

Report to District Development Management Committee

Date of meeting: 30 January 2019



**Epping Forest
District Council**

Address: Land at Marlescroft Way, Loughton

Subject: EPF/1058/18 - Formation of off-street parking to provide staff parking for the Council's depot at Oakwood Hill during working hours, and parking for the public outside of these times, especially for access to adjacent fields. A new footpath and zebra crossing will be created to provide safe access to the fields

Officer contact for further information: N. Richardson (01992 564110)

Democratic Services Officer: S. Tautz (01992 564180)

Recommendation(s):

- (1) That planning application EPF/1058/18 be refused for the following reasons:**
 - (a) The proposal amounts to the loss of playing fields for the adjacent residential development, approved under planning permission reference CHI/0302/66, without proper justification or appropriate alternative provision. The loss would result in a disproportionate loss of amenity and opportunity for outdoor play and exercise for the occupants of the Oakwood Hill Estate, particularly those of the adjacent flats that rely upon communal play areas. The proximity of the adjacent nature reserve/SSSI cannot compensate for the loss since it serves a different function. The proposal would therefore be harmful to the amenities and health of those residents. As a consequence, the proposal is in conflict with paragraphs 97-98 of the NPPF, contrary to Local Plan and Alterations policy RST14 and Submission Version Local Plan (2017) policy DM 6 (paragraph B);**
 - (b) The proposal would, without proper justification or compensatory planting, result in the loss of mature trees on the application site, to the detriment of the visual amenities of the locality. The proposal is therefore contrary to Local Plan and Alterations policy LL10 and Submission Version Local Plan (2017) policies DM 5 (paragraphs A & D) and DM 9 (paragraph E), which are consistent with the NPPF;**
 - (c) By reason of its likely intensity of use by motor vehicles and its siting adjacent to the Roding Valley Meadows SSSI, pollution arising from the proposal would be likely to cause harm to the interests of nature conservation and biodiversity, contrary to Local Plan and Alterations policy NC1 and Submission Version Local Plan (2017) policy DM 1, which are consistent with the NPPF;**

- (d) By reason of the lack of proposals to encourage alternative forms of travel, including a possible scheme for charging for parking vehicles, the proposal amounts to an unsustainable form of development that would be likely to encourage motor vehicle use at the expense of more sustainable alternatives. The proposal is therefore contrary to Local Plan and Alterations policies CP1(v) & CP9 and Submission Version Local Plan (2017) policy T 1 (paragraph B) which are consistent with the NPPF; and
 - (e) By reason of its scale, location and likely intensity of use, the proposal would appear conspicuous from within and beyond the Green Belt resulting in a reduction in its openness and causing harm to its visual amenities. The proposal is therefore contrary to Local Plan and Alterations policy GB7A and Submission Version Local Plan (2017) policy T 1 (paragraph B) which are consistent with the NPPF.
- (2) That, in the event that the District Development Management Committee decides to grant planning permission, consent is given subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 securing a contribution to mitigate the consequence for the Epping Forest SAC and contribution towards the provision of a footpath within the Roding Valley Meadows SSSI, and the following conditions:
 - (a) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice;
 - (b) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 16/0212/P01, 2016/0212/MW/P01, 2016/0212/MW/P02, 2016/0212/MW/P03, 180105-L-10;
 - (c) 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;
 - (d) 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;

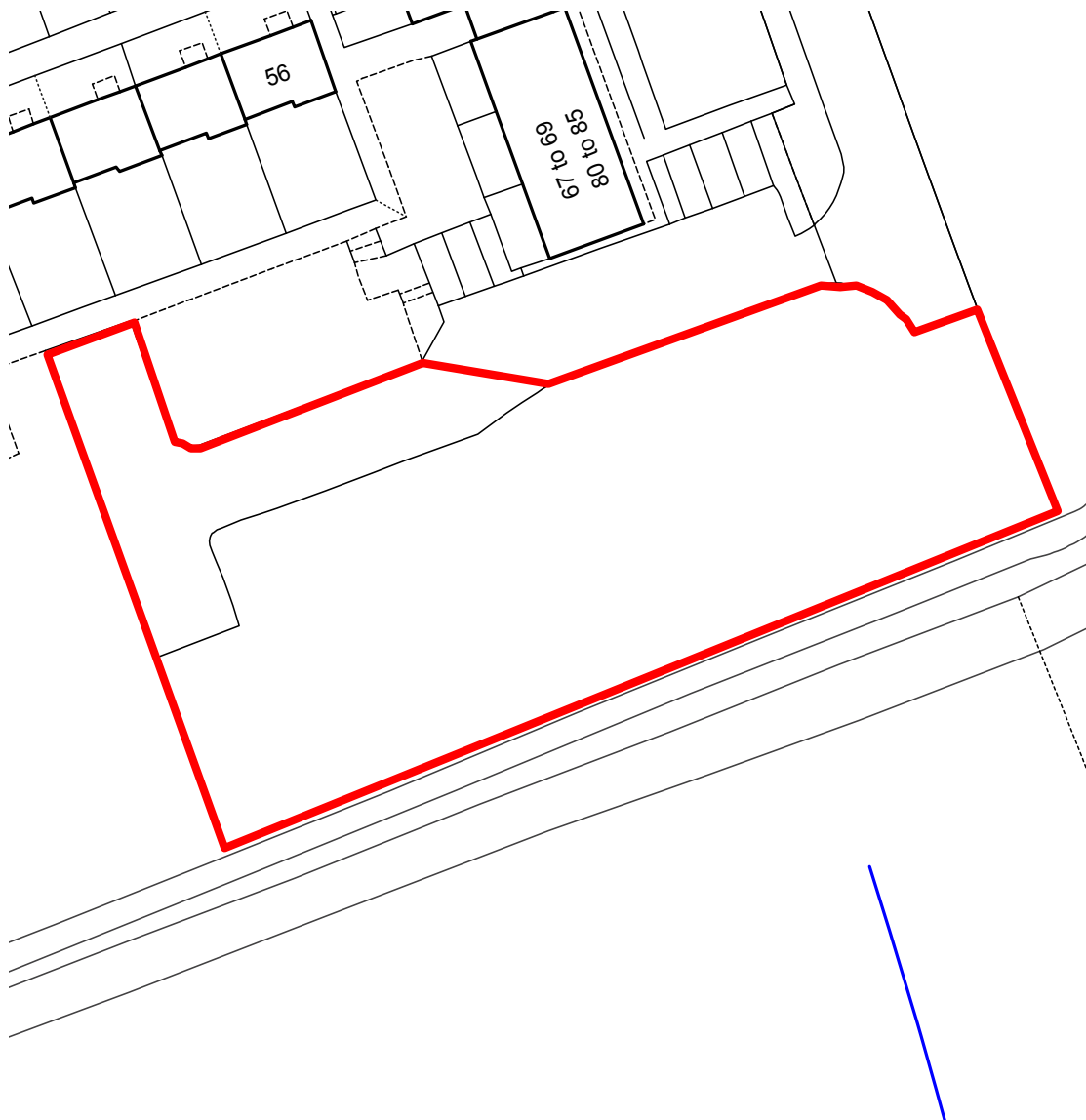
- (e) Prior to first use of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed per every 10 spaces. The charging point shall be retained thereafter;
- (f) Prior to first use of the development, a scheme to enhance the ecological value of the site shall be submitted 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;
- (g) 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;
- (h) 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;
- (i) No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details; and
- (j) The proposed development shall be lit in accordance with details of lighting submitted to and approved in writing by the Local Planning Authority. The development shall not be used until such lighting is implemented. No material change to the lighting scheme shall be carried out without the written approval of the Local Planning Authority.

Report Detail

1. This application was considered by Area Plans Sub-Committee South on 23 January 2019. Members voted overwhelmingly to refuse planning permission contrary to the officer recommendation for the reasons outlined in recommendation 1 of this report. Since the application is made by the Council (and relates to land in its ownership) the Council's constitution requires the application be referred to the District Development Management Committee for decision.
2. Members considered whether there was a way forward for the proposal. They concluded that on-street parking provision elsewhere may be possible subject to discussion with the North Essex Parking Partnership. They also

considered a much smaller carpark that was well landscaped and retained existing mature trees may also be achievable.

3. When making their decision Members were mindful of the possibility that the District Development Management Committee may decide to grant planning permission. They therefore recommended that, in that scenario, planning permission be granted subject to the S106 agreement and conditions specified in recommendation 2 of this report. They comprise of the officer's recommendation together with two additional conditions dealing with external materials and lighting.
4. The report made to Area Plans Sub-Committee South is reproduced below:



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 (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 1 (3c)

Description of Site:

The application site comprises of a parcel of grass land south of dwellings of Marlescroft Way. It is not within a Conservation area nor is it Listed. The site is in close proximity to the Roding Valley Meadows SSSI.

Description of Proposal:

Change of use of land to a car park, with improved pedestrian access to public rights of way into and across the Roding Valley Meadows nature reserve

The proposal would provide for 56 no. formally laid out parking spaces and 3 no. disabled bays with manoeuvring space in accordance with the Essex Vehicle Parking Standards (2009).

Relevant History:

None in relation to the application site.

Policies Applied:

Adopted Local Plan:

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
GB2A	Development in the Green Belt
NC1	SPAs, SACs and SSSIs
ST4	Road Safety
ST6	Vehicle Parking
LL5	Protection of Open Urban Spaces
LL6	Partial Development of Urban Open Spaces
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes

NPPF:

The Revised National Planning Policy Framework (NPPF) has been published as of 24th July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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 plan has been submitted and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1	Achieving sustainable development
DM 1	Habitat protection and improving biodiversity
DM 4	Green Belt
DM 5	Green and Blue Infrastructure
DM 6	Designated and undesignated open spaces
DM 9	High quality design
T 1	Sustainable Transport Choices
DM 2	Epping Forest SAC and the Lee Valley SPA
DM 22	Air Quality

Summary of Representations Received

32 Neighbours consulted:

797 Signature Petition Received along with a supporting letter from the Oakwood Hill Residents Association – OBJECTION – Summarised as:

- Concerns about the impact on highway safety
- The loss of informal parking to the lower end of Marlescroft Way
- Loss of valuable public space in frequent use by residents
- Loss of trees

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP) – STRONG OBJECTION

1. The application site is an important recreational resource.
2. The loss of the green space to car parking conflicts with Local Plan (Submission Version) policy, which stresses the need to protect such spaces.
3. Although the Local Plan (Submission Version) makes reference to the use of green spaces for other purposes where there is an over-riding need, in this case the Council has failed to demonstrate any such need.

LOUGHTON TOWN COUNCIL – OBJECT on the following grounds:

- i) The proposed location was a quiet area bordering a Local Nature Reserve parts of which were designated as a Site of Special Scientific Interest (SSSI). Local residents

and other members of the public enjoyed the use of this green public space for recreational purposes.

ii) Off-street parking was a major issue in the Oakwood Hill area following the development of the Langston Road site. Marlescroft Way was used by Estate residents and their visitors for parking and this development would create significant problems for them. The proposal would lead to an intensification of traffic resulting in highway safety issues for local residents, including children, in this highly populated residential area and particularly as it was sited on a dangerous bend.

iii) Members also noted that the scheme offered insufficient space for the number of parking places originally identified by the District Council as necessary for its relocated staff; and went against its stance for promoting the use of public transport for residents.

iv) Noise pollution would be further intensified by the increased traffic flow. The planned removal of trees would add to this impact as they currently helped screen the existing noise from the nearby M11 motorway, not to mention the adverse environmental impact this removal would create. Although replanting had been included in the plan, it would take many years for the trees to reach existing levels compromising the quality of life for local residents.

The Committee strongly urged that alternative parking arrangements be identified and commented that there was always ample parking available along Oakwood Hill in the pay and display spaces.

Main Issues and Considerations:

The main issues with this application relate to highways, design and impact on the Epping Forest SAC

Highways and Parking Matters

Marlescroft Way and Oakwood are heavily parked areas, with parking strain caused by the nearby Oakwood Hill Industrial estate. The proposal would provide a total of 59 parking spaces, to be used by employees of Epping Forest District Council's Oakwood Hill Depot and local residents or users of the nearby Roding Valley Nature reserve. Residents of the estate have raised concerns that the proposal will cause a loss of parking along the hammerhead area of Marlescroft Way. The proposed development would see the addition of formal parking spaces, as opposed to the casual on street layout adjacent to the garage blocks as existing. The proposal would create a net gain of 59. parking spaces for use by residents of the estate and would not result in the loss of any formal parking for residents. Highways officers have no objection to the proposal.

Design and Neighbouring Amenity

The proposal would maintain the character of Marlescroft Way, with its largely urban context. The proposal would increase hard surfacing at the site, however, a large area of green space of some 25 metres deep along with mature trees would be retained between no's. 147 to 154 and the area of hard surfacing for parking. Trees and the green space to the rear of no's. 56 to 61 would also be retained, limiting visual impact from the rear windows of these properties. Whilst some planting would be removed in order to facilitate the development, these trees are not of a high quality and replacement trees would be located to the middle of the proposed hard

surfaced area in order to soften the appearance of the proposal and ensure that the development would maintain the green character of this end of Marlescroft Way.

The proposal will increase the number of vehicle movements outside of the properties along Marlescroft Way, however the nearest parking spaces would be in excess of 20 metres from the flank elevation of the closest properties, and in excess of 30 metres from the rear of nos. 56 to 61. This generous separation would limit any potential harm caused by the increase in vehicle movements that would be created by the proposed development. In addition, the majority of these movements would take place within business hours, limiting any potential disturbance to nearby residents.

Open Space Provision

This section of Marlescroft Way acts as an undesignated public open space for residents. It is not disputed that some of the open space will be lost, with a smaller section remaining to the west of the site and along Highwood Lane. Whilst this space will be lost, access to the Roding Valley Meadows would be greatly improved, with a new footpath towards the River Roding incorporating a pedestrian within the car park in order to ensure easy access and egress into the nature reserve. Moreover the proposed car park would allow greater access to the nature reserve for people from both the immediate locale and the wider community of Loughton offering a public benefit to the scheme. The provision of the footpath would be secured via a legal agreement. The agent has agreed to enter into the agreement requiring a financial contribution to its provision. The actual construction work would be carried out by the Essex Wildlife Trust in accordance with details approved by Natural England.

Epping Forest Special Area of Conservation and the Roding Valley Meadows SSSI

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) from local air quality issues within and adjacent to the SAC. The site lies within the 6.2km zone identified by Natural England within which new development is likely to particularly impact on the SAC. The Council is continuing to develop with partners a strategy for the management and monitoring of visitor pressures on the SAC, and to monitor air quality. This would include measures to be funded through the securing of financial contributions from new development in accordance with the relevant policies above. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a s106 agreement to provide the appropriate contributions if required. In addition, the provision of a footpath would amount to mitigation measures within the Roding Valley Meadows SSSI since it would direct pedestrian movement to a suitable surface rather than haphazard movement between the site and the SSSI, this will prevent any potential pathways to harm and has been approved by Natural England as a suitable strategy to benefit the site.

Green Belt

A small section of the site, approximately 7 metres wide, along the eastern boundary, sits within the Metropolitan Green Belt. A majority of this strip would remain as a grassed area, however, some hard standing for the proposed footpath into the Local Nature Reserve and a small area of the proposed exit leading onto Marlescroft Way would fall within this area. The National Planning Policy Framework states that inappropriate development is by definition harmful and should not be approved except in very special circumstances. However, Paragraph 146 of the Framework provides a list of six forms of development that are considered not inappropriate. This

list includes engineering operations (b). Section 366 of the Town and Country Planning Act 1990 interprets engineering operations as including the formation and laying out of means of access to a highway. As a consequence, it is considered that the proposal would be an engineering operation.

In order to be considered 'not inappropriate' the Framework requires that the engineering operation preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Due to the limited scale of the area of the proposed access that would fall within the Green Belt and the nature of the development being at ground level only, it is not considered that the proposal would cause any harm to the openness of the surrounding Green Belt and is therefore considered acceptable.

Other Matters

Land drainage officers have no objection to the proposal subject to conditions. Whilst residents have raised concerns that preferable solutions for vehicle parking exist, this cannot be a material consideration of this planning application. In order to increase the sustainability of the proposal it is considered necessary to impose a condition on the development in order to ensure 1 electric charging point is installed for every 10 spaces made available. Whilst some planting is proposed, it is considered necessary to condition further details on the ecological enhancement to be made to the site.

A wider public benefit of the scheme is that it will enable the Council's housing department to continue to deliver an efficient service, closer to their users than at the existing locations in Epping.

Conclusion:

In light of the above appraisal it is considered that, subject to the imposition of the planning conditions suggested and subject to a Section 106 obligation securing the Epping Forest SAC contribution and contribution towards a footpath within the Roding Valley Meadows SSSI, the new development would preserve the character and appearance of the area, have an appropriate design and provide a necessary facility for the Oakwood Hill depot and local residents.

It is, therefore, considered that the proposal would constitute an acceptable form of development. All other relevant policies and considerations, including equalities have been considered. Consequently, the proposed development is recommended for approval.

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: Corey Isolda

Direct Line Telephone Number: 01992 564 380

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