



Epping Forest District Council



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Application Number:	EPF/1080/19
Site Name:	Land rear of 287-291 High Street Epping Essex CM16 4DA
Scale of Plot:	1:1250

Report Item No: 9

APPLICATION No:	EPF/1080/19
SITE ADDRESS:	Land rear of 287-291 High Street Epping Essex CM16 4DA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	GS8 Epping High Street Limited
DESCRIPTION OF PROPOSAL:	Proposed 1 no. 3 storey and 1 no. 2 storey buildings to accommodate x 3 residential units (1, 1 bed and 1, 2 bed units and 1, 3 bed dwellinghouse) with communal open space, landscaping and associated works. ** SAC back log case now progressing **
RECOMMENDED DECISION:	Grant Permission (With Conditions) Subject to Legal Agreement

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=623394

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:

1519- LS-DR-500-P1; 1519- LS-DR-2004-P1;
1519- LS-DR-1002-P2; 1519- LS-DR-1003-P2;
1519- LS-DR-2001- P2; 1519- LS-DR-2003 - P2;

1519- LS-DR-1000-P3; 1519- LS-DR-1001-P3;
1519- LS-DR-2002-P3; 1519- LS-DR- 2005--P3
1519- LS-DR-4000-P3;
- 3 No preliminary ground works shall take place until a written scheme and programme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out strictly in accordance with the approved scheme and programme.
- 4 Prior to their installation, samples of the type and colours of the external finishes of the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.

- 5 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.
- 6 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.
- 7 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 8 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-E of Part 1, to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 9 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependent upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 11 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if

replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 12 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 14 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling and at no cost to the occupier, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 15 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 without the prior written permission of the Local Planning Authority.
- 16 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

This application was deferred at Area Planning Sub-Committee East on the 10th November 2021 for a Member Site Visit. A site visit took place on the 23rd November 2021.

And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to recreational use and air quality.

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 on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

No. 287-291 is a 3 storey mid terrace building located to the northwest of Epping High Street comprising of a retail unit at ground floor and residential at first and second floor.

The rear of the site comprises of a vacant neglected parcel of land, both long and narrow, situated between a modern flat roofed building of similar scale to the southwest. Brick walls form the side elevations of adjacent buildings demarcate the boundaries. There is a substantial mature tree towards the southwestern boundary, sited part way down the land parcel.

The site lies within the key frontage of the Epping Town Centre and within Epping Conservation Area characterised by its medieval linear settlement and distinctive layout featuring two or three storey buildings fronting the High Street with 1 to 3 - storey outbuildings to the rear. The site is within the setting of a 17th Century, grade II listed 'Black Lion' PH with outbuildings to the rear. The black Lion particularly illustrates the principle of building hierarchy as it is part two storeys (facing High Street), part single storey (at the back).

The topography of the site is where the area to the rear of the shops slopes down from the southwest to the Northeast with a steeper drop to the rear of the site and also from the south to the north.

The surrounding area is of a mixed use comprising of retail at ground floor and residential/commercial/ offices at first floor fronting onto the High Street with a mixed variety of urban building types and heights with residential and commercial/storage to the rear aspects. The site is bound to the rear by brick walls and 3 car parks.

The car park to the northwest of the site is also identified in the site selection process for residential development in the Local Plan Submission Version, 2017.

Description of Proposal:

Planning permission is sought for the development of the rear part of the site abutting the ground floor rear extension to the existing retail unit to accommodate 2 detached buildings to provide x 3 residential units accessed by a side pedestrian entrance walkway from the main High Street shop front unit.

This application is a resubmission following a previous refusal, (ref: EPF/2246/17) for the infill of the rear with 2 detached buildings linked by communal walkways comprising x 6 units which was refused due to its height at 3 stories, scale and massing and its associated impact on the listed building and was dismissed at Appeal.

Following the Appeal, the scheme has undergone compressed negotiations with the Councils Urban Design Team and the Conservation Team and has also been to the Quality Review Panel for consultation. The scheme has been significantly revised by a reduction in the number of units from 6 to 3 involving a larger separation distance to the proposed rear most second building and where the design has been altered to accommodate a more traditional design and the height, depth and scale significantly reduced.

The internal arrangement of the units have been reconfigured with the introduction of more space and the reorientation of the majority of the main habitable rooms windows to the rear northeast elevations to give more light. Other changes have involved the removal of the linked walkways and a proposed shared communal amenity space and recessed balconies to the ground floor of both buildings.

This proposed built form of development comprises of two buildings separated by a communal amenity area.

First Building - 2, bed units - (1, 1, bed and 1, 2 bed)

The first building is 3 stories in height, set below the ridge of the host building forming a shallow gable roof measuring a depth of 13m, a width of 5m at a height of 10.5m accommodating 2 units, both with their own separate entrances from the communal walkway. -

- A duplex 2- bed apartment sited over 2 floors, with a floor area of 99m². The ground floor is the main living accommodation with the habitable room windows to the rear north flank elevation and a recessed balcony with screen. The first floor comprises of a bedroom, bathroom and ensuite with the windows located to the east elevation.
- A one-bedroom unit is located on the second floor with a floor area of 51m² with the main habitable windows to the north elevation and 3 dormer windows located to the east roofslope.

Second Building - 3 bed dwellinghouse -

The proposed rear most 2- storey, 3 bed dwellinghouse has a separation of 6.4m from the front building and stepped down at a lower level of 1.1m, due to the slope of the land with the ground floor at the lower ground level and accommodates the bedroom space with the upper ground floor as the main living area and kitchen with a recessed balcony area to the northeast elevation. The building measures a depth of 11.5m, a width of 6m and height of 8.5m (7.5m from ground level) with a green roof and an internal floor area of 115m².

The communal refuse storage and cycle area is sited to the southern most aspect of the site integrated into the first part of the development

Traditional materials are to be used involving brick and timber slate shingles for the roof to the first building and an intensive green roof for the rear building

Relevant History:

EPF/2246/17 - Redevelopment of site to provide 6 residential units - 3 x 2 bed, 2 x 1 bed, 1 x 1 studio - Refused October 2017 -

- The proposal has a density of 60 dwelling per hectare. This figure exceeds standards of 30-50 set out in policy H3A of the Local Plan and if built, would not secure a good standard of amenity for all future occupiers of land and buildings within and surrounding the site. It therefore conflicts within the requirements of the paragraph 17 of the NPPF along with policies CP3 and H3A of the Local Plan.

- The proposed development by reason of its scale, height, bulk and mass would constitute an overdevelopment of the site and appear incongruous and unacceptably dominant and visually intrusive particularly in relation to the adjoining Listed Building and would fail to preserve or enhance the special character of this part of the Epping Conservation Area contrary to the NPPF and Local Plan policies CP7, DBE1, HC6, HC7 and HC12.
- The proposed development would, by reason of its height, scale, bulk, massing and proximity to the donor building, adversely affect the outlook and daylight and sunlight to the adjacent neighbours and would create an excessive sense of enclosure to future occupiers contrary to council policy CP7 and DBE9.
- The proposed development does not appear to provide adequate functional, attractive and safe access for future occupiers of the development. contrary to policies DBE3 of the Local Plan and Alterations.
- The proposed development does not appear to provide a functional bin store which provides adequate and practical service space to the detriment of future occupiers of the development contrary to policies DBE3 of the Local Plan and Alterations.

Dismissed at Appeal 22nd August 2018

EPF/2928/15 - Extension and change of use to A1 (retail) at ground floor level - Appr.

EPF/2795/15 - Change of use of upper floors from office to 3 flats - Approved.

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
 CP2: Protecting the Quality of the Rural and Built Environment
 CP3: New Development
 CP6: Achieving sustainable urban development patterns
 CP7: Urban Form and Quality
 CP7: Urban Form and Quality
 RP4: Contaminated Land
 RP5a: Environment Impacts
 DBE1: Design of New Building
 DBE2: Effect on neighbouring properties
 DBE8: Private amenity space
 DBE9: Neighbouring residential amenity
 LL11: Landscaping schemes
 ST1: Location of development
 ST2: Accessibility of Development
 ST4: Road safety
 ST6: Parking provision
 H2A: Previously developed land
 H4A: Dwelling Mix
 H3A: Housing Density
 HC6: Character, Appearance and Setting of Conservation Areas
 HC7: Development within Conservation Areas
 HC12: Development Affecting the setting of Listed Buildings

NPPF, 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:

Paragraph 51, 86, 104 - 111
Paragraph 118- 121, 126 - 132, 194

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.

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 (ends 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:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue	Significant
H1 Housing mix and accommodation types	Significant
H3A Housing Density	Significant
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM7 Heritage Assets	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 On site management of waste water and water supply	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 Local environmental impacts, pollution and land Contamination	Significant
DM22 Air Quality	Significant
T1 Sustainable transport choices	

Consultation Carried Out and Summary of Representations Received

EPPING TOWN COUNCIL - OBJECT - confirm that they will attend Plans East to speak

- overdevelopment of the land, little amenity space and no parking.
- Cannot support residential accommodation at ground floor to the rear of a retail premises

to protect vitality and viability of the Epping High Street
A Site Notice was displayed - 14/06/2019 and Advertised - 16/6/2019

EPPING SOCIETY - OBJECT

- no parking

31 adjoining neighbours were notified, and 6 objections have been received that raise the following concerns:

- Scale, height
- Insufficient open space. Massing
- Removal of trees and infilling of an open space
- Overlooking
- Intrusive
- Narrow access
- Flats sited close to Black Lion which is of special architectural significance

An additional 15 day consultation was undertaken on the 12th November 2021 and 3 objections have been received that raise the following concerns:

- over development in a location that is full of character. (Namely the 18th century public house, The Black Lion)
- The expectation that the residents will only be cyclists is an insult - Fails to cover the issue of where people will park. The High St is very slow moving traffic seven days a week. If these "cyclists" park their cars in the parking behind the shops. this will again increase traffic flow in an already congested top of a single lane narrow lane.
- The proposed development would result in a highly visible 3/2 storey stepped extension over the greater part of the site.
- The District Council have a Statutory Duty to ensure that all development within a Conservation Area will result in an improvement or enhancement to that area. The outlook from the proposed flats and dwellinghouse will be very restricted and will further restrict the outlook from adjoining dwellings
- The proposed extension directly abuts the side walls of the Black Lion Public House which is a Grade II listed building and dominate the listed building which would no longer be seen in isolation which, because of its importance, is essential.
- The need for additional housing in the District has been acknowledged by previous Planning Inspectors who have concluded that this need is not in itself sufficient to overcome the harm that it would cause to the historic environment i.e. the Conservation Area.
- There is a complete absence of any parking provision for the proposed dwellings contravening the District Council's Parking Policy. Notwithstanding the availability of Public Transport. it will be inevitable that future owners will be car owners
- Losing the unique sense of identity and character of this Market Town.
- The development overlook the recently approved development to the rear car park

Main Issues and Considerations:

- The principle of residential
- Design, Character and Appearance
- Impact on the amenity of surrounding residents; Form of Accommodation;
- Trees and Landscaping
- Parking and highway safety
- Drainage and Contamination

- Epping Forest Special Area of conservation
Principle of Development

The Council is currently in the process of adopting a new Local Plan where sites have been allocated for residential for residential development.

No. 287-291 High Street is one of the sites that has been identified in the site selection process for residential development in the Epping Forest Local Plan Submission Version, 2017, (reference EPP.R10) for up to 6 residential units. Three of the units have already been implemented above the ground floor commercial building.

The allocation of the site in the Local Plan Submission Version is material to the determination of the application and which carries substantial weight in favour of the development from the Government to maximise the use of urban sustainable locations to meet an identified housing need.

Epping Town Centre, is one of the larger built up towns within the District well served by local services and amenities. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development.

The site is located within an existing mixed use area of commercial/retail and residential area; within a sustainable urban location where accessibility is good and the infrastructure has been developed so there local services, facilities and good public transport links are available within walking distance of the site and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, subject to all other parameters.

Design, Character and Appearance

The plot is sited within the key frontage of the Epping Town Centre and Conservation Area and lies adjacent to the Black Lion Public House, a Grade II Listed Building.

In line with the 'Listed Buildings and Conservation Areas Act 1990', Local Planning Authorities are required by statute to protect buildings and structures which are of historical and architectural interest and which have been awarded listed building status and also protect and enhance the character and appearance of Conservation Areas.

The surrounding area is characterised by urban built form. The main front building of nos 287-291 fronts onto Epping High Street at a height of 3 stories with the surrounding buildings also fronting onto the High Street, two and three storey in height. The rear of the plots feature a mix variety of buildings, predominantly large 2 and 3 storey in height in such uses as offices, commercial/ storage and residential. The site is bound to the rear by brick walls and car parks.

The piece of land is long, narrow and undeveloped, situated between a modern flat roofed building of similar scale to the southwest and the Listed public house to the northeast.

The application follows a previous refusal for the infill of the rear aspect with 2 detached buildings comprising 6 units which was refused due to its height, scale and massing and its association with the adjoining Listed Building and was dismissed at Appeal.

The Inspector in his decision raised no objection to the residential development of the site recognising that the, '*setting is of a densely, developed mostly urban area with, in some cases much taller modern buildings nearby*' and that '*the new housing would be added to the area and*

whilst I shall come onto this in more detail later, it would add to a supply that is currently lacking when compared to the requirements of the Framework.' I give this factor some weight.

The Inspector also noted that the *'The site would also benefit from a general tidy up which would be positive'* and that, *'the public house aside, some other buildings surrounding the appeal site are not of significant architectural value in themselves but that the scheme's shape, height and extent of projection would simply appear too much for the site and how it would be juxtaposed with other buildings..... As a result, the proposed development would fail to either preserve or enhance the character or appearance of the ECA'.*

The Conservation Officers comments at the time of the application were that, *'the development demonstrated that it is possible to associate traditional building form and modern materials in order to create a building which is at once modern and of high architectural quality, but that the scale and massing raised strong concerns. The first part of the proposal situated immediately behind the existing building is perfectly acceptable at 3 storey, I believe the proposed second part of the building would make it overly dominant alongside the lower listed building and irreversibly alter and diminish its setting, the way it is experienced. For the same reasons the proposed scheme would also harm the character and appearance of the conservation area'.*

The Inspector also considered that, *' Whilst the immediate setting of the Black Lion is a densely developed mostly urban area with, in some cases, much taller modern buildings nearby, there is a sense of openness around its rear elevations which allow appreciation of its particular architectural features and acknowledgement of the positive contribution it makes to the history of the High Street. The opposing scale of the appeal scheme would dwarf the public house, significantly reducing the openness around it and have something of a looming presence, dominating the Black Lion. The difference in scale would be readily identifiable and obvious given the nature of available views as I have described them above. For these reasons, the proposed development would be harmful to the listed building and its setting'.*

Following the appeal, negotiations with the conservation team and urban design officers has taken place and where the scheme has been significantly amended involving a reduced number of units. The gap between the rear flank of the existing front building and the proposed first building has been increased and the first building is to be contained within the cluster of existing buildings so as not to project beyond the rear line of the adjoining buildings or the height to the immediate northwest.

The amended design, reduced height, scale, form and massing of the second rear most building incorporating a steep pitched roof and lower eaves with a combined intensive planted green roof, removing the schemes original 3 storey height, bulk giving a softer edge appearance. The increased separation distances, landscaped central communal courtyard and the removal of the linked communal walkways has simplified the scheme; the roof form has substantially reduced the overall mass and visual dominance and intrusiveness of the previous scheme; created more space and light externally and internally to the living accommodation. The changes have created a design that is considered more proportionate and sensitive, resulting in a less conspicuous, more respectful and integrated development in terms of the historical context of its surroundings.

The development addresses the concerns and reasons for refusal on the previous application, alleviating any demonstrable harm or impact so as not to detract from the historic interest, setting or architectural character and appearance and would go towards meeting the Councils expectations in terms of scale, massing and overall form. The proposal also meets the expectations both in design and conservation and is fully supported by the urban design and conservation team officers in making a positive contribution towards conserving and respecting the setting, character and appearance of the wider conservation area and that of the listed building in accordance with policy CP2, DBE1, HC6, HC7 and HC12 of the Local Plan and Alterations (1998

and 2006), policy DM7 of the Submission Version Local Plan (2017) and paragraphs 189, 194, 195, 197, 199 and 200 of the NPPF (2021).

Amenity to Neighbours Amenity and Form of Accommodation

The NPPF encourages Local Planning Authorities to:

'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

In terms of the form of living accommodation, the Inspector in his decision raised no objection to the main entrance to the buildings. *'The access to the development would be via a gated pedestrian route from the High Street. The access way is narrow but would be lit and by virtue of the gate secure. Whilst I accept that there would be better and more inviting ways to access the flats in the proposed extension the treatment of the access as proposed would, to my mind, sufficiently mitigate a perceived lack of quality and sense of unwelcome enclosure. With this in mind, the nature and design of the proposed access would not harm the living conditions of future occupiers'.*

The Inspector also considered that, *'there would not be a loss of light of any great significance to the point that the living conditions of existing neighbours would be adversely affected'.*

The alterations to this application has created more space within and between the 2 buildings, with additional skylight windows and the re orientated of the majority of the main habitable room windows to the rear elevations to increase the amount of light to the internal space. A larger outside central landscaped communal area is also provided for the occupiers with rear recessed balconies to 2 of the units.

The buildings would look out over onto the existing car park. The closest residential property to the northwest and east of the proposed buildings is No. 2 Buttercross and it is considered that the separation distance and topography of the land would prevent any demonstrable harm from the first part of the development and the second part of the development is where again the distance, height and the lower level of the ground would prevent any harm to the living conditions of neighbouring properties in terms of loss of light, overlooking or privacy. It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the Local Plan and policy DM9 of the emerging Local Plan.

The main habitable rooms of the units have sufficient daylight and outlook that meet BRE guidelines for daylight levels and are considered of a satisfactory form of living space that also meets the Nationally Prescribed Space Standards as set out in Policy DM10 of the Submission Version Local Plan, 2017, providing a good quality of accommodation for future occupants.

It is generally accepted that in some instances properties within town centres provide less amenity space. The plans indicate the provision of amenity space for 2 of the units with the addition of a communal amenity space area and both Lower Swaines Recreation Ground and Stonards Hill Recreation Ground are within walking distance of the site. Although this would not meet the recommended standards as laid out within the Essex Design Guide and Local Plan policy DBE8, given the town centre location and that the majority of the units are one bedroom, it is not considered that there are sufficient grounds to justify a refusal of permission on this basis.

A refuse storage area is provided, contained within the ground floor of the first building and where the Inspector in his appeal decision stated, *' communal bin stores are not uncommon in this type of development and that the number of units is not substantial in itself to have to rely on a communal bin store and the distances between it and each unit and the kerbside would not be excessive to the point that the living conditions of future occupiers would be compromised unacceptably. This application has provided a refuse storage area which is considered sufficient for the reduced number of units'.*

Comments on Representations Received.

The issues raised by the Parish Council, Epping Society and residents are noted. The development has been significantly amended in design and scale terms from its original submission of 6 units to 3 and where many of the concerns of the Council and Inspector on the previous refusal have been addressed.

There is no objection to the development of the site for residential, which is an allocated site in the emerging Local Plan. The Inspector raised no objection to the provision of residential use within this urban, town centre location and accords with the presumption in favour of sustainable development. The intensification of use of this site would accord with this presumption and should be afforded significant weight.

Residential uses are also recognised as being beneficial to town centres as it increases activity, security and custom. This is highlighted within Paragraph 86 of the NPPF which states that,

“Local Planning Authorities should, amongst other factors, “recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites”.

The site is located within an existing mixed use area of commercial/retail and residential area where accessibility is good and the infrastructure in the vicinity has been developed so there are local services, amenities and a good public transport links available within walking distance of the site.

The development has been designed to ensure that it is appropriate in its context within a mixed use supported by the NPPF and would not prejudice the amenity of the occupiers of adjoining properties. The site provides a quality, sustainable residential development that brings forward the growing need for additional housing. The principle of residential development is therefore acceptable which is consistent with the requirements of policies CP1, CP3 and H3A of the Local Plan and with the NPPF which seeks to boost significantly the supply of housing. Policies DBE1, DBE2 and DBE4 of the Epping Forest District Local Plan seeks to ensure that new development is satisfactorily located and is of a high standard of design and layout.

The concerns expressed by Epping Town Council, the Epping Society and neighbouring residents regarding overdevelopment of the site must be balanced against the carefully thought out design of the proposal that respects the overall scale, height and relationship of the building to its plot boundaries and to the surrounding built form.

Trees and Landscape

The site is within the Conservation Area, and therefore all trees are afforded legal protection. The Inspector in his decision noted that the site had a substantial mature tree towards the southwestern boundary, part way down the land parcel but was of the opinion that the tree on site should not be seen as a constraint to development of the site.

‘The tree on the site has been assessed and found to be not worthy of retention in the long term. I agree with the Council that in any event it would unlikely survive the extensive nature of the works on the site, particularly the excavation for the lower ground floor element. It is unclear as to the appellants’ intentions with exactly what age and type of tree they would intend to place on the site as part of the scheme but equally it seems eminently possible to agree this element by planning condition. All matters considered, I have no objection to the proposed development from the perspective of its effect on trees’.

The Trees and Landscape officer has not raised any objection subject to an appropriate hard and soft landscaping condition attached at any approval in accordance with the requirements of policy LL10 of the Local Plan.

Parking and Highways

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority. Parking can be reduced in urban areas and this location is considered to be acceptable given the proximity to other modes of sustainable transport and the town centre. Further to this the town centre is well secured with parking restrictions so there will be no detriment to highway safety as no on-street parking can occur within the vicinity subject to the following:

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling and at no cost to the occupier, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Land Drainage

No objection in principle. The site lies within an Epping Forest District Council Flood Risk Assessment Zone and of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. The applicant is proposing to dispose of surface water by main sewer. Further details require approval of land drainage, surface water details and a FRA by the Local Planning Authority prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Contamination

The phase I desk study report has now been thoroughly reviewed by the council's external consultants and it has been found to be suffice of requirements. The feedback in full and details of the phase II site investigation to be undertaken are detailed below:

The desktop study (DTS) (ref. CG/38061), dated May 2019, relating to potential contamination issues at the above site has been reviewed and I have the following comments to make regarding its content:

The report satisfactorily addresses the requirements for submission of a desktop study, in that it is signed, countersigned and dated, contains: relevant information of a site walkover performed; background information for the site and surrounding area; a written preliminary conceptual site model (CSM); and a preliminary risk assessment identifying active contaminant linkages; with conclusions and recommendations.

The preliminary risk assessment has identified potential contaminants of concern and this is supported by council records which show the following historic potentially contaminated land:-

On Site: Dry Cleaners (~45m E)

Potential High Risk

The site walkover identified asbestos containing material (ACMs) contained within fly-tipped waste across the NW part of the derelict site, described as building rubble and household waste. Made ground is also expected across the site posing a potential risk from metals, PAHs, TPH and VOC contaminants and ground gas. An intrusive site investigation is therefore required to be undertaken and which needs to assess all the potential contaminant linkages identified in the preliminary conceptual site model (CSM) of the desktop study, including undertaking gas monitoring to address risks from potential hydrocarbons and volatile organic compounds (VOCs) in the soil and/or groundwater. Should contamination above guideline values be discovered, a further assessment on the potential risk to controlled waters will be required despite the low risk rating provided in the CSM. A site investigation methodology is included within the report, from which it would be expected that sufficient analysis of soils will be undertaken to address the direct contact, inhalation, ingestion of soil and home grown produce pathways. This matter can be dealt with by way of conditions as attached.

Archaeological Advice:

The Essex Historic Environment Record (EHER) shows that the proposed development is located in close proximity to known archaeology in the centre of the historic town of Epping. The settlement dates to the medieval period, located north of Cobbins Brook on the medieval route from London to Cambridge. Previous excavation, to the south of the proposed development, identified post – medieval remains (EHER 48762). There is therefore the potential of archaeological deposits within the proposed development area and an appropriate condition should be attached at any planning permission granted which is considered necessary and reasonable for a programme of archaeological trial trenching and excavation.

Epping Forest Special Area of Conservation:

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 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 has the potential to 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 both the recreational pressures and atmospheric pollution Pathways of Impact.

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 both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

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 is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS.

The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusion:

The allocation of the site for residential development in the Local Plan Submission Version is material to the determination of the application and where the Inspector at appeal raised no objection to the site for residential.

The proposed development is an efficient sustainable use of brownfield land and provides additional housing which is a benefit that should be afforded significant weight in the planning balance, particularly in light of the acute housing shortage within the District.

In terms of the quality of the proposed homes, these would meet prescribed space standards, benefiting from amenity space and sufficiently maintaining the character, appearance and pattern of development of the conservation area and the adjacent Listed Building and would not result in any amenity implications to neighbouring dwellings in terms of light, privacy and outlook; other aspects in relation to parking/highway safety and landscaping are considered satisfactory. The application is acceptable in terms of the policies set out in the report of the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In light of the above considerations it is recommended that planning permission is approved subject to conditions and a Section 106 legal agreement to secure appropriate financial contributions for measures to mitigate potential impacts on air quality and for the management and monitoring of visitors to the Epping Forest Area of Conservation.

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