

LONDON BOROUGH OF WALTHAM FOREST

Committee / Date:	Planning 16 th July 2024
Application reference:	240859
Applicant:	London Borough of Waltham Forest
Location:	Vestry House Museum, Walthamstow, E17 9NH
Proposed development:	Partial demolition of modern ground floor extension and construction of a replacement single storey extension to facilitate the creation of event space and café at ground floor level (Use Classes E(a)) and F1(e)) featuring new entrance doors and glazing to the south and west elevations. Laying of replacement paving to provide levelled access to the primary front museum entrance. Part change of use at ground and first floor level to provide creative workspaces (Use Class E(c) and E(g)). Construction of a glazed walkway at first floor level. Associated landscaping including the removal of several trees and designated hard landscape features. General refurbishment of the external facade together with alterations to the fenestration including the reinstatement of selected window openings. Provision of bicycle parking and additional bin storage.
Wards affected:	Hoe Street
Appendices:	None

1 RECOMMENDATION

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

2 REASONS REFERRED TO COMMITTEE

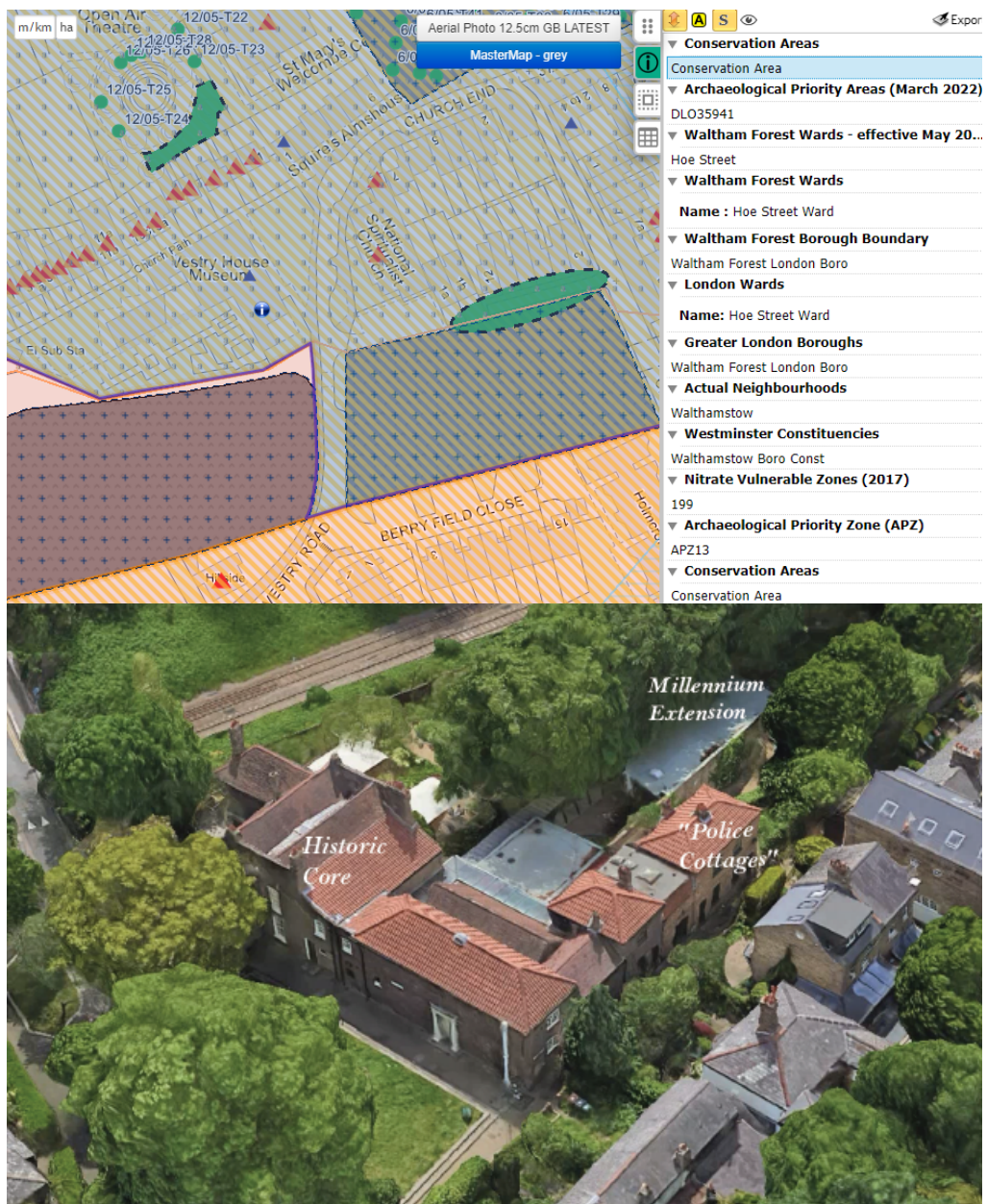
- 2.1 The application is referred to the Planning Committee because it is a Council-organised scheme to revitalise the museum.

3 SITE AND SURROUNDINGS

- 3.1 Vestry House Museum (VHM) is a Grade II listed building located within the St Mary's Church (Walthamstow Village) Conservation Area. It is one of the oldest surviving heritage assets within the borough and provides arguably the best evidence within a single building of the growth of Walthamstow over time from a small rural community to a suburb of the

capital city. The immediate area surrounding the museum is mixed-use, with a terrace row of residential properties to the north and the spiritualist church to the east. The buildings form an attractive borough of Waltham Forest as evidenced by the conservation area.

- 3.2 The museum has undergone alterations over time. Originally built as a workhouse with a room for meetings of the Parish Vestry, it later became its main office, a police station, an armoury, a builder's workshop, a literary and scientific institute and a private house, before becoming a local history museum which it continues as today.
- 3.3 It is a much-loved local asset with a high level of heritage significance, both as a standalone building and the contribution it makes to the conservation area and its wider surroundings as well as its cultural value as a local museum.



4 APPLICATION PROPOSAL

- 4.1 The application seeks planning permission for various alterations to the building to ensure its long-term viability as both a museum and local attraction for the borough.
- 4.2 Demolition of the existing 'millennium' extension is proposed along with a replacement single-storey rear extension of comparable proportions. This extension would be within the footprint of the existing extension.
- 4.3 A first-floor extension is proposed to link the older parts of the museum in the form of a walkway, which would mean that visitors/staff could use an internal lift to access the first floor of the museum.
- 4.4 Alterations to the public footpath in front of the building (Vestry Road elevation) are proposed to increase its height and provide level access to the building from the street. Further alterations to the internal layout would continue this level access to the full ground floor of the building, which the existing building currently fails to provide.
- 4.5 A change of use is proposed from class F1 (museum) to Sui Generis (mixed use). This would involve relocating the publicly accessible areas of the museum to the ground floor for reasons of accessibility, relocating the existing café use (class E) to within the new replacement single-storey rear extension and creating a co-working office arrangement within the former policemen's cottages facing Church Path at both ground- and first-floor levels. The co-working spaces are proposed to be restricted to subclasses E(c) (financial services, professional services other than health/medical and other services in a commercial, business or service locality) and E(g) (uses which can be carried out in a residential area – offices, research and industrial processes).
- 4.6 Landscaping works are proposed within the rear garden to improve circulation around the building.
- 4.7 New access is proposed from Church Path to access both the new café via an existing gate and new door, where currently there is only access provided to the garden, and to the co-working area directly from this path.

5 RELEVANT SITE HISTORY

5.1 Planning:

- 222013 - Minor Material Amendment for variation of condition 2 (Approved Plans), 4 (materials), and 5 (Colour of parasol) attached to planning permission reference 220027 granted 10/03/2022. The purpose of the variation is to allow for the extension of the disabled path using the same material used in the original proposal and installation of a metal gate painted olive green to secure the entrance, painting exposed metal of the parasol olive green, and keeping the cream-coloured canopy instead of changing this to black. (Approval)
- 222012 - Submission of details pursuant to conditions 6 (refuse and recycle storage Management Plan) and 7 (hard and soft

landscaping) attached to planning permission reference 220027, granted 10/03/2022. (Conditions discharged)

- 220027 - 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. (Approval)
- 212024 - Installation of a temporary access ramp and steps at south elevation and installation of refuse & buggy storage. (Approval)
- 980845 - Extension to Museum Building, alterations to elevations and to gardens to create formal gardens and a play area. (Approval)
- 980804 - Replacement of timber boundary fence with low wall and metal railings. (Approval)
- 980716 - Retention of portakabin. (Approval)
- 910145 - Relocation of portakabin. (Approval)
- 811125 - Conversion of policemen's houses at rear of museum (10, 12 & 14 Church Path) to staff room, offices and stores. Erection of extension linking houses and museum. (Approval)
- 810576 - Conversion of houses at rear of museum, staff room, offices and stores. Erection of extension linking houses and museum. (Approval)
- 810048 - Retention of mobile classroom. (Approval)
- 790233 - Erection of mobile classroom. (Approval)
- 740528 - Erection of mobile classroom. (Approval)

5.2 **Pre-application:**

- PRE_23_0486 – Pre-application advice sought with regard to the development proposed in the live application, as part of a development performance agreement with the Council's project delivery team. (Generally supported subject to additional detail)

5.3 **Enforcement:** None

5.4 **Adjacent sites:** None relevant

6 CONSULTATION

6.1 **Public Consultation**

The application was advertised by press notice dated 17th April 2024 and by physical site notice dated 23rd April 2024. The owners/occupiers of neighbouring properties were consulted by individual letter notification (110 recipients). No letters of representation were received. The Council has organised community engagement events throughout the project timeline where residents were provided with the opportunity to ask questions about the revitalisation of VHM.

6.2 **Statutory Consultation**

Consultee	Response
Highways (internal)	An internal meeting was held between the relevant internal teams to discuss the work which relates to the public footpath, which requires separate consent from the Highway Authority
Transport Policy (internal)	No comments received
Conservation (internal)	Broadly in support of the proposal in that it will have a positive impact on the heritage asset, subject to additional detail
Place & Design (internal)	No comments received, though the wider project has been part of a DPA with design officers
Environmental Health (internal)	No comments received
Tree Officer (internal)	Raises some concern that the submitted documents are unclear in specifying removal of small sections of hedge, additional confusion raised as the submitted documents reference BNG, which planning officers do not consider is relevant
Historic England (external)	Broadly supportive of the proposal subject to additional detail

7 DEVELOPMENT PLAN

7.1 The London Plan (2021)

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:

- D1: London's form, character and capacity for growth
- D4: Delivering good design

7.2 Waltham Forest Local Plan LP1 (2024)

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
- 53: Delivering High Quality Design
- 57: Amenity
- 61: Active Travel
- 71: Listed Buildings
- 72: Conservation Areas
- 80: Trees
- 93: Waste Management

8 OTHER MATERIAL PLANNING CONSIDERATIONS

8.1 National Planning Policy Framework (2023)

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:

- Achieve well-designed and beautiful places
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

8.2 Local Finance Considerations

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. The proposals for Vestry House Museum are supported by a Levelling Up Fund grant from central government.

- 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.

8.3 **Other Planning Guidance**

- Walthamstow Village Conservation Area appraisal

9 **ASSESSMENT**

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

- A. Principle of development
- B. Design and character
- C. Heritage
- D. Residential amenity (existing occupiers)
- E. Hours of operation
- F. Trees and biodiversity
- G. Highways
- H. Waste management
- I. Secure by design

A. Principle of development

- 9.2 No objection is raised to the principle of demolishing the existing extension at the museum as this would not involve demolition of any part of the building which contributes to the character of either the listing or conservation area in terms of heritage. Additionally, there is no objection raised to the improvement of existing facilities, which have been designed in conjunction with the Council's project delivery team to revitalise the museum and ensure the longer-term viability of the building as a much-loved community asset.
- 9.3 The principle of extending/refurbishing the museum is acceptable in creating a more accessible building for the visiting public and staff. The proposal would likely mean some loss of historic fabric of the listed building, though this would be outweighed by the wider public benefit of the project.
- 9.4 The change of use to mixed use (to Sui Generis: mixed use class F1 and E) can be supported given the extent to which the uses are proposed. There would be a small loss in F1 floorspace, though a net gain in true accessible F1 floorspace as most of this would be relocated to the ground floor and level access would be provided, which the building currently fails to provide. On balance this is acceptable as it would provide a public benefit – it is one of the main aims of the project. This loss is further compensated by digitalisation of the museum archive, which will be accessible online.
- 9.5 The principle of Class E use is split into three subclasses: E(b) cafe use would be relocated and expanded to the new replacement extension to facilitate business expansion. The office/co-working space is acceptable

subject to the control of subclasses E(c) and E(g) only. Other subclasses of Class E would not be suitable for this context.

B. Design and character

- 9.6 Policy 53 of LP1 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.
- 9.7 The proposal would involve demolition of the existing single-storey rear projection which was constructed ca. 2000. This is a relatively recent addition to the building which does not contribute to the character of the listing. It has deteriorated in terms of its condition and would require a scheme of modernisation to operate efficiently. The design of the replacement single-storey extension is modern and the applicant references Lea Bridge Library as a precedent, which is a comparable development by the same architect. A contemporary design helpfully distinguishes it from the historic areas of VHM. The footprint would also not be materially different to the existing, with exception to a small in-fill amount where currently is a small, hard surfaced area of the garden. The design includes a large, glazed elevation to the south, a new entrance door to the north from Church Path with some clerestory windows on the north elevation which would ensure that the café space is well-lit. The roof would have a mono-pitch, increasing slightly in height to the north to house the clerestory windows. On balance this is not considered to change the situation in terms of the scale of development present at VHM. The design would remain subservient to the main building and would not cause harm to its character and appearance and would provide for an attractive addition overall.
- 9.8 A first floor in-fill extension is proposed, which would be situated behind the pitched roof linking the historic part of the museum with the former policemen's cottages. This would facilitate the creation of level access in conjunction with an internal lift to the first floor of VHM, where currently access is very limited for wheelchair users or those with less mobility. This element of the proposal would not be visible from key public vantage points due to its relatively low height and would be glazed on the south elevation with views internally to the existing pitched roof. The north elevation would join the ridge of the existing roof at this point. The design would follow a similar appearance to the modern extension which, equally, would distinguish it from the historic parts of VHM.
- 9.9 Materials of the ground-floor extension are proposed as reusing existing or reclaimed brickwork externally with timber-framed glazing, finished with a corrugated metal roof in red/orange, which would complement the brickwork. Rainwater goods would be concealed within the structure. The first-floor extension would be entirely glazed on the southern elevation with a corrugated roof which is as good as flat and would appear light-touch. Overall, the materials are considered to provide a contemporary look which would complement the historic building. Although there is no precedent for modern timber window frames or a metal corrugated roof, good design mustn't always constitute something

which is a copy of its surroundings, especially for a building which evidences different architectural periods. The development is likely to provide the next step in VHM's architectural history. It is recommended that specific material samples are submitted as a condition for review by conservation officers.

- 9.10 Two historic windows would be reinstated within the façade (WP-01 and WP-14). In the case of WP-01 this would provide a new window to serve the circulation space, but in the case of WP-15 this will be limited to the external façade only to create an external display window. A further three windows (WE-17, WE-18 and WE-19) would be reopened where they are currently fixed shut, all serving the proposed co-working areas. This would ensure that the ground-floor spaces to which they relate to are adequately lit. These three windows are provided with shutters which would be maintained as a decorative element as per the pre-application advice. The shutters provide character to the former cottages and are a part of the historic fabric of VHM.
- 9.11 The boundary wall which separates the existing museum entrance from Vestry Road would be demolished and replaced with an open, hard surfaced area for external exhibitions. No objection is raised to this approach, given that it would provide more of a sense of openness to the front elevation and improve its overall kerb appeal. The wall is also not contemporary with the build of the historic parts of VHM.
- 9.12 With the above in mind, the proposal would provide for an attractive extension and refurbishment of the building overall to ensure the long-term viability of VHM. The design would therefore comply with the aims and objectives of Policy 53 of LP1. Full details of all materials to be used on site would be subject to a pre-commencement condition.

C. Heritage

- 9.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving the character of Listed Buildings and their setting or any features of special architectural and historic interest. Section 72 of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 9.14 In accordance with Policy 71 of LP1, proposals are expected to conserve listed buildings and where possible enhance the significance of the heritage asset.
- 9.15 The proposal is a sensitive approach to refurbishing the museum building. Most internal works do not require planning permission but rather listed building consent, which is assessed under application 240862.
- 9.16 Specific matters affecting the significance of the historic parts of the listed building which also require planning permission are limited to new window openings facing Vestry Road and Church Path. (WP-01 and WP-14). Both would provide a modern intervention where there was historically a window. WP-01 would be located near the front entrance,

serve the circulation space and replace the existing boiler flue, thereby providing an improvement in terms of its appearance. Additional drawings have been provided for the detailed design. WP-14 would provide a window cabinet on the external face of the building only to act as a display unit of sorts, which could be used to advertise objects or notices. This is a sensible approach to WP-14 where, on the inner face, is historic timber panelling which would be retained as per the pre-application advice. This would mean a small loss of historic fabric (e.g. bricks) as new openings would be inserted in the main elevations of the building, though this can be supported given the wider public benefits of the project.

- 9.17 With regard to the conservation area, the majority of works would be limited to the rear and side elevations of the building and any works affecting the Vestry Road and Church Path elevations of the historic parts of the building are minor interventions. Although some limited oblique views may be had from St Mary Road/Church Path through the existing boundary treatment, the majority of the extension would not be visible from key public vantage points. Therefore, it is not considered to alter the character of the wider conservation area when viewed as a whole as the main development replaces an already modern extension.

D. Residential amenity

- 9.18 Policy 57 of LP1 seeks to maintain the amenity of neighbouring occupiers in terms of overlooking, enclosure and/or the loss of daylight, sunlight, outlook and privacy. Noise/disturbance is also a consideration given that the use of the site would be intensified.
- 9.19 Given that the extension would replace an existing extension of similar proportions, the development is not considered to impact neighbours in terms of natural light, outlook or overshadowing as the situation would not be materially different to the existing.
- 9.20 The existing policemen's cottages provide office spaces to museum staff members and the change of use would mean this space is proposed as a co-working area instead, but with a similar general day-to-day function. There is potential for intensified overlooking at first-floor level with this change of use, with individuals and/or businesses being able to rent workspaces. With regard to any overlooking towards Church Path, no new windows would be inserted into this area of the building and only existing windows would be reopened to serve the co-working areas. Additionally given that the first-floor window openings are historic (WE-40 and WE-42), no objection is raised to their use with regard to the co-working spaces and only WE-40 would serve a habitable space. Any possibility for overlooking here is therefore considered to remain similar when compared to the existing situation, as a degree of mutual overlooking is already present, and this window can be conditioned to be partly obscured.
- 9.21 The change of use of the café is likely to further intensify the use of the building as this space would be used for events (e.g. talks, workshops) as well as day-to-day running of the café. After the hours of 19:00 visitors

would be expected to exit via Vestry Road instead for reasons of amenity protection and general noise/disturbance. This is a sensible approach and can be controlled by way of a planning condition together with the proposed hours.

- 9.22 Due to the sitting of the proposal in relation to adjoining neighbours and tracking of the sun there would be no unacceptable impacts in terms of daylight, sunlight, outlook and privacy. Likewise, the proposed uses are not considered to alter the situation to the detriment of continued enjoyment of any dwellinghouses within the immediate area. The proposal together with compliance with the relevant planning conditions would ensure amenity protection for nearby occupiers, therefore the proposal complies with Policy 57 of LP1.
- 9.23 Kitchen extraction equipment is proposed to serve the new kitchen within the extension and is necessary to control cooking odours and fumes. No detail has been submitted with regard to its design, installation or actual means of extraction. Whilst a daytime café offering is unlikely to require the same level of extraction system as a full restaurant kitchen, it is recommended that detail is submitted as part of a condition. The detail should outline the detailed design of the system, means of exhaust and the operating sound levels, in the interest of amenity protection and environmental health for neighbours. The design should also be limited to the main extension of the building and not affect the setting of the listed building.

E. Hours of operation

- 9.24 Hours of each proposed use are outlined in the application form and are as below. The spaces are designed to be operated independently from one another and when required.
- F1 (Museum) – every day 10:00-18:00
 - Class E(b) (as a café) – Monday to Friday 08:30-16:30, Saturday, Sunday and Bank holidays 09:00-16:30
 - Class E(b) (as an events space) – every day 10:00-22:00
 - Class E(c) and E(g) (co-working) – Monday to Friday 09:00-18:00
- 9.25 The uses can be controlled by way of a planning condition and are acceptable, especially given that the use of the space for events is unlikely to occur on a daily basis. The conditions can apply more flexible hours of operation generally to make allowance for potential future changes to the museum's operation, in line with what the LPA considers acceptable to operate within the locality.

F. Trees and biodiversity

- 9.26 There are a number of mature trees within the vicinity of the application site and within the landscaped rear garden. The arboricultural impact assessment (AIA) identifies the likely impact to trees that would result from the development and that T37 would be removed to facilitate the single-storey rear extension. It is described as a tree with limited long-term value and tree officers agree that its removal is justified.

- 9.27 The proposal should provide a meaningful replacement for any felled tree. The application proposes two smaller trees in its replacement though no additional information has been provided as to the type/species or future maintenance. The proposed ground floor layout indicates some cutting back of hedges H6, H7 and H8 by the new café entrance though a proposed site layout plan indicates some of it would be retained, which is acceptable. A condition is recommended as part of a wider landscape management plan for the gardens as this area lacks the level of detailed expected.
- 9.28 The AIA outlines that tree protective measures will be installed prior to demolition to minimise harm to any retained trees, which includes protective fencing and ground coverings. This is considered the safest option with regard to protecting trees, in line with the objectives of Policy 80 of LP1.
- 9.29 Some confusion has arisen with the requirement for biodiversity net gain (BNG) which came into force for minor developments on 2 April 2022. The preliminary ecological appraisal also states that BNG is a requirement. Certain development can be exempt from BNG, including development which is limited to replace a sealed surface such as a car park. In this instance the only increase in footprint of the building would be a small amount of in-fill development which is otherwise limited to an existing sealed surface, therefore planning officers conclude that BNG is not applicable.
- 9.30 Following recommendations of the preliminary ecological appraisal (PEA), a bat survey has been undertaken which concludes that there is no evidence to suggest bats are roosting in the roof of the building.
- 9.31 The PEA together with bat survey makes recommendations for the installation of 6 integrated bird bricks (e.g., Ibstock swift eco habitat) and 2 bat boxes, which can be controlled by way of a planning condition. Ideally bird bricks should be situated 5m above the ground level in a north or northeast elevation below the eaves. It is difficult to see a way that 6 can be integrated above 5m height with the new extension without appearing odd, as this is maximum 5.1m in height at the upper roof ridge, though other heights may be acceptable close to the roof ridge/gable elsewhere. On balance 2 bird bricks can be supported together with 2 bat boxes as this will still likely provide a net gain for habitat. Bat boxes should be positioned at least 3m above ground level. None should be located directly above windows or doors for reasons of the likely increased pressure for cleaning.

G. Highways

- 9.32 Policy 61 of LP1 outlines that the Council actively supports a shift to active transport modes and an increase in walking and cycling. In terms of cycling, there is no specific target number of cycle parking spaces for this proposed use class, though the proposal would increase the number of cycle spaces to 10. This is considered to support a general shift to active travel in line with the Council's objectives. The application site is located within a controlled parking zone (CPZ), meaning that staff and

visitors are encouraged to visit the museum by bicycle or on foot rather than by car.

- 9.33 The main work which affects the public highway is the new proposed entrance, whereby the ground level of the existing footpath facing Vestry Road would be increased in height towards the new entrance door to provide level access. This is outside of the red line boundary of the site, though is acceptable in planning terms and has been discussed with the relevant teams within the Council. It would be subject to a separate application to the Highway Authority. As this is a conservation area, highway works must be carried out with suitable materials which may increase the cost. The extent is likely to be: redesign to relevel the public footpath outside the frontage of the site, delineation of the public/private land, possible drainage works and repositioning of two heritage bollards.
- 9.34 The application proposes removal of the front-facing boundary wall which currently acts as a clear delineation between the site boundary of VHM and the public highway (footpath). With its removal, this line is blurred but is acceptable in planning terms and promotes the use as a public building. Water must not run off from the site onto the public highway and vice versa. A drainage strategy was discussed at concept-level which would act as both a physical boundary and localised drainage for surface water. Further detail of this drainage should be provided and would be subject to a pre-occupation planning condition.
- 9.35 Highway officers commented that the outline CLP lacks detail but does follow a CLOCS CLP guidance. Within a future submission a CLP should explore site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage.
- 9.36 It was also requested by highways officers that a condition survey of the footway is undertaken alongside a financial contribution towards CLP monitoring. However no legal agreement will be entered into as this is a Council-organised scheme.

H. Waste management

- 9.37 The DAS outlines that waste would be managed by an operator on behalf of the Council with the operator also managing the café/co-working space. Temporary waste storage is provided at the rear of the café towards Church Path and permanent waste storage by the side gate close to Vestry Road. There is space for 4x 1100L wheeled bins, 3 for recycling and 1 for non-recycling. This location is close to the highway for ease of collection.
- 9.38 Any organic waste unable to be composted will be placed in 2x 240L wheeled bins and brought to the waste collection point on the relevant day.
- 9.39 Ultimately it is at the developer's discretion to state the level of refuse storage required. Though the proposed waste management strategy is acceptable with regard to Policy 93 of LP1.

I. Secure by design

- 9.40 The Metropolitan Police was consulted at pre-application stage and confirms that the new openings facing Church Path are likely to provide an improved presence for VHM with an increase in visitor numbers. The path provides a direct route to the site from Walthamstow Central station but currently lacks safety features or natural surveillance. The use of Church Path to provide entrances to VHM together with an intensified use of the building would increase surveillance (formal, natural and active). This is an improvement which promotes a safe and welcoming route, linked to the increase in volume of people using the site and reducing potential victims of crime.
- 9.41 The site also maintains secure gates at the entrances on both Church Path and Vestry Road which would deter vandals or trespassers. The applicant is advised to make use of further safety features such as CCTV or additional external lighting to make the location safer, in line with secure by design principles.

10 CONCLUSION

- 10.1 In summary the proposed development is considered to provide a sensitive approach to refurbishing and extending the listed building to ensure the long-term viability of Vestry House Museum. There would be no harm caused to the overall character and appearance of the building and wider conservation area. Likewise, any potential harm caused to residential amenity is minimal. Despite a small loss in some historic fabric of the building, this is acceptable on balance as the project would provide a wider public benefit. Subject to compliance with the relevant conditions, the proposal is acceptable.
- 10.2 With this in mind it is recommended that planning permission is granted subject to conditions.

11 ADDITIONAL CONSIDERATIONS

11.1 Public Sector Equality Duty

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.

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

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.

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

11.2 **Human Rights**

11.2.1 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.

11.2.2 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 the Planning Committee that planning permission is granted subject to the following conditions and informatives:

12.2 **Conditions**

1. The development hereby permitted shall begin no 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: -

- 300_D_101_00 Rev 6 Proposed Site Plan
- 300_D_101_00 Rev 1 Proposed First Floor Plan
- 300_D_111_00 Rev 5 Proposed Ground Floor Plan

- 300_D_111_01 Rev 3 Proposed First Floor Plan
- 300_D_111_02 Rev 4 Proposed Roof Plan
- 300_D_112_01 Rev 1 Proposed Sections (Sheet 1 of 4)
- 300_D_112_02 Rev 1 Proposed Sections (Sheet 2 of 4)
- 300_D_112_03 Rev 1 Proposed Sections (Sheet 3 of 4)
- 300_D_112_03 Proposed Sections (Sheet 4 of 4)
- 300_D_113_01 Rev 1 Proposed External Elevations (Sheet 1 of 3)
- 300_D_113_02 Rev 1 Proposed External Elevations (Sheet 2 of 3)
- 300_D_113_03 Rev 3 Proposed External Elevations (Sheet 3 of 3)

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

3. Prior to the commencement of development, notwithstanding site investigation and clearance works, demolition and construction to slab level, detail and samples of the materials to be used in the external faces of the extension(s) hereby approved, including bricks, fenestration, roof finishes and gates/fencing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details and thereafter retained as such.

Reason: To preserve and enhance the character and appearance of the building and conservation area, in accordance with Policies 57, 71 and 72 of the adopted Waltham Forest Local Plan LP1 (2024).

4. No development shall take place on site whatsoever until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The logistics plan shall include outline details of site access, journey planning, access routes, hours of delivery, temporary traffic arrangements or restrictions, site operation times, loading and unloading locations and material storage. All works shall be carried out in accordance with the approved details throughout all demolition and construction works.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents to ensure that disruption is kept to a minimum and does not affect highway traffic flows to comply with Policies 63, 64 and 65 of the adopted Waltham Forest Local Plan LP1 (2024).

5. The development shall fully conform with the recommendations of Arboricultural Impact Assessment 230971-PD-11a dated April 2024. The development shall be carried out solely in accordance with the approved details, all works shall comply with BS 3998:2010 (Tree Work - Recommendations) and shall be supervised by a suitably qualified Arboriculturalist and any post-construction mitigation measures shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the well-being of the trees and in the interest of biodiversity and the amenity of the surrounding area, in accordance with Policy 80 of the adopted Waltham Forest Local Plan LP1 (2024).

6. Prior to first occupation of the development hereby permitted, a Landscape Management Plan which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the planting of any replacement trees. The approved Landscape Management Plan shall be implemented prior to the first occupation of the development hereby approved and thereafter maintained for the lifetime of the development.

Reason: To preserve and enhance the character and appearance of the building and in the interest of biodiversity, in accordance with Policies 57 and 80 of the adopted Waltham Forest Local Plan LP1 (2024).

7. Prior to the commencement of development hereby permitted, notwithstanding site investigation and clearance works, demolition and construction to slab level, full details relating to the following shall be submitted to and approved in writing by the Local Planning Authority: a) the design and location of two bird boxes; and b) the design and location of two bat boxes. The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall be thereafter maintained as such for the lifetime of the development.

Reason: In the interest of biodiversity, in accordance with Policy 79 of the adopted Waltham Forest Local Plan LP1 (2024).

8. Prior to first occupation of the development hereby permitted, full details of the kitchen extraction equipment, including details of any external plant equipment and/or ducting, shall be submitted to and approved in writing by the Local Planning Authority. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to first occupation of the development and shall be retained for the lifetime of the development.

Reason: In the interest of environmental health and to protect the amenities of nearby occupiers within the surrounding area, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

9. Prior to first occupation of the development hereby permitted, a scheme shall be submitted to and approved in writing by the Local Planning Authority for drainage in association with the boundary treatment hereby approved. The approved drainage works shall be undertaken and completed prior to the commencement of construction of the development hereby approved and thereafter retained as such for the lifetime of the development.

Reason: To prevent the increased risk of flooding both on- and off-site, to ensure no water ingress and egress beyond the Vestry Road site boundary and to ensure that adequate drainage facilities are provided in accordance with Policy 91 of the adopted Waltham Forest Local Plan LP1 (2024).

10 Prior to first occupation of the development hereby permitted, full details relating to the following shall be submitted to and approved in

writing by the Local Planning Authority: a) the design of secure and lockable cycle parking; and b) the design and materials of any refuse and recycling storage. The development shall be carried out fully in accordance with the approved details prior to first occupation of the development and shall be thereafter maintained as such for the lifetime of the development.

Reason: To preserve and enhance the character and appearance of the building and conservation area, in accordance with Policies 57, 71 and 72 of the adopted Waltham Forest Local Plan LP1 (2024).

11. Prior to first occupation of the development hereby permitted, the lower sash of window WE-40 serving the north elevation to the boundary of Church Path shall be fitted with obscured glazing. The window shall thereafter be permanently retained as such.

Reason: To prevent overlooking and loss of privacy in the interests of the amenities of adjoining properties, in accordance with Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

12. The Class F1 use hereby approved shall only operate between the hours of 09:00 – 22:00 (Monday to Sunday).

Reason: To safeguard the visual amenities of the area in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

13. The Class E(b) use hereby approved shall only operate between the hours of 07:00 - 22:00 (Monday to Friday) and 09:00 – 22:00 (Saturday, Sunday and Bank Holidays).

Reason: To safeguard the visual amenities of the area in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

14. The Class E(c) and E(g) use hereby approved shall only operate between the hours of 07:00 - 19:00 (Monday to Friday) and 09:00-19:00 (Saturday, Sunday and Bank Holidays).

Reason: To safeguard the visual amenities of the area in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

15: The entrance gate and primary café entrance (door DP-11) serving the north elevation, as indicated in drawing number 300_D_111_00 Rev 5, shall be used as a secondary entrance/exit for visiting members of the public only between the hours of 07:00 – 19:00 (Monday to Friday) and 09:00 – 19:00 (Saturday, Sunday and Bank Holidays). Outside of these hours, the door and gate shall be used for the purpose of emergency exit, maintenance and deliveries/servicing only.

Reason: To safeguard the visual amenities of the area in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

12.3 **Informatives**

1. This notice is without prejudice to your responsibilities 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. In this instance the applicant was provided with pre-application advice.

3. 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.