

LONDON BOROUGH OF WALTHAM FOREST

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| Committee/Date: | Planning – 1 st March 2022 |
| Application reference: | 220027 |
| Applicant: | London Borough of Waltham Forest |
| Location: | Vestry House Museum, 2 Vestry Road, Walthamstow, London, E17 9NH |
| Proposed development: | Sub-division of existing museum cafe into separate use (Class E), extending opening hours from 10.00 to 16.00 Wednesday to Sunday to 07.00 to 19.00 7 days a week including Bank Holidays; together with alterations to garden area including formation of an outdoor seating area, resurfacing and installation of two parasols. |
| Wards affected: | Hoe Street |
| Appendices: | None |

1 RECOMMENDATION

- 1.1 Recommendation to GRANT planning permission under reference 220027 subject to no adverse comments from London Overground and the conditions set out in section 12 of the report.
- 1.2 That authority to be given to the Assistant Director of Development Management to agree any minor amendments to the conditions. In addition to review any comments received from London Overground and add any conditions/informatives if requested.

2 REASONS REFERRED TO COMMITTEE

- 2.1 The Council owns the site, and the proposal involves a change of use.

3 SITE AND SURROUNDINGS

- 3.1 The application site is a two-storey early Georgian building located on the western side of Vestry Road, Walthamstow.
- 3.2 The site has been extensively expanded with various extensions and the property benefits from a large garden at the rear.
- 3.3 The building is used for civic purposes for the general public, with its main use being that of a museum. The use of the building is classified as F1 (Learning and non-residential institution).
- 3.4 Immediately adjacent to the south is a railway cutting over which Vestry Road passes.
- 3.5 The site is in the St Mary's Church (Walthamstow Village) Conservation Area and the building is Grade II Listed.

4 APPLICATION PROPOSAL

- 4.1 This application proposes to subdivide the existing ancillary museum café use into a standalone café unit, to extend the opening hours of the café and to provide outdoor seating.
- 4.2 The existing café is an ancillary use to the museum and operates from Wednesday to Sunday from 10:00am to 4:00pm. Under the proposed scheme, the café would operate as an independent unit and would be open from 7:00am to 7:00pm seven days per week. The remainder of the museum would still operate under the existing hours (Wednesday to Sunday from 10:00am to 4:00pm).
- 4.3 The proposed alterations to garden area includes formation of an outdoor seating area, resurfacing and installation of two parasols.

5 RELEVANT SITE HISTORY

A. Planning

- 5.1 Reference: 212024

Description: Installation of a temporary access ramp and steps at south elevation and installation of refuse & buggy storage.

Permission: Granted on 17-09-2021

- 5.2 Reference: 980764

Description: Extension to museum building, alterations to elevations and to gardens to create formal gardens and a play area.

Permission: Granted on 24-01-2000

B. Pre-Application

- 5.3 None

C. Enforcement

- 5.4 No enforcement investigations on the site

D. Adjacent Site

- 5.5 None relevant.

6 PUBLIC CONSULTATIONS

A. Public Consultation

The Council circulated 67 consultation letters to occupiers of adjoining and nearby properties on 25th January 2022 which included the following addresses:

- Nos. 1-21 Church Path, Walthamstow, London, E17 9RQ
- Nos. 10-14 Church Path, Walthamstow, London, E17 9RQ

- Nos. 1-7 Church End, Walthamstow, London, E17 9RJ
- St Marys Welcome Centre, 8 Church End, Walthamstow, London, E17 9RJ
- Nos. 10-12 Orford Road, Walthamstow, London, E17 9LN
- Flats 1-16 St Mary Road, Walthamstow, London, E17 9RG
- First Floor Flat, 4b Stanhope Road, Walthamstow, London, E17 9QT
- Flats 1-2, 6, 1 Berryfield Close, Walthamstow, London, E17 9PQ
- Nos. 1-8 Croft House, 2 St Mary Road, Walthamstow, London, E17 9RG
- Flat 1, 1c Vestry Road, Walthamstow, London, E17 9NH
- National Spiritualist Church Vestry Road, Walthamstow, London, E17 9NH
- Hillside, 4 Vestry Road, Walthamstow, London, E17 9NH

The application was advertised via four site notices on the 28th January 2022. A press advert was published on the same date.

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

B. Other consultations

| INTERNAL CONSULTEES | Response |
|-------------------------------|--|
| Design & Conservation | No objection. See further comments in Section 9B and 9C. |
| Nature Conservation | No comment received. |
| Highways & Transport Planning | No comment received. |
| Environmental Health Team | No comment received. |
| Waste Management Team | No comment received. |

| EXTERNAL CONSULTEES | Response |
|----------------------------|---|
| Transport for London | Consultation letters were sent on 16 February 2022. Assistant Director Development Management & Building Control to review comments received and add additional conditions/informatives if necessary. The decision notice will be issued after the expiry of the 21-day consultation period (9 March 2022). |

7 DEVELOPMENT PLAN

National Planning Policy Framework 2021

- 7.1 The National Planning Policy Framework was revised on 20 July 2021 and 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.
- 7.2 This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.
- 7.3 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".
- 7.4 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'
- 7.5 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:
- Achieve well-designed places
 - Conserving and enhancing the historic environment

The London Plan (2021)

- 7.6 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:
- Policy D1 London's form, character and capacity for growth
 - Policy D4 Delivering good design
 - Policy D5 Inclusive Design
 - Policy D8 Public Realm
 - Policy HC1 Heritage Conservation and Growth
 - Policy T5 Cycling
 - Policy T6 Car Parking

Waltham Forest Local Plan Core Strategy (2012)

- 7.7 The Waltham Forest Core Strategy (2012) was adopted on 1st March 2012.

7.8 The Core Strategy contains 16 policies designed to deliver the Council's vision for the physical, economic, environmental and social development of the Borough. These policies will be used to direct and manage development and regeneration activity up to 2026.

7.9 The policies considered relevant to this application are as follows:

- Policy CS3: Providing Infrastructure
- Policy CS6: Sustainable Waste Management
- Policy CS7: Developing Sustainable Transport
- Policy CS12: Protecting and Enhancing Heritage
- Policy CS13: Promoting Health and Well Being
- Policy CS15: Well Designed Buildings, Places and Spaces

Waltham Forest Local Plan Development Management Policies (2013)

7.10 The Local Plan Development Management Policies Document was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long-term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:

- Policy DM1: Sustainable Development and Mixed Use Development
- Policy DM14: Sustainable Transport Network
- Policy DM16: Parking
- Policy DM17: Social and Physical Infrastructure
- Policy DM27: Night Time Economy Uses
- Policy DM28: Heritage Assets
- Policy DM29: Design Principles, Standards and Local Distinctiveness
- Policy DM32: Managing Impact of Development on Occupiers and Neighbours

8 MATERIAL PLANNING CONSIDERATIONS

Shaping the Borough – London Borough Waltham Forest Draft Local Plan Part One Submission Draft (April 2021)

8.1 The Draft Local Plan underwent Regulation 18 public consultation between July 2019 and September 2019 and consultation on the proposed Submission Version between 26th October 2020 and 14th December 2020. It has now been submitted to the Secretary of State for examination. This is an early stage of the plan making process and less weight will be given to its policies.

8.2 The Draft new Local Plan proposes to be a “combined” document comprising 12 thematic policies and a revised spatial strategy, splitting the borough into North, South and Central Waltham Forest.

8.3 The Draft Local Plan clearly sets out the Council's growth agenda which seeks to facilitate the sustainable delivery of 27,000 new homes and 46,000sqm of employment floorspace over the next plan period.

- Policy 48 - Social and Community Infrastructure
- Policy 56 - Delivering High Quality Design

- Policy 59 – Amenity
- Policy 73 – Listed Buildings
- Policy 74 – Conservation Areas

8.4 Other policies

- Supplementary Planning Document Urban Design (2010)

Local Finance Considerations

8.5 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).

- 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 any income from LBWF CIL in relation to this development.
- iii) The Council has not received and does not expect to receive any income from Mayoral CIL in relation to this development.

9 ASSESSMENT

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

- A. Principle of Development
- B. Design of the Development
- C. Impact on Heritage Assets
- D. Accessibility
- E. Impact on Neighbours
- F. Waste Management
- G. Biodiversity
- H. Highways and Transport Impact

A. Principle of Development

9.2 Policy CS12 of the WFLP Core Strategy (2012) states that ‘Regenerating [heritage] buildings can reinforce a sense of community and make an important contribution to the local economy. It can also act as a catalyst for improvements to the wider area. Through sensitive adaptations, new uses would be allowed in old buildings.’

- 9.3 Policy DM17 (Social Infrastructure) of the WFLP Development Management Policies (2013) states that the Council will resist the loss of an existing community, leisure or educational facility unless no shortfall in provision will be created by the loss.
- 9.4 Policy DM27 of the WFLP Development Management Policies (2013) states that 'Evening activities are a fundamental part of the urban renaissance because they extend the vitality of a town or city beyond normal working hours, making centres more attractive places to live. Our town centres currently suffer from lack of activity in the evenings and at weekends. However, these are the places more likely to benefit from the vitality that restaurants, cafes and bars would bring, as long as these are provided in the right quantity and in the right locations. It is important that within these areas uses are carefully balanced so that evening / night-time uses are complementary to, rather than conflict with neighbouring uses.'
- 9.5 The existing museum café operates from Wednesday to Sunday from 10:00am to 4:00pm, the use of the café is ancillary to the use class of the museum, which is Use Class F1 (Learning and Non-Residential Institutions).
- 9.6 300 square metres of Learning and Non-Residential Institutions (Class F1) use will be lost. However, the existing use of the floorspace is an ancillary café which does not directly provide F1 community, leisure or educational facilities. As such, it is considered that the sub-division of existing museum cafe into a separate use (Class E) would be acceptable.
- 9.7 The existing museum café is located on the ground floor of the museum in the workhouse gallery room. Once subdivided into a separate unit, it will have direct access from the main entrance and access to the garden seating area. The application site is not adjacent to residential properties and would not conflict with neighbouring uses.
- 9.8 Under the proposed scheme, the café would operate from 7:00am to 7:00pm seven days per week. The proposed development would increase the number of employees by three full-time staff and four part-time staff.
- 9.9 In light of the above, the proposal is considered to be in line with the requirements of Policy CS12 of the WFLP Core Strategy (2012) and Policy DM17 of the WFLP Development Management Policies (2013).

B. Design of the Development

- 9.10 WFLP Core Strategy (2012) policy CS15 requires development to be of a high standard and design quality that responds to the local context and the character of the surrounding area, while improving the way places function by promoting local distinctiveness and a strong sense of place.
- 9.11 WFLP Development Management Policies (2013) Policies DM29 and DM30 seek a high standard of urban and architectural design principles for all new development.
- 9.12 Vestry House Museum was constructed in 1730 to house the parish workhouse. The grade II listed building was later used as a police station, an armoury, a building merchants and a private home. In 1931 the building opened to the public as a local history museum.

- 9.13 The application site currently has a gravel area in the garden adjacent to the rear of the building. The proposal is to install a new bonded gravel area to provide an attractive outside seating area.
- 9.14 There are also 2 parasols proposed within this new outside seating area; the proposed parasols would be 3.0m in depth, 4.0m in width and 3.3m in height. The proposed parasols are commercial grade powder coated aluminium with a 290gsm acrylic canvas which is especially designed for outside use. The parasols feature LED victory lights and 1.5kw electric heaters.
- 9.15 The Conservation Officer commented that the proposed parasols would result in some of the ground floor being obscured in views from the garden. However, on balance this impact is felt to be acceptable, with only part of the view obscured, and the parasols themselves capable of being removed/collapsed if necessary.
- 9.16 The existing hardstanding is proposed to be resurfaced with bonded gravel to allow a level ground, which will improve accessibility. The changes made to the garden will be in keeping with the original look of the garden. No objections have been raised by the Conservation Officer as resin-bond gravel is commonly used within the setting of listed buildings. The Conservation Officer also stated that existing 'crazy paving' found at the front of the building is a relatively modern addition and of no historic value. The situation is similar with the loose gravel at the rear of the site, it is a modern addition and not of any inherent historic value.
- 9.17 The proposal is considered to be visually acceptable and does not harm the character and appearance of the existing building or the wider locality. The proposal is therefore considered to be in accordance with Policy DM28 and DM29 of the Development Management Policies (2013) and Policy CS12 of the Waltham Forest Core Strategy (2012).

C. Impact on Heritage Assets

- 9.18 The Council has a statutory duty, when considering whether to grant planning permission for this development to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.19 Under the National Planning Policy Framework (NPPF), Listed Buildings and Conservation Areas are considered designated heritage assets. Any application for Listed Building Consent should therefore describe the significance of heritage assets affected by any development affecting the fabric or setting of Listed Buildings, including any contributions made by the development.
- 9.20 HC1 Heritage Conservation and Growth of the London Plan (2021) states that proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.
- 9.21 Policy CS12 of the WFLP Core Strategy (2012) states that in managing growth and change, the Council will promote the conservation, enhancement and enjoyment of the Borough's heritage assets and their setting.

- 9.22 Policy DM28 of the WFLP DM Policies (2013) supports Policy CS12, in that development proposals which can affect the significance of heritage assets within the Borough or their setting should demonstrate how these assets will be protected and where appropriate, enhanced.
- 9.23 A separate application for Listed Building Consent (ref: 220097) has been submitted for the external works which considered the acceptability of proposed works to the Grade II Listed building. At the time of publication of this report that application was still under determination.
- 9.24 As noted by the Conservation Officer, the proposal would provide the museum with potential new uses, which will support its ongoing maintenance and purpose. The application is considered to be acceptable and beneficial to the setting of the listed building, resulting in a more cohesive and complementary public realm around the building, and potentially improving its accessibility.
- 9.25 The application is therefore in accordance with London Plan (2021) Policy HC1 and WFLP Core Strategy (2012) CS12 and WFLP Development Management Policies (2013) Policy DM28.

D. Accessibility

- 9.26 Policy D5 of the London Plan requires all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM32 of the Waltham Forest Development Management Policies, which requires developments to demonstrate, inter alia, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of a development from the outset and over its lifetime.
- 9.27 The existing museum Café is located on the ground floor of the museum in the workhouse gallery room. Once subdivided into a separate unit, it will have direct access from the main entrance and access to the garden seating area.
- 9.28 Planning permission (ref: 212024) was granted for the installation of a temporary access ramp and steps at south elevation and installation of refuse & buggy storage on 17-09-2021. The approved temporary ramp would serve the entrance to the café. To allow for safer access for wheelchair and pushchair users, the proposal is to replace the ground at the front and rear of the building to a level resin bonded material.
- 9.29 The application is therefore in accordance with London Plan (2021) Policy D5 and WFLP Development Management Policies (2013) Policy DM32.

E. Impact on Neighbours

- 9.30 Planning policies are designed to protect the living conditions of nearby residential occupiers. They aim to manage impact of new development and ensure that the living conditions of existing residents are not adversely affected by excessive noise as a result of intensified land use.
- 9.31 The application site is not adjacent to residential properties. Nonetheless, the proposed development would increase the level of occupation of the site with additional outdoor seating.

- 9.32 Therefore, a condition is recommended on the hours of servicing and deliveries to protect the amenities of adjoining occupiers in order to comply with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

F. Waste Management

- 9.33 Local Plan Policy DM32 states that in managing the impact of new developments on neighbouring amenity, new developments should ensure the provision of facilities for the storage, collection and disposal of refuse.
- 9.34 Waltham Forest Waste and Recycling Guidance (2019) states that developers should be aware of the increased likelihood of odours where commercial units are producing food waste. In such cases, a twice-weekly collection service is recommended and should be allowed for in the design of the waste storage and access. Premises which generate a significant quantity of waste may also benefit from a twice weekly collection to reduce the need for large storage space.
- 9.35 The Guidance further states that restaurants with a floor space of less than 500 m² should provide a minimum storage capacity of 1,500L. 70% of this capacity must be retained for the storage of separated waste for recycling. Compaction equipment may also be required in larger restaurants to allow for the volume of cardboard and waste produced to be efficiently managed. The equipment proposed to store and manage waste, as well as the allowance for circulation of space, should be included on the designs submitted. Certain food outlets, such as fast-food outlets, are likely to generate substantially greater amounts of waste. Each application will therefore be assessed using output data from similar units operating in Waltham Forest. Food waste should be stored in 140L wheeled bins only where these can be presented at street level for waste collection. Alternatively, food waste can be stored in 23 litre caddies which have a handle for carrying.
- 9.36 The proposal provides a dedicated external storage area for bins within the site. Municipal waste, biowaste, paper and paperboard and glass waste would be emptied once per week.
- 9.37 The proposal would meet the food waste collection frequency; however, no information has been provided in terms of the detailed storage capacity of the proposed bin stores. As such a waste management plan condition is recommended to detail how the waste will be stored and collected.
- 9.38 As such officers recommend that safe and visually attractive refuse storage areas are secured via planning condition. Furthermore, officers also request a Waste Management Strategy incorporating details of storage and disposal arrangements for refuse, waste and recycling including drag distances for bins, collection point details, vehicular access and swept path analysis. This information is required to ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies CS6, CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

- 9.39 In light this, it is considered that the proposed scheme, subject to pre-commencement conditions relating to refuse storage design and waste management strategy would comply with Policy CS13 and DM32 of the Local Plan..

G. Biodiversity

- 9.40 Policy DM35 of the Development Management Policies (2013) advises that A) Development proposals will not normally be granted planning permission where they pose adverse direct or indirect effects on any land or area within the identified Sites of Special Scientific Interest (SSSI), Sites of Importance to Nature Conservation (SINC), Special Areas of Conservation (SAC), RAMSAR sites, Special Protection Areas (See Schedules 13 to 16 and 24 to 26 and the Policies Map) or to protected or priority species.
- 9.41 The site does not fall within any of the above designations. It is currently covered with golden gravel and does not have amenity value to the local community.
- 9.42 In terms of hard landscaping, the materials would include a MOT Type 3 subbase, 75mm open graded (10-14mm) porous tarmac and 18mm BoundWorks Resin Bound finish layer. The permeable materials would provide proper rainwater run-off to support the proposed biodiverse habitat areas of the site. Notwithstanding the details shown in Drawing Plan no. VHM-DWA-XX-XX-DR-A-90-002-P01 dated 18 January 2022, conditions requiring details of hard and soft landscaping scheme are recommended, to ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan Core Strategy (2012), and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

H. Highways and Transport Impact

- 9.43 Policy CS7 of the WFLP Core Strategy (2012) sets out that the Council will promote sustainable travel by guiding development to accessible locations to reduce the need to travel by car and to encourage walking, cycling and the use of public transport.
- 9.44 In addition, Policy DM14 of the WFLP Development Management Policies (2013) states that the Council will encourage sustainable travel. Major developments should be developed and contribute to a well-connected network of streets that optimises permeability and legibility and should have no detrimental impact on the walking and cycling environment.

Car Parking

- 9.45 The site has a Public Transport Access Level (PTAL) of 5, where 0 is the lowest and 6b is the highest. The site is appropriate for a car-free development with an excellent PTAL of 5. As the site is in CPZ and already in commercial use; parking is already restricted, and legal agreement is not required.
- 9.46 In light of this, the proposed development is considered acceptable in accordance with Policy CS7 of the WFLP Core Strategy (2012) and Policy DM14 of the WFLP DM Policies (2013).

Cycle Parking

- 9.47 Policy T5 (Cycling) of the London Plan (2021) sets out that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle by securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Table 10.2 of the London Plan sets out that in relation to the proposed development, a minimum of 2 long term space and 8 short term space should be provided, 10 spaces in total.
- 9.48 Appendix 4 of the WFLP Development Management Policies (2013) sets out the Council's cycle parking standards. For Use Class A3, 1 space per 25m² will be required. The proposal is to install a new bonded gravel area with parasols and seating in this area which is 300 square metres.
- 9.49 Cycle parking is provided in the form of 3 bike stands and the proposed scheme does not include additional cycle storages. The cycle parking provision does not meet the minimum provision of cycle parking which requires that 12 cycle parking spaces are provided as part of the proposal.
- 9.50 However, the existing building is Grade II Listed and as such there is very limited scope to provide cycle parking. The building also occupies the majority of the plot which does not allow for sufficient space for the installation of further cycle parking.
- 9.51 In light of this, the proposed level of cycle parking is not compliant with Policy DM16. However, the site is located within highly accessible area where there is an abundance of cycle parking provision. As such, the proposal, is on balance considered accepted.

10 CONCLUSION

- 10.1 The principle of the proposed sub-division of existing museum cafe in to separate use (Class E), extending opening hours to 07.00 to 19.00 7 days a week including Bank Holidays together with alterations to garden area including formation of an outdoor seating area, resurfacing and installation of two parasols is considered acceptable.
- 10.2 The proposal would visually acceptable and does not harm the character and appearance of the existing building or the wider locality.
- 10.3 The proposal is beneficial to the setting of the listed building, resulting in a more cohesive and complementary public realm around the building, and potentially improving its accessibility.
- 10.4 The building would be fully accessible. The approved temporary ramp and proposed resurfacing works would offer a sensitive solution to an existing problem of inclusive use of the buildings by providing holistic access across the proposed ground floor café use.
- 10.5 The impact of the proposed development on the living conditions of nearby occupiers would be within the acceptable limits and the opening hours would be secured by condition.
- 10.6 The proposed development would have an acceptable impact on parking and bin storage provision would be secured via planning conditions.

- 10.7 All material planning considerations have been taken into account, including responses to consultation, and it is not considered that there are any material planning considerations in this case that would warrant a refusal of the planning application.

11 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 11.1 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balance against other relevant factors.
- 11.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

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

permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

12 RECOMMENDATION

- 12.1 It is recommended that the Planning Committee resolve to grant permission subject to adverse comments from London Overground and the following conditions:
- 12.2 That authority to be given to the Assistant Director of Development Management to agree any minor amendments to the conditions. In addition to review any comments received from London Overground and add any conditions/informatives if requested.

CONDITIONS

1. The development hereby permitted shall be begun before 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 approved shall be carried out in accordance with the following drawings and maintained as such throughout the lifetime of the development.
 - VHM-DWA-XX-XX-DR-A-90-001-P01, VHM-DWA-XX-XX-DR-A-90-002-P01, VHM-DWA-XX-XX-DR-A-90-003-P01 dated 18 January 2022
 - Design and Access Statement dated 20 December 2021
 - Vestry Paved area materials (undated)
 - Heritage Statement (undated)
 - Planning Statement (undated)
 - Waste Management (undated)
 - Tree Survey (undated)
 - Specifications for In-Ground Sleeve (undated)
 - Product Specification of AIRTEX Classic (undated)Reason: For the avoidance of doubt and in the interests of proper planning.
3. The premises shall not be open for the serving of customers before 7:00 and after 19:00 on any day, and all customers shall vacate the premises within 30 minutes of service ceasing.
Reason: To protect the amenities of adjoining occupiers in order to comply with Policy CS13 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

4. The materials to be used for the external surfaces of the development hereby permitted shall be as those shown on document Vestry paved area materials, Specification for In-Ground Sleeve, Product Specification of AIRTEX Classic (undated) and shall thereafter be retained as such for the lifetime of the development.

Reason: In order to preserve and enhance the character and setting of the Listed Building and the Conservation Area in accordance with Policies CS12 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policies DM28 and DM29 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

5. Prior to the commencement of the use hereby permitted, full details of and a management plan for the storage and disposal arrangements for refuse, waste and recycling including drag distances for bins, vehicular access and swept path analysis, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details with refuse, waste and recycling storage being provided before the development is first brought into use and together with the management plan shall be subsequently implemented in full and thereafter maintained and available for use for the lifetime of the development.

Reason: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling and to comply with Policies CS6, CS13 and CS15 of the adopted Waltham Forest Local Plan – Core Strategy (2012) and Policy DM23, DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

6. Prior to the commencement of development on site, details of the hard and soft landscaping to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the retained and proposed planting around the site, along with the requirement to demonstrate that all hardstanding areas are permeable. The development shall be carried out solely in accordance with the approved details and all approved planting shall be carried out in the first planting season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedges, shrubs and greenspaces forming part of the approved scheme which within a period of five years, dies, is removed or becomes seriously damaged or diseased shall be replaced with others of similar size and species.

Reason: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies CS5 and CS15 of the adopted Waltham Forest Local Plan Core Strategy (2012), and Policies DM29 and DM35 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

7. No deliveries shall be taken to, or despatched from, the site other than between the hours of 08.00 and 23.00 Mondays to Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of neighbouring residential properties, in order to comply with Policy CS13 of the adopted Waltham Forest Local Plan –

Core Strategy (2012) and Policies DM24 and DM32 of the adopted Waltham Forest Local Plan – Development Management Policies (2013).

Informatives:

1. 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 offers a pre planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions and the decision was delivered 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. The applicant is advised that installation of signage, flues and any external plant requires separate advertisement consent or planning permission.