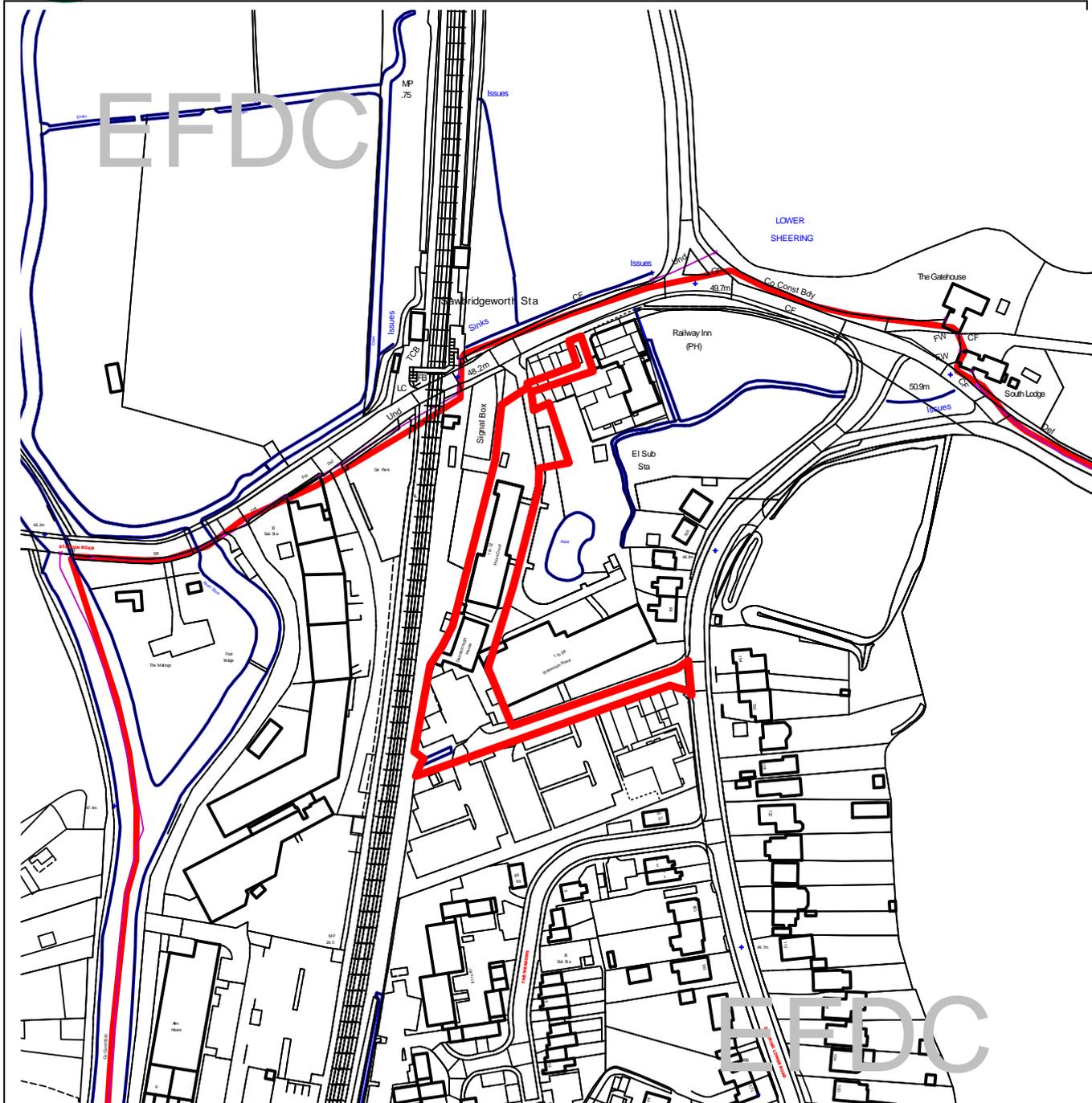




Epping Forest District Council



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Application Number:	EPF/0438/19
Site Name:	Land at Gainsborough House and Priors Court Sheering Lower Road Sheering Essex CM21 9FL
Scale of Plot:	1:2500

Report Item No: 9

APPLICATION No:	EPF/0438/19
SITE ADDRESS:	Land at Gainsborough House Sheering Lower Road Sheering Essex CM21 9FL
PARISH:	Sheering
WARD:	Lower Sheering
APPLICANT:	Foxley Group Ltd
DESCRIPTION OF PROPOSAL:	Change of use of Gainsborough House from offices to residential to create 10 no. flats and revised parking layout.
RECOMMENDED DECISION:	Grant Permission (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=620756

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 drawings numbers: 2714/1a, 2c, 6e, 10, 12a and 13a.
- 3 Details of the layout of the cycle store, including details of provisions for secure cycle storage, shall be submitted to and approved by the Local Planning Authority within three months of the commencement of works to convert the building. The cycle store shall be fully completed in accordance with the agreed details prior to first occupation of the residential units and thereafter retained for use by residents.
- 4 All development shall be carried out in accordance with the Flood Risk Assessment and drainage strategy accompanying the application (JMS Engineers Ref EX1902101), 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 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 7 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors' vehicles.
- 8 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each parking space shall be installed and retained thereafter for use by the occupants of the site.
- 9 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.

...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards contribution towards local open space provision in accordance with the Infrastructure Delivery Plan.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

Gainsborough House comprises three storey to five storey office building located between Priors Court to the north and Waterside Place to the east, both of which are larger blocks of flats. The three buildings are Grade II listed forming part of a larger group known as The Maltings which includes buildings to the west, the two groups being separated by the main railway line. The site and surroundings lie within the Lower Sheering Conservation Area.

The site is accessed from Waterside Place to the south and has its own parking area to the south of the building. One floor is currently occupied by an accountants and the remainder was vacant when last visited. The adjacent blocks comprise a mix of flats and a large surface parking area serving these lies to the south side of the road. The site has good links, Sawbridgeworth Station being located to the north within walking distance.

Description of Proposal:

The proposal has been through a number of alterations during its process and now seeks planning and listed building consent for the conversion of the existing building into 10 flats, with split access from the south and north ends. The ground and first floors feature 2 x 1 bed and 1 x 2 bed units

and there are two further 1 bed units at second floor. Two x 2 bed duplex units – unit 9 on the second floor and part of the roof, this element requiring two dormer windows facing the railway, and unit 10 in the existing roof areas of the fourth and fifth level including a new window in a gable end also facing the railway.

The existing parking area is to be refurbished with a total of 14 parking spaces, 10 allocated to the residential units three for visitors and one other intended for future use in connection with Priors Court.

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:

CP2	Protecting the quality of the rural and built environment
CP3	New development
HC6	Character, appearance and setting of Conservation Areas
HC10	Works to Listed Buildings
HC13	Change of use of Listed Buildings
NC1	SPA's, SAC's and SSSI's
E4A	Protection of employment sites
E4B	Alternative uses for employment sites
DBE2	Effect on neighbouring properties
DBE6	Car parking in new development
DBE9	Loss of Amenity
DBE10	Residential Extensions
ST1	Location of development
ST2	Accessibility of development
ST6	Vehicle parking

NPPF (February 2109):

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:

5 – Delivering a sufficient supply of homes

11 – Making effective use of land

12 – Achieving well designed places

14 – Meeting the challenge of climate change, flooding and coastal damage

16 – Conserving and enhancing the historic environment

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).²²

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 weight afforded by your officers in this particular case indicated:

POLICY	WEIGHT AFFORDED
SP1 – Presumption in favour of sustainable development	Significant
SP2 – Spatial Development Strategy	Some
E1 – Employment sites	Significant
T1 – Sustainable transport choices	Significant
DM2 – Epping Forest SAC and the Lee Valley SPA	Significant
HM7 – Heritage Assets	Significant
DM8 – Heritage at risk	Significant
DM9 – High quality design	Significant
DM10 – Housing design and quality	Significant
DM19 – Sustainable water use	Significant
DM22 – Air quality	Significant
D1 – Delivery of Infrastructure	Significant
D2 – Essential services and facilities	Significant
D4 – Community, leisure and cultural facilities	Significant

Consultation Carried Out and Summary of Representations Received

Date of site visit: 15 November 2019
 Number of neighbours consulted: 153
 Site notice posted: 09 May 2019

Responses received: The application has been the subject of two rounds of consultation. Initially, the scheme proposed 14 flats with a significant extension, and a new car parking area accessed from Rosina Court to the north. In response, 28 objections were received as under:

PRIORS CROFT – 4, 5, 12, 13, 17, 21, 23, 25 and 30.

ROSINA COURT – 1, 2, 4, 6, 7, 9 and 14.

WATERSIDE PLACE – 36, 44, 46, 64, 73, 74, 87, 91 and 96

8 THE GRANARY, THE MALTINGS (from the freeholder) and ALLBROOK HOUSE< LOWER SHEERING ROAD.

Objections can be summarised in three groups – those which apply to the general scheme, and those which have been addressed by the revisions, and issues not material to the application.

As to the former, issues include:

- Parking and traffic movements – concerns at the level of parking proposed, impact of additional vehicular activity within the area, and the effect of overspill.
- Overall level of development in the area – impact on local services
- Concerns at refuse storage capacity
- Flood risk issues
- Broader impact on the listed building and conservation area

Matters which have been addressed cover:

- Issues relating to the car park element accessed from Rosina Court
- Impact on neighbours from the extension
- Impact of the extension on the listed building

Other issues included:

- Impact during construction
- Issues around s106 contributions due from earlier development in the vicinity

A full re-consultation on the revised scheme produced six responses, from 13 and 25 PRIORS CROFT' 4, 5 and 6 ROSINA COURT, and 55 Waterside Place. Comments covered similar issues as before, including general parking and traffic considerations, the overall level of development and matters deleted from the revised application.

Parish Council: Sheering Parish Council have not raised any planning objections to either version of the application. They have made comments on the issues around the failure of developers on adjoining land to complete their s106 obligations, but this is not material to the current application, nor is the named applicant the same.

Main Issues and Considerations:

Loss of employment

The building has been used for offices since the 1940's and in accordance with policy E1, the implications from loss of employment opportunity has to be justified. The building is currently around 50% occupied by an accountancy practice, and when fully occupied accommodated around 50 employees. The current tenants are it is stated intending to vacate, leaving the whole building vacant.

The application is supported by a statement from the letting agent who has been marketing the property intermittently over a two to three-year period. They report during the period a limited interest for the available space other than for short-term tenancies, offered at reduced rents which are not financially viable. A number of reasons are advanced for this based around the location of the site to the east of the railway line and station, and the limited levels of parking available on site for office tenants. The agents advise that the site has to compete with The Maltings to the west side of the railway which has small units available, better parking on site, food outlets within the complex and is closer to Sawbridgeworth for pedestrians. The statement concludes that for a larger single occupancy tenant, the site location, wider transport links and parking limitations would not compete with other more central location.

Officers acknowledge the issues raised and consider the requirements of policy E1 are satisfied.

Listed Building / Conservation issues

The deletion of proposed extensions have resolved any initial concerns over the impact of development on the listed building individually and in the context of the wider group in the Conservation Area. It is noted that English heritage made no comments on the scheme.

As part of the conversion of the building into residential, it is proposed to add new partitions walls, block up doors and create new ones. This is considered acceptable as it will only affect modern fabric and therefore will not harm the special interest of the listed building. The alterations to the frontage parking area is primarily a change to the layout and markings and does not affect the setting of the building.

Epping Forest Special Area of Conservation (EFSAC)

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 concludes that there are two Impact Pathways whereby development within the Epping Forest District is likely to result in significant effects on the EFSAC. The Impact Pathways 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 parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Impact Pathways identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Impact Pathways to be assessed in relation 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 (air quality).

This application has been screened in relation to both the recreational pressures and air quality Impact Pathways and concludes as follows:

1. The site lies outside of the 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 will not 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. Therefore the proposal will not result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

On this basis the Council is satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal.

Parking and traffic

The Highway Authority have advised that the revised application raises no highway implications. The alterations to the parking area improve the existing parking layout to provide spaces that meet current parking space dimension guidelines but otherwise access to and from this area is unchanged.

While noting that a number of objectors raise issues around general issues with parking capacity in the context of the site and adjoining buildings, these are existing site management issues not material to the application. In terms of potential traffic generation, as noted above vehicular activity associated with an office building housing up to 50 employees would be expected to generate more activity in the vicinity than the proposed use.

The proposal meets parking standards and must be regarded as acceptable on highway grounds.

General amenity issues

The introduction of a residential use to the site effectively removes what may be considered the anomaly of a commercial building within a residential environment, and as such potential disturbance is reduced. The level of occupation is not excessive and general amenity is not unduly impacted. No new window openings are proposed and while windows in the building do face towards existing properties in Priors Croft and Waterside Place, the degree of separation is considered adequate.

Given the limited works now proposed, harm to existing residents is not considered substantial.

Infrastructure Delivery Plan (IDP)

As the application proposes 10 units, it has been considered in the context of the requirements of the IDP. This identifies an overall shortfall of public open space facilities within the Lower Sheering area and seeks to address this through either upgrading existing facilities or seeking to the option for new provision where available. The IDP looks to achieve this with appropriate contributions from new development which in this case has been assessed as requiring a contribution of £1,312 per dwelling.

The applicants have agreed to meet the requirement which would comprise £13,120, plus the 5% monitoring fee of £656 which is mandatory under the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019.

Other matters

Initial consultation noted potential for land contamination to be present in the area. However the application now proposes only alterations and no invasive works and the matter has been resolved.

The site lies within a flood risk area and again the previously proposed extensions required ground works for which a flood risk assessment was completed. While the flood risk should be highlighted by informative, no works are now required that may require further conditions.

Conclusion:

The revised application now before Members, that of a conversion of offices to a use consistent with the immediate surroundings and a re-marked car park, involves minimal alterations to the modern interior of the listed building. The key elements of the listed building, its exterior form and setting within the complex of buildings, are not affected by the proposals and listed building consent should be granted.

The application includes sufficient evidence that the building has been marketed without success, or without the need for substantial alterations, in light of the site location of competition in the immediate surroundings. It also establishes that the conversion to residential use would not increase vehicle movements above those generated by the office use.

The level of development is above the threshold whereby the impact of the wider infrastructure requirements should be considered, and the applicants have accepted the obligation for local open space requirements.

The proposal therefore complies with relevant planning policy and it is recommended that planning permission be granted subject to limited conditions and a legal agreement.

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@eppingforestdc.gov.uk