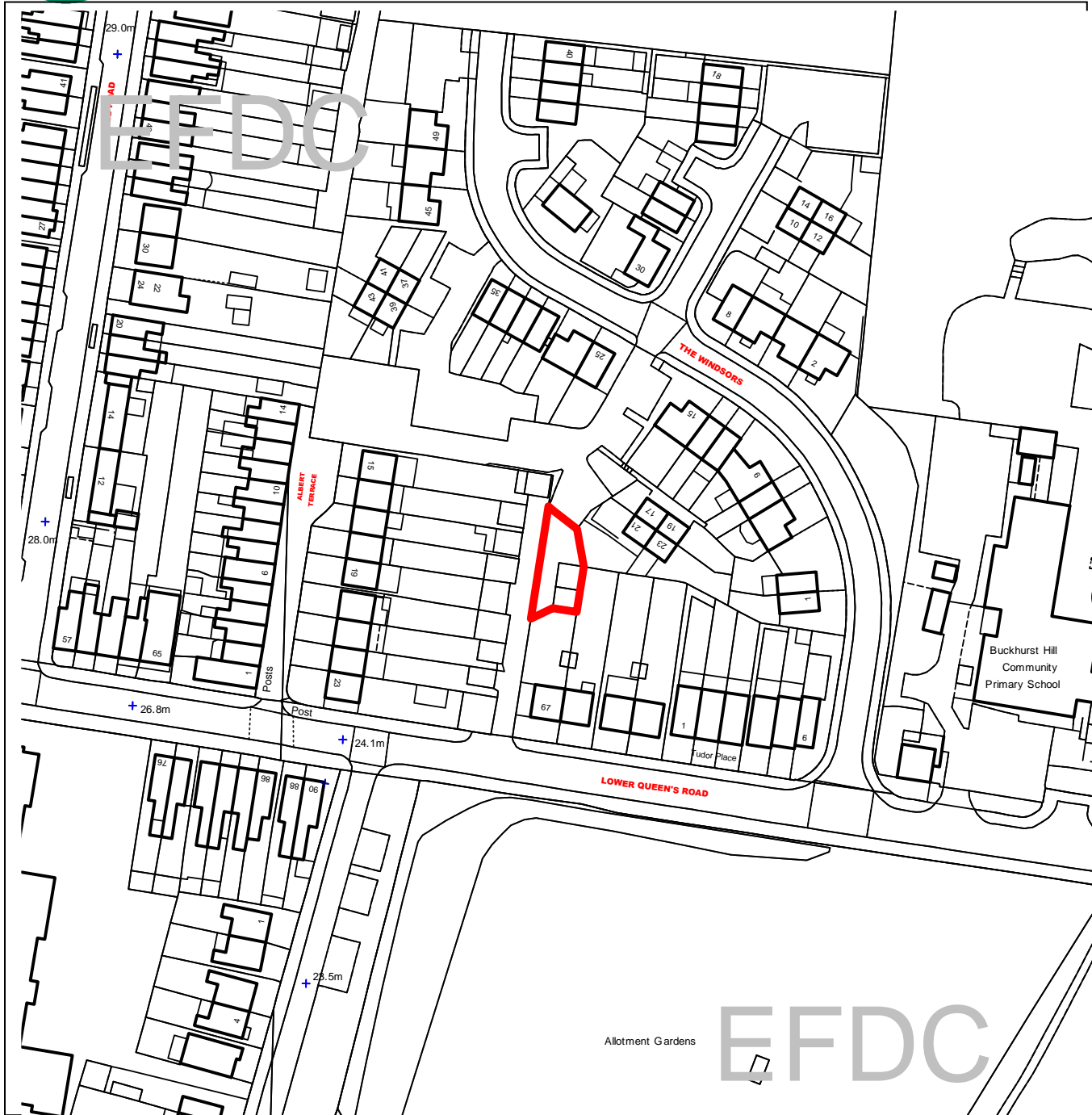




Epping Forest District Council



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Application Number:	EPF/1272/21
Site Name:	67 Lower Queens Road Buckhurst Hill IG9 6DS
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/1272/21
SITE ADDRESS:	67 Lower Queens Road Buckhurst Hill IG9 6DS
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Mr Michael Daley
DESCRIPTION OF PROPOSAL:	Proposed new 2 bedroom dwellinghouse.
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=652176

CONDITIONS

- 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: 2020.060.PA 01, 2020.060.PA 02, 2020.060.PA 03, 2020.060.PA 04, 2020.060.PA 05, 2020.060.PA 06, 2020.060.PA 07, 2020.060.PA 08, 2020.060.PA 09, 2020.060.PA 10, 2020.060.PA 11, 2020.060.PA 12, 2020.060.PA 13, 2020.060.PA 14, 2020.060.PA 15, 2020.060.PA 16, 2020.060.PA 17, 2020.060.PA 18, 2020.060.PA 19, and 2020.060.PA 20.
- 3 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Tim Moya Associates drawing number 210537-P-11 dated June 2021 unless the Local Planning Authority gives its prior written approval to any alterations.
- 4 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5 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), unless otherwise agreed in writing with the 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.

- 6 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 unless otherwise agreed in writing by the LPA.
- 7 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.
- 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, the window(s) in the upper flank elevation facing the rear garden of 69 Lower Queens Road shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 10 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building [or those specified on the approved plans, unless otherwise agreed in writing by the Local Planning Authority.
- 11 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.

- 12 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.
- 13 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 without the prior written permission of the Local Planning Authority.
- 14 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.
- 15 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, AA, B, D & E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

...and Subject to the Completion of a s106 Legal Agreement.

This application is before this Committee since it has been 'called in' by Councillor Steven Neville; and since it is for a type of development that cannot be determined by Officers if five objections are received 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 a detached double garage for 67 Lower Queens Road which is accessed via The Windsors. It is not listed nor in a conservation area.

Proposal

The proposal is for a new 2-bedroom dwelling.

Relevant Planning History

EPF/2196/07 - Erection of new three-bedroom dwelling – Dismissed on Appeal on design and loss of privacy to Albert Terraces.

EF\2021\ENQ\00144 - Proposed 3 bedroomed dwelling to replace an existing detached garage on land to the rear of 67 Lower Queens Road.

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework 2021 (Framework)

The Framework 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:

Paragraphs 110 - 112
 Paragraph 119
 Paragraphs 126, 130
 Paragraph 180

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan

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 table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP2 Spatial Development Strategy 2011-2033	Significant
H1 Housing Mix and Accommodation Types	Significant
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant

DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Wastewater and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

Summary of Representations

Number of neighbours Consulted: 16. 46 response(s) received
 Site notice posted: Yes

MULTIPLE OBJECTIONS RECEIVED including a PETITION – Summarised as;

- Out of character;
- Poor design;
- Loss of privacy/overlooking;
- Parking/Traffic concerns;
- Drainage concerns;
- Trees and landscaping;
- Noise and general disturbance from construction phase; and
- Impact on EFSAC.

BUCKHURST HILL PARISH COUNCIL – The Committee were unable to make a decision on this application. Concerns around the neighbours at number 21. If this application is approved at district level there should be no permitted development rights.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the area;
- b) Standard of accommodation;
- c) The impact on the living conditions of neighbouring amenities;
- d) Highway safety and parking provision;
- e) Trees and landscaping; and
- f) The impact on the Epping Forest Special Area of Conservation (EFSAC).

Character and Appearance

In terms of the principle of the development, the previous appeal decision is noted, however since that decision there has been a material change in Planning Policy with the introduction of the Framework in 2012 (Superseded by the current 2021 version), and the Council's emerging Local Plan Submission Version 2017 (LPSV), which has reached an advanced stage. Policy SP2 of the LPSV set outs a sequential approach to identifying sites suitable for development. The site is previously developed land within the settlement of Buckhurst Hill. So, this site would sit in a moderate position in the 'land preference hierarchy'.

In terms of the design, the proposed dwelling would have a neutral impact to the street scene and wider area. Also given the adjacent flats (17 – 23 The Windsors), the introduction of a dwelling on this site would not be considered as backland development, nor conflict with the pattern of development in this locality. It would also not amount to harmful overdevelopment of the site, as

there would be (1) sufficient spacing around the dwelling; (2) ample amenity space retained for the host house, and (3) functional amenity space provided for future users of the dwelling.

To conclude, development on this site would be considered to be making an effective use of land and will have a neutral impact to the character and appearance of the area.

Standard of Accommodation

The proposal would exceed the National Described Space Standards for a 2 bed-3 person dwelling at some 82.3m² and have a functional external amenity space at some 70m² with a reasonable outlook for future users of the dwelling.

Living Conditions

The side dormer windows (serving the bathroom and stairs) facing the rear garden of 69 Lower Queens Road would be obscured glazed, so there would be no harmful overlooking to their amenities. Also given the limited size, scale and separation distance from the common boundary with No's 67, 69 Lower Queens Road & 21 The Windsors, there would be no material impact in terms of overbearing and visual impact when viewed from their garden areas, nor would there be any material loss of light or overshadowing to 21 The Windsors given the orientation of the proposal facing North.

To add, the bedroom windows are sited some 12m (Taken from the window to the end of the existing garages) away from the 16 – 19 Albert Terraces, so, whilst there would be some level of overlooking it is considered to be of a limited impact, insufficient to justify a reason for refusal.

Highway Safety

With regards to the parking arrangements for the proposed dwelling, 2 car parking spaces are required for a 2 bed+ dwelling in line with the Council's adopted parking standards (Essex Parking Standards 2009), however, as the site is in a sustainable location with the underground station in close proximity to the site, in this instance 1 car parking space would be acceptable. It is also noted that the host house has ample parking space to the front, so the loss of the garage is acceptable, and the proposed dwelling would utilise the existing designated parking bay for 67 Lower Queens Road. No objection has been received from the highways officer, so it is considered that there would be no detrimental impact to the safety operation of the highway network.

Accordingly, the proposal complies with policies ST4 and ST6 of the LP, policy T1 of the LPSV and Paragraphs 108 and 109 of the Framework.

Trees and Landscaping

The Council's Tree officer has raised no objection subject to the imposition of conditions as part of the consent, as the proposed landscaping scheme is considered to be adequate.

Epping Forest Special Area of Conservation (EFSAC)

A significant proportion of 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 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 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 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 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 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 (air quality).

Stage 1: Screening Assessment

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 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 would 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 air quality.

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 the above.

Stage 2: 'Appropriate Assessment'

Recreational Pressure

The 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.

Air Quality

The proposal falls within the definition of 'windfall development.' The application has been supported by sufficient information to support the assessment of the application in relation to the creation of additional Annual Average Daily Traffic on roads within 200m of the Epping Forest Special Area of Conservation. An allowance for windfall development across the District up to 2033 has been included within the air quality modelling used to inform the development of the Council's Interim Air Pollution Mitigation Strategy (APMS), and the identification of the required mitigation measures within it. Therefore, subject to the imposition of planning conditions and completion of a Section 106 Planning Obligation to secure the delivery of the relevant required mitigation measures identified within the APMS, the application is acceptable in relation to the consideration of the Air Pollution Pathway of Impact.

In addition to the per-dwelling financial contribution, the relevant mitigation measures include ensuring all new car parking spaces having physical access to an EV charging point, and provision of digital communications infrastructure to support home working.

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.

Conclusion

The previous appeal decision is noted, however, as mentioned previously it predates the Framework which states the following under Paragraph 11;

For decision-taking this means:

c) approving development proposals that accord with an up to date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As the Council is currently unable to demonstrate a 5-year housing land supply and the adopted local plan is out of date, the Presumption in favour of sustainable development is therefore engaged.

Thus, for the reasons set out above, having regard to the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal Agreement to secure contributions for the EFSAC.

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