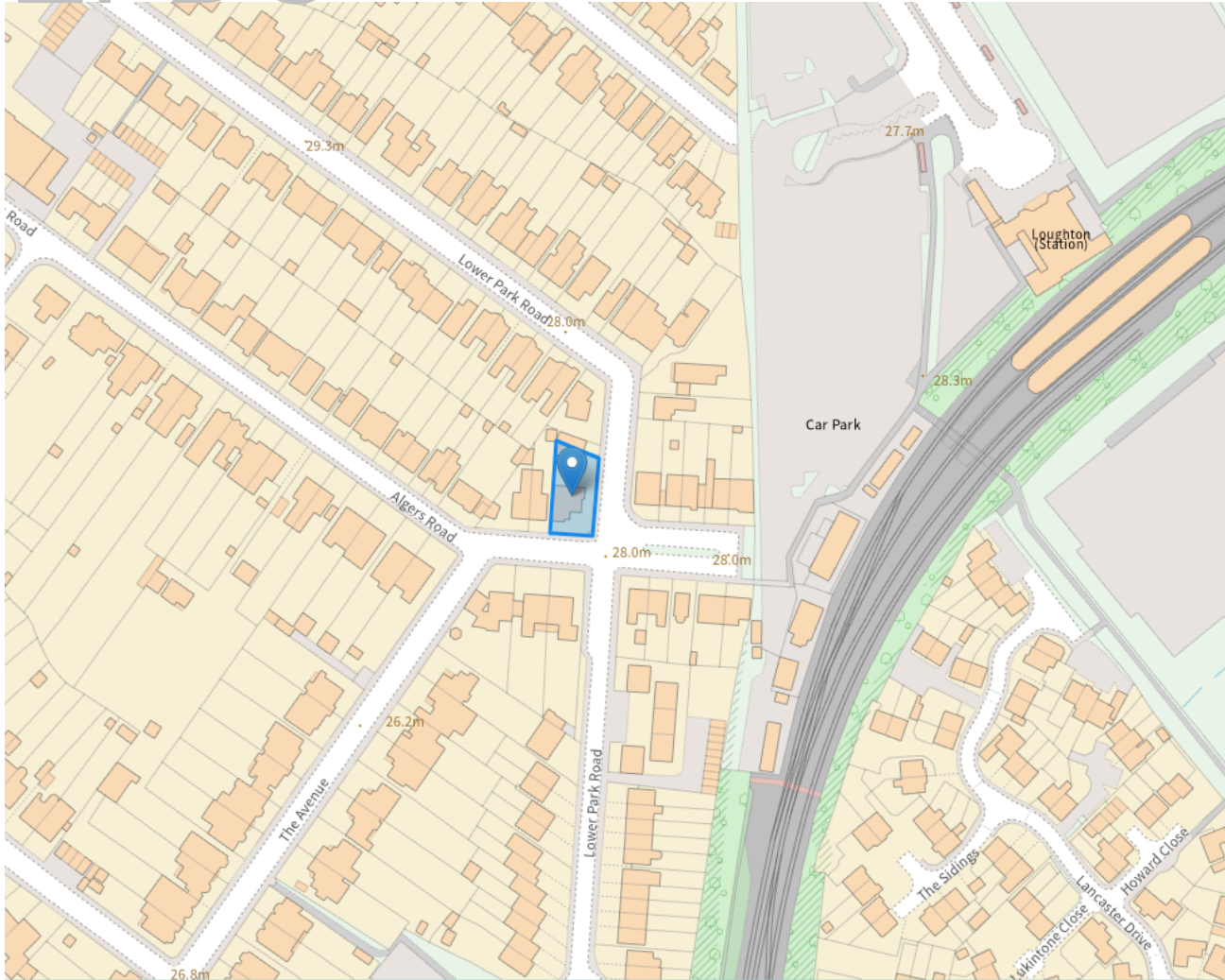




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Application Number:	EPF/0236/22
Site Name:	76 Algers Road Loughton, Essex IG10 4NF

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OFFICER REPORT

Application Ref: EPF/0236/22
Application Type: Full planning permission
Applicant: Mr Gary Crouch
Case Officer: Marie-Claire Tovey
Site Address: 76 Algers Road
Loughton
Essex
IG10 4NF

Proposal: Demolition of existing dwelling & replacement with a new building containing x6 no. flats (Revision to refused application EPF/0861/21).

Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyR4>
Recommendation: Approve with Conditions – subject to a 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)).

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 scheme, which was in itself 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 resulting in a minor boundary change to the rear (setting the redline of the site just of the boundary), in addition, the proposal includes a draft unilateral undertaking includes an "electric vehicle charging point contribution" of £9,029.92, to be used for the provision of electric vehicle charging facilities "in the locality".

Relevant History:

EPF/0861/21 - Demolition of existing dwelling and replacement with new building consisting of six Flats (Revised application to EPF/2881/18) – Refused and currently at appeal – no appeal decision as of yet

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: 64

Responses received: 44 objections received from the following addresses:

15, 19, 23, 25, 28, 31, 41, 43, 45, 47, 49, 51, 56, 57, 58, 60, 62, 64, 66, 72, 74,80, 84, ALGERS ROAD
27, 47, 51, 53, 58, 66, 68, 96, 120, 124 LOWER PARK ROAD
24 MOWBREY GARDENS
33 SPRING GROVE
5, 15, 17, 19, 22, 28, 34 THE AVENUE
LOUGHTON RESIDENT'S ASSOCIATION (PLANS GROUP)

out of keeping, existing parking issues, poor design, overlooking, vehicle charging should be onsite, boundary issues, lack of amenity space, overdevelopment, precedent setting, impact on EFSAC, no parking, maximize profit whilst disregarding the existing community, increase noise and disturbance, health concerns due to construction disruption,

CITY OF LONDON (ENVIRONMENTAL DEPARTMENT) – Raising impact on Forest in terms of recreational pressures from the development

LOUGHTON TOWN COUNCIL –

The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to this application stating that it was an over development of the site and would result in a lack of amenity space for the occupiers.

The creation of six new dwellings would mean increased car pollution and a subsequent impact on the air quality to the SAC, which would be unacceptable. The committee did not accept the applicants claim that the addition of two new electrical car charging points within a mile of the site would negate the increased pollution and found this claim irrelevant.

Further, Natural England and Loughton Town Council have both advised in their main modifications responses to the Inspector (autumn 2021) that the LPSV cannot yet be considered justified, effective or consistent with national policy in relation to detriment to the SAC. Therefore, we object to this application because of the urbanisation effect, burden on recreational pressure, and damage to air quality in the SAC that the application, alone or with other projects, will engender.

Main Issues and Considerations:

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 building formed of 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 two previous schemes that apartments/flats in this location particularly on this corner plot is so out of character with the surrounding character to justify a refusal on this basis.

The Planning Inspector for the 2018 refusal found no harm to the character of the area with the proposed design and states:

...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 Algers 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.

The previous application ref: EPF/0861/21 was not refused on harm to the character or appearance of the area.

Neighbouring Amenity

Impact on neighbouring amenity was considered acceptable for both of the previous applications and did not form a reason for refusal.

Due to the position of the site at a junction, the application site has one main nearby neighbour – 74 Algers 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, as before, 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/kitchen 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.

Amenity of Future Occupiers

The 2018 application was refused due to the lack of amenity space and the insufficient light it would receive. This was altered for the 2021 application to ensure the space was large enough (in excess of 150) and a daylight and sunlight report was produced which established that the area received sufficient light.

This has remained the same for this application and since it was not previously a reason for refusal, it is considered again to be acceptable.

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 cannot 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 is something that the Council is supportive of given the Climate Crisis.

Other Matters

SAC and air quality

A contribution is required for air quality per a dwelling of £335. With this application an EFSAC Trip Generation Assessment has been submitted which concludes that there would be a decrease of 1 trip compared to the existing use and this has been accepted by the Council's Transport Planner who agrees the submitted assessment satisfies the HRA requirements. Despite the decrease, the contribution for air quality is still required. In addition, as the proposal is for new dwellings within 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 would not 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 recreational pressures.

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'

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.

A fee is still required for the monitoring of air quality within the EFSAC. The applicant has agreed to make a financial contribution in accordance with the IAPMS and the appropriate conditions to secure the additional measures as identified within the IAPMS will be included on any approval issued.

Notwithstanding the above, concern was raised in the previous development that the financial contribution alone would not sufficiently mitigate against the harm from this development. The standard approach regarding mitigation for residential development is a financial contribution, along with conditions to provide electric charging points and high speed broadband. In this instance, since no parking provision is being supplied on site there is no opportunity to install electric charging points. However it is evident from the submitted information that the development will attract additional vehicle movements. Albeit they will be accommodated within the surrounding roads. In order to address this issue the applicant has put forward the additional mitigation measure of providing an electric vehicle charging point contribution of £9029.29 to be used for the provision of electric vehicle charging facilities in the locality.

This figure has been obtained by obtaining a quotation from an electric vehicle parking provider for the provision of two electric vehicle parking points at the Council owned High Beech Road Public Car Park. These points would be for general public use.

The Council's Sustainable Transport Officer was consulted on the application and had been involved with a pre-application dialogue with the Applicant. The Sustainable Transport Officer suggested the High Beech Car Park given the short distance to Algers Road. There is a lack of Public EV charging, and the Council are proactively encouraging EV charging points where possible. The Sustainable Transport Officer has also confirmed that the area has suitable demographics with many dwellings with limited or no off street parking. It is understood this is the first planning application offering a contribution for offsite public electric vehicle charging and therefore there are some wider (non-planning issues) that would need to be bottomed out i.e. electricity supply, exact location however it is something the Council's Sustainable Transport Officer is keen to proceed with.

The IAPMS is clear that one of the required measures should be the provision of electric vehicle charging points, although this should be on site, on sites where this is not possible, the provision within a public setting is considered appropriate. Particularly as securing a switch from petrol to ULEVs is an objective of the IAPMS.

Consequently, the Council is satisfied that the application proposal would successfully overcome the previous reason for refusal and would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusion:

The 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. In addition the Applicants have offered a contribution towards public electric vehicle charging to offset any possible harm to air quality within the EFSAC. 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

Conditions: (13)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 2022.AR.SP.P 3930/01 1653/01 Rev A 2631.3 2631.4 2613.5 2631.6 2631.7 334-EX-01 Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 Prior to any above ground works, details of levels shall 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.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with policies CP2, DBE1 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM12 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation facing No. 74 Algiers Road at first floor level and above, 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 5 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 [+ DBE4 when located in the Green Belt] of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 6 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.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 7 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 8 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 9 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.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with policy DM1 of the Local Plan Submission Version 2017, and the NPPF.

- 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 and an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 11 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 12 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies

RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 13 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.