

<b>APPLICATION No:</b>	EPF/1356/19
<b>SITE ADDRESS:</b>	47 Harvey Gardens Loughton Essex IG10 2AD
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Fairmead
<b>APPLICANT:</b>	Ms Maha Kouzbor
<b>DESCRIPTION OF PROPOSAL:</b>	Application for Removal of Condition 5 "occupiers only be students enrolled at either Epping Forest College (Borders or East 15 Acting School)". (EPF/1291/11- Change of use from residential dwelling (C3) to multiple occupancy (7 persons) (sui generis) and erection of a front porch).
<b>DECISION:</b>	Recommend: 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=624494](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=624494)

## CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 47-HGL-C4-01; 47-HGL-C4-02; 47-HGL-C4-03; 47-HGL-C4-04; 47-HGL-C4-05; 47-HGL-C4-06; 47-HGL-C4-07
- 2 The house in multiple occupancy (HMO) which is hereby permitted shall be occupied by a maximum of seven individuals at any one time.

***This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).***

### **Description of Site:**

47 Harvey Gardens is an extended two storey semi-detached property located on the south west side of Harvey Gardens close to the junction with Conyers Way within the built-up area of Loughton. The site is not within the Green Belt or a Conservation Area.

### **Description of Proposal:**

The proposal seeks planning permission for removal of condition 5 of planning permission EPF/1297/11 which stated:

*The occupiers of the HMO shall only be students enrolled at either Epping Forest College (Borders Lane, Loughton) or East 15 Acting School (Hatfields, Rectory Lane, Loughton) (or at educational institutions which supersede those institutions and occupy those campuses).*

*Reason: To ensure that the off-street car parking provided is sufficient to meet the needs of the future occupiers.*

**Relevant History:**

EPF/1297/11 - Change of use from residential dwelling (C3) to multiple occupancy (7 persons) (sui generis) and erection of front porch – Approved

**Policies Applied:**

*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).

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  
DBE9                 Loss of Amenity

*National Planning Policy Framework (NPPF) (February 2019)*

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    124  
Paragraph    127  
Paragraph    130  
Paragraph    131

### *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 14<sup>th</sup> 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. The appointed Inspector has indicated an intention to provide advice to the Council by 12<sup>th</sup> July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 6

Responses received:

50 LAWTON ROAD – Objection – resident does not keep up with gardening trees are very high between our properties, students would be less likely to keep garden maintained. Extra 7 residents will increase noise, issue with parking in the road already – 7 additional residents would increase parking issues.

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this application on the grounds that removing condition 5 would create insufficient parking provision, citing that this was the reason the condition had been imposed initially by the local planning authority.

Members stated that they were unable to comment on the proposal for the erection of a front porch as no plans had been provided for this. However, they NOTED that the porch had already been built and requested that Planning Enforcement investigate and take action on this matter.

### **Main Issues and Considerations:**

The main issue to consider is what impacts removing the limitation of occupiers of the address to only be enrolled at East 15 Acting School will have on the character and amenity of the area.

The condition was imposed some 8 years ago with the reasoning to ensure off-street parking is sufficient for the occupiers. However, the condition did not prevent occupiers owning or parking cars on the site (two off road parking spaces) or parking in surrounding roads.

Although the 2011 reasoning is understood, it appears to have been short sighted to presume that students would not have cars and just park them elsewhere. In addition, the location of the HMO within 800m of the shops and services located on the Broadway and Debden Underground Station beyond; with nearer access to bus routes, results in the property being located within a sustainable location where a reduction in car parking would be acceptable in any event.

It is therefore considered that the removal of the condition, allowing anyone to be an occupier of the site would not result in such a change to the existing character, amenity or parking arrangements to justify a refusal on this basis.

Essex County Council Highways have no objections to the removal of the condition and noted that they were not consulted on the 2011 application.

In addition to the above, planning permission would not have been required in the first instance if the number of occupants at the HMO was 6 – therefore it is not considered that the addition of one extra occupier tips the balance to have such a control over the type of occupier.

Comments on Representations Received:

The application has resulted in some confusion as the HMO with 7 residents has been in situ since 2011 and therefore this application does not alter the number of residents. With regards to the Parish Council comments again, the proposal does not include any building works only the removal of the condition.

### **Conclusion:**

The proposal is considered an acceptable scheme given the above assessment and approval is therefore recommended.

***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: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***