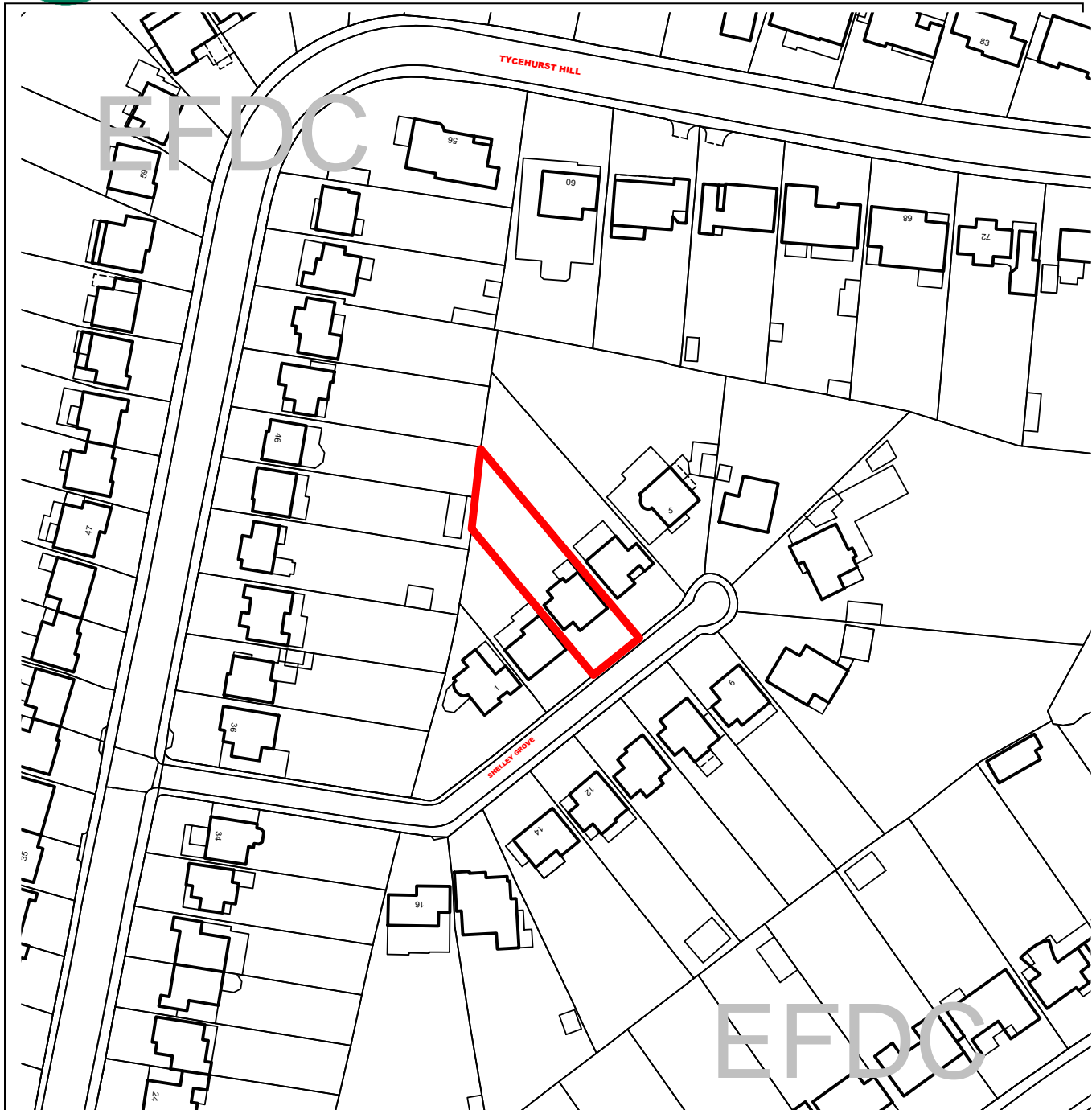




# Epping Forest District Council



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Application Number:	EPF/2032/21
Site Name:	3 Shelley Grove Loughton IG10 1BY
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2032/21
<b>SITE ADDRESS:</b>	3 Shelley Grove Loughton IG10 1BY
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>APPLICANT:</b>	Ms Nimmo
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed conversion of existing dwelling into 2 self-contained flats (1x GF flat and 1x FF flat), proposed side extension to replace garage, and proposed widening of crossover.
<b>RECOMMENDED DECISION:</b>	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=655417](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655417)

**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: 21/825/01 Rev B and 21/825/02 Rev B.
- 3 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.
- 4 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point per dwelling shall be installed and retained thereafter for use by the occupants of the site.
- 5 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.

- 6 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.
- 7 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form], unless otherwise agreed in writing by the Local Planning Authority.
- 8 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.
- 9 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.
- 10 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.
- 11 Access to the flat roof over the single storey rear extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

***...and subject to the completion of a s106 Legal Agreement.***

*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).*

**Site and Surroundings**

The site formerly comprised of a detached dwelling, located within a built-up area of Loughton. It is not listed nor in a conservation area. Land levels rise to the northeast.

**Proposal**

The proposal is for the conversion of the existing dwelling into 2 self-contained flats (1x GF flat and 1x FF flat), proposed side extension to replace garage, and proposed widening of crossover.

For clarity, the widening of the crossover does not require Planning Permission as Shelley Grove is not a classified road, so it will not be discussed further in this report.

### **Relevant Planning History**

EF\2021\ENQ\00051 – Pre-application submission for the proposed conversion of existing dwelling into 2 x self-contained flats ( 1 x GF flat and 1 x FF flat) proposed extension and conversion of garage, proposed widening of crossover.

### **Development Plan Context**

#### *Local Plan & Alterations 1998 & 2006 (LP)*

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:

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
DBE8	Private Amenity Space
DBE9	Loss of Amenity
DBE11	Sub-Division of Properties
ST4	Road Safety
ST6	Vehicle Parking

#### *National Planning Policy Framework 2021 (Framework)*

The Framework 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:

Paragraphs	126 & 130
Paragraph	180

## *Epping Forest District Local Plan Submission Version 2017 (LPSV)*

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> 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 2<sup>nd</sup> 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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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 Main Modifications, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following policies are relevant to the determination of this application;

SP2	Spatial Development Strategy 2011-2033
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
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

### **Summary of Representations**

Number of neighbours Consulted: 8. 18 response(s) received  
Site notice posted: No, not required

MULTIPLE OBJECTIONS RECEIVED – Summarised as;

- Parking Provision;
- Drainage concerns;

- Out of keeping with area;
- Traffic Generation/Parking Stress;
- Overdevelopment;
- Loss of soft landscaping;
- Impact on EFSAC; and
- Refuse Storage.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application, stating it was overbearing and out of keeping with the area. Shelley Grove consisted of family housing, to allow them to be converted into flats would set an unwelcome precedent, causing significant harm to the character of the area.

Removing the front garden in its entirety to create 4 parking spaces was deemed excessive and would harm the visual amenity of the street scene. It was important to maintain and protect the green space to prevent water run-off onto the street and potential surface water flooding.

Members considered the journey information report provided to be nonsense. The extra dwelling (and parking spaces) 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 was unacceptable. It 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) in 2025 was not guaranteed to happen and in any event would not stop additional cars associated with new dwellings from polluting the SAC before the CAZ was brought into operation.

### **Planning Considerations**

The main issues for consideration in this case are:

- a) Whether the sub-division of the property is acceptable; and
- b) The impact on the Epping Forest Special Area of Conservation.

Policy DBE11 of the LP states; The subdivision of residential properties to flats, maisonettes or some other form of multiple occupation will be granted planning permission provided the development will not:

- (i) be likely to result in such an intensification of use which would create an undesirable precedent or detract from the character of the surrounding area; or
- (ii) be likely to result in excessive noise and/or disturbance to residents of either the new dwellings or neighbouring ones; or
- (iii) result in adjacent properties being overlooked to an excessive degree; or
- (iv) involve the loss of important garden space in order to create the requisite number of car parking spaces.

The introduction of flats on this site would be an anomaly to what is a small road of large single dwellings, and this could set a precedent for further conversions that cumulatively could alter the character of this street, this particular scheme has been thoughtfully designed so that the main appearance of the dwelling will stay the same with a single front access door, so it will not appear as a block of flats. As such, on balance, the principle of this development is considered to be acceptable in this instance.

The side extension will appear as a subservient addition, so there is no harm in this regard.

The proposal would meet the National Described Space Standards (NDSS) for a 2 bed-3person dwelling and have sufficient external amenity space for both dwellings at some 310 sqm.

The proposal would also meet the parking requirements of 2 spaces for a 2 bed+ dwelling and no objection has been raised by the highways officer. The concerns raised regarding the loss of soft landscaping and parking stress and drainage are noted; however, neighbouring properties have little to none soft landscaping and can comfortably accommodate several cars on the drive. As such, there will be no material harm in terms of additional on-street parking stress or congestion. The proposed driveway will be constructed of permeable block paving and the Council Drainage officer has raised no objections in this regard. So, there are no drainage concerns.

Whilst there will be an increase in the comings and goings from this site due to additional dwelling, there will be no material impact to the living conditions of both neighbouring properties, in terms of loss of privacy, or noise disturbance that warrants a reason for refusal.

### *Epping Forest SAC*

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 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. In addition, the site lies within the parish of Loughton. 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 recreational pressures and atmospheric pollution.

## **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 and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. 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 and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

### Atmospheric Pollution

Notwithstanding the submitted Habitats Regulations Assessment which claims that there would be a net reduction in AADT, however, the application proposal still has the potential to result in a net increase in traffic using roads through the EFSAC as there will be a net gain of a dwelling. 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

For the reasons set out above having regard to the matters raised, it is recommended that conditional planning permission be granted subject to a s106 legal agreement for mitigation measures towards the EFSAC, including monitoring fees.

**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: Muhammad Rahman**

**Direct Line Telephone Number: 01992 564415**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**