

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 9th November, 2022**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 9th November, 2022**
at **7.00 pm**.

Georgina Blakemore
Chief Executive

Democratic Services
Officer:

A Hendry, Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors S Heather (Chairman), D Stocker (Vice-Chairman), N Avey, R Bassett, H Kane, S Kane, J Lea, J Leppert, J Lucas, T Matthews, R Pugsley, M Sartin and S Yerrell

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on Zoom do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

Members are reminded to activate their microphones before speaking”.

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage https://eppingforestdc-self.achieveservice.com/service/Member_Contact to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council's website, at the bottom under 'Contact Us'
<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 9 - 12)

To confirm the minutes of the last meeting of the Sub-Committee held on 12 October 2022.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

This briefing note, dated October 2021, has been produced by the Planning Policy team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

8. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

9. PLANNING APPLICATION - EPF/2456/21 THE LEAVES, TYLERS ROAD, ROYDON CM19 5LJ (Pages 13 - 20)

To consider the attached report on the storage and sales of cars.

10. PLANNING APPLICATION - EPF/1051/22 6 MARKET SQUARE (BARCLAYS BANK PLC), WALTHAM ABBEY EN9 1DN (Pages 21 - 28)

To consider the attached report on the redevelopment of the former Barclays Bank to mixed use development including upward extension by way of an additional storey at roof level, retaining commercial use on the ground floor and creating a 1 no. duplex 3 bed flat across first and second floors above the commercial space with entrance at street level.

11. PLANNING APPLICATION - EPF/1984/22 UNITS 12,14, AND 15 ARLINGHAM MEWS, SUN STREET, WALTHAM ABBEY EN9 1ED (Pages 29 - 40)

To consider the attached report on the Change of use of three vacant retail units, to two one bed flats.

12. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes, you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk/> Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.














An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee West 2022-23
 Members of the Committee and Wards Represented:

				
Chairman	Vice Chairman			
Cllr Heather	Cllr Stocker	Cllr Avey	Cllr Bassett	Cllr Pugsley
Waltham Abbey Honey Lane	Waltham Abbey Honey Lane	Broadley Common, Epping Upland and Nazeing	Lower Nazeing	Lower Nazeing
				
Cllr Sartin	Cllr Matthews	Cllr S Kane	Cllr Lea	Cllr Lucas
Roydon	Waltham Abbey High Beach	Waltham Abbey Honey Lane	Waltham Abbey North East	Waltham Abbey North East
			Vacant	
Cllr Leppert	Cllr Yerrell	Cllr H Kane		
Waltham Abbey Paternoster	Waltham Abbey Paternoster	Waltham Abbey South West	Waltham Abbey South West	

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Area Planning Sub-Committee West	Date:	Wednesday, 12 October 2022
Place:	Council Chamber - Civic Offices	Time:	7.00 - 7.35 pm
Members Present:	Councillors S Heather (Chairman), N Avey, R Bassett, H Kane, S Kane, J Leppert, J Lucas, T Matthews, R Pugsley and M Sartin		
Apologies:	D Stocker, J Lea and S Yerrell		
Officers Present:	A Marx (Development Manager Service Manager (Planning)), J Leither (Democratic Services Officer) and N Cole (Corporate Communications Officer)		
Officers Present (Virtually):	R Perrin (Democratic and Electoral Services Officer)		

68. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

69. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

70. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Member Code of Conduct.

71. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 17 August 2022 be taken as read and signed by the Chairman as a correct record.

72. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

73. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

74. SITE VISITS

There were no formal site visits requested by the Sub-Committee.

75. PLANNING APPLICATION - EPF/1024/22 26 WOODBROOK GARDENS, WALTHAM ABBEY EN9 3DA

Application Ref: EPF/1024/22

Application Type: Householder planning permission

Case Officer: Muhammad Rahman

Site Address: 26 Woodbrook Gardens
Waltham Abbey
Essex
EN9 3DA

Proposal: Single storey wraparound side/rear/front extension and partial first floor rear extension

Ward: Waltham Abbey Honey Lane

Parish: Waltham Abbey

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nz0D>

Decision: Approve with Conditions

Conditions: (5)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: DPL.01, DPL.02, DPL.03, DPL.04, DPL.05, DPL.06, DPL.07, DPL.08, DPL.09, DPL.10, DPL.11, DPL.12, DPL.13, DPL.14, DPL.15, DPL.16, and DPL.17.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 5 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

- 6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

76. PLANNING APPLICATION - EPF/1205/22 GARDEN HOUSE, LAUNDRY LANE, NAZEING, WALTHAM ABBEY EN9 2DY

Application Ref: EPF/1205/22
Application Type: Full planning permission
Case Officer: Alastair Prince
Site Address: Garden House
 Laundry Lane
 Nazeing
 Waltham Abbey
 EN9 2DY
Proposal: Proposed new detached cart lodge structure.
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzMC>
Decision: Approve with Conditions

Conditions: (4)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 7100; 1, 2, Block Plan, Location Plan

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 2 Prior to commencement of the relevant part of the development, documentary and photographic details of the type and colours of the external finishes of the development must have been submitted to and approved in writing by the Local Planning Authority. The development shall

be carried out in accordance with the approved details and so retained.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1+DBE4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, B and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the openness of the Green Belt, in accordance with policy GB2A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The outbuilding hereby approved shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors along with incidental storage and for no other purposes.

Reason: To protect against alternative use of the outbuilding that may be contrary to Green Belt policy, in accordance with policy GB2A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF.

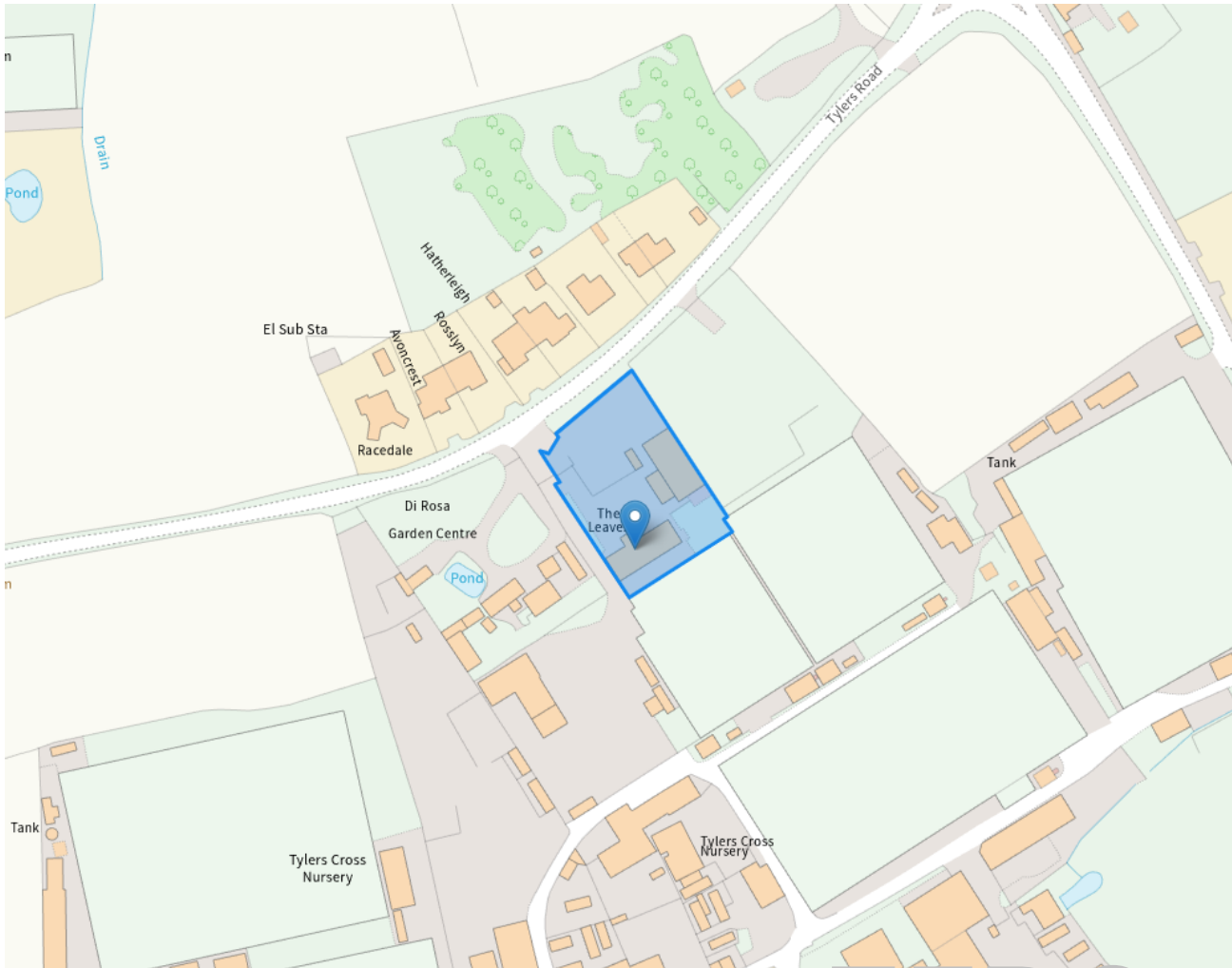
Informatives: (1)

- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

CHAIRMAN



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Application Number:	EPF/2456/21
Site Name:	The Leaves, Tylers Road Roydon CM19 5LJ

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OFFICER REPORT

Application Ref: EPF/2456/21
Application Type: Full planning permission
Applicant: Mr Matt Maskell
Case Officer: Ian Ansell
Site Address: The Leaves
Tylers Road
Roydon
Harlow
CM19 5LJ
Proposal: Storage & sales of cars.
Ward: Broadley Common, Epping Upland and Nazeing
Parish: Roydon
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzFa>
Recommendation: Approve with Conditions

This application is before this Committee since it has been 'called in' by Councillor Avey (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site lies on the south side of Tylers Road, around 220 metres west of the Tylers Cross roundabout. The site comprises around 0.28ha and comprises a industrial building in its south east corner of around 270 sq.m. area and an open yard on which a small temporary canopy was erected at the time of the site visit. The site is screened from the road by an established hedgerow.

Access to the site lies in the north west corner of the site. The entrance is set back off a shared entrance area which also serves the dwelling The Leaves a chalet style bungalow that lies behind. An adjacent entrance serves Di Rosa Nursery which extends to the rear and incorporates glasshouses and a range of commercial and industrial buildings and uses. Opposite the site lies a ribbon of residential bungalows.

The site and all surrounding land lies within the Green Belt. The northern site boundary marks the edge of the Nazeing and South Roydon Conservation Area with the site located outside of the protected area.

Description of Proposal:

The application seeks to regularise the use of the site for the storage and sale of cars. The business is primarily conducted on-line and no vehicles are displayed in the historic manner at the site. The building is used for the preparation of vehicles involving cleaning, valeting and minor works, the applicant stresses that no mechanical repairs are conducted on the premises. Customers may call by appointment to view and collect vehicles, but a proportion of vehicles are delivered.

Working hours at the site are 9am – 6pm Mondays to Fridays and 9am – 5pm Saturdays.

Relevant History:

EPF/0416/12 – change of use from nursery to garden centre approved. This application related to the whole of The Leaves comprising the dwelling and its curtilage and the application site.
EPF/1541/14 – lawful development certificate for use of building as dwelling house – lawful.

EPF/2586/15 – Demolition of existing glasshouses, erection of building for storage of ice cream vans and re-use of glasshouses for ancillary parking approved. While the site location is given as ‘Di Rosa Garden Centre and The Leaves’, the site location plan clearly identifies the current application site and the building approved is that which is now part of current application. A personal condition was subsequently removed under application EPF/0114/17.

Policies Applied:

Adopted Local Plan:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous development
NC1	SPA's, SAC's and SSSI's
E4A	Protection of employment sites
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
ST2	Accessibility of development
ST6	Vehicle parking

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) 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:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open Land
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM4	Green Belt
DM9	High Quality Design
DM13	Advertisements
DM21	Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Date of site visit: 12 September 2022
Number of neighbours consulted: Eight
Site notice posted: No, not required
Responses received: No response received from neighbours.
Parish Council: No response from Parish Council

Main Issues and Considerations:

The application is effectively seeking a change from the storage of ice cream vans to the current use. In broad term, there are a number of benefits that arise from the removal of the previous use – ice cream vans are usually diesel fuel operated with an element of noise when they operate, with in and out vehicle movements on a daily basis for much of the day during the season. The previous use was permitted to operate between 10:00 to 20:30 hours seven days a week. A simple comparison therefore suggests the use for car sales will reduce potential impact on surrounding residents, which is reflected in the lack of any public response.

Officers note the applicants submission as to the character of the business being primarily on-line and can attest to the number of similar such operations emerging over recent years. Vehicles are not displayed in the traditional manner with garish signs and no advertisements are proposed to be erected externally to the site. Visually, therefore the use has little material impact on the location and setting.

There is no evidence that significant repair work is being or could be carried out on the site. The building is not equipped for such works and the site is maintained in a clean and tidy condition.

The application is accompanied by a Trip Generation Analysis which concludes that compared to previous uses, the present use results in a reduction in overall vehicle movements, and an appropriate assessment has been completed taking account of these conclusions.

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely

significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

- 1) Recreation activities arising from new residents (recreational pressures); and
- 2) Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

- 1) The development would not result in a net increase in traffic using roads through the EFSAC.

The Council is therefore satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal or seek financial contributions toward mitigation and monitoring measures.

Conclusion:

The site has a history of commercial use, including activities which potentially could have resulted in amenity concerns for nearby residents. As a result of these activities, the hard surface areas and the building on the site are pre-existing and are not intended to be altered.

The use is therefore not considered to have a discernible impact on the Green belt or local amenity. Therefore the application is recommended for approval, subject to conditions that ensure the use remains consistent with the details set out in the application.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (4)

- 1 The development hereby permitted shall be retained strictly in accordance with the following approved plan: ELA/4 Rev A.

Reason: For the avoidance of doubt and to ensure the proposal is retained in accordance with the approved plan.

- 2 The use hereby permitted shall only operate between 9am and 6pm Mondays to Fridays and 9am and 5pm Saturdays, and at no times on Sundays and Bank or Public Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017 and the NPPF 2021.

- 3 The workshop building shall be used only for cleaning, valeting and preparation of vehicles and shall not be used for mechanical repairs or the painting or spraying of vehicles.

Reason: In order to protect the amenities of surrounding residents in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017 and the NPPF 2021.

- 4 Notwithstanding the provisions of the Town & Country Planning (Control of Advertisement) (England) Regulations 2007 (or any subsequent order amending, revoking or re-enacting the Regulations), no advertisements shall be displayed at or on the site or on any vehicle so as to be visible from the road without prior consent from the Local Planning Application through an appropriate application.

Reason: In order to protect general visual amenity and the Green Belt, in accordance with policies GB2A and DBE13 of the adopted Local Plan and Alterations, Policies DM4 and DM13 of the Local Plan Submission Version 2017 and the NPPF 2021.

Informatives: (1)

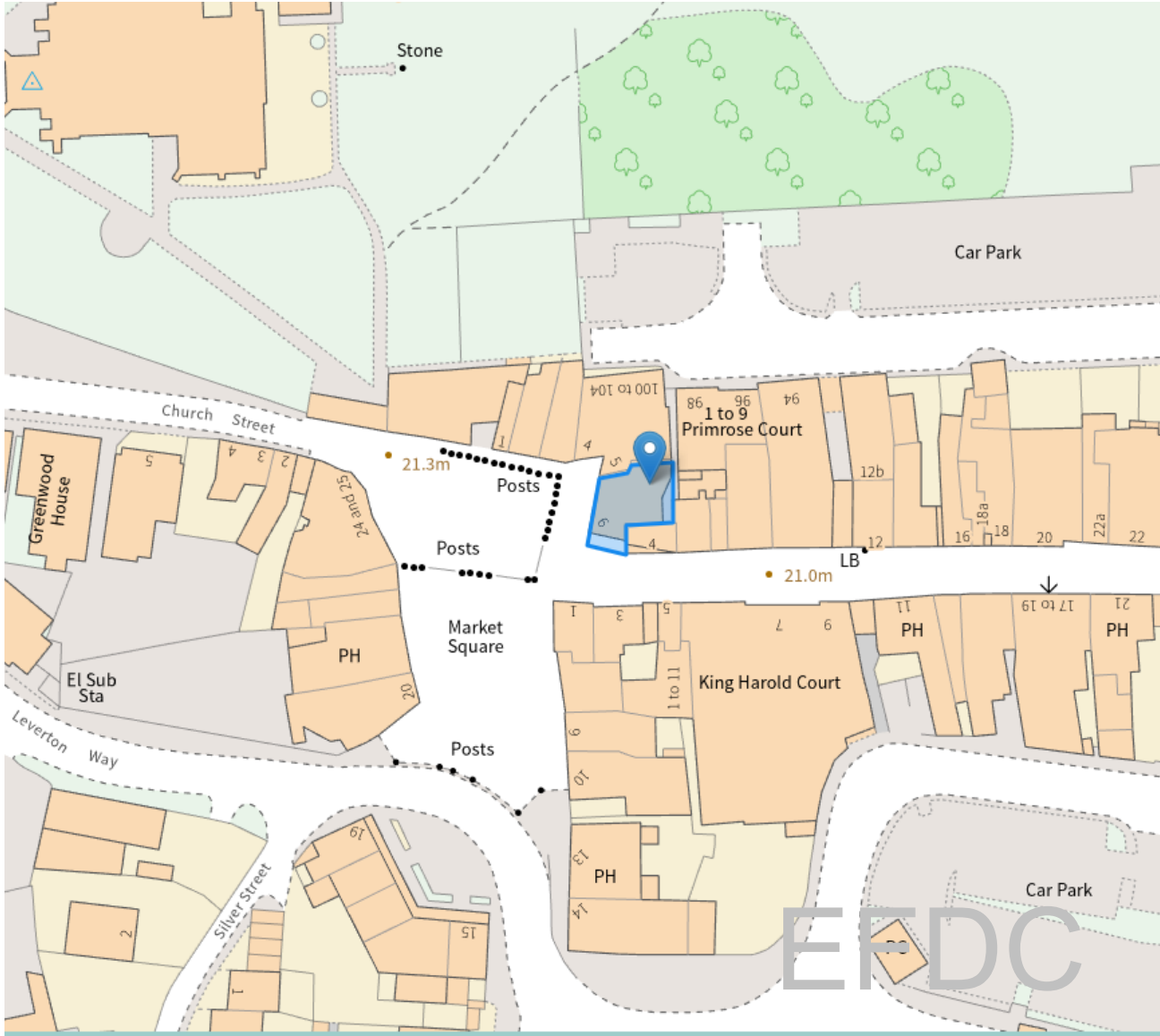
- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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Application Number:	EPF/1051/22
Site Name:	6 Market Square (Barclays Bank) Waltham Abbey EN9 1DN

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OFFICER REPORT

Application Ref: EPF/1051/22
Application Type: Full planning permission
Applicant: Hanson Holdings Ltd
Case Officer: Ian Ansell
Site Address: 6 Barclays Bank Plc
Market Square
Waltham Abbey
Essex
EN9 1DN

Proposal: Redevelopment of the former Barclays Bank to mixed use development including upward extension by way of an additional storey at roof level, retaining commercial use on the ground floor and creating a 1 no. duplex 3 bed flat across first and second floors above the commercial space with entrance at street level

Ward: Waltham Abbey South West

Parish: Waltham Abbey

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000NzDB>

Recommendation: Approve with Conditions

This application is before this Committee since it has been 'called in' by Councillor Helen Kane (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application relates to the former Barclays Bank building located in the north eastern part of Market Square with a return frontage to the north side of Sun Street. The building comprises two storeys, much of the larger ground floor area lies to the rear of the surrounding buildings; the building is now understood to be vacant having previously been used exclusively by the bank.

The site lies in an area of mixed town centre retail and associated usage with commercial and residential uses on the upper floors. The site is within the Waltham Abbey Conservation Area and there are a number of listed buildings in the immediate vicinity although the site itself has no such designation.

Description of Proposal:

The application proposes extensions and alterations to the building to create a ground floor commercial space and a residential unit above comprising of a three bed flat over two floors.

Extensions are proposed at first floor – a rear extension at the side of the existing staircase and including an enclosed terrace area – and at roof level where a new floor is added in a mansard style addition. The residential unit will be accessed from a new self-contained entrance on the Sun Street entrance where a bin and cycle store will also be created. Otherwise the primary elevations are refurbished retaining the existing form.

Relevant History:

None

Policies Applied:

Adopted Local Plan:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP7	Urban form and quality
HC6	Character, appearance and setting of Conservation Areas
HC7	Development in Conservation Areas
NC1	SPA's, SAC's and SSSI's
TC3	Town Centre function
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of Amenity
ST1	Location of development
ST2	Accessibility of development
ST6	Vehicle parking

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) 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:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk

DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Date of site visit: 27 June 2022
 Number of neighbours consulted: 23
 Site notice posted: 20 June 2022
 Responses received: No response received from neighbours.

Waltham Abbey Historic Society commented that an additional storey on the building would dwarf surrounding historic buildings.

Parish Council: Waltham Abbey Town Council responded, they raised no objection.

Main Issues and Considerations:

The site lies on a prominent part of the market square in an area of considerable variety of built form and finish. The existing building is seen to have little historic architectural merit being a relatively modern rebuild but is of an appropriate scale to its general setting. The building features a relatively high parapet wall extending around the two road frontages, and the second floor addition is set behind this. As a result, only the upper half of the elevation is visible from street level and therefore has a modest visual impact on the street scene and surrounding buildings, adding further to the diversity of built forms and heights in the square. Evidently, this will be neither unduly dominant nor harmful to any nearby protected buildings.

The design of the side elevation in particular the residential entrance has been refined on the advice of the Conservation Officer. This elevation does not form part of the primary retail frontage and the introduction of the residential entrance will provide a degree of active frontage onto Sun Street. Minimal interventions are now proposed to the established built form.

The extension elements at the rear abut an enclosed courtyard and are set away from boundaries not currently abutted by built form. The enclosed terrace has a limited amenity value to the future occupiers without impacting neighbours.

The site location within the town means parking cannot be provided, nor should it be in such a highly accessible location where other public parking areas remain available.

The application is accompanied by a Habitat Regulations Assessment trip generation analysis which recognises the former use would generate staff and customer journeys and concludes introduction of a reduced commercial footprint and a residential element would reduce overall vehicle movements including any in the EFSAC area. At the time the application was made, the site lie outside the 3km core zone in relation to recreational impact. The information is not disputed, and an appropriate assessment has been completed as under:

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination

with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies within the 3km - 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development would not result in a net increase in traffic using roads through the EFSAC. Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to recreational pressures but would not have a likely significant effect in relation to atmospheric pollution.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to recreational pressures.

Stage 2: 'Appropriate Assessment'

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC. As the application proposal lies more than 3km from the boundary of the EFSAC there is no requirement to make a financial contribution. Within this strategic context the Council is therefore satisfied that the application proposal would not, as a result, have an adverse effect on the integrity of the EFSAC.

Conclusion:

The primary issue in this case is the visual impact of the roof extension in particular. As set out above officers are satisfied that the scale of this addition is acceptable and its visual impact is limited as a result of it being located behind the existing parapet. Other design improvements have focussed on the need to ensure an active frontage is created on Sun Street. The opportunity to provide additional living accommodation in the town centre is a further benefit.

Subject to conditions therefore, the application is recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (5)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 0010 Rev 2, 0011 Rev 2, 1020 Rev 3, 1021 Rev 3, 1032 Rev 6, 1033 Rev 3, 1034 Rev 1, 2000 Rev 4, 2001 Rev 1, 2002 Rev 6 and 2003 Rev 3 and 2004 Rev 1

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The external materials to be used on all extensions and alterations hereby approved shall accord with the details shown on drawings numbered 2002 Rev 6 and 2003 Rev 3. Any variation there from shall be subject to further approval from the Local Planning Authority through an appropriate application.

Reason: To ensure development has a satisfactory appearance in the Conservation Area in accordance with policies HC6, HC7 and DBE3 of the adopted Local Plan and Alterations, policies DM7, DM9 and DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

- 4 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 5 The ground floor commercial floorspace hereby approved shall be used only for purposes falling within Use Classes E (a), (b), (c) and (e) of the Town & Country Planning (Use Classes) Order 1987 (as amended) and shall not be open for trading later than 9pm on any day of the week.

Reason: The suitability of any other uses and hours of business in this Town Centre location should be further assessed in order to protect general amenity and the viability of the centre, in accordance with policies Tc3, DBE2 and DBE9 of the adopted Local Plan and Alterations, DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatives: (1)

- 6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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Application Number:	EPF/1984/22
Site Name:	Units 12, 14 and 15 Arlingham Mews Waltham Abbey EN9 1ED

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OFFICER REPORT

Application Ref: EPF/1984/22
Application Type: Full planning permission
Applicant: Dominico c/o agent
Case Officer: Kie Farrell
Site Address: Units 12,14, and 15 Arlingham Mews, Sun Street, Waltham Abbey, EN9 1ED
Proposal: Change of use of three vacant retail units, to two one bed flats.
Ward: Waltham Abbey South West
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OhqJ>
Recommendation: Refuse

This application is before this Committee since it has been 'called in' by Councillor Helen Kane (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Address

Units 12,14, and 15 Arlingham Mews, Sun Street, Waltham Abbey, EN9 1ED.

Description of Site

Arlingham Mews is a 1980s shopping/office arcade on two floors with access via a pedestrian courtyard running between Sun Street and Darby Drive.

The application site is located within Waltham Abbey Town Centre and the Waltham Abbey Conservation Area.

Description of Proposal

Change of use of three vacant retail units, to two one bed flats.

The proposed development is similar to that proposed by recently refused application EPF/1213/21.

Three existing ground floor retail (Class E) units would be converted to two ground floor residential units and one further unit (Unit 11) would be reduced in size.

The application form states that 139.3 sq m of existing retail (Class E) floorspace would be lost.

Two residential units are proposed (both 1 bed, 2 person units).

An extension is proposed to the rear of one of the existing units in order to accommodate the living room of proposed Flat 1.

Existing Unit 11 (Shop 1) would be retained but would be reduced in size to accommodate the living room of proposed Flat 2.

An external toilet would be created at the rear of existing Unit 15 / alongside the bedroom of proposed Flat 2.

No off street car parking is proposed. No private amenity space is proposed.

Relevant History (003395)

EPF/1503/22

Two extensions to the existing building

Refused 24.08.2022.

Reason for refusal:

1. By reason of their design and siting, the proposed extensions would fail to preserve or enhance the existing buildings and yards or the surrounding Waltham Abbey Conservation Area contrary to policies DBE1, DBE3, HC6, HC7 and HC12 of the adopted Local Plan and Alterations (1998 & 2006), policies DM7 and DM9 of the Local Plan Submission Version (2017), and paragraphs 189, 190, 192, 193, 194, 200 and 201 of the NPPF (2021).

EPF/1213/21

Change of Use of Ground Floor Retail Units (A1) to 1 x Studio and 2 x 1 bed unit (C3)

Refused 19.4.22

Reasons for refusal:

1. The proposed development would result in the loss of ground floor retail units, including some falling within the Primary Retail Frontage / Primary Shopping Area, that could harm the vitality and viability of Waltham Abbey Town Centre. Insufficient evidence has been provided to demonstrate that the units are not capable of being re-let for a main town centre use. As such the proposal is contrary to policies TC1 and TC3 of the of the adopted Local Plan and Alterations (1998 & 2006), policies E2 and P3 of the Local Plan Submission Version (2017) as amended by Main Modifications (July 2021) and the NPPF (2021).

2. By reason of its design and proposed use, the proposed development would fail to preserve or enhance the existing buildings and yards or the surrounding Waltham Abbey Conservation Area contrary to policies DBE3, DBE10, HC6, HC7 and HC12 of the adopted Local Plan and Alterations (1998 & 2006), policies DM7, DM9 and DM10 of the Local Plan Submission Version (2017), and paragraphs 189, 190, 192, 193, 194, 200 and 201 of the NPPF (2021).

3. By reason of its design and layout the proposed development would provide poor levels of outlook and privacy and therefore an unacceptable quality of accommodation for future occupiers. As such the proposal fails to provide suitable living conditions contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

4. In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

9 (Ground and First Floor) & 13 (First floor) Arlingham Mews

EPF/0849/05 (duplicate of EPF/1732/04)

Change of use of Unit 9 (A1 retail) and Unit 13 (B1 office) to residential to form 5 x one bedroom flats. (Resubmitted application)

Refused 03.08.2005 (Committee overturn). Dismissed at appeal 31.01.2006.

Reasons for refusal:

1. The proposal would result in the loss of existing retail units that could harm the vitality and viability of Waltham Abbey Town Centre. As such the proposal is contrary to the provisions of Policy TCR3 of the Essex and Southend on Sea Replacement Structure Plan. It has not been demonstrated that the units are not capable of being re-let and therefore the proposed conversion of the units into residential units would be contrary to the provisions of Policy H10 of the Epping Forest District Local Plan.

2. The proposed flats, by reason of their internal arrangement, would lead to excessive overlooking of neighbouring flats within the development and excessive transmission of noise to bedrooms from adjoining flats and communal areas. They would therefore result in poor living conditions for their occupants contrary to policy DBE9 of the Epping Forest Local Plan.

Relevant extract from Appeal Decision (APP/J1535/A/05/1189854) Paragraphs 7-11:

“Vitality and Viability

7. The Appellants have provided no evidence of a specific marketing campaign, but there is persuasive advice from their letting agents as to a lack of demand for accommodation of this type within the shopping centre. There is nothing before me to suggest that a suitable tenant, or tenants, for the first floor accommodation is likely to be found in the foreseeable future and, in such circumstances, I find the principle of a change to residential use to be acceptable and in accordance with both SP and LP policies.

8. However, because of its prominent location, the ground floor of Unit 9 represents a key element in the shopping frontage of the mews, the loss of which would materially harm the vitality and viability of the centre. I therefore conclude, notwithstanding my findings with regard to the first floor accommodation, that the proposal is unacceptable in its present form and in conflict with both SP Policy TCR3 and with Planning Policy Statement 6 – Planning for Town Centres, a key objective of which is to promote vital and viable town centres.

Future Occupiers’ Living Conditions

9. The internal layout proposed for the residential units would result in kitchens within some flats adjoining bedrooms in others. Separating partitions are illustrated on the plans as being of lightweight construction, creating the clear possibility of unacceptable levels of noise transmission between flats. Whilst a planning condition could be imposed to address this problem, there is other legislation in place that would, in any event, require levels of sound insulation between flats sufficient to minimise any harmful noise transmission...

10. Of greater concern in my view, is the relationship between windows in the various flats. The only window in the living room of Flat 4, for example, would be directly overlooked, from just a few metres away, by two windows in the entrance hall of Flat 3. In addition, the living room in Flat 5 would be almost directly overlooked from the kitchen window in Flat 2, again from relatively close quarters, whilst there would be mutual overlooking between projecting oriel windows to the living rooms of Flats 1 and 2. To my mind and notwithstanding the built up town centre location, residential occupiers are entitled to a reasonable level of privacy which I consider the appeal proposal does not achieve.

11. Whilst LP Policy DBE9 seeks to protect the privacy and other amenities of neighbouring occupiers, I consider that its principles are equally applicable to occupiers of the development itself. My conclusion, therefore, on this issue, is that the proposal would fail to provide acceptable living conditions for future occupiers of the development with particular reference to privacy, in conflict with the objectives of LP Policy DBE9.”

9 & 13 Arlingham Mews (First floor units)

EPF/1732/04

Change of use of unit 9 (A1 retail) and unit 13 (B1 office) to residential to form 5 x one bedroom flats.
Refused 20.12.2004 (Delegated)

1. The proposed loss of an existing retail unit would harm the vitality and viability of Waltham Abbey town centre; as such the proposal is contrary to the provisions of Policy TCR3 of the Replacement Essex and Southend on Sea Structure Plan and Government advice in Planning Policy Guidance 6 (Town Centre and Retail Development). It has not been demonstrated that the units are not capable of being re-let and therefore the proposed conversion of the units into residential units would be contrary to the provisions of Policy H10 of the adopted Local Plan.

9 Arlingham Mews

EPF/1322/03

Change of use from A1(retail) to four self-contained one bedroom flats.
Refused 12.09.2003.

Reasons for refusal:

1. The proposed loss of an existing retail unit would harm the vitality and viability of Waltham Abbey town centre, as such the proposal is contrary to the provisions of Policy TCR3 of the Replacement Essex and Southend on Sea Structure Plan and Government advice in Planning Policy Guidance 6 (Town Centres and Retail Development).

2. The unit is not vacant or under-used and therefore the proposed conversion of a retail unit to four residential units would be contrary the provisions of Policy H10 of the adopted Local Plan.

Unit 17 Arlingham Mews

EPF/878/00

Change of use from office to residential flat.
Approved 06.09.2000.

Policies Applied

The following saved policies within the Council's adopted Local Plan (1998) and Alterations (2006) are relevant:

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

DBE3 Design in Urban Areas

DBE9 – Loss of Amenity

DBE10 – Residential Extensions

U3B Sustainable Drainage

DBE8 Private Amenity Space

ST6 Vehicle Parking Standards

ST1 Location of development

ST2 Accessibility of development

H1A Housing Provision.

TC1 Town Centre Hierarchy

TC3 Town Centre Function

HC6 Character, Appearance and setting of Conservation Areas

HC7 Development within Conservation Areas

HC12 Development affecting the setting of Listing Buildings

NPPF (July 2021):

The National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan Submission Version) 2017 (LPSV):

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ended 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1: Presumption in Favour of Sustainable Development
H1: Housing mix and accommodation types
DM7: Heritage Assets
DM9: High Quality Design
DM10 Housing Design and Quality
E2: Centre Hierarchy/Retail Policy.

Consultation carried out and summary of representations received

Waltham Abbey Town Council – No response received.

26 Neighbours consulted. No responses received.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the vitality and viability of Waltham Abbey Town Centre, impact on heritage assets, design, character and appearance and residential amenity.

Loss of Retail / Class E Units

Adopted Plan:

Policy TC1 of the adopted Local Plan defines Waltham Abbey as one of three principal town centres within the district.

Policy TC3 states that residential accommodation will be permitted in appropriate locations in town centres but not at ground floor level and that any proposal that could have a detrimental impact on the vitality and viability of the centre will be refused.

The proposed residential units are at ground floor level within a Town Centre and the proposal is therefore contrary to adopted policy TC3 and is unacceptable in this respect.

Emerging Plan:

Policy E2 of the emerging LPSV defines Waltham Abbey as a 'District Centre'. Map 5.7 shows that the part of the application site / proposed development falls within the Waltham Abbey Primary Shopping Area / Primary Frontage.

Residential development is not a main town centre use as defined by the NPPF glossary.

Parts B, C, D and F of Emerging Policy E2 currently read as follows (Submission Version):

"B - Proposals within defined Town and Small District Centres for retail, leisure, entertainment, offices, arts and culture, tourism and other main town centre uses, as defined by national planning guidance, will be supported where they will maintain and enhance the vitality and viability of the centres.

C - Within defined Primary Retail Frontage ground floor units will be maintained in A1 Class Uses in accordance with Policies P 1 to P 5. Proposals that would not result in a reduction in the specified percentage of A1 Class Uses will be permitted for other main town centre uses where this would support the function, vitality or viability of the Town or District Centre and maintain an active daytime frontage.

D - Within defined Secondary Retail Frontage ground floor units will be maintained in A1 Class Uses in accordance with Policies P 1 to P 5, but a wider range of main town centre uses may be supported where they would maintain the diversity, viability and vitality of the Town or Small District Centre. Proposals for non-A1 Class Uses within Secondary Retail Frontages must encourage active shop fronts, attract a high footfall consistent with other main town centre uses and positively contribute to the function of the Town or Small District Centre.

F - In Town and Small District Centres, the Council may permit residential development in appropriate locations and within Primary or Secondary Retail Frontages where it is above the ground floor and would not lead to a loss of main town centre uses, floorspace or frontage."

Inspector's Note to EFDC, 16 June 2022 – Comments on emerging Policy E2

In his note to EFDC dated 16th June 2022, the Local Plan Inspector provided comments on the existing text of the submitted plan and current main modifications, advising that further changes need to be made in the form of a new schedule of main modifications in order to move forward towards the adoption of the new Local Plan. The Inspector's comments on Retail Policy / Policy E2 were as follows:

"RETAIL POLICY...

"Part B of Policy E2 appears robust enough to work within the context of new Use Class E but the additional vitality and viability test for acceptability should be deleted for effectiveness because these are all uses appropriate to a town centre and there is no clarity for a developer as to what is required to meet such a test.

Action 13: remove the vitality and viability test.

Parts C and D of the policy are no longer effective because Use Class A1 does not exist.

Action 14: in both, all references to "A1" should be replaced by "E". Similarly, "retail" (as in "retail frontage") should be replaced with "commercial, business and service". There should be no attempt to distinguish between different elements within Class E because changes within Use Class E do not constitute development. Part F, including the modifications, has been rendered redundant by Class MA of the Town and Country Planning (General Permitted Development) Order 2015 as amended, which allows changes of use from Class E to Class C3 (dwellinghouses) subject to certain conditions. The loss of town centre uses, floorspace or frontage is not a condition within MA.2.

Action 15: delete Part F (and do not adopt the previously worded modifications)."

The proposed residential units are at ground floor level within a District (Town) Centre.

Residential development is not a main town centre use as defined by the NPPF glossary.

The changes to emerging Policy E2 recommended by the Local Plan Inspector would update the policy to refer to Class E (commercial, business and service) instead of Class A1 (retail), however it is still considered that the proposed residential development would be contrary to the emerging policy E2 because residential development is not a main town centre use and the proposal would result in the loss of ground floor Class E units within a town centre, harmfully impacting vitality and viability.

The submitted Design and Access Statement states that the units are vacant however no coherent evidence has been submitted to demonstrate that the units have been marketed for Class E / a main town centre use and that they are not capable of being re-let for this purpose.

In his comments set out above, the Local Plan Inspector refers to Class MA of the Town and Country Planning (General Permitted Development) Order 2015 as amended, which allows changes of use from Class E to Class C3 (dwellinghouses) subject to certain conditions.

It is noted that one of the conditions set out in MA.2 which is relevant in this case is that where a building is located in a conservation area and the development involves a change of use of the whole or part of the ground floor, the Local Planning Authority have the opportunity to consider the impact of that change of use on the character or sustainability of the conservation area.

The proposed development is considered to be unacceptable in terms of the loss of ground floor Class E units within Waltham Abbey Town Centre.

Design, Character and Appearance and Impact on Heritage Assets

EFDC Conservation Officer comments 10th October 2022:

“Context & Significance

Units No. 12, 14, and 15, Arlingham Mews are 1980s developments with ground floor retail units and residential use to the first floor, accessed via a historic alleyway and pedestrian courtyard running between Sun Street and Darby Drive. The subject site is located within the Waltham Abbey Conservation Area and sits adjacent to several listed buildings: Nos. 38, 40, 44 and 44A Sun Street. Sun Street is the historic market street that runs through the medieval core of Waltham Abbey. The remains of the narrow burgage plots and lanes leading from Sun Street to the historic open yards behind is one of the main factors that contributes to the character of the conservation area. The subject site is a surviving historic example of this arrangement, and as such, it greatly contributes to the significance of the associated designated heritage assets (Conservation Area and Listed Buildings)

Relevant Planning History

Planning permission was refused (ref EPF/1322/03) in 2003 for change of use from functional to residential to form No. 4 one-bedroom flats. This was primarily due to the harm it would cause to the site’s functional purpose within the local area, contrary the local policies.

Planning permission was refused (ref. EPF/1732/04) in 2004 for change of use of the units from functional to residential to form No. 5 one-bedroom flats. This was due to the harm it would cause to the ‘vitality and viability’ of Waltham Abbey town centre and the wider area. Planning permission was again refused (ref. EPF/0849/05) in 2005 on a duplicate application to the 2004 refusal; an associated appeal on this re-submitted planning application was dismissed in 2006.

Planning permission was refused (ref. EPF/1213/21) in April 2022 for two extensions to the existing building and change of use of the ground floor units from functional to residential. This was primarily due to the proposal’s design that would not preserve or enhance the surviving characteristic areas of the site’s open yards or the historic use and layout of the town. This application is the subject of an ongoing appeal, not yet determined.

Planning permission was refused (ref. EPF/1503/22) in August 2022 for two extensions to the existing building. This was due to the proposed extensions appearing the same as those that were previously assessed to be unacceptable by the recent refusal (ref. EPF/1213/21), but omitting the previously associated ‘change of use.’ The current application, the subject of this report, closely follows these two applications refused in 2022

Current Proposal

This application seeks consent for change of use of No. 3 vacant retail units to No.2 one-bedroom flats.

Comments

The current proposal appears nearly identical to previous application EPF/1213/21 and its associated resubmission EPF/1503/22, both refused earlier this year. The scheme still proposes the unsympathetic introduction of new domestic landscaping elements with fencing and gates; alteration of retail frontages within the yard; and loss of area within the yard and lane through modern extensions associated with the proposed conversion.

As such, our previous comments and the case officer’s comments from these and similar past applications relating to the site’s change of use and/or alteration still apply. A relevant portion of our comments are reproduced below, for clarity:

“... These open yards are very characteristic of the historic layout of the town ... The proposed extensions to Arlingham Mews would ... cause the loss of more of this characteristic enclosed area. In

addition to this, the proposed scheme would change the historic character and use of these spaces, from functional to residential, for example through the domestication of the windows and the introduction of boundary treatments.”

In line with previous refusals, we do not consider that the current scheme “would maintain the character and appearance of the Conservation Area,” as asserted in the Design, Access and Heritage Statement. The proposed external alterations in the form of new boundary treatments and openings would fail to preserve the urban, functional character and distinctiveness of the site by introducing domestic elements and fragmenting the historic open yard. Further to this, the yard has undergone unsympathetic encroachment in the past as a result of modern conversion(s) and extensions. Despite these changes, the surviving area is still readable as a historic burgage plot with pedestrian lane that continues to serve a practical, occupational purpose to the existing market street. No further harm to this layout and its relationship to the designated heritage assets would be found acceptable.

Any future scheme proposing similar alterations or arrangements that fail to sustain or enhance the significance of the site and its setting and without putting it to viable use consistent with its conservation will be found similarly UNACCEPTABLE.

Recommendations

We OBJECT to the proposed scheme due to the harm it could cause to the significance of the designated heritage asset (Waltham Abbey Conservation Area) and its setting.

This is supported by policies HC6, HC7 and HC12 of our Adopted Local Plan and Alterations (1998 and 2006); policy DM7 of our Submission Version Local Plan (2017); and paragraphs 189, 195, 196, 197, 199, 200, 202, 206 and 208 of the NPPF (2021).”

The comments of the Conservation Officer are supported by the case officer and it is considered that the proposed extensions and change of use would have an unacceptable impact on the existing buildings, yard and surrounding Conservation Area.

Quality of Accommodation

Two residential units are proposed and both of these are critically deficient in some way in terms of quality of accommodation to be provided as follows:

Flat 1 – Living room has poor outlook with only a high level window in the side elevation and a small window in the rear elevation. No elevation drawings have been provided showing the side or rear of Flat 1. The bedroom would be overlooked by Flat 2 opposite (5m between facing habitable room windows) and pedestrian passers by using the walkway between Sun Street and Darby Drive leading to unacceptable levels of privacy.

Flat 2 – Habitable rooms overlooked by facing habitable rooms of Flat 1 opposite (5m between facing habitable room windows) and pedestrian passers by using walkway between Sun Street and Darby Drive leading to unacceptable levels of privacy.

By reason of its design and layout the proposed development would provide poor levels of outlook and privacy and therefore an unacceptable quality of accommodation for future occupiers. As such the proposal fails to provide suitable living conditions contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

Unacceptable in this respect.

Highways and Parking

No off street car parking is proposed.

EFDC Contaminated Land comments:

"I have screened readily available records held by the Council for this site including our GIS database and aerial photographs. From the records I can see the site has acknowledged potentially contaminated land due commercial use. Therefore, in accordance with this land use there is potentially contaminated land at this site.

As this proposal is for residential land use - a sensitive land use, it is necessary to investigate all potential land contaminative issues.

I have reviewed the documents submitted on behalf of this application and I have noted that no contaminated land assessment has been submitted for this application to date. Therefore, in line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary, Phase 2 and Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site. Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition NSCN57 be attached to any approval granted. Once a contaminated land report assessing the site for this application has been received and reviewed, the attached condition may be considered for discharge.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2021".

SAC

In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Conclusion

Recommended for refusal.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Kie Farrell
Direct email address: kfarrell@eppingforestdc.gov.uk***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Refusal Reason(s): (4)

- 1 The proposed residential development is not a main town centre use and would result in the loss of ground floor Class E units within Waltham Abbey Town Centre and Waltham Abbey Conservation Area which would harm the vitality and viability of the Town Centre. Insufficient evidence has been provided to demonstrate that the units are not capable of being re-let for a main town centre use. As such the proposal is contrary to policies TC1 and TC3 of the of the adopted Local Plan and Alterations (1998 & 2006), policies E2 and P3 of the emerging Local Plan Submission Version (2017) and the NPPF (2021).
- 2 By reason of its design and proposed use, the proposed development would fail to preserve or enhance the existing buildings and yards or the surrounding Waltham Abbey Conservation Area contrary to policies DBE3, DBE10, HC6, HC7 and HC12 of the adopted Local Plan and Alterations (1998 & 2006), policies DM7, DM9 and DM10 of the Local Plan Submission Version (2017), and paragraphs 189, 190, 192, 193, 194, 200 and 201 of the NPPF (2021).
- 3 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.
- 4 By reason of its design and layout the proposed development would provide poor levels of outlook and privacy and therefore an unacceptable quality of accommodation for future occupiers. As such the proposal fails to provide suitable living conditions contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

Informatives: (2)

- 5 This decision is made with reference to the following plan numbers:

Drawing 1464_304 – Location Plan
Drawing 1464_305 – Block Plans
Drawing 1464_305 (sic) – Proposed Site Plan
Drawing 1464_307 – Existing Plans and Elevations
Drawing 1464_308 – Proposed Plans and Elevations
Design, Access and Heritage Statement, dpa
HRA.

- 6 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development.