

APPLICATION No:	EPF/1177/19
SITE ADDRESS:	Garages at Lower Alderton Hall Lane Loughton Essex IG10 3HA
PARISH:	Loughton
WARD:	Loughton Alderton
APPLICANT:	Mr John Hayes - EFDC
DESCRIPTION OF PROPOSAL:	Demolish existing garages and erect x 2 no. affordable homes.
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=623799

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: 612/055/PL01, PL02, PL03A, PL04A, PL05 and PL06.
- 3 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
 - provide details on all structures
 - accommodate the location of the existing London Underground structures and tunnels

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the buildings hereby permitted are occupied.
- 4 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.

- 5 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.
- 6 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.
- 7 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.
- 8 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.
- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 10 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..

- 11 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.
- 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 Prior to first occupation of the development hereby approved, Electric Vehicle Charging Points shall be installed to serve a minimum of 50% of the parking spaces within the site, and retained thereafter for use by the occupants of the site.
- 14 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.
- 15 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.
- 16 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.
- 17 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

- 18 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 19 There shall be no discharge of surface water onto the Highway.
- 20 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 21 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.
- 22 The window openings in the south elevation shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 23 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 Classes A and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

And to secure appropriate financial contributions towards mitigation of the impact of the development on visitor pressure and air quality in the Epping Forest Special Area of Conservation.

This application is before this Committee since it is an application for non-Major category development on the Council's own land (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

This application site comprises around 900 sq.m and is located to the rear of properties 1-11 Lower Alderton Hall Lane. The development is located on the northern part of the site immediately adjacent to a railway embankment where a block of six garages is located, some of which are now boarded up. The remainder of the site comprises four marked parking bays on the south side, an amenity green containing a mature lime tree and a turning head where vehicles are regularly parked. Access to the site is from the east side of Lower Alderton Hall Lane.

Properties abutting the site comprise two terraces of houses, the southern block 1-6 have their front doors facing north towards the development and the eastern block 7 – 11 have rear gardens facing this way, all of which have pedestrian access at the rear.

On the west side of Lower Alderton Hall Lane lie 3 storey flatted blocks in Oakfields and Crossways. The railway embankment to the north is relatively high and features a number of trees, the pedestrian link through to Alderton Hall lane abuts the site western boundary.

Proposal

The application resubmits proposals approved in 2016 but not implemented for two detached two bedroom dwellings and the reconfiguration of the parking area. The application drawings are in fact the same plans.

The two houses have a flat roof built form, built with brick at ground floor and cedar cladding at first floor and are located on the northern part of the site, including the area currently occupied by the garages. Garden areas wrap around the north and west side of the dwellings and primary window openings face west, a small defensible frontage area is indicated.

The greater footprint of development requires reconfiguration of the parking and turning area, including cutting back of the grassed area around the lime tree. A total of 13 parking spaces are provided in the revised layout; five spaces are provided on the north side of the access, four between the two houses and one in the north eastern corner of the site, and on the south side there are six spaces in the south east corner and two in the south-west corner, separated by the tree and grass surround. The existing vehicle access to the road is retained unchanged.

Relevant Planning History

EPF/2620/15 2 affordable homes with 13 parking spaces – approved subject to conditions.

EPF/0098/19 Application for approval of details for tree protection measures – approved

EPF/0102/19 Application for approval of details relating to Phase 1 and 2 contaminated land surveys – not determined, awaiting further information

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	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP7	Urban Form and Quality
NC1	SPAs, SACs and SSSIs
H2A	Previously Developed Land
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity

LL11	Landscaping Schemes
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:

Making effective use of land – para 117, 118, 121,
 Achieving well designed places para 124, 127, 128, 130. 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. 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
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM16 Sustainable Drainage Systems	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: 44 - 3 response(s) received 2 2 FARADAY HOUSE, and 2 and 11 LOWER ALDERTON HALL LANE
Site notice posted: Yes, 31 May 2019

NIEGHBOUR COMMENTS – Residents have raised a number of issues around apparent conflicting information in some of the documents accompanying the application, including particularly in the Transport Assessment and application form, and the adjoining buildings not all being marked on the plans. While such discrepancies are noted, officers consider that the application is clear in what is proposed and can be considered on its merits, and have carried out a site visit in assessing the application. Where information is inconsistent, for example in respect of drainage and contamination matters, these can be dealt with by condition where appropriate.

On the key planning issues, the following matters have been raised:

- Suitability of the site for the development – comments are raised about the proximity of the railway embankment and the overall level of built development in the vicinity and whether the proposal represents an inappropriate intensification.
- Design and built form of the dwellings proposed.
- Loss of parking overall – objectors argue that the area has capacity for 15 vehicles (6, garages, 4 marked bays and other ad hoc capacity)
- Loss of usable garages
- Proximity of built development to existing houses and resultant amenity impact
- Potential impact on the retained tree
- Traffic issues in the locality arising from opening of the Langston Road retail park

Matters in respect of noise and disturbance during construction have been raised, but should not affect determination of the application.

TOWN/PARISH COUNCIL – Loughton Town Council advised they had no objection.

OTHER COMMENTS – TfL were consulted as adjoin owner. They have no objection subject to conditions relating to construction methodology.

Planning Considerations

The principle of this development has been established by the previous decision which has now expired due to factors outside of the planning process. In considering the new application for the same development, Members must have regard to any change in circumstances which may lead them to a different conclusion. Noting changes to national and local policy in the interim (ie. changes to the NPPF, the publication and progress of the LPSV, impact of the Habitat Regulations), in terms of the local context, the site and immediate surroundings have changed little and the local amenity considerations are largely the same as Members previously considered.

Design and setting - The buildings are designed to reflect the existing built form, comprising low two storey properties with flat roofs and contrasting materials at ground and first floor. It is appropriate that the development is finished in a different material to that which exists as a later addition, and as such the buildings are appropriate in this location.

The setting of the development is impacted by the railway embankment but as this lies on the north side, its impact on amenity of future occupiers is limited, particularly as principle windows do not lie in this side of the buildings.

This represents a low density development as a result of the site constraints that is in officers view a suitable response to those constraints.

Impact on surrounding properties – No substantial building works have taken place to the surrounding dwellings. The new properties lie on the northern site boundary and are a minimum of 18 metres from 1-6 Lower Alderton Hall Lane to the south and 15 metres from properties to the east (nos. 7-11). These separation distances are sufficient to ensure no overshadowing results. Other than a stairwell, there are no east facing windows and first floor south facing windows are of a secondary nature and obscure glazed to protect against the perception of overlooking.

In terms of overall activity, the two dwellings are entirely consistent with local character and will not generate such activity as would be considered detrimental to surrounding occupiers.

Parking issues – Given the principle of redevelopment has been accepted previously, the use of the existing garages has been run down. Their loss remains acceptable in planning terms. The rest of the hard surfaced area continues to be used for ad hoc parking outside of the four bays currently marked opposite the garages.

The application proposes 13 marked bays, split between the north and south sides of a central access of 6 metres width to allow for turning and manoeuvring. Taking account of the requirements to provide adequate amenity space to the units, the retention of the mature tree on the site with a grassed area around and other landscaping, this represents the most efficient use of the site in terms of parking provision and site layout.

While noting residents objections to some of the information in the accompanying Transport Statement, the Highway Authority note that the statement attempts to model a worst case scenario, this does not necessarily reflect current usage and as a result the proposals will not adversely affect highway safety or efficiency in this location or on the wider highway network. This view is shared by officers.

Epping Forest SAC – The site lies within the core area in proximity to the Epping Forest SAC. As such, the development involves a net increase in residential dwellings which would have the potential to impact the SAC in terms of additional recreational pressure, and in the increased risk to air quality. It is acknowledged that mitigation of such impacts is required in accordance with the provisions in policies DM2 and DM22. A contribution of £352 in respect of recreational pressure would be applied, and the contribution in respect of mitigation of air quality remains to be finalise through Natural England and the local plan process

However, as the Council is the applicant the contribution cannot be secured by a Unilateral Undertaking or S106 agreement, as the Council cannot sign such an agreement with itself. Other mechanisms are available however to ensure that the obligations are met. Thus, if Members are minded to approve the application, final decision cannot be issued until the levels of this contribution have been determined and the appropriate mechanism for collection activated.

Other matters – The land contamination matters previously identified have not been further progressed and a remediation process remains unresolved. The key issues in the regard remain to be addressed by conditions.

Conclusion

The previous permission for this development has not been progressed due to issues outside the planning process. Members will be aware of similar renewals where local conditions have remained largely unchanged. This remains the situation in this case.

The proposal involves creation of two affordable homes that are consistent with the character and scale of buildings in the area and which have little direct impact on immediate neighbours.

The loss of the existing garages can be justified in the context of the revised parking layout, which the highway authority has accepted as not impacting on the road network to any substantial degree.

In such circumstances, the application is considered to satisfy relevant planning policy and it is recommended that planning permission be granted, subject to conditions and completion of the relevant contributions to mitigate impact on the Epping Forest SAC

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***