



Epping Forest District Council



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Application Number:	EPF/2056/19
Site Name:	142 Buckhurst Way Buckhurst Hill IG9 6HP
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/2056/19
SITE ADDRESS:	142 Buckhurst Way Buckhurst Hill Essex IG9 6HP
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Mr Balwinder Chahal
DESCRIPTION OF PROPOSAL:	Demolition of bungalow and construction of a two storey building of four luxury flats with room in the roof.
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=627575

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 19_7_001A, 002A, 003A, 004A, 005A and 006
- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No development shall take place above ground level until details of the proposed surface materials, boundary treatments and landscaping for the front garden area have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed works shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 5 Details and location of the parking spaces equipped with active and/or passive EVCP must be submitted prior to works commencing on site, including details which shall demonstrate that the development will deliver active EVCPs from 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:

- " Which parking bays will have active and/or passive charging provision, including disabled parking bays;
- " How charging point usage will be charged amongst users;
- " The process and the triggers for identifying when additional passive charging points will become activated; and
- " 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.

The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation.

- 6 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.

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.

- 7 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.

- 8 Prior to the commencement of development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. 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 Local Planning Authority 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 Local Planning Authority.

- 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 The alterations to the vehicle crossover shown on the approved plans shall be fully completed prior to first occupation of the development hereby permitted.
- 11 Prior to first occupation of the building hereby permitted the windows in the north facing flank elevation (facing 140 Buckhurst Way) at first floor level and above shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of those windows shall be capable of being opened, and at ground floor those windows shall have been fitted with obscure glass with a minimum privacy level 3 obscurity with any part of those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall not be capable of being opened. Once installed the obscure glass shall be retained thereafter.

An subject to the completion of a s106 legal agreement to secure contributions to mitigate impact on the Epping Forest Special Area of Conservation comprising £1056 (£352 per additional dwelling) in relation to recreational impact and £1005 (£335 per additional dwelling) in relation to air quality impact, plus 5% monitoring fee of £103.05.

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

Site and Surroundings

The application site lies on the east side of Buckhurst Way, opposite its junction with Walnut Way. The property comprises a double fronted bungalow with an integral garage at the side accessed from the front. The overall site is around 512 sq.m. and narrows from front to rear.

The surrounding properties are predominantly two storey houses in residential use. A pedestrian footpath runs along the southern site boundary linking Buckhurst Way with Chestnut Avenue behind, extending on to open land further east, the site has no direct access onto this path however. The site lies close to a bend and on ground rising from south to north at this point.

Proposal

The application follows a number of previous applications for the redevelopment of the site and now proposes the demolition of the existing building and replacement with a new building comprising four x 2 bed flats. The units are laid out with two units on the ground floor either side of the entrance and two units on the upper levels, each with a bedroom space in the roof and remaining accommodation on the first floor.

The building has a half hipped pitched roof and is cut away at the first floor rear such that the first floor window in the north unit is in the form of a dormer. Access to the rear garden is through the centre of the building and a cycle store is shown at the rear.

The frontage is levelled up to provide parking for four vehicles, split by a central pedestrian route to the entrance and bins stores on either side of the frontage. Side access is retained on the north side of the plot.

Relevant Planning History

- EPF/2688/13 Demolition of existing and construction of three storey building comprising 5 x 2 bed flats - refused.
- EPF/0049/15 Demolition of existing and construction of a two and a half storey building comprising 4 x 1 bed and 1 x 2 bed flats refused and an appeal dismissed.
- EPF/3122/15 Extension to form new first floor and conversion into two semi detached houses – approved
- EPF/0716/16 Revision to above, proposing increased footprint by widening on southern side - approved.
- EPF/1652/16 Extension to form new first floor and conversion into two semi-detached houses (enlarged proposal) - approved
- EPF/2825/16 Extension to form new first floor and conversion into two semi-detached houses (amended scheme) - approved
- EPF/0879/17 Demolition of bungalow and construction of block of six flats with rooms in roof and basement car park - refused
- EPF/2064/17 Demolition of bungalow and construction of two-storey block of four flats with rooms in roof and integral carport – refused. An appeal against this decision was allowed, the Inspector considered the scale of the building appropriate in the location close to Roding Valley Station, and in the context of other buildings in the vicinity. The Inspector also considered the development would not adversely affect living conditions of neighbours, particularly at 140 Buckhurst Way.
- EPF/0608/18 Application for variation of condition 2 'plan numbers' on planning application EPF/2825/16 comprising alterations to frontage to provide an additional vehicle crossing – approved
- EPF/1453/18 Extension to form new first floor and conversion into two, four bedroom, semi-detached houses – approved
- EPF/2891/18 Demolition of a bungalow and construction of a two-storey block of x five flats with rooms in the roof – refused. Appeal dismissed.

Development Plan Context

Local Plan (1998) and Alterations (2006)

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

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

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP7	Urban form and quality
NC1	SPA's, SAC's and SSSI's
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE8	Private amenity space
DBE9	Loss of Amenity
ST4	Road safety
ST6	Vehicle parking

National Planning Policy Framework (NPPF) (February 2019)

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

- | | |
|----|--|
| 5 | Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79 |
| 11 | Making effective use of land – paragraphs 119, 122, 123, 124 |
| 12 | Achieving well designed places – paragraphs 126, 130, 131, 132, 135 |
| 14 | Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169 |

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. 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.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Significant
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	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 Waste Water 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: Six. Three responses received, from 101 and 105 CHESTNUT AVENUE and 1 WALNUT WAY

Site notice posted: No, not required

NIEGHBOURS have raised the following issues:

- Parking and traffic concerns – overspill parking in particular arising from four flats, and concerns at the location of the site access in relation to the road bend nearby.
- Scale and mass issues – concerns at the height and design of the building, particularly in relation to the neighbouring properties to the north
- Overlooking – residents at the rear are concerned at potential overlooking from the upper level windows.
- Loss of bungalow from this cluster – residents reflect on the group of bungalows in this location, comprising the application site and two properties on Chestnut Avenue.

TOWN/PARISH COUNCIL – Buckhurst Hill Parish Council have objected stating this to be an overdevelopment of the site and insufficient parking.

Main Issues and Considerations

In assessing the application, the site history is particularly relevant in establishing principle of additional built development on the site. Planning permission has been granted for both extensions to the building and redevelopment to create both two x two bedroom houses and the appeal scheme for four x two bed flats. While most of these permissions are no longer capable of being implemented due largely to delays arising from the Epping Forest SAC, they establish a key principle in respect of the quantum of development.

The current proposal is similar in scale and mass to the building the Inspector found to be acceptable in allowing the four flats appeal in terms of the ridge height and the general depth and scale of the building. The overall scale of the roof is increased by the alteration from a standard

hipped end roof to a half hip, and the height of the rear element is increased up to ridge level. The roof at this scale and form was approved as part of EPF/1453/18 for a new build pair of houses.

The building will be cut back adjacent to 144 Buckhurst Way (the neighbour on the north side) to a dormer in the roof slope at first floor consistent with all recent variations of the scheme as this element has previously been seen as the only area of concern in terms of overshadowing.

The general form and proportions of the front elevation has changed little, a central entrance at ground floor with projecting gabled bays at first floor, essentially following the scale and proportions of typical semi-detached pairs in the vicinity. The most significant change is that a garage shown on the appeal scheme is removed from the front of the building allowing for a simpler internal layout to the dwellings. This results in the four parking spaces now being provided on the frontage, although this is the same number of spaces as the previous approval (which showed two spaces on the front and two in the garage, albeit with an open forecourt in front).

In such circumstances, many of the concerns raised in the objections have been previously considered and not been deemed sufficient to support a refusal – the level of development proposed, building scale and form, parking provision and the loss of the bungalow. Officers would advise that there appear to be no significant change in local conditions or character that would suggest a different conclusion could be drawn on this occasion. The development is appropriate in scale and form for the location and does not cause substantive harm to surrounding occupiers.

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. 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 on EFSAC impact:

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.

Conclusion

In broad terms, the redevelopment of this site has been accepted through previous decisions. The changes in the current proposals are minor in character from the most recent approved schemes and do not result in a significant increase in development or activity.

The scheme has been against the relevant criteria under the Habitat Regulations and subject to a suitable legal agreement and appropriate conditions, potential impact on the EFSAC can be adequately mitigated.

Thus, the application should be approved.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the Monday preceding the meeting at the latest:

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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