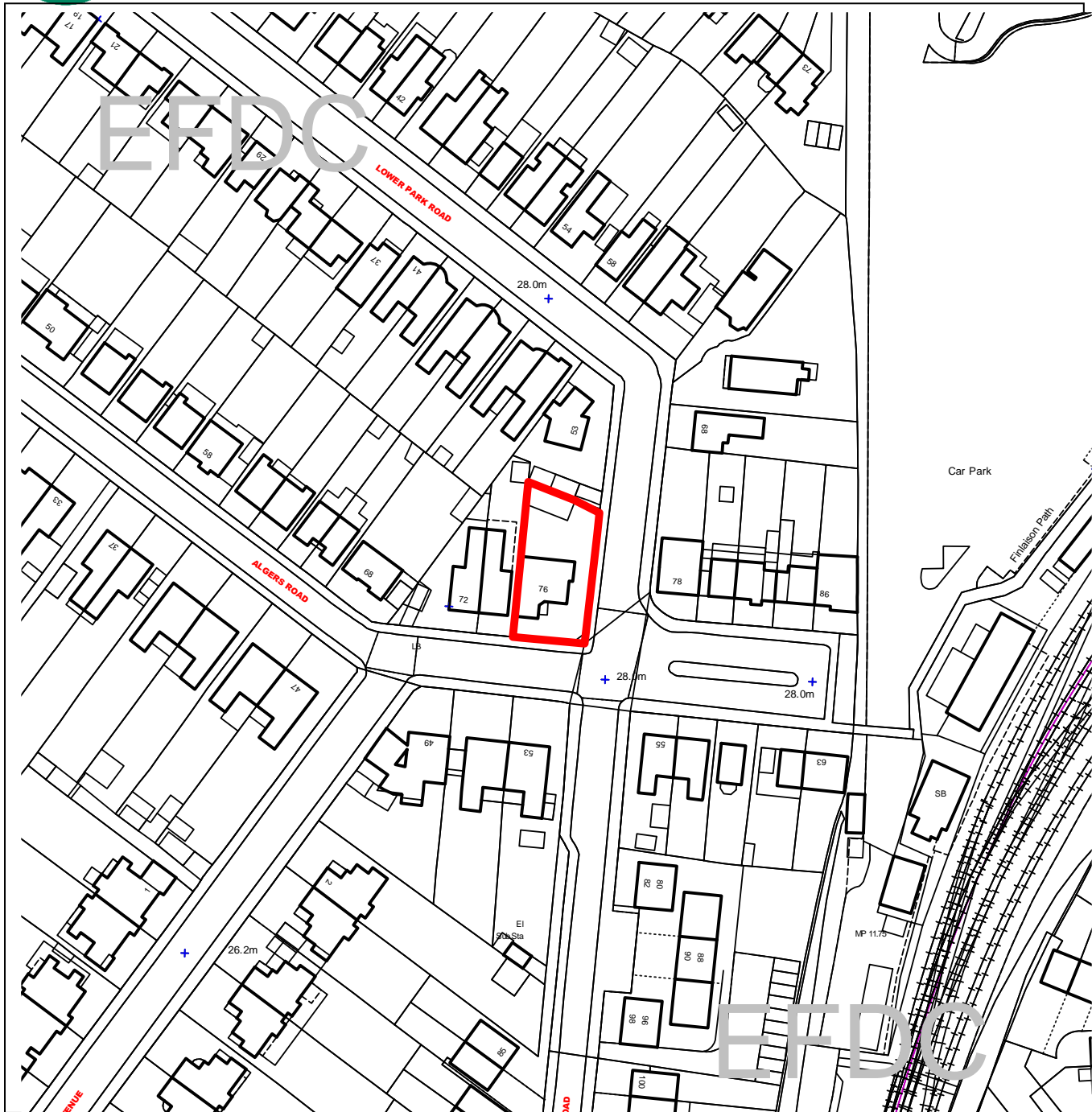




Epping Forest District Council



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Application Number:	EPF/0861/21
Site Name:	76 Algiers Road Loughton IG10 4NF
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/0861/21
SITE ADDRESS:	76 Algiers Road Loughton IG10 4NF
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr Gary Crouch
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and replacement with new building consisting of six flats (Revised application to EPF/2881/18).
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=650354

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: 334-EX-01, 2631.2, 2631.3, 2631.4, 2631.5, 2631.6 and 2631.7
- 3 No construction works above ground level shall take place until (documentary and photographic) details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 The building/extension hereby permitted shall not be occupied until the window(s) in the flank elevation facing No. 74 Algiers Road have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] 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 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 the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 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.

- 7 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.
- 8 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.
- 9 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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.
- 10 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 11 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.
- 12 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.

Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). 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 LPA 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 LPA.

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 large detached property located at the corner of Algers Road and Lower Park Road within the built up area of Loughton. The existing property is a large 'L' shaped Edwardian style property with a number of extensions and a large outbuilding to the rear. The outbuilding to the rear and part of an extension have been used as annexes/separate residences but have not benefitted from planning permission. The building to the rear is in a particularly poor state of repair. Algers Road is characterised by semi-detached and detached dwellings to the west and terrace properties to the east. There is a large flatted development at the opposite end of Algers Road with the junction of the High Road, and further flats on Lower Park Road. The site is within 55m of a public footpath to Loughton Station resulting in the station being a 300m walk from the site. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

The proposal is a revision to a previously refused and dismissed at appeal scheme. This proposal seeks consent for the demolition of the existing dwelling and replacement with a 2 storey building with accommodation within the roof slope, consisting of 3 x 1 bed and 3 x 2 bed apartments. The proposal does not provide any off-street parking but provides associated cycle storage, bin storage and amenity space. The proposal is 'L' shaped has a maximum height of 9.3m, maximum depth of 22.5m and width of 13m. The plans have been revised since the previous refusal adding a combined bike and bin store to the side of the building (rather than a detached store) and with some adjustments to window locations and roof lines but is broadly the same design as previously submitted.

Relevant History:

EPF/2881/18 - Demolition of existing dwelling and replacement with a new building consisting of 3 x 1 bed and 3 x 2 bed apartments - Refused and dismissed at appeal

Policies Applied:

Adopted Local Plan:

CP1 – Achieving Sustainable Development Objectives
 CP2 – Protecting the Quality of the Rural and Built Environment
 DBE1 – Design of New Buildings

DBE2 – Amenity Issues
DBE3 – Development Layout
DBE8 – Private Amenity Space
DBE9 – Loss of Amenity
ST6 – Car parking

The above policies form part of the Councils 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.

Submission Version Local Plan (2017)

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards to unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP3-Place Shaping
H1 – Housing Mix and Accommodation Types
T1 – Sustainable Transport Choices
DM2 – Epping Forest SAC and the Lee Valley SPA
DM9 – High quality design
DM10 – Housing design and quality
DM11 – Waste recycling facilities on new development
DM18 – On site management of waste water and water supply
DM22 – Air Quality

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 17

Responses received: 105 Objections received from the following addresses an address plus a further 11 who did not supply their address. :

19, 21, 23, 28, 29, 31, 36, 41, 43, 47, 49, 51, 53, 54, 57, 58, 60, 63, 66, 72, 74, 80, 82, and 86
ALGERS ROAD

3, 9, 19, 23, 26, 41, 44, 49 and 55 THE CRESCENT

3A, 9, Rose Cottage, 18, 29, 33, 43, 45, 49, 50, 51, 53, 54, 62, 64, 66, 68, 92, 94, 101, 106 and
120 LOWER PARK ROAD

33 and 88 SPRING GROVE

24 OLLARDS GROVE

LOUGHTON RESIDENT'S ASSOCIATION (PLANS GROUP)

The objections can be summarised as follows:

Loss of existing building, visual impact of larger building, no parking is unacceptable, parking is already an issue, loss of light and outlook, overlooking, drainage issues, burden on existing services, insufficient amenity space, detriment to the area, unwanted precedent, change character of family homes.

LOUGHTON TOWN COUNCIL –

The Committee NOTED the contents of 3 letters of objection.

The Committee OBJECTED to this application on the grounds that it was an overdevelopment of the site and out of character for the area. The design would also extend the flats in the front of the building line on Lower Park Road.

The proposal did not provide sufficient amenity space for the proposed number of residents/dwellings and would need to be reduced in size to better accommodate this.

The number of residents to be accommodated in this application would have a detrimental impact on the amenity of existing residents of neighbouring properties due to noise pollution.

The six flats would result in more car pollution and a subsequent impact on the air quality to the SAC. Any additional dwelling that leads to more traffic in the SAC is unacceptable. The flats would also result in more pressure for the overstressed recreational services and subsequent damage to the SAC. The current proposed solution to bring in a Clean Air Zone (CAZ) is not guaranteed to occur and would not stop additional cars associated with new dwellings from polluting the SAC before it was brought in.

Members commented that the planning inspector did not fully address the pressure for car parking on Algiers Road in the appeal decision. The streets in this area are very congested; with no spare on street capacity to accommodate more car parking for residents or visitors. Therefore, they suggested a survey of the street should be undertaken to provide evidence for any further appeal, in this regard.

Should the council be minded to grant consent, members requested a section 106 agreement to be secured to fund a RPZ for the area.

Main Issues and Considerations:

The previous application ref: EPF/2881/18 was refused for the following reasons:

- 1. The proposal, by reason of its size, poor design and position would harm the spacious character of the area and be generally out of character with the plan form of nearby buildings detracting from the overall appearance of the locality. The proposal would therefore be contrary to policies CP2 and DBE1 of the Adopted Local Plan 1998/2006, policy DM9 of the Local Plan Submission Version 2017, and be at odds with paragraph 127 of the National Planning Policy Framework 2019.*
- 2. The Council considers the existing building at the application site to be a non-designated heritage asset, the loss of which would of itself be harmful to the character and appearance of the locality. It therefore considers its loss can only be justified if it is replaced by a development that is of high quality design. Its loss would only serve to exacerbate the harm caused by the development to the character and appearance of the locality. The loss of the non-designated heritage asset is therefore contrary to policies CP2 (iV) and CP7 of the adopted Local Plan (1998/2006), and would be at odds with paragraph 127 the National Planning Policy Framework 2019.*
- 3. The proposal lacks an adequate level of amenity space for future occupiers of the proposed development; in addition access to off site alternative amenity space is not considered to be in reasonable proximity nor legibly accessible. The proposal is therefore contrary to policies DBE8 of the Adopted Local Plan (1998/2006) and policy DM9 (High Quality Design) of the Local Plan Submission Version 2017.*

The decision was appealed and subsequently dismissed, albeit only on reason 3 and air quality grounds.

Character and appearance

The proposal results in the demolition of the existing property along with the large outbuilding to the rear and the replacement with a larger 'L' shaped property to house 6 flats.

The existing character within the street is a mix of detached and semi-detached properties to the west and then terrace properties to the east. Although in the immediate vicinity the character is of single dwelling houses, approximately 50m to the south of the site on Lower Park Road are a group of maisonettes and to the north west at the junction with the High Road (approximately 200m from the site) is a large modern development of apartments. It is not considered, as with the previous scheme that apartments in this location particularly in this corner plot is so out of character with the surrounding character to justify a refusal on this basis.

The Planning Inspector for the previous refusal found no harm to the character of the area with the proposed design and states:

For all of the above reasons, I see no reason the proposed development would be unsympathetic to its location or that it would fail to harmonise with or enhance the varied street scenes of Algiers Road and Lower Park Road and the character and appearance of the area and there is no compelling reason to resist the loss of the existing building on the site. Accordingly, on this main issue, I find no conflict with LP Policies CP2, CP7 or DBE1. Together, these policies broadly seek to maintain or improve the setting, character, townscape and urban quality of the built environment, including through the protection and enhancement of buildings or architectural or historic interest. The proposal would also comply with the principles of the Framework which seeks good design that is sympathetic to local character.

The Inspector also found, as hinted to above, that 'alterations to the building including the extension to its rear, use of some modern windows and other additions dilute its interest'. Thereby concluding that the existing building is not one that can be classed as a non-designated heritage asset.

Neighbouring Amenity

Impact on neighbouring amenity was considered acceptable previously and did not form a reason for refusal.

Due to the position of the site at a junction, the application site has one main near neighbour – 74 Algiers Road. The owner of this property has objected to the scheme and it is agreed that the demolition of the existing building, proposed new building and change to 6 flats from a single dwelling house (albeit with annexes) will be a significant change to the existing situation; however change alone is not a reason for refusal.

No. 74 has been extended in the past and to the rear has side facing windows and rear facing windows, the proposal will be visible from these windows. However, the proposal will be set away from the shared boundary by 1m, where the current building is located directly on the boundary and this is a welcome move which provides a better level of separation between the two buildings.

In terms of overlooking the proposal will have first floor windows serving a lounge area closest to the shared rear boundary. It is not considered that the addition of these windows give rise to such an increase in overlooking from that of the existing situation to justify a refusal. At second floor roof lights will serve the rear but as these will be high level and angled, overlooking would be difficult.

The rear projection has side facing windows proposed, however these will be obscure glazed so loss of privacy from these windows is not considered an issue. A condition can be added to ensure these windows are obscured and fixed shut to a height of 1.7m to avoid any future potential of overlooking and the Applicant has agreed to such a condition.

To the rear of the site is the garage at No.53 Lower Park Road and therefore the proposal is well separated from the main house of No. 53 both by built form and by distance (10m) and this will mitigate against any excessive noise or disturbance arising from the use of this area.

At Officer request, with the previous application, the applicant's submitted a daylight and sunlight assessment with particular emphasis on No. 74 Algers Road, although 53 Lower Park Road (to the rear) and 78 Algers Road (across the junction) were also assessed. This report assesses the impact of the development against current daylight and sunlight received in accordance with BRE Guidance. With regards to No. 74 all rear facing windows on the original building and those that face No. 76 were part of the assessment, as were the ground floor side windows of No. 53 Lower Park Road and 78 Algers Road. The report concludes that all windows retain greater than 80% of existing levels of daylight and sunlight which is in accordance with BRE guidelines. In addition, the rear garden area of No. 74 and 53 Lower Park Road were also assessed and these areas retain over 90% of existing sunlight levels, again exceeding BRE guidance.

Given the results found in this assessment coupled with the distances to the shared boundaries loss of sunlight and daylight has been adequately accounted for during the design process and is acceptable.

Amenity of Future Occupiers

The proposal was previously refused on the lack of amenity space for future residents and the due to the insufficient light this area would receive.

This current proposal has revised the layout so that the bin and bike store are attached to the main building and the building shape has been rationalised providing a much larger amenity space. The amenity area is now in excess of the 150m² suggested by policy DBE8 of the Adopted Local Plan and therefore the amount of amenity space meets standards.

In addition the application has been accompanied by a revised daylight and sunlight report which shows that the whole garden area has been tested and received adequate light. In addition, there has been a slight design change, hipping the previously gabled roof on Lower Park Road to allow sun on the amenity area of a longer period.

Although not ideal, the Inspector also found no issue with residents wishing to use the amenity space existing to the front of the building to gain access to the rear.

In addition to the larger amenity space now provided, as before, access to Epping Forest for recreational purposes can be gained within 800m of the site.

Highways and Parking

As with the previous application, this proposal does not include any parking. The SVLP suggests that within 400m of a station, the Council will seek reduced car parking, including car free development. This site is within 300m of Loughton Underground Station and within 450m of the shops and services of Loughton Town Centre beyond and is therefore a very sustainable location. Although many of the neighbour comments and that of the Town Council reference the existing parking situation this proposal is not considered to result in such a significant change to the existing situation to justify a refusal.

The surrounding area has existing parking restrictions, preventing cars being parked between 2pm and 3pm and this will continue to be the situation. A planning permission can not prevent a future occupier owning a car, however any future occupier of the proposed development will be aware of these restrictions and that the development has no off street parking and therefore will have to take the existing situation into account.

The car free aspect of this development was considered acceptable previously and this did not form a reason for refusal.

SAC and air quality

Previously it was considered that as the proposal is for a car free development there would not be a requirement for a contribution towards air quality mitigation within the District, however with the adoption of the APMS a contribution is required per a dwelling of £335. It is acknowledged that 6 dwellings even without parking will still result in additional 'vehicular use' i.e. deliveries/taxis/visitors. In addition, as the proposal is for new dwellings with 3km of the Epping Forest Special Area of Conservation (SAC) a contribution of £352 per a dwelling is required to mitigate against recreational pressures on the Forest. The application is willing to enter into a legal agreement for this contribution.

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusions:

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Conclusion:

The proposal results in new dwellings within an urban part of the District, it proposes a well-conceived design drawing on the surrounding detailing, has limited harm to surrounding neighbours and it is located in a 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