

**Report to District Development
Management Committee**



Report Reference: DEV-018-2016/17
Date of meeting: 8 February 2017

**Epping Forest
District Council**

Subject: Planning Application EPF/2550/16 – 17 Hemnall Street, Epping, Essex, CM16 4LS – Replacement of the existing bungalow with a new three storey block of five apartments. This would consist of 2 no. one-bed flats and 3 no. two-bed flats. The development would be served by three off-street parking spaces to the front and communal amenity space to the rear.

Responsible Officer: Graham Courtney (01992 564228)

Democratic Services: Gary Woodhall (01992 564249)

Recommendation:

(1) That planning permission be granted, subject to the following 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: 16019_001, 16019_002 Rev: A, 16019_003, 16019_004 Rev: A**
- 3. No construction works above ground level shall take 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. The development shall be implemented in accordance with such approved details.**
- 4. No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.**
- 5. The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.**
- 6. Prior to the occupation of the development hereby permitted secure cycle storage shall be provided as shown on drawing no. 16019_002 Rev: A and retained thereafter for the benefit of future occupiers.**
- 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.

Report:

1. This application was put to the Area Planning Sub-Committee East on 13 December 2016, however, following a vote where no decision was made, 4 members of the Committee exercised their right under the Constitution requiring the application to be considered by District Development Management Committee (Part 4, Rule M2, "*Minority References*" refers). It has therefore been referred directly up to the District Development Management Committee for decision.
2. The application was put forward to Area Planning Sub-Committee East with a recommendation by Officers for approval, subject to conditions. The report to the Area Plans Sub Committee East on 13 December 2016 is reproduced below.

Planning Issues

Description of Site:

1. The application site currently contains a single storey bungalow located on the south eastern side of Hemnall Street that is situated between a similar bungalow to the northeast and a block of recently developed flats to the southwest. Beyond each adjacent neighbour are two storey dwellinghouses and opposite the site is the Hemnall Social Club and the redeveloped Citizens Advice Bureau, which includes first floor flats.
2. The application site is bordered to the northwest by the Epping Conservation Area and the designated Epping Town Centre, however the site does not itself lie within either of these designated areas.

Description of Proposal:

3. Consent is being sought for the demolition of the existing bungalow and the erection of a detached block of five flats. The proposed new building would be three-storeys in height (with the second floor being incorporated into the roof area) measuring 10.3m in width and 14.8m in depth with a crown roof measuring a maximum height of 8.1m.
4. The proposal would provide three no 2-bed flats and two no. 1-bed flats served by three parking spaces at the front of the site and communal amenity space to the rear of the site. Secure cycle parking would be provided within the rear amenity space.

Relevant History:

5. None relevant to this application.

Policies Applied:

6. CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
DBE1 – Design of New Buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
HC6 – Character, appearance and setting of conservation areas
ST1 – Location of Development
ST6 – Vehicle Parking
RP3 – Water quality

7. The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

8. 18 neighbouring residents were consulted and a Site Notice was displayed.
9. TOWN COUNCIL – Object. This proposal is an overdevelopment of the site in terms of its bulk and scale. It would be overbearing for the neighbouring bungalow, resulting in a loss of amenity in terms of light and overshadowing. The proposal would result in the loss of yet another bungalow in Epping, particularly on level ground and within walking distance of town, when evidence shows that a mixture of dwellings is required, rather than more and more flats. The proposal does not provide adequate parking, particularly in a narrow road, with double yellow lines, where there is no possibility of parking on street. This would displace residents parking into a town which already has serious parking problems. This proposal would have a detrimental effect on the quality of life in this urban area.
10. EPPING SOCIETY – Object. The design is too high and the bulk will have a negative impact on the street scene. A narrowing effect will be created in the street as the site is opposite a new building of similar size. Only 3 car parking spaces are provided for 5 households, this is clearly not enough. The immediate area is double yellow lines and the town already has an on street parking problem. The proposal would result in the loss of yet another bungalow in Epping. Two doors down another bungalow was lost about eight years ago when the site was redeveloped. This design will overshadow the neighbouring property at number 15a. The new Theydon Trust flats will be overlooked by the first and second floor windows.
11. 15A HEMNALL STREET – Object as the building is too big, will result in a loss of light and overlooking and concerned about amenity.
12. 50 HEMNALL STREET – Object as the development is out of character with the area and since the surrounding properties are no higher than two storeys.
13. 12 NICHOLL ROAD – Object due to a loss of privacy, light and due to additional on-street parking concerns.

14. 16 NICHOLL ROAD – Object as three storeys is out of place in the road and will cause overlooking and as there is insufficient parking provision.
15. 17 AMBLESIDE – Object to the loss of a bungalow and insufficient parking provision.

Issues and Considerations:

16. The main issues that arise with this application are:
 - Principle of the development
 - Design and impact on the surrounding area
 - Impact to neighbouring amenity
 - Parking

Principle of development:

17. The application site consists of a detached bungalow located outside of the designated town centre of Epping. This is one of two detached bungalows within this stretch of road with a block of recently developed flats located to the southwest. Beyond each adjacent neighbour are two storey dwellinghouses and opposite the site is the Hemnall Social Club and the redeveloped Citizens Advice Bureau, with includes first floor flats.
18. The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this large site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. The presumption in favour of sustainable development is the 'golden thread' running through planning policy and Local Planning Authorities are required through paragraph 15 of the NPPF to "*follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable is approved without delay*". This encouragement is reflected within many Local Plan policies including CP6 which states that "*development and economic growth will be accommodated in a sustainable manner which counters trends to more dispersed patterns of living, employment and travel by: (ii) concentrating new economic and housing development and redevelopment within urban areas by maximising the use of spare capacity in terms of land, buildings and infrastructure*".
19. In addition, paragraph 49 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*". The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission.
20. Due to the above the principle of making more efficient use of this sustainable site for additional housing close to the town centre and sustainable transport

options would be appropriate in this location, subject to a full assessment of the specifics of the scheme.

21. One of the concerns raised regarding the proposal is the loss of the existing bungalow. There are currently no Local Plan policies that secure against the loss of existing bungalows, however the Draft Local Plan does propose a policy (H1 E.) that states that "*the loss of bungalows will be resisted as they provide a supply of accessible accommodation*". At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.
22. In response to these concerns the applicant has confirmed that the existing bungalow was marketed for a number of months with no private residents wishing to purchase it as anything other than a development site. Furthermore, in order to compensate for the loss of the existing bungalow the proposed development would provide a one-bed and two-bed flat on the ground floor that would benefit from level pedestrian access and would provide suitable alternative accommodation to ambulant disabled persons or the elderly. This would provide similar accommodation to meet the needs that are currently met by the existing bungalow and therefore is sufficient to outweigh the harm from the loss of this bungalow.

Design and impact on the surrounding area:

23. The application site is located between a single storey bungalow and a two storey block of flats and borders Epping Conservation Area (although is itself not located within the conservation area). Notwithstanding this, Local Plan policy HC6 states that:
 - a. *Within **or adjacent to** a conservation area, the Council will not grant planning permission for any development... which could be detrimental to the character, appearance or setting of the conservation area* (my emphasis).
24. Whilst the proposed development would replace a single storey bungalow with a three storey block of flats the second storey of the building would be located within the roof area and as such the overall scale and bulk of the property would be akin to a two storey property. As a result of this the proposed new building would be just 400mm higher than the adjacent block of flats and no higher than the two storey dwellings at No's 5-15 Hemnall Street. Although the resulting building would be higher than the adjacent bungalow this neighbouring property is an anomaly along Hemnall Street whereby most properties are significantly higher buildings.
25. Furthermore, notwithstanding the above, over three storey buildings can be seen within the immediate locality of the site, including at the junction of Hemnall Street and Station Road and on the recent flatted development at No. 3A Hemnall Street.
26. The proposed building has been designed to appear akin to a single detached dwellinghouse since it would be of a domestic scale with a single entranceway. The building would benefit from a projecting front bay and an overhanging front roof canopy at ground floor level. The roof would incorporate a single gable projection and two dormer windows to the front and two rear dormer windows set

behind the mock pitched rear roof. Given the varied design and scale of properties in Hemnall Street, both within and outside of the conservation area, it is not considered that the proposal would be harmful to the character and appearance of the locality.

Impact to neighbouring amenity:

27. The main impact from the development would be to the residents of the neighbouring bungalow. The proposed new building would extend approximately 4.5m beyond the rear wall of this neighbour at two storeys, with the second floor roof section being roughly in line with the back wall of the adjacent bungalow since the roof drops down to the rear to mitigate any harm to these neighbouring residents.
28. Although the increase in height of the proposed development would clearly have some impact on the neighbouring residents the flank wall of the proposed flats would be located some 4m from the flank wall of this neighbouring bungalow and would retain a 1m step in from the shared boundary. Due to this the proposed new building would not encroach within a 45 degree point as measured from the rear windows of the neighbouring bungalow. Whilst there are two flank windows within the neighbouring bungalow facing the application site these appear to be non-habitable or secondary windows and would continue to benefit from a 5m gap. As such the impact on the neighbour's amenities would not be considered to be excessive. No flank windows are proposed within the new building and therefore there would be no undue overlooking or loss of privacy to this neighbouring site.
29. The adjacent block of flats to the southwest of the site fills the majority of the neighbouring site and as such extends some 5m beyond the rear wall of the proposed new building. Due to this there would be a minimal impact on the residents of the neighbouring block of flats.
30. Concern has been raised by residents in Nicholl Road that back on to the site with regards to loss of light and privacy. Given that there would be a distance of some 8m from the shared boundary and 15m from the rear wall of the closest neighbour (increasing to 12m and 19m at second floor level) the impact from the proposed development on these neighbouring properties would not be excessive.
31. Concern has also been raised with regards to the potential overlooking of the recently developed flats above the Citizens Advice Bureau opposite the site. Given that the distance between these windows would be in excess of 15m and would be over the public highway it is not considered that this would cause any significant undue harm to the opposite neighbours.

Parking:

32. The proposals would provide 3 off-street parking spaces to the front of the site. The Essex County Council Vehicle Parking Standards requires 8 spaces for the future residents and 2 visitor space, however it does state in the Vehicle Parking Standards that "*reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good sustainable transport*". Given that this site lies just outside the designated town centre of Epping, and there are good public transport links in the area, a reduction in parking provision is considered acceptable here.

33. A revised plan has been received showing that the parking spaces comply with the recommended parking standard sizes and showing the provision of a secure bicycle store within the rear amenity area.

Other matters:

34. There would be a significant area of communal amenity space provided to the rear of the site for use by future residents that would clearly comply with Local Plan policy DBE8.
35. The applicant is proposing to dispose of surface water by main sewer; however the Council's records do not indicate a surface water sewer at this location. Therefore further details of surface water drainage disposal are required, which can be dealt with by way of a condition.

Conclusion:

36. The proposed development would make more efficient use of this sustainable urban site and would provide additional residential properties. Due to this the proposal would comply with the 'presumption in favour of sustainable development' as laid out within the NPPF and would assist in the Council meeting its five-year supply of deliverable housing sites. These factors weigh heavily in favour of the proposal.
37. Whilst the proposal would result in the loss of an existing bungalow the site has been marketed without success and this loss would be mitigated by the creation of two ground floor units served by level pedestrian access. It is not considered that the new dwelling would be detrimental to the character or appearance of the surrounding area or the adjacent conservation area. Despite concerns from the neighbouring residents the proposal would not result in any excessive loss of amenities to neighbouring residents.
38. Although the development would have a low number of off-street parking spaces it is considered that this is acceptable within this built-up location adjacent to the town centre and the development would provide secure bicycle storage, which would encourage sustainable transport means.
39. Due to the above it is considered that the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application is therefore recommended for approval.