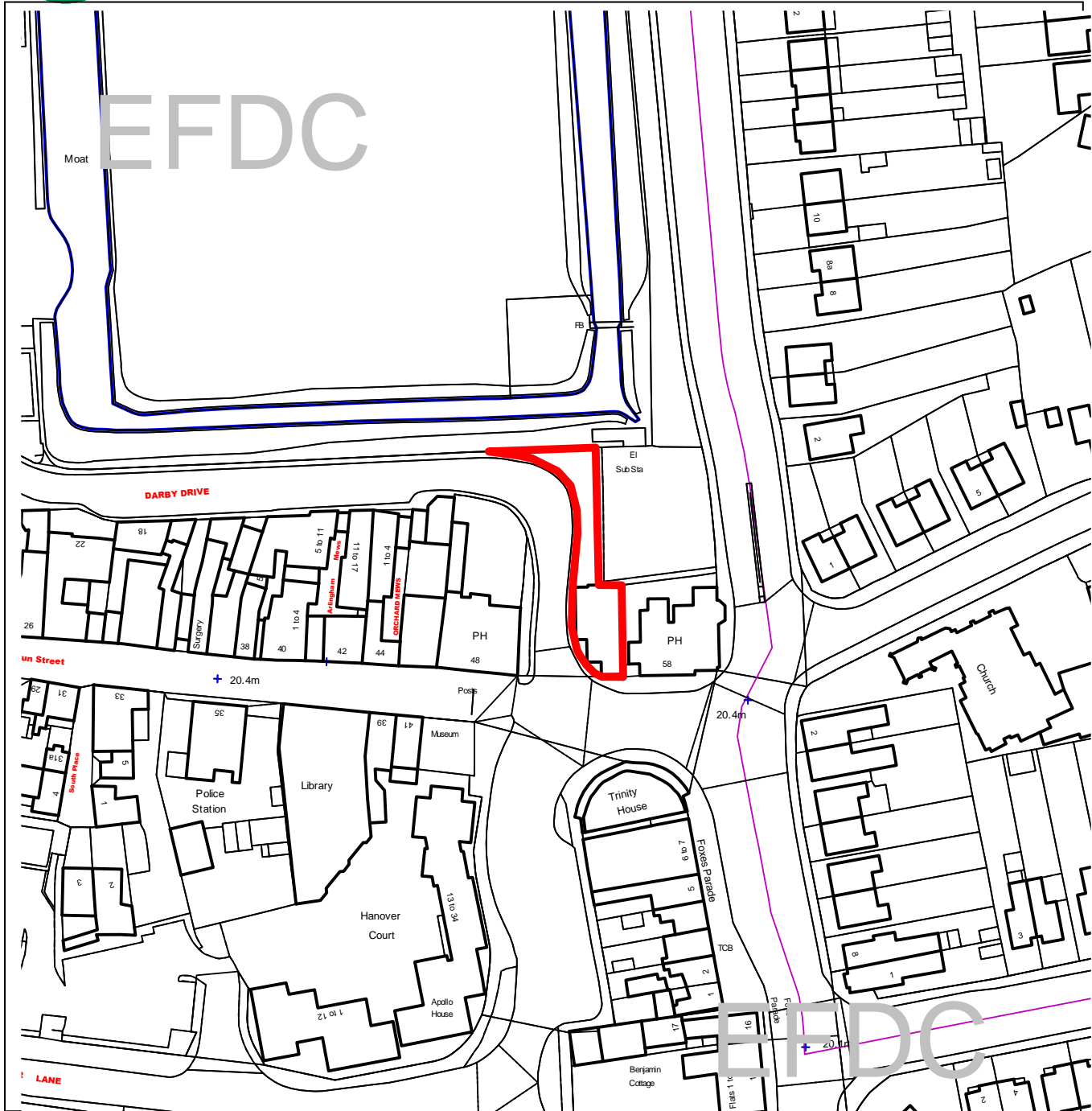




Epping Forest District Council



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/1503/21
Site Name:	1 Darby Drive, Waltham Abbey EN9 1EQ
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/1503/21
SITE ADDRESS:	1 Darby Drive Waltham Abbey EN9 1EQ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Care of Agent
DESCRIPTION OF PROPOSAL:	Erection of a one and a half storey extension to the restaurant & internal alterations to the existing retail unit to provide staff amenity space. (Revised application to EPF/1993/20).
RECOMMENDED DECISION:	Refuse Permission

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=653098

REASON FOR REFUSAL

- 1 The proposal will introduce a car free development into the area as well as displace existing parking used for existing business in the Town Centre, resulting in a significant demand for on street parking in the locality. As a result the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would also be harmful to highway safety. The proposal is therefore contrary to policies CP2, CP3, HC7 and DBE1 of the Adopted Local Plan and with policies DM7 and DM9 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.

This application is before this Committee since it has been 'called in' by Councillor H Kane (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of site

The application site is located to the north of no.54 Sun Street which is within the centre of Waltham Abbey. The site is located to the immediate east of Darby Drive. The application site is not within the boundaries of the Metropolitan Green Belt and it is within the Waltham Abbey Conservation Area. No Listed Buildings are attributed to the site.

Description of proposal

Erection of a one and a half storey extension to the restaurant & internal alterations to the existing retail unit to provide staff amenity space. (Revised application to EPF/1993/20).

Relevant History:

EPF/2447/11 - Outline application for the erection of a new block containing two retail units at ground floor with four flats at first and second floor, to the rear of no 54 Sun Street – refused 06/02/12 (appeal dismissed 02/10/12)

EPF/1029/13 - Phase 1 of mixed use development to the rear of 54 Sun Street, to include new office (B1) at ground floor and 1 no. one bedroom flat at first floor – refused 18/07/13 (appeal dismissed 26/06/14)

EPF/1056/13 - Phase 2 of mixed use development to the rear of 54 Sun Street, to include new office (B1) at ground floor and 1 no. one bedroom flat at first floor – refused 18/07/13

EPF/1224/15 – Outline planning permission for mixed use retail shop and office development – refused 27/07/2015

EPF/1145/17 - Change of use from A1 to A3/A5 – Grant Permission (With Conditions) 10/08/2017

EPF/3359/17 - The erection of a one and a half storey building for a flexible A1 (retail)/A2 (financial and professional) use. – Held in abeyance due to SAC

EPF/0514/19 - Proposed extension and a shop front renovation. – Grant Permission (With Conditions) 23/04/2019

EPF/1993/20 - Erection of a one and a half storey extension to the restaurant & internal alterations to the existing retail unit to provide staff amenity space. – Refuse Permission:

1. The proposal will introduce a car free development into the area as well as displace existing parking used for existing business in the Town Centre, resulting in a significant demand for on street parking in the locality. As a result, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would also be harmful to highway safety. The proposal is therefore contrary to policies CP2, CP3, HC7 and DBE1 of the Adopted Local Plan and with policies DM7 and DM9 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.
2. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will 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 proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

EPF/2873/20 - Extension and shop front renovation. – Grant Permission Subject to Conditions

Policies Applied:

CP1 - Achieving sustainable development objectives

CP2 - Protecting the quality of the rural and built environment

CP3 - New development

CP9 - Sustainable transport

TC3 - Town centre function

HC6 - Character, appearance and setting of conservation areas

HC7 - Development within conservation areas

DBE1 - Design of new buildings
DBE2 - Effect on adjoining properties
DBE6 - Car parking in new development
DBE8 - Private amenity space
DBE9 - Loss of amenity
DBE12 - Shopfronts
ST1 - Location of development
ST2 - Accessibility of development
ST4 - Road safety
ST6 - Vehicle parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest District Local Plan (Submission Version) 2017

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 – Presumption in favour of sustainable development
DM9 – High quality design
DM7 – Heritage Assets
E1 – Employment sites

Summary of Representations

No. of neighbours consulted: 6, no comments received

TOWN COUNCIL: No Objection

ECC Highways – No Objection

Main Issues and Considerations:

There would not be any significant harm caused to the living conditions of any nearby neighbour and therefore the main issues to consider are the potential impact on the character and appearance of the Conservation Area, parking provision, employment issues and any other material considerations.

Conservation Area and parking issues

The principle of erecting a building on this site has been the subject of six previous applications, five of which were subsequently refused and two of them dismissed on appeal by the Inspectorate. One of these applications was held in abeyance due to the potential impact on the Epping Forest SAC which was called in by members to be decided before an area plans sub committee.

As part of the reason for refusal in all five applications was an identified harm to the character and appearance of the Conservation Area, however rather than being caused by the notion of a building on the site, it was rather due to the detailed design of the building proposed as well as the harm caused by the increased demand for on street parking.

Indeed, the Inspector concluded within the 2013 application that:

The Council do not object to the principle of redevelopment of the appeal site and I agree that the site adds little to the Conservation Area at present apart from its openness, where the addition of a well designed building could add visual interest to Darby Drive and generally to the setting around the junction with Sun Street.

However, in that instance the Inspector went on to conclude that, amongst other things, the building as proposed would cause harm to the character and appearance of the Conservation Area due to its detailed design, mass and scale.

It therefore follows that the Council may be supportive of a well-designed building within this part of the Conservation Area.

The proposed building in this application is for a one and a half storey building which has a mass and scale which is respectful to the Conservation Area. The steep pitched roof and front gables mirror those on no.54 Sun Street creating continuity between the two buildings. Subject to conditions regarding the use of materials in the construction of the building, it is concluded that the building will preserve the character of the Conservation Area.

Turning to the parking issues, the proposed development of the site will include the loss of commercial parking on the site as well as the introduction of a new A1/A2 use with no dedicated parking provision. Whilst the transport assessment states that '*they are currently only used by the grace of the landowner who could actually remove them at any time*', this does not take away from the fact this is what the land is utilised for – which has been established as part of the site's planning history.

Following a site visit it appears that parking exists for the site (although it is not clear whether this is for customers or staff) as well as appearing to be occupied by the vehicles of several local companies. There is nothing to indicate where these vehicles would park, especially given the parking restrictions in this part of Waltham Abbey, nor how would any vehicles related to the proposed use be accommodated.

The Essex Parking Standards (2009) states that 'a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities.' The transport statement submitted

by the applicant's state that there are public car parks situated approximately 150 and 250 metres away at Darby Drive and Waltham Abbey Town Centre respectively.

There is no provision made for disabled parking within the application submission. The parking standards also state where a site has 200 bays or less 6% of total capacity should be allocated as disabled parking as a minimum. Whilst the applicants have stated that it would be possible for customers to use public car parks within the town centre Location, this cannot be reasonably suggested for disabled parking when there is the ability to provide such need on the site. The Local Planning Authority is not satisfied that the loss of parking can be justified, and the development would be contrary to the Essex Parking Standards (2009) in this respect.

Indeed, the concerns surrounding parking were also considered by the previous Inspector on the 2013 application where it was concluded that:

I appreciate that this is a town centre location, and that various non-car modes of transport would potentially be available. However, the visual consequences of the proposal would be exacerbated by potentially indiscriminate parking as a result of the development.

The Inspector went on to conclude that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and would in fact cause it substantial harm. Since this proposal seeks permission for effectively the same principle, there is no substantive reason to take a different view from the previous Inspector.

As well as the harm to the Conservation Area, the displacement of existing parking which is well used by existing businesses in the locality as well as the introduction of a car free development will result in a significant demand for off street parking in the middle of Waltham Abbey, which is an area of significant demand for on street parking. Indeed, the Essex County Council Parking Standards require 1 space per 20sqm on floor space created for A1 uses. A reduction in spaces can be considered as appropriate in Town Centre locations, however since it has been found there would be material harm to significant parking arrangements, the reduction of spaces is not appropriate in this instance. Whilst Essex Highways have no objection to the proposal in regard to highway safety, parking control falls within the remit of the local authority, therefore the highways comments are afforded limited weight in respect of this particular issue.

The scheme is identical to the previously refused EPF/1993/20 and the same transport statement has been submitted alongside this current application, with no alterations to attempt to overcome previous reasons for refusal. The proposal is therefore contrary to CP2, CP3, HC7 and DBE1 of the Adopted Local Plan and with policies DM7 and DM9 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.

Employment issues

Policy E1 of the Epping Forest Local Plan (Submission Version) 2017 seeks, amongst other things, to support and encourage development of flexible local employment space to meet the needs of the District.

In this instance the proposed unit would make a modest contribution to existing employment within Waltham Abbey and this lends moderate weight in favour of the application.

Epping Forest SAC

The application site lies within 6.2km of the Epping Forest Special Area of Conservation (SAC). As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the SAC as a result of increased visitor pressure arising from new residential development within 6.2km of the SAC, and from the effects

of air quality throughout the District. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures and air quality on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policies DM 2 and DM 22.

In respect of the recreational pressure impact pathway, the Council's Cabinet adopted an interim mitigation strategy (agreed with NE) on 18 October 2018. The Local Plan Inspector has advised that this strategy, kept under review, together with a Strategic Alternative Natural Greenspace strategy will address the recreational impact of development on the EFSAC. This interim strategy requires the payment of a financial contribution, secured via a s106 planning obligation, of £352 for Strategic Access Management and Monitoring for each net additional dwelling within 0-3 km of the Epping Forest SAC. Further work is being undertaken to finalise the strategy and it is anticipated that this will be completed by December 2019, following a further Visitor Survey which is currently being undertaken.

As regards atmospheric pollution, currently there is no such agreed approach; however, the Council and other partner organisations continue to work together to devise an air quality mitigation strategy ("AQMS") that is acceptable to NE, taking account of the Local Plan Inspector's advice. In the absence of an approved AQMS, all proposals that result in net additional residential and / or employment development anywhere within the District must be subject to an Appropriate Assessment under the Habitats Regulations.

The current application would not be affected by the Epping Forest SAC due to the net decrease in vehicular traffic found on the site.

Conclusion

The proposal will introduce a car free development into the area as well as displace existing parking used for existing business in the Town Centre, resulting in a significant demand for on street parking in the locality. As a result, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would also be harmful to highway safety. The proposal is therefore contrary to policies CP2, CP3, HC7 and DBE1 of the Adopted Local Plan and with policies DM7 and DM9 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework. It is recommended that planning permission is refused.

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: Alastair Prince

Direct Line Telephone Number: 01992 564462

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