

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 1 st April 2025
Application reference:	241929
Applicant:	London Borough of Waltham Forest
Location:	Relcon Works, 35 Sutherland Road, Walthamstow, London, E17 6BH
Proposed development:	Change of use from general industrial (Use C lass B2) to office/industrial use (Use Class E(g)). Works include external wall insulation and timber cladding, new canopies over entrances, roof mounted solar panels, external lighting, bicycle parking, bin storage and associated landscaping.
Wards affected:	Higham Hill
Appendices:	None

1 RECOMMENDATION

- 1.1 That planning permission is GRANTED subject to conditions.

2 REASONS REFERRED TO COMMITTEE

- 2.1 The application site consists of a council-owned building.

3 SITE AND SURROUNDINGS

- 3.1 The application site is 741 sq.m plot located on the southern side of Sutherland Road and consists of a detached former industrial use unit. It is situated on the eastern edge of Blackhorse Lane Creative Enterprise Zone and within Blackhorse Road Strategic Location.
- 3.2 The site comprises a part two-storey building fronting Sutherland Road, with the remaining rear area consisting of single-storey open space featuring sawtooth roofs with a ceiling height ranges from 3 to 5 metres. The building has a ground floor area of 602 sq.m and 89 sqm on the first floor, a total of 691 sq.m of internal floor space.
- 3.3 The site has a long-established general industrial use under Use Class B2. It was purchased by the Council in 2008 using Government Growth Area Funding to support the delivery of the Council's regeneration programme in Sutherland Road Area. The building has been vacant for the last 15 years, apart from intermittent use by the Guardians as temporary housing from being squatted.

- 3.4 The immediate setting is mixed in character, including light industrial detached buildings and redeveloped mixed-use buildings with employment and residential uses along Sutherland Road to the east. To the west, the wider area is predominately inter-war two-storey housings.
- 3.5 The site is situated within an area of good Public Transport Access Level (PTAL) 3, and benefits from a short walking distance to bus stops and the Blackhorse Road Underground (Victoria Line) and Overground Station. The site is also highly accessible by road transport within the close vicinity of Blackhorse Lane/Billet Road and the A503. It is in close proximity to the Blackhorse Lane Neighbourhood Centre and Forest Trading Centre and Uplands Trading Centre, which are Locally Industrial Significant Land.
- 3.6 The property is not located within a Conservation Area, is not listed, and is not subject to an Article 4 direction.

4 APPLICATION PROPOSAL

- 4.1 Planning Permission is sought for the following:
- Change of use from general industrial (Use Class B2) to office/industrial use (Use Class E(g)).
 - External works include external wall insulation and timber cladding, new canopies over entrances, roof mounted solar panels, external lighting, new sitting-out area, bicycle parking, bin storage and associated landscaping.
 - Internal works include the conversion of warehouse space into 26 studio workshops at two levels, including meeting room, wet room, landscaping and supporting facilities.

5 RELEVANT SITE HISTORY

A. Planning

- 5.1 There is a current pending application reference 243089 relating to the continuation of temporary change of use of property from commercial use to residential use as a house in multi occupation (HMO) for 'property guardians' (Use Class C4).
- 5.2 The site has been subject to series of previous applications, relating to construction of enclosed fire escape to the front elevation (reference 1972/0223), construction of first floor and rear two storey extension to provide assembly area (reference 1989/0057) and retention of single storey rear extension (reference 1997/0849).

B. Enforcement

- 5.3 There was a historic enforcement investigation, reference IN_344200, received 9th January 2017, relating to unauthorised use of the property as HMO, which was closed in January 2018 with no enforcement action.

6 PUBLIC CONSULTATIONS

- 6.1 The Council circulated 64 consultation letters to local residents on the 11th September 2024, as follows:
- 1-27 Cordage House, 37 Sutherland Road
 - 71-125 (odd) Blenheim Road
 - Yard, 81 Stirling Road
 - 79 Stirling Road
 - Arley Works, 33 Sutherland Road
 - 31 and 37a Sutherland Road
- 6.2 The Council received no responses as a result of the public consultation.

7 OTHER CONSULTATIONS

- 7.1 The following internal and external consultees were consulted, with comments received provided below:

Consultee	Response
LBWF Place and Design Team	<ul style="list-style-type: none">• Concerns over the proposed elevation treatment, with specific regards to the white rendering and loss of brick façade. An insulation that achieves a brick facade and echoes the existing building should be explored.
LBWF Tree Preservation and Urban Greening Officer	<ul style="list-style-type: none">• Supportive of the landscaping and urban greening measures• Soft landscaping details is required
LBWF Highway Team	<ul style="list-style-type: none">• Highway condition survey was requested, however, officers consider this would be unreasonable request on scheme that relates

	to change of use, with retro-fit and refurbishment works with no significant construction works taking place.
LBWF Sustainability & Energy Team	<ul style="list-style-type: none"> • Supportive of the fabric specification which achieve non-domestic refurbishment standards • Supportive of the use of PV to achieve zero carbon and refurbishment standards.
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 Planning Policy 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.
London Fire Brigade	<ul style="list-style-type: none"> • No comments or objection raised.
Metropolitan Police Service	<ul style="list-style-type: none"> • No comments or objection raised.

8 DEVELOPMENT PLAN

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

- 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.

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 Waltham Forest comprises the Waltham Forest Local Plan LP1 (2024), and the London Plan (2021). Other planning policies are material considerations.

The London Plan (2021)

- 8.4 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.
- 8.5 The relevant policies within the London Plan 2021 relevant to this application are considered to include but not limited to:
- Policy GG2 Making Best Use of Land
 - Policy D1 London’s form, character and capacity for growth
 - Policy D4 Delivering good design
 - Policy D13 Agent of Change
 - Policy D14 Noise
 - Policy HC5 Supporting London’s culture and creative industries
 - Policy G7 Trees and Woodlands
 - Policy SI2 Minimising greenhouse gas emissions
 - Policy SI8 Waste capacity and net waste self-sufficiency
 - Policy T5 Cycling

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

- 8.6 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).
- 8.7 The relevant Local Plan policies are:
- **Policy 1** Presumption in Favour of Sustainable Development
 - **Policy 5** Management of Growth
 - **Policy 10** Central Waltham Forest
 - **Policy 24** Supporting Economic Growth and Jobs
 - **Policy 28** Approach to Non-Designated Employment Land
 - **Policy 37** Blackhorse Lane Creative Enterprise Zone
 - **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 80** Trees
- **Policy 85** Zero Carbon Borough
- **Policy 93** Waste Management

9 MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2024)

- 9.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 9.2 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".
- 9.3 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.
- 9.4 The specific policy areas of the NPPF considered to be most relevant to the of this application are as follows:
- Building a strong, competitive economy.
 - Making sufficient use of land
 - Achieve well-designed places
 - Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Document Urban Design (2010)

- 9.5 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)

- 9.6 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

- 9.7 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).
- 9.8 The project is part of the delivery strategy following the grant of Government Growth Area Funding to deliver the Council's Sutherland Road area regeneration plans. The proposed development is currently enabled by Section 106 Forward Funding.

10 ASSESSMENT

- 10.1 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

- 10.2 The proposed development would result in the loss of existing General Industrial space (under Class Use B2). Whilst the application site does not fall under any industrial land designation, it is acknowledged that the character of the surrounding area has significantly shifted from industrial in nature to a mixed-use neighbourhood following multiple

redevelopment projects along Sutherland Road and in the wider area to provide both employment and residential uses. In this regard, the need and suitability for a purely B2 use land is diminishing in this locality.

- 10.3 The application site was formerly designated as Borough Employment Area under the superseded Local Plans (2012). This designation has been removed following the adoption of the new Local Plan LP1 (2024).
- 10.4 Policy 28 of the Local Plan LP1 recognises the changing employment needs within non-designated employment areas and support redevelopments of industrial, business and related uses (including creative and artists' workspace) to provide fit for purpose and high-quality employment spaces. Policy 31 further details that the provision of workspaces will be supported where they deliver high quality, well design, flexible and adaptable spaces of different sizes and types for a range of uses and occupants.
- 10.5 As the application sits within Blackhorse Lane Creative Enterprise Zone (CEZ), attention is also brought to Policy HC5 of the London Plan and Policy 37 of the Local Plan which set out to protect and provide attractive and flexible business environment for cultural uses within the CEZ.
- 10.6 Use Class E(g) comprises office spaces, research facilities and industrial processes that can operate within residential areas. Whilst the proposed use under Class E(g) would provide more intensive employment and economic benefits than the existing B2 use, it is also is considered compatible with the surrounding mixed-use context given the changing area character. Despite the low PTAL referenced earlier, the site is highly accessible by public transport as it is served by multiple buses and is within walking distance to Blackhorse Road Underground Station, and therefore able to absorb additional footfalls and trips generated.
- 10.7 The proposal seeks to refurbish and retrofit the existing building stock, including new ventilation and heating system installation and exterior upgrade. It also involves internal subdivision of space to convert the existing open-plan warehouse into flexible smaller studio space to accommodate the needs for small and medium-sized creative enterprises. The reconfigured spaces will be served by openable rooflights for ventilation and sunlight, new sitting-out area and other shared facilities. The proposed development in its entirety would therefore enhance the appeal and functionality of the building and achieve wider sustainability and energy-efficiency goals.
- 10.8 Overall, the proposed change of use to provide commercial spaces is considered compatible to the setting, positively respond to the evolving area context, and would be a strategic and coherent step towards making efficient use of land within the Blackhorse Lane Creative

Enterprise Zone. The proposed development is therefore supported in principle as it satisfies the objectives of Policy HC5 of the London Plan (2021) and Policies 1, 5, 28, 31 and 37 of the adopted Waltham Forest Local Plan LP1 (2024).

B. Urban Design

- 10.9 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.
- 10.10 Policy D4 of the London Plan and Policy 53 of the Local Plan LP1 require developments to create positive, inclusive and quality environments that contribute to the distinctiveness of the local area.
- 10.11 The proposed design adopts a contemporary approach to enhance the visual appeals of the existing building, which includes the application of a 120mm-thick external insulation to the existing solid brick walls on all elevations. The external walls would be finished with a smooth-rough lime render, featuring a textural variation between the ground and first floors to reflect the shift in existing brick bonding across the two levels, and to accentuate the horizontal rhythm from the adjoining building. Through the use of grey toned render, the proposed front elevation treatment also draws on the material palette of the building to the west, resulting in a visual continuity along Sutherland Road. Although the loss of original brick facade is regrettable, the proposed elevation treatments are considered of high-quality, sensitively designed and well-integrated into its surrounding context, and therefore is supported in the light of their positive contribution to climate resilience, sustainability goals and to the streetscape.
- 10.12 Other facilitating works includes new projecting aluminium window cills, a new first-floor front window to match the existing alignments, a re-designed entrance incorporating an aluminium decorative band and canopy, and a new '35' signage to replace the lost decorative 'Relcon Works' signage. These design elements are considered successful in enhancing the visual appeal of the building whilst reinforcing its commercial character, thereby are considered making a positive contribution to the overall streetscape.
- 10.13 Within the forecourt area, except for a small bin storage area with low galvanized metal enclosure and cycle parking spaces, the building frontage would remain as existing. Mixed planting of perennials and shrubs, decorative paving would be introduced, which details shall be

secured by a pre-commencement condition in the interest of visual amenities.

- 10.14 In terms of the boundary treatment, the existing side gate will be clad in galvanized metal to obscure views of the new seating area and side access along the building gap. Along the rear boundary, which borders the gardens of Blenheim Road, a circa 2.5-metre-tall habitat gabion wall will be introduced. In the interest of visual and residential amenities, boundary treatment details shall be secured by a pre-commencement condition.
- 10.15 To achieve Secured by Design, full site security details including CCTV, external lighting and entry control systems on site (including the side gate) shall be secured by a pre-commencement condition.
- 10.16 The proposed development also includes the installation of rows of solar panels on the south-facing sawtooth roofs. Given their siting and orientation, the solar panels would not be visible from street level to negatively impact the established streetscape. If permission is granted, their manufacturer, installation and mounting details shall be secured by a pre-commencement planning condition.
- 10.17 Overall, the proposed design is considered successful in positively responding to surrounding architecture characters. No visual harm has been identified, and as such the proposal complies with Policy D4 of the London Plan (2021) and Policy 53 of adopted Waltham Forest Local Plan LP1 (2024).

C. Neighbouring Amenity

(i) Outlook and Overlooking

- 10.18 Policy 57 of the Local Plan LP1 seeks to maintain the amenity of occupiers of adjoining properties in terms of daylight/sunlight, overshadowing, outlook, loss of privacy and nuisance.
- 10.19 The proposed development does not involve changes in building bulk, footprint or height, therefore is not anticipated to result in any material impacts on the outlook, overshadowing and access to light of nearby occupiers.

(ii) Noise and nuisance

- 10.20 Policies D13 and D14 of the London Plan and Policies 48, 50 and 57 of the Local Plan LP1 require consideration to be given to operational noise of new development and its impact on neighbours.
- 10.21 By virtue of the scale and nature of the building, the proposed commercial use is not anticipated to generate greater use intensity or

nuisance than the pre-existing industrial use. Nevertheless, 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.

- 10.22 The application includes the installation of 6.no air source heat pumps (ASHP) to the rear of building where existing heating/cooling plants (Variable Refrigerant Volume Condenser Unit) are currently located, which is at least 20m away from the nearest residential windows in Cordage House to the western side and Blenheim Road to the rear. Given the existing presence of similar equipment and sufficient separation distance from dwellinghouses, the associated noise is considered unlikely to be heard or result in detriment or harm to their amenity. Nevertheless, a planning *condition* shall be imposed to limit the noise level from the external plants in the interest of wider neighbours' amenity.

(iii) Operating Hours

- 10.23 Considering the building's proximity to residential premises and the potential for light industrial activities on site, and in the interest of amenities of neighbouring occupiers, a planning condition will be imposed to restrict the opening hours for the proposed use between 07:00 to 20:00 hours on any days unless otherwise agreed in writing, subject to future assessment of evolving operational needs on site and appropriate noise mitigation measures.
- 10.24 Overall, the proposed development is not considered to result in harm to the amenity of neighbouring occupiers subject to appropriate planning conditions and as such satisfies the requirements of Policies D13 and D14 of the London Plan (2021) and Policies 48, 50 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

D. Waste Management

- 10.25 Policy SI8 of the London Plan and Policy 93 of the Local Plan LP1 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 set the requirement for commercial properties as a minimum storage capacity of 1,500L.
- 10.26 2no. 1100L bins would be provided within the designated enclosure bin storage area at the site frontage allowing for ease of waste collection. The submitted statement indicated a private estate management company would be appointed for waste collection.

- 10.27 Given the shared nature of the workspace, full details of the waste storage and management plan shall be secured through a planning condition prior to the building being brought into use.
- 10.28 Overall, the proposed waste management is considered acceptable with reference to Policy SI8 of the London Plan (2021) and Policy 93 of the adopted Waltham Forest Local Plan LP1 (2024).

E. Drainage and Flood Risk

- 10.29 Policy SI13 of the London Plan and Policy 91 of the Local Plan LP1 set out to ensure developments to take into consideration its impact on flood risk and sufficient mitigation measures are incorporated.
- 10.30 The application site is not located within any Flood Zone or Critical Drainage Area. The submitted Drainage Strategy Report was submitted and concluded that the proposed development is not considered to be a negative impact on surface water or ground water flood risk. The Council's Highway (Drainage) Team was consulted and raised no comments or objections. As the proposed development do not include additional floorspace but minimal refurbishment works, by virtue of its scale and nature, it is not considered to increase flood risk and is in line with Policy SI13 of the London Plan (2021) and Policy 91 of the adopted Waltham Forest Local Plan LP1 (2024).

F. Sustainability and Sustainable Design

- 10.31 Policy SI2 of the London Plan does not contain specific targets for minor refurbishments but requires non-residential development to achieve 15 per cent beyond Building Regulation Part L through energy efficiency measures. Policy 85 of the Local Plan LP1 requires all development to promote low carbon energy generation and maximise the opportunity for renewable energy following the London Plan energy hierarchy.
- 10.32 The proposed development contains a significant amount of retrofitting and sustainability measures, including external insulation walls, photovoltaic panels to roof, Air Source Heat Pump to meet heating and hot water demand, openable rooflights for ventilation and mechanical ventilation system. As concluded in the submitted Energy Statement, the development will achieve 100 per cent carbon emission reduction over Building Regulation Part L, which significantly enhance the overall building energy efficiency beyond requirement.
- 10.33 The Council's Sustainability and Energy Team was consulted and supportive of the scheme. In the interest of long-term sustainability, a condition to require the development and energy efficiency measures to

be carried out and shall thereafter be retained according to the submitted Energy Statement.

- 10.34 Overall, the proposal is considered to achieve energy efficiency and in line with Policy SI2 of The London Plan (2021) and Policy 85 of the adopted Waltham Forest Local Plan LP1 (2024).

G. Trees and Biodiversity

- 10.35 Policies G5 and G6 of the London Plan and Policies 79 and 80 of the Local Plan LP1 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.
- 10.36 All planning permissions granted in England have to deliver at least 10% biodiversity net gain, effective from 12 February 2024. There are statutory exemptions and transitional arrangements for the biodiversity gain condition, in this case the de-minimis exemption applies.
- 10.37 The existing site contains little, if not any, soft landscaping or habitat environment. The proposal would introduce urban greening measures, habitat gabion wall and planters to this currently hard landscaped site, resulting in uplift in local biodiversity habitat.
- 10.38 The Council's Tree Preservation and Urban Greening Officer was consulted and has confirmed the amount of soft landscaping proposed is sufficient for a scheme of this scale, which will be an improvement for the site and wider area. However, it is considered that more detail is required on the type of planting, its installation, and its maintenance, which shall be secured by a pre-commencement condition.
- 10.39 Overall, the proposed development is not considered to bring significant harm to the existing trees or local biodiversity, and therefore complies with Policies G5 and G6 of the London Plan and Policies 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

H. Parking and Highway

- 10.40 Policy T5 of the London Plan and Policies 60 and 61 of the Local Plan LP1 sets out to provide a safe and quality highway environment and encourage active travel through the provision of cycle parking facilities. Local Plan Parking Standard further specifies the requirement for Class E(g) use to be 1 long-stay space per 50 sqm and 3 short-stay spaces for site with internal floor space between 500-1000 sqm.

- 10.41 The application site has a gross internal space of 691 sq.m. A total of 5no. new Sheffield stands, providing 10 cycle parking spaces, are proposed to the forecourt area with an additional 7no. covered parking space to the rear, accessible via the locked side gate. Whilst the provision would comfortably exceed the requirement, their location and design are considered appropriate in relation to active travel objectives.
- 10.42 No car parking spaces are proposed along the building frontage. It is acknowledged that the existing forecourt area is currently used as informal parking. Following the proposed development, the forecourt area will be occupied by new cycle parking facilities, bin storage space and planters, therefore preventing any informal car parking in the forecourt. As set out in the submitted statement, the loading/unloading activities are carried out within the side access, similar to the existing arrangement.
- 10.43 On balance, it is considered that the proposed scheme would not have any detrimental impact on parking, pedestrian safety or other highway matters, therefore complies with Policy T5 of the London Plan (2021) and Policies 60 and 61 of the adopted Waltham Forest Local Plan LP1 (2024).

11 CONCLUSION

- 11.1 Following the assessment above, it is overall considered that the proposed development will provide appealing, flexible and sustainable commercial spaces appropriate to the locality, making a strategic and positive contribution to the vitality and viability of the Blackhorse Lane Creative Enterprise Zone. The proposed physical works are considered appropriate, compatible to the surrounding context and positively responsive to the area character.
- 11.2 The proposal is not considered to result in detrimental impact on residential amenity, waste management, drainage and flood risk, trees and biodiversity or highway.
- 11.3 On balance, having considered against the relevant development plan policies and other material considerations, the proposed development is considered acceptable subject to suitable and appropriate planning conditions.

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.
- 12.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.3 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.
- 12.4 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

- 12.5 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.
- 12.6 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.

13 RECOMMENDATION

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

- 1401_03_EX_000 (02), 1401_03_EX_100 (02), 1401_03_EX_101 (02), 1401_03_EX_102 (02), 1401_03_EX_200 (02), 1401_03_EX_300 (02), 1401_03_EX_301 (02), 1401_03_EX_302 (02), 1401_03_P_000 (02), 1401_03_P_100 (02), 1401_03_P_101 (02), 1401_03_P_102 (02), 1401_03_P_200 (02), 1401_03_P_300 (02), 1401_03_P_301 (02), 1401_03_P_302 (02) (dated 06/02/2025)
- Design and Access Statement (Rev.A)
- Drainage and Flood Risk Statement (dated 26/07/2024)
- Energy Statement (Rev.01) (dated 15/07/2024)
- Ventilation and Extraction Statement (Rev.R1) (dated 19/07/2024)
- (dated 14/10/2024)
- Fire Statement (dated 15/07/2024)

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

Architecture and Design

3. Prior to the commencement of development, samples and 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 ensure high quality design delivery, safeguard the visual amenities and ensure positive contribution of the site in the long term interest of the area in accordance with Paragraphs 131 to 141 of the NPPF (2024), Policies D3 and D4 of the London Plan (2021), and Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

4. Prior to the commencement of development on site, details relating to the siting, design and height and finish of all new walls, gates, fencing, railings, and other means of enclosure (including gabion walls) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the use hereby approved and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

Reason: In the interest of general visual amenity, amenity of neighbouring occupants and site security, in accordance with Policies D4 and D6 of London Plan (2021), Policies 53, 57 and 58 of the adopted Waltham Forest Local Plan LP1 (2024).

5. Prior to the commencement of development on site, details relating to the siting, arrangement, appearance, installation and mounting details of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details, prior to the first occupation of the use hereby approved and thereafter shall be fully retained and maintained accordingly for the lifetime of the development.

Reason: To ensure high quality design delivery, safeguard the visual amenities and ensure positive contribution of the sustainability in accordance with Policies D3, D4 and SI2 of the London Plan (2021), and Policies 53 and 85 of the adopted Waltham Forest Local Plan LP1 (2024).

6. The development hereby permitted shall be carried out solely in accordance with approved external insulation details shown on drawing numbered 1401_03_P401(01) (dated 10/02/2025) 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 host building and 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).

Landscaping

8. 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 proposed planting around the site, along with the requirement to demonstrate any permeable areas. 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. 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 G1, G5 and G6 of London Plan (2021), Policies 53, 77, 79 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

Security and Safety

9. Prior to the commencement of the development, full details of measures to be incorporated into the development, demonstrating how site security would be achieved and include details of CCTV, external lighting scheme and entry control systems on site, side gate design, along with how the development can achieve the principles of Secure by Design accreditation and this shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development.

Reason: To protect the amenities of adjoining occupiers and the surrounding area, to comply with Policies 50 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

Waste Management

10. 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).

Sustainability

11. The development and energy efficiency measures shall be carried out in full accordance with the submitted Energy Statement (Rev.01) (dated 15/07/2024) 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 ensure the development is sustainable and to comply with Policies 85 and 87 of the adopted Waltham Forest Local Plan LP1 (2024).

Use and Operation

12. The premises shall be occupied as uses under Use Class E(g) 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).

13. 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).

14. Noise from all new building services plant for the lifetime of the development shall be controlled to a level not exceeding 10dB(A) below the typical underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment shall be completed in accordance with BS4142: 1997, 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas'.

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

15. 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).

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