

# Report to District Development Management Committee

***Date of Meeting: 27 July 2022***



**Epping Forest  
District Council**

**Address:** Land and Garages Chequers Road Site B, Loughton, Essex, IG10 3QF

**Subject:** Erection of one residential building, accommodating 8 flats with associated parking spaces and landscaping.

**Responsible Officer:** Marie-Claire Tovey (01992 564141)

**Democratic Services:** Gary Woodhall (01992 564470)

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## Recommendations:

1. This application carried an officer recommendation to grant permission when reported to Area Planning Sub-Committee South at their meeting on 8<sup>th</sup> June 2022. The conditions are as follows:

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: P1 Existing Site Plan P4 Proposed Site Plan P4 North and South Elevation P3 East and West Elevation P2 Ground Floor P2 First Floor P2 Second Floor P3 Roof Plan P3 Proposed Sections

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form.

4 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address: a) Which parking bays will have active and/or passive charging

provision, including disabled parking bays; b) How charging point usage will be charged amongst users; c) The process and the triggers for identifying when additional passive charging points will become activated; and d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

5 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.

6 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.

7 Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

8 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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.

10 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.

11 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

12 The development be carried out in accordance with the drainage strategy (Preliminary Drainage Strategy Buildover Option, 1639-CCE-00-00-DR-D-55-P-0301-D2-P07) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

2. Members of Area Planning Sub-Committee South deferred this item to DDMC with a recommendation to refuse. Members were of the opinion that the scheme was incongruous and of poor design due to its bulk and overbearing impact and out of character in the street scene in this location. The way forward would be to build the implemented 2015 permission.

### **3. Original Officer Report:**

*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)).*

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

The application site is a roughly square site that previously contained Council owned single storey garage blocks which have been removed. The site is currently enclosed with metal fencing. The site is located between No. 75 and 81 Chequers Road and the houses on Chequers Road are a mix of semi-detached and terraced properties. The site backs on the London Underground Line. The site is not within the Metropolitan Green Belt or a Conservation Area.

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

The application seeks consent for the construction of one residential building, accommodating 8 flats with associated parking spaces and landscaping. The building will have a roughly rectangular footprint set back from the road edge by 2.4m. The scheme is 2 and a half storey with the half storey containing undercroft parking at ground level, with 4 flats at first floor and 4 at second. The proposal has a maximum width of 26m, depth of 14.9m (including first floor overhang to the rear) and height of 9.1m. The scheme has a flat roof, with the second floor within a mansard style roof. Each dwelling has a balcony and there is a communal garden to the rear. In the undercroft is the parking for 6 cars, storage for 8 bikes, store and bin storage.

#### **Relevant History:**

EPF/2609/15 - Demolition of the existing garages and construction of 5 x 2 bed two storey affordable homes with 10 parking spaces – Approved and implemented

No other relevant history but this site is one of a program of redevelopment sites of Council owned garages, some of which are well into construction.

**Policies Applied:**

*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  
DBE1 – Design of new buildings  
DBE2 - Effect on neighbouring properties  
DBE5 – Design and Layout of new development  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST01 – Location of Development  
ST06 – Vehicle Parking  
LL10 – Adequacy of provision for landscape retention  
TC6 – Local Centres

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

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:

<b>Policy</b>		<b>Weight</b>
SP2	Spatial Development Strategy	Significant
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and quality	Significant
DM11	Waste recycling facilities on new development	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
T1	Sustainable Transport Choices	Significant
P7	Chigwell	Significant
D1	Delivery of Infrastructure	Significant

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

Number of neighbours consulted: 66

10 Objections received from the following addresses:

42, 50, 56, 81, 83 and 85 CHEQUERS ROAD, 1 and 6 DEEPDENE, LOUGHTON  
RESIDENT'S ASSOCIATION (PLANS GROUP) and 1 anonymous overlooking from balconies, out of character with the road, block light to kitchen and first floor (No. 81), increase parking issues, encouraging anti-social behaviour, 3 storeys out of keeping,

right to light issues, 2016 approval much better.

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this application on the following grounds:

- i) By reason of its height, bulk, material and design, the proposal was out of keeping with the streetscene, where there were conventional two storey houses with ridged roofs.
- ii) While appreciating that there were no residences on the ground floor, to mitigate the identified flood risk, there was concern at the potential for anti-social behaviour in the proposed stores at ground floor level.
- iii) Members were concerned for the privacy of neighbours in the adjacent properties caused by overlooking from the rear balconies.
- iv) The plans appear to show 4 (possibly 6) parking spaces for 4 x one bed and 4 x two bed flats. This would be inadequate unless there was a plan not to allow car ownership and the spaces were only for visitors, deliveries etc. Parking in this road was already problematic and would be exacerbated by this proposal.
- v) While noting approval had previously been granted, under EPF/2609/14, for 5 x 2 bed storey affordable homes with 10 parking spaces and associated landscaping, this new proposal would adversely affect the SAC. The Committee believes that this development, alone or in conjunction with others, may have an adverse effect on the EFSAC. Accordingly, the Committee believes that it would be unsafe and unsound to grant this application, by virtue of the greater number of occupants living there.

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

The main issues are considered to be the principle of the development, design and amenity, highways and parking and impact on the EFSAC.

### **Principle of Development**

The principle of dwellings on this site has already been agreed with the extant permission for 5 dwellings, this proposal increases that number to 8. This site is within the built up area of Loughton and is a previously developed site. The site is within easy walking distance of Debden Underground Station and the shops and services of Debden Broadway and Langston Road. The proposal increases the number of much needed dwellings by a better use of this site within a built up, sustainable location.

In addition this is a council application for council owned properties which will be socially rented which is benefit to the wider community.

### **Design**

The proposal results in a flat roof two and a half storey building with the ground floor housing parking and storage facilities for the occupants. The second floor is contained within a mansard roof which is slightly pitched with the cut in dormers.

The proposal is not typical of the pitched roof properties that surround the site, however it is a contemporary design, separate from its neighbours and is considered to relate positively to the area and make a positive contribution inline with DM9. The materials have been well thought through at design stage and will add to contemporary appearance. The form and scale, although at two and a half storey is not out of

keeping with the surrounding built form (particularly as it will be same height as the building opposite).

The proposal is set back from the road edge so avoids it appearing overbearing.

The proposal is therefore considered to be an acceptable addition within the streetscene and the wider area.

### **Impact on Amenity**

#### **Existing Neighbours**

The proposal will cause some disturbance to existing occupiers during construction, this will be unavoidable but any disturbance can be controlled to a degree by condition for example by limiting working hours.

In terms of overlooking there may be some possibility of overlooking to the rear due to the introduction of first floor and above windows, however due to the stepped rear elevation design this will be mitigated through the design approach which will limit views to the side. The rear balconies, will be fully screened (again as part of the design) so side views will be limited. In this case although there may be some overlooking, it is considered that in this built up area, the design of the proposal will limit any excessive harm to surrounding privacy.

To the front, there will be a front to front distance of 22m - again although there is a new introduction of windows at first and second floor, given that any overlooking will be to the front (more public areas) of the properties opposite in Chequers Road this is not considered a significant issue.

In terms of impact on light, clearly this new building will have an impact. It is noted that it is the same height as the maisonettes on the opposite side of Chequers Road and therefore the impact on these properties is considered limited. To the east and west, given the depth to the rear beyond the rear of No. 75 and 81, there will be some loss of early morning/late afternoon light given the orientation. However the proposal is set in from the side boundaries 4m (from No.75) and 1.5m (from No.81).

There is a side facing window at first floor at No. 81 and this will lose some light, however this is a secondary window, and in addition the proposal will be set some 4m from the flank wall of No. 81.

#### **Amenity of Future Occupiers**

All the flats meet the Nationally Described Space Standards and are dual aspect. In addition, each flat has access to a balcony and to the communal area to the rear. Privacy is maintained between the dwellings by way of the stepped rear elevation.

### **Highways and Parking**

The proposal provides 6 parking spaces for the 8 flats. This is acceptable in accordance with SVLP policy T1 which does state that:

*'Reduced car parking, including car free, development in sustainable locations will be supported...'*

As stated above the site is 750m from the Underground station, and the shops and services beyond this, it is a sustainable location where reduced parking is considered to be acceptable.

In addition to the above ample covered cycle parking is proposed.

### **SAC and Air Quality**

**RESIDENTIAL APPLICATIONS: Lies in 3km of the EFSAC as defined by the Zone of Influence and would result in a net increase in Average Annual Daily Traffic on roads through the Epping Forest Special Area of Conservation 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 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 (specifically the inclusion of EV charging points). 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.

### **Conclusions:**

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

### Other Matters:

Concern has been raised with regards to anti-social behaviour due to the undercroft, however this is clearly shown to be gated, will be a private area and this will avoid any of the concerns raised.

### **Conclusion:**

Given the above discussion, on balance approval subject to a legal agreement is recommended.



***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: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***