

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 03 June 2025
Application reference:	242260
Applicant:	Mr Shmuel Dencigar (TZVI Ltd)
Location:	Units 7-17, The Antelope, 201 Church Road, E10
Proposed development:	Continuation of use of first and second floors as a ten-room large house in multiple occupation (HMO) (Use Class Sui Generis) together with provision of refuse and recycling storage facilities and bicycle parking provision at external yard area.
Wards affected:	Leyton
Appendices:	None

1. RECOMMENDATION

- 1.1. That Planning Permission be **GRANTED** subject to conditions and informatives.

2 REASONS REFERRED TO COMMITTEE

- 2.1. The application has been referred to Planning Committee due to the level of public interest on the application.

3 SITE AND ITS SURROUNDINGS

- 3.1. The property is an existing part single, part- three storey building originally operating as a public house since approximately the late 1880's, situated on a prominent rectangular plot located on the corner of Church Road and Park Road. The rear of the site provides a yard with access from Park Road and the frontage has a stepped forecourt with external seating.
- 3.2. The public house occupied the whole of the ground floor, with former associated residential accommodation on the upper floors.
- 3.3. The last known use of the pub is estimated to be around June 2014. The public house was nominated on 14th April 2015 and first listed as an Asset of Community Value on 8th June 2015; it was nominated again in March 2021 and listed as an ACV until 23rd April 2026. The property is not located within a Conservation Area, is not listed and is not subject to an Article 4 direction other than the Borough-wide change of use from Class C3 to C4.
- 3.4. Park Road is characterised by predominantly residential properties, while Church Road comprised of a varied street pattern of houses, and a few shops. Across the road from the Antelope Pub on Church Road is Willow Brook primary school

and the Listed Altoe House; a short walking distance away is Gateway Business Centre. The site has a PTAL rating of 2 and located within Lea Bridge Strategic Area.

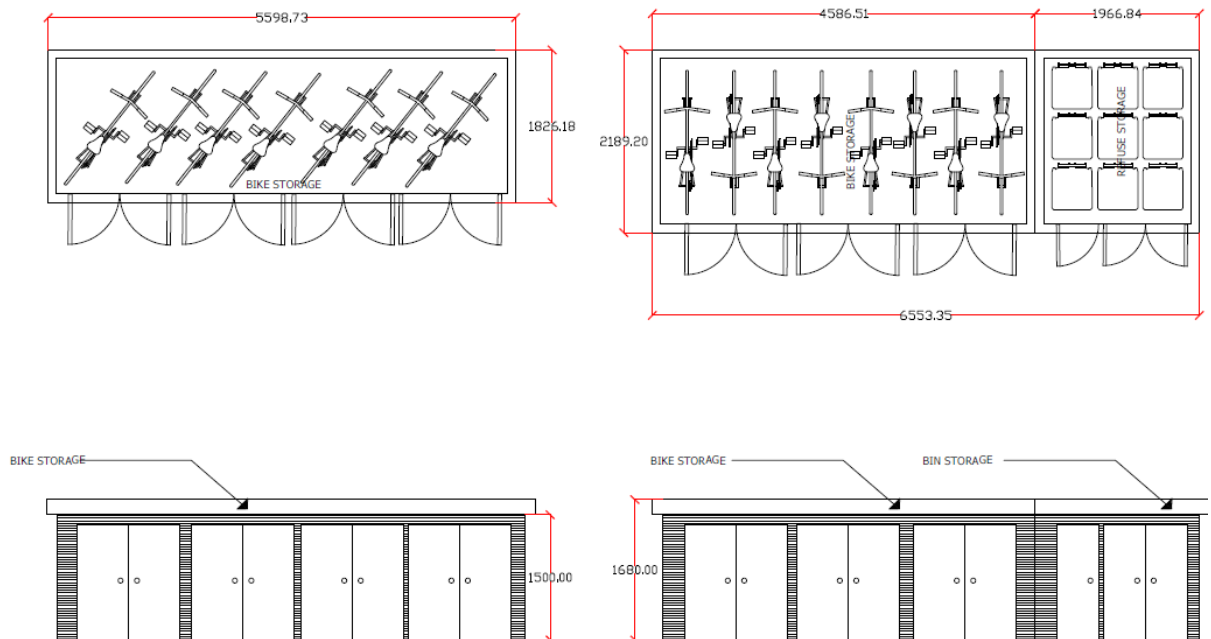
- 3.5. The current layout of the property provides comprises 5 bedrooms with ensuite bathrooms and a communal kitchen/dining area, as well as a communal storage and white goods area on the first floor. The second floor comprises 5 bedrooms with ensuite bathrooms. The ground floor as shown on the proposed plans indicates four residential units and the pub as existing, however it should be noted that this is not part of the application as made explicit in the description of development.
- 3.6. This internal configuration of the upper floors are as result of an Enforcement Notice (Ref. 080616), upheld at appeal (Appeal B Ref: APP/U5930/19/3224508), which required the applicant to remove works that facilitated the unlawful use of the building as self-contained units. Prior to these works the building had been used as a larger HMO.
- 3.7. A site visit was carried out by Officers on 20/11/2024 which confirmed that the rooms were not being used as self-contained residential units, and the facilities including kitchen and dining room, as well as communal storage spaces, were all shared by the occupants. The compliance check of the site on 12 June 2022 following the Enforcement Appeal found that the cessation of the C3 Use had been complied with and it is reasonable to state that the current HMO Sui Generis use has been ongoing since that date, though it does acknowledge not fully compliant given the presence of the private bathrooms for each unit. The ground floor units and pub were not entered into on the site visit as they are not subject of this application.

4 APPLICATION PROPOSAL

- 4.1. The application consists of three main elements:
 - i) The regularisation of the larger HMO use at first and second floor,
 - ii) retrospective permission for the retention of the ensuite bathrooms and
 - iii) the provision of bike and bin storage within the rear yard
- 4.2. The internal layout of the property would remain as existing, with 10 single bedrooms for residents. The ensuite bathrooms were identified within the enforcement notice as requiring removal, therefore requiring permission under this application. The first floor comprises 5 bedrooms with ensuites, communal hallway, washer/dryer storage area and communal kitchen. The second floor comprises 5 bedrooms with ensuites and the communal landing.

*Existing and Proposed 1st Floor Plan**Existing and Proposed 2nd Floor Plan*

- 4.3. The bike and bin storage would be located within the existing rear yard of the site, comprising secure cycle parking for 15 bicycles and 4x 1100 refuse and recycle bins. These would be secure storage facilities with a maximum height of 1.68 metres. The storage facilities will be spread over two structures to the north west and north east of the site boundary, one comprising only bike storage and the other bike and bin storage.

*Proposed Bike and Bin Stores*

- 4.4. To summarise, the application is looking to regularise the lawful use of the first and second floors as HMO (Sui Generis) as it had been operating prior to the unlawful self-containment of the units. In order to improve the amenity of residents, the scheme includes the retention of the ensuites for each room and the associated storage facilities within the yard.

5 RELEVANT HISTORY

Planning

- 5.1. 840740 – S/S Rear Ext. to form Toilet Block – Approved (with Conditions and Informatives)
- 5.2. 750736 – 2 double sided Int. Ill. Lantern signs – Approved (With Conditions and Informatives)
- 5.3. 160899 – An application for a Lawful Development Certificate for an existing use. Use of property as 18 self-contained flats – Withdrawn
- 5.4. 183095 – Retention of a silicone finish render with insulation in Dove Grey to front, side and rear elevations – Approved (With Conditions and Informatives)

Pre-application

- 5.5. There is no relevant pre-application.

Planning Enforcement

Enforcement Investigations

Enforcement Reference	Complaint Received	Complaint Registered
ENF/240059	29-02-2024	Untidy land
IN_404567	29-05-2015	Unauthorised Building Works to public house
IN_387376	07-01-2013	Alleged unauthorised flat conversion
IN_385651	23-02-2010	Unauthorised change COU
NT_050833	22-02-1995	Historic case

Enforcement Notice

Enforcement Reference	Complaint Received	Complaint Registered
NT_080616	14-12-2018	The breach of planning control is: (i) The material change of use of part of the ground floor of the Public House (Use Class 44) designated as an Asset of Community Value into a mixed use comprising of: - part retail unit (Use Class 41 - hatched in red in Appendix A),

		- part self-contained residential unit (use Class C3 - shown hatched in green in Appendix A), - part communal hallway providing access to residential units (Use Class C3 - shown hatched in pink in Appendix A); (ii) The material change of use of the existing outbuilding from associated ancillary office use with the public house into a self-contained residential unit (Use Class C3).
NT_080617	14-12-2018	Linked to NT_080616
NT_071391	29-06-2017	Linked to NT_080616

5.6. With regards to Enforcement Notice Ref. NT_080616 which related to the ground floor of the property, an appeal was lodged by the applicant with the Planning Inspectorate. This was dismissed and the notice was upheld requiring the following:

- 1) Cease the use of the ground floor area as a mixed-use part retail unit (Use Class A1) and part self-contained flat (Use Class C3) including the communal hallway;*
- 2) Remove all items associated with the use including, but not limited to, the counter, shop till, brackets on wall, shop shelves, fittings and fixtures and any items stored and used for the purposes of sale in connection with the A1 Use;*
- 3) Remove all items from the ground floor self-contained flat including, but not limited to, bathroom and toilet facilities, kitchen units, sinks, cooking apparatus, boiler units and beds;*
- 4) Remove any gas and electric units including fixtures and fittings in connection with the ground floor flat;*
- 5) Cease the use of the outbuilding as a self-contained residential unit (Use Class C3);*
- 6) Remove all items from the outbuilding associated with the C3 use including, but not limited to, bathroom, shower unit and toilet facilities, kitchen units, sinks, cooking apparatus, boiler units, beds and any separate gas meters*
- 7) Remove all resulting materials, rubble and general detritus from the Land*

following compliance with steps 1-6 above.

- 5.7 A site inspection took place on 12 June 2022 to see if compliance had been achieved. Full compliance was achieved with regards to points 2, 5 & 6 and the other points were not fully complied with as follows:

1) While both the retail and communal aspect of the ground floor have been removed the residential aspect is still present with the 4 self-contained units towards the rear [note – these did not form part of the enforcement Notice].

3) Ground floor flat was still present.

4) Not fully removed gas and electric units including fixtures and fittings in connection with the ground floor flat.

7) Large amounts of rubble and general detritus were found in the area at the front of the property where the entrance to the public house is also visible signs of partition removal.

- 5.8 The Enforcement notice served under ref. NT_080616 and subsequent appeal under ref. APP/U5930/19/3224485 remains open and the enforcement team have advised that a compliance check is required to determine whether the requirements of the notice have been complied with and if not, consideration will be given to prosecuting the failure to comply with the enforcement notice. A newer investigation is open under ref. ENF/240059 regarding untidy land which remains under investigation where no untidy land notice has yet been served.
- 5.9 It should be acknowledged that the application before Planning Committee does not relate to the ground floor of the site, referring only to the first and second floors and the larger HMO Sui Generis use. It is acknowledged by Officers that a number of the objections received relate to the above appeal and the returned use of public house though this is not the subject of this application.

Adjacent sites/ neighbouring properties

- 5.10 *203 Church Road:*

- 5.11 173039 – Construction of a part single and part three storey rear extension and alterations to shopfront to install a separate side entrance access to first floor residential flat – Approved (with Conditions and Informatives)
- 5.12 191884 – Change of use of ground floor fast food takeaway (Class A5) to two-bedroom flat (Class C3), including reduction of single storey rear infill length to create a courtyard, replacement of shop front with double glazed windows and access door, replacement of ground floor rear elevation door and window with bi-fold doors. – Refused (with Reasons)

- 5.13 193180 - Change of use of ground floor from fast food café (Use Class A5) to a two-bedroom flat (Use Class C3), including replacement of shop front with windows and access door, replacement of rear elevation door and single window with bifold doors and removal of flat roof. - Approved (with Conditions and Informatives)
- 5.14 203133 – Retention of single storey outbuilding within rear garden – Approved (with Conditions and Informatives)
- 5.15 203396 - Submission of details pursuant to condition 3 (Boundary treatment), 4 (Cycle stores/ Refuse & recycling facilities), 5 (Materials), 6 (Water reduction scheme), 7 (Shop front colour) attached to planning permission reference 193180, granted 27/8/2020 – Refused (with Reasons)
- 5.16 203403 – Removal of Condition 8 (Carbon dioxide reduction scheme) attached to planning permission reference 193180 granted 27/08/2020 – Refused (with Reasons)
- 5.17 211538 - Submission of details pursuant to conditions 3 (Means of boundary enclosure), 4 (Cycle & Bin Storage), 5 (Schedule of Materials), 6 (Water Consumption) and 7 (Shopfront colour coating) attached to planning permission reference 193180, granted 27/08/2020. – Approved (with Informatives)

6 PUBLIC CONSULTATION

- 6.1. The Council circulated consultation letters to neighbouring residents from 4 to 11 November 2024.
- 6.2. The following properties have been consulted:
- Willow Brook Primary School, 190 Church Road, Leyton E10 7BH
 - 193 to 207 (odds) Church Road, Leyton, E10 7BQ
 - 42 to 60 (evens) Park Road, Leyton, E10 7BZ
 - 1 to 9 Park Gardens, 119 Park Road, Leyton, E10 7BY
 - 1 to 18, The Antelope, 201 Church Road, Leyton, E10 7BQ
 - Community Centre, Etloe House, 180 Church Road, Leyton, E10 7DF
 - 1 to 11 Etloe House, 180 Church Road, Leyton E10 7DF
- 6.3. As a result of the public consultations, 85 objections were received from neighbouring properties. However, many of these were found to be duplicates resulting in a total of 38 objectors.

Table 3: Summary of objections

Objection Received	Response
Resist loss of pub as community asset and historic building	The Council are aware of the desire to return the pub to community use, however this is not the subject of this application. The description of development is clear that this relates to the first and second floors which has been in residential use.
Anti-social behaviour	This is considered a civil matter outside of planning remit. However, Secure by Design is considered later in the report under Policy 58.
Poor management of the property and ignoring regulations	The external appearance is acknowledged, however is not subject of this application which addresses only the use class, retention of bathrooms and provision of bin and bike stores. There is an open enforcement case with regards to untidy land. It is recommended that with any approval a condition is included to secure Secure by Design Certification in consultation with the Met Police.
Incorrect details – application form and ground floor plans not in compliance with enforcement decision	Correct application form has been provided. Though the ground floor plan has been provided the operational part of the application refers to the first and second floors internally. Amended plans have been received to show the ground floor as not subject of the application, with the exception of the storage structures siting externally.
Application failed to address design reason for refusal under previous application Ref 231246	The reason for refusal was on the basis of insufficient details to assess the scheme. This application has provided sufficient details to assess the continued use as a HMO. No changes are proposed to the building itself.
Lack of sustainable features.	This is acknowledged by Officers, however the application refers to regularising existing use and there is limited mechanisms to enforce retrofitting sustainable features.
Lack of affordable housing	No policy requirement to deliver affordable housing through HMO schemes.

7 OTHER CONSULTATIONS

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

Table 4: Summary of consultee responses

Consultees	Comments
Place and Design	Nominated as part of the Local Heritage List, however assessed to lack merit due to its poor condition. Clarification required regarding bin and bike store dimension and material.
Highways	No comments.
Waste Management	Clarification required regarding numbers of bins. Confirmed the 2 x 1100 recycling and 2 x 1100 refuse bins are to be retained with only the secure store being proposed.
London Fire Brigade	No observations.
Metropolitan Police	Meeting held with the Applicant's Team on 15/10/24 to provide details of SBD requirements (to achieve Certification) with a response to meeting minutes provided on 18/10/24. The details are not included as part of the application. Further evidence is required to show that the site will mitigate potential risks associated with HMO use. If supported, it is recommended to condition SBD requiring the site to achieve certification.
Environmental Health	No response.
Thames Water	No response.
Licensing	No response.
Natural England	No objection.

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 to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Waltham Forest comprises the Waltham Forest Local Plan

LP1 (2024), and the London Plan. Other planning policies are material considerations.

The London Plan (2021)

- 8.3. 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.
- 8.4. The relevant policies within the London Plan 2021 relevant to this application are considered to include but not limited to:
- GG2 Making Best Use of Land
 - GG4 Delivering Homes Londoners Need
 - D1 London's form, character and capacity for growth
 - D6 Housing quality and standards
 - D7 Accessible Housing
 - D12 Fire Safety
 - H10 Housing size mix
 - T5 Cycling

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

- 8.5. The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October 2020 and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1.
- 8.6. The relevant policies are:
- Policy 1 Presumption in Favour of Sustainable Development
 - Policy 20 Housing in Multiple Occupation and Conversions
 - Policy 53 Delivering High Quality Design
 - Policy 56 Residential Space Standards
 - Policy 57 Amenity
 - Policy 58 Making Places Safer and Designing Out Crime
 - Policy 60 Promoting Sustainable Transport

9 MATERIAL PLANNING CONSIDERATION

National Planning Policy Framework (2024)

- 9.1. The revised 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 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".
- 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:
 - Achieving sustainable development
 - Delivering a sufficient supply of homes
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Making effective use of land
 - Achieving well-designed places

Other Planning Guidance

- 9.5. The London Plan, Supplementary Planning Guidance – Housing (2016)

10 LOCAL FINANCE CONSIDERATIONS

- 10.1. 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).
- 10.2. There are no grants which have been or will or could be received from central government in relation to this development.

- 10.3. The Council has not received and expects to receive income from LBWF CIL in relation to this development.
- 10.4. The Council has not received and expects to receive income from Mayoral CIL in relation to this development.

11 ASSESSMENT

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

- A) Principle of Development
- B) Urban Design
- C) Amenity and Quality of Accommodation
- D) Transport and Highways
- E) Waste Management

A. Principle of Development

- 11.2. In establishing the principle of development, it is key to understand the history on the site. The units at first and second floor were unlawfully converted from HMO accommodation to self-contained flats in 2015 and subject to enforcement action which resulted in an Enforcement Notice being appealed and that appeal was dismissed.
- 11.3. Relevant to this application was the Appeal B Ref: APP/U5930/19/3224508 which found there to be a breach of planning control through the change of use of the first and second floors from a Sui Generis HMO to 12 self-contained studio flats and associated works without the benefit of planning permission. The requirements of the notice were:
 - 1) Cease the use of the first and second floors as 12 self-contained studio flats (Use Class C3).
 - 2) Remove any additional bathrooms and toilet facilities, kitchen units, sinks, cookers and boiler units so that only one of each remains.
 - 3) Remove any additional bathrooms and toilet facilities, kitchen units, sinks, cookers and boiler units so that only one of each remains.
 - 4) Remove associated fixtures and fittings, materials and general detritus including, but not limited to the partition walls and doors erected to form the studio flats.
- 11.4. It is evident within the appeal decision that, though the Inspector only required the applicant to cease use as C3 self-contained units, it does state that the previous lawful use was as a larger HMO. Therefore, though there is no planning history prior to this time providing formal confirmation of the larger HMO (Sui Generis) use, over the course of the enforcement investigation it is evident that the HMO use had been ongoing for some time and was considered lawful

through the passage of time. For the purposes of this application, the Inspector's and Enforcement Team's acknowledgement of this is sufficient to consider the HMO use to have been lawful prior to the conversion to flats.

- 11.5. Ultimately, though it is acknowledged that planning permission HMO use is formally required as the previous conversion to self-contained C3 units extinguished the former HMO Sui Generis use, it is overall considered this a correct process to re-establish a previous lawful use.
- 11.6. The Inspector's decision under Appeal B Ref. APP/U5930/19/3224508 seeks to cease the use of the first and second floors as 12 self-contained units and remove the internal works that had facilitated the use. Though not explicitly stating to return the use of the floors to a HMO, it is explicit in acknowledging that the use prior to the unlawful conversion was a Sui Generis HMO. Therefore, planning permission is required to re-establish the lawful larger HMO use as well as regularise the private bathrooms which were features named for removal in the enforcement notice and appeal decision.
- 11.7. It is also considered that this application presents the Local Planning Authority with an opportunity to control the use and ensure adequate standard of accommodation as well as protection of the surrounding amenity within the bounds of what is possible under material planning considerations.
- 11.8. With regards to the policy context, Policy 20 addresses Housing in Multiple Occupations and Conversions, however this generally provides criterion for conversion of dwellinghouses into HMOs and flats. Therefore, though not directly relevant it does provide guidance to decision-makers for minimum space standards, cycle parking and waste provisions which are addressed later in this report.
- 11.9. The intention of Policy 20 is to protect single homes and given this would result in HMO accommodation above The Antelope Pub a HMO in this instance is not objected to and would be an appropriate use given its location close to local amenities with good access to other modes of transport, and appealing to other types of tenures as opposed to larger families with children. The site benefits from a Mandatory HMO licence issued on 11 January 2024 which is extant for 5 years for a maximum of ten occupants. Therefore, the number of residents is controlled by the description of development, number of units and licensing controls.

B. Urban Design

- 11.10. Policy 53 states that the Council will expect a high standard of urban and architectural design for all the new development.

Proposed cycle and bin store

11.11. The covered cycle and bin stores would be placed within the existing yard, given its scale and positioning behind existing boundary treatments, it would not be visible from the street scene. Given the design, reasonable size and functional material, the proposed cycle store is considered to have minimal visual impact on the street scene or host property.

Proposed change of use

11.12. The proposed change of use does not propose any new structures or external alterations to the exterior of the existing premise, as such no concerns would be raised over the visual amenity impact on the established streetscape.

Secure by Design

11.13. With regards to security and concerns for anti-social behaviour, it is acknowledged that the majority of the objections referred to this problem in the local area with particular reference to issues on the site. In terms of looking to secure improvements within the planning remit, a condition is included to secure details of Secure by Design certification as directed by the Metropolitan Police. The certification would cover the following matters in consultation with the Metropolitan Police Designing Out Crime Officers:

- Management Strategy
- Boundary and fencing
- Main Communal Entrances and secured lobby
- Access control
- Visitor access
- Residential front doors
- Accessible windows and doors
- Postal delivery room
- Lightweight door frame surround and walls
- CCTV
- Utilities metres
- Internal communal lighting
- External lighting
- Roof access

Of key relevance to anti-social behaviour is the inclusion of a management plan to secure appropriate daily management and reporting of the larger HMO use.

11.14. It is noted that the applicant team met with Metropolitan Police - Designing Out Crime Officers and details of the meeting were provided with the application.

However, the details laid out during the meeting have not been provided with this application, it was not considered that the Local Planning Authority would require this to assess the scheme given the retrospective nature of the use, however it is appropriate to secure the details by condition.

C. Amenity and Quality of Accommodation

- 11.15. Policy 57 of the Local Plan seeks to maintain the amenity of occupiers of adjoining properties in terms of daylight/sunlight, overshadowing, outlook, loss of privacy, whereas Policy 50 sets out to protect the residents from unacceptable noise and nuisance.

Existing HMO (Sui Generis) use

- 11.16. As stated above, the proposal is to regularise the existing larger HMO use, as was the case prior to the unauthorised self-containment works. As such, the residential use above the pub is well established with no additional impacts upon neighbouring properties with regards to overlooking, loss of privacy, noise or nuisance. There is a flatted block to the rear of the application site, however there are established boundaries between the block and the subject site comprising a brick wall and tall linear trees to provide visual and noise screening.
- 11.17. Whilst the objections received regarding anti-social behaviour are acknowledged, this is outside of planning remit in terms of the application before us given this is seeking to return the lawful use of the property to larger HMO. It is not considered that this would represent an intensification of the residential use to a point that would have adverse impact on the amenity of neighbouring occupants. Also, matters relating and protecting surrounding residents from anti-social behaviour would be captured in the management plan.

Standard of Accommodation

- 11.18. The submitted floor plans show 10 no. 1 person bedrooms that all meet or exceed the minimum requirement of 11sqm for single bedrooms for a HMO under Policy 20 of the Waltham Forest Local Plan LP1. The current HMO license allows a maximum of 10 occupants at any one time, therefore though double beds are shown in the plans the licensing is an additional level of control over the number of residents within the property.
- 11.19. The labelled communal kitchen offers 23 sqm of floorspace which exceeds the 18sqm required under Policy 20 of the Waltham Forest LP1 for kitchen space for 10 occupiers. However, there is no separate living room provided in the property. If the kitchen were a combined kitchen and living space as was more akin to the situation apparent on site, as there were sitting places for occupants, it would fall short of the required 28.5 sqm. It is acknowledged that there is also shared space for storage and washer/dryers amounting to 7 sqm, therefore there is a total of 30sqm of usable communal space in total over the property. Furthermore, in

considering the history of the site, the HMO has been lawful in the past and this proposal would not seek to increase the numbers of occupants, therefore there would not be an increased pressure upon the communal spaces by way of intensification.

- 11.20. As detailed in the Enforcement Appeal Statement of Common Ground, the previous HMO use comprised 7 bedrooms on the first floor and 7 bedrooms on the second floor, therefore this proposal reduces the number of occupants than was previously on site.
- 11.21. As previously touched upon, the retention of the private bathrooms or ensembles for each bedroom is contrary to the requirements of the enforcement notice that required the removal of them to return the property to its previous use as a HMO. Considering the specifics of this case, the retention of the bathrooms is not thought to hinder the property from functioning as a HMO overall with shared kitchen and communal spaces, whilst offering an improved level of amenity for occupants through increased privacy and hygiene of personal rather than shared bathrooms.
- 11.22. On balance, the proposed development would not result in detrimental harm to residential amenity of existing and proposed occupants and would comply with Policies 50 and 57 of the adopted Waltham Forest Local Plan LP1 (2024).

D. Transport and Highways

- 11.23. Policies 60 and 66 of the Local Plan seek to effectively manage parking within the Borough. Policies 60 and 61 also seek to encourage active transport and the provision of secured and sufficient cycle parking spaces. Developments should not have a harmful impact on the walking and cycling environment. As set out in Policy 20 of LP1, there is need to support sustainable growth and HMO uses should be introduced in town centre type location next to highly accessible transport hub/ connectivity locations.
- 11.24. Under Policy T5 of the London Plan (2021) 2no. cycle parking spaces are required for the HMO (*sui generis*) and 2no. cycle parking spaces are required for the separate dwellinghouse (Class C3). This is a lower standard than Policy 61 of the adopted Waltham Forest Local Plan LP1 (2024) which requires the development to provide a minimum of 1no. cycle parking space per habitable room. In this context, a total of 10no. cycle parking spaces should be provided. As these are minimum cycle parking standards and in accordance with Part C of Policy T5, the higher standard contained in the adopted Local Plan takes precedence. Cycle parking should be fit for purpose, secure and well located in accordance with Paragraph 21.1 of Appendix 1 of the adopted Waltham Forest Local Plan LP1 (2024).

- 11.25. The proposed development involves the installation of secure cycle parking in two storage structures within the existing rear yard. In total 15 cycle parking spaces would be provided which would comfortably exceed the requirement of 10 parking spaces set out by LP1.
- 11.26. All other matters would remain as existing in highways terms with no parking proposed. The Council's Highways Team has reviewed the application and raised no concern in terms of cycle parking and movement incurred from the proposal.

E. Waste Management

- 11.27. Policy 57 and 93 of the adopted Local Plan requires new development to ensure that waste is managed in the most environmentally friendly way in order to protect human health and the environment from pests and other environmentally damaging effects. It should also not have any negative impact on visual amenity, access, health or security.
- 11.28. The plans show secure waste bin storage in the yard of the site with 2 x 1100 litre recycling bins and 2 x 1100 refuse bins as existing. This would be sufficient to accommodate the needs of the occupants and being located for collection. The Waste Officer has reviewed the plans and raised no objection. Overall, the proposal would not give rise to access and health issues in accordance with Policies 57 and 93 of the adopted Waltham Forest Local Plan LP1.

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:
- 12.2. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- 12.3. 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).
- 12.4. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 12.5. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 12.6. 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.
- 12.7. It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 12.8. 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.
- 12.9. 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 CONCLUSION

- 13.1. The application has been considered against the relevant development plan policies and other material considerations and found on balance to be acceptable. The application is seeking to formalise the use of the property as a larger HMO (Sui Generis) following the compliance with the Enforcement Notice upheld at appeal. It is acknowledged that the retention of the private bathrooms does not meet the requirements of the Enforcement Notice, however it is considered that the property would function as a larger HMO with their retention and offer a better quality of accommodation for occupants. No technical objections have been received with regards to design, amenity, highways and waste management.
- 13.2. It is recommended that planning permission be granted subject to conditions and informatives.

14 RECOMMENDATION

- 14.1. The Planning Committee is recommended to grant planning permission subject to the conditions and informatives below.
- 14.2. Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents and thereafter maintained as such for the lifetime of the development:
 - 'Existing and Proposed First Floor' PR-P002 24/09/2024
 - 'Existing and Proposed Loft Plan' PR-P003 24/09/2024
 - 'Proposed Bike and Bin Storage' PR-D001 20/05/2025
 - 'Proposed Ground Floor' PR-D001 20/05/2025
 - 'Existing and Proposed Block Plan' PR-L001 31/07/2024
 - 'Location Plan' 12 September 2024
 - 'Planning Statement' August 2024
 - 'Summary of Secured by Design Meeting held with Matthew Fletcher of Metropolitan Police' dated 15 October 2024

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

2. The cycle store and cycle stands hereby approved shall be carried out in accordance with the approved details as shown on PR-D001 03/12/2024, and shall be retained as such for the lifetime of the development.

Reason: To comply with London Cycle Design Standards, Policies T1 and T5 of London Plan (2021), Policies 53, 60 and 61 of the adopted Waltham Forest Local Plan LP1 (2024).

3. Within 6 months of this decision, details of how the development would comply with principle of Secured by Design including details of, but not limited to:
 - Management Strategy
 - Boundary and fencing
 - Main Communal Entrances and secured lobby
 - Access control
 - Visitor access
 - Residential front doors
 - Accessible windows and doors
 - Postal delivery room
 - Lightweight door frame surround and walls
 - CCTV
 - Utilities metres
 - Internal communal lighting
 - External lighting
 - Roof access

These details and Secure By Design Certification shall be submitted to the Local Planning Authority for written approved and shall be carried out in accordance with the approved details and retained and maintained 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).

Informatives

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. 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 is advised that this decision does not override the legal ownership rights of any neighbours, nor does it convey any permission that may be required under the Party Wall Act.