

APPLICATION No:	EPF/1308/19
SITE ADDRESS:	Land rear of 198 - 200 Forest Edge Buckhurst Hill Essex IG9 5AE
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Chris Wheeler
DESCRIPTION OF PROPOSAL:	Proposed new detached one-bedroom dwelling and associated works. (Revised application to EPF/3066/18)
DECISION:	Recommend: Grant Permission (With Conditions)

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=624316

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 numbers: Site Location Plan and B1.1
- 3 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.
- 4 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.
- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C, D or E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 9 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 10 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning

authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 12 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.
- 13 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.
- 14 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 15 All bedrooms within the development hereby approved shall be provided with sufficient double glazing and acoustically treated trickle ventilators, or other means of ventilation, that will provide adequate ventilation with the windows closed, to ensure that the occupiers are provided with reasonable resting/sleeping conditions with reference to British Standard BS8233:2014 - Sound insulation and noise reduction for buildings - Code of Practice (or such other standard which may supersede it from time to time).
- 16 Details of the double glazing and acoustically treated trickle ventilators, or other means of ventilation, referred to in the above Condition 15 shall be submitted to and agreed in writing by the Local Planning Authority and installed before any of the proposed residential development is occupied.
- 17 Full details of any acoustic barriers shall be submitted to, and agreed in writing with the Local Planning Authority, and installed before any of the proposed residential development is occupied, to ensure that the occupiers are provided with reasonable use of external amenity space, as recommended by British Standard BS8233:2014 - Sound insulation and noise reduction for buildings - Code of Practice (or such other standard which may supersede it from time to time).

And subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards mitigation of the impact of the development on visitor pressure in the Epping Forest Special Area of Conservation.

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

Description of Site:

The application site is a broadly square site with a curved frontage, located within what was once the rear gardens of 198 and 200 Forest Edge with the site fronting onto Station Way. The site is within the built-up area of Buckhurst Hill and within easy walking distance of Roding Valley Station and the shops and services within the parade of shops (approximately 150m). It is also located mid-way between Woodford and Buckhurst Hill Underground stations (approximately 1.2km to each).

Nos. 198 and 200 Forest Edge are both bungalows as is No. 196 with the majority of surrounding properties two storey. The site is separated from 200 and 198, and fairly overgrown.

Directly to the east of the site, is a small area of land outside of the applicant's ownership (previously an electricity sub station) and beyond this the Underground Line. The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

The proposal seeks planning consent for a proposed detached one-bedroom dwelling and associated amenities. The proposal is fairly traditional in appearance with pitched roof. A private garden is proposed to the west and bin and cycle storey in a courtyard to the rear. The proposal will be located 1m from the northern boundary (rear garden of 196 Forest Edge), located in part, on the eastern boundary and at the closest point 1m from the southern (front) boundary. The site falls away from the front to the rear of the site. The proposal does not include any car parking. The site is not within the Green Belt or a Conservation Area

Relevant History:

EPF/1795/09 - Construction of 3-bedroom chalet bungalow with new vehicular access – Refused
EPF/2639/13 - Erection of new dwelling – Refused and dismissed at appeal
EPF/0730/15 - Erection of a 1-bedroom bungalow – Refused
EPF/3066/18 - Proposed new detached three-bedroom dwelling and associated amenities – Refused

Policies Applied:

Local Plan (1998) and Alterations (2006)

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the quality of the rural and built environment
CP3	New Development
DBE1	Design of new buildings
DBE2	Neighbouring Amenity
DBE8	Private Amenity Space
NC1	SPAs, SACs and SSSIs
ST6	Vehicle Parking
DBE6	Car 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:

Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131

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. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's 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	Significant
Development		
DM1	Habitat Protection and Improving Biodiversity	
DM2	Epping Forest SAC and the Lee Valley SPA	
DM9	High Quality Design	Significant
DM10	Housing Design and Quality	Significant
T1	Sustainable Transport Choices	

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 11

Responses received:

186 FOREST EDGE – Objection - Resident may be of limited mobility if built to lifetime home standard, if owner has a car they may park it on the road, nowhere to park for visitors, soakaway not acceptable in this location,

184 FOREST EDGE – Objection – utilises land designed for back gardens, negative impact on access, character and neighbouring properties. Set a precedent. Very close to tube line, no car parking – no where safe to park. Not suitable for residential

BUCKHURST HILL PARISH COUNCIL – Objection – Lack of Parking and Poor Design

Main Issues and Considerations:

Previous applications for a dwelling on this site have all been refused and one dismissed at appeal. However, this is a further revised application following a recent refusal for a 3 bed two storey dwelling. The main issues to be considered are design, neighbouring amenity, parking and amenity of future occupiers.

Design

The proposal is for a traditionally designed single storey building with pitched roofs with contemporary features such as the full height glazing. The staggered plan form adds a level of interest without resulting in an incongruous design. The proposal will be viewed in relative isolation to surrounding properties as it will be the only property fronting Station Way in the immediate vicinity (it will be separated from Roding Heights to the east by the Underground line).

Although close to the road frontage a hedge is proposed (which can be secured by condition) and this will soften the appearance of the building in the streetscene and also 'green' this part of Station Way.

Neighbouring Amenity

The proposed new dwelling is located some 20m to the rear of No. 198 Forest Edge, and some 21.9m to the rear of No. 200. In addition, the proposal runs along the eastern part of the rear garden of No. 196 for a length of 7.4m (1m from the shared boundary) some 15m from the rear of the house. The ridge of the proposal is 4.4m.

With the previous applications the proposals were refused due to the impact on neighbour's outlook due to the overbearing nature of the proposal.

This proposal has been vastly reduced in height and plan form and moved significantly away from the shared boundary with Nos 198 and 200 Forest Edge since the previous refusal and will not be dissimilar in scale to that of a garden outbuilding. It has also reduced the overall height from 4.7m to 4.4m from the previously lowest proposal (2015). It is not considered that in this revised form it gives rise to any loss of light or outlook to neighbouring properties and given its now modest size is not considered overbearing. In addition to the overall reductions in size, the proposal will partly be cut into the slope of the land reducing its overall prominence particularly when viewed from No. 200 Forest Edge.

Parking and Highways

The proposal does not include any off-street parking. This is inline with the SVLP which suggests that developments within 400m of Underground Stations can be car free. As this proposal is within 150m of the Underground Station, car free is considered acceptable and in accordance with the emerging policy. If an occupier of the property chooses to own a car the onus would be on the occupier to park this car safely.

The Essex County Council Highways Officer has no objection to the scheme as it is not contrary to any Highway policy.

Amenity of Future Occupiers

With regards to the amenity of future resident's the proposal meets the requirements of the National Prescribed Space Standards and has useable amenity space, although not a policy requirement the addition of the property being a lifetime home is welcome.

The proposal will be located within 10m of the Underground Line – the Council's Noise Officers have no objection to the scheme but request specific conditions to ensure the property is built to the highest current noise reduction standards. In addition, the Noise Officer noted that the more noise sensitive areas i.e. bedroom, living room and garden are positioned away from the eastern boundary.

Other Issues

Land Drainage

The Council's Land Drainage Officer has no objection to the scheme but has requested a condition requiring approval of the surface water drainage details prior to commencing groundworks.

Epping Forest SAC and Air Quality

As the proposal is for a car free development there is not a requirement for a contribution towards air quality mitigation within the District. As the proposal is for new dwellings within 3km of the Epping Forest Special Area of Conservation (SAC) a contribution of £352 is required to mitigate against recreational pressures on the Forest. The applicant is willing to enter into a legal agreement for this contribution.

Proximity to Underground Line

London Underground have no objection to the proposal.

Conclusion:

The proposal results in a new dwelling within an urban part of the District, it proposes a well-conceived design, has limited harm to neighbours and is within a very sustainable part of the District. Therefore, given the above assessment and subject to a legal agreement the application 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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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