



Epping Forest District Council



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Application Number:	EPF/2442/20
Site Name:	179 Queens Road Buckhurst Hill IG9 5AZ
Scale of Plot:	1:1250

Report Item No: 9

APPLICATION NO:	EPF/2442/20
SITE ADDRESS:	179 Queens Road, Buckhurst Hill, IG9 5AZ
PARISH	Buckhurst Parish Council
WARD	Buckhurst
APPLICANT	Mr R Hopkins
DESCRIPTION OF PROPOSAL:	Proposed office extension to existing ground floor commercial building (Revised application to EPF/0842/20) - As Amended
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntrypoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=643693

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
P102G; P104H; P101G; S001; S003; S004; S005: Location Plan
- 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 unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5 The extension hereby permitted shall only be used for purposes incidental to the existing commercial building known as 179 Queens Road and shall not be used for any primary residential accommodation.
- 6 The use hereby permitted shall not be open to customers / members outside the hours of 7.30am to 6.30pm on Monday to Friday and 7.30am to 1.00pm on Saturday, Sundays and Bank Holidays.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and more than 4 objections material to the planning merits of the proposal to be approved have been received. (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3).

Description of Site:

No. 179 is 2-storey end of terrace building located to the north, fronting onto Queens Road. The ground floor of the premises is occupied by a fitness studio with residential units above. A public right of way is located to the immediate west boundary of the site that is a through route from Queens Road to Westbury.

No.175 and 177 Queens Road have rear gardens which include ancillary single storey buildings that back on to Westbury Lane. Other commercial properties further to the east of Westbury Lane have low level buildings with pitched roofs fronting onto Westbury Lane.

The site is not within a Conservation Area or Listed.

Description of Proposal:

The application seeks consent for a single storey extension in association with the existing ground floor commercial unit be used as ancillary office accommodation with opening hours Mon - Fri- 7-6.00pm; Sat 7.30-1.00 pm.

The development 59m² in floor area (as amended) measuring a maximum height of 3.7m at an eave's height of some 2.8m, set in 0.45m from each side boundary with the provision of a refuse storage area. Two small west flank windows and a door forms part of the west flank. Materials are to match the existing building.

The application is a resubmission following a previous refusal for a 2-storey rear extension which was dismissed at appeal.

Relevant History:

EPF/0842/20 - Proposed 2 storey office building fronting Westbury Lane - Refused 19/06/2020

1. The proposal, by reason of its height, bulk and scale would appear highly prominent and overbearing when viewed from the public footpath and within Westbury Lane, contrary to Local Plan and Alterations policies, CP2, DBE2, DBE4 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version (2017), and the NPPF.
2. The proposed development, by reason of its close proximity with residential properties, would result in an overbearing and unneighbourly form of development, that would have a detrimental impact on residential amenity and it therefore, contrary to Local Plan and Alterations policies DBE9 of the adopted Local Plan and Alterations, policies DM9 of the Local Plan Submission Version (2017), and the NPPF.
3. The application does not provide sufficient information to satisfy the Council, as competent authority, that the development would not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such the development is contrary to Policies CP1 and CP6 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.

Dismissed at Appeal. - 12 October 2020

EPF/0330/19 - Part double storey side/rear infill extension. - Approved - 01/04/2019

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) and Alterations (2006)

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).

CP1-Achieving sustainable development objectives
CP7: Urban Form and Quality
CP2 Protecting the quality of the rural and built environment
DBE3 Design in Urban Areas
DBE9 Loss of Amenity
ST4 Road safety
ST6 Vehicle parking
NC1 SPA's, SAC's and SSS1's

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:

Paragraph 80
Paragraph 124

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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 table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
T1 Sustainable Transport	Significant
DM9 High Quality Design	Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations received:

BUCKHURST HILL PARISH COUNCIL - OBJECTION

- Overdevelopment of the site
- The height of the proposed development is taller than the immediately surrounding structures on that particular stretch of Westbury Lane. Thereby also rendering it out of keeping.
- Westbury Lane already suffers from heavy traffic and parking congestion (in spite of it being near a car park on Queens Road). The proposed development will only serve to increase both visitor and delivery traffic on already congested residential street.
- The proposed design suggests the proposed new development will be used independently to 179 Queens Road, with access via Westbury Lane. Due to negative

impact on those of Westbury Lane, the Committee would expect a restriction prohibiting the use of the proposed commercial space independently from 179 Queen Road i.e. it must remain as one unit utilised by the single commercial ground floor occupier of 179 Queens Road.

- Noting the number of previous applications and their dismissal, the committee would expect a restriction that any future development may not be changed to a two story or residence, nor should an extension or enlargement be permitted.

13 neighbouring properties were notified, and 5 objections received on the original submitted plans. 5 objections were received on a renotification exercise on the receipt of amended plans that raise the following concerns;

- The development remains overpowering and with an apex roof will be a standalone height.
- The structure continues to sit on top of the pavement. It is still high enough to have a detrimental impact on 177 Queens Road. 157 Queens Road must stand 30 foot back from the pavement and has no outbuildings.
- Looking at aerial and street views the plans don't follow an existing pattern of development. There are no other 'developments' within the immediate vicinity that have an impact on residential properties.
- Contribute to significant parking issues putting further strain on current provisions which regularly cannot cope, with several schools in the immediate vicinity and Queens Road shopping. Residents already struggle to park.
- Not a suitable use of space which is in fact a small residential garden - will set a precedent for building in gardens
- As previously, the site is not an employment site within the currently applicable local plan 1998 and 2006 (Adopted Local Plan) or its proposed replacement (the SVLP). .
- The proposed development is not a suitable use of the space. The development site footprint is equivalent to a small two bedroom flat and is not just equivalent, actually is the size of a very small residential garden. It is therefore not an appropriate space for this development, which will need the facilities of an office development.
- Contravenes policies DBE1, DBE2, DBE3, CP2, ST4, ST6 SVLP, E1 and E2, Paragraph 1.44, DM9, T1

Main Issues and Considerations:

The key considerations in this application is the

- Design, scale and siting on the character of the surrounding area
- Impact on the amenity of neighbouring properties
- Highway and Parking Considerations
- Land Drainage
- Impact on the Epping Forest Special Area of Conservation

Design and Siting:

Epping Forest Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design.

Many of the units in this stretch of Queens Road have rear structures of varying forms, some of which front onto Westbury Lane. The scale and form of the proposed extension has been reduced to create a more subordinate structure that is ancillary to the main building complying with policy DBE1 and DBE3 of the Local Plan and Alterations, (1998-2006) and policy DM9 of the Submission Version, 2017

Policy E12 of the Local Plan seeks to support small-scale business activities provided that the proposal will not have a detrimental impact on residential amenity or local character. The use is considered appropriate within this mixed use, sustainable urban community of local employment and commercial activities that meet local needs and reduces the need to travel, and the reliance on the private car. A refuse storage area is sited to the rear of the commercial unit.

Impact on the Amenity of Neighbouring Properties:

The development has been designed to ensure that there is no loss of amenity to neighbouring residents. The west and east side elevations are to be set within 0.45m from the side boundary with an eave's height of 2.8m.

Having regard to the nature of the proposed use and its surroundings, it is not considered that the scale of the extension and the activities associated with such a use would give rise to any significant demonstrable harm to neighbour's amenity in the form of noise, disturbance or overbearing impact. The site is within a local shopping area where the development is associated with such uses and where a degree of activity and associated noise and general disturbance is to be expected.

The objections and comments from the Parish Council and neighbours in the surrounding area are noted. The extension is considered of a scale and form that would assimilate into the spatial pattern of the road. Appropriate conditions would be imposed at any approval ensuring that the extension is only used as ancillary accommodation to the commercial unit and for no other purposes. Other conditions such as hours of use can be restricted to further protect the amenities of surrounding neighbours. Overall, the proposed use is considered to comply with the requirements of policies DBE9 of the adopted Local Plan and policy DM9 of the emerging Local Plan.

Parking and Highways:

The Highway Authority have no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017 subject to informative measures being attached to any approval for the new access and to protect the public right of way.

Land Drainage

No objection in principle to the extension subject to conditions requiring further details to be submitted to the Local Planning Authority of the disposal of foul sewage, surface water and drainage prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Epping Forest Special Area of Conservation:

A significant proportion of the Epping Forest Special Area of Conservation (EFSAC) lies within the Epping Forest District Council administrative area. The council has a duty as the 'Competent Authority' 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, 2017.

Policy NC1 of the Epping Forest Local Plan 1998 (the adopted Local Plan) states that the Council will comply with the UK's international obligations for SAC's and the Framework requires that if significant harm to biodiversity cannot be avoided, for example through mitigation, planning permission should be refused.

Policy DM22 of the emerging plan, provides the policy context for dealing with the effect of development on the integrity of the Epping Forest SAC which are material considerations, also require that development proposals conserve the SAC in terms of access management and monitoring of visitors and that the SAC is not adversely impacted in terms of air quality.

This application has been screened in relation to both the recreational pressures and air quality Impact Pathways and concludes as follow:

1. The proposed use is not for residential and consequently, the development will not result in a likely significant effect on the integrity of the EPSAC as a result of recreational pressures.
2. In the context of the Epping Forest Special Area of Conservation it is considered that the extension is of a limited size comprising of office accommodation which would not generate any additional vehicles movement above its previous usage.

In terms of the net increase in traffic using roads through the EFSAC, the application has been accompanied by a statement providing information regarding transport movements. The extension to the existing use is to give more space and not result in any additional staff. The site is also located within an existing commercial area, within close proximity to Buckhurst Hill Station and close to bus routes on Buckhurst Hill High Road. The surrounding area is characterised by controlled parking.

The main issue is that there is to be no additional employees or traffic journeys and consequently, the proposed development will not have any greater detrimental impact on the capacity of the highway network at this location. The Council is satisfied that the proposal will not result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal. On this basis the Council is satisfied that the development complies satisfactorily with policy CP1, CP2 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policy DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Conclusion

It is concluded that the proposed development by reason of its scale and siting as an ancillary extension to the commercial ground floor is an efficient use of the land that is appropriate in its context within a mixed use sustainable environment and would not prejudice the amenity of the occupiers of adjoining properties. Having regard to economic, social and environmental factors that support business development and economic growth as set out in the National Framework, 2019 and the policies of the adopted Local Plan and Alterations (1998 & 2006) and the emerging Local Plan, Submission Version, 2017, the proposal is supported. In the light of the above considerations, it is recommended that planning permission is approved subject to conditions

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: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made please

email: contactplanning@eppingforestdc.gov.uk