



Epping Forest District Council



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Application Number:	EPF/0418/21
Site Name:	13-17 High Beech Road Loughton IG10 4BN
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/0418/21
SITE ADDRESS:	13-17 High Beech Road Loughton IG10 4BN
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr Richard Rains
DESCRIPTION OF PROPOSAL:	Erection of a third floor to provide two flats involving the raising of the existing parapet of the building
RECOMMENDED DECISION:	Grant Permission (With Conditions) 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=648435

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: 572/21-D01; 572/21-01; 572/21 - 02; 572/21-03; 572/21-04; 572/21-05; 572/21-06
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those shown on plan number: 572/21 06 unless otherwise agreed in writing by the Local Planning Authority.
- 4 The building hereby permitted shall not be occupied until the windows in the North, South and bathrooms and stairway windows to the East elevation have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no 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 be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 5 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.
- 6 Prior to first use of the front terrace, a privacy screen of no less than 1.7m in height shall be installed at the stated location as shown on drawing No. 572/21 06 and shall be permanently retained in that condition.

- 7 Prior to the first occupation of the development the cycle parking as indicated on the approved plans shall be provided and shall be retained in perpetuity for their intended purpose.
- 8 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.
- 9 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:
1. Location of active and passive charging infrastructure;
 2. Specification of charging equipment; and
 3. Operation/management strategy.
- The council will expect that a management plan for the charging points is set out clearly. This will address:
1. Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 2. How charging point usage will be charged amongst users;
 3. The process and the triggers for identifying when additional passive charging points will become activated; and
 4. 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.
- 10 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.

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) and since it is for a type of development that

cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council.

And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to recreational use and air quality.

Description of Site:

No. 13-17 is a wide, 2 -storey building with a mansard roof located to the east of High Beech Road currently used for office purposes, with offices on part of the ground floor (the other part being car parking with a central access through to parking at the rear), first and second floor. High Beech Road is residential in character comprising a mixed variety of architectural styles, roofs and built form, predominantly 2 -storey in height with 3 -storey located to the southern aspect of the road. The site lies close to the High Road, a commercial and retail shopping area just outside the town centre boundary, a brownfield site, not in a conservation area and is not listed.

Description of Proposal:

The proposed development is for the erection of a third floor to provide two 2-bed flats, recessed from the perimeter of the main building at a height of 2.8m, projecting 1.6m above the existing front parapet wall.

The front and rear parapet to the existing building is to be raised by 300mm for safety and maintenance measures. The new floor would be set back 1.2m behind the existing parapet wall (approximately 2.0m behind the front façade of the building and would result in a building of 11.3m in height. The external appearance is of vertical cedar timber cladding with a grey finish to the roof.

A front roof terrace accessed from the front of the units with privacy screens at either end of the terraces.

Relevant History:

EPF/1396/20 Application for Prior Approval for a Proposed Change of Use from B1 (offices) to C3 (dwellinghouse), conversion of 1st floor office space to 4 no. self-contained 1-bedroom flats & 1 no. studio flat - approved 19/08/2020 - Not Implemented

EPF/2383/13 Conversion and change of use of existing second floor of office premises to residential use to form 5 no. 1 bedroom flats - approved 14/05/2013

EPF/0206/77 Erection of the three-storey office building - approved 28/03/1977

EPF/1238/75 Erection of a three-storey office building with car parking at ground level - refused 10/09/1975 - Allowed on Appeal 27/10/1976

EPF/0825/75 Erection of a storey building to comprise ground floor parking accommodation, offices on the ground and first floor and three flats on the second floor - approved 13/06/1975

Policies Applied:

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).

CP1: Achieving Sustainable Development Objectives
CP2: Protecting the Quality of the Rural and Built Environment
CP6: Achieving sustainable urban development patterns
DBE2: Effect on neighbouring properties
DBE3: Design in Urbans Areas
DBE8: Private amenity space
DBE9: Neighbouring residential amenity
H2A: Previously developed land
H4A: Dwelling Mix
ST1: Location of development
ST2: Accessibility of Development
ST4: Road safety
ST6: Parking provision

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 - 132
Paragraph 80 - 84

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.

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

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
H1 Housing mix and accommodation types	Significant
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM18 On site management of wastewater and water supply	Significant
DM21 Local environmental impacts, pollution and land Contamination	Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

LOUGHTON TOWN COUNCIL - OBJECTION

- properties in this part of High Beech Road are consistent in height. The proposed additional storey would be incongruous and a detrimental to the visual townscape and the long views from the higher part of the road.
- Overdevelopment

- No amenity space
- No additional parking on an already congested road.
- Increased emissions on the EFSAC

39 neighbouring properties were notified. 11 objections have been received that raise the following concerns:-

- The additional floor will diminish my sunlight and light generally.
- Erection of a further floor on the existing building which already towers above the adjacent buildings will further change the landscape of the primarily residential road.
- The building is already too tall for the road.
- too overpowering and make the road less attractive
- feel threatened by our loss of privacy.
- overlooking of all the gardens on Smarts Lane.
- Parking on High Beech Road and Smarts Lane is already congested for existing residents and there is no plan to prevent further congestion from the residents of the new flats.
- The flats will have balconies which when used will make me feel more overlooked and cause loss of privacy.

Main Issues and Considerations:

- The principle of residential
- Design and Siting
- Impact on the amenity of surrounding residents
- Form of Accommodation
- Provision of parking and highway safety
- Special Area of Conservation

Residential

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the efficient and effective use of land close to town centres by re-using land that has been previously developed provided that it is not of high environmental value.

The application site is located within an existing residential area where accessibility is good and the infrastructure in the vicinity has been developed so there are services and facilities available within walking distance of the site.

The present shortfall in housing land supply within the District carries substantial weight in favour of the development from the Government to maximise the use of urban sustainable locations and which is consistent with the requirements of policies CP1 and H3A of the Local Plan and with the NPPF which seeks to boost significantly the supply of housing.

Design and Siting

Epping Forest Local Plan policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design.

The proposed third floor is to be recessed on all elevations from the perimeter of the existing building. It would be set back 1.2m behind the existing parapet wall (approximately 2.0m behind the front façade of the building at a height of 2.8m, projecting 1.6m above the front parapet wall. The existing parapet is to be raised by 300mm for safety and maintenance purposes.

The proposed recessed aspect of the development when combined with the limited scale, form and projection above the parapet along with the use of cedar wood materials would reduce the visibility of the development from public viewpoints and the streetscape.

The comments of the Parish Council and neighbours properties are noted but it is not considered that, in terms of design and form, the additional increase in height would compromise the established spatial pattern of development or be intrusive or a harmful feature to the character and appearance of the properties in High Beech Road and the surrounding area and complies satisfactorily with policies DBE3 and DBE10 of the adopted Local Plan and policies of the Local Plan (1998) and Alterations (2006) and policy DM9 and DM10 of the Submission Version, 2017 and does not conflict with the design objectives of the National Planning Policy Framework., 2019 that seeks to ensure, amongst other things, that new development is of a high quality design that respects its setting and the character and environment of the locality.

Neighbouring Amenity & form of Accommodation.

The proposed additional third storey comprising of 2 units is to have rear windows giving light to bedrooms/bathrooms and stairway. The bathroom and stairway rear windows are to be obscured glazed and non-openable below a height of 1.7m from the internal height of the room located and would be conditioned as such to protect the privacy of adjoining properties.

The proposed 4 rear bedroom windows, 2 to each flat, is where the bay windows are to be recessed at a depth of 1.2m back from the rear main building line of the property which is sited behind a parapet (the second floor being a mansard roof) and the windows are designed with solid side panels, each having 0.5m deep recessed bay sill sited at a height of 1.1m from the internal floor height of the room resulting in constrained views which prohibits any lateral or direct overlooking.

The houses to the rear of the site in Smarts Lane lie close to the High Beech Road properties. The proposed detailed design of the bedroom windows, when combined with the recessed distance from the third floor rear façade and the rear parapet, would mean that the opportunity for direct overlooking, and even perceived overlooking is severely constrained so as not to result in any demonstrable harm to the living conditions of neighbouring properties and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

Access to the two, 2 bed, 3-person self-contained flats would be via a continuation of the existing stairways at either end of the building, with the front door to the individual flats opening to a hallway. The gross internal area (GIA) would be 124sqm, with each flat complying with the nationally described space standards set out in the Government's Technical Housing Standards and in Policy DM10 of the Submission Version Local Plan, 2017. As with other flatted developments it is likely that future occupiers will place more importance on the site's proximity to vibrant communities in the town centre, its accessible services and public transport and, would bring forward the growing need for additional housing. In this context it would be unreasonable to insist that amenity space be provided.

Highways & Transportation

The site currently utilises the existing vehicle access onto High Beech Road and has an allocated parking area for some 13 off street 'block park' car spaces for the offices.

The site is very well located for access to other modes of sustainable travel, and the surrounding roads are within a Controlled Parking Zone, so the Local Authority can control the issuing of permits for new dwellings. Consequently, this proposal will not be detriment to highway safety and Essex County Council Highways Authority have not raised any objection to the proposal subject to the following conditions:

Prior to the first occupation of the development the cycle parking as indicated on the approved plans shall be provided and shall be retained in perpetuity for their intended purpose. To ensure that appropriate cycle parking is provided.

Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

The above measures are to ensure that the proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Implications for the Epping Forest Special Area of Conservation:

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.

Conclusion:

The development is considered an efficient use of the land making beneficial use of an existing building in a very sustainable location close to facilities whilst sufficiently maintaining the spatial pattern of development of the surrounding area and would not result in any amenity implications to neighbouring properties; other aspects in relation to parking/highway are considered satisfactory which are supported by the policies of the adopted Local Plan and Alterations (1998-2006) and the Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework, 2019. In the light of the above considerations, it is recommended that planning permission is approved subject to conditions and the S106 to secure appropriate financial contributions and management monitoring measures for recreational use and air quality management to the Epping Forest Area of Conservation.

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: Caroline Brown
Direct Line Telephone Number: 01992 564182***

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