

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 14 th October 2025
Application reference:	251530
Applicant:	Mr Hussain Bashar
Location:	86 Sedgwick Road, Leyton, London E10 6QP
Proposed development:	Change of use from single family dwellinghouse (Class C3) to children's care home (Class C2).
Wards affected:	Grove Green
Appendices:	None

1 RECOMMENDATION

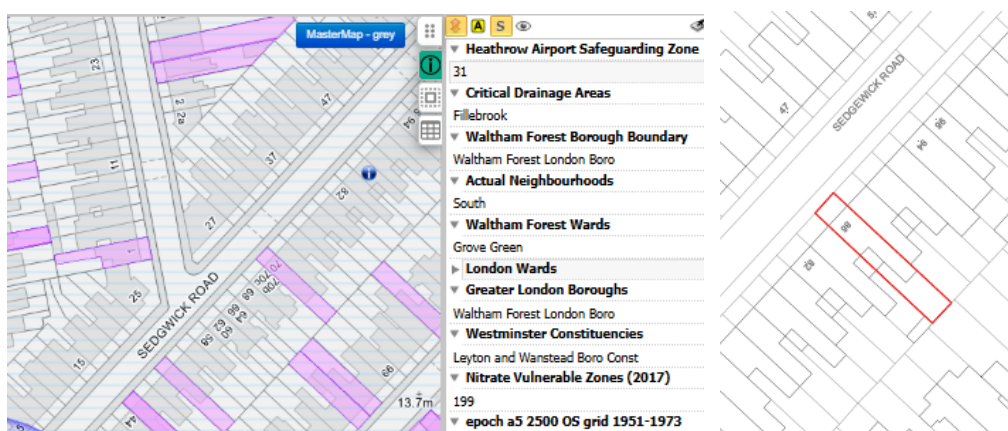
- 1.1 That planning permission is GRANTED subject to conditions and informatives.

2 REASONS REFERRED TO COMMITTEE

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

3 SITE AND SURROUNDINGS

- 3.1 The application site is a two-storey, mid-terrace property located on the southeast elevation of Sedgwick Road, a residential street. Properties in the terrace row follow a standard layout with two-storey outriggers to the rear. A number of properties in the immediate area have been altered over time, mostly limited to single-storey rear/in-fill extensions and dormers/rooflights at second-floor level.
- 3.2 The property is not located in a conservation area, is not listed nor is it subject to an Article 4 direction other than for change of use from Class C3 to C4, which applies borough-wide.



Site location plan

4 APPLICATION PROPOSAL

- 4.1 The application seeks planning permission for the change of use from a single-family dwellinghouse (Class C3) to a children's care home (Class C2).
- 4.2 The property would provide a home to up to 4 children with permanent staff members working on a shift-basis. Staff would not form members of the household.
- 4.3 No extensions or alterations are proposed to the property or its internal/external layout.

5 RELEVANT SITE HISTORY

- 5.1 Planning:
- 250975 – Lawful Development Certificate (Proposed) - Change of use from dwellinghouse (Use Class C3) to children's care home (Use Class C2). (Refusal: Requires the benefit of planning permission)
- 5.2 Pre-application:
- None
- 5.3 Enforcement:
- None
- 5.4 Adjacent/neighbouring sites:
- None relevant

6 CONSULTATION

6.1 Public Consultation:

The application was advertised by site notice, dated 14th July 2025. The following addresses were consulted by individual letter notification:

- Addresses at 27-65 (odd) Sedgwick Road, Leyton, London, E10 6QP
- Addresses at 64-110 (even) Sedgwick Road, Leyton, London, E10 6QP
- 2 & 2a Lindley Road, Leyton, London, E10 6QT
- Addresses at 64-86 (even) Murchison Road, Leyton, London, E10 6NB
- Addresses at 88-94 (even) Dawlish Road, Leyton, London, E10 6QW

The Council received a total of **12** objections, which are summarised below. In response to objections, the applicant has submitted a management plan for the proposed day-to-day running of the care home.

Following the submission of amended floor plans, it was not deemed necessary to reconsult neighbours, given that the principle of development remains the same and that the number of residents (i.e. children) would be reduced from 5 to 4. There are no amendments to the wider proposal.

Objection Received	Officer Response
Concern relating to previous unregularised use as care home, noise, disturbance and anti-social behaviour	The previous use has ceased, as confirmed by a site inspection. It is unconfirmed whether this was a C3b or C2 use. This is a different applicant/operator. Measures to control noise and disturbance are proposed, refer to amenity assessment further in this report.
Existing anti-social behaviour issues not compatible with proposed use	Measures to control the risk associated with anti-social behaviour and vulnerable children are proposed, though ultimately the safety and wellbeing of children is governed by safeguarding legislation. Objectors are reminded to contact the Police to report crimes.
Lack of proper assessment in relation to anti-social behaviour risks for children	Measures to control the risk associated with anti-social behaviour and vulnerable children are proposed, though ultimately the safety and wellbeing of children is governed by safeguarding legislation.
Noise and disturbance associated with the use, unsuitable location	Planning decisions must be made in good faith and a decision cannot be judged on the previous unregularised use Refer to main assessment
Overdevelopment and inadequate living conditions, unsuitable location, safeguarding and community impacts	No extension is proposed and the number of residents is 4, which is not considered to be intensified to any higher level than a comparably sized residential dwellinghouse
Concern relating to previous unregularised use as care home, noise and disturbance, anti-social behaviour	Planning decisions must be made in good faith and a decision cannot be judged on the previous unregularised use Refer to amenity assessment
Questions validity of application and whether it is retrospective due to previous unregularised use, concern relating to amenity impact, anti-social behaviour	The application has been validated with the information provided. It is not a retrospective application, confirmed by a site inspection. The previous unregularised use has ceased. Refer to amenity assessment

6.2 Statutory Consultation:

Consultees	Response
Highways	Request to indicate cycle storage
Transport Policy	No comments received
Waste & Recycling	No comments received
Environmental Health	No comments received
Early Years & Childcare	No comments received
Thames Water	No comments received
London Fire Brigade	No comments received

7 DEVELOPMENT PLAN

The London Plan (2021)

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

- GG1: Building strong and inclusive communities
- GG2: Making best use of land
- GG4: Delivering homes Londoners need
- D1: London's form, character and capacity for growth
- D4: Delivering good design
- D6: Housing quality and standards

Waltham Forest Local Plan LP1 (2024)

- 7.2 The draft version of the Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed submission version between 26 October and 14 December 2020. It underwent examination and consultation on proposed modifications concluded on 21 September 2023. The Waltham Forest Local Plan (LP1) was subsequently adopted 29 February 2024 and therefore now forms a key part of the development plan in determining all planning applications. The previous Core Strategy (2012) and Development Management Policies (2013) are superseded by LP1. The relevant policies are:

- 1: Presumption in Favour of Sustainable Development
- 15: Housing Size and Mix
- 21: Supported and Specialist Accommodation
- 53: Delivering High Quality Design
- 56: Residential Space Standards
- 57: Amenity
- 60: Promoting Sustainable Transport
- 61: Active Travel

- 93: Waste Management

8 OTHER MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2024)

- 8.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It is material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.

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

The NPPF gives a centrality to design policies; 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."

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

- Delivering a sufficient supply of homes
- Achieving well-designed places

Local Finance Considerations

- 8.2 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).

- i. There are no grants which have been or will or could be received from central government in relation to this development.
- ii. The Council has not received and does not expect to receive income from LBWF CIL in relation to this development.
- iii. The Council has not received and does not expect to receive income from Mayoral CIL in relation to this development.

Other Planning Guidance

- 8.3 Technical housing standards - nationally described space standard (2015)
- 8.4 The London Plan Supplementary Planning Guidance – Housing (2016)
- 8.5 Sufficiency Strategy for Children Looked After & Care Leavers (2017)

9 ASSESSMENT

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

- A. Principle of development
- B. Legal background
- C. Urban design
- D. Amenity (future occupiers)
- E. Amenity (existing occupiers)
- F. Trees and biodiversity
- G. Highways
- H. Waste Management

A. Principle of development

9.2 Other types of supported and specialist residential accommodation is required to meet the needs of older, disabled and vulnerable people across the borough. The London Plan (2021) identifies an indicative benchmark figure of 110 dwellings per annum for Waltham Forest.

9.3 LP1 seeks to support proposals that facilitate the delivery of supported and specialist accommodation. Policy 21 requires it to:

- i. Be of high-quality design, meeting the requirement(s) of a specific user or group;
- ii. Meet the definition of supported housing and specialist accommodation;
- iii. Meet identified housing needs;
- iv. Be well connected to facilities, social infrastructure and health care; and
- v. Be well served by public transport.

9.4 To address each criterion, the proposal would not involve any external changes and the existing layout is considered to provide a good standard of facilities for future occupants and staff. The development proposed is considered to meet the definition of supported and specialist accommodation, in particular extra care accommodation, as laid out in Paragraph 8.29 of LP1, being self-contained residential accommodation with additional care support for young residents with care needs.

9.5 The borough has indicated that there is a shortfall of these types of properties within the borough (this was highlighted in the Sufficiency Strategy for Children Looked After & Care Leavers 2017-2020).

9.6 Regarding accreditation, it is noted that the documents submitted by the applicant confirms the home would be inspected annually by Ofsted.

9.7 The site is within a PTAL 4 area, meaning that it has good access to public transport links. This includes Leyton underground station and Leyton Midland overground station, as well as bus links from High Road Leyton.

9.8 Although the proposal would result in the loss of a family-sized home, which LP1 generally resists, it is considered that there is sufficient justification for this loss to provide good-quality supported living

accommodation for children within the borough, for which there is also an identified shortage.

- 9.9 With the above in mind, the principle of development is acceptable.

B. Legal background

- 9.10 A proposed care use could fall within either Class C3(b) (residential dwellings with care) or Class C2 (residential institution). To determine which class is applicable, the facts/details of the proposed use need to be considered in light of current guidance and case law.
- 9.11 Class C3(b) (dwellinghouses) provides for houses where the use is by no more than 6 residents living together as a single household where care is provided for residents. The relevant test is whether residents are able to form a household on their own without the element of care received.
- 9.12 *R (Hossack) v Kettering BC and English Churches Housing Group* tells us that the precise relationship between residents, although clearly a material consideration, is not necessarily a determinative matter and even where residents are not a preformed group, they can still live together as a single household. In this case they would be brought together by mutual need.
- 9.13 However, *North Devon District Council v First Secretary of State* tells us that children "need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home...children are regarded as needing full-time care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should." As such a children's care home in which carers do not form permanent members of the household must fall within Class C2 and not C3b, thus the change requires planning permission.
- 9.14 In this case 4 children would live in a homely environment where facilities are shared. They would each have a bedroom and the mode of living would be communal. Communal areas would allow for cooking and sharing of meals, socialising and entertainment. They would have commonality as each child would be cared for and live in a domestic setting, sharing facilities and household tasks. Carers would work on a shift-pattern basis to provide care and would not become residents or permanent members of the household.

B. Urban design

- 9.15 Policy 53 seeks to ensure that development responds appropriately to its context in terms of scale, height and massing, enhancing local character in relation to the architectural integrity of the area. No extension is proposed to the building, therefore the situation would not be materially different to the existing in terms of urban design.

C. Amenity (future occupiers)

- 9.16 To ensure that good quality homes are built, to create a suitable and sustainable living environment for present and future generations and to

mitigate against the adverse effects of overcrowding, Policy 56 of the Local Plan and the Technical Housing Standards – nationally described space standard (2015) set out the required minimum internal standards for new residential units.

- 9.17 As this is not a standard residential use, there are no formal space standards that are applicable. Nevertheless, certain standards are still considered relevant to the proposal.

Gross internal area (GIA)	Policy target	Actual proposed
Overall	N/A	124 sqm
Bedroom 1	7.5 sqm	16 sqm
Bedroom 2	7.5 sqm	10 sqm
Bedroom 3	7.5 sqm	9 sqm
Bedroom 4	7.5 sqm	13 sqm
Amenity space	50 sqm	ca. 47 sqm

- 9.18 Officers have assessed the drawings and this confirms that each bedroom meets the minimum GIA in terms of national standards.
- 9.19 For the provision of external amenity space, the target for residential houses is 50sqm to provide a good level of amenity for occupiers. An enclosed rear garden of ca. 47sqm is proposed and a shortfall of only 3sqm is acceptable.
- 9.20 The proposal would comply with the relevant space standards in accordance with Policy 56 of the of the Local Plan, ensuring a good quality of accommodation for future occupiers.
- 9.21 Turning to the level of outlook, daylight and privacy afforded to the dwelling, an acceptable number of windows would be provided in locations conducive to providing outlook and maintaining internal privacy. All windows are noted to be existing.

D. Amenity (existing occupiers)

- 9.22 Policy 57 seeks to maintain the amenity of current and future occupiers in terms of overlooking, enclosure and/or the loss of daylight, sunlight, outlook and privacy. In terms of the built form, this would not be materially different to the existing situation, as there is no extension proposed. The main amenity consideration is noise and disturbance associated with the proposed use.
- 9.23 In response to the comments received by the representations, it is acknowledged that this type of accommodation can lend itself to a more transient population, especially if children may be placed temporarily in the property. It is not a standard residential use in the sense of a Class C3 dwellinghouse.
- 9.24 Whilst the residential use of the site would be intensified somewhat, it is not considered that it would necessarily generate levels of noise and disturbance which have a negative impact on the residential amenity of neighbouring properties or warrant refusal of the application on amenity

grounds. It is accepted that usage of the garden in the daytime would likely increase in comparison to the existing dwellinghouse, however, this would not be at a time of day which is likely to cause disturbance to residents given the small scale of the care operations provided. The management plan also states that the garden would be used no later than 21:00, for residents to be in their bedrooms by 21:30 on weekdays and 22:00 at the weekend. Therefore, there is no evidence to suggest that the levels of noise would be elevated above the levels expected of a residential dwelling of a similar size.

- 9.25 In response to other comments received by representation regarding the previously unregularised use of a care facility, it was noted during a site inspection that this use has ceased. The property is vacant. As such the recommendation is made in good faith and cannot be judged on what may have been failings by a previous operator at the same address.

E. Trees and biodiversity

Biodiversity net gain

- 9.26 The application is not required to meet the statutory Biodiversity Net Gain (BNG) condition, as it constitutes a de-minimis exemption. No extension is proposed to the property.

Epping Forest Special Area of Conservation Appropriate Assessment

- 9.27 No financial contribution is sought as mitigation against EFSAC and the development would not be liable to CIL payments, as there is no uplift in the number of residential units.

F. Highways

- 9.28 Policy 60 states that the Council actively encourages sustainable travel. Development should not have a harmful impact on the walking and cycling environment.
- 9.29 Policy 66 outlines that the Council looks to manage parking by encouraging car-free development, particularly in locations with high levels of parking stress. As there would be no uplift in the number of units, it is not deemed necessary to enter into a legal agreement to secure car-free development. Additionally, it is very unlikely that future residents aged 16 to 17 would own cars or motorcycles.
- 9.30 Local Plan Policy 61 and Appendix 1 set the minimum requirements for cycle parking for developments. Whilst there is no specific parking standard for this type of accommodation, the most relevant standard is for HMOs, which is 1 space per occupied bedroom. As such the development should deliver secure and enclosed cycle parking for 4 bicycles. Therefore, a condition is recommended to ensure that a cycle parking provision is delivered. This is likely best located within the rear garden, as storage for 4 cycles may negatively impact the visual amenity of the front elevation and wider streetscene.

G. Waste management

- 9.31 In accordance with Policy 93 of the Local Plan, development should ensure that waste is managed in the most environmentally friendly way

to protect human health and the environment from pests and other environmentally damaging effects. For households the Council operates a three-colour bin system with weekly collections: black 140L wheeled bin for refuse, green 140/240L wheeled bin for recycling and a brown 140/240L wheeled bin for organic waste. Larger bins may be available for larger households.

- 9.32 No changes are proposed to waste arrangements and these would continue to operate with wheeled bin collections. The applicant is advised to seek further guidance as to the need for private waste collections for this use class.
- 9.33 No objection is raised to a continuation of the existing situation in terms of waste arrangements, i.e. 3 wheeled bins.

10 CONCLUSIONS

- 10.1 In summary, the proposed change of use would be an acceptable form of development that satisfies a local need for specialist types of living accommodation. Likewise, the proposed day-to-day management of the building is considered to minimise the impact of the intensified use on the amenity of neighbouring properties.
- 10.2 Taking into account the consistency of the scheme with the Local Plan and considering all material planning considerations, the proposal is acceptable. It is therefore recommended to committee members that planning permission is granted subject to conditions.

11 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 10.1 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
 - A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 11.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered and may be balanced against other relevant factors.
- 11.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 11.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.
- 11.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

12 RECOMMENDATION

- 12.1 It is recommended to committee members that planning permission is granted subject to the following conditions and informatives.

12.2 Condition(s):

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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and thereafter maintained as such for the lifetime of the development: - drawing number PL01 dated April 2025.

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

3. Prior to first occupation of the development hereby permitted, full details for a scheme of secure and lockable cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved detail and thereafter retained as such for the lifetime of the development.

Reason: To promote sustainable modes of transport, in accordance with Policy 61 of the adopted Waltham Forest Local Plan LP1 (2024).

4. The use hereby permitted and the everyday management of the building, as well as other measures for safety and security of the building, shall be carried out in accordance with the facilities management plan v2 dated June 2025 and shall thereafter be retained as such for the lifetime of the development.

Reason: To preserve the privacy and amenities of neighbouring occupiers and to promote secure by design principles, in accordance with Policies 57 and 58 of the adopted Waltham Forest Local Plan LP1 (2024).

12.3 Informative(s)

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

2. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which have been followed in this instance, and offers a pre-planning application advice service. The scheme as submitted did not comply with guidance and no pre-application discussions were entered into. The Local Planning Authority's suggested improvements were adopted by the applicant/agent.

3. The applicant is reminded that safety and security measures shall be incorporated wherever possible. The Metropolitan Police Service is available for further consultation with the applicant directly regarding site specific measures to reduce opportunity for antisocial behaviour and promote secured by design (SBD) principles.

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