

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a three-storey mid terraced house, located within a built-up area of Chigwell. It is not listed nor in a conservation area.

Proposal

The proposal is for a change of use from class C4 use (HMO) to Sui generis use (Larger HMO).

Relevant Planning History

No relevant history.

Development Plan Context

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2	Protecting the Quality of the Rural and Built Environment
DBE9	Loss of Amenity
ST6	Vehicle Parking
Rp5a	Adverse Environmental Impacts
DBE11	Sub-Division of Properties

National Planning Policy Framework (NPPF) (February 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the

- development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 117
Paragraph 124
Paragraph 127
Paragraph 130
Paragraph 131

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 has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's 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
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant

Summary of Representations

Number of neighbours Consulted: 4. 3 responses received
Site notice posted: No, not required

9, 13 & 15 LYNDHURST RISE – Objections – Summarised as:

- Inadequate provision for refuse.

CADENT GAS – No objection

EFDC ENVIROMENTAL HEALTH – No objection in principle.

EFDC PRIVATE HOUSING – Support – No objection.

CHIGWELL PARISH COUNCIL – Objection – Summarised as;

- Over intensification of use.

Planning Considerations

The main issues for consideration in this case are:

- a) the effect of the proposed change of use to a large (sui generis) HMO on the residential character and amenity of the area, with particular regard to anti-social behaviour, noise, disturbance and car parking.

Residential character and amenity

The current use as a HMO for 6 occupants has been in operation since May 2015. Officers have checked the property details with Private Sector Housing whose records reveal that only one complaint has been made with regards to refuse. In terms of assessing this application, it is prudent to consider waste storage and capacity and in this respect a condition has been attached to this recommendation to require details of waste storage and capacity, and that it be maintained in the manner so approved before the occupation of the property by an additional occupier. Should the applicant fail to comply with the condition, the use could be subject to planning enforcement action. Furthermore, as the property is currently on the Councils statutory HMO license register, of which waste and refuse is a licensable criteria, there are statutory powers to fine an owner in breach of the license.

In terms of anti-social behaviour, the evidence of the Council is that levels on Lyndhurst Rise and surrounding residential roads are low. Furthermore, it cannot be reasonably presumed that an additional person will give rise to anti-social behaviour; anti social behaviour are actions which result in nuisance and activity which are detrimental to place and persons and have taken place, observed and documented. This cannot be the case if the person is yet to occupy the premises. However, if such behaviour did occur, as with any resident or group of persons in the community, the local authority and police have statutory powers to deal with it.

No additional parking is proposed; however, the site is in a sustainable location approx. a 7-minute walk away from Chigwell Underground Station, and the nearest bus stop located on station road. Therefore, the proposal is considered to be acceptable, in terms of parking provision, and parking stress.

The HMO now under consideration would involve no alterations in the appearance of the dwelling.

Furthermore, the subject property has functioned as an HMO for some time. The proposal would not increase the number of HMO properties in the area, and one additional occupant would not have a significant effect on the impact of the HMOs in the surrounding area. Indeed, there have been no complaints of the existing tenants, and the property itself is in good decorative order both inside and out. Therefore, the proposal is compliant with emerging policy H1, of the Local Plan Submission Version 2017 that seeks to ensure that the district does not suffer an imbalance of HMOs due to over intensification.

Conclusions

The accommodation proposed makes best use of the space available, and the site is in a highly accessible location.

For the reasons set out above, and having regard to all other matters raised, it is recommended that planning permission be granted, subject to the conditions outlined in the council's decision notice. In reaching this decision, the views of local residents and councillors have been taken into account.

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: Muhammad Rahman
Direct Line Telephone Number: 01992 564415***

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