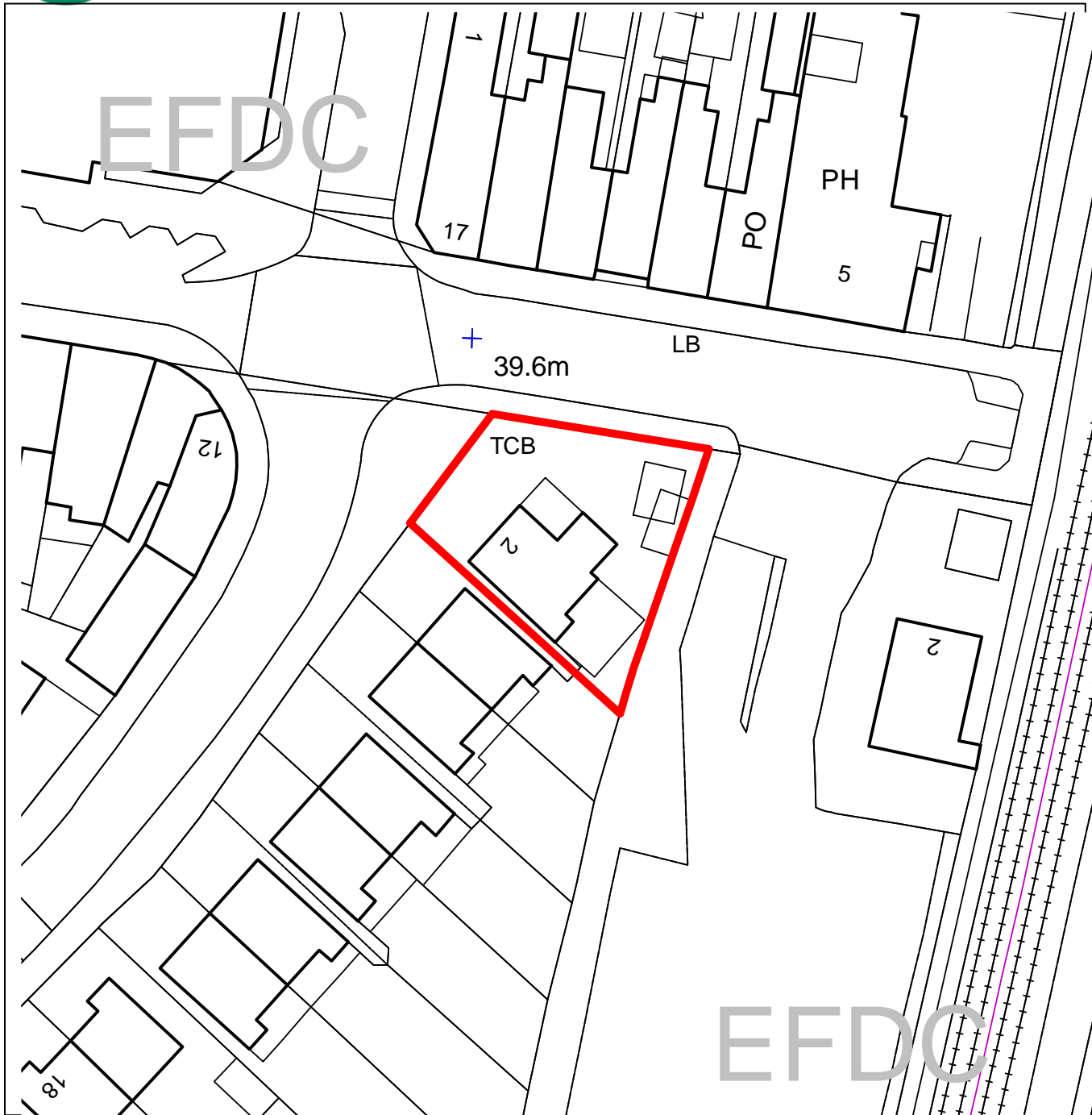




Epping Forest District Council



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Application Number:	EPF/2378/19
Site Name:	2 Princes Road Buckhurst Hill IG9 5EG
Scale of Plot:	1:500

Report Item No: 9

APPLICATION No:	EPF/2378/19
SITE ADDRESS:	2 Princes Road Buckhurst Hill IG9 5EG
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr J Davis
DESCRIPTION OF PROPOSAL:	Proposed replacement of a single dwelling with a new building consisting of x 2 no. commercial units and x 6 no. fully accessible apartments. (Revised application to EPF/0632/19).
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=628980

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 349-PL-01 Rev B, 349-PL-02 Rev B, 349 -PL-03 Rev B, 349-PL-04 Rev B, 349-PL-05 Rev B, 349-PL-07 Rev B, 349-PL-08 Rev B and 349-PL-09
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 The window opening(s) in the south west elevation (marked as elevation D on plan number 349-PL-07) shall be fitted with obscured glass with a minimum Level 3 obscurity to the extent as outlined on the same plan and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 The ground floor units shall only be used as Class A1/A2 and A3 (known as Class E from 1st September 2020) as shown on the approved ground floor plan 349-PL-02 and for no other purpose (including any other purpose 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.

- 6 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. These works shall be carried out as approved. 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, unless the Local Planning Authority gives its written consent to any variation.
- 7 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 such agreed details.
- 8 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.
- 9 No development shall commence until 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 have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 10 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its

remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.
- 13 No ground works shall take place until details of levels 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.
- 14 Additional drawings that show details of proposed new windows, doors, eaves, verges, fascias, cills and shopfronts by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
- 15 Details of privacy screens (with a minimum height of 1.7m) to the south side of the balconies serving flats 2 and 5 shall be submitted and agreed in writing by the Local Planning Authority prior to first occupation. The agreed screens shall be installed prior to first occupation and shall be permanently retained in that agreed position and form.
- 16 The A1/A2 use hereby permitted shall not be open to customers / members outside the hours of 8am to 6.30pm on Monday to Saturday and 10am to 4pm on Sundays and Bank Holidays.
- 17 The A3 use hereby permitted shall not be open to customers / members outside the hours of 8am to 10.30pm on Monday to Saturday and 10am to 8pm on Sundays and Bank Holidays.
- 18 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.

- 19 The cycle store hereby approved shall be retained so that it is capable of allowing the storage of bikes, and shall at no time be converted into a room or used for any other purpose.
- 20 No air conditioning units or extraction systems shall be installed without the prior written approval of the Local Planning Authority.
- 21 Prior to any above ground works a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. This shall include an agreed timescale for implementation and the approved scheme shall be implemented in accordance with the approved timescale.

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 corner site located at the junction of Princes Road (which the site fronts) and Queens Road which sides onto the application site. The site slopes away to the rear with vehicular access to the underground carpark backing onto the site. There is an existing dwelling on the site, which is a heavily extended detached bungalow with dormers/roof extensions to three sides. The site lies just outside of the Small District Centre Buckhurst Hill boundary and is the end dwelling within a row of residential properties which extend to the south and on to the residential area of Buckhurst Hill. On the three remaining corners of the junction commercial units occupy the ground floor with flats above (except for at Waitrose). The site is not within a Conservation Area or the Metropolitan Green Belt.

Description of Proposal:

The application seeks consent for the demolition of the existing dwelling and replacement with a new building consisting of x 2 no. commercial units at ground floor and x 6 no. 1 bedroom flats at first and second floor. The proposal includes a refuse area, bike storage, private amenity area. No car parking is proposed.

Relevant History:

Various extensions to the bungalow and most recently:

EPF/0632/19 - Proposed replacement of a single dwelling with a new building consisting of x 2 no. commercial units and x 7 no. apartments – Withdrawn

Policies Applied:

Local Plan (1998) and Alterations (2006)

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
DBE1 – Design of new buildings
DBE2 - Effect on neighbouring properties
DBE5 – Design and Layout of new development
DBE8 – Private amenity space
DBE9 – Loss of amenity
ST01 – Location of Development
ST06 – Vehicle Parking
LL10 – Adequacy of provision for landscape retention
TC6 – Local Centres

NPPF:

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.

Epping Forest District Local Plan (Submission Version) 2017

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 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.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy		Weight
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
E2	Centre Hierarchy/Retail Policy	Significant
T1	Sustainable Transport Choices	Significant
H1	Housing Mix and Accommodation	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 43

6 objections received:

4 and 6 PRINCES ROAD

11, 15 and 15A QUEENS ROAD

BUCKHURST HILL RESIDENTS' SOCIETY

Objections can be summarised as follows:

Overlooking and loss of privacy from windows and balconies, loss of light to windows and garden areas, disruption of construction process, inadequate parking when existing parking issues, obscures views, sense of enclosure to junction, not in keeping with surrounding bungalows, location of bin store adjacent to shared boundary, there are existing empty shops, noise from commercial deliveries.

BUCKHURST HILL PARISH COUNCIL: Objection – Overdevelopment of the site, serious impact on the streetscene, overbearing on neighbouring bungalows, concerns on loss of single storey accommodation in the Parish, inadequate size of commercial units appears to have been addressed, total lack of parking spaces for residential and commercial units.

Main Issues and Considerations:

The main issues are considered to be the principle of the development in light of the draft SVLP policies, Design, Impacts on Amenity, Highways and Parking and impact on the SAC.

Principle of Development

Loss of Bungalow

Policy H1 of the SVLP resists the loss of bungalows, and the justification behind this policy is so that bungalows are retained to meet the needs of those that require level living accommodation. In this case, although originally a bungalow, this dwelling has been extended to a significantly large degree so that it has a full first floor with bedrooms and bathroom. It is considered that this dwelling can no longer be classed as a bungalow in the definition that is the spirit of policy H1 and therefore the loss of this dwelling is not contrary to policy H1.

In addition, the proposed flats will be accessible by lift, providing an alternative level living accommodation.

Small District Centre

Within the Places chapter of the SVLP the vision for Buckhurst Hill is set out which includes: *'provide varied employment...as part of a successful and prosperous High Street. New opportunities for wider employment uses will be maximised.'*

This application site located just outside of the small district boundary is considered to offer both employment opportunities (by way of the proposed two commercial units) as well as aid to the vitality and viability of the centre (by way of additional residential units) to support a more prosperous High Street. Although just outside of the small District boundary, the location is considered to complement this eastern side of Queens Road improving the general streetscape by adding animation/active frontage and a continuation of the centre along this well used pedestrian route.

It is noted that the proposed allocated site BUCK.R2 (Queens Road Car Park) is directly to the rear of the site. The proposal is not considered to prejudice the future development of this site. There is a reference within Appendix 6 of the SVLP for BUCK.R2 that states: *'Development proposals should consider incorporating retail uses at the ground floor level, where they would complement the offer of the adjacent Small District Centre'*. It is considered that this sentiment for the adjacent site is equally applicable to this application site.

Design

The design of the proposal has been amended since the previously withdrawn submission and the Council's Urban Design Officer aided discussion, through pre-application, in bringing the current proposal forward in its current form.

The proposal is considered to result in a contemporary addition to this fourth corner of the junction whilst maintaining the historic proportions and detailing evident at No. 17 Queens Road (corner with junction with Victoria Road) and No. 12 Queens Road (opposite corner with the junction with Princes Road) which it is noted is Locally Listed.

The proposal is considered to result in an acceptable addition to this part of the streetscene of Queens Road (particularly apparent on the submitted Artist Impression (349-PL-09)). The angular detail which addresses the corner positioning, is visible on all three existing corners of this junction, with the 'Queens Buildings sign at No. 17, curved façade and dormers at No. 12 and the gable and clock detailing at the Waitrose building.

This scheme addresses this corner detailing by not mimicking, but with the addition of the central projection bay with raised pediment above creating a focal point to the building in a similar form to the others on this junction.

The scale and proportion of the proposal respect the scale and form of this part of the streetscene and additionally detailing for the shop fronts has been well thought out using the traditional fanlight detailing as evident on the locally listed buildings at the lower end of Queens Road and detail such as this can be conditioned to ensure they are carried through to the end development.

Material choices have been put forward as part of the application and include multi yellow London stock brick and aluminium windows, which respect the surrounding buildings whilst appearing contemporary. Again, this can be conditioned to ensure that the materials proposed are those used in the built development.

Although the proposal is considered in proportion to and respectful to this part of the streetscene at the junction, the proposed scheme is adjacent to a bungalow (No. 4 Princes Road). Clearly there is an obvious visual difference between the bungalow at 4.8m in height to the proposal with a maximum height of 9.2m. However, this large difference is considered to have been effectively addressed by a set in from the shared boundary by 1m, with a single storey element with a eaves height of 2.7m and max height of 4.5m) with the main three storey element set in some 4.6m from the shared boundary. In addition, the site is at a lower level than No. 4 Princes Road by 0.6m (this could be ensured by a site levels condition). The proposal results in a substantial step up from bungalow to three storey property, but the above (coupled with the fact it is a flat roof (so no additional roof height) is considered to provide sufficient mitigation to prevent this proposal disrupting the appearance of the streetscene. It is also noted that the connectivity to the other three corners of this junction will help to reinforce this visual gap between the bungalow at No. 4 and the application site.

To the rear the proposal will face square onto the access to the car park. This elevation has balconies and windows with attractive detailing and provides interest to this car park area whilst providing an active frontage to this, otherwise poorly overlooked area.

Impact on Amenity

The nearest neighbouring property is No. 4 Princes Road, the adjacent bungalow. The proposal will clearly have some impact on this property given its overall size. However, the existing situation is less than ideal with the existing dwelling at two storey in height 0.8m away from the shared boundary. In addition, to the rear is a large existing first floor terrace which extends to the rear boundary. Perversely, the proposal although taller than the existing by 4m is set 4.6m from the shared boundary which is considered to improve outlook to the rear of No. 4 Princes Road. Given this distance (and the angle of the site) the 45 degree rule is met and it is considered that outlook is improved.

No. 4 has a side entrance to the bungalow but this will remain unaffected by the proposal given there is no impingement onto No. 4's land and the 0.8m set in from the shared boundary will ensure there is no excessive sense of enclosure.

There may be a loss of light to No. 4, but given it is to the south of the proposal this is not considered significant. In terms of overlooking all side windows will be obscure glazed in full or to a height of 1.7m and this will prevent any loss of privacy to No. 4 and further along Princes Road. Although not shown on the submitted plans screens could be positioned at the southern edge of the balconies that serve Flat 2 (first floor) and Flat 5 (second floor) to avoid any potential overlooking to the rear of properties on Princes Road.

With regards to loss of light to flats on the opposite side of the road – with regards to the flats above No. 12 Queens Road, given that these are on much higher ground level, an 18m separation distance and the orientation of the application site it is not considered a significant issue. With regards to the flats above No. 17-13 again there is a separation distance of some 13m and this

coupled with the lower roof form is considered to not result in an excessive loss of light to these flats.

Balconies will face the flats and commercial units and 13-17 Queens Road, but as above the separation distance is such coupled with this location within the busy local district centre is considered acceptable.

Conditions can be added with regards to opening times so that noise is controlled – the application form has suggested the following:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays
A1 - Shops	Start Time: 08:00 End Time: 18:30	Start Time: 08:00 End Time: 18:30	Start Time: 10:00 End Time: 16:00
A3 - Restaurants and cafes	Start Time: 07:30 End Time: 22:30	Start Time: 08:00 End Time: 22:30	Start Time: 10:00 End Time: 20:00

Following discussion with the Agent and with the knowledge that the two nearby Costa Coffees (Queens Road and Victoria Road) open at 8am Mon-Fri, the Agent has agreed to an 8am start time for the A3 use. Given this busy town centre location it is not considered that these opening times (with the adjustment to 8am) are unreasonable and the more modest Sunday and Bank Holiday times are considered particularly neighbourly.

Details of any air conditioning/extraction units etc. which may cause any noise or nuisance can also be conditioned so that the Council has control over what may be installed in the future.

With regards to the amenity of future occupiers, all the flats have direct access to a balcony and in addition there is a small amenity area to the rear of the block which will provide extra space. The amount provided is acceptable for this town centre location and in addition there is nearby access to forest land etc. for additional recreational purposes.

Highways and Parking

The application was accompanied by a Transport Statement and Transport Assessment. The proposal complies with the ethos of SVLP T1 which states reduced car parking, including car free, development in sustainable locations will be supported. This is a sustainable location, within minutes walk to the underground station and the shops and services provided by Queens Road and surroundings.

The Highways Officer has no objection to the proposal and has noted that:

The applicant has undertaken a parking beat survey which demonstrates to the satisfaction of the Highway Authority that any off-street parking that results from the development will not have a detrimental impact upon highway safety within the vicinity. The Parking Standards Sept 2009 also state that parking provision can be reduced in urban areas well served by other sustainable modes of transport. Consequently, there are no highway grounds for objecting to the proposal.

SAC and Air Quality

The site is within the 3.2km buffer around the Epping Forest Special Area of Conservation (SAC) with Knighton Woods/Lords Bushes just some 160m from the site. Due the proximity to the SAC, a contribution towards recreational mitigation is required for any new dwelling (set at £352) and the applicant is in agreement to enter into a legal agreement for this contribution.

In addition to the requirement for a contribution towards mitigating against recreational pressures, all new developments within the District that result in additional car movements require mitigation to alleviate the air quality issues within the SAC. At present negotiations as to what this mitigation may be are ongoing with Natural England. However, in this case the proposal does not include any car parking and this in itself will discourage car ownership. A Transport Statement and Transport Assessment accompanied the application and the findings can be summarised as follows:

- The site is located less than 200m from Buckhurst Hill Station and as clear from above on the edge of the shops and services provided by Queens Road.
- The submitted reports have used the Merton Methodology which uses 200m as the maximum distance that people are normally willing to park their car to walk to their house.
- Surrounding parking within 200m is all restricted in some way (permit/chargeable).
- The nearest unrestricted parking is 350m away.
- The reports have indicated that undue parking stress would not be generated by the proposal in any event.
- The commercial units are not destinations in their own right but 'add on' so unlikely to generate significant numbers of separate car trips.

After a thorough assessment of the reports submitted, along with the specific merits of this proposal it is considered that the proposed scheme complies with SVLP policy DM22 and mitigation (beyond the circumstances of the application) is not required. This is considered acceptable on the proviso that a condition is added ensuring that future residents are made aware of the restriction (i.e. no entitlement to parking permits) and following discussion with the Applicant they are willing to implement this.

Conclusion:

Given the above discussion, approval subject to a legal agreement is recommended.

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