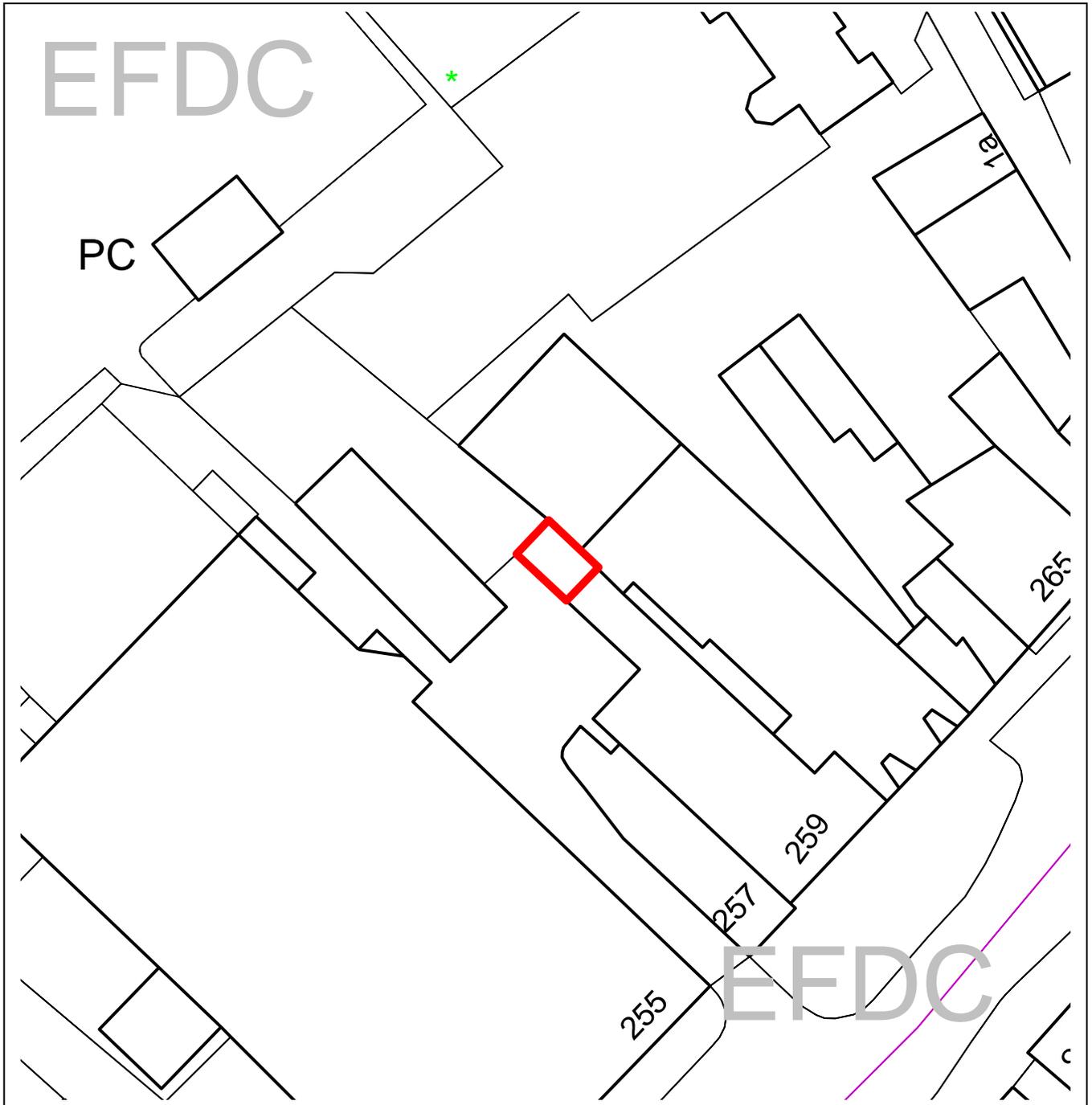




# Epping Forest District Council



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Application Number:	EPF/2511/19
Site Name:	Land To Rear Of 257 To 259 High Street Epping CM16 4BP
Scale of Plot:	1:500

<b>APPLICATION No:</b>	EPF/2511/19
<b>SITE ADDRESS:</b>	Land To Rear Of 257 To 259 High Street Epping CM16 4BP
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mrs Anjana Trehan
<b>DESCRIPTION OF PROPOSAL:</b>	A new replacement building, and a change of use from storage B8 to cafe A3.
<b>RECOMMENDED DECISION:</b>	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=629553](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=629553)

## CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawing numbers: Site Location Plan, EP/CM164BP/001, PP/CM164BP/002 and BL/CM16 4BP/001 REV C
- 3 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.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the

recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 6 The roof covering shall be made with red plain clay tiles / pantiles.
- 7 The walls shall be clad with timber, with a featheredge finish.
- 8 Any windows and doors shall be made in timber.
- 9 All new rainwater goods and soil and vent pipes shall be of black painted metal.
- 10 No meter boxes, vent pipes, flues, ducts, or grills shall be fixed to the fabric of the building without the prior, written approval of the Local Planning Authority.
- 11 The development hereby permitted shall not be open to customers outside the hours of 07:30 to 17:00 on Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.
- 12 No heating of food shall occur that requires the need for extraction or ventilation equipment, the heating of food will be restricted solely to that of a microwave.
- 13 The refuse storage facility shown on approved drawing number BL/CM16 4BP/001 REV C shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

#### **Description of Site:**

The application site is a building to the rear of 259 High Street, Epping. Although the main building is a Grade II Listed Building, the storage building that this proposal relates is not Listed. It is a single storey building, currently all that stands is one end wall, the front and rear elevation and roof are no longer there and the other end was attached to the wall of the adjacent Listed Building, which still stands.

The site is located within a Conservation Area, it is not located within the Metropolitan Green Belt.

#### **Description of Proposal:**

A new replacement building and a change of use from storage B8 to Café A3.

**Relevant History:**

None relevant.

**Policies Applied:**

*Adopted Local Plan:*

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE9 – Loss of Amenity

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 – Development within Conservation Areas

HC12 – Development Affecting the Setting of Listed Buildings

TC1 – Town Centre Hierarchy

TC3 – Town Centre Function

TC4 – Non-Retail Frontage

RP5A – Adverse Environmental Impacts

ST6 – Vehicle Parking

*NPPF:*

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.

*Epping Forest District Local Plan (Submission Version) 2017*

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 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 2<sup>nd</sup> 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.

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
SP7 – The Natural Environment, Landscape Character and Green Infrastructure	Significant
T1 – Sustainable transport choices	Significant
DM7 – Heritage Assets	Significant
DM9 – High quality design	Significant
DM10 – Housing Design and Quality	Significant
E2 – Centre Hierarchy/ Retail Policy	Significant

DM11 – Waste Recycling Facilities on New Development	Significant
DM21 – Local Environmental Impacts, Pollution and Land Contamination	Significant

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

Number of neighbours consulted: 14

Site notice posted: 18/10/2019

Neighbour responses received: 0

**Parish Council:** OBJECTION: Epping Town Council's Planning Committee declared an interest in this application as this site adjoins Epping Town Council's land.

The proposal is an overdevelopment of this site. The previous building that was on this site (which is on the current plans) has been demolished and while unsafe, was in the curtilage of a listed building. Even though it was dilapidated, consent should be obtained for any demolition. Committee agree that this is reported to planning and building control enforcement.

Committee are also concerned about the proposed use of a site for café A3 use. Constantly granting permission for similar establishments puts additional pressure on those existing, which could have a seriously harmful effect on the long-term viability of the town, due to excessive competition.

Committee are also concerned about the increased pedestrian movement on Epping Town Council's busy market store land, which would be detrimental to Highway Safety.

Epping Town Council would ask Epping Forest District Council to consider the site layout in this situation, as the boundary of this site is next to the Town Council's land. Pedestrians would need to walk from the Town Council's land to access the site. The Town Council manages the Monday Market from the neighbouring store with vehicles and operations moving across this land in a major way on a Monday. There would likely be issues with people constantly walking over to the site which could impact on Monday Market operations and be potentially dangerous to pedestrians.

**ECC Highways: Comment:** There are no highway issues associated with the above PA.

**Environmental Health:** Following initial objections, amended plans were submitted showing the a designated, secure bin storage area to be located on the applicant's land to the rear of 259 Epping High Street. Environmental Health now have no objection subject to conditions and the following informative:

*Should the application be granted, the applicant will require food business registration and food hygiene inspections from the Council's Environmental Health (Public Health) section. For further information, the applicant should contact May Fitzgerald, Environmental Health Officer, on 01992 564376.*

*Reason: Every food business operator shall cooperate with and notify the appropriate competent authority of each establishment under its control that carries out any of the stages of production, processing and distribution of food using the designated form. Regulation (EC) No 852/2004 Article 6 Paragraphs 1 and 2*

**Contaminated Land:** All readily available council electronic records have been screened and can see that the site has no acknowledged potentially contaminated land.

The proposed use of this site has not been identified as being particularly vulnerable if land contamination is present. However, due to the development being a conversion on what is already hardstanding, it is unlikely there will be a contaminant pathway. Therefore, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site including asbestos checks and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered.

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

The main issues to consider are the design and the impact on neighbouring amenity.

### **Design and Impact on Conservation Area and setting of Listed Building**

The proposal site stands within the Epping Conservation Area and is attached at the rear of no. 259 High Street, listed at Grade II. This structure could therefore be considered as curtilage listed due to its location; however its fabric being made of inconsistent materials it is not felt by the Conservation Officer to be considered curtilage listed.

The impact of the present derelict/demolished structure causes clear harm to both the character and appearance of the conservation area and the setting of the listed building. Therefore the Conservation Officer supports the reconstruction of a building at this location. The proposed scheme appears to be acceptable in scale and forms. Due to its location both within the conservation area and its proximity with the listed building the use of traditional/vernacular materials will be essential. The use of unsympathetic materials such as Upvc windows and doors and cement cladding would be strongly resisted.

In line with the above, the proposed development is supported as it could be seen as an opportunity to enhance the character and appearance of this part of the conservation area and the setting of the listed building, subject to the suggested conditions.

This is supported by policy HC6, HC7, HC10, HC12, CP2 and DBE1 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 (2019).

### **Impact on Neighbouring Amenity**

The proposal will have no impact on light, outlook and privacy of neighbouring properties due to its height, width and depth. The raising of the ridge height by 0.4m higher than the previous building would not cause excessive harm to neighbouring amenity in terms of causing a significant loss of light, outlook and privacy afforded to the inhabitants residing in the flats above the site. Moreover, the minimal height increase would ensure the proposal would not appear overtly dominant or visually obtrusive, when viewed from the various angles along the street scene. It is not readily visible from neighbouring habitable room windows and is largely surrounded by commercial premises such as an M&S food store, a Greggs bakery, a community garden and a public car park. Given this, the proposal would not impact on living conditions of both neighbouring properties by reason of overbearingness, loss of light (daylight and sunlight) and loss of privacy. The proposal therefore does comply with policies DBE9 of the adopted local plan, and DM9 of the LPSV 2017.

### **Noise and Odours**

A condition will be added restricting the business to heating of food in a microwave to minimise impact by way of excessive odour nuisance caused to neighbours. There will be no

more of an impact by way of noise disturbance caused than that created by the adjacent communal garden.

### **Hours of use**

The applicant has suggested in their application for the hours of use which would be 07.30 to 17:00 Monday to Friday, 07:30 to 17:00 Saturdays and 10:00 to 16:00 Sundays and bank holidays. In the interests of proper planning and ease of planning enforcement, an hours of use condition will be imposed to enforce the hours of use.

### **Parking and Highway safety**

The proposal site is in a busy town centre location with a public car park nearby. It would be mainly accessed by people walking to the premises as there is no parking on the proposal site for the public immediately outside of premises but it will not result in adverse parking impact due to the close proximity of the public car park. The application site is also close to underground train and bus services. Essex County Council Highways have no objection to the proposal.

### **Waste and Refuse**

The applicant has confirmed an area for storing bins inside the premises of 259 High Street, this has been agreed by Environmental Health and would not be visible from the High Street.

### **Response to Objections**

The proposed building has the same footprint as the previous building, therefore this is not an overdevelopment of the site. Pedestrians have right of way over the Town Councils land and would cause no more of an impact than that caused by pedestrians accessing the communal garden or the public carpark to the rear of M&S. The plan submitted as existing shows the pre-existing situation and is a good indication when comparing the pre-existing situation to that proposed.

### **Conclusion:**

The proposal complies with relevant planning policy and it is recommended that planning permission be **granted**.

***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: Zara Seelig***

***Direct Line Telephone Number: 01992 564379***

***or if no direct contact can be made please email:***

***[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***