
Appeal Decision

Site visit made on 4 October 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 December 2016

Appeal Ref: APP/J1535/W/16/3152224

Bridge House, Roding Road, Loughton, Essex IG10 3ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Rekha Galot against the decision of Epping Forest District Council.
 - The application Ref EPF/1997/15, dated 11 August 2015, was refused by notice dated 2 March 2016.
 - The development proposed is the demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block at Bridge House, Roding Road, Loughton, Essex IG10 3ED. Permission is therefore granted in accordance with the terms of the application, Ref EPF/1997/15, dated 11 August 2015, subject to the conditions set out in the schedule to this decision letter.

Application for costs

2. An application for costs was made by Mrs Rekha Galot against Epping Forest District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether or not the proposal would comply with the spatial strategy of the National Planning Policy Framework (the Framework) and the Local Plan in terms of minimising flood risk.

Reasons

4. The appellant's site specific Flood Risk Assessment (FRA) indicates that the site lies within Flood Zone 2. Paragraph 100 of the Framework advises that development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 goes on to state that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding, and that it should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Framework also makes it clear that consideration should only be given to whether the development could be made safe and not increase the risk of flooding elsewhere through a FRA if there are no other sites with a lower flood risk available.
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5. The submitted Sequential Test looked at a significant number of sites within the Epping Forest district, with sites being identified from the 2012 Strategic Housing Land Availability Assessment (SHLAA), updated with sites listed in the April 2014 five year housing land supply schedule.
6. However, given the age of these documents which identified the sites looked at in the Sequential Test, other sites may well have come forward or could have been reasonably identified, since they were published.
7. The Council have stated that large areas of Loughton and neighbouring urban areas are within Flood Zone 1 (and are therefore sequentially preferable) and not located within the Green Belt with much of the development permitted being infill development. However, the Council have not provided any details of such comparable sites.
8. Instead, the Council have only identified three larger sites where housing may be located (Queens Road, Buckhurst Hill; Loughton car park, Old Station Road; and Debden car park, Chigwell Lane) indicating that the level of development could be accommodated on part of those sites. Whilst these sites could clearly accommodate the appeal development on part of the site, there is no evidence to demonstrate that this would be a feasible or a realistic prospect, bringing significant doubt as to whether any of these would be available as an alternative to the appeal site.
9. As I understand it, there is a considerable under-supply of housing land in the District which is clear from appeal decision APP/J1535/W/15/3132062. To my mind this emphasises the need to find suitable sites for new residential development.
10. In the absence of any credible information to the contrary, I can only conclude that there are no sequentially preferable sites reasonably available for the development and therefore the Sequential Test is satisfied.
11. The Council, in their reason for refusal, have also stated that the submitted FRA does not demonstrate adequate flood resistance. However, the officer's report does not consider this matter and no other evidence has been forthcoming to support that claim. The Council's Engineering, Drainage and Water team considered the submitted FRA and they agree with its findings in principal, recommending that planning conditions be attached should permission be forthcoming. I have no reason to disagree with that view.
12. For the above reasons, the proposed development would not give rise to an unacceptable level of flood risk for the future occupants of the development nor would it increase flood risk elsewhere if the recommendations of the FRA are complied with. Consequently, the development would accord with Policy U2A of the Epping Forest District Local Plan (1998) and the Framework.

Other matters

13. I have also had regard to the comments made in the representations, including matters relating to the design, height, parking and highway safety matters.
14. In relation to the design and height of the proposed building, the site is relatively isolated given its location surrounded by playing fields and landscaping. Given its setting, I agree with the Council that the proposal would not have an adverse impact on the character and appearance of the area, or

the views from the existing residential properties opposite, as a result of its modern flat roof design and increased height (over and above the existing dwelling).

15. In relation to the parking and highway safety aspects, the development would provide for 1 parking space for each flat. Given the location of the site, with easy access to excellent public transport links and other services, I consider that the provision of 1 space per flat is an acceptable level of parking. The access point gives good visibility to traffic in both directions and would provide a safe and suitable access to the site for all people.

Conditions

16. In the absence of any suggested conditions from the Council, I have considered the scope of the conditions recommended in the consultation responses to the application. I have also considered the limited materials details on the application form.
17. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. I also consider that conditions relating to external materials and hard and soft landscaping are appropriate in the interests of the character and appearance of the area. It is also necessary to ensure that the trees on site are protected during the construction works, and that utility services do not damage the root systems of the retained trees.
18. In the interests of highway safety, it is necessary to ensure that the parking spaces shown on the plans are implemented in a timely manner and that the redundant parts of the existing access are closed.
19. Essex County Council, as Highway Authority, has requested a condition relating to the set back of any gates from the carriageway. Whilst such a requirement is necessary in the interests of highway safety, given the location of the parking spaces, it would not be practical to have any gates across the access.
20. The Highway Authority has requested conditions relating to a residential travel information pack and the discharge of surface water. However, I do not consider that these conditions are necessary owing to the location of the site and its limited scale, and that the site is at a lower land level than the adjoining highway.
21. With the exception of the tree protection measures, including details of the utility apparatus and the location of temporary construction buildings and storage areas, it is not necessary for any of these to be pre-commencement conditions. It is necessary for these elements to be agreed prior to works commencing to ensure that the trees are not harmed during the demolition and construction process.

Conclusions

22. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans – MDP.BH/22, MDH.BH/23 and MDH.BH/24.
- 3) Prior to the commencement of the construction of the external surfaces of the building a schedule and samples of the materials to be used in the external surfaces of the building hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be carried out in accordance with the 'Bridge House Loughton Flood Risk Assessment, Ref 632 Revision Final 1, dated 19/03/2015, by EAS and the drainage strategy submitted with the application. The flood risk mitigation measures shall be fully implemented prior to the first occupation of any part of the development, or within any other period as may subsequently be first agreed in writing by the local planning authority.
- 5) Prior to the first occupation of any part of the development details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority.
- 6) All hard landscape works together with all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the flats or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No development shall take place until the tree protection fencing identified in the Arboricultural Report, including the Tree Protection Plan at Appendix A, has been implemented in full. During the period of construction works the protective fencing shall remain in place. All construction work within the identified ground protection and no dig construction areas shall be carried out in accordance with the recommendations outlined in the report unless otherwise first agreed in writing by the local planning authority.
- 8) No development shall take place until details of the location and alignment of any utility apparatus has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No development shall take place until details of the positioning of any site huts, temporary toilets, contractor parking, material storage areas and cement mixing is submitted to and approved in writing by the local planning authority. The construction works shall only be carried out in accordance with the approved details.
- 10) Prior to the first occupation of any of the flats, the access, parking and turning arrangements as shown on the approved plans shall be

implemented in full and retained for their intended purpose for the life of the development.

- 11) Within one month of the first occupation of any of the flats, the redundant vehicular crossover shall be stopped up through the raising of the existing dropped kerbs and the reinstatement of the footways and highway boundaries to the same line, level and detail as the adjoining footways.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no fences, gates or walls shall be erected across the access to the site.