



# Epping Forest District Council



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Application Number:	EPF/2808/20
Site Name:	Rear of 75, 75a-c, 77 Queens Road, Buckhurst Hill IG9 5BW
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2808/20
<b>SITE ADDRESS:</b>	Rear of 75, 75a-c,77 Queens Road Buckhurst Hill IG9 5BW
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr S Moore
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of structures to the rear of 75-77 Queens Road and erection of 8 new dwellings (Revised Scheme to EPF/2514/19).
<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=645353](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=645353)

**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: 200 Rev A, 201, 202, 203, 204, 205, 206, 207, 208, 209, and 210.
- 3 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.
- 4 No development shall take place until details of the arrangements for internal air extraction, odour control measures, noise levels, and discharge to atmosphere from cooking operations, including the location, appearance and finish of any external ducting and flues have been submitted to and been approved in writing by the Local Planning Authority. The approved details shall be installed before the use hereby permitted commences and so retained. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.
- 5 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and

the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

6 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
  - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
  - b) How charging point usage will be charged amongst users;
  - c) The process and the triggers for identifying when additional passive charging points will become activated; and
  - d) 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.

7 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.

- 8 Prior to any above ground works, 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.
- 9 Prior to first occupation of the buildings hereby permitted the window(s) in the east elevation (facing the rear of Kings Avenue) at first floor level, shall 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.
- 10 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.
- 11 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.
- 12 The development shall not be occupied until a scheme of sound insulation for all external windows on has been submitted to and approved in writing by the Local Planning Authority. The scheme of sound insulation for the external windows shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 13 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.
- 14 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 15 The cycle parking facilities, as shown on the approved plan, are to be provided prior to the first occupation of the development and are to be retained as such at all times.
- 16 The refuse storage, as shown on the approved plan, are to be provided prior to the first occupation of the development and are to be retained as such at all times.
- 17 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.

- 18 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.

**...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 lies to the rear of a two-storey parade consisting of commercial units at the ground floor level, with residential accommodation above. Over the years, all the buildings have been extended to approx. 80% of the plot footprint. At the very rear of the site open car parking is accessed via an existing access located between No's 73 and 75 Queens Road.

The site is situated towards the East end of Queens Road, approx. 0.2 miles from Buckhurst Hill underground station. The buildings are not Listed, Locally Listed or set within a Conservation Area. It is not located in a Flood Risk Zone.

Queens Road runs West to East where the West end is characterised by terraced and detached dwellings and where the East end is characterised by mixed uses comprising residential, offices, restaurants, shops and local amenities. The buildings on Queens Road are predominately 2-3 storeys in height.

The character of the buildings varies in style and appearance, predominantly that of a traditional appearance with natural brick, or render walls, timber windows and tile or slate pitched roofs. The application buildings do not form a dominant feature of the street scene. The buildings do not incorporate special or distinctive architectural features that would otherwise make them unique.

### **Proposal**

The proposal is for the demolition of structures to the rear of 75-77 Queens Road and erection of x 8 1-bed dwellings. This is a revised scheme to EPF/2514/19. The main amendments are:

- Reduction of residential units from 15 to 8;
- Retention of two storey parade; and
- Revised parking, cycle and refuse layout.

### **Relevant Planning History**

EPF/2514/19 - Planning Application for the demolition of No. 75, 75a-c, 77 Queens Road and the construction of fifteen new dwellings with a ground floor retail unit - Refused

## Development Plan Context

### *Local Plan and 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
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping schemes
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
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
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: 55. 12 response(s) received  
Site notice posted: Yes

## MULTIPLE OBJECTIONS RECEIVED – Summarised as:

- Over-development;
- Unsuitable/inappropriate;
- Inadequate parking provision/Parking stress/Highway safety;
- Out of character/Poor design/Bulky;
- Loss of privacy/ overlooking;
- Loss of light; and
- Loss of commercial floor space;
- Noise pollution;
- Biodiversity net gain; and
- Impact on trees.

## BUCKHURST HILL PARISH COUNCIL – Strong Objection

- Gross overdevelopment of site
- Severe lack of amenity space
- The flats suffer lack of sunlight and the overhanging balconies exacerbate the issue on the flats below
- The access road is single file and will cause issues for the flats and the retail units
- Concerns with the impact on neighbours in the vicinity with traffic movement
- Detrimental impact on neighbouring properties
- Severe lack of parking for 8 dwellings

A re-consultation exercise was carried out and only a handful of comments were received reiterating the points set out above.

## Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) Highway safety and parking provision;
- c) The impact to the living conditions of neighbours;
- d) Standard of Accommodation for future occupiers; and
- e) The impact on the Epping Forest Special Area of Conservation.

### *Character and Appearance*

The proposed building would be built on the footprint of the existing rear extensions with a limited increase in scale, bulk and massing. As such, it is not considered that the proposal would amount to harmful overdevelopment of the site. Rather the proposal, would enhance the visual amenity of the site, and would also have a neutral impact to the character and appearance of the wider area. It would not be readily visible from the street, so there would be no impact to the street scene.

### *Highway Safety and Parking Provision*

No change is proposed to the existing vehicular access point, and 7 parking spaces are provided to serve the whole site outlined in red, along with cycle storage. This site is in a highly sustainable location, sited approx. 0.2m from Buckhurst Hill Underground Station or a 5-min walking distance, so the level of parking provision is acceptable.

The Highways Officer has raised no objections and provided the following comments below;

*The site is well located in terms of access to other modes of sustainable travel and the location and surrounding area is well secured with parking restrictions to prevent ad-hoc on-street parking becoming a safety issue. Further to this the application is proposing to provide appropriate cycle parking for all the proposed flats. Given the aforementioned, and the reduced parking provision, it is highly likely that the proposal will also reduce the amount of associated vehicle trips in and out of the site to the benefit of all highway users.*

#### *Living Conditions of Neighbours*

The proposed first floor flats would be looking onto the rear of 2 – 8 Kings Avenue, and the windows are proposed to be obscured glazed, so there would be no material impact to their living conditions, in terms of harmful overlooking. No other concerns are envisaged to neighbouring amenities.

#### *Standard of Accommodation for Future Occupiers*

The proposed units would meet the National Described Space Standards for a 1 bed unit and whilst not a requirement, they will have access to their own private amenity space.

The proposed building is orientated toward the North East, so all rooms would receive adequate sunlight and daylight throughout the day. Any outlook for the future occupiers would be at a reasonable level given its location within an urban area, and whilst the rear facing windows are shown to be obscured glazed, this would not be necessary. On the contrary, having clear glazed windows would enhance their outlook.

The application involves amending the existing extraction and ventilation system, and also gives an opportunity to enhance the level of extraction & ventilation required for the existing commercial units. Given the increased residential activity on the site, a high spec system would be appropriate, which would also reduce the impacts to the existing occupiers above the retail units from noise, odour and fumes. As such, a condition requiring details of the amended extraction & ventilation system to be approved prior to commencement of the development has been added.

#### *Impact on the 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 Buckhurst Hill. 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

The proposed development would result in increased vehicular movements as while the development makes no on-site provision for car parking, it is on the basis that the nearby streets mentioned in paragraph 9.7 and set out in the Transport Statement can accommodate additional on streetcar parking demand. Consequently, consideration will need to be given to appropriate mitigation measures to protect the integrity of the SAC in terms of air quality. 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.

## Other Considerations

With regard to the concerns raised regarding the proposal, most of the issues have been addressed in the assessment above, and in terms of the loss of commercial retail space, it is only the rear extensions to the units that would be lost, so there would still be ample floor space for the units to function properly. There are no concerns regarding the impact on trees or landscaping. Therefore, they have not led officers to a different conclusion as set out below.

## **Planning Balance & Conclusion**

It is considered that the accommodation proposed makes efficient use of the space available in a highly accessible location. This would result in economic benefits derived from the construction and occupation of the homes.

For the reasons set out above and having regard to all the matters raised it is recommended that conditional planning permission be granted subject to a s106 legal agreement to secure mitigations for the EFSAC including monitoring contributions.

**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)