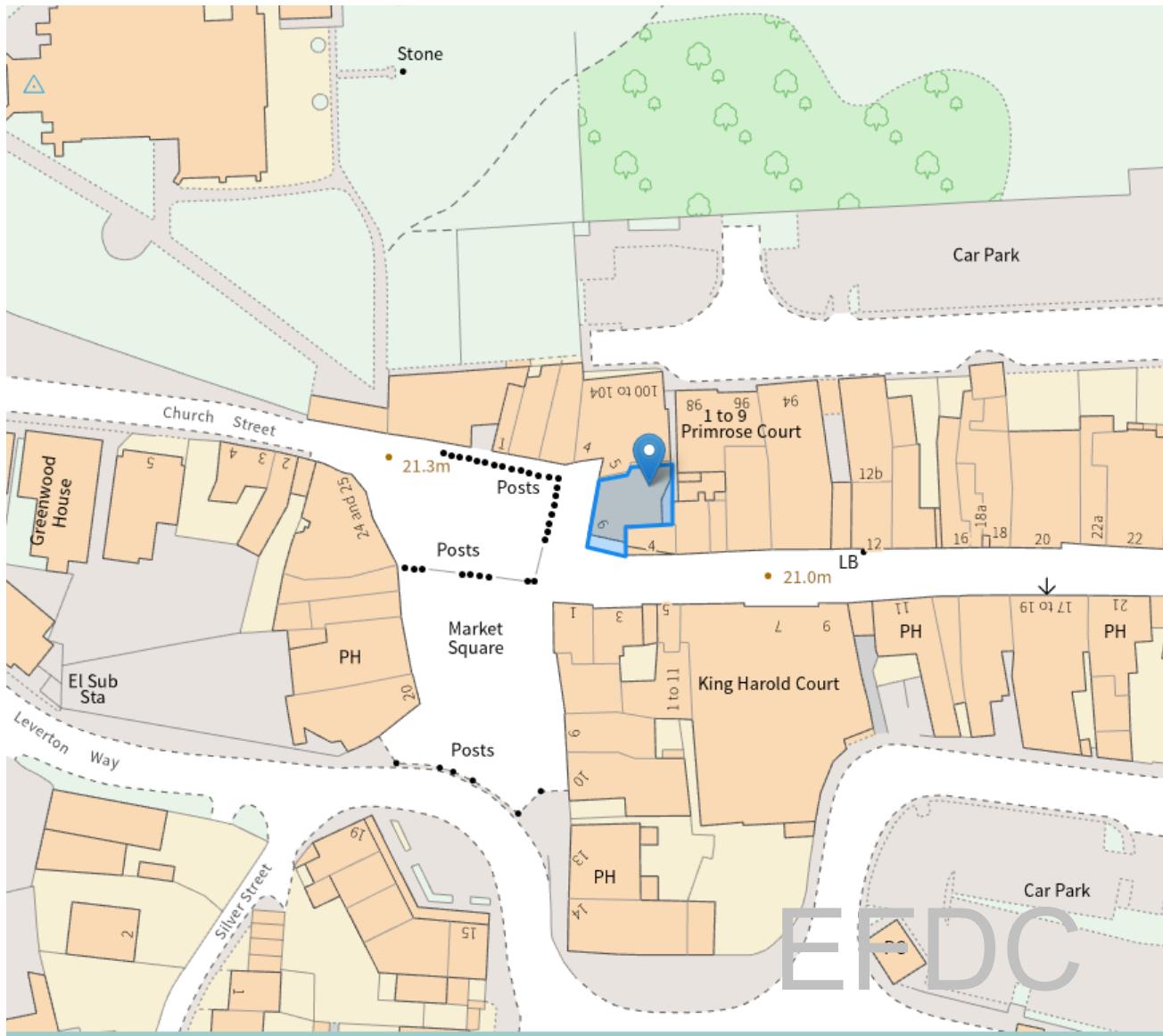




Epping Forest District Council

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| | |
|---------------------|----------------------------------------------------------|
| Application Number: | EPF/1051/22 |
| Site Name: | 6 Market Square (Barclays Bank) Waltham Abbey EN9 1DN |
| | |

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OFFICER REPORT

Application Ref: EPF/1051/22
Application Type: Full planning permission
Applicant: Hanson Holdings Ltd
Case Officer: Ian Ansell
Site Address: 6 Barclays Bank Plc
Market Square
Waltham Abbey
Essex
EN9 1DN
Proposal: Redevelopment of the former Barclays Bank to mixed use development including upward extension by way of an additional storey at roof level, retaining commercial use on the ground floor and creating a 1 no. duplex 3 bed flat across first and second floors above the commercial space with entrance at street level
Ward: Waltham Abbey South West
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzDB>
Recommendation: Approve with Conditions

This application is before this Committee since it has been 'called in' by Councillor Helen Kane (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application relates to the former Barclays Bank building located in the north eastern part of Market Square with a return frontage to the north side of Sun Street. The building comprises two storeys, much of the larger ground floor area lies to the rear of the surrounding buildings; the building is now understood to be vacant having previously been used exclusively by the bank.

The site lies in an area of mixed town centre retail and associated usage with commercial and residential uses on the upper floors. The site is within the Waltham Abbey Conservation Area and there are a number of listed buildings in the immediate vicinity although the site itself has no such designation.

Description of Proposal:

The application proposes extensions and alterations to the building to create a ground floor commercial space and a residential unit above comprising of a three bed flat over two floors.

Extensions are proposed at first floor – a rear extension at the side of the existing staircase and including an enclosed terrace area – and at roof level where a new floor is added in a mansard style addition. The residential unit will be accessed from a new self-contained entrance on the Sun Street entrance where a bin and cycle store will also be created. Otherwise the primary elevations are refurbished retaining the existing form.

Relevant History:

None

Policies Applied:

Adopted Local Plan:

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 |
| CP7 | Urban form and quality |
| HC6 | Character, appearance and setting of Conservation Areas |
| HC7 | Development in Conservation Areas |
| NC1 | SPA's, SAC's and SSSI's |
| TC3 | Town Centre function |
| DBE2 | Effect on neighbouring properties |
| DBE3 | Design in urban areas |
| DBE9 | Loss of Amenity |
| ST1 | Location of development |
| ST2 | Accessibility of development |
| ST6 | Vehicle parking |

NPPF (July 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:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185,
- 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

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 policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

| No. | POLICY |
|------|----------------------------------------------------------|
| SP1 | Presumption in favour of sustainable development |
| SP2 | Spatial Development Strategy |
| T1 | Sustainable transport choices |
| DM1 | Habitat protection and improving biodiversity |
| DM2 | Epping Forest SAC and Lee Valley SPA |
| DM3 | Landscape Character, Ancient Landscapes and Geodiversity |
| DM7 | Heritage Assets |
| DM9 | High Quality Design |
| DM10 | Housing design and quality |
| DM15 | Managing and reducing flood risk |

| | |
|------|---------------------------------------------------------------|
| DM16 | Sustainable Drainage Systems |
| DM19 | Sustainable water use |
| DM21 | Local environmental impacts, pollution and land contamination |
| DM22 | Air quality |

Consultation Carried Out and Summary of Representations Received

Date of site visit: 27 June 2022

Number of neighbours consulted: 23

Site notice posted: 20 June 2022

Responses received: No response received from neighbours.

Waltham Abbey Historic Society commented that an additional storey on the building would dwarf surrounding historic buildings.

Parish Council: Waltham Abbey Town Council responded, they raised no objection.

Main Issues and Considerations:

The site lies on a prominent part of the market square in an area of considerable variety of built form and finish. The existing building is seen to have little historic architectural merit being a relatively modern rebuild but is of an appropriate scale to its general setting. The building features a relatively high parapet wall extending around the two road frontages, and the second floor addition is set behind this. As a result, only the upper half of the elevation is visible from street level and therefore has a modest visual impact on the street scene and surrounding buildings, adding further to the diversity of built forms and heights in the square. Evidently, this will be neither unduly dominant nor harmful to any nearby protected buildings.

The design of the side elevation in particular the residential entrance has been refined on the advice of the Conservation Officer. This elevation does not form part of the primary retail frontage and the introduction of the residential entrance will provide a degree of active frontage onto Sun Street. Minimal interventions are now proposed to the established built form.

The extension elements at the rear abut an enclosed courtyard and are set away from boundaries not currently abutted by built form. The enclosed terrace has a limited amenity value to the future occupiers without impacting neighbours.

The site location within the town means parking cannot be provided, nor should it be in such a highly accessible location where other public parking areas remain available.

The application is accompanied by a Habitat Regulations Assessment trip generation analysis which recognises the former use would generate staff and customer journeys and concludes introduction of a reduced commercial footprint and a residential element would reduce overall vehicle movements including any in the EFSAC area. At the time the application was made, the site lie outside the 3km core zone in relation to recreational impact. The information is not disputed, and an appropriate assessment has been completed as under:

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

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 3km - 6.2 km 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 would not 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 recreational pressures but would not have a likely significant effect in relation to atmospheric pollution.

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 recreational pressures.

Stage 2: 'Appropriate Assessment'

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 the application proposal lies more than 3km from the boundary of the EFSAC there is no requirement to make a financial contribution. Within this strategic context the Council is therefore satisfied that the application proposal would not, as a result, have an adverse effect on the integrity of the EFSAC.

Conclusion:

The primary issue in this case is the visual impact of the roof extension in particular. As set out above officers are satisfied that the scale of this addition is acceptable and its visual impact is limited as a result of it being located behind the existing parapet. Other design improvements have focussed on the need to ensure an active frontage is created on Sun Street. The opportunity to provide additional living accommodation in the town centre is a further benefit.

Subject to conditions therefore, the application is recommended for approval.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481

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

Conditions: (5)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 0010 Rev 2, 0011 Rev 2, 1020 Rev 3, 1021 Rev 3, 1032 Rev 6, 1033 Rev 3, 1034 Rev 1, 2000 Rev 4, 2001 Rev 1, 2002 Rev 6 and 2003 Rev 3 and 2004 Rev 1

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The external materials to be used on all extensions and alterations hereby approved shall accord with the details shown on drawings numbered 2002 Rev 6 and 2003 Rev 3. Any variation there from shall be subject to further approval from the Local Planning Authority through an appropriate application.

Reason: To ensure development has a satisfactory appearance in the Conservation Area in accordance with policies HC6, HC7 and DBE3 of the adopted Local Plan and Alterations, policies DM7, DM9 and DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

- 4 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 5 The ground floor commercial floorspace hereby approved shall be used only for purposes falling within Use Classes E (a), (b), (c) and (e) of the Town & Country Planning (Use Classes) Order 1987 (as amended) and shall not be open for trading later than 9pm on any day of the week.

Reason: The suitability of any other uses and hours of business in this Town Centre location should be further assessed in order to protect general amenity and the viability of the centre, in accordance with policies Tc3, DBE2 and DBE9 of the adopted Local Plan and Alterations, DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatics: (1)

- 6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.