

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 3 rd June 2025
Application reference:	243089
Applicant:	London Borough of Waltham Forest
Location:	Relcon Works, 35 Sutherland Road, Walthamstow, London, E17 6BH
Proposed development:	Temporary change of use of property from industrial/commercial use to residential use as a house in multiple occupation (HMO) by up to 6 occupiers to facilitate property guardianship (Use Class C4).
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 a former industrial plot located on the southern side of Sutherland Road which comprises a part two-storey building fronting Sutherland Road, with the remaining rear area consisting of single-storey open space with a ceiling height ranging from 3 to 5 metres. The building has a ground floor area of 602 sqm and 89 sqm on the first floor, a total of 691 sqm of internal floor space. 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 sqm and 89 sqm on the first floor, a total of 691 sqm of internal floor space.
- 3.2 The site has a long-established general industrial use under Use Class B2 but has been vacant for the last 15 years, during which time the property has been informally used by the Guardians as a temporary HMO intermittently. The Council's Licensing Team confirmed a one-year HMO License was granted on 27/05/2020, with a live HMO License

application pending assessment. There is no relevant planning history relating to HMO use

- 3.3 Planning permission was granted on 02/04/2025 for the change of use to office/industrial use (Use Class E(g)) and associated work. The development has yet to be implemented.
- 3.4 The immediate setting is mixed in character, including redeveloped mixed-use employment and residential buildings, and light industrial detached buildings along Sutherland Road. To the west, the wider area is predominately inter-war two-storey housings. 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 Tube Station.
- 3.5 The application site is located within Blackhorse Lane Creative Enterprise Zone and Blackhorse Road Strategic Location. 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:
 - The application relates to the temporary change of use of the property from industrial/commercial to residential as a small home of multi-occupation (HMO) by 3-6 unrelated occupiers (Use Class C4) to facilitate property guardianship for a temporary period of 2 years.
 - The proposed HMO use is contained within the two-storey element to the front of the building, occupiers have no access to the open-plan warehouse area to the rear. On the ground floor, there are two bedrooms, a living room with a bathroom; on the first floor, there are three bedrooms and an open-plan kitchen with dining/living room and bathroom. In total, the property provides 5 bedrooms.
- 4.2 The proposal does not involve any construction works or alteration to the exterior. A Builders Work Layout (dated 15/10/2021) was submitted in this application, indicating the erection of new partition walls, doors, new kitchen and shower facilities. As confirmed by the Council's Licensing Team inspection on 30/12/2024, all of these works have been completed. The applicant confirmed there will be no further building works to the internal space in this application.

5 RELEVANT SITE HISTORY

A. Planning

- 5.1 241929 - Change of use from general industrial (Use Class 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 - Approved 02/04/2025
- 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 20th February 2025, as follows:
- 1-27 Cordage House, 37 Sutherland Road
 - 85-103 (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 Highway Team	• No Objection

	• Unclear Ground Floor Plan. Waste and Cycle Parking provision • The site is within a CPZ and should be classified as car-free
LBWF Licensing Team	• A one-year HMO license was granted on 27/05/2020. • There is a live HMO License application pending assessment subject to the decision of this application. • The property was inspected on 30/10/2024 and confirmed the internal layout matched the submitted floor plan in this application. Site Photos were provided. • The property meets most fire safety regulations with the provision of fire doors, interlinked fire alarms, smoke/heat detectors, emergency lighting etc.
Metropolitan Police Service	• No objection to the proposed temporary use. • There is no mention of any existing or proposed security measures and a suitable security condition is recommended for the duration of its temporary usage. • This will be included as an informative advising the applicant to contact the Metropolitan Police to identify appropriate security measures.
LBWF Environmental Health Team	• No comments or objection raised.
LBWF Transport Policy Team	• No comments or objection raised.
LBWF Waste & Recycling Team	• No comments or objection raised.
Thames Water	• No comments or objection raised.
London Fire Brigade	• 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 D11 Safety, Security and Resilience to Emergency
- Policy D12 Fire Safety
- Policy H3 Meanwhile Use as Housing
- Policy HC5 Supporting London's Culture and Creative Industries

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 12 Increasing Housing Supply
- Policy 20 Housing in Multiple Occupation and Conversions
- Policy 28 Approach to Non-Designated Employment Land
- Policy 31 Workspaces
- Policy 37 Blackhorse Lane Creative Enterprise Zone
- Policy 53 Delivering High Quality Design
- Policy 57 Amenity
- Policy 58 Making Places Safer and Designing Out Crime

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:
- Promoting Health and Safe Communities

- Making Efficient Use of Land

Local Finance Considerations

- 9.5 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).
- 9.6 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. Living condition and space standard
 - E. Other Matters

A. Principle of the Development

- 10.2 The application site is currently in General Industrial space (Class Use B2), although it has been vacant for a substantial period of time. While the site does not fall under any industrial land designation, the character of the surrounding area has significantly shifted from industrial to a mixed-use following multiple redevelopment projects along Sutherland Road and within the wider Blackhorse Lane area to provide both employment and residential uses. With the diminishing need and suitability for a purely B2 use land in this locality, a planning permission (ref.241929) was granted at Planning Committee on 02/04/2025 to change its use to office/industrial use (Use Class E(g)) and associated retrofitting works in response to the evolving area context and with reference to Policy HC5 of the London Plan (2021) and Policies 1, 5, 28, 31 and 37 of the adopted Waltham Forest LP1 Local Plan (2024).
- 10.3 The application in hand seeks temporary planning permission for the use of the vacant property as a small HMO to provide guardian security at the property during the interim period. Noting there is no policy in the adopted Waltham Forest Local Plan LP1 (2024) explicitly relating to meanwhile housing, attention is turned to Policy H3 of the London Plan

(2021) which supports the meanwhile use of sites for housing to make efficient land while it is awaiting longer-time development, subject to the assessment on its impact on residential amenity, the longevity of the permission and consideration for site circumstances.

- 10.4 As the site is situated within an area with mixed character, good public transport, and established infrastructure to support, it is considered an appropriate location to accommodate meanwhile housing. Given the absence of exterior alteration and scale of small HMO use which is limited to 3-6 unrelated occupiers, the proposed meanwhile use is not anticipated to impact the area character to a significant extent nor generate greater use intensity or nuisance to the area.
- 10.5 Noting the approved development under permission reference 241929 is required to begin within three years, a two-year temporary permission is therefore considered appropriate and proportionate in relation to section 91 of the Town and Country Planning Act (1990) (amendments), a period also agreed upon by the applicant. Overall, the proposal would pass the test of all parameters set out in Policy H3 of the London Plan (2021) and is considered acceptable in principle.
- 10.6 By protecting the vacant industrial/commercial property through temporary occupation, property guardianship could minimise the likelihood of crime and trespassing, therefore meeting the broader objective of Policy D11 of the London Plan (2021) and Policy 58 of the adopted Waltham Forest Local Plan LP1 (2024). Metropolitan Police Designing Out Crime Unit was consulted and did not object to the proposal. An informative will be added to advise the applicant to contact the Metropolitan Police to identify appropriate security measures.
- 10.7 Overall, the proposed provision of short-term accommodation would make effective use of developed land at an appropriate location, thereby addressing the housing needs and meeting the broader objective of Policies 5 and 12 of the adopted Waltham Forest Local Plan LP1 (2024), subject to the assessment of the living condition of future occupiers in Section 7D.

B. Urban Design

- 10.8 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.
- 10.9 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.
- 10.10 The proposed development does not consist of any construction works, as such the exterior and building stock will remain as existing, resulting in no material impact on the character and appearance of the building and streetscape in relation to Policies D1 and D4 of the London Plan

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

C. Neighbouring Amenity

- 10.11 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.
- 10.12 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.
- 10.13 The proposed meanwhile housing use, by virtue of its scale of a maximum of 6 occupiers, is not anticipated to generate a significant use intensity or nuisance to the detriment of neighbour's amenities in this mixed-use area. If permission is granted, a condition will be attached to restrict the temporary use of small HMO to up to 6 occupiers and no other purposes.
- 10.14 Overall, no detrimental harm to residential amenities associated with the proposed development has been identified, therefore it complies with Policy H3 of the London Plan (2021) and Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

D. LIVING CONDITION AND SPACE STANDARD

- 10.15 Although not wholly applicable to HMO in industrial/commercial property, Policy 20 of the LP1 (2024) provides some references of the required minimum internal standards for HMOs to ensure a suitable and sustainable living environment and to mitigate against the adverse effects of overcrowding

Space Standards	Dwelling
Bedrooms in shared houses with communal living room For 1 occupier: 8 sqm For 2 occupiers: 11 sqm	G/F: 12 sqm and 18.5 sqm 1/F: 8.5 sqm, 9.5 sqm and 9.5 sqm
Kitchen for 5 sharers: 13 sqm Kitchen for 6 sharers: 14 sqm	34 sqm (Combined Kitchen/Dining Room)
Living Room for 5 sharers: 16 sqm Living Room for 5 sharers: 17 sqm	20 sqm (Living Room)

- 10.16 As shown in the table above, the subject property comfortably exceeds all the minimum space standards and provides more than sufficient common living space to accommodate the needs of up to 6 occupiers. The bedrooms on the ground floor are served by street-facing windows, whereby the bedrooms on the first floor have windows with an opening on the internal rear warehouse at a depth of 25m, which is served by roof lights. As confirmed by the Council's Licensing Team's Site Inspection, the property also meets the general fire safety regulations.
- 10.17 Overall, the property will provide satisfactory and safe living conditions to occupiers with reference to Policy D12 of the London Plan (2021) and Policy 20 of the adopted Waltham Forest Local Plan LP1 (2024).

11 OTHER MATTERS

- 11.1 Policy 20 of the LP1 (2024) set out the requirements for HMOs converted from a larger home, including the provision of cycle parking, refuse facilities and outdoor amenity space. Whilst the application is not a conventional dwellinghouse, as such Policy 20 is not wholly applicable to the applicant site, there is no explicit requirement for Meanwhile Housing throughout the Local Plan LP1 (2024) or London Plan (2021).
- 11.2 Nevertheless, the property provides sufficient internal communal space for cycle storage, and space in the forecourt for refuse storage. Whilst the property has been informally and intermittently used as an HMO since 2020, given the temporary nature of this application, the potential impact and associated requirements are considered to be negligible.

12 CONCLUSION

- 12.1 In conclusion, the proposal will make efficient use of land and positively contribute the housing needs by providing acceptable living condition in the interim period. In addition, the development would not result in a detrimental impact upon urban design and residential amenities.
- 12.2 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.

13 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.

- 13.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 13.3 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.
- 13.4 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

- 13.5 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.
- 13.6 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.

14 RECOMMENDATION

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

Expiry date

1. This permission shall be limited to a period expiring two years from the date of the decision notice.

Reason: To comply with the provisions of Section 91 of The Town And Country Planning Act 1990 (as amended) and Policy H3 of the London Plan (2021).

Plans

2. The development hereby permitted, including the internal layout, shall be carried out in accordance with the approved plans and thereafter maintained as such for the lifetime of the development:

- Planning Statement (undated)
- NPS-DR-B-100 (Rev.P2) - Builders Work Layout (dated 15/05/2021)
- Site Plan (dated 05/11/2024)
- Location Plan (dated 04/02/2025)
- Fire Safety Reasonable Exception Statement (undated)

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

Use

3. The premise shall only be used as a “house in multiple occupations” by not more than six residents (Use Class C4), and for no other purposes within the Town and Country Planning (Uses Classes) (Amendment) (England) Regulations 2020.

Reason: To protect the amenities of adjoining occupiers, in order to comply with Policy H3 of the London Plan (2021) and Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

Informative(s):

1. The applicant is advised to contact the Council's Licensing Team concerning HMO Licensing.

2. The applicant is encouraged to contact the Metropolitan Police (Designing Out Crime Office) Team concerning appropriate security measures for the duration of the permitted temporary use.

3. This notice is without prejudice to your responsibilities under any other legislation.
4. 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.
5. 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.
6. 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.