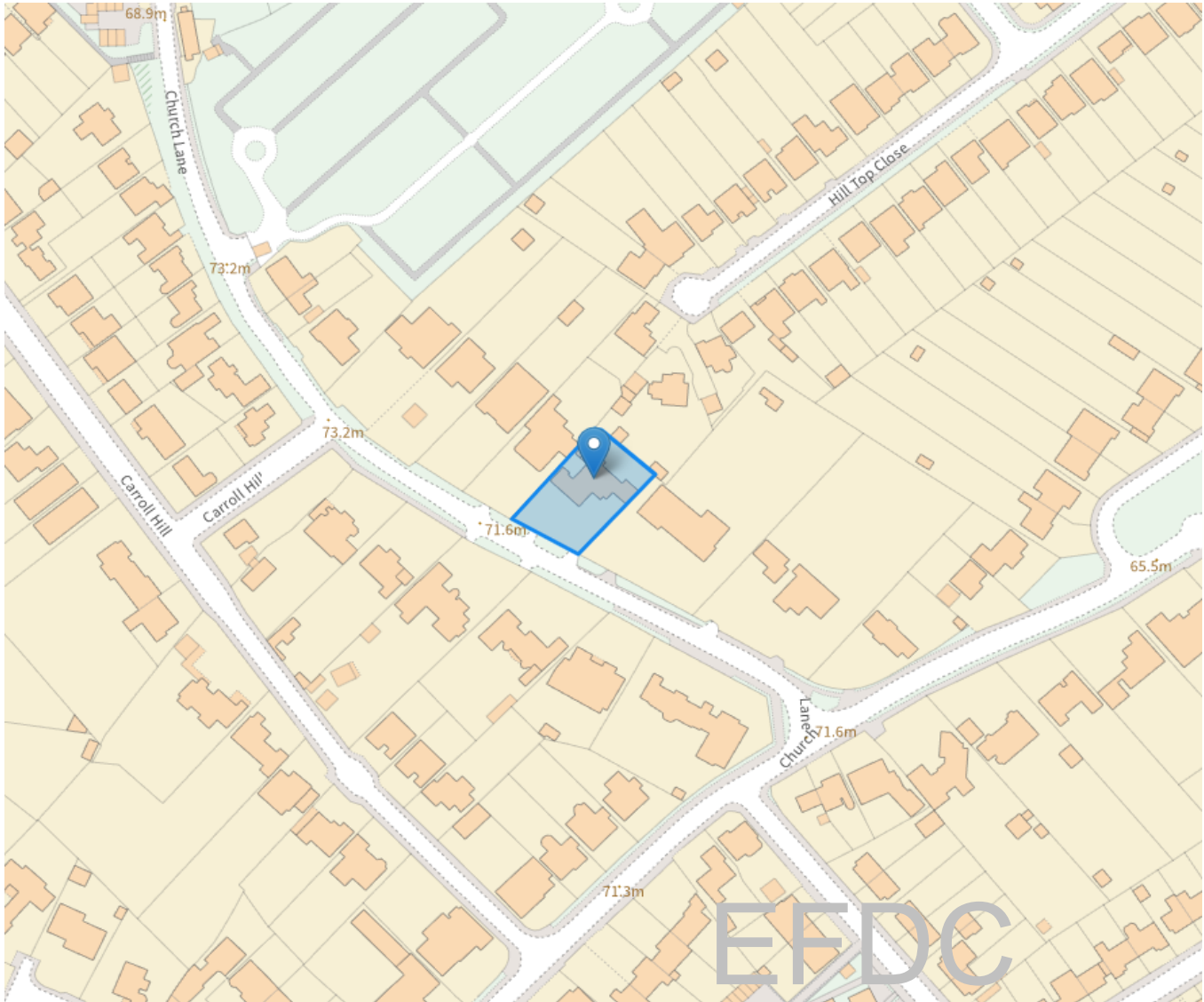




Epping Forest District Council

EFDC



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Application Number:	EPF/2475/22
Site Name:	40 Church Lane Loughton IG10 1PD

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OFFICER REPORT

Application Ref: EPF/2475/22
Application Type: Full planning permission
Applicant: Mrs R Chohan
Case Officer: Muhammad Rahman
Site Address: 40, Church Lane, Loughton, IG10 1PD
Proposal: Demolition of existing Bungalow and the erection of 2 No Detached Dwelling Houses
Ward: Loughton St. John's; Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UUd5>
Recommendation: Refuse

This application is before this Committee since the application is objected to by Councillor Howard Kauffman in a purely personal capacity; (Pursuant to The Constitution, Article 10 District Development Management Committee and Area Plans Sub-Committees)

Site and Surroundings

The site comprises of a detached bungalow located within a built-up area of Loughton. It is not listed nor in a conservation area or a flood zone. There are no protected trees on site. The site also lies some 685m away from the Epping Forest.

Proposal

The proposal is for the demolition of existing bungalow and the erection of 2 Detached Dwelling Houses.

Relevant Planning History

None relevant, most recent dates back to 1976.

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023):

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies within the current Development Plan are considered to be of relevance to this application:

SP1 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
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM17 Protecting and Enhancing Watercourses and Flood Defences
DM18 On Site Management of Wastewater and Water Supply
DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

Epping Forest Local Plan (1998) and Alterations (2006):

On the 06 March 2023 at an Extraordinary Council meeting, it was agreed that 'on adoption of the Epping Forest District Local Plan 2011–2033 and following the end of the six-week period for legal challenge that the following Development Plan Documents and associated Proposals Maps are revoked and should not be used for decision-making:

- a) Those policies of the Epping Forest District Local Plan adopted January 1998 that had not previously been replaced; and
- b) Epping Forest District Local Plan Alterations adopted July 2006'.

The relevant policies from these documents are listed below:

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
U3B Sustainable Drainage Systems
DBE1 Design of New Buildings
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. The following paragraphs are considered to be of relevance to this application:

Paragraphs 126 & 130
Paragraph 180

Summary of Representations

Number of neighbours Consulted: 10. 7 response(s) received.
Site notice posted: Yes.

1 & 2 HILLTOP PLACE, 11 HILLTOP CLOSE, 11 PRIORY ROAD, 38, 39 & 40 CHURCH LANE & LRA
PLANS GROUP – Objections – Summarised as;

- Overshadowing;
- Cramped development/Overdevelopment;
- Out of Character;
- Impact on Street Scene;
- Highway Safety/Parking Provision;
- Overlooking/Loss of privacy;
- Loss of light;
- Loss of bungalow;
- Air/noise pollution;
- Loss of green space/trees;
- Disturbance from construction phase;
- Sustainability and
- Impact on EFSAC.

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of three letters of objection. A member of the public with an interest in this application addressed the meeting.

The Committee OBJECTED to this application stating it would be a serious overdevelopment of the site and out of character, resulting in a negative impact on the street scene.

Members noted that no Arboricultural Impact Statement had been provided and expressed concern for the loss of the attractive trees and greenery to the frontage of this property. The Committee drew the attention of the Planning Officer to the Tree & Landscaping Officer's holding objection in respect of this application.

This part of Church Lane is characterised by large houses that are well set back with substantial gardens to the rear. The existing bungalow does not have such a large rear garden. Members understand that much of the original garden now formed part of No 2 Hill Top Place; thus, reducing the development options for the bungalow. Squeezing in two houses would be out of character with the area.

The proposed two dwellings are pushed forward of the building line, which would be unacceptable and impact heavily on the setting of No 42 Church Lane.

The loss of this bungalow would reduce housing choice, particularly for people with disabilities, which is contrary to the council's policy on mixed and balanced communities.

The proposed houses were poorly designed, lacking character, and were much inferior to the adjacent residences. They would be out of keeping and detrimental to the special character and architectural interest of Church Lane. The proposed three storey houses would result in direct overlooking into the garden and rear windows to No 2 Hill Top Place, which sits to the rear, much closer than any of the other dwellings to this part of the rear of Church Lane. Their privacy and setting are protected by reason of the existing building being a bungalow. The proposal would be overpowering to the occupiers of No 2 Hill Top Place.

The proposed extra property on this site would place extra stress on the EF SAC. 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 Loughton Town Council Planning & Licensing Committee – 21 November 2022 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.

Finally, the Committee supported the comments of the LRA Plans Group regarding the “principle of demolishing the dwelling and embedded carbon”, and the effects on climate change that result.

Planning Considerations

The main issues for consideration in this case are:

- a) Whether the loss of bungalow is justified;
- b) The impact on the character and appearance of the locality;
- c) Highway safety and parking provision;
- d) Standard of Accommodation;
- e) The impact to the living conditions of neighbours;
- f) The impact on trees and landscaping; and
- g) The impact on the Epping Forest Special Area of Conservation.

Loss of Bungalow

The West Essex and East Hertfordshire Strategic Housing Market Assessment (2015) recognises that there is an ageing profile of the district’s population over the Plan period as set out in the preamble to Policy H1 (E) of the LP. Policy H1 (E) of the LP seeks to protect the loss of bungalows. This is so that those with accessibility needs can continue to be supported by bungalow accommodation. The Council considers that bungalows can play an important role in their potential ease of adaptation such that they can provide choice for people with accessibility needs, including current and future needs of older people. The loss of bungalows is therefore not supported by the Council. This is consistent with the Framework’s aim of delivering housing of differing sizes and types to meet the needs of different groups in the community, including older people as set out in Para. 62 of the Framework.

The Council accepts that the proposal would be accessible and would probably comply with Part M of the building regulations. However, this is a requirement for all new homes as set out in Policy H1 of the LP. Therefore, this is a general requirement of new development and is not in any way unique to this proposal. Furthermore, the retention of bungalows is not simply about ensuring a supply of accessible homes, but also a mix of different size and types of dwellings. The cumulative loss of bungalows would, over time, harm the Council’s objectives of maintaining and increasing the supply of units that are suitable for older residents.

Whilst the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 (GDPO) is acknowledged to provide scope to add an additional storey under Class AA this is subject to a process which requires prior approval as to the matters set out in AA.2(3)(a)(i) to (iv) which includes an assessment as to impact upon the amenity of any adjoining premises as well as external appearance. Such matters should be formally determined in the prior approval route. However, please note that the Council will not accept an academic Prior Approval for Class AA as a fallback position, unless it is fully implemented.

For these reasons, the proposal would adversely affect the supply of housing for older residents. It would therefore conflict with Policy H4A of the adopted Local Plan, and Policy H1 of the Epping LP 2023. The scheme would also conflict with the Framework’s aim of providing a range of housing to meet the needs of the community as per Para. 62.

Character & Appearance

Housing along this wider locality varies in terms of plot sizes, building types, designs and materials. However the immediate stretch of Church Lane in which the application site resides is characterised by large detached dwellings in large plots.

The proposed development is of a simple design however would introduce two significantly smaller dwellings onto this site. Due to this, and given the restricted size depth of the site (due to the rear part being previously sold off for development), the proposal would result in a cramped overdevelopment of the site with insufficient spacing and dwellings positioned significantly forward of the building line. This would be harmful to the character and appearance of the street scene and wider area.

Highway Safety

With regards to the parking arrangements for the proposed dwelling, 2 car parking spaces are required for a 2 bed+ dwelling in line with the Councils adopted parking standards (Essex Parking Standards 2009), which the proposal would meet. It is also noted that no objection has been received from the highways officer, so it is considered that there would be no detrimental impact to the safety operation of the highway network. Accordingly, the proposal complies with Policies ST4 and ST6 of the LP, Policy T1 of the LPSV, and Paragraphs 110 and 111 of the Framework.

Standard of Accommodation

The proposal would exceed the National Described Space Standards for a 4 bed-7/8-person dwelling (124m²) at some 260m² and have a functional external amenity space of approx. 150m² with a reasonable outlook for future users of the dwellings, and light levels given its orientation towards the southwest.

Living Conditions

Both dwellings would be sited some 12m away from the rear garden to No. 2 Hilltop Place. This is further than the existing building which sits some 7m at its closest point. Officers note the concerns raised re potential overlooking to the rear garden, however, this an urban area where most rear gardens are overlooked. As such, there would be insufficient grounds to refuse in this regard. Too add the proposed dwellings would be sited further away from the rear garden of No. 2 and given its orientation toward the southwest any overshadowing or loss of daylight to the rear garden would be of limited impact.

With regards to the impact on No's 38 & 42, the proposed dwellings would be sited in front of No. 42 and closer to the footprint of No. 38. Both these dwellings are of substantial construction heavily extended. As such, it is not considered that there would be any material harm to their living conditions, in terms of loss of light, overshadowing, loss of privacy, overbearing and visual impact.

Trees and Landscaping

The Councils Tree officer has raised an objection as it has not been demonstrated that the proposal could be implemented without a detrimental impact on the existing trees on or adjacent to the site. This matter cannot be overcome by way of a condition.

Epping Forest Special Area of Conservation (EFSAC)

A significant proportion of 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 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 Impact Pathways whereby development within the Epping Forest District is likely to result in significant

effects on the EFSAC. The Impact Pathways 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 Impact Pathways identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Impact Pathways 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 (air quality).

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and air quality Impact Pathways and concludes as follows:

- 1) The site lies within the 0-6.2km zone of Influence as identified in the adopted Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach). In addition, the site lies within the parish of Loughton. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- 2) The development would 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 and air quality.

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 the above.

Stage 2: 'Appropriate Assessment'

Recreational Pressure

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. 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.

Notwithstanding the above, in the absence of a completed s106, the Council are unable to secure the required mitigation measures.

Conclusion

The Epping Forest District Local Plan 2011–2033 was adopted on the 06 March 2023. As agreed by the Local Plan Inspector, when considered against the stepped trajectory the latest 5-year housing land supply, including a 20% buffer, stands at 5.4 years. Therefore, the plan makes sufficient provision for housing over the plan period and takes a practical and sound approach towards housing delivery and the housing trajectory. There is adequate evidence to indicate that a 5-year supply of housing will be maintained. The plan delivers an appropriate provision for affordable housing, older people, specialist housing, Gypsy and Traveller accommodation and accessible homes to meet the identified needs of different groups.

As such, the Council can demonstrate a five-year supply of land for housing and therefore the ‘tilted balance’ as set out in paragraph 11 of the NPPF is not engaged.

For the reasons set out above, having regard to the matters raised, it is recommended that planning permission be refused.

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 | 01992 564415

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

Refusal Reason(s): (4)

- 1 The proposed development would result in the demolition of the existing bungalow and creation of 2 two-storey dwellings with roof accommodation. The proposal by reason of the loss of the bungalow fails to comply with the requirements of Policy H4A of the Local Plan 1998 & 2006, Policy H1 (e) of the Epping Forest District Local Plan 2011 – 2033 (2023), and Paragraph 62 of the NPPF 2021. These policies seek mixed and balanced communities, which the proposed development would conflict with.
- 2 The application has failed to demonstrate that the proposal can be implemented without a detrimental impact on the existing trees/on adjacent to the site. The proposal is therefore contrary to Policies DM3 & DM5 of the Epping Forest District Local Plan 2023, and Paragraph 180 of the NPPF 2021.

- 3 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policies DM2 and DM22 of the Epping Forest District Local Plan 2023, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.
- 4 The proposed development would result in a cramped overdevelopment of the site with insufficient spacing and dwellings positioned significantly forward of the building line, which be harmful to the character and appearance of the street scene and wider area contrary to Policies CP2 and DBE1 of the Local Plan 1998 & 2006, policies DM9 and DM10 of the Epping Forest District Local Plan 2011 – 2033 (2023), and the guidance contained within the NPPF 2021.

Informatives: (2)

- 5 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 6 This decision is made with reference to the following plan numbers: Location Plan, Proposed Block Plan, 6489/1, 6489/2, 6489/3, 6489/4, 6489/10, and 6489/20.