

OFFICER REPORT

Application Ref: EPF/0726/23
Application Type: Full planning permission

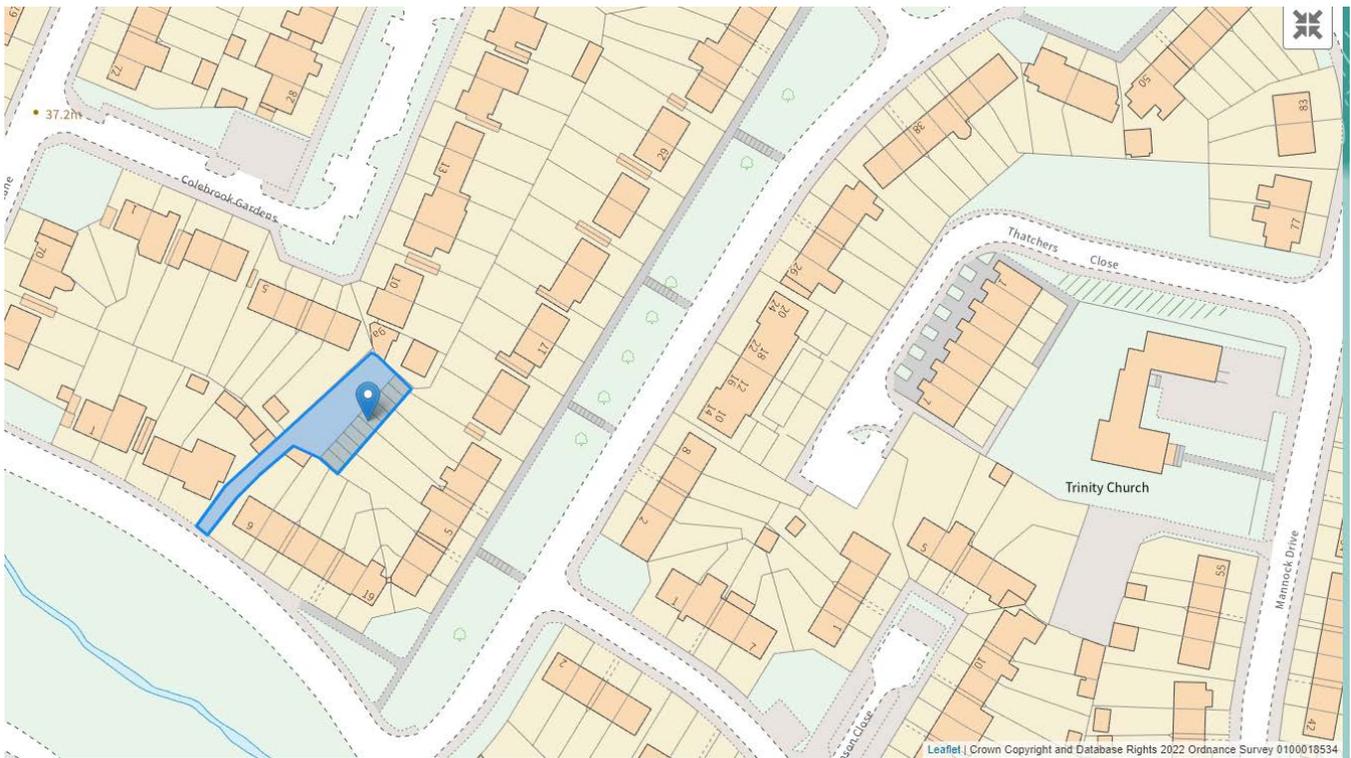
Applicant: Rochelle Hoyte
Case Officer: Muhammad Rahman
Site Address: Garage site Burney Drive , Loughton, IG10 2DU
Proposal: Demolition of existing garages and the addition of two new build flats (2 storey); 2 1B2P, designed to achieve Passivhaus standards, with new 3 no. parking spaces, standalone bin stores to the front of the property and private standalone cycle stores in rear gardens for each unit.

Ward: Loughton Fairmead

Parish: Loughton

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VoWA>

Recommendation: Refuse



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REPORT TO DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE

Date of Meeting: 13th February 2024

Democratic Services Officer: Gary Woodhall | 01992 564470

This application is before this Committee for the following reason; Any development proposals for a site made by or on behalf of the Council or where the Council is the landowner that has been recommended for refusal by the relevant Area Plans Sub-Committee contrary to a

recommendation of the Service Director (Planning Services) that planning permission be granted (Pursuant to Article 10 of The Constitution).

The application has been recommended for refusal by Members of the South Area Plans Sub-Committee at the 31st January 2024 meeting for the following reasons;

- 1. By reason of the proposed height and bulk, the proposal would be an unneighbourly development resulting in a detrimental impact on neighbouring amenities with regards to material loss of light, overshadowing, overlooking from the front balcony, loss of outlook and overbearing impact. As such the proposal fails to safeguard the living conditions of neighbouring amenities contrary to Policy DM9 (i) of the adopted Local Plan and Paragraph 135 (f) of the NPPF 2023.**
- 2. The proposed contemporary design does not relate positively to the locality. Consequently, it would result in a harmful effect on the established character and appearance of the area, contrary to Policy DM9 of the adopted Local Plan 2023, and Paragraphs 131 & 135 of the NPPF 2023.**

As a previous site visit was arranged for Members of the South Planning Committee, another one was arranged for Members of DDMC for the 13th February 2024.

The previous officer report has been reproduced below:

This application was deferred from the 6th December 2023 meeting for a Members site visit, which took place on the 16th January 2024.

Furthermore, since the deferral an update was made to the National Planning Policy Framework 2023 replacing Paragraph numbers 126, 131 & 180 with Paragraph numbers 131, 135 & 186.

In addition, the Councils Housing Team have set out the current established process for addressing access rights on a development site as below;

Any site that is suitable for development will undergo its feasibility and a planning application will be submitted with designs. The site will be considered across multiple factors including access types and its impact. Once planning permission has been obtained and cabinet have approved that the site can be developed on. The site can be appropriated. Appropriating the site gives the site special parameters to aid councils in the development of land. This is granted by legislation.

With regards to access we make use of s203 and s204 of the Housing and Planning Act 2016. This act gives us the right to extinguish access that have no expressed or prescribed rights. Those individuals whom do have it are then assessed on the evidence provided (if no record can be seen on the deed pack or historical imagery). This evidence will be assessed internally to see if 20 years can be established. If so, then the rights are recognised and a valuer will be appointed to assess the value of this. Some development schemes look to incorporate accesses where reasonable and non-detrimental to the future residents of the proposed development. As such accesses that are maintained (who have a recognised right) will be compensated on the loss of use on a temporary basis from the date of closure to the date of reopening. This is also calculated by an independent valuer.

Housing and Planning Act 2016 (legislation.gov.uk)

This application is before this Committee since it is for a type of development that cannot be determined by Officers if 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).

Site and Surroundings

The site comprises of approx. 10 garages accessed via a road in between No's 7 & 9 Burney Drive. It is located within a built-up area of Loughton. It is not listed nor in a conservation area. No protected trees lie within the site.

Proposal

The proposal is for the demolition of existing garages and the addition of two new build flats (2 storey); 2 1-Bed 2-Person, designed to achieve Passivhaus standards, with new 3 no. parking spaces, standalone bin stores to the front of the property and private standalone cycle stores in rear gardens for each unit.

The Councils Housing Team have confirmed that the proposed dwellings would be for affordable housing.

Relevant Planning History

None.

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

| | |
|------|---------------------------------------------------------------|
| SP1 | Spatial Development Strategy 2011-2033 |
| H1 | Housing Mix and Accommodation Types |
| T1 | Sustainable Transport Choices |
| DM2 | Epping Forest SAC and the Lee Valley SPA |
| DM3 | Landscape Character, Ancient Landscapes and Geodiversity |
| DM5 | Green and Blue Infrastructure |
| DM9 | High Quality Design |
| DM10 | Housing Design and Quality |
| DM11 | Waste Recycling Facilities on New Development |
| DM15 | Managing and Reducing Flood Risk |
| DM16 | Sustainable Drainage Systems |
| DM17 | Protecting and Enhancing Watercourses and Flood Defences |
| DM18 | On Site Management of Wastewater and Water Supply |
| DM19 | Sustainable Water Use |
| DM21 | Local Environmental Impacts, Pollution and Land Contamination |
| DM22 | Air Quality |

National Planning Policy Framework 2023 (Framework)

| | |
|------------|-----------|
| Paragraph | 11 |
| Paragraphs | 126 & 130 |

Summary of Representations

Number of neighbours Consulted: 20. 7 response(s) received.
Site notice posted: Yes.

2, 7, 8 & 9 COLEBROOK GARDENS, 7 & 17 BURNEY DRIVE, 7 GOLDINGHAM AVENUE & LRA
PLANS GROUP – Objections – Summarised as;

- Out of keeping;
- Unacceptable infill development;
- Parking concerns;
- Loss of privacy;
- Loss of light;
- Refuse concerns
- Loss of outlook;
- Overbearing Impact;
- Impact on Trees;
- Fire safety concerns;
- Sustainability;
- Drainage concerns; and
- Concerns from Construction Phase.

LOUGHTON TOWN COUNCIL – The Chairman informed the members of the public present with an interest in this application who had not received notification from the local planning authority, Epping Forest District Council, that they would not be able to participate in these proceedings, only observe, having not registered to speak at this meeting. They were however advised to submit written objections to the local planning authority.

The Committee NOTED the contents of two letters of objection.

The Committee OBJECTED to this application on the grounds that the site was very closely surrounded by other dwellings. The proposed development would be out of scale and proportion to the surrounding houses and out of character with the area.

The proposed building would be too close to its neighbours, in particular those at 8 Colebrook Gardens. The occupiers of the development would also look into surrounding gardens and windows to the detriment of the privacy of those occupants, negatively impacting neighbours in Colebrook Gardens, Burney Drive and Goldingham Avenue, as well as negatively affecting their outlook.

There was a garage to the rear of Colebrook Gardens²³ that backed onto the development site which was the sole access for the garage. No mention of this was in the planning application. Members objected to this loss of access and understood that the existing garages on this site were mainly in use, the loss of these garages would put added pressure on parking in Colebrook Gardens.

The proposed refuse strategy was considered flawed. The collection point was on a very narrow access. Cars would not be able to pass when bins were placed on the collection point without putting them on the private forecourt of No 7 Burney Drive.

Overall, this proposal was considered an unacceptable form of back land development. Members believed the site was not suitable to accommodate two storey flats, it might however be possible to accommodate single storey dwellings.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) Highway safety and parking provision;
- c) The impact to the living conditions of neighbours;
- d) Standard of Accommodation for future occupiers; and
- e) The impact on the Epping Forest Special Area of Conservation.

Character and Appearance

New developments need to relate positively to the locality by complementing and enhancing the character and appearance of the area including the street scene.

In this regard, the proposal is of a contemporary design and would not be readily visible from the main street. The proposed building is of a modest scale using high quality materials and it would be tucked behind residential dwellings on Burney Drive, Colebrook Gardens and Goldingham Avenue. Views would be limited from the street and the rear gardens of the surrounding properties.

On balance, in lieu of the existing unpleasant garages, the proposal would enhance the locality. As such, there would be no harmful impact to the character and appearance of the area.

Highway Safety and Parking Provision

The site would utilise an existing accessway and no objections have been raised by the Highways Officer subject to recommended conditions. The proposal also meets the requisite parking provision as per the adopted parking standards.

Living Conditions of Neighbouring Properties

The flank wall facing the rear gardens of the properties on Goldingham Avenue has no flank windows. The remainder of the windows at the other flank wall and rear elevation at first floor level would be obscure glazed as indicated on the proposed plan. Thus, the only potential overlooking issue is to the rear gardens 7, 9 & 11 Burney Drive. However, given the siting of the proposed building together with the separation distance to neighbouring dwellings and the surroundings as a highly dense urban area, there would be no significant harmful overlooking that warrants a reason for refusal.

Standard of Accommodation

The proposed dwellings would have sufficient internal amenity space for future occupiers of the dwellings in accordance with the National Described Space Standards, including private external amenity space with a reasonable outlook and light levels.

Epping Forest Special Area of Conservation

A large part of the Epping Forest contains a Special Area of Conservation (EFSAC) which has been identified primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. As an internationally important site it is afforded the highest level of protection due to its habitats and species that are vulnerable or rare within an international context.

The Council, as a competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and Policies DM2 & DM22 of the Epping Forest District Local Plan 2011 – 2033 has a duty to ensure that plans and projects for whose consent it is responsible

will not have an adverse effect on the integrity of these designated sites either alone or in-combination with other plans and projects within the adopted Local Plan.

The Council has identified two main issues (known as 'Pathways of Impact') that are currently adversely affecting the health of the Epping Forest.

The first is recreational pressure. Surveys have demonstrated that most visitors live within 6.2km (Zone of Influence) of the Epping Forest. As new residential development within 6.2km is likely to result in more people visiting the Epping Forest on a regular basis this will add to that recreational pressure.

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads in close proximity to the Forest emitting pollutants (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle has the potential to contribute to increases in atmospheric pollution within the Epping Forest.

Stage 1: Screening Assessment

This application has been screened in relation to the recreational pressures and atmospheric Pathways of Impact and concludes as follows:

- 1) The site lies within the 0-3km / 3-6.2 km Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. In addition, the site lies within the parish of Loughton. 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 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 recreational pressures and atmospheric pollution.

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 SAMM strategy and the Epping Forest District Green Infrastructure Strategy 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, and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the above strategies. The applicant has agreed to make a financial contribution in accordance with agreed approach. Consequently, the Council is satisfied that the proposal would not have an adverse effect 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 the Air Pollution Mitigation Strategy (APMS), 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 APMS. The applicant has agreed to make a financial contribution in accordance with the APMS. In addition, the application will be subject to planning conditions (EVCP/Broadband) to secure measures as identified in the APMS. Consequently, the Council is satisfied that the 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.

Notwithstanding the above, as the Council is the applicant the contribution cannot be secured by a Unilateral Undertaking or S106 legal agreement, as the Council cannot sign such an agreement with itself. Other mechanisms are available, however, to ensure that the obligations are met.

Other Considerations

The Councils Tree & Drainage Officers have raised no objections subject to recommended conditions.

The submitted ecology report indicates that there is no material impact on local habitats and wildlife, but various enhancement measures have been suggested. This has been secured via a condition.

Officers note the concerns raised regarding refuse, however, there are inadequate grounds to refuse in this regards. There is sufficient refuse storage within the site and only on collection days will it be taken to the collection point as specified on the refuse strategy plan.

Concerns have also been raised regarding fire safety; however, this is a matter sufficiently covered by the building regulations as highlighted by the Essex Fire Service below;

It is the view of Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") that the proposal achieves an acceptable standard subject to the satisfactory implementation of all fire precautionary matters identified on the proposed drawings and drawing schedules.

Turning to the concerns regarding access, this is not a planning matter and falls to be considered outside the planning regime.

Conclusion

The proposal would make efficient use of land with benefit to the public in the form of affordable housing provision. There will also be some benefit to the local economy from its occupation and construction.

For the reasons set out above having regard to all the matters raised, it is recommended that conditional 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: Muhammad Rahman | 01992 564415 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Refusal Reason(s): (2)

- 1 By reason of the proposed height and bulk, the proposal would be an unneighbourly development resulting in a detrimental impact on neighbouring amenities with regards to material loss of light, overshadowing, overlooking from the front balcony, loss of outlook and overbearing impact. As such the proposal fails to safeguard the living conditions of

neighbouring amenities contrary to Policy DM9 (i) of the adopted Local Plan and Paragraph 135 (f) of the NPPF 2023.

- 2 The proposed contemporary design does not relate positively to the locality. Consequently, it would result in a harmful effect on the established character and appearance of the area, contrary to Policy DM9 of the adopted Local Plan 2023, and Paragraphs 131 & 135 of the NPPF 2023.

Informatives: (2)

- 3 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 4 This decision is made with reference to the following plan numbers: 05000 Rev P01, 05001 Rev P01, 05002 Rev P01, 05003 Rev P01, 05004 Rev P01, 05100 Rev P01, 05101 Rev P01, 05102 Rev P01, 05200 Rev P01, 05300 Rev P01, 05301 Rev P01, 05302 Rev P01, and 05303 Rev P01.