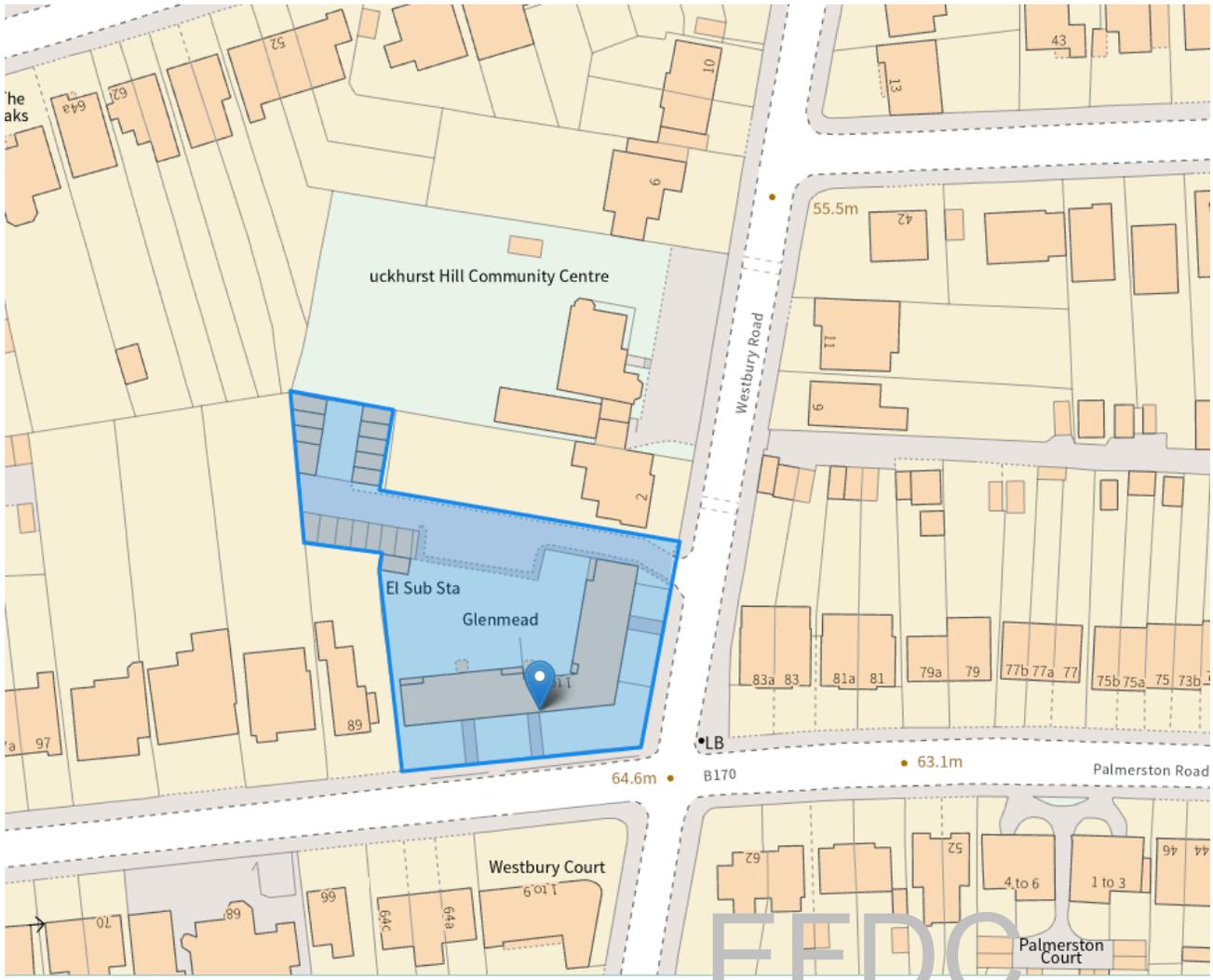




Epping Forest District Council

EFDC



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013
EFDC License No: 100018534

Application Number:	EPF/2635/22
Site Name:	Glenmead, Palmerston Road, Buckhurst Hill, IG9 5NL

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/2635/22
Application Type: Prior approval Part 20 Class A: New dwellinghouses on detached block of flats
Applicant: Eldnam Limited
Case Officer: Ian Ansell
Site Address: Glenmead, Palmerston Road, Buckhurst Hill, IG9 5NL
Proposal: Application for Prior Approval (dwellinghouses on detached blocks of flats) for a proposed single storey extension over part of the flat roof of the existing 3 storey building, to provide 5 additional one and two bed flats.
Ward: Buckhurst Hill West
Parish: Buckhurst Hill
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UiFh>
Recommendation: Approve with Conditions

This application is before this Committee since it is an application that is considered by the Service Director (Planning Services) as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The site occupies a corner plot on the north side of Palmerston Road, with a return frontage to the west side of Westbury Road. The L-shaped block comprises 3 floors and 15 flats served by 3 entrances on the road frontages. The frontage comprises well maintained and mature grounds and a further landscaped area to the rear, with access to a small parking court accessed from a single point on Westbury Lane.

The surrounding area is predominantly residential comprising mix of houses and flats, generally up to 3 storey and taking a variety of built forms. Non-residential uses are of similar scale.

Description of Proposal:

The application seeks prior approval under the provisions of Schedule 2 Part 20 Class A of the General Permitted Development Order as amended.

The works proposed comprise the construction of an additional floor above much of the building to provide 5 additional flats – 3 x 2 bedroom and 2 x 1 bedroom. The extension is built up from the existing front and rear walls and follows the shape of the building, being set in from the end walls by around 3.5m. The roof layout replicates the existing stepped levels, and the internal ceiling heights match the existing to maintain proportions. The elevational treatment has a similar vertical emphasis, but uses more glazing.

The rear courtyard is reconfigured, a new parking area for 10 vehicles including 6 with charging points is indicated on an area of disused garages in the north east corner of the site, and new bin and cycle stores buildings are proposed adjacent to the existing parking areas.

Relevant History:

EPF/2429/21 This earlier application for prior approval proposed two additional floors on the building comprising 10 flats was refused on its impact on immediate neighbours, the scale and bulk impacting on the street scene, and the impact on the EFSAC.

Policies Applied:

Adopted Local Plan:

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:

CP1	Achieving Sustainable Development objectives
CP2	Protecting the quality of the rural and built environment
CP6	Achieving sustainable urban development patterns
CP7	Urban Form and Quality
NC1	SPA's, SAC's and SSSI's
DBE2	Effect on neighbouring properties
DBE3	Design in urban area
DBE6	Car parking in new development
DBE9	Loss of Amenity
ST1	Location of development
ST2	Accessibility of development
ST5	Travel plans
ST6	Vehicle parking

NPPF (July 2021):

The revised NPPF 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:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

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 MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
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

Consultation Carried Out and Summary of Representations Received

Date of site visit: 11 October 2021 (previous application)
Number of neighbours consulted: 52
Site notice posted: No, not required
Responses received: Responses have been received from 11 residents as under:

Glenmead – 2, 6, 8, 10, 11, 12, 13, 15 and one response from 'Glenmead resident'
Westbury Road - 6
Westbury Court – 7

Objections cover following issues:

- Scale and mass of building in the local context
- Parking and traffic issues
- Direct impact on neighbours, overlooking, overbearing, loss of light
- Air quality issues, particularly around EFSAC
- Potential contamination if building contains asbestos
- Local flooding issues
- Adequacy of local infrastructure and services
- Structural integrity of the existing building
- Construction issues.

Parish Council: Buckhurst Hill PC objected on the following grounds:

- Overbearing on 2 Westbury Road and properties on Palmerston Road
- Bulky and intrusive addition same as previous refusal EPF/2429/21
- Out of character with local vernacular
- Overlooking of adjacent amenity areas and impression of enclosure for property on Westbury Road

Main Issues and Considerations:

The application seeks to establish that the development meets the criteria laid out in the GPDO as amended under Schedule 20, Class A. Class A covers construction of up to two floors over existing purpose built flats to provide additional units. As such, there is a two stage process for consideration of the application.

The first stage is a factual assessment as to whether the development meets the tests in A1 which set out circumstances where development would not be permitted. If any of the tests are failed, the works cannot be approved under this process. Officers have assessed these as under:

- a. The building comprises a purpose built block of flats, not one approved under Schedule 2, Part 3 of GPDO
- b. The building comprises at least 3 storeys above ground
- c. The building was constructed between 1948 and 2018
- d. The works are above principle part of building
- e. Floor to ceiling heights are consistent with existing

- f. All proposed units are flats
- g. The overall height of the building is not increased by more than 7m
- h. The overall height of the building as extended would not be over 30m
- i. No visible support structures are proposed on the exterior of the building
- j. No works to strengthen the existing building are indicated, the applicants confirm they have a preliminary report that confirms a lightweight structure could be added.
- k. There is existing plant on the roof
- l. Replacement plant is not indicated as higher than existing
- m. Works do not extend beyond existing built curtilage
- n. Waste and cycle storage do not extend beyond the original curtilage, nor forward of principal elevation, nor beyond a side wall fronting a highway
- o. The building is not located on article 2(3) land, within a SSSI, within the curtilage of a listed building or scheduled monument, a safety hazard area, a military explosives storage area or within 3km of an aerodrome.

As such, the development meets the restrictions under section A1, and consideration of the specific planning issues under section A2 should be used to determine the application.

1. Transport and highways impacts – The application proposes 10 parking spaces on an area previously used for garaging, and provision for cycle storage on site. Notwithstanding any historic reasons for the garages being closed off, members must consider only the provision in the context of the proposed development. In this regard, the proposal makes ample provision for the number of units proposed. The site also lies in a highly accessible location served by train and bus. Noting that Essex Highways did not object to the previous application for 10 units, the proposal has little impact on highway safety, traffic flow or local transport.
2. Air traffic and defence asset impact – no such issues arise from adding one floor to the building.
3. Contamination – no ground works are proposed which may raise contamination issues, the cycle and bin store lie within existing garden areas.
4. Flood risk – the site does not lie in a flood risk area, and no additional hard surface are introduced which may raise flood risk issues to lower ground.
5. External appearance – The site lies on a corner within an area of mixed built form with substantial variations in form, materials and height. These include elements of four storey buildings on Palmerston Road including at 32 Palmerston Road to the south, and at St James Gate and The Green to the north. The proposal adheres to a number of good design principles in that the corner location lends itself to a ‘landmark’ element as a streetscape focal point, and sets the additional storey in from either end to introduce a graduated increase in the overall height. The additional floor is of similar floor to ceiling height to the existing, and retains horizontal and vertical elements that will reflect the existing form without being a pastiche in modern materials. Thus, in design terms the extension is considered appropriate to the setting.
6. Natural light to habitable rooms – all habitable rooms are served by windows in the external facades of the development.
7. Impact on amenity – A daylight / sunlight report accompanies the application which argues that any impact would be minimal and would not impact habitable rooms significantly. The siting of the existing building, the orientation, and the setting in on the flanks all support this conclusion. The amenity area to the rear of the building is overshadowed by the existing building, and the additional floor will not significantly change this relationship.

The setting in of the building from the outer flanks, and the reduction to only one additional floor addresses concerns about the physical impact on the immediate neighbours, while balconies are being introduced on the ends, these include sufficient screening to deal with overlooking of garden areas.

Other issues raised in representations relate to construction disturbance and disruption which, while they are of relevance to residents, are not matters on which planning decisions can be made.

- Impact on Protected Vistas – the site does not lie within a protected vista defined by the relevant Directions.
- Fire safety of exterior – not applicable, as building less than 18m high.
- Fire safety impacts – the proposed flats will be served by the existing stair cores which already provide fire protection in accordance with Building Regulations. No additional measures are necessary.

The provisions of the Order also require that development should have regard to the provisions of the NPPF, which in turn refers to the need to consider the impact of development on 'habitat sites'. The site lies within 3km of the Epping Forest SAC and a Habitat Regulation Assessment accompanies the application which acknowledges the development will have an impact in both recreational use and increased air pollution. On site mitigation is included in terms of provision of electric vehicle charging points and increased cycle stand provision. The report also accepts financial contributions are required. Recent appeal decisions have confirmed that in the case of prior approval applications, mitigation can be secured through condition at application stage. As a result an appropriate assessment can be completed.

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 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/Buckhurst Hill/Theydon Bois (delete as appropriate). 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.

Means to Secure Suitable Mitigation

Since it is not possible to allow permitted development subject to a legal agreement in and of itself, Regulation 75 of the Conservation of Habitat and Species Regulations (2017 as amended) requires

that any Prior Approval application where HRA is undertaken and mitigation for impacts is found to be required must include the following Planning Condition:

“Development must not be begun until the developer has received written notification of the approval of the local planning authority”

The subsequent approval of details application can secure a Unilateral Undertaking to ensure that adequate mitigation measures are secured.

Conclusions:

The Council is satisfied that, subject to the imposition of a relevant planning conditions as above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Conclusion:

Taking account of the issues which fall to be determined under the prior approval process, most are either not applicable or are met, as set out above.

On the more subjective matters, the proposal has responded to the previous refusal in reducing the proposal to a single additional floor and setting the building in from the outer flanks, both of which decisions reduce the impact on neighbours and existing occupiers of the building and produce a more appropriate built form for the setting. Four storey buildings already exist in the area and locating such development on a corner site meets good design principles which would not exist within other street frontages.

In the absence of evidence of serious harm to existing residents, officers conclude that prior approval should be granted, subject to appropriate conditions.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (11)

- 1 The development to which this permission relates must be completed within a period of three years starting with the date prior approval is granted.

Reason: To comply with the requirements of Part 20, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 2102_L_005 Rev B, 010 Rev B, 011 Rev B, 013 Rev B, 020 Rev C, 030 Rev C, 031 Rev C, 032 Rev C, 055 Rev C, 060 Rev B, 061 Rev C, 063 Rev C, 066 Rev C, 070 Rev E, 080 Rev E, 081 Rev E, 082 Rev E and 083.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The development shall not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Reason - In order to mitigate impact of the development on the Epping Forest Special Area of Conservation in accordance with policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

- 4 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 08:00 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.

- 5 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.

- 6 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plan 2102_L_083

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 [or DBE1 if structure is not a residential extension] of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Prior to first occupation of the development, measures shall be incorporated within the new 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 first occupation of the development hereby permitted the balcony screens shall have been fitted with obscure glass with a minimum privacy level 3 obscurity. 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.

- 9 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.

Reason: In the interests of highway safety, in accordance with policies ST4 and ST6 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 10 The parking area, including electric vehicle charging points, refuse and cycle stores shown on the approved plan shall be provided in accordance with the details on the approved plans prior to the first occupation of the development and shall be retained free of obstruction for the intended purposes in perpetuity.

Reason: In the interests of highway safety, in accordance with policies DBE9, ST4 and ST6 of the adopted Local Plan and Alterations 1998 & 2006, policies T1, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 11 All roof mounted plant shall be designed to not exceed the height above the new roof of any existing roof mounted plant above the existing building.

Reason: In the interests of general visual amenity and to accord with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatives: (1)

- 12 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.