

APPLICATION No:	EPF/1624/19
SITE ADDRESS:	The New Inn High Street Roydon Essex CM19 5EE
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Robin Henderson
DESCRIPTION OF PROPOSAL:	Retrospective consent for erection of a pole mounted ANPR camera in a pub car park.
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=625716

CONDITIONS

- 1 The pole mounted camera should be painted dark green or black within 6 months following the grant of planning permission.

This application is before this committee since it is for a type of development that cannot be determined by officers if more than five objections are received (or in cases where less than five were consulted, a majority of those object) on grounds material to the planning merits of the proposal (Pursuant to the Constitution, Part 3 :Scheme of Delegation to Officers from Full Council)

SITE AND SURROUNDINGS

The site is a two storey Public House located on the Eastern side of the High Street in the built up area of Roydon. The site is a Grade II Listed Building and is found within the Roydon Conservation Area, with several other Listed Buildings found close to the site. The rear of the site is partially within the Metropolitan Green Belt.

PROPOSED DEVELOPMENT

Retrospective consent for erection of a pole mounted ANPR camera in a pub car park. The application has been submitted following investigation by the Council's planning enforcement team.

RELEVANT PLANNING HISTORY

EPF/1874/07 - Erection of gazebo in rear garden to be used as a smoking shelter. (06/11/2007) – Grant Permission (With Conditions)

EPF/0681/07 – Erection of gazebo in rear garden (30/04/2007) – Refuse Permission

CONSULTATION AND REPRESENTATIONS

Number of neighbours Consulted: 2. 3 response(s) received

Site notice posted: Yes/No, not required

Neighbours

35 CHURCH MEAD - OBJECTION: parking restriction causes unsafe parking along High Street.
Y-DERI - OBJECTION: concern regarding camera range and may in breach of data protection act. Incorrect consultation.

100 HIGH STREET – OBJECTION: concerns regarding the effect of the camera on local business. Rights of access is being denied. The site is within the Green Belt and therefore such a camera is unnecessary and the camera is not needed due to the frequent emptiness of the car park.

DC Enforcement – no comment

EFDC Conservation, Design, Listed Buildings - The New Inn is a grade II listed building standing within the Roydon Conservation Area. There is no objection to the retention of the pole mounted ANPR camera at this location. The pole has been erected at the back of the pub, right onto the boundary, and its visual impact is therefore softened by the well established greenery (mix of native hedges and trees.). In order to reduce even more the impact of the pole on both the setting of the listed pub and the character and appearance of the conservation area I would suggest painting it of a dark colour such as dark green or even black. In line with the above, I do

RECOMMEND THIS RETROSPECTIVE APPLICATION FOR APPROVAL, subject to the following condition:

Non-standard Condition - The pole mounted camera should be painted dark green or black.

Reasons: To reduce the impact of the pole mounted camera on the significance of the setting of the listed building and the character and appearance of the conservation area, in accordance with the guidance contained within the National Planning Policy Framework, policy HC12 of the adopted Local Plan and Alterations, and policy DM 7 of the Epping Forest District Council Local Plan Submission Version 2017.

This is supported by policies HC12 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017), and paragraphs 190, 192, 193 and 194 of the NPPF (2018).

Town/Parish Council

COMMENT – concerns that this does not meet the requirements of the Conservation Area as it appears quite intrusive. As a suggestion, could this be painted green?

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).

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
HC6	Character, Appearance and setting of Conservation Areas
HC12	Development affecting the setting of Listed Buildings

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	127
Paragraph	130
Paragraph	133
Paragraph	143 – 145
Paragraph	189 - 190

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
DM4 Green Belt	Significant
DM7 Heritage Assets	Significant

PLANNING CONSIDERATIONS

- a) The main issues for consideration in this case are:
- b) The impact on the character and appearance of the locality;
- c) The impact on the green belt

Character and Appearance

Policy HC6 of the Adopted Local Plan and Alterations 2008 states that the Council will not grant planning permission for any development which could be detrimental to the character, appearance or setting of the Conservation Area. Policy HC12 of the same document states that the Council will not grant planning permission for development which could adversely affect the setting of a Listed Building.

Policy DM7 of the Epping Forest District Local Plan (Submission Version) 2017 states that Heritage Assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset (whether designated or non-designated) or its setting, will not be permitted without a clear justification to show that the public benefits of the proposal considerably outweigh any harm to the significance or special interest of the heritage asset in question.

The Council's Listed Building and Conservation Officer were consulted and had no objection to the retention of the pole mounted ANPR camera at this location. The reasoning for this was that the pole has been erected at the back of the pub, right onto the boundary, and its visual impact is therefore softened by the well established greenery (mix of native hedges and trees.). In order to reduce even more the impact of the pole on both the setting of the listed pub and the character and appearance of the conservation area, it has been suggested that painting it a dark colour such as dark green or even black.

It is considered that the development would not be harmful to the existing character of the conservation area or the setting of the Listed Building as the appearance is softened by existing trees and landscaping. By painting the camera in a sympathetic manner, it would soften the impact of development further.

Green Belt

The site is located within the Green Belt where the fundamental aim of national and local Green Belt policy is to prevent urban sprawl by keeping land permanently open; indeed, the essential

characteristics of Green Belts are their openness and their permanence. The rear of the site is partially within the Metropolitan Green Belt. The site is currently used for A4 Drinking Establishment.

A neighbour has objected that the camera would be unsuitable in the Green Belt. As the site is only partially within the Metropolitan Green Belt and the development is not sited within this designation, it is considered that the development would not cause substantial harm to the existing character and appearance due to its siting and design.

Other Considerations

An objector has raised concerns that the camera would impact on local businesses and that right of access is being denied. This is not a concern that can be dealt with as a planning consideration.

Another objection has been raised regarding camera range which may be in breach of the data protection act. This is not a planning consideration and therefore can not be assessed as part of this application.

A neighbour has stated that the parking restriction causes unsafe parking along the high street. This is not relevant to this application and is a highway authority concern.

The emptiness of the car park and the use of the camera has been raised as an objection. This is not something that can be classed as a material consideration in this particular case.

PLANNING BALANCE & CONCLUSION

The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

Therefore, it is considered that the proposal would not cause adverse harm to the existing character and appearance of the Conservation Area and setting of the Listed Building, as well as causing minimal harm to the existing character and appearance of the Metropolitan Green Belt.

For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission to be granted 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: Alastair Prince
Direct Line Telephone Number: 01992 564462***

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