-term amenity of the park and prevent the establishment from becoming an inappropriate restaurant or hot food takeaway, in line with the broader objectives of Policies 48 and 51 of the LP1.
- 9.11 In the interest of safety and long-term maintenance, following consultation with the Metropolitan Police a pre-occupation condition to ensure that the building meets current SBD standards will be attached to the permission if granted. This condition will require the approval of the Local Planning Authority in conjunction with the Metropolitan Police.
- 9.12 Overall, the proposed development is considered compatible with the park designation and existing setting and is a positive enhancement to the attractiveness of the park unlikely to result in any significant adverse effect on the sport facility provision. As such the proposal would satisfies the objectives of Policies 1, 5, 46, 48 and 78 of the LP1 (2021), Policies S1 of the London Plan (2021) and Paragraphs 79-80 of the National Planning Policy Framework (2023).

B. Urban Design

- 9.13 There are national calls to improve and enhance the quality and design of development, regardless of size or scale. This is set out in Section 12

of the NPPF that development schemes should make a positive contribution towards making better places for people.

- 9.14 Policy D4 of the London Plan (2021) and Policy 53 of the LP1 (2024) require developments to create positive, inclusive and quality environments – both in buildings and public spaces - that contribute to the distinctiveness of the local area. Policy 78 of LP1 supports development schemes in open spaces only if they do not result in no adverse impacts to its setting or visual appearance.
- 9.15 The existing buildings, specifically the external brick wall, fenestrations and roof, are currently in poor condition and state of repair. and therefore, not considered to hold significant architectural merit and thereby making limited contribution to the park setting. Whilst maintaining the building's existing footprint and overall bulk, the proposed retrofitting works are considered an opportunity to enhance the visual appeal and character of the wider setting.
- 9.16 The proposed refurbishment design adopts a contemporary approach, including the installation of rainscreen cladding panels across all elevations, rebuilding the roof and the installation of new rooflights. The proposed cladding would consist of horizontally mounted composite board to match the existing brick facade. The proposal also aims to increase the level of glazing to provide more attractive frontages and to enhance natural surveillance. It also seeks to replace the existing hard landscaping around the storage block with planting. Overall, the proposed development is considered of high-quality design and materiality which is well-integrated into its surrounding context.
- 9.17 The proposed development includes the installation of 12 solar panels on the south-facing hipped roof of the main café building. Due to their orientation towards the existing tennis court, the solar panels are unlikely to be visually dominating or significantly impact the area character, therefore is supported in the light of their positive contribution to climate resilience and sustainability goals. Planning conditions will be imposed to ensure its installation and maintenance in accordance with the submitted details, with a requirement for their removal if no longer in use.
- 9.18 The proposed access ramp and additional rooflights would be largely screened by the existing trees. Given their minimal visual presence, it is not considered to cause significant visual harm to the setting.
- 9.19 Overall, the proposed development is considered to respond sympathetically and positively to the existing material palette and surrounding context without detracting from the character of the open space. The proposal therefore complies with Policy D4 of the London

Plan (2021) and Policies 53 and 78 of the adopted Waltham Forest Local Plan LP1 (2024).

C. Neighbouring Amenity

9.20 Policy 57 of the LP1 (2024) seeks to maintain the amenity of occupiers of adjoining properties in terms of daylight/sunlight, overshadowing, outlook, loss of privacy and nuisance. Policy 50 further sets out that consideration should be given to operational noise and its impact on neighbours.

(i) Outlook and Overlooking

9.21 The application site is located at the centre of Memorial Park and would be screened by mature trees in all directions. The nearest residential properties are located approximately 100m away on Ainslie Wood Gardens and approximately 170m away on Ainslie Wood Street. Given the significant separation distance on both directions, the proposed construction work is not anticipated to result in any material impacts on the amenity of these occupiers related to outlook, overshadowing and access to light.

(ii) Operating Hours

9.22 The opening hours for the community café, will be restricted to 07:00 to 20:00 hours, aligning largely with the opening hours of Memorial Park and will be enforced through a planning *condition*. The same restriction will also be applicable to private event hires to minimise any unnecessary impact on the amenities of the nearby residents.

(iii) Use and Operation

9.23 The proposed development, by virtue of its scale and nature, is not anticipated to general significant use intensity to a degree that would cause undue nuisance to the neighbouring residents.

9.24 To safeguard residential amenities, a condition will be imposed to prohibit the use of amplified sound, speech or music that is audible outside the premises.

9.25 The current application does not include any ventilation or filtration systems that could give rise to nuisances such as odour or result in associated impacts on air quality for properties. Any future installation of such systems will require the submission of a new application, ensuring potential impacts are fully assessed and appropriately managed.

9.26 Overall, the proposed development is not considered to result in harm to the amenity of neighbouring occupiers and as such satisfies the

requirements of Policies 50 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

D. Waste Management

- 9.27 Policy SI8 of the London Plan (2021) and Policy 93 of the LP1 (2024) state that new development shall ensure that waste is managed in the most environmentally friendly way to protect human health and the environment. Waltham Forest Waste & Recycling Policy for Developers (2022) future details the requirement for commercial properties, which is a minimum storage capacity of 1,500L with separate recycling and food waste storage.
- 9.28 The application does not include a detailed waste storage or management plan. However, the submitted statement indicates that waste will be collected separately as commercial waste and independent of the Council's Parks Team waste management. The storage facilities are proposed to be located within the Memorial Park Car Park, which is connected to the café via a paved pathway and accessible from Ainslie Wood Road.
- 9.29 The development demonstrates appropriate consideration of waste management in its design, and there is adequate space within the car park to allow for convenient waste collection. Accordingly, the proposal aligns with the relevant policies and is considered acceptable in terms of waste management. However, full details of the waste storage and management plan shall be secured through a planning condition, to be submitted and approved prior to the community café being brought into use.

E. Drainage and Flood Risk

- 9.30 Policy SI13 of the London Plan and Policy 91 of the LP1 set out to ensure developments to take into consideration its impact on flood risk and sufficient mitigation measures are incorporated.
- 9.31 The application site is located within South Chingford Critical Drainage Area. The submitted Drainage Strategy Report identified the site had recorded as being at risk of surface water flooding and a flood storage basin have been implemented to the north of the buildings.
- 9.32 The proposed introduction of new community café and toilet would require alteration work to the existing foul drainage, connecting to the new manhole and soakaway to the west of the building blocks. The report, however, concluded that drainage volume is not expected to vary significant from the historic volumes. The proposal also seeks to replace

half of the existing hard landscaping around the building with plantings, thereby significantly increasing the area of permeable surfacing.

- 9.33 The submitted Drainage Strategy Report was reviewed by the Council's Drainage Team who raised no immediate objection to the proposed work but some clarifications, which were addressed in the revised Design and Access Statement. In the interest of sustainable drainage, the submitted Drainage Strategy shall be secured by means of a *condition* in forthcoming consent.
- 9.34 On balance, the proposed development has sufficiently demonstrated that flood risk will be effectively managed and mitigated, and, by virtue of its scale and nature, is not considered to increase flood risk, therefore is in line with Policy SI13 of the London Plan (2021) and Policy 91 of the adopted Waltham Forest Local Plan LP1 (2024).

F. Trees and Biodiversity

- 9.35 Policies G5 and G6 of the London Plan (2021) and Policies 79 and 80 of the LP1 (2024) set out to enhance biodiversity and geodiversity, stating that development proposals will only be supported where they do not give rise to any threat, immediate or long term, to the continued well-being of green infrastructure and biodiversity.
- 9.36 A tree survey conducted by a certified arboriculturist in July 2024 concluded that the proposed development would require the removal of four trees, including three (T23, T27 and T28) that are either dead or unsuitable for retention due to poor condition. The remaining tree (T29), a category C2 (Tree of Low Quality) with no material conservation or cultural value, is located just 0.5m from the proposed north entrance. With its roots encroaching on the pavilion's foundation and its canopy overhanging the structure, its removal is considered necessary to facilitate access and ensure compliance with building regulations.
- 9.37 For the retained trees, the submitted Arboricultural Method Statement (AMS) outlines detailed protective measures for the construction and necessary maintenance works. The AMS was reviewed by the Council's Tree Surveyor (Parks and Open Spaces Team) and Tree Preservation and Urban Green Technician (Places and Design Team), both of whom raised no objections, provided that the AMS is strictly followed during construction.
- 9.38 It is considered that although Memorial Park holds ecological value, it is not within a designated ecological protection area, nor does it contain any trees with statutory protection. While the proposed development does not contain any intrusive ground-breaking works or external lighting installation, it would provide additional soft landscaping. On balance, it

is considered that the proposal development of its scale and nature is unlikely to cause significant harm to the local habitat, and is compliant with Policies G5 and G6 of the London Plan (2021) and Policies 79 and 80 of the LP1 (2024).

- 9.39 To safeguard the well-being of the trees and local biodiversity, a condition will be imposed, if permission is granted, requiring the development to fully comply with the recommendations and measures outlined in the approved AMS. The works must be supervised by a suitably qualified Arboriculturalist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

G. Parking and Highway

- 9.40 Policy T5 of the London Plan (2024) and Policies 60 and 61 of the LP1 (2021) sets out to provide a safe and quality highway environment and encourage active travel through the provision of cycle parking facilities.
- 9.41 Four new Sheffield stands are proposed in between the Café and storage block, which would comfortably exceed the requirement of 1 space per 40m² as out in the Parking Standards of London Plan and LP1.
- 9.42 It is noted the Council's Highway Team has requested a Highway Condition Survey for the access point and a 10-metre buffer on Ainslie Wood Road prior to the commencement of development to ensure the highway environment is not affected. However, as the application site is located in the centre of Memorial Park and does not impact any public highway, and with waste storage situated within the car park under the management of the Council's Park and Open Space Team, it is considered that an informative is more appropriate.
- 9.43 On balance, it is considered that the proposed scheme would not have any detrimental impact on parking, pedestrian safety or other highway matters, therefore complies with Policy T5 of the London Plan (2024) and Policies 60 and 61 of the LP1.

10 CONCLUSION

- 10.1 Following the assessment above, it is considered that the proposed development would enhance the quality and user experience of the existing park facilities without resulting in detrimental harm to the character and visual appearance of open space.

- 10.2 The impact on neighbour amenity would be acceptable owing to the large separation distances between the application site and nearest residential occupiers.
- 10.3 The proposal would not result in detrimental impact on waste management, drainage and flood risk, trees and biodiversity or highway.
- 10.4 On balance, having considered against the relevant development plan policies and other material considerations including Policies 1, 5, 46, 48, 53, 57, 60, 65, 78, 85, 87 and 93 of the LP1 (2024), Policies D1, D4, D13, D14, S1, S5, G6, G7, SI2, SI8, SI12, SI13 and T5 of the London Plan (2021) and National Planning Policy Framework (2023), the proposed development is considered acceptable.

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 balance 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 that the Planning Committee resolve to grant permission subject to the following conditions:

Conditions

Expiry date

1. The development hereby permitted shall begin not 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).

Plans

2. The development shall be retained in accordance with the following drawing numbers and documents:
 - 24415-000-EX (Rev.A) (dated 30/07/2024)

- 24415-001-PL (Rev.B), 24415-100-EX (Rev.B), 24415-100-PL (Rev.B), 24415-200-EX (Rev.B), 24415-200-PL (Rev.B), 24415-300-EX (Rev.B) and 24415-300-PL (Rev.B) (dated 14/10/2024)
- 41238_idp_100 (Rev.1) (dated 05/07/2024)
- Design and Access Statement (Rev.B) (dated 14/10/2024)
- Drainage Strategy Report (dated July 2024)
- BS5837 Tree Survey, Arboricultural Impact Assessment and Method Statement Arboricultural Method Statement (dated July 2024)
- Planning Fire Statement Strategy (dated August 2024)

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

Material

3. The development hereby permitted shall be constructed entirely of the materials details shown on plan 24415-200-PL (Rev.B) (dated 14/10/2024) and the Design and Access Statement (Rev.B) (dated 14/10/2024) unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained as such for the lifetime of the development.

Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policies 53 and 78 of the adopted Waltham Forest Local Plan LP1 (2024).

Waste Management

4. Prior to the development hereby approved first being brought into use, full details of and a management plan for the storage and disposal arrangements for refuse, waste and recycling 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, subsequently implemented in full and thereafter maintained and available for use for the lifetime of the development.

Reason: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies 57 and 93 of the adopted Waltham Forest Local Plan Part 1 (2024).

Secured by Design

5. Prior to the development hereby approved first being brought into use, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards

submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Reason: In the interest of security and sustainable development, in compliance with Policies 53 and 58 of the adopted Waltham Forest Local Plan Part 1 (2024).

Solar Panels

6. The solar panels shall be installed entirely of the details shown on plan 41238_idp_100 (Rev.1) (dated 05/07/2024) and the Design and Access Statement (Rev.B) (dated 14/10/2024) unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained as such for the lifetime of the development.

Reason: To safeguard the visual amenities of the locality, in accordance with Policies 53 and 78 of the adopted Waltham Forest Local Plan LP1 (2024).

7. The solar panels shall be removed as soon as reasonably practicable when no longer needed.

Reason: To safeguard the visual amenities of the locality, in accordance with Policies 53 and 78 of the adopted Waltham Forest Local Plan LP1 (2024).

Use and Operation

8. The premises shall be occupied as a community café (Use Class E(b)), and for no other purposes within the Town and Country Planning (Uses Classes) (Amendment) (England) Regulations 2020.

Reason: To protect the amenities of nearby residents and the surrounding area character, in order to comply with Policies 48, 50 and 57 of the adopted Waltham Forest Local Plan Part 1 (2024).

9. The cooking appliances to operate on the premises shall be restricted to domestic oven, cooker and microwave, professional coffee maker and toaster, and no other cooking appliances shall be installed or used on the premises, unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents and the surrounding area character, in order to comply with Policies 48, 50 and 57 of the adopted Waltham Forest Local Plan Part 1 (2024).

10. There shall be no amplified sound, speech or music that is audible outside the premises.

Reason: To protect the amenities of nearby residents, in order to comply with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

Operating Hours

11. The premises shall only operate between hours of 07:00 and 20:00 and at no other times unless otherwise agreed in writing by the Local Planning Authority

Reason: To protect the amenities of nearby residents, in order to comply with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

12. The premises shall only be available for private hire between the hours of 07:00 and 20:00, and at no other times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents, in order to comply with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

Trees

13. The development shall fully conform with the recommendations of the approved BS5837 Tree Survey, Arboricultural Impact Assessment and Method Statement Arboricultural Method Statement dated July 2024 and 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 Arboriculturalist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policies 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

Sustainable Drainage

14. The development shall fully conform with the recommendations of the approved Drainage Strategy Report (dated July 2024) and Design and Access Statement (Rev.B) (dated 14/10/2024) unless otherwise agreed in writing by the Local Planning Authority. The approved system shall be implemented prior to first occupation of the development hereby approved and shall thereafter be managed and maintained as such for the lifetime of the development.

Reason: To prevent increased risk of flooding, both on and off-site and to ensure that adequate drainage facilities are provided in accordance with Policies 87 of the adopted Waltham Forest Local Plan LP1 (2024).

Informative(s):

1. To assist applicants the Local Planning Authority has produced policies and provided written guidance, all of which is available on the Council's website, and which have been followed in this instance. The Local Planning Authority delivered the decision in a timely manner.
2. This determination does not constitute permission to build under the Building Regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
3. If the public highway is damaged as a result of the construction works this would be reinstated by the Council and funded by the developer. Further information can be found at <https://www.walthamforest.gov.uk/parking-roads-and-travel/roads-and-pavements/highways-advice-developers/photographic-condition>
4. This notice is without prejudice to your responsibilities under any other legislation.
5. 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 application does not propose any installation of ventilation or filtration systems on the premises. The applicant is advised that if the relevant work is minded in the future, the submission of a separate planning application with odour/noise control details will be required.