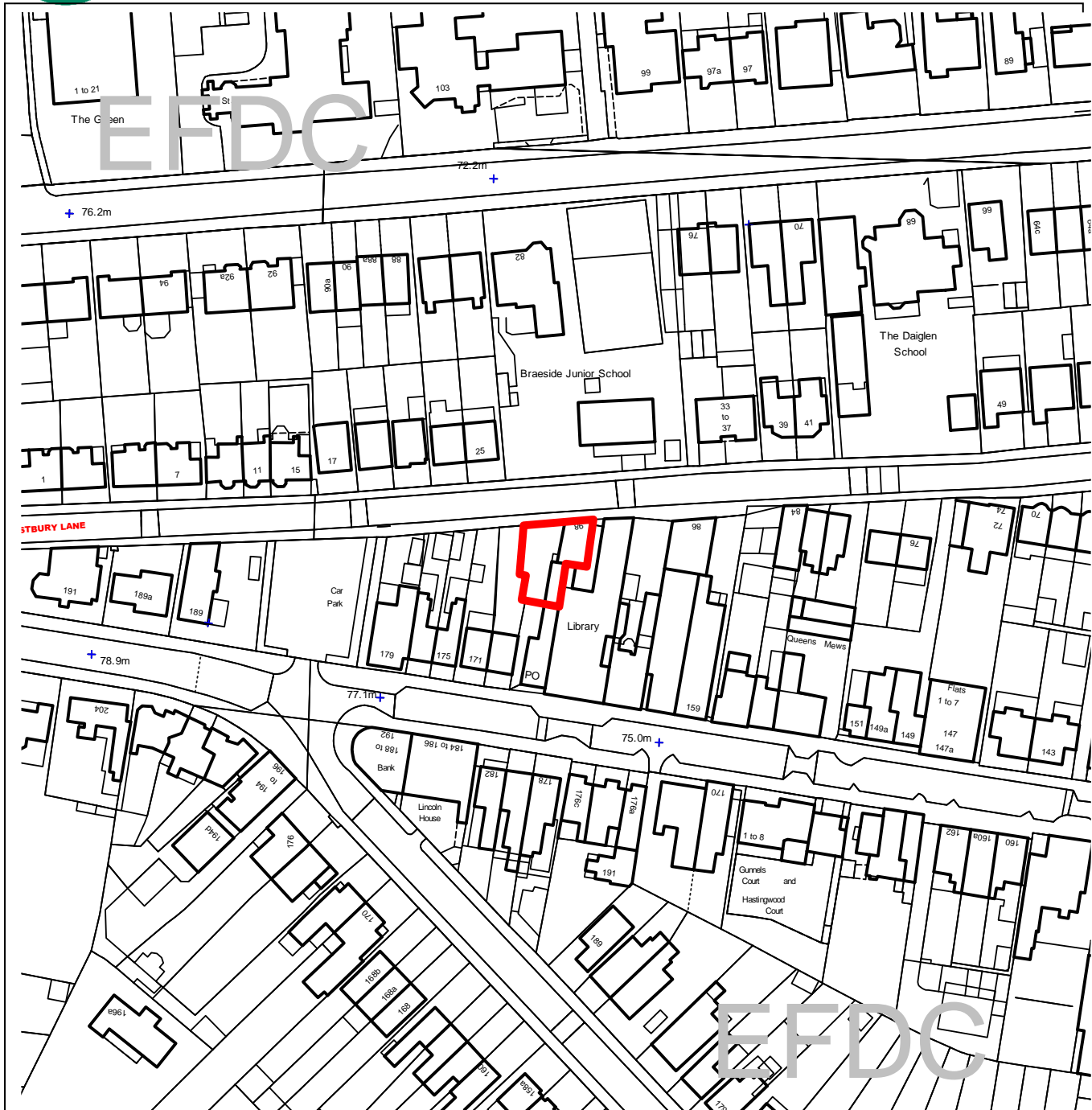




Epping Forest District Council



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Application Number:	EPF/2986/20
Site Name:	98 Westbury Lane Buckhurst Hill, IG9 5PW
Scale of Plot:	1:1250

Report Item No: 13

APPLICATION No:	EPF/2986/20
SITE ADDRESS:	98 Westbury Lane Buckhurst Hill IG9 5PW
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr Harminder Sond
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings and erection of a replacement mixed use building to contain an office (Use Class E(g) (i)) and 2no. one bedroom apartments. **SAC CASE NOW PROGRESSING**
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=646234

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: 08658-A-L-(00)-X-0101, 08658-A-L-(00)-X-0102, 08658-A-L-(00)-X-0103, 08658-A-L-(00)-X-0104, 08658-A-L-(00)-X-0111, 08658-A-L-(00)-X-0112, 08658-A-L-(00)-X-0113, 08658-A-L-(00)-X-0114, and 08658-A-L-(00)-X-0115.
- 3 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.

- 4 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.
- 5 Prior to any above groundworks, details shall be submitted to the Local Planning Authority, to be approved in writing, for appropriate cycle parking for the proposal. The approved facility shall be secure, convenient, covered, and provided prior to the first occupation and shall be retained as such at all times.
- 6 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:
 - Location of active charging infrastructure; and
 - Specification of charging equipment to be used.
- 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 The development hereby permitted shall be implemented in accordance with Chapter 5 of the Preliminary Ecological Appraisal by T4 Ecology Ltd (January 2021) prior to the occupation of the development, and so retained.

- 9 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.
- 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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the approved plans.
- 12 The ground floor commercial premises shall be used solely for Class E (g) (i) and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 13 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.
- 14 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.

...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 comprises of an office building to the rear of 98 Westbury Lane, located within a built-up area of Buckhurst Hill. It is not listed nor within a conservation area.

Proposal

The proposal is for the demolition of existing buildings and erection of a replacement mixed use building to contain an office (Use Class E(g) (i)) and 2no. one-bedroom apartments.

Relevant Planning History

EPF/1012/20 - Outline application for a change of use from Offices Class A2 / B1a to Residential Class C3a. Construction of two Dwellings with not less than 2 bedrooms each and not more than two parking spaces for both. Dwellings may be formed by part conversion and part newbuild or entirely newbuild. Dwellings may be mews style cottages or apartments - Withdrawn

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
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
TC1	Town Centre Hierarchy
TC3	Town Centre Function

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:

Paragraph	86
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 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.

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

SP2	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
E2	Centre Hierarchy/Retail Policy
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
DM15	Managing and Reducing Flood Risk
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: 10. 1 response(s) received
Site notice posted: No, not required.

23 WESTBURY LANE – Objection - Summarised as:

- Overdevelopment;
- Cramped Development;
- Out of keeping with area;
- Lack of amenity space; and
- Inadequate parking provision.

BUCKHURST HILL PARISH COUNCIL – The Committee OBJECTED to this application on the grounds that this was;

- Gross overdevelopment of site
- Severe lack of amenity space
- Poor access to rear flat
- Lack of parking provision
- Double storey building is detrimental to the street scene
- Proposed development out of keeping with street scene
- Concerns with the wide range of Class E use
- Would ask for a survey providing evidence that there is not the requirement for office space in the area
- The development that is outlined in the application is overdevelopment and not appropriate for this site
- No more than 1 dwelling may be adequate for this site, if lack of demand for office space is proven, with appropriate off-street parking

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 of a size, scale and a modern design that would enhance the appearance of the street scene and wider area. Officers note the concerns regarding overdevelopment, and cramped appearance, however a similar scale building albeit single storey was granted under EPF/2442/20 in close proximity to the site, by Members of the Area South Planning Committee. As such, there would be insufficient grounds to refuse this application on this ground, particularly one that can be defended on appeal.

Highway safety and Parking Provision

The Highways officer has raised no objections to the proposal subject to the imposition of conditions as part of the consent. Officers note the concerns regarding the parking provision, however, the site is within a highly sustainable location, so the reduced car parking provision, in this instance would be acceptable, in accordance with Policy T1 of the LPSV. A car parking space is provided for the commercial unit in the undercroft.

Living Conditions of Neighbouring Properties

There will be no material impact to neighbouring amenities, in terms of loss of light, loss of privacy, overbearing and visual impact.

Standard of Accommodation

The proposed development would have sufficient internal amenity space for future occupiers of the dwellings with a reasonable outlook. Whilst there is no outdoor private amenity space to accompany the new residential use, however, in this instance it is concluded that since the new dwelling would be a pair of apartments, the internal space allocated would allow for a suitable level of accommodation. Notwithstanding, there is ample open green space, in close proximity to the site, for future occupiers to use.

Epping Forest SAC (EFSAC)

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 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

The proposal would not result in the loss of any office space. Officers note the concerns regarding the potential wider uses permitted under Class E, however, Members will note that the application is specific to Class E (g) (i) which is for office use only (Previously B1a). A condition has been added to such effect.

Conclusion

For the reasons set out above, having regard to all the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal agreement to secure contributions 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 on 01992 564415 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk