

## AREA PLANS SUB-COMMITTEE SOUTH

22 August 2018

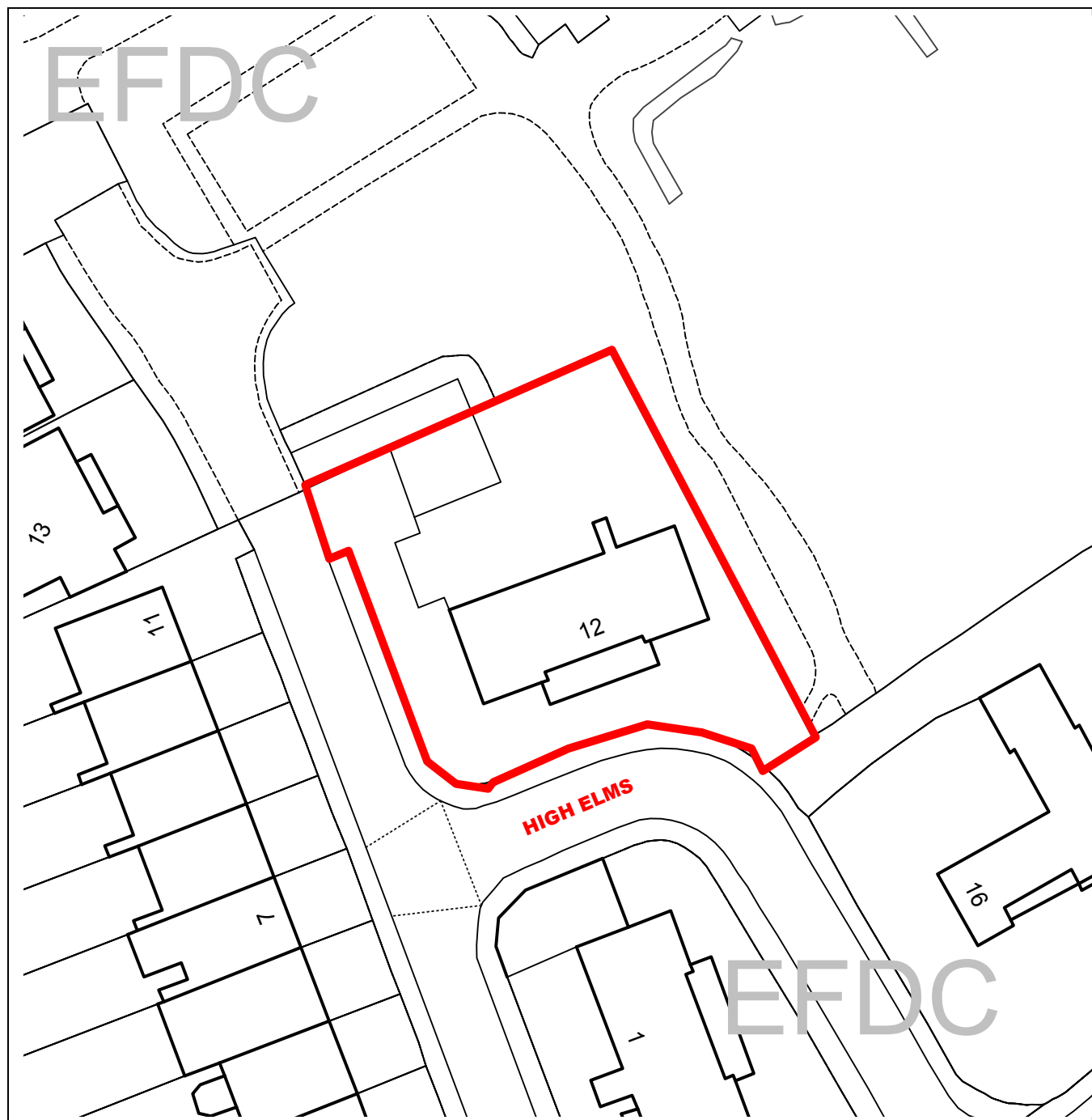
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/2758/17
Site Name:	12 High Elms Chigwell Essex IG7 6NF
Scale of Plot:	1:500

**Report Item No:1**

<b>APPLICATION No:</b>	EPF/2758/17
<b>SITE ADDRESS:</b>	12 High Elms Chigwell Essex IG7 6NF
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr Colin Medley
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing bungalow and replacement with 2 no. two storey dwellings with basements.
<b>RECOMMENDED DECISION:</b>	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=601074](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=601074)

**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 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes of the development, including windows and doors, and finishes to be used on boundary enclosures and driveways, have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been 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.

- 5 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 6 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 7 Details of measures to deal with surface water drainage shall be submitted to and approved by the Local Planning Authority before any work commences on site. Once approved these details shall be subsequently implemented in full on the site.
- 8 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation.
- 9 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 10 Prior to first occupation of the dwellings hereby approved measures to improve the ecological value of the site shall be implemented in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority.
- 11 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 noise, dust and dirt during excavation and construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  7. Details of how construction of the basement will be undertaken without adversely affecting the roots of nearby trees and the stability of the boundary wall around the plot.

- 12 The development hereby permitted will be completed strictly in accordance with the approved drawings numbered P-07 B; P-08; P-06 F; P-03 H, P-04 E; P-01 C; P-02 F; P-05 D.
- 13 The two houses hereby approved shall not be occupied until the internal lift linking all 3 floors in each of the dwellings has been constructed and is available for use.
- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards a) access management and monitoring of visitors to the Epping Forest SAC, and b) towards mitigation of air pollution in the vicinity of the Epping Forest SAC.**

*This application is before this Committee since the recommendation for approval is contrary to five or more objections received, which are material to the planning merits of the proposal.*

#### **Background:**

This application was deferred at the 25/4/18 meeting of this Committee in order that the applicants be given an opportunity to submit a Basement Impact Assessment and in order that officers assess any such submission, in accordance with the provisions of Draft Local Plan (Submission Version 2017) policy DM 12.

This report also now makes reference to the need for a S.106 agreement because of the changed requirements (since 25/4/18) in relation to mitigation of the effect of an additional dwelling on the Epping Forest Special Area of Conservation. It also summarises further comments received from a letter signed by residents living in 15 nearby dwellings, and the applicant's response to these further neighbour comments.

#### **Description of Site:**

A single storey dwelling located in a residential cul de sac leading out on to Manor Road near its junction with Vicarage Lane. The property is not listed nor does it lie in a Conservation area. It does however lie next to the boundary wall and gardens of listed mansion at Forest House.

#### **Description of Proposal:**

Demolition of existing bungalow and replacement with 2 detached two storey dwellings with basements.

#### **Relevant History:**

While there is no relevant history of planning applications on this property there have been long standing negotiations conducted in the last two years on two pre application proposals - the first of which was submitted in August 2016. Initially 4 houses were proposed, then 3, and the current application proposes two dwellings.

## **Policies Applied:**

### *Adopted Local Plan:*

CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New development  
HC12 – Development affecting the setting of Listed Buildings.  
DBE1 – Design of new buildings.  
DBE9 – Loss of amenity.  
ST6 – Vehicle parking.

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### *NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of 24th July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1 - Presumption in Favour of Sustainable Development  
T 1 - Sustainable Transport Choices  
H 1 – Housing mix and accommodation types  
DM 2 – Epping Forest SAC and the Le Valley SPA  
DM 7 – Heritage Assets  
DM 9 - High Quality Design

DM 10 - Housing Design and Quality  
DM 12 – Subterranean, basement development and lightwells.  
DM 21 - Local environmental impacts, pollution, and land contamination..  
DM 22 – Air Quality.

**Summary of Representations:**

CHIGWELL PARISH COUNCIL – No objections to this application.

NEIGHBOURS – 15 neighbours notified on the amended plans 12 objections have been received from nos. 4, 8, 9, 7, 16, 13, 2, 6, 17, 14, AND 5 HIGH ELMS and one from a trustee of FOREST HOUSE. Most of these respondents occupy 3 storey town houses that lie on the opposite side of High Elms, and the following objections have been received:-

1. The plot is too small and this is an overdevelopment of the existing bungalow
2. The proposal would detract from visual amenity in the street scene,
3. The proposal would remove the green verge around the existing bungalow
4. The proposal would create a mismatch of houses and a sense of enclosure
5. The increased ridge height would detract from our outlook over Forest House and its gardens
6. The proposal will cause overlooking and loss of privacy to our properties
7. The proposal will aggravate on street parking problems
8. Extensive basement excavation may cause subsidence on a sloping site built on clay, and may affect drainage and ground water flow.
9. There is no turning facility
10. The proposal will reduce sunlight to our homes
11. The bungalow was built to respect the boundary wall and setting of the listed Forest House whereas a two storey development will be intrusive.

Since the 25/4/18 Committee date a further objection letter signed by residents of 15 nearby houses has been received. A summary of the points made is as follows:

- a) the existing dwelling is a bungalow, and therefore policy H1F of the 2017 SVLP, which resists the loss of bungalows, should be given considerable weight,
- b) the proposed basement swimming pool and changing rooms are habitable accommodation and hence their provision breaches policy DM12D of the 2017 SVLP,
- c) the basement will involve deep excavation on a hillside and it is known that other properties eg no.1 High Elms, have been affected by subsidence in the past,
- d) the large and deep basement excavation will be close to the listed boundary wall of Forest House and could threaten the stability of this wall,
- e) the removal of the attractive green verge round the existing bungalow, and the rear garden, and the building of an additional dwelling on the site with large basement, will cause increased water run off and flood risk contrary to policy DM12A (ii),
- f) while the officers report states that 18m between the fronts of dwellings is acceptable (in terms of privacy and outlook), and not uncommon in London, the more open character of High Elms was a reason why residents have moved to this locality,
- g) permitted development rights should be removed if approval is granted for these 2 dwellings,
- h) the previous officers report did not take into account the extent of disruption that would be caused to nearby residents, many of whom are retired and will be in their homes during the working day,
- i) we reiterate that car lifts to 2 proposed basement car spaces for each dwelling is not a realistic or easy form of parking and occupants and their visitors could well park on the road,
- j) because of the narrow width of the road cars park on part of the pavement in High Elms and no turning point has been included in the scheme to replace the existing open drive to 12, High Elms which lies close to the gated entrance to Forest House,

k) we disagree with the planning officers report that turning the development round onto a west east axis improves visual amenity in the street scene - as you enter High Elms the flank of the proposed plot 2 house would be unattractive compared to the front elevation of the existing bungalow, and

l) we do not agree that an 18 month negotiation period represents a planning justification to allow the loss of the bungalow on the site.

The applicant has also made some comments on these latest objections and these are summarised below in the Issues and Considerations section of this report.

**EFDC CONSERVATION** - The proposal site is located within the setting of the grade II listed Forest House, an early 19<sup>th</sup> century stock brick house. The revised scheme has overcome the concerns we previously had and now meets our expectations in terms of design and conservation. The proposed replacement houses are not exceeding two storeys and are nicely recessed from the walled garden which will make them invisible when viewed from the listed building grounds. In addition, their overall design, featuring Georgian features, will make them blend in with neighbouring developments. This application is, therefore, recommended for approval with the following conditions:

- Photographic details of the external materials (including doors and windows) should be submitted to and approved by the LPA prior to the commencements of any works.
- Details of the surfacing and means of enclosure should be submitted to and approved by the LPA prior to the commencements of any works.

**EFDC LAND DRAINAGE SECTION** – No objection in principle. The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is required; therefore please add land drainage condition SCN85A, along with a condition requiring approval of surface water details.

**EFDC TREES SECTION** – The applicant has provided a tree report and we have no objections subject to conditions requiring tree protection details, provision of details of hard and soft landscaping, and proposals for dealing with excavated material.

### **Issues and Considerations:**

The plans originally submitted with this application showed two 2 storey houses positioned on a north – south axis. This layout meant that the side of the house on the western side of the plot, together with some high sections of side boundary walls, would have lied opposite the front elevations of modern 3 storey town houses on the opposite side of High Elms, and this side façade would have detracted from the street scene and from the approach to the gated entrance to the adjoining listed Forest House and its grounds. In addition, the more easterly house on the site would have lied just one to two metres away from the boundary wall with the grounds of Forest House, and it would have been an overly conspicuous and intrusive development when viewed from Forest House and its main front garden.

Following negotiations therefore the proposed two houses have been ‘spun round’ onto an east west axis and now the front elevations face the front of houses on the opposite side of High Elms. This arrangement improves the appearance of the proposal in the street scene. It also means that the two houses are located a lot further away from the boundary wall with the listed Forest House on the east side of the plot, and this factor, together with a reduction in the size of the first floor accommodation, means that the amended proposal has a far more respectful relationship with the listed Forest House, and its grounds and boundary wall.



The design of the two houses has also been revised on the amended plans received. The houses now have a mock Georgian appearance built of brick with low roofs and now have a more acceptable appearance in this locality.

As a result of these changes to the proposal the Conservation Officer has now withdrawn objections she made on previous proposals for this site, and her comments are set out above.

The relocation and reorientation of the houses away from the listed Forest House partly means that the fronts of the proposed two houses lie just 18m away from the fronts of the town houses opposite at nos. 8 to 11 High Elms. Objections have been received from some of the occupants of these houses on grounds of overlooking and loss of outlook. While a distance of 21m between front elevations is desirable an 18m distance between the fronts of houses is not uncommon in the District, and certainly in the London area, and it would not result in a significant loss of privacy that would justify a refusal of consent.

A car lift is proposed for each house to give access to a basement area providing two off street car spaces for each house, and also providing a small swimming pool and changing rooms for each dwelling. Provision for off street car parking is therefore acceptable.

Development of this site has been subject of protracted negotiations for over 18 months. However, the proposal does result in the loss of an existing bungalow which can be seen as contrary to the recently approved LPSV. Set against this is the fact that an additional dwelling is being achieved from the development, and it would be unreasonable and somewhat harsh to insist that the bungalow be retained after 18 months of negotiation on proposals to build houses on this site. In addition the two houses proposed will have lifts to all floors and hence will be suitable of occupation by the elderly, and set out in a paragraph below are other features that the applicant considers will make the proposed houses attractive to older occupants.

The existing bungalow on the site has an attractive unenclosed green verge on its two roadside boundaries. The green verge however lies in the application site, and although its loss is unfortunate the revised and improved design of the proposal, plus the additional house being provided, does provide a more than compensatory benefit.

Following the deferral of consideration of this proposal at the 25/4/18 Committee the applicant has submitted a detailed Basement Impact Assessment (BIA) and associated documents produced by consultants Site Analytical Services Ltd. This concludes that *the excavation and construction of the basement at the site has the potential to cause some movements in the surrounding ground if not properly managed. However, it is understood that ground movements and/or instability will be managed through the proper design and construction of mitigation measures during the works.* In this respect the applicant confirms that a King Post and Timber cantilevered support would be erected around the perimeter of the site, and the walls and slabs would then be built behind this supporting structure. He adds that the integrity of all peripheral structures, roads, pavements and boundaries would remain intact, and in this context peripheral structures would include the listed wall to the neighbouring Forest House on the north and east boundaries of the site. In addition the footprint size of the proposed basement has been reduced by some 20%, and as a result much of the basement wall will now lie further away from the listed wall on the east boundary of the site.

On a related issue neighbours are concerned that the proposed works at the site will create noise and disruption. While inevitably there will be some noise and disruption a condition was and is still proposed that a Construction Method Statement be submitted and approved before works commence on site. In this connection the applicant states that the structural frames of the proposed houses will be manufactured off site.

Since 25/4/18 the applicant has submitted further comments in support of his proposal, and partly in response to the further objections received from objectors summarised above. These are:

- a) some of the cars parked on the pavement outside his property should instead be parked in the drives or often unused garages in the town houses that lie opposite,
- b) the existing bungalow on the site is not suitable for occupation by elderly people because of its split level design, no level access, non compliant door widths and lack of turning space for wheel chairs, its 1960's design is not efficient in energy use either thermal or cost, and its 2 long frontages are vulnerable to intruders,
- c) in contrast the proposed two new houses will have a disabled lift to all levels, a level access, they are energy efficient, they include a wellness suite to aid fitness in old age, and they are secure by design with access control and CCTV,
- d) policy DM12D precludes habitable rooms in basements *in areas prone to flooding* - but this site is not prone to flooding and in any event the swimming pool, hot tub, and changing rooms proposed are not habitable rooms,
- e) in relation to basement excavation I will be living in one of the 2 proposed homes and my expertise is in structural and civil engineering which will be brought to bear in ensuring excavation will be conducted properly without damage/movement to nearby structures/the road,
- f) reference to other subsidence problems experienced in the road has not been caused by ground conditions but could only be caused by failure of design or poor workmanship,
- g) in terms of disruption to neighbours caused by construction works off site manufacture will reduce the construction period for the two houses to 9 months,
- h) the provision of a lift to basement car parking is not unrealistic and impractical since people (including myself as one of the residents of the two new houses) value security and safety for their cars, and in terms of car spaces the lift platform itself provides a 3<sup>rd</sup> off street car space.

Since 25/4/18 the requirements for new housing development to provide for access and management facilities for the Epping Forest Special Area of Conservation, and to assist in mitigation of air pollution in or close to the Forest, has changed i.e. the former now applies to any additional new housing within 6.2 km (and not 3km) of the Forest, and the latter applies to any new homes proposed in all of the District. As Members are aware the appropriate sums of money to provide for these two requirements has yet to be decided, and hence any consent for this development cannot be issued until these sums have been finalised to enable a S106 to be completed and signed.

### **Conclusions:**

For the reasons set out in the report above it is recommended that conditional planning permission be granted, but that this consent shall not be issued until an appropriate S106 agreement has been completed and signed.

***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: David Baker***

***Direct Line Telephone Number: 01992 564514***

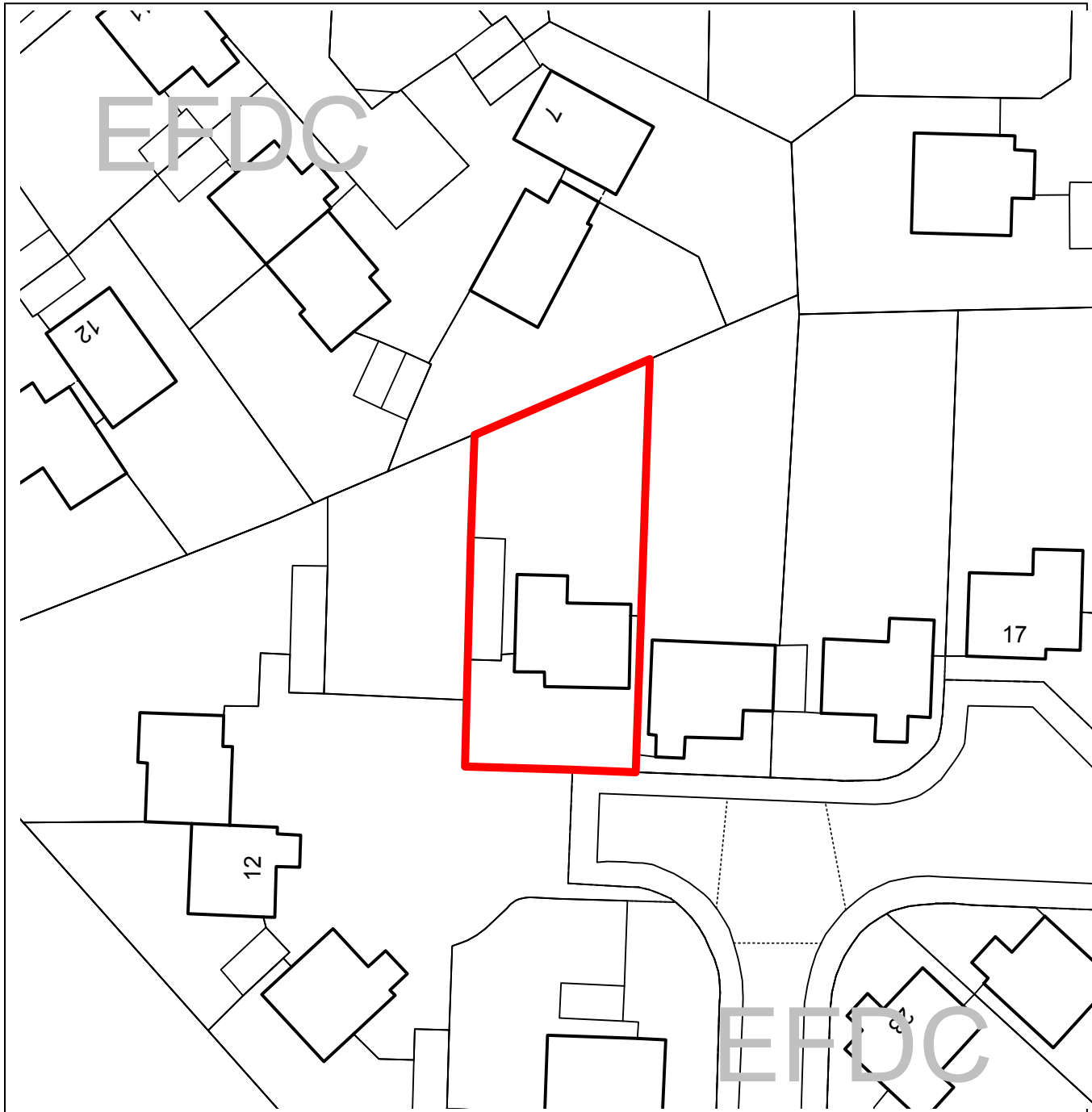
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/0612/18
Site Name:	14 Ely Place Chigwell Essex IG8 8AG
Scale of Plot:	1:500

**Report Item No:2**

<b>APPLICATION No:</b>	EPF/0612/18
<b>SITE ADDRESS:</b>	14 Ely Place Chigwell Essex IG8 8AG
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Nick Kelly
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side extension, part single and part two storey rear extension and division into 2 no. x 3 bedroom dwellings.
<b>RECOMMENDED DECISION:</b>	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=606497](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=606497)

**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 strictly in accordance with the approved drawings nos: 17307/SP rev A, 19116/01, 02, 03 rev D, 04 rev D, 05 revC and 08 rev A
- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been 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.

- 5 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No additional windows shall be installed in the first floor side elevations of the building without prior consent from the Local Planning Authority.

**...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards a) access management and monitoring of visitors to the Epping Forest SAC, and b) towards mitigation of air pollution in the vicinity of the Epping Forest SAC.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal, and it is for a type of development that cannot be determined by Officers if at least five objections have been received material to the planning merits of the proposal to be approved are received.*

#### **Description of Site:**

The application relates to a two storey detached property located at the northern end of the road, a cul-de-sac, and on the north side thereof. The property comprises a single dwelling with a detached garage on the west side. The original building is L-shaped with a two storey rear element and a dilapidated single storey conservatory squaring of the rear.

The surrounding area is wholly residential with predominantly detached properties in the immediate vicinity. Properties vary substantially in appearance but generally two storey as original. The site is level but land falls to the west such that the adjoining property the west is visibly lower.

An area TPO is in place including the application site.

#### **Description of Proposal:**

Permission is sought for part single, part two storey extensions at the side and rear and the sub-division of the resultant property into two houses. The side element extends the full depth of the existing dwelling and is two storey throughout. A gable end pitched roof is proposed as a continuation of the existing.

At the rear, a single storey element 3m deep is proposed adjacent to no.15 Ely Place, the first floor element being set in 3m. A further two storey extension is proposed 3m deep to the existing projecting element.

The resultant building will be converted into two three-bedroom houses which will entail minor changes to the existing internal layout and alterations to the front elevation including part removal of the canopy to the existing entrance. The frontage is also sub-divided, indicating space for two vehicles to each unit.

### **Relevant History:**

EPF/0904/08 New dwelling on land adjacent approved  
EPF/1671/11 Renewal of above approved, development completed and occupied by the applicant, this property is now 14a.  
EPF/3221/17 Two storey side extension, two storey rear extension, single storey front extension and division into 2 no. x 3 bedroom dwellings – refused on design and appearance of extensions, impact on neighbouring house, cramped frontage treatment and issues with accuracy of roof plan.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE2	effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) (July 2018) states at paragraph 213 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 216 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP7	Natural Environment, landscape character and green infrastructure
DM9	High Quality Design
DM10	Housing design and quality

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 12

Responses received: Eight independent responses have been received, six objections and two letters of support. Objections have been received from 5, 11, 12, 14, 16 and 23 ELY PLACE raising common issues as under|:

- Over-development, over crowding – objectors particularly note the location in the site within a cul-de-sac at the end of Ely Place and the specific implications on this short section of the road. Issues around the intensity of the proposal.
- Design out of keeping – this relates to both the semi-detached form in an area of detached dwellings, and to the appearance of the building.
- Parking and traffic – concern at the increased demand for parking, the adequacy of the provision on site and general issues around vehicle movements and access
- Precedent – the proposal is seen as setting a precedent for further similar schemes to follow.
- Adequacy of proposed garden areas – an objector is concerned these are too small
- Impact on preserved tree at rear. Comment – an Arboricultural Impact Assessment accompanies the application and tree protection measures can be secured by condition.
- Accuracy of plans – the block plan is believed to inaccurately show no. 13. Comment – officers are satisfied that the block plan is sufficiently clear as to the position of the development and immediate neighbouring buildings.
- Comments are also made in respect of potential nuisance during construction, which is not material to the application.

Comments supporting the application have been received from 15 ELY PLACE and CHIGWELL RESIDENTS ASSOCIATION. The immediate neighbour advises there is no objection so long as no side windows are inserted in the extensions (none are proposed) CRA recognise the site is in a previously developed location, not in Green Belt and argue that by approving appropriate applications reduces pressure on sites outside the built up area.

CHIGWELL PARISH COUNCIL: OBJECT to the application, as an over development of the site and inappropriate to the existing street scene.

### **Main Issues and Considerations:**

#### **Revisions to previous refused application / impact on neighbours**

After refusal of the previous application, the extensions and elevational changes have been adapted to address the reasons for refusal. The two storey side extension is set 1 metre from the



boundary with 14a Ely Place and reflects the materials, form and finishes of the existing house. The rear extensions are stepped; the two storey element is set 3.5m from the boundary with no. 15 which sits on raised ground and lies forward of the application building. Notwithstanding the applicant being resident at 14a, a long blank flank wall abuts the proposed side extension. Thus in direct amenity terms, the immediate neighbouring properties are not adversely affected by the extensions.

### Design and character

Consideration of design issues should have regard to local character as well the particular form of the proposals. Ely Place is characterised by its variety of built form; while a number of common house types are apparent, these do not appear in any recognizable pattern and each property is generally viewed as different to its neighbours. Many have been extended including substantial additions at the side, and the adjoining property at 14a was newly built around 2011. The scale of the building is therefore not inappropriate in this context. The arrangement of existing internal walls prevent in the context of the sub-division a wholly symmetrical front elevation and this assists in breaking the mass, along with the arrangement of openings and the retention of part of the existing ground floor projection. The proposal is therefore acceptable in design.

Local objectors have commented on the semi-detached form that results from the proposal. Officers note the majority of dwellings are detached but there are other examples of pairs of houses that are visually connected, including specifically 2/3, 40/41 and 42/43 – while these have a greater stagger between the two buildings, they evidently appear as pairs. This is not a Conservation area and a mix of built form is expected to be found in the urban area. Officers do not therefore consider this an inappropriate location for this form of development,

### Development standards

Issues around the level of development should not be affected by the fact that the land of which the new house at 14a stands was part of the original plot of no.14. The proposed dwellings meet the agreed National Housing Space Standards, each is provided with a usable garden area of around 65 sq.m. and each is provided with two off street parking spaces to adopted standards. By the measures used to assess the intensity of development therefore, the proposal is acceptable.

### Other matters

Development has to be considered in the context of the Habitat Regulations case. As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The application site lies within the 6.2km zone around the SAC where mitigation measures are required. The applicants have confirmed their willingness to enter into an appropriate s106 agreement to secure an appropriate contribution to such mitigation, a strategy for the management and monitoring of visitor pressures on the SAC is currently being developed with strategic partners. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2.

Historic land uses in the area make it likely that contaminants could be present on the site. This is confirmed by a Phase One contaminated land study and conditions are appropriate to secure further investigation.

**Conclusion:**

In an urban context, the site satisfies standards in terms of internal and external space and meets car parking standards. Thus the overall level of development is not excessive.

In noting the comments from objectors in respect of the semi-detached form of the development, there are other examples of attached buildings in Ely Place, and a mix of built forms is common in the wider area, the site does not lie in a conservation area or have other specially protected status.

The alterations to the built form have addressed issues around the external appearance of the building and potential harm to the immediate neighbour (who does not object) and is therefore considered acceptable in form and function.

The proposal complies with relevant planning policy and it is recommended that planning permission be granted. A legal agreement is required to deal with matters raised above in respect of the SAC and related air quality monitoring.

***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](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/0999/18
Site Name:	Flat The Firs 91 High Road Chigwell Essex IG7 5AS
Scale of Plot:	1:500

**Report Item No:3**

<b>APPLICATION No:</b>	EPF/0999/18
<b>SITE ADDRESS:</b>	Flat The Firs 191 High Road Chigwell Essex IG7 5AS
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Rahul Dhingra
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing bungalow and erection of building to provide four flats.
<b>RECOMMENDED DECISION:</b>	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=607996](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=607996)

**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 strictly in accordance with the approved drawings nos: FVA\_106 Rev F, FVA\_104 Rev F, FVA\_101 Rev E, FVA\_105 Rev F, FVA\_107 Rev F, FVA\_103 Rev E, FVA\_108 Rev E, FVA\_102 Rev F, FVA\_001, FVA\_003, FVA\_004, FVA\_002
- 3 Prior to first occupation of the development hereby approved, the proposed flank elevational window openings above ground floor level adjacent to no. 4 The Lanterns and no. 189 High Road shall be entirely fitted with obscured glass 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.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice

tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 8 All new rainwater goods and soil and vent pipes shall be of black painted metal or aluminium.
- 9 Additional drawings that show details of proposed new windows and door to be used, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works.
- 10 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 11 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on drawing no. FVA-101 Rev F, shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 12 Prior to the first occupation of the development the redundant dropped kerb crossings shall be fully reinstated including footway construction and full height kerbing as necessary.
- 13 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council to include six one day travel vouchers for use with the relevant local public transport operator.
- 14 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 15 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 16 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been 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.

- 17 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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 18 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 19 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 20 Prior to first occupation of the dwellings hereby approved measures to improve the ecological value of the site shall be implemented in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority.
- 21 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.
- 22 Prior to first occupation of the development hereby approved, the proposed 1.8m high site screen to the flat roof area to the rear of the proposed building hereby approved shall be fully obscure glazed and shall be permanently retained in that condition.

**...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards a) access management and monitoring of visitors to the Epping Forest SAC,  
and b) towards mitigation of air pollution in the vicinity of the Epping Forest SAC.**

*This application is before this Committee since the recommendation is for a type of development that cannot be determined by Officers if five or more objections material to the planning merits of the proposal to be approved are received.*

**Description of Site:**

The application site comprises of a single storey bungalow to the north west of Chigwell High Road. It occupies a wide and generous plot and spans the full-width of the frontage. It is not within a Conservation area and is not Listed. It is located 1 minutes walk from Chigwell Underground Station which is on the opposite side of the street i.e. to the north east of the application site. There are frequent bus services to Loughton and Ilford on this street. The local centre of Brook Parade is less than 5 minutes walk from the application site.

Opposite the application site are recently approved and constructed two storey apartment blocks comprising 12 dwellings at 120 High Road. This was approved under appeal as part of decision reference EPF/1629/14.

At 185 High Road Chigwell which is to the north, has recently been granted approval for demolition of existing buildings to create 14 residents units as well as commercial/retail space on the ground floor. This was approved as part of decision reference EPF/1919/16.

To the north of the site is 189 Chigwell High Road which is a two-storey Grade II Listed Building used for residential use. It has a gambrel roof with living accommodation within the roof. It is set forward of the application site by 2.5m. It has a similar rear building line to the application site.

To the south west is a two-storey dwelling at no. 4 the Lanterns. This dwelling is set back from the application dwelling by 10.4m.

It is noted that 191 High Road (the application site), 189 and no 4 the Lanterns have similar land levels.

To the rear of the application site is No. 5 New Barns Way which is a two storey dwellinghouse.

There is a public footpath separating the application site from no. 4 The Lanterns, High Road.

Preserved trees to the front of 189 High Road are adjacent to the application site.

### **Description of Proposal:**

It is proposed to demolish of existing residential dwelling and erection of a two-storey block of 4 two-bedroom flats. Two flats would occupy the roof and first floor of the proposed building and the remaining two would occupy the ground and lower ground level of the building proposed.

The building itself would an L shaped plan and traditional form with a gabled roof. It would be served by four parking spaces in the frontage and a rear garden at lower level that would contain a bin/bike store.

Vehicular access would be off the High Road.

The original submission was for 8 flats. This was reduced to the 4 presently proposed following discussion with Officers. Re consultation was carried out.

### **Relevant History:**

EPF/3062/17 Demolition of existing residential dwelling to be replaced by dwelling containing 14 apartments. WITHDRAWN 24-01-2018

*The above planning application was withdrawn by the applicant due to concerns being raised by the case officer regarding the impact of the proposal on a range of issues to include, design, living conditions of neighbours and parking provision. The size, scale and design of the proposal have*



*been significantly amended to address the concerns raised as part of this previous planning application.*

EPF/0165/05 Retention of single storey extension to side. Approved

**Policies Applied:**

*Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
CP7	Urban Form and Quality
HC12	Development affecting the setting of Listed Buildings
NC1	SPAs, SACs and SSSIs
H2A	Previously developed land
H4A	Dwelling Mix
H9A	Lifetime Homes
U3B	Sustainable Drainage Systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in Urban areas
DBE6	Car parking in new development
DBE8	Private amenity space
DBE9	Loss of amenity
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility

*NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of 24<sup>th</sup> July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

*Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Achieving sustainable development  
DM9 – High quality design  
H 1 - Housing mix and accommodation types  
T 1 - Sustainable transport choices  
T 2 - Safeguarding of routes and facilities  
DM 2 – Epping Forest SAC and the Lee Valley SPA  
DM 3 - Landscape Character, Ancient Landscapes and Geodiversity  
DM 7 - Heritage Assets  
DM 9 – High Quality Design  
DM 10 – Housing design and quality  
DM 11 – Waste recycling facilities on new development  
DM 12 – Subterranean, basement development and lightwells  
DM 16 – Sustainable Drainage Systems  
DM 18 – On site management of waste water and water supply  
DM 19 – Sustainable water use  
DM 21 Local environmental impacts, pollution and land contamination  
DM 22 Air Quality

### **Summary of Representations Received**

Number of neighbours consulted: 54 and site notice posted: 23 April 2018  
Responses received: 12 summarised as follows:

Officer Comments: The neighbour objections summarised below are to the amended plans for this planning application. These amended plans show 4 flats with 2 bedrooms each. The original plans submitted as part of this planning application were for 8 residential units with 2 bedrooms each. As such the proposal has been reduced from 8 to 4 units.

CHIGWELL RESIDENTS ASSOCIATION – OBJECT to the proposal on the following grounds:

- Proposal would set a dangerous precedent
- Insufficient parking, fails to meet parking standards
- Proposal would be overbearing, detrimental to the street scene and affect the character of the area
- Height and scale of proposal will detract from neighbouring listed building
- 3-storey development will be overbearing and overlook neighbouring properties such as 5 New Barns Way
- The proposed refuse and cycle store is insufficient and will not work in practice as refuse vehicles will not be able to access
- Overdevelopment of the site, design for the lower ground accommodation would be oppressive and not practical.

4 NEW BARNS WAY- OBJECT as height of the four storey building will take away light and views from nearby homes. Insufficient parking, replacement building should more be in line with others in the area.

3 NEW BARNES WAY – OBJECT due to insufficient parking. Parking stress would increase on New Barnes Way, concerns about traffic generation and highway safety. Worried about noise and disturbance during construction process. Height will reduce light and impact on view of local homes.

5 COOLGARDIE AVENUE – OBJECT due to noise pollution from proposal, loss of privacy, light and outlook. Insufficient parking.

69 COOLGARDIE AVENUE – OBJECT due to height and scale of building would impact on setting of Listed Building at 189 High Road. Proposal is higher than the Lanterns, impacting on their setting. Loss of privacy as proposal will overlook neighbouring dwellings. Access issues. Parking being insufficient. Basement proposal is out of character, building would be a nuisance in an over developed part of Chigwell.

5 NEW BARNES WAY – OBJECT as bins are located to the rear of the development. They are located in close proximity to this neighbour's front door. Bins will attract vermin. Bin men would not be able to collect the bins due to their location. Opening to the refuse section is on their driveway. Bin men could leave bins in front of their driveway, blocking access in the process. The development has lack of parking, overlooking into their property. Loss of light would occur. Proposal would be out of keeping.

14 COOLGARDIE AVENUE – OBJECTION. There is no place for a dwelling like this in Chigwell; its position on the High Road alongside other family dwellings will be spoilt.

189 HIGH ROAD – OBJECTION on the grounds that the

- Site plan is inaccurate
- Boundary line has been inaccurately drawn
- Proposed development would overshadow garden area and block sunlight
- Property will overlook their garden and loss of privacy will incur
- Not all trees are mentioned and loss of trees could cause damage to their dwelling due to the tree roots.
- Proposal will cause damage to foundations
- Large number of units will cause parking issues
- The nature, size and proportion will be uncharacteristic with locality

12 COOLGARDIE AVENUE - OBJECT – Increased parking stress, insufficient parking, proposal would be out of character, overbearing in size and scale.

Flat 11 CHARLESWORTH COURT, 118 HIGH ROAD – Insufficient parking

3 COOLGARDIE AVENUE - Over development of the high road with houses being converted to flats. It is turning Chigwell from a village into an urbanization. Parking in the area is already at saturation point daily. Coolgardie Ave and Barnes way are blocked by commuters. Addition cars from this proposed development will only add to the existing problem.

122 HIGH ROAD – Increased Parking stress, out of character with area.

CHIGWELL PARISH COUNCIL – NO OBJECTION

### **Main Issues and Considerations:**

The main issues with this application relate to:

- Loss of a bungalow
- Design
- Impact on the setting of the adjacent listed building
- Tree and Landscaping
- Living Conditions of neighbours
- Living Conditions of future occupiers
- Highways and Parking Matters

Other matters to consider include:

- Waste and Recycling
- Land Contamination
- Land Drainage
- Basement Impact Assessment
- Epping Forest Special Area of Conservation

### Loss of a bungalow

Whilst the proposal would result in the loss of a bungalow which would fall contrary to policy H 1 of the submission version of the Local Plan (2017), given the retention of ground floor living accommodation, the proposal would still result in accessible living accommodation for occupiers who may be elderly/who require this type of living arrangement. Moreover, the harm that would result from the loss of the physical bungalow is demonstrably outweighed by the proposed housing provision that would replace the existing bungalow. The proposal would contribute towards meeting the housing supply of the District and given the local plan has not been fully adopted; windfall sites such as the application site would contribute to meeting this housing need.

### Design

The proposed development would have a traditional design with strong gable and horizontal elements. The fenestration is proportionate and symmetrical. The proposed development is designed to appear as a traditional dwellinghouse to blend in with the immediate locality. 189 High Road i.e. Oak Cottage Grade II Listed building adjacent to the application dwelling is currently used as apartments but still retains its suburban character and appearance. Recently approved and completed development at 120 High Road, Chigwell also has a traditional dwellinghouse like appearance and design even though they are not single family houses but apartments.

The proposed development when viewed from the street scene would be two-storey in height with living accommodation in roof slope. It would appear three storeys high from the rear due to the change in ground levels. It is important to re-iterate the existing bungalow also benefits from an in-built lower ground floor level. The building height however of the proposal would be similar to the building height of Oak Cottage at 189 High Road and not significantly higher than 4 The Lanterns, High Road Chigwell. The proposal would have landscape to the frontage. Thus, the site would retain its suburban character. The bin and bike store has been positioned to in the bottom of the rear garden in line with the Conservation Advisor Comments and Highways Officer comments.

The bin store to the rear is not visible from the frontage and is of a traditional timber clad design and height that would appear subordinate to the existing house, complement the design of the existing house and wider suburban locality.

### Impact on the setting of the Listed Building

The Council's Heritage Officer was consulted on the proposal. She has no objection to the proposal, stating ' *The proposal clearly draws on references to the scale, massing, forms, design and detailing of the surrounding buildings with special attention given to the façade and the east elevation, facing Oak Cottage. The "T" plan layout gives articulation to the building while lessening its overall bulk. The proposed height and scale are appropriate with a building at two-storey, stepping down towards the listed building; its ridge level not exceeding the listed building. The front gable end, a dominant feature of the façade, the long and vertical windows and the porch give rhythm to the façade while giving the building strong residential appearance. This will help the building to fit comfortably alongside adjacent buildings. A high quality material palette featuring traditional materials such as brick, clay tiles and timber cladding (for the bin and bike store) will strongly contribute to the successful integration of the new built into the wider area.*

The proposed development would therefore not adversely impact on the setting of the Listed Building. Conditions regarding details of materials and fenestration will be conditioned in the interest of ensuring the character and appearance of the building and locality.

#### Tree and Landscaping

There is a TPO tree in the frontage of the application site between the common boundary of 189 High Road and the application site. The proposal has been amended to show car parking away from the protected tree and has therefore overcome the tree officer's previous objections. The proposal would not adversely impact on the tree. Conditions will be placed in the decision notice requiring tree protection measures and details of hard and soft landscaping in the site frontage will also be conditioned to ensure the development retains sufficient greenery in the frontage to retain the suburban character of the locality.

#### Living Conditions of neighbours

##### *Impact on buildings opposite on High Road Chigwell*

The proposed development would result in no excessive harm to neighbour amenity of buildings opposite the site on High Road Chigwell, by way of its height, significant set back from the carriageway and separation provided by the public carriageway would not result in increased overlooking, loss of light or outlook to these buildings compared with the existing situation.

##### *Impact to 189 High Road (adjacent to site)*

The proposal would not break a 45 degree line taken from the centre of no 189 High Road's rear facing first floor habitable room windows. Thus, the proposal is unlikely to result in significant loss of light and outlook when viewed from their habitable room windows and garden area. Whilst the proposed development is set back from no 189 High Road, due to the similar height of the proposal to this neighbouring dwelling as well as the spacing between proposal and the common boundary shared with this dwelling, the proposal would not appear excessively overbearing or result in significant loss of outlook when viewed from the garden area of this neighbouring building. Due to the significant size and width of no 189's rear garden, the proposal would not result in an overbearing or excessive sense of enclosure.

##### *Impact to no. 4 The Lanterns (adjacent to site)*

The proposal would not break a 45 degree line taken from the centre of no 4 The Lanterns first floor habitable room windows. Thus, the proposal is unlikely to result in significant loss of light and outlook when viewed from their habitable room windows.

The proposal would not result in a significant sense of enclosure when viewed from the rear habitable room windows and garden area of 4 The Lanterns, this is because the two-storey height

of the proposal and due to the public footpath/alley way separating the development from this neighbour's common boundary. The gabled roof form slides away from no 4 The Lanterns thus limiting the impact on the impact on this neighbour's outlook when viewed from their front and rear gardens. Given the generous width of this neighbour's front garden the proposal would not appear excessively overbearing when viewed from their front habitable room windows. There is sufficient spacing to also limit the perceived sense of enclosure that may arise from the proposed building compared with the existing bungalow.

#### *Impact on 5 New Barns Way to rear of the application site*

The proposed development at its most rearwards point/elevation would be 6m away from this neighbouring dwelling's garden and 9.5m away from this neighbouring garden from the set back elevation. The proposed building would not be readily visible from the rear and front first and ground floor habitable room windows of this dwellinghouse due to its orientation. Whilst the bin and bike store would be visible from the ground floor windows of 5 New Barns Way, the impact on outlook, light and amenity would not be dissimilar to a single storey outbuilding/garden shed that could be erected under permitted development. It is important to note that not all of the proposed bin/bike store would be readily visible from the front ground floor windows of this dwellinghouse. It would be partially visible. The bin and bike store will be fully enclosed and the odour from refuse would be contained. There is significant screening to the rear that would ensure this bin/bike store is not highly visible from street scene at New Barns Way or when viewed from no 5's frontage and front habitable windows.

#### *Impact on 6 New Barns Way to the rear of the site*

Due to the significant distance between the application proposal and this neighbouring dwelling, it would not result in excessive harm to this neighbour's amenity by way of loss of light, outlook or privacy.

#### *Impact on dwellings along Coolgardie Avenue*

The proposed development is at a significance distance away from Coolgardie Avenue and is therefore likely to result in no excessive harm to the living conditions of inhabitants of dwellings along this street.

Overall, for reasons outlined above, the proposed development would safeguard the living conditions of neighbours.

#### Living Conditions of future occupiers

The proposed units would comply and exceed the Government's National Described Space Standards 2016, thus providing generous living space for future occupiers. The front as well as rear garden of this neighbouring building is generous in size and would provide sizeable shared amenity space for future residents of the proposed development.

The internal layout of the proposed building has appropriate stacking arrangements: bedrooms above bedrooms, en-suite bathrooms above en-suite bathrooms and living rooms above living rooms. As such the layout of the proposal is designed to mitigate against internal noise nuisance and disturbance of future occupiers and would avoid a substandard living accommodation.

#### Highways and Parking Matters

There is currently off street parking in the frontage. The proposal would result in the provision of four parking spaces. Whilst this will be below the 2 spaces required for 2 bed units under the Essex Parking Standards 2009, given the close proximity of the proposal to the Chigwell Underground Station and provision of bus services, one space per dwelling is deemed sufficient.

Both Essex Parking Standards 2009 and policy ST1 of the adopted Local Plan (1998) policy T 1 of the emerging Local Plan (2017) allow for there to be reduced parking requirements for developments within 400m of an Underground Station. The County Highway Authority was consulted on the proposal and has no objection to the development proposed. It is also noted that cycle provision has also been provided in line with Essex Parking Standards 2009.

Additional parking was proposed in the frontage adjacent to 189 High Road, but has been removed due to the negative impact this would represent to the TPO tree. Notwithstanding this, the parking that is being provided, as mentioned above, would comply with relevant planning policy and would not be a reason to justify refusal of this planning application.

#### Other matters:

##### *Waste and Recycling*

The proposal would have sufficient refuse storage in line with Essex Waste and Recycling Guidance and policy DM 11 of the emerging Local Plan (2017). Whilst the bin storage is sited to the rear, the bins will need to be moved to the front of the site during collection day as the access from New Barns Way would need to be closed off in line with the Highway Officers comments. Closing off this vehicle access from New Barns Way will need to be implemented as part of a planning condition and is required to be made redundant for highway safety reasons.

##### *Land Contamination*

Council records show there could be potential risk of contaminated land on this site due to previous historic use of the site. As such, the Council's Land Contamination Officer has no objection to proposal subject to implementation of standard conditions to address this matter.

##### *Land Drainage*

The proposal has received no objection from the Council's Drainage Team subject to the imposition of conditions regarding surface water details and foul drainage detail on any consent given.

##### *Basement Impact Assessment*

The application dwelling already benefits from a lower ground floor level. As such no new lower ground floor/basement level is being created as a result of this current planning application. The lower ground floor level is based within the existing parameters of the existing lower ground floor level at the application site. The applicant is therefore not required to submit a Basement Impact Assessment to the Local Planning Authority as the impact of the basement proposal would not result in significant harm to structural stability/ground water conditions of neighbouring dwellings compared with the existing situation. The Building Regulations control structural stability of construction/building sites and regular inspections by a building control surveyor to monitor the proposed build would occur as part of the construction process. Moreover, party wall legislation under the Party Wall Act 1996 as well as civil litigation legislation can also be used by neighbouring occupiers to ensure their dwellings are protected from any damage as a result of the proposed development. This is not an area in which the Local Planning Authority has any jurisdiction over and would not be a material consideration to this planning application.

##### *Epping Forest Special Area of Conservation*

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential

development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a S106 Agreement.

**Conclusion:**

The proposed development would result in an efficient use of land within a highly sustainable location. It would result in high-quality living accommodation that exceeds national space standards. The building would be designed to complement surrounding buildings, respecting the setting of the Grade II Listed Building at 189 High Road and would be of a size, scale and siting that would safeguard the living conditions of neighbours. It is accordingly recommended for approval. The site lies within the SAC area and any permission will need to be subject to an agreement over an appropriate contribution to address the effect on the integrity of Epping Forest, and air quality.

***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: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

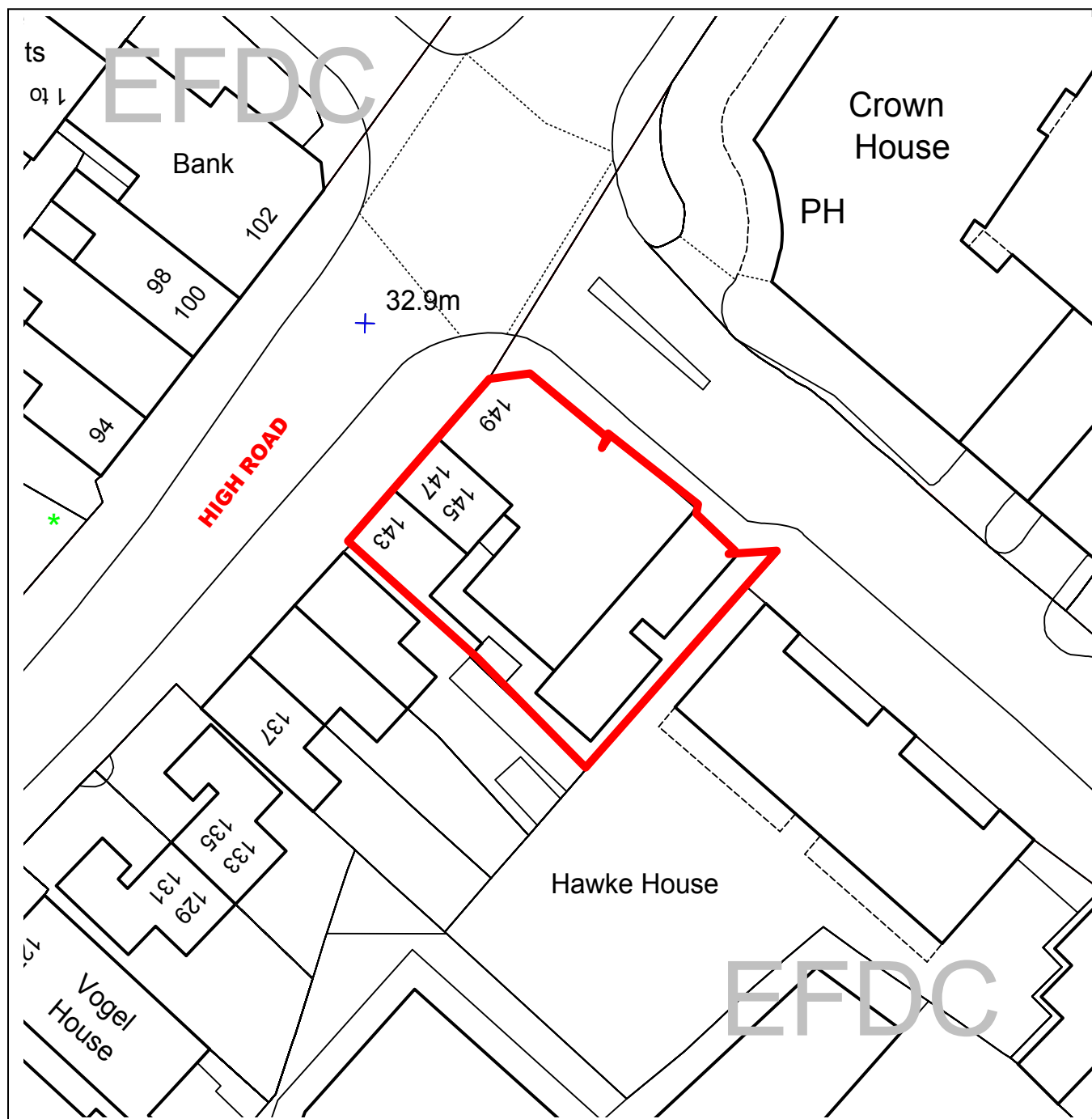


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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/1242/18
Site Name:	143-149 High Rd and 2 Old Station Road, Loughton Essex IG10 4LY
Scale of Plot:	1:500

**Report Item No:4**

<b>APPLICATION No:</b>	EPF/1242/18
<b>SITE ADDRESS:</b>	143-149 High Road and 2 Old Station Road Loughton Essex IG10 4LY
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Mr I Umarji
<b>DESCRIPTION OF PROPOSAL:</b>	Extension to the second floor to provide 5 flats (2 x 2 bedroom flats and 3 x 1 bedroom) along with associated alterations and change of use to parts of the existing ground and first floors in order to accommodate the access staircase."
<b>RECOMMENDED DECISION:</b>	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=609015](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609015)

**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 strictly in accordance with the approved drawings nos:, PA904-MB-01-101 PA904-MB01-200, PA904-MB-01-100, PA904-MB-01-203, PA904-MB-01-103,PA904-MB-01-102, PA-904-MB01-202,PA904-MB-01-201 - PA904-MB-00-102 August 18, PA904-MB-04-103 August 18, PA904-MB-04-101 August 18, PA904-MB-00-103 August 18 PA04 MB-00-100, PA904-MB-04-103,PA904-MB-06-100 and PA904-MB04-102
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

**...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards a) access management and monitoring of visitors to the Epping Forest SAC,  
and b) towards mitigation of air pollution in the vicinity of the Epping Forest SAC.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and the Local Council have confirmed that they intend to speak at the meeting where this proposal will be considered. (Pursuant to The Constitution: Scheme of Delegation as approved at Full Council on 31 July 2018).*

### **Description of Site:**

The application site covers an area of 741 sqm and comprises the amalgamation of the second floor area of land at 2 Old Station Road and 143-149 High Road. The host building is a predominately two storeys in height and the section within 2 Old Station Road rising to 3 storeys. It makes a positive contribution to the character and appearance of the street scene.

Adjoining the south western boundary of the site is 141 High Road. This site contains a two storey end terraced mid twentieth century commercial building and yard. The south eastern boundary adjoins Hawke House a two and a half storey commercial building.

The site falls within the Loughton Town Centre. The site is not listed and is outside of a conservation area.

### **Description of Proposal:**

Permission is sought for an extension to the second floor and internal alterations to create 5 new flats.

The extension has a maximum height of 10m from ground level and will be set in at least 1m from both the Old Station Road elevation and High Road elevation. It will provide around 250 sqm of additional residential floorspace. Access to the flats is provided via the entrance off of Old Station Road and staircase. 8 cycle spaces are provided in the rear south west courtyard area. Private amenity space will be provided in the form of balconies.

Schedule of accommodation:

Flat no.	Bedrooms	Total area	Amenity space sqm
1	2	61	6
2	2	63	12.7
3	1	46	4
4	1	42	4.3
5	1	50	8.8

No off-street parking provision is made in the proposal.

### **Relevant History:**

Numerous applications related to the ground floor shopfront and office use of the building. None relevant to this proposal.

### **Policies Applied:**

*Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
CP3	New Development
CP4	Energy Conservation
CP5	Sustainable Building
TC3:	Town Centre function
ST1	Location of Development
ST4	Road Safety
ST6	Parking Provision
DBE1	New Buildings
DBE3	Design in Urban Areas
DBE9	Loss of Amenity
U3B	Sustainable Drainage Systems

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Epping Forest District Local Plan Submission Version 2017*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 216 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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in favour of sustainable development
T1	Sustainable transport choices
DM2	Epping Forest Special Area of Conservation
DM9	High quality design
DM10	Housing Design and Quality
E2	Centre Hierarchy / Retail Policy
DM 11	Waste recycling facilities on new developments
DM16	Sustainable drainage systems
DM22	Air Quality

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 31 and site notice posted.

Responses received: No response received from neighbours.

LOUGHTON TOWN COUNCIL: OBJECTION: The Committee objected to this application on the grounds that it was overbearing and wholly out of keeping with the historic design and character of this striking Loughton landmark building, a fine example of the art deco period. Consequently, it would have a negative impact on the street scene. The very limited amenity space would adversely affect residents and the complete lack of parking provision would place further strain on local parking problems.

The Committee was aware of the recent European Court of Justice ruling on Habitats Regulations Assessments. As it appears that all additional residential and commercial developments in Loughton would have a detrimental effect on air quality and result in extra pressure on Epping Forest, the Planning Authority was asked to consider the implications of this application in this regard.

### **Main Issues and Considerations:**

#### Principle

The site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

The National Planning Policy Framework (NPPF) presumption in favour of sustainable development requires local planning authorities to positively seek opportunities to meet the development needs of their area. There is a need for additional housing in the District and sites such as these go some way in resisting the pressure for sites within the Metropolitan Green Belt to be brought forward for residential development.

#### Town Centre

Chapter 7 (Ensuring the vitality of town centres) of the revised NPPF requires that residential uses should be encouraged on appropriate sites as this use often plays an important role in ensuring the vitality of town centres.

This is consistent with policies CP3, TC3 and ST1 of adopted the Local Plan and policies SP 2 of Submission Version Plan.

#### Design

Plans have been amended to now show a set back from the south east elevation of at least 1.5m. This change was required in order to make the extension appear more subservient and to improve the outlook from the repositioned bedroom window of unit three. The extended second floor is set back by 1.5m from the existing street facing parapets. The highest part of the extension rises 1.6m above the existing parapet level. The proposed materials for the development include red brick for the walls and timber framed windows which follow the vertical line of fenestration on the application building. These features will ensure that the roof extension will appear as a subordinate and complementary feature on the application building, which would still allow the original design of the building to be appreciated.

Number 141 would be 0.8m lower than the highest part of the proposal. However given that there is a gap of 1m between the two properties, the further set in of the roof extension and the varied heights of buildings within the wider Loughton Town Centre including the four storey mid twentieth century building on the north eastern side of Old Station Road. It is considered that the amended proposal has a scale which is proportionate to the application building. It also has an appearance which complements the application property and has an overall neutral impact on the wider street scene. The proposal therefore complies with the requirements of chapter 12 of the NPPF, policy DBE10 of the adopted Local Plan and policy DM9 of the Submission Version Local Plan.

#### Quality of resulting residential accommodation

The proposed one and two bedroom units are considered suitable for single persons or small households, the proposal would therefore meet an existing housing need within the borough in line with the requirements of policy H4A of the Local Plan.

The units have an internal size, layout, ventilation, amenity space which would meet current standards.

No amenity space or car parking provision has been included in the proposal, this is on balance considered acceptable given that it would be occupied by a small household and is close to local amenities. The proposal therefore complies with policy DM10 of the Submission Version Local Plan.

#### Impact on neighbouring residential occupiers.

The south east and south west elevations of the roof extension are set in from the walls of the existing building. The property at 141 High Road consists of two floors both of which are in commercial use. This property would not therefore be excessively affected.

Hawke House adjoins the south eastern boundary of the application site, it is noted that this building contains windows on the flank that faces the proposal site. However, since the top of the highest window at Hawke House is below the height of the extension; the separation distance of 4.3m between the two buildings and this neighbouring building being in office use, it is not considered that the impact to Hawke House will be excessive.

The nearest residential property is within the first floor of 137 High Road. The existing building already contains windows within its South West elevation. The rear garden of this neighbour contains tall trees which will protect it against any loss of privacy. It is therefore considered that this neighbour will also not be excessively affected in terms of loss of light, outlook or privacy, in accordance with policy DBE9 of the Local Plan and DM9 of the Submission Version Plan.

#### Impact on Highway Safety

Paragraph 110 of the revised NPPF requires that developments should “Give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport.”

The site is located within a sustainable location very close to good public transport links. The proposal provides at least one secure covered cycle storage space for each unit. The units are designed for smaller households and not families. The lack of provision for vehicle parking is therefore consistent with the NPPF and policies CP3 and ST1 of the adopted Local Plan along with policy T1 of the Submission Version Local Plan.

## Epping Forest Special Area of Conservation

The proposal will create 5 new residential units which are within a distance of 6.2km from the Epping Forest SAC, therefore policies DM2 (C) and DM22 of the Submission Version Plan require that any permission would be subject to a financial contribution to pay towards access management and monitoring of visitors to the Forest in order to mitigate against the harmful impacts of development on the air quality and biodiversity within the Forest. However, at the time of writing this report, the exact amount of contribution has not been agreed.

### **Conclusion:**

The proposal will provide much needed good quality housing within an existing urban area of Epping Forest District Council. The proposal is located within a highly sustainable location where higher densities are encouraged. The lack of parking provision in this location is acceptable because the site is well served by the Central Line and buses. The use of public transport will make a positive contribution towards promoting air quality and public health goals.

Chapter 11 of the Revised NPPF requires that planning decisions should promote the effective use of land in meeting the need for homes. This should be achieved through the support of opportunities “to use airspace above existing residential and commercial premises for new homes, in particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed and can maintain a safe access and egress for occupiers.”

It is officers opinion that since there is no uniformity in terms of height and form within Loughton Town Centre and the proposed extension being subordinate and complementary to the appearance of the application property; there being an overall neutral impact on the appearance of the streetscene and that there would be the safe access and egress for occupier, this requirement has been achieved.

It is for these reasons that the proposal complies with the requirements of both national and local policy and is therefore recommended for approval subject to conditions and unilateral undertaking to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest and mitigating impact on air quality.

***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: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



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# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/1293/18
Site Name:	Pay and Display Car park Vere Road Loughton Essex IG10
Scale of Plot:	1:500

**Report Item No:5**

<b>APPLICATION No:</b>	EPF/1293/18
<b>SITE ADDRESS:</b>	Pay and Display Car park Vere Road Loughton Essex IG10
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Broadway
<b>APPLICANT:</b>	Epping Forest District Council - Mrs Amanda Hoadley
<b>DESCRIPTION OF PROPOSAL:</b>	Enlargement and reconfiguration of existing car park. Demolition of walls enclosing northern and eastern boundary of car park.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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=609237](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609237)

**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 strictly in accordance with the approved drawings nos: 201804011, 1000004377-2-SK05-01, 1000004377-EXISTING-01
- 3 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits and the Local Council have confirmed that they intend to speak at the meeting where this proposal will be considered. (Pursuant to The Constitution: Scheme of Delegation as approved at Full Council on 31 July 2018).*

### **Description of Site:**

The application site comprises of a small public car park enclosed by a brick wall with access from Vere Road. It is not within a Conservation area nor is it Listed. The site is in close proximity to Debden Broadway.

### **Description of Proposal:**

Enlargement and reconfiguration of existing car park. Demolition of walls enclosing northern and eastern boundary of car park.

No material change in use is proposed and the reconfiguration would provide for 6 formally laid out parking spaces with manoeuvring space in accordance with the Essex Vehicle Parking Standards (2009).

### **Relevant History:**

None in relation to the application site.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
NC1	SPAs, SACs and SSSIs
ST4	Road Safety
ST6	Vehicle Parking

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of 24<sup>th</sup> July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

#### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1	Achieving sustainable development
DM 9	High quality design
T 2	Safeguarding of routes and facilities
DM 2	Epping Forest SAC and the Lee Valley SPA
DM 22	Air Quality

### **Summary of Representations Received**

10 Neighbours consulted: No Response from Neighbours and site Notice posted

LOUGHTON TOWN COUNCIL – OBJECT unless a condition was imposed to provide “one hour’s free parking, no return within one hour”, to support local traders on The Broadway. Members further requested planting of native species to the boundary to soften the impact of vehicles on a previously screened area and to give a green aspect to the site and surrounding grassed area.

### **Main Issues and Considerations:**

The main issues with this application relate to highways, design and impact on the Epping Forest SAC

#### **Highways and Parking Matters**

The site is currently used as an open car park with no defined spaces. Informally, approximately 9 cars can park within it but manoeuvring in those circumstances is awkward. The proposal would enlarge the width to the parking area to achieve formally defined spaces and manoeuvring space in accordance with adopted standards. A total of 6 spaces would be provided. The arrangements would ensure all vehicles using the site could enter and leave the car park in forward gear. No objections from County Highway Authority.

In relation to the Parish Council’s comment, the parking spaces are for users to the Broadway, businesses and resident permit holders. The Council’s Legal Officer on planning matters was consulted on whether it is legally possible to impose a planning condition to restrict the use of the parking spaces for short term use for users of the Broadway Shopping area. Advice is that, firstly, the objection from the Town Council is not material to planning and secondly, the imposition of a condition, restricting parking to shoppers, on a short stay basis, would be difficult to enforce.

The Local Planning Authority would have to be satisfied that the condition would meet the 6 tests for planning conditions, in particular, whether the imposition of such a condition necessary or relevant to planning, and is it enforceable. National planning practice guidance stipulates that a planning condition should only be imposed to mitigate the impact of a development, such that without the said condition permission would have to be refused. There is no planning policy in either the adopted Local Plan (1998) or in the Submission Version of the Local Plan (2017) to support the imposition of such a condition. Moreover, the proposal does not involve any material change in the use of the land and, indeed, results in a reduction in the intensity of its use, further

militating against the imposition of any condition controlling the use of the parking area. In the circumstances it is concluded the condition requested by the Parish Council cannot be lawfully imposed.

### Design

The proposal would not appear out of character compared with the existing situation. The demolition of existing high brick wall, loss of part of the width of a grassed area and erection of low boundary treatment would ensure more open surveillance, providing a deterrent to potential crime and anti-social behaviour compared with the existing situation. In relation to the loss of part of a grassed area, a significant element of the grass verge will remain to soften to appearance of the proposal.

### Epping Forest Special Area of Conservation

The site is currently used for parking of vehicles and this will not change under the current proposal. The proposal is designed to regularise the existing parking situation by providing a more managed car park with clear markings, and pay and display machine. Parking will be retained on one side of the application site and the other side will be clear for sufficient turning of vehicles. As such there will not be an increase in parking spaces and will result in a net reduction. The proposal would therefore have a net positive impact on air quality along the roads that transverse the Epping Forest Special Area of Conservation. It would therefore comply with policy DM 2 and DM 22 of the emerging Local Plan (2017).

### Other Matters

Proposal would cause no harm to neighbours living conditions and in view of the reduction in intensity of use may result in a very slight improvement.

### **Conclusion:**

The proposed alteration to the existing parking area will formalise and soften its appearance while enhancing highway safety by facilitating safe manoeuvring of cars within the parking area and between it and the highway. There is no material change in the use of the land. The proposal accords with planning policy and is recommended for approval subject to necessary 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: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298***

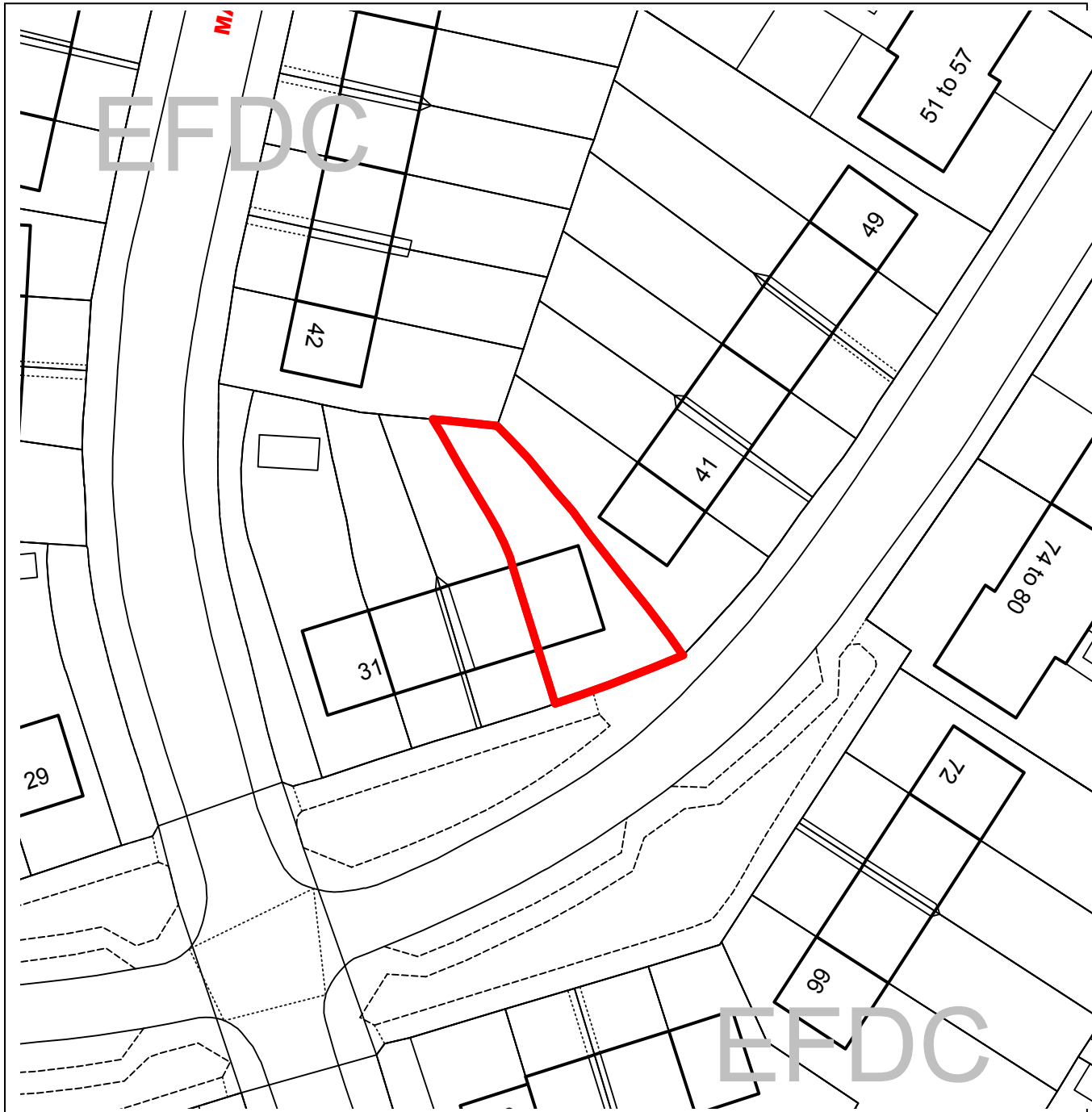
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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/1325/18
Site Name:	37 Hanson Drive Loughton Essex IG10 2EF
Scale of Plot:	1:500



**Report Item No:6**

<b>APPLICATION No:</b>	EPF/1325/18
<b>SITE ADDRESS:</b>	37 Hanson Drive Loughton Essex IG10 2EF
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Fairmead
<b>APPLICANT:</b>	Mr Tudor Bioadjiev
<b>DESCRIPTION OF PROPOSAL:</b>	Double storey side extension. Single storey rear extension.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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=609378](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609378)

**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 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation for approval is contrary to an objection from a local council which is material to the planning merits of the proposal – and this objection is complemented by a neighbour objection (Pursuant to The Constitution: Scheme of Delegation as approved at Full Council on 31 July 2018).*

**Description of Site:**

The application site is an end of terrace two storey house located in a locality of similar properties. The next terrace starting at No. 39 lies at an angle to no.37 following the line of a bend in the road.

The site is located within the built up area of Loughton but the property is not listed nor does it lie within a conservation area.

### **Description of Proposal:**

The proposal is for a two storey side extension replacing the existing attached garage at the side, and a single storey rear extension. The ground floor accommodation would provide a study and utility room to the side and a dining room to the rear. The first-floor accommodation would include a bedroom with an en suite.

### **Relevant History:**

EPF/0411/80 Front extension and porch -approved

EPF/0305/11-Two storey side extension and part single storey side/front extension, single storey rear extension and rear dormer -approved

EPF/2127/11- Amended approval of EPF/0305/11 raising roof-approved

### **Policies Applied:**

#### Epping Forest Local Plan and Alterations (1998/2006)

DBE9 - Loss of amenity

DBE -10 Residential extensions

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 216 of the NPPF.

Paragraph 216 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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

DM9	High Quality Design
DM10	Housing Design and Quality

### **Summary of Representations Received:**

LOUGHTON TOWN COUNCIL: Object to the proposal on the grounds it is overbearing on the neighbours, proposal is too large for the site and it will create a terracing impact.

4 Neighbours were consulted and one reply has been received:-:

35 HANSON DRIVE- Object - concerned that the proposed rear extension will block light into their dining/kitchen area.

### **Issues and Considerations:**

The main issues of consideration in this instance are the impact on the character of the area and the neighbouring residents. It should also be borne in mind that the lapsed planning approval EPF/2127/11 gave approval to a very similar scheme to that now proposed.

The accompanying text to Policy DBE10 of the adopted Local Plan (carried forward from the 1998 Plan) states that, for end of terrace houses, *two storey extensions may be permitted to extend to the to the plot boundary particularly if any visual gap in the street scene is maintained*. For this reason the previous EPF/2127/11 was approved - and in any event because the neighbouring end of terrace house at no.39 had not been extended at the side a visual gap would have still been maintained. The current situation is unchanged from that pertaining in 2011 - and consequently the current proposal complies with the adopted Local Plan. Loughton Town Council have objected to this proposal for reasons including the creation of a terracing effect – however in the adopted Local Plan this terracing effect/loss of a visual gap applies to first floor side extensions to semi detached houses – and not to end of terrace houses as explained above.

The wording of Policy DM9 in the 2017 SLVP is more generalised and less proscriptive than that in the current Adopted Local Plan with regard to this type householder extension. Given that the SVLP has not yet been adopted, that the current scheme complies with the existing adopted Local Plan, and that it is virtually the same as that approved in 2011, it would be unreasonable to refuse the proposed side extension on policy grounds. In design terms the current two storey side extension, which has a 0.5m recess at the front at first floor level, and a lower ridge height than the host dwelling, will have a more subordinate and better design compared to the scheme approved in 2011, and as the dwelling 'turns the corner' on the bend the proposed side extension will be less visible from long vantage points.

The proposed two storey side extension will have a limited impact on the amenity and outlook of the 'detached' end of terrace house at no.39.

At the rear a 3.1m depth rear extension is proposed with a lean to roof, and will have a height of 2.7m rising to 3.5m where it adjoins the main rear wall of the house. A 3.1m depth is very modest in today's terms and while it will have some impact on the light and outlook of the objector's house at no.35 this impact would not be significant. In addition, the extension will lie to east, north east of the rear of no.35, and hence only sunlight in the early morning hours would be affected in any way

by the proposed rear extension. Finally, a similar sized rear extension was previously approved in 2011, and the site circumstances remain much the same as they were in 2011.

**Conclusions:**

For the reasons set out in the report above it is recommended that conditional planning permission be granted.

***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: David Baker  
Direct Line Telephone Number: 01992 564 514***

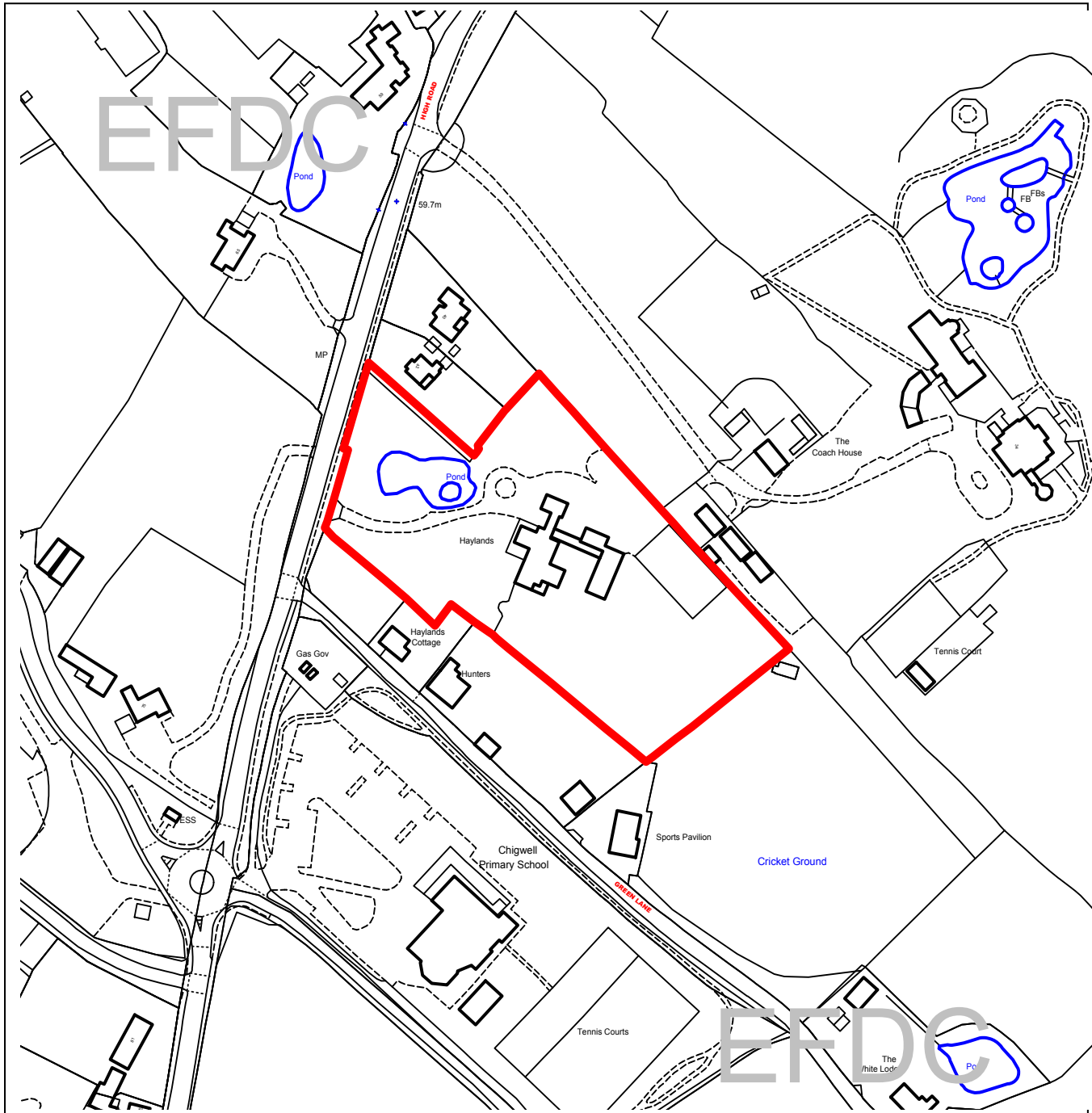
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# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/1450/18
Site Name:	Haylands, 48 High Road, Chigwell Essex IG7 6DL
Scale of Plot:	1:2500

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/1450/18
<b>SITE ADDRESS:</b>	Haylands 48 High Road Chigwell Essex IG7 6DL
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Don Lewin
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of storage garden sheds at the rear of the site.
<b>RECOMMENDED DECISION:</b>	Grant Permission

**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=609959](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609959)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and the Local Council have confirmed that they intend to speak at the meeting where this proposal will be considered. (Pursuant to The Constitution: Scheme of Delegation as approved at Full Council on 31 July 2018).*

**Description of Site:**

The application site lies on the east side of High Road, on a site of around 1.5ha. Works on construction of a new dwelling are ongoing. Much of the site is elevated and the driveway has a steep slope up from road.

The site lies on the edge of Chigwell village but in a residential cluster. Along the southern boundary lie properties fronting Green Lane, including at least two dwellings, further dwellings lie to the north.

The site and surrounding land is located within the Green Belt. There are protected trees to the front of the site across the site, protected during construction. There are gas pipelines in the area, including on Green Lane

**Description of Proposal:**

This application proposes the erection of two sheds. The proposed sheds are located in the north-eastern corner of the site, at the rear of the garden area, adjacent to the boundary. The buildings each measure 10m long x 5m wide, and have a sloping roof a maximum of 3m high. Materials are indicated as black painted timber cladding.

### **Relevant History:**

After a series of applications for a replacement dwellings, the works now proceeding were approved under EPF/2135/17 in November 2017. Amendments were approved under EPF/0335/18 in April. Other related applications have subsequently included an underground plant room, fencing and alterations to the frontage, and minor revisions to the building. An application for a free standing garage block on the site frontage was refused permission.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) (July 2018) states at paragraph 213 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 216 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved



objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

DM4	Green Belt
DM9	High Quality Design
DM10	Housing design and quality

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: Six  
Responses received: No response received from neighbours.

CHIGWELL PARISH COUNCIL: OBJECTS to the application, commenting they consider that the proposal would be over-development of the site. "Because of the excessive size this cannot be accurately described as garden sheds, further these proposed structures could be converted into habitable residential property"

### **Main Issues and Considerations:**

The proposal needs to be considered in the context of the site as a whole. The proposed buildings occupy around 0.6% of the site area and cannot therefore be considered excessive in site coverage or mass.

The buildings are finished in cladding and are evidently designed for ancillary use. While noting the Parish Council's comments, there is nothing in the application to suggest any other use is proposed and the application must be determined on its merits based on the submitted details.

The proposal is a proportionate to the overall level of development on the site and would not cause harm to the openness of the Green Belt. It is therefore is not inappropriate development in the Green Belt.

The siting of the works has no evident impact on the living conditions of neighbours.

With regard to the Parish's comment that the structures could be converted to residential property, the fact is a material change of use from an ancillary outbuilding to a dwellinghouse requires planning permission. Consequently the Council has effective control over that possibility. In any event, there is nothing before the Council to indicate a proposal to use the sheds as anything other than ancillary outbuildings.

### **Conclusion:**

The application proposes minor domestic buildings ancillary to the house. There is no resultant impact on neighbouring amenity, and nothing in the application to support the Parish Council objection. As domestic outbuildings, these structures are appropriate and cause no apparent harm in this location.

***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 564481or***

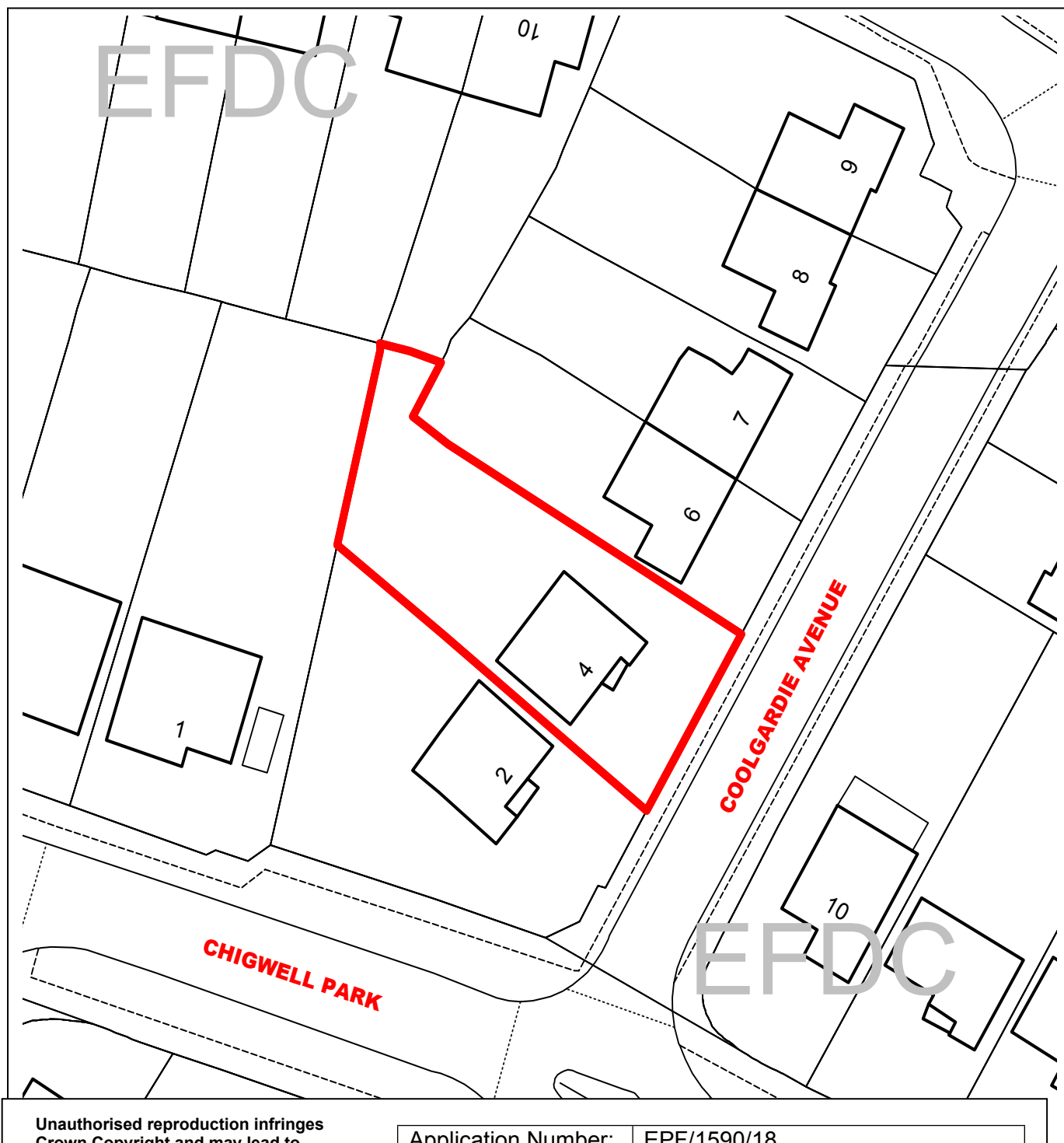
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# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/1590/18
Site Name:	4 Coolgardie Avenue Chigwell Essex IG7 5AU
Scale of Plot:	1:500

**Report Item No:8**

<b>APPLICATION No:</b>	EPF/1590/18
<b>SITE ADDRESS:</b>	4 Coolgardie Avenue Chigwell Essex IG7 5AU
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr & Mrs Ray and Jan Horwood
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed ground floor side/rear extension
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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=610539](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=610539)

**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 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and the Local Council have confirmed that they intend to speak at the meeting where this proposal will be considered. (Pursuant to The Constitution: Scheme of Delegation as approved at Full Council on 31 July 2018).*

**Description of Site:**

The property is a two storey detached house. The house has not been previously extended to the rear or side. The site is within a built up area of Chigwell. It is not within a conservation area, nor is it within the Green Belt. PD rights are intact. Land levels drop to the rear of the property.

**Description of Proposal:**

The application proposes a single storey rear and side extension with a raised patio and a gate. An existing annexe attached to the side of the house will be demolished to make way for the side extension. The side element has been revised since its original submission to address concerns regarding the boiler flue of no. 6 Coolgardie Avenue for health and safety reasons.

The rear element projects 5 metres from the original rear wall and has an eaves height of 2.55 metres and an overall height of 2.9 metres. It will have a flat roof with a roof light. The whole rear extension is shown to be of a rendered finish.

The side element has two components, the first one being the rear part of the side extension that will be a utility room that extends right up to the neighbours boundary. The second component will be a garage that is set in from no. 6 Coolgardie Avenue by approximately 900mm, with a width of 4 metres and an eaves height of 2.7 metres and an overall height of 3.8 metres. The garage has a false pitch roof that leads on to a flat roof. The whole side extension is shown as matching the existing house.

The raised patio is 200 mm higher than the highest point of the existing ground level and can be done under permitted development; as such it will not be discussed in this report.

### **Relevant History:**

No relevant history

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of 24<sup>th</sup> July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

#### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in Favour of Sustainable Development
DM9	High Quality Design
DM10	Housing Design and Quality

### **Consultation Carried Out Summary of Representations Received**

Number of neighbours Consulted: 6. No response received  
Site notice posted: No, not required

CHIGWELL PARISH COUNCIL – OBEJECTION – Excessive ridge height of proposed side extension

### **Main Issues and Considerations:**

The main issues to be considered with this application relates to the impact on the character and appearance of the locality and neighbouring amenities.

#### *Character and appearance:*

The proposed single storey rear, side extensions are modest in scale and would appear subservient to the application dwelling and not out of character/overbearing. Although the side extension is visible from the road or public areas, it is considered to respect the street scene.

The proposal has a simple design that would complement the design of the existing house.

In relation to the Parish Council's comments, the ridge of the extension is the false pitch roof to the front of the garage. The eaves of the false pitch would align with the lower eaves of the main roof at ground floor level (2.7m above ground level) and the ridge would be 3.8m high, below the bottom of the adjacent first floor windows but in line with that of a first floor window at the opposite end of the front elevation. The pitch of the false pitch would match that of the main roof. This design solution is considered to complement the design features of the existing house (its roof and window positions) and preferable to either a flat roof or a smaller false pitch.

#### *Living conditions of neighbours:*

The single storey rear and side extension would not create any additional overlooking. Due to the scale of this proposal there is no possibility of any harmful impact on light to any habitable rooms of no. 6 Coolgardie Avenue.

Due to the tunnel effect that is created with the side extension it will reduce the level of natural surveillance to the property. As such a gate will be installed to prevent any unauthorised access to the rear of the property.

On the basis of that assessment it is concluded the proposal would not cause any harm to neighbouring amenities and it would safeguard the living conditions of the neighbours.

**Conclusion:**

The proposal would complement the appearance of the existing house, safeguard the character and appearance of the locality and the living conditions of neighbours. Accordingly, it is recommended that planning permission be granted.

***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  
Direct Line Telephone Number: 01992 564415***

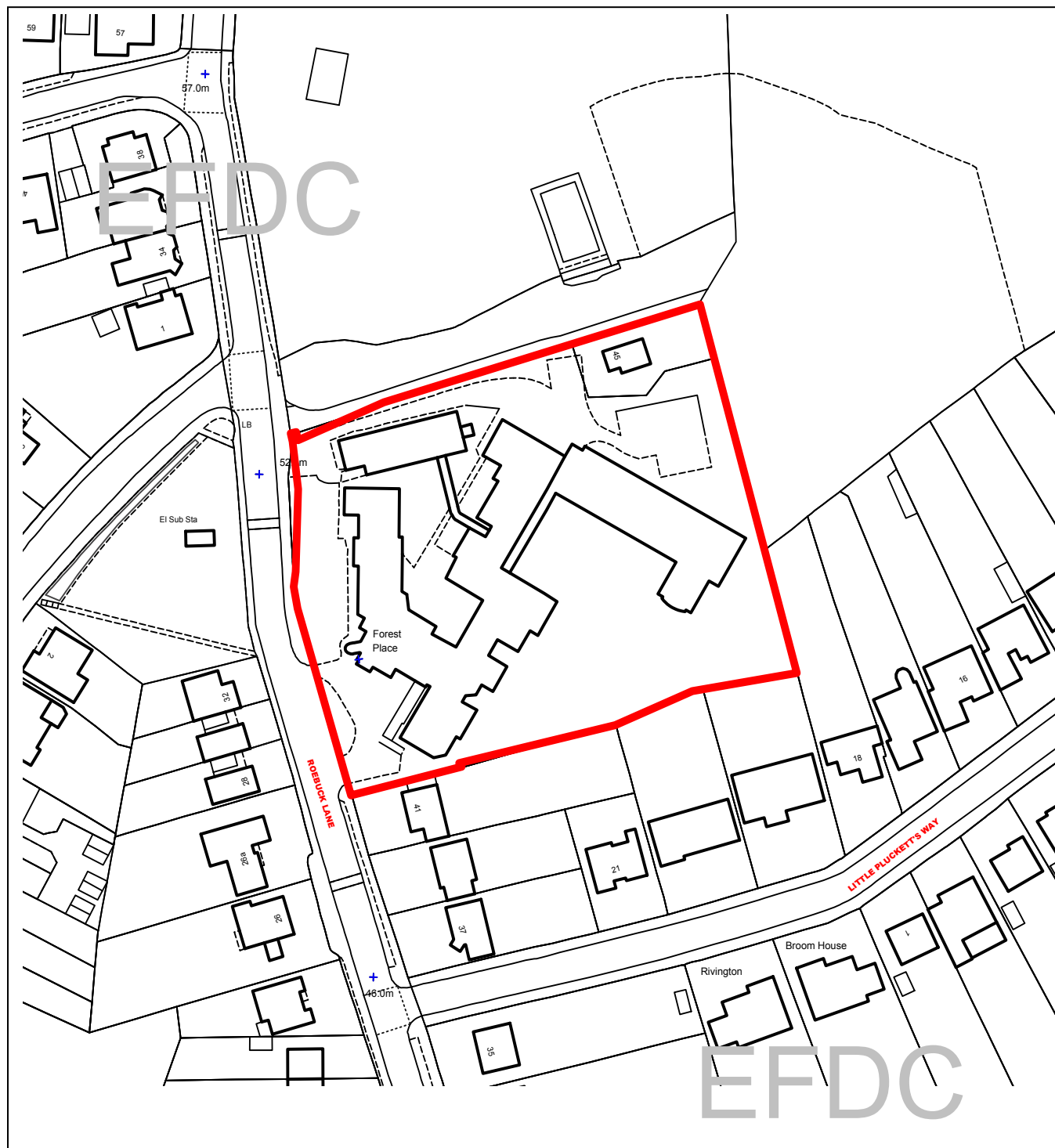
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# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/1610/18
Site Name:	Forest Place, Roebuck Lane, Buckhurst Hill Essex IG9 5QL
Scale of Plot:	1:1250



**Report Item No:9**

<b>APPLICATION No:</b>	EPF/1610/18
<b>SITE ADDRESS:</b>	Forest Place Roebuck Lane Buckhurst Hill Essex IG9 5QL
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr J Patel
<b>DESCRIPTION OF PROPOSAL:</b>	Application for variation of condition 2 'plan numbers' on planning application EPF/1957/15 (Demolition of two storey building fronting Roebuck Lane, single storey detached building and detached house adjoining boundary with Linders Fields Nature Reserve. Redevelopment comprising a 2.5, 3 and 4 storey development with basement to create 125 new care units at the application site, together with ancillary medical and recreational facilities and single storey courtyard development. Retention of existing 40 bed facility in Maple Unit. Creation of 57 parking spaces including two level car parking for 40 vehicles in north eastern corner of the site and 17 spaces within redesigned frontage area adjacent to Roebuck Lane). Amendments to design of building and parking layout, together with construction of access way, erection of privacy fencing and erection of outbuildings and bin storage.
<b>RECOMMENDED DECISION:</b>	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=610653](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=610653)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
  
FHY 02  
FHY\_213 rev F  
FHY\_217  
FHY\_218  
FHY\_219  
FHY\_220  
FHY\_231 rev C  
FHY\_232  
FHY\_233 rev C  
FHY\_234 rev B  
FHY\_237  
FHY\_238 rev C  
101264 FP-HLN-A 1026-NB-XX- C

101264 FP-HLN-A 5009-NB-B- CC  
101264 FP-HLN-A 5010 -NB-00- CC  
101264 FP-HLN-A 5011-NB-01- CC  
101264 FP-HLN-A 5012-NB-02- CC  
101264 FP-HLN-A 5013-NB-03- CC  
101264 (90)205 rev C5  
101264 (90)210  
LC-2523-02 Revision B  
LC-2523-10 Revision C  
EL-01 Rev. B  
EL-02 Rev. C  
EL-03 Rev. C  
EL-04 Rev. C  
TCTC-11017-PL-02

- 2 The development shall be implemented in accordance with the details of external finishes approved under permission EPF/1706/16, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The development hereby approved shall be completed in accordance with the recommendations of the Phase 2 investigation report approved under permission EPF/0165/17.
- 4 No further construction work shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 5 Following completion of 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.
- 6 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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in

writing of the Local Planning Authority in accordance with the immediately above condition.

- 7 The measures specified in the flood risk assessment and management and maintenance plan approved under permission EPF/1678/16 shall be carried out prior to the substantial completion of the development and thereafter shall be maintained in accordance with the approved management and maintenance plan.
- 8 If any tree, shrub or hedge shown to be retained in the submitted arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 9 The tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/Arboricultural Method Statement unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be implemented as shown on Tracy Clarke 'revised tree protection plan' drawing number TCTC-11017-PL-02 dated March 2018.
- 10 Within 3 months of the date of this consent. full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an 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.
- 11 Prior to the first occupation of the development the access arrangements shall be fully implemented, as shown in principle on drawing no.FHY\_213 Rev F, and shall include the full reinstatement of the existing layby to a footway and the removal and reinstatement of the redundant vehicular access.
- 12 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

- 13 There shall be no discharge of surface water onto the highway.
- 14 The development hereby approved shall be carried out in accordance with the construction method statement approved under permission EPF/1173/16.
- 15 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 16 The nursing home shall be operated in accordance with the Travel Plan approved under permission EPF/1678/16 unless otherwise agreed in writing by the Local Planning Authority.
- 17 The accessway adjacent to the southern and eastern site boundaries shall not be used by motor vehicles other than emergency vehicles.
- 18 Within 3 months of the substantial completion of the building hereby approved, gates of a design submitted to and approved in writing by the Local Planning Authority shall be erected across the accessway adjacent to the southern site boundary between the south facing flank of the building and the site boundary with 41 Roebuck Lane. Thereafter the gates or replacement gates of similar design shall be retained permanently and kept shut to motor vehicles other than in the case of an emergency.
- 19 The access to the car deck car park hereby approved from the accessway adjacent to the eastern site boundary shall be restricted in width to not more than 1.5 metres by way of walls, as indicated in drawing numbers 101264 (90)205 rev C5 and 101264 (90)210.

**Subject to the completion, within 6 months, of an agreement under S106 of the Town and Country Planning Act 1990 in respect of a contribution of £3000 towards monitoring the implementation of a Travel Plan and £41,634 towards early years education and child care provision.**

*This application is before this Committee since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval and since it is recommended for approval contrary to an objection from a local council supported by at least one non-councillor resident which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation Schedule 3.*

**Description of Site:**

The application site previously accommodated a 106 room nursing home on a 0.77 hectare site situated on the east side of Roebuck Lane opposite a green at the junction of Roebuck Lane with Russell Road. It is presently being developed to provide a total of 165 care units achieved by way of demolition of buildings containing all but 40 of the original units and erecting buildings to provide 125 units. The development also includes new parking areas, including a split level car park towards the rear of the site, together with alterations to access arrangements. The development was approved on 26 February 2016 following completion of a S106 agreement securing financial

contributions towards early years education and child care provision and monitoring the implementation of a Travel Plan.

To the south and west are houses and their gardens. To the east is Linders Field, a nature reserve and to the north is a footpath linking Roebuck Lane with the nature reserve. Beyond the footpath is the very large garden of 1 Powell Road. That garden together with Linders Field is in the Green Belt. The site and other land in the locality are outside of the Green Belt.

Levels across the site fall to the south and east. The northern part of the site is at a lower level than the highway. The change in levels across the site continue beyond it such that Linders Field and houses at Little Plucketts Way to the south are at somewhat lower level while the green west of the site and the garden of 1 Powell Road are at higher level.

Significant trees in terms of their contribution to visual amenity are situated on northern part of the site frontage with Roebuck Lane, the south east corner of the site, the eastern end of the northern site boundary and along the eastern site boundary with Linders Field. The garden of the nursing home also contains a significant tree. The latter tree together with that in the south east corner and two on the northern part of the site frontage with Roebuck Lane are protected by a Tree Preservation Order.

### **Description of Proposal:**

This application is for a scheme to amend the previously approved development, which was commenced. It follows the refusal of a similar proposal that was refused by Members on 5 June, reference EPF/1608/17.

The amendments proposed to the originally approved development are the erection of bridge link/porch from the rear split level car park to adjacent building; alterations to elevation details; alteration to frontage parking area layout and accesses, provision of an accessway adjacent to the southern site boundary linking the rear of the site to Roebuck Lane, erection of fencing/privacy screens on the southern and eastern site boundaries, erection of a single-storey summerhouse/store building in the south eastern part of the site, alterations to bin store and provision of two small meter buildings adjacent to Roebuck Lane. A revised landscaping scheme and arboricultural report is submitted with the application.

The bridge link/porch would connect the upper ground level of the split level car park to the retained and proposed buildings where they meet each other. It would pass over the access to the lower ground level of the car park. The porch component would be single-storey with a gabled roof and entirely glazed external walls. The porch would be visible through planting on the boundary with the footpath providing access to Linders Field. The Linders Field elevation would also be altered by way of the provision of a full height gable feature adjacent to the bridge link. A dormer window and shorter gable feature are deleted. Three previously proposed gable features are widened and the roof height of the part of the building adjacent to the northern access off Roebuck Lane would be increased by approximately 2m to accommodate plant in the roof space. Window positions are slightly altered. Alterations to dormer windows previously proposed in application EPF/1608/17 have been deleted.

The alterations to the elevations of the proposed building that face into the centre of the site are alterations where the building meets the retained building to facilitate provision of a lift and accommodation of plant. The latter would create a flat roofed area enclosed by safety railings. Those alterations at roof level and similar changes to gable features and dormers would be visible through planting on the boundary with the footpath providing access to Linders Field. They would not be evident when seen from Roebuck Lane. Alterations to dormer windows and gable features previously proposed in application EPF/1608/17 have been deleted.

A gable elevation in the southern elevation would be slightly increased in size and window openings slightly repositioned. The increase in roof height at the northwest corner of the building to accommodate plant in the roof would be largely obscured by the length of the building, although it is shown clearly in the submitted south elevation drawings. Again, alterations to dormer windows previously proposed in application EPF/1608/17 have been deleted.

When viewed from Roebuck Lane, the main change would be an enlarged gable feature in the north west corner adjacent to the northern site access and a 2m increase in roof height at that point to accommodate plant in the roof. That change corresponds to a similar increase in height in the adjacent part of the north elevation, described above. Elsewhere, nearer 41 Roebuck Lane, an 8m length of roof is reduced in height by approximately 1.5m. Alterations to the number (an increase of 1) and positions of dormer windows and roof lights are also proposed. The design of the dormer windows to the Roebuck Lane elevation would be similar to that originally approved, with a slight reduction in roof mass. Chimney features shown in the Roebuck Lane elevation drawing would be recessed significantly and therefore visible from the street.

Changes are proposed to access arrangements to the car park fronting Roebuck Lane. They comprise of deleting the access nearest 41 Roebuck Lane and providing an alternative at the approximate centre of the parking area. Two parking spaces nearest the preserved trees on the Roebuck Lane frontage are deleted and small meter buildings erected in their place. Overall there would be a loss of three parking spaces from this parking area. To form the revised parking area, a retaining wall that also serves as a boundary wall has been constructed on the site boundary with 41 Roebuck Lane.

A 3.1m wide accessway is proposed adjacent to the southern site boundary with the rear /side garden of 41 Roebuck Lane and the rear gardens of 18 to 21 Little Plucketts Way. It would link the southern part of the site to a split level car park previously approved at the northern part of the site. Vehicular access to the car park would be prevented by walls restricting the width of access to 1.5m, sufficient for electric buggies used at the nursing home but not for a car or larger vehicle.

The accessway has been constructed and links the front of the site to the rear via a shallower gradient than the adjacent land at the application site, which would be used as communal garden. As a consequence the accessway is raised above that garden area. In connection with the accessway, a privacy screen of close-boarded fencing has been erected on the site boundary with the rear gardens of neighbouring properties on Little Plucketts Way and Roebuck Lane. The height of the screen follows the gradient of the accessway and tree planting has been carried out on land between the accessway and screen.

A summerhouse constructed in the south-eastern part of the site also forms part of the proposal. It has a ground area of 4.1m by 12.3m and is 3.3m high at its ridge. It is situated well away from the site boundaries and a preserved tree in the south east corner of the site.

### **Relevant History:**

- EPF/0449/87 Alterations, extensions and change of use to provide elderly persons home.  
Approved
- EPF/2144/04 Erection of roof extension to Nightingale Unit, and two single storey infill extensions.  
Creation of additional parking spaces. Approved
- EPF/1957/15 Demolition of 2 storey building fronting Roebuck Lane, single storey detached building and detached house adjoining boundary with Linders Field Nature Reserve. Redevelopment comprising a 2.5, 3 and 4 storey development with basement to create 125 new care units at the application site, together with ancillary medical and recreational facilities and single storey courtyard development. Retention of existing 40 bed facility in Maple Unit. Creation of 57 parking spaces including two level car

parking for 40 vehicles in north eastern corner of site and 17 spaces within redesigned frontage area adjacent to Roebuck Lane.

EPF/1608/17 Application for variation of condition 2 'plan numbers' on planning application EPF/1957/15 (Demolition of 2 storey building fronting Roebuck Lane, single storey detached building and detached house adjoining boundary with Linders Field Nature Reserve. Redevelopment comprising a 2.5, 3 and 4 storey development with basement to create 125 new care units at the application site, together with ancillary medical and recreational facilities and single storey courtyard development. Retention of existing 40 bed facility in Maple Unit. Creation of 57 parking spaces including two level car parking for 40 vehicles in north eastern of site and 17 spaces within redesigned frontage area adjacent to Roebuck Lane). AMENDMENTS PROPOSED: erection of bridge link from rear car park to adjacent building; erection of porch; alterations to bin store; alterations to elevation details; alteration to frontage parking area layout and accesses. Refused on the basis that the use of the accessway by motor vehicles would be likely to give rise to noise that would harm the living conditions of neighbouring dwellinghouses, and on design grounds, particularly concerning amended dormer windows.

### **Policies Applied:**

#### *Adopted Local Plan*

CP2	Quality of Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban development Patterns
CP7	Urban Form and Quality
CP7A	Conspicuous Development
NC2	County Wildlife Sites
NC4	Protection of Established Habitat
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of 24th July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

#### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

DM 5	Green and Blue Infrastructure
DM 9	High Quality Design
DM 11	Waste Recycling Facilities on New Development

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted. 17

Site notice posted. Yes

Responses received: Letters of objection were received from 3 neighbours and summarised as follows

#### **19 LITTLE PLUCKETTS WAY, BUCKHURST HILL**

- Considerable concern about siting and usage of accessway adjacent to rear garden. Planting and screening will not mitigate noise and pollution from motor vehicles.
- The accessway is regularly used by vehicles and gates at the Roebuck Lane end are kept open.
- If permission is granted, the accessway will continue to regularly be used by motor vehicles regardless of any restrictions on its use e.g. gates.

#### **20 LITTLE PLUCKETTS WAY, BUCKHURST HILL**

- Concern expressed about the effectiveness of bollards to restrict access between the decked car park and accessway and the potential for the accessway to become a thoroughfare. Something more substantial should replace the bollards.
- The accessway should be reduced in width and converted to a footpath following completion of construction works.
- I am told gates proposed on the southern accessway would be kept locked and only opened in emergency. Presently there is only one gate near Roebuck Lane. It is rarely closed and I hear lorries and other vehicles using it, particularly in the mornings.

*Officer comment:* The proposal was amended in the course of consideration to replace bollards with a 1m high wall as a means of restricting access to the decked car park from the accessway.



#### 41 ROEBUCK LANE, BUCKHURST HILL

- Concern about potential overlooking.
- The accessway is sited adjacent to my house and full length of my rear garden. Gates controlling access to it from Roebuck Lane are always left open.
- Cars and vans regularly use the accessway and HGV's back into it. Such usage takes place from early morning until the evening. Metal trollies for food deliveries are moved along the road, which is incredibly annoying, especially in the early hours of the morning.
- Comment about a long delay in the applicant starting remedial work.

BUCKHURST HILL PARISH COUNCIL: Objection.

It appears that the ridge line is now higher than the approved scheme, if that is correct then we object.

We have no other objections on the other changes.

#### **Main Issues and Considerations:**

The proposal is for a number of changes that are minor in the context of the overall approved development but would nonetheless be apparent. The main issues raised by the proposal are the consequence for the character and appearance of the locality, consequence for living conditions of neighbouring properties and the consequence for preserved trees. The alterations to access arrangements and the parking area are acceptable in terms of highway safety and demand for on-street parking. As with the approved development, the proposal would achieve a significant increase in the amount of off-street parking provision in relation to staff numbers and care rooms.

This application is designed to overcome the Council's objections to application EPF/1608/17. The main focus of this assessment, therefore, is on the extent to which the reasons for refusal are overcome. The first reason for refusal concerned the impact of use of the accessway for the living conditions of neighbours. The second related to design, especially of dormer windows.

Following it's decision to refuse application EPF/1608/17 this Committee offered the following way forward. *"Members considered either deleting the accessway from the proposal or proposing an enforceable mechanism for mitigating the harm likely to be caused by its use by motor vehicles using it may address the first reason for refusal. In relation to the second reason for refusal, Members considered sensitive alterations to enhance the appearance of the building, including the replacement of modern design dormer windows with dormer windows of traditional design, would be likely to address their objection."*

#### **Living conditions:**

The proposed building and parking areas would not have a materially different impact to the approved building on the living conditions of neighbours. The main impacts arise from works in the southern part of the site.

Most contentious is the accessway constructed adjacent to the southern site boundary which is at higher level for much of its length. The difference in levels is a consequence of the accessway bridging a sharp change in original land levels between Roebuck Land and the rear of the site. The accessway is therefore significantly elevated in relation to rear garden levels at 41 Roebuck Lane, 19, 20 and 21 Little Plucketts Way. The degree of change in levels varies but is not more than 1m. That is verified by survey information submitted by the applicant that is consistent with the degree of change noted at inspections.

The access way is required for operational reasons and would link through to the northern side of the retained care home building to a split level car park structure previously approved. The car

park would be accessed from Roebuck Lane. Submitted plans indicate a gate across the access way adjacent to the eastern flank of the retained care home building, a further gate adjacent to the summerhouse and a width restriction to 1.5m where the accessway meets the split level car park. In addition, the submitted plans propose a reduction in the width of that part of the roadway nearest the car park to 2m and the inclusion ornamental features that serve to define that part as a pedestrian walkway.

The Applicant clearly wishes to retain the accessway and sets out proposals to mitigate potential harm caused by use of the accessway. The potential harm is overlooking of rear gardens from the accessway due to its elevated position and noise and pollution from motor vehicles using the accessway. The potential for overlooking is addressed first in this report, followed by the potential for noise and pollution.

#### *Potential for overlooking:*

When originally constructed the accessway did cause excessive overlooking into the rear gardens of 19 to 21 Little Plucketts Way and 41 Roebuck Lane, with no. 20 Little Plucketts Way being most severely affected. The applicant has mitigated the harm by erecting close boarded fencing adjacent to the site boundaries and planting trees between the access way and fence. The fencing is erected to a height of approximately 2m above the level of the accessway. This serves as a privacy screen and was provided following communication between the applicant's agent and the occupants of the affected houses. Inspections of the site following implementation of mitigation measures confirm the mitigation is effective in safeguarding the privacy of all affected neighbours.

Due to natural level differences between the site and adjacent rear gardens the fencing appears up to 3m high when seen from the gardens. Since the screening is to the very rear part of back gardens that are approximately 20m in length it does not appear excessively overbearing.

#### *Potential for noise and pollution:*

When refusing application EPF/1608/17, Members found the potential for overlooking had been addressed acceptably. Their main objection to the accessway concerned its use by motor vehicles and the potential for noise and pollution to harm the living conditions of neighbouring properties by impacting adversely on the amenities of their rear gardens.

The design changes to the accessway described in the third paragraph of the living conditions section of this assessment properly addresses the potential for the access way to form part of a through route around the site. The physical measures described would prevent cars and larger vehicles from travelling between the split level car park and the accessway therefore no through route for such vehicles would exist.

Residents have made clear that the present use of the accessway results in noise and disturbance that they experience as causing harm to their living conditions. Notwithstanding the Applicant's statement that the use of the accessway is currently limited to pedestrians and emergency vehicles, it is evident that the primary use of the accessway is by non-emergency vehicles.

The development underway is being constructed in phases that allow for the continuation of the operation of the care home use during construction. It is expected that Phase 1 of the development at the site will be completed by September 2019. Once Phase 1 is completed the accessway would only be used by emergency vehicles and pedestrians, including staff and visitors. With regard to emergency vehicle use, ambulances will park at the upper level of the car park, which is currently under construction, in the north-eastern corner of the site. Consequently, the only time that an emergency vehicle may need to travel along the accessway is when equipment to be used in the event of a fire may not be used efficiently from the northern side of the

site. On that basis, the amount of vehicles using the accessway once Phase 1 of the construction is complete would be negligible.

The Applicant has stated that he has no objection to the imposition of a condition restricting the use of the accessway to emergency and pedestrian use only that takes effect on the grant of planning permission. That is necessary to properly safeguard the living conditions of neighbouring properties. Such a condition is enforceable, however, the effectiveness of the condition in the longer term would be supported by a further condition requiring the erection of gates between the approved building and 41 Roebuck Lane in accordance with details to be submitted to and approved by the Local Planning Authority. Furthermore, such gates should be kept shut to vehicles other than in the case of an emergency requiring vehicular access to the rear of the approved building. Existing gates cannot be relied upon since they do not relate to the approved building and may therefore be removed in the course of its construction. The applicant has agreed to the condition, stating that, other than in the case of an emergency, the gates would allow for pedestrian access only.

On the matter of impact on living conditions, it is concluded that, subject to the imposition of the conditions referred to above, proposal would safeguard those of all neighbouring dwellings and would certainly not cause any excessive harm.

#### Character and appearance:

As described in the description of the proposal, the amended development would retain a traditional appearance with the higher part of the building in the north west corner opposite the green. Alterations to the detailed design of the building would not significantly alter its appearance therefore the building would complement the domestic character of the locality. In relation to its scale and height, the proposal is also not significantly different to that approved, making full use of the natural changes in levels across and beyond the site to ensure the building complements the character of the locality.

The additional height of the building is limited in location and is for the purpose of containing plant that would otherwise appear unsightly. The Parish Council's concerns about height are acknowledged, but in these circumstances it is concluded the limited raising of ridge height is not unacceptable and falls within the scope of a minor material amendment to the approved development.

In relation to the Committee's concerns about the design of dormer windows, the previously refused modern design has been deleted and the design now proposed is traditional and not materially different to the design originally approved.

It is therefore concluded the building will have an acceptable appearance that is not significantly different to that originally approved.

All other works, including the erection of a summerhouse and accessway adjacent to the southern site boundary together with privacy screening are of no consequence for the character and appearance of the locality since they cannot be seen from any public area. A boundary wall on the site boundary with the front garden of 41 Roebuck Lane is visible but would not appear out of place.

#### Trees and landscaping:

In the course of dealing with the previously refused application the Council's tree and Landscape Officer had ongoing discussions with the applicant and arboriculturalists / landscape architects employed by the applicant. They were able to resolve objections in relation to works in the vicinity of three preserved trees on site and secure remedial proposals that would complement other

necessary works for the development. In particular, works to levels adjacent to the preserved tree in the south east corner of the site are to be modified in accordance with arboricultural advice. The Council's Tree and Landscape Officer raised no objection to the proposal subject to the imposition of suitable conditions in respect of landscaping and tree protection. That was justified as follows:

*"Tree protection information has now been provided in respect of the proposed development – which are now well underway. However, given the fact that some of these trees are now legally protected by a Tree Preservation Order, on going Arboricultural supervision will be necessary. Information on this has been included within the recently received, and updated, Arb reports which allows us to specifically condition tree protection."*

*Although a landscaping scheme has been provided, and is acceptable in terms of where planting is to take place, it lacks sufficient detail to allow us to condition the submitted plan. Eg details of what trees are to be planted where, density details for proposed hedging, details of the green wall and planting of it etc. The soft areas highlighted as 'unaffected by the proposal', have been affected by the proposal, and will require remediation and planting. Also hard landscaping information in respect of, for example the steel planter to the frontage is required, etc. We have therefore included our standard landscaping condition, amended to take into account the fact that development works have commenced."*

The position has not changed in relation to the amended proposal now before Members.

#### Provision for Education:

In connection with the approved development Essex County Council advised they seek £41,634 to fund a need for 3 additional places of early years education and child care provision within the ward. Officers' report on the original application stated:

*"They calculate the need arising from the increased employment generated. The matter of a contribution for early years education and child care provision in the locality is the subject of discussion with the Applicant who informally questions whether the proposal actually generate a need to meet such provision in connection with a care home for the elderly. The outcome of that discussion will be reported verbally to the Committee. However, Officers recognise the proposal will provide the benefit of increased residential care for the elderly in the context of an aging population in the locality, and that it will generate significant local employment. In the circumstances, should the Applicant decline to make the requested contribution Officers do not consider that should be a sole reason for refusing planning permission."*

In the event, the applicant completed a S106 agreement with the Council to secure the contribution prior to the use of the new buildings commencing. There has been no change in circumstances since that decision therefore the obligation is still required. Should Members resolve to grant consent it will be necessary to secure the same obligation in connection with this application.

#### Other matters:

It remains necessary to secure a contribution £3000 towards monitoring the implementation of a Travel Plan, as previously secured through a S106 agreement.

In relation to the Epping Forest Special Area of Conservation, this application is for a minor material amendment to a previously approved development that has been commenced. In the circumstances, it is not necessary to require the applicant to make any contribution towards monitoring visitors to and air quality within the SAC.

## **Conclusion:**

The revised alterations to the building are minor and, although material, would safeguard the quality of its design and as a consequence the building would not have a significantly different impact on the street scene to the approved building. Members previous design concerns, particularly in relation to dormer window design, have been overcome. All other works would not be readily visible from outside of the application site. It is therefore concluded the proposal would safeguard the character and appearance of the locality.

The potentially harmful impact of the accessway and other works carried out in the vicinity of preserved trees has been addressed in revisions to the proposal. The potential for excessive overlooking from the accessway is properly mitigated and changes to the arrangement of the accessway would effectively prevent its use as a through route around the rear of the site by cars and larger vehicles. The Applicant agrees it is necessary to restrict the use of the accessway by condition in order to safeguard the living conditions of neighbouring dwellings. He also agrees it is necessary to require the provision of gates at the western end of the accessway and require them to be kept shut to vehicles other than in an emergency. Such arrangements to safeguard the living conditions of neighbours are enforceable. Works to levels adjacent to the preserved tree in the south east corner of the site are to be modified in accordance with arboricultural advice. For those reasons it is concluded the proposal as amended would safeguard the living conditions of neighbours, the character and appearance of the locality and the amenity value of preserved trees.

Accordingly, the proposal is acceptable and complies with relevant planning policy. It is recommended that planning permission be granted subject to suitable conditions and the completion of a S106 agreement in respect of monitoring the implementation of a Travel Plan and of early years education and child care provision.

***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: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Agenda Item Number 10



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Application Number:	EPF/1902/18
Site Name:	104 Southern Drive Loughton IG10 3BX
Scale of Plot:	1:500

**Report Item No:10**

<b>APPLICATION No:</b>	EPF/1902/18
<b>SITE ADDRESS:</b>	104 Southern Drive Loughton Essex IG10 3BX
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Roding
<b>APPLICANT:</b>	Mr & Mrs T Hiles
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for rear dormer above ridge height.
<b>RECOMMENDED DECISION:</b>	Grant Permission

**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=611940](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=611940)

**CONDITIONS**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council supported by a at least one non-councillor resident, which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix 1.(3c)*

**Description of Site:**

The application site comprises of a two-storey mid terrace dwelling. It is not within a Conservation Area nor is it a Listed Building.

**Description of Proposal:**

Retrospective application for rear dormer above ridge height

**Relevant History:**

EPF/1455/16 Certificate of Lawful Development for roof extension including 1 no. rear dormer window to facilitate a loft conversion. FINAL DECISION 14-06-2016 Lawful

**Policies Applied:*****Adopted Local Plan:***

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Residential Extensions

## *NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of 24<sup>th</sup> July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

## *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1	Achieving sustainable development
DM 9	High quality design
DM10	Housing Design and Quality

## **Summary of Representations Received**

6 Neighbours consulted:

ONE OBJECTION NO ADDRESS GIVEN: Proposal would appear out of character when viewed from different angles from the street and surrounding streets

LOUGHTON TOWN COUNCIL –OBJECT as rear dormer above ridge height of roof and this was out of symmetry with row of terrace houses.

## **Main Issues and Considerations:**

The main issues with this application relate to design and impact on living conditions of neighbours

## Design



The rear dormer window was granted a lawful development certificate under decision reference EPF/1455/16. It requires planning approval as it been built above ridge height of the existing roof thus failing to comply with permitted development rights under Class B, Part 1, Schedule 2 of the General Permitted Development Order (2015) as amended.

Rear dormer windows are part of the predominant character of this locality. Aerial imagery of the street can show significant dormer extensions implemented along this street. Walking along this street, significant rear dormer windows have been implemented under permitted development.

The dormer projects 0.3m above the ridge height of the application dwelling. This small increase in height would not appear visually incongruous, over dominant or significantly out of keeping with the roof lines of dwellings along this street to justify refusal of planning approval.

#### Living Conditions

The proposal would have no consequence for living conditions of adjoining neighbours by way of loss of light, outlook or resulting in loss of privacy.

#### **Conclusion:**

The small increase in the ridge height of the dormer window would not appear incongruous or out of character when viewed from the general street scene to justify refusal of planning approval. It would safeguard living conditions of neighbours.

Should Members disagree with Officers assessment in respect of design, it is necessary to consider the expediency of taking planning enforcement action. Following discussion with the Council's Planning Enforcement Team it is agreed the cost to the householder of rebuilding the dormer to comply with Permitted Development limitations is likely to be disproportionate in relation to the benefits gained to the appearance of the house and the character and appearance of the locality. It is concluded it would not be expedient to take enforcement action in these circumstances. That assessment adds further weight to the case for granting planning permission.

***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: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***