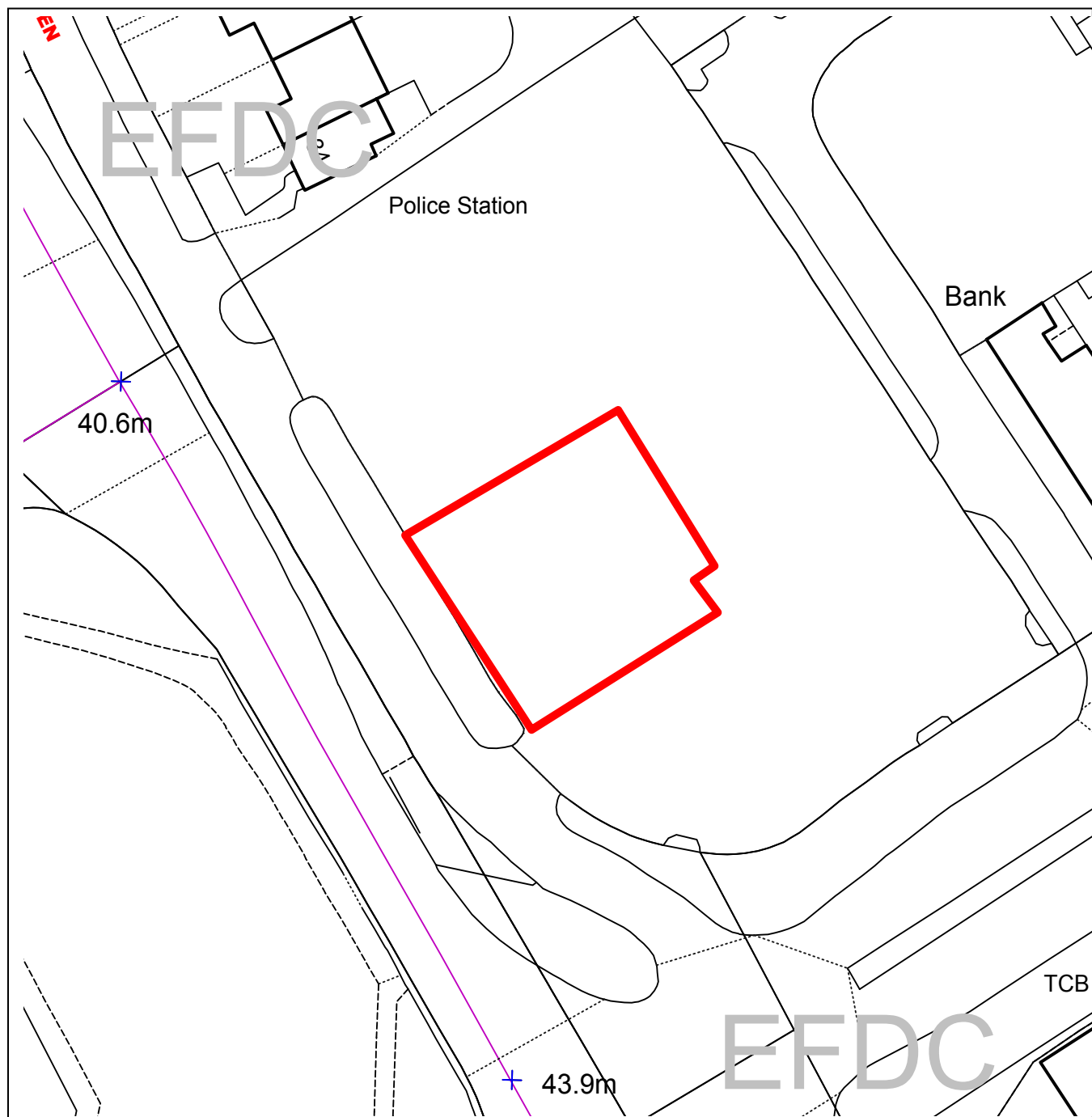






# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/0119/19
Site Name:	1 Landmark House The Broadway Loughton Essex IG10 2FA
Scale of Plot:	1/500

**Report Item No:1**

<b>APPLICATION No:</b>	EPF/0119/19
<b>SITE ADDRESS:</b>	1 Landmark House The Broadway Loughton Essex IG10 2FA
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Broadway
<b>APPLICANT:</b>	Mr Cem Yaman
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of x 4 no. air conditioning motors and x 2 no. cold room motors on rear wall placed at 30cm above floor level.
<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=619453](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=619453)

**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:  
Site location plan  
HAB-11-PL01  
HAB-11-PL02  
Technical details of condenser by Guntner dated 2018-11-01  
Technical details of Compact Roundflow Cassette - Active  
Technical details of Optyma Slim Pack refrigerant sheet 1  
Technical details of Optyma Slim Pack refrigerant sheet 2

***This application was deferred from the previous Committee in order to allow a Members site visit.***

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

**Description of Site:**

This application relates to commercial units on the ground floor of Landmark House, Debden. The units have been given the address of 30 Barrington Green in relation to street numbering. The units have previously been known as units 2, 3 and 4 Landmark House.

Landmark House has an L-shaped footprint. A northern arm has commercial units numbered 1 to 5. A common entrance to the upper floor residential flats is positioned where the northern arm and an eastern arm conjoin. The eastern arm accommodates a commercial unit which was the subject of an application associated with the Co-op supermarket (EPF/2884/17). The northern arm faces onto Barrington Green and Rectory Lane, these roads running parallel where the proposal is sited. The eastern arm faces onto The Broadway.

The application relates to the mid part of the northern arm, the rear elevation which faces east onto a car park and service yard. There are residential flats on upper storeys of Landmark House.

The commercial unit is within the defined Town Centre of Loughton Broadway on an inset map of the adopted Local Plan. The site is within the Small District Centre of Loughton Broadway as defined in the Submission Version of the Local Plan (Map 5.5 refers).

**Description of Proposal:**

Erection of x 4 no. air conditioning motors and x 2 no. cold room motors on rear wall placed at 30cm above floor level.

**Relevant History:**

EPF/2163/13 - Demolition of Public House and garages and replacement with construction of a mixed use development, comprising retail and food and drink units (within classes A1, A3 and A4) at ground floor level and 64 residential units at upper floor levels (first to sixth floors), together with 64 car parking spaces, service yard, access and car parking. – Granted subject to legal agreement 28/03/2014

EPF/1691/18 - Change of use of Units 2, 3 and 4 previously permitted to be used for purposes within Use Class A3 (restaurants and cafes) under planning permission EPF/2163/13 to use for a mix of purposes within Use Class A3 (restaurants and cafes) and Use Class A5 (hot food takeaways). Provision of outside seating area of 8 tables for 32 covers. Installation of extractor ventilation system connected to external acoustic aluminium weather louvres to the rear at ground floor level. – Refused 03/10/2018

EPF/2844/18 - Certificate of lawful use for existing A3 use - installation of extraction equipment to allow A3/A5 use to ground floor unit. – Lawful 29/11/2018

**Policies Applied:****Epping Forest Local Plan (1998) and Alterations (2006):**

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

RP5A – Adverse Environmental Impacts

**The National Planning Policy Framework**

The National Planning Policy Framework (NPPF) has been adopted as national policy since 2012, most recently updated in February 2019. Paragraph 213 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 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

SP2 E. (i) and F (i) - Spatial Development Strategy 2011-2033

DM21 A. and B. (i) and (v) - Local Environmental Impacts, Pollution and Land Contamination

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

Number of neighbours consulted: 73

Site notice posted: No, not required

Responses received:

1 LANDMARK HOUSE – Object, would be directly underneath our property, unwanted hot/cold air by our balcony, noise, smell, problems identified in previous petition applies, these types of installations can only be for a bar/pub with associated unruly/anti-social behaviour and late opening hours.

10 LANDMARK HOUSE – Object, could lead to the construction of a bar/pub, noise pollution would be made much worse, would affect residents sleeping in their own homes, diminish the view and entire look of the building, would appear unpleasant and be prominent from most angles, residents with balconies will no longer enjoy sitting and relaxing on them with the noise, smell and ugliness of the units, terror at the prospect of re-sale of apartments if to be set above a bar/pub, pleasant and quiet balconies is the main reason people have chosen to live in Landmark House.

27 LANDMARK HOUSE – Object, public nuisance, excessive noise, unpleasant odours, adverse impact to the external appearance of the property, a loss in market value which is difficult to quantify, searches conducted by our solicitors contained no notice of external additions to the property, flat occupied by a nurse working unsocial hours and therefore in need of sleeping during the day and at night after a long day shift, would be unable to open windows or sit on the balcony, no information regarding fire or other hazards, not clear why proposed.

37 LANDMARK HOUSE – Object, a pub below a residential building would be disruptive, music, chatter, shouting, smoking, outdoor drinking, incredibly damaging to the happiness we feel in our own home, a pub might encourage drug related activity in the area, I do not wish to start feeling less safe in the neighbourhood I live.

40 LANDMARK HOUSE – Object, a pub will cause lots of noise and trouble near our home.

41 LANDMARK HOUSE – Object, visual pollution, air pollution, noise pollution, potential smell associated, the building should have been originally designed for the intended use so that applications like this would not be needed.

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this application. Whilst appreciating that air conditioning is a requirement for public houses and restaurants, members felt architects would need to look at other solutions that did not affect the residents' enjoyment of their properties and quality of life in relation to noises and smells

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

This application has some similarities with a recent planning application, EPF/2884/17, which was submitted by the Co-op in relation to a commercial unit at the other arm to the Landmark House building.

The main issue with this application is whether the external plant, the air conditioning motors and cold room motors, would cause noise disturbance to occupiers of residential flats to a degree that would be unreasonable.

The condenser motors would have very limited visual impact. They would be set on a rear wall, a wall onto a car parking area and service yard. The six motors would be arranged neatly in line. The top surface of each motor housing would be some 0.8m above ground level of the service yard.

With regard to noise, specialist advice from Environmental Health comments, based on the extent of technical information submitted to date, is that should planning permission be granted a condition requiring the use of the equipment to cease during any period that it emits noise exceeding the prevailing background noise level. In conjunction with this, they Environmental Health suggest the imposition of a condition requiring the submission and approval of technical details prior to the use of the air conditioning units. This condition is considered to meet the tests for conditions.

In conclusion with regard to noise, it cannot be proven that there would be no disturbance to the residents of the flats at Landmark House, but the conditions proposed by Environmental Health will safeguard their living conditions. Indeed, the availability of air conditioning within the unit will facilitate and encourage the restaurant to operate with its doors shut, limiting the escape of normal noise associated with the use. That arrangement would be of some benefit to the living conditions of flats adjacent to the premises.

Furthermore, in broader terms, including the history and setting of the site, it is considered that refusal of the application could not be adequately justified. The proposal is relatively small-scale in nature and in the light of Government advice to ensure the vitality and viability of centres such as Debden, it is considered that approval would be reasonable.

Planning permission has been granted for a mixed-use development - food and drink units at ground floor level and residential units at upper floor levels – by planning permission EPF/2163/13. It is considered reasonable to expect that purchasers of the flats would have been aware that the

residential properties were in a mixed commercial and residential setting. Buses pass the site and commuters going to the underground station contribute to activity outside the site. It is understood that a number of business premises, in a more general vicinity, along The Broadway are open from 6am. Whilst the proposal would generate some noise, there is some background noise at this locality.

Members are advised an Inspector commented in a recent appeal decision for a nearby unit (APP/J1535/W/18/3203201) that Landmark House is sited at the busy junction of Rectory Lane and The Broadway. The Inspector described the prevailing character of the vicinity as a bustling local centre. The site is in a commercial centre as shown in the Submission Version of the Local Plan.

Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. This is considered to be the case in this instance.

**Conclusion:**

Given the scale of the proposal, that such a proposal would be expected in connection with a restaurant use and that the proposal is not in a wholly residential setting refusal of the proposal could not be reasonably and adequately supported. It is recommended that planning permission be granted subject to a condition regarding noise as recommended by Environmental Health.

***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:***

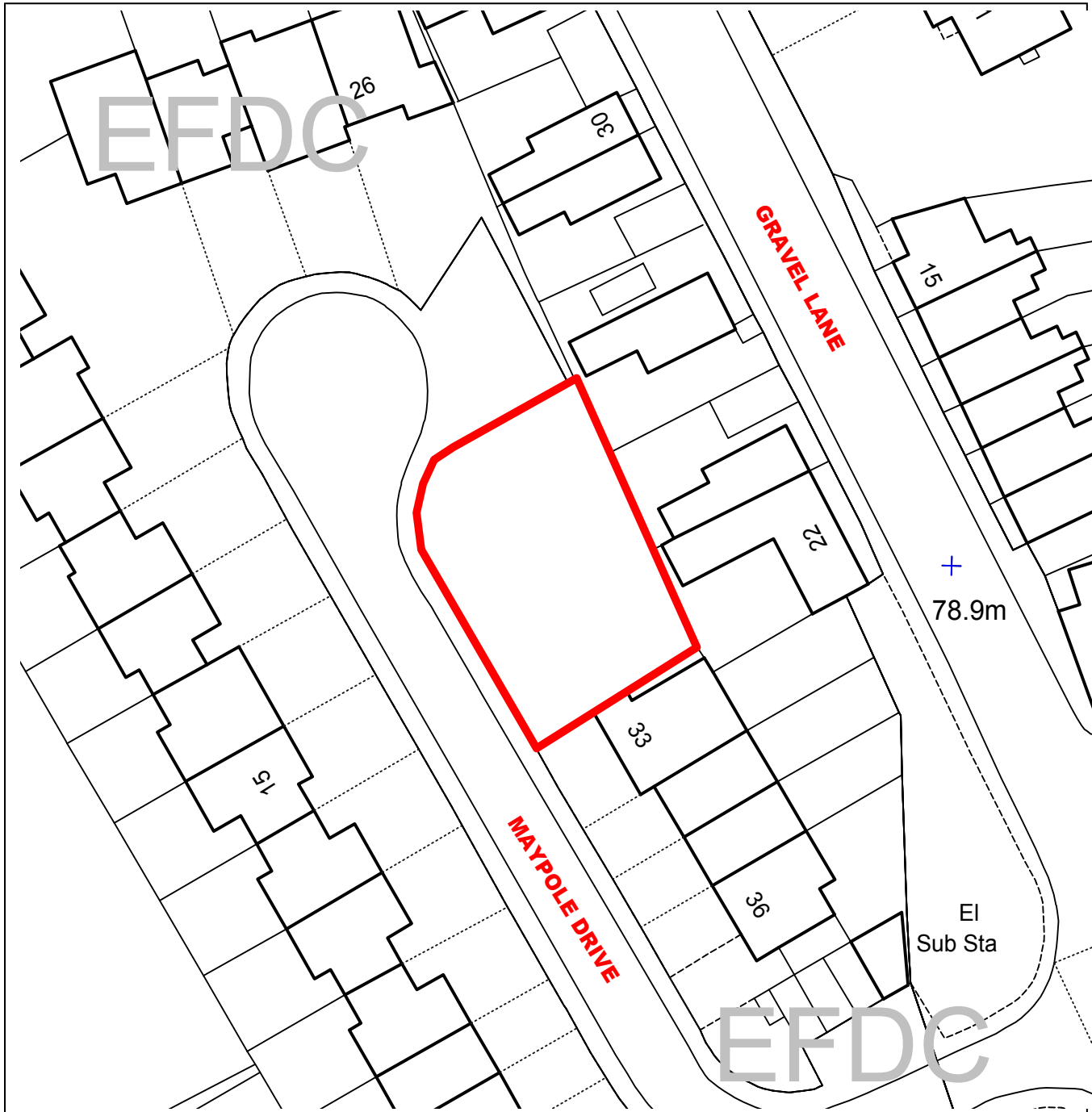
***Planning Application Case Officer: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

***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 2



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Application Number:	EPF/2797/18
Site Name:	Land adjoining 33 Maypole Drive Chigwell Essex IG7 6DE
Scale of Plot:	1/500



**Report Item No:2**

<b>APPLICATION No:</b>	EPF/2797/18
<b>SITE ADDRESS:</b>	Land adjoining 33 Maypole Drive Chigwell Essex IG7 6DE
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>APPLICANT:</b>	Mr Colin Stone
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of new four bedroomed detached dwelling house.
<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=616102](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=616102)

**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: LA33MD/10/18/1 rev A, 2 rev A, 3 rev A, 4 rev A, 5, 6 rev A, 7 rev A and 8 rev A
- 3 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved

measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 6 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 7 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 8 Prior to first occupation of the development, a scheme to enhance the ecological value of the site, include native planting of wildflowers and enhancements for birds and bats, shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 9 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 10 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.
- 11 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 12 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.
- 13 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active bird's nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 14 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 15 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each of the existing and new dwelling shall be installed and retained thereafter for use by the occupants of the site.
- 16 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 17 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, D and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 18 The window opening(s) in the rear elevation shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames and shall be permanently retained in that condition.

## **EPF/2797/18**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

### **Description of Site:**

The application relates to land currently forming part of the garden area of 33 Maypole Drive, a two storey end of terrace house on the east side of the road, a cul-de-sac. The existing house is extended to the front and side at ground floor and has a side and rear garden area, the side area laid primarily as lawn and the rear extending to Gravel Lane is hard surfaced. Common to the road, parking is to the frontage.

The surrounding area is wholly in residential use, Maypole Drive comprising primarily a mix of semi-detached and terraced houses.

### **Description of Proposal:**

The application proposes a new four bedroom dwelling to the side of the existing, primarily two storey with a single storey projection to the rear. The building takes design cues from the adjacent terrace, breaking the elevation into proportionate sections with the use of projecting false brick columns through the front elevation. A hipped pitched roof reflects the building's lower setting in relation to the terrace.

Parking is provided on the frontage for 3-4 vehicles and the remaining land at the side, around 100 sq.m. is retained as a garden area.

### **Relevant History:**

EPF/0194/94 Application for a bungalow on the site was refused, and dismissed at appeal.

### **Policies Applied:**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application. They are broadly consistent with the NPPF and therefore are afforded full weight.:

#### *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
ST6	Vehicle parking

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) () 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:*

In September 2018, the Council submitted the Epping Forest Local Plan Submission Version 2017 for examination. As such the LPSV can be treated 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 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
T1	Sustainable transport choices
DM2	Epping Forest SAC and Lee Valley SPA
DM9	High Quality Design
DM10	Housing design and quality
DM19	Sustainable water use
DM22	Air quality

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

Date of site visit:	06 December 2018
Number of neighbours consulted:	30
Site notice posted:	06 December 2018
Responses received:	Two responses received, from 19 MAYPOLE DRIVE and 26 GRAVEL LANE.

The resident in Maypole Drive is concerned that the building is out of keeping with the semi-detached / terrace character of the road, that the proposal will lead to additional traffic in what the objector sees as a congested road, and disturbance during construction.

The Gravel Lane resident was concerned at the impact of the building in terms of an overbearing appearance, loss of light to their garden (which is at a lower ground level to the site) and potential overlooking.

Parish Council: Chigwell Parish Council objected to the original application *'because of the potential for overbearing on the properties to the rear in Gravel Lane'*.

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

It should be noted that the application now before Members has been amended since the comments were received from the local residents and the Parish Council. The original application proposed a two storey building in close proximity to the rear boundary, but the two storey element has been re-configured towards the site frontage such that this is now a minimum of 5m from the rear boundary with a single storey element at the rear. Officers consider that the degree of separation addresses concerns around the overbearing impact of the building, and loss of light. First floor windows in the rear elevation are shown as at high level only serving bathrooms and communal areas only and conditions can be attached to ensure these are fixed shut and obscure glazed.

Noting the comment raised by neighbours in relation to the semi-detached / terraced nature of the local character, officers note a single, larger detached dwelling at 7 Maypole Drive, signifying a more mixed character. The proposed building seeks to present a consistent elevational form with the adjoining terrace, and is set down at eaves and ridge level consistent with the pattern of properties opposite. The bulk of the building is further reduced by the introduction of a hipped roof, a similar approach to that taken at no. 7.

The site provides adequate off-street parking on the frontage, consistent with the existing dwelling and others in the vicinity.

### **Impact on Epping Forest Special Area of Conservation (SAC)/Air Quality**

The site lies within 6km of the Epping Forest SAC but outside the 3km zone. As a result, the increased vehicle activity can be expected to impact on general air quality in the wider SAC area.

The Epping Forest covers a large area of land within the District and much of the Forest is designated as a Special Area of Conservation (SAC). Biodiversity features within, or associated with, these designations enjoy the highest level of protection under UK and EU Law and UK planning policy. Epping Forest SAC is designated a 'European Site' and as the Conservation of Habitats and Species Regulations 2017 as amended ("the Habitats Regulations") requires that the Council, as the competent authority, must before deciding to grant planning permission make an appropriate assessment of the implications of the development for the SAC in view of the SAC's nature conservation objectives where it is likely that the development is likely to have a significant effect on the SAC (either alone or in combination with other development) and where the development is not directly connected with or necessary to the management of the SAC. This appropriate assessment is known as a Habitats Regulation Assessment (HRA).

Under the Habitats Regulations, the Council may, if it considers that any adverse effects of the development on the integrity of the SAC would be avoided if the planning permission were subject to conditions or limitations, grant planning permission, subject to those conditions or limitations. The approach may vary depending on the scale and nature of the proposal.

Two specific issues in particular have been identified that could result in development have a likely significant effect on Epping Forest SAC. These are:

1. Increased visitors to the Forest arising from new development within 6.2km of the SAC.
2. Damage to the health of the flora, including trees and potentially the heathland habitats, from air pollution primarily generated by vehicles.

This application (1 new dwelling house) would result in a net increase in vehicle movements and therefore a likely significant effect on air quality as it relates to the Epping Forest SAC cannot be screened out at this point in time. It is also likely to lead to increased visitor pressure on the SAC given its location within the 6.2km Zone of Influence.

The Council is currently awaiting the views of Natural England on the findings of an updated HRA (January 2019), which has been provided to support the Examination of the Council's submitted Local Plan. This updated HRA has assessed the likely significant effect of development over the period of the Local Plan (including windfalls) in combination with other plans and projects. Until such time as Natural England confirms that it is satisfied with the findings of the updated HRA the Council **cannot grant planning permission on any planning applications** which would result in a net additional increase in vehicle movements within the District.

Natural England has, however, advised that it is satisfied with the approach set out in the Council's 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications) with respect to mitigating the likely significant effects of residential development within the current Zone of Influence of 6.2km.

The applicants have indicated that they are willing to enter into a legal agreement and/or accept to agree contributions that may emerge to address this issue. As such, and for the purposes of agreeing the principle and merits of the proposal as set out in this report, members are advised that any S106 legal agreement or planning condition is likely to require the provision of, or contribution to, measures including, for example :

- Electric charging points for electric vehicles
- Resources relevant to the use of passenger transport and cycling/walking (e.g. Travel Plans, provision of travel packs and introductory tickets for use on public transport, cycle parking,)
- All new development to have the ability to connect to high speed broadband
- Financial contributions towards air quality monitoring

The site lies in an area where contaminants may be present due to historic uses, and the presence of gas infrastructure. Conditions can address these issues however.

### **Conclusion:**

Noting the previous refusal for a dwelling on the site, officers consider this has little weight due to the passage of time and extensive changes in national and local policy. The application in the amended form has addressed concerns around amenity impact, moving the two storey element away from the attached neighbours to the rear, and has revised the external appearance to reflect the character of the adjoining terrace.

Officers therefore consider that the proposal complies with relevant planning policy and it is recommended that planning permission be granted, subject to conditions and a legal agreement in relation to air quality issues.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the Monday preceding the meeting at the latest:***

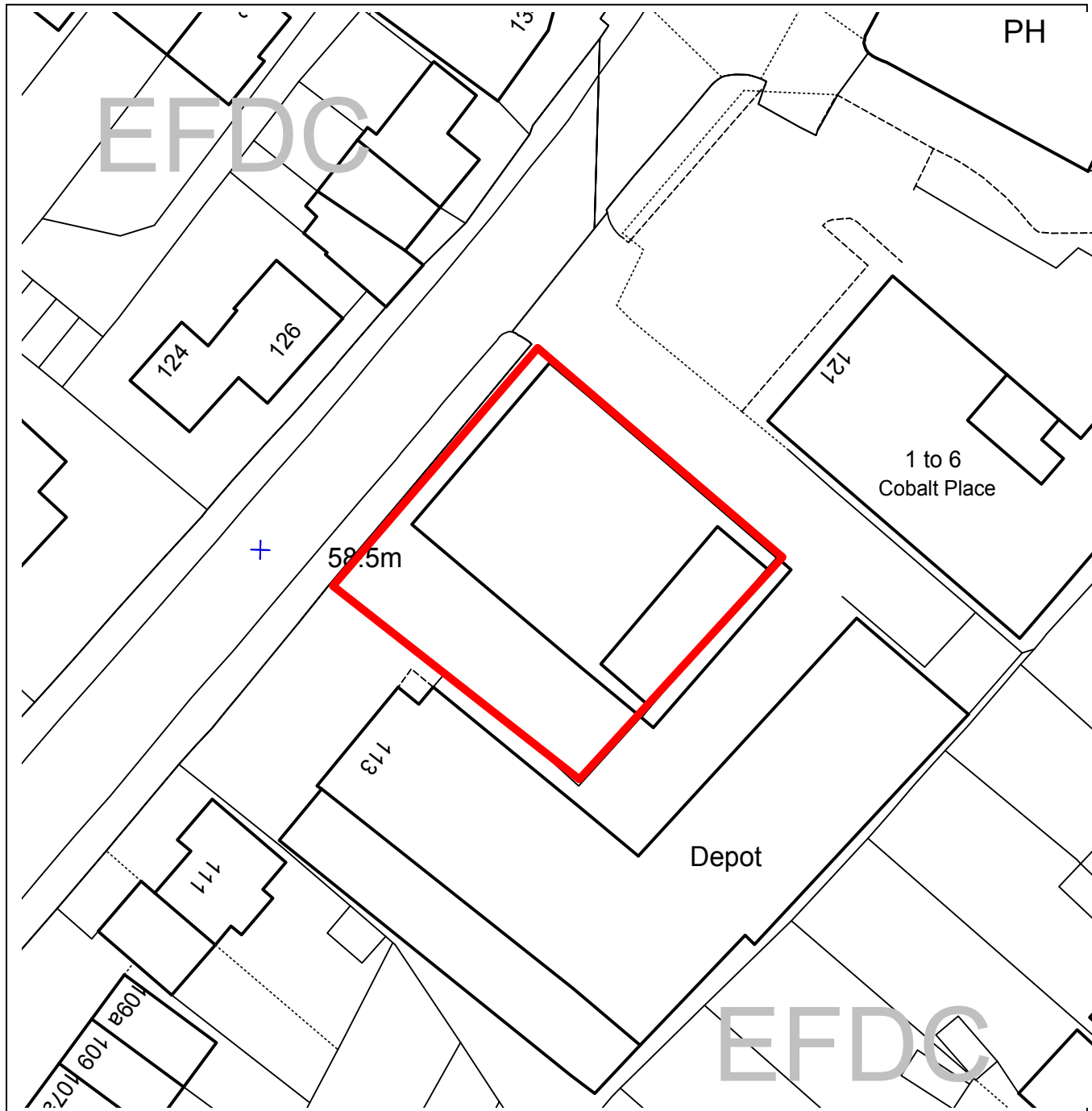
***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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



# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/3413/18
Site Name:	Church Hill Service Station 117 Church Hill Loughton Essex IG10 1QR
Scale of Plot:	1/500



**Report Item No:3**

<b>APPLICATION No:</b>	EPF/3413/18
<b>SITE ADDRESS:</b>	Church Hill Service Station 117 Church Hill Loughton Essex IG10 1QR
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	R Ainsworth
<b>DESCRIPTION OF PROPOSAL:</b>	Application for variation of Condition 2 "hours of operation" for EPF 0949/89. (Automatic car wash). Change in Sunday operating hours from 10am to 2pm to 10am to 7pm
<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=618798](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=618798)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of five years beginning with the date of this Notice (05/03/1990).
- 2 The development hereby permitted shall not be open to customers / members outside the hours of 8am to 7pm on Monday to Saturday and 10am to 7pm on Sundays.
- 3 The development shall be carried out in accordance with the amended plans received on 16 February 1990 (1970/89 B); Site Location Plan
- 4 Prior to commencement of the extended opening hours hereby approved, mitigation measures to the car wash to reduce the noise level to equal or below the prevailing background noise shall be agreed in writing with the local planning authority. The agreed mitigation measures should be used at all times when the car wash is in use.

The extended opening hours hereby permitted must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from car wash exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than half the number of people consulted have objected on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

**EPF/3413/18**  
**Church Hill Service Station, Loughton**

**Description of Site :**

The application site comprises of a petrol filling station with an associated machine operated car wash ancillary to the Petrol Filling Station. It is within a built up area of Loughton. It is not within a Conservation area nor is it a Listed building. The application site is on the south eastern side of Church Hill. To the north east is Cobalt Place which is a three storey building comprising of residential units with an A1 retail unit on the ground floor (Sainsbury's). To the south west was former dairy site which has been demolished following outline planning permission granted under decision reference EPF/ 0862/17 for 10 flats. Land level rise steadily to the north east and fall to the south west of Church Hill. Local Bus Routes run along this street with services to nearby Debden and Walthamstow. Church Hill itself is an A road and is a main road artery leading to Debden and Loughton. It is busy during most times of the day but particularly during the morning and evening rush hour. This stretch of Church Hill street comprises of a variety of uses such as residential dwellings and flats, restaurants, takeaways as well as Shops, such as Home Base and Public Houses i.e. The Plume of Feathers. It essentially acts as a local centre but has no policy designation in the Local Plan (1998) and Submission Version of the Local Plan (2017). It is a busy and vibrant hub of activity with a lot of noise generated from traffic from vehicles in connection with the road and from people using the shops and other amenities as described above.

**Description of Proposal:**

Application for removal of Condition 2 "hours of operation" for EPF/0949/89 (Automatic car wash)

A condition was attached to the grant of this historical planning permission. That was condition 2. *'The proposed car wash shall only be operated between the hours of 8am and 7pm on weekdays including Saturdays and 10am to 2pm on Sundays'*.

The applicant is seeking to remove the condition and for a new condition to be imposed which will allow the car wash to operate between 10am to 7pm on Sunday's i.e. an increase of five hours instead of the existing 10am to 2pm during Sundays.

**Relevant History:**

EPF/0949/89. Automatic car wash. Approved.

**Policies Applied:**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

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

*Adopted Local Plan:*

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

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of 19<sup>th</sup> February 2019. 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: 9

Responses received:

##### **6 COBALT PLACE, 121 CHURCH HILL OBJECT**

Our flat is next to the petrol station and carwash and we have 3 windows that open to the side of the petrol station and car wash. When the car wash is operational even with the windows firmly closed and locked we can hear the noise from the water and the washers, we hear the cleaning of every vehicle and to be honest would welcome further reduced hours not longer.

In summer especially when we need to keep our flat ventilated and have the windows open the noise is overwhelming. It drowns out our television and our conversations. In the summer of 2017 we made complaints to the council as the car wash was operating out of its restricted hours. It was not until this complaint was made did the service station adhere to their contracted obligations. Last summer we also welcomed a little baby into our lives and in order to protect his naps and

sleep requested the car wash operate times be looked at. Sundays is our much needed day of rest and family time. We do not want to listen to a car wash in operation all through the day. The 24 hours feature of the petrol station is already an issue and causes bad social behaviour, we fear any further extension to the current agreement would have a huge negative impact on our sanity, where we live and our lives.

Officer comment: The change of hours will not result in a 24 hour operation. A full amenity assessment is carried out in the main body of this report.

3 COBALT PLACE, COMMENT- Certain flats in Cobalt Place can hear this car wash at all times. They currently stop at 2pm on a Sunday. Continuing until 7pm is unacceptable re noise

5 COBALT PLACE OBJECT - I do not want this to happen as the garage itself it already creates a lot of noise 24/7 from its activities and really don't want to have to hear more noise from having the car wash running longer.

2 COBALT PLACE STRONG OBJECTION – The petrol station makes enough noise as does Sainsbury's deliveries as it is due to them delivering first thing in the morning.

Our flats are within direct proximity to the car wash of which makes a lot of noise and causes a disturbance so extending this on a Sunday is unfair.

The 24 hour alcohol license already causes anti social behaviour during all hours of the night on a weekend including fighting and shouting so to now extend this noise pollution on a Sunday day time is totally unacceptable.

4 COBALT PLACE – STRONG OBJECTION - As Residents of 4 Cobalt Place, Loughton IG10 1QR we sincerely hope these plans are rejected.

The carwash is located directly outside of second room and hallway window.

This creates a large amount of noise, and constant issues with cars being blocked in and beeping as the tyre pumping station is close to the exit.

If the hours on a Sunday are increased this will considerable effect on us being able to rest on a Sunday,

We like to keep the windows open especially in the summer months to allow a breeze, If this car wash run till late on a Sunday this means this is not possible on our only day of rest due to the noise.

We work 6 days a week so would hope the council would reject these plans in order for us all in this block to have a peaceful Sunday.

It's already bad enough with the Sainsbury's car park constant issues and late night issue in the petrol garage waking us up - We have called the police a number of times but they don't attend for noise issues apparently.

Parish Council: NO OBJECTION

**Main Issues and Considerations:**

The main issue to be considered with this application relates to neighbour living conditions.

**Living Conditions of neighbours**

As mentioned earlier in this report, Church Hill is a main road within the town and is busy throughout the day in terms of road traffic. Buses run along this street, there are many local business and retail units along this street. A petrol filling station operating till late into the night is situated on this street with a 24 hour off licence inside the Petrol Station. There is a car wash which operates from 8am to 7pm Mon-Saturday and from 10am to 2pm during Sundays.

Adjacent to the site is Cobalt Place which is three storeys in height with the upper level set back. This building is a mixed use residential and retail development. There is a Sainsbury's on the ground floor operating between the hours of 7am-11pm seven days a week with residential above.

All of the above suggests the site and its surroundings are fairly busy and noise intensive as it is. An increase of five hours for the automatic car from 10am to 2pm during Sundays to 10am to 7pm is not considered to result in excessive harm in terms of noise nuisance compared with the existing situation, given the above context. 7pm is not an anti social operating time as it is generally not considered to be a time when most people are in doors and sleeping for example. Moreover, in the context of retail units being able to trade during Sundays and public houses (of which there is one nearby 'The Plume of Feathers') being able to operate late into the evening, the proposed increase in car wash operating hours is not considered to be particularly noisy or neighbourly to justify refusal of planning approval.

The Council's Environmental Health Officers were consulted on the proposal and have assessed and reviewed a noise acoustic report that was later submitted as part of this application. They have no objections subject to conditions to be outlined in the Council's Decision Notice. Their comments and suggested conditions are outlined below

*'It is clear from the report provided by Enzygo Ltd on behalf of Rontec Watford Ltd that the noise level would exceed our requirements under BS4142:2014 as show in table 4-6 and paragraph 5.11 , however the report suggest mitigation in the form of a roller shutter on the exit of the car wash which will reduce the levels to comply with our standard requirements. However, I would want the installation of the shutter or other mitigation measures to be conditioned.*

*I would recommend the following conditions are applied to the application to ensure that the nearby residents are not unduly impacted by the operation of the car wash particularly on a Sunday.*

- 1. Mitigation measures to the car wash to reduce the noise level to equal or below the prevailing background noise shall be agreed in writing with the local planning authority before the hereby permitted use commences.*
- 2. The agreed mitigation measures should be used at all times when the car wash is in use.*

*The use hereby permitted must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from car wash exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014'*

**Conclusion:**

Your Officer's have considered this proposal to be acceptable subject to the suggestive conditions from the Council's Environmental Health Officers who have assessed the noise report submitted by the applicant's consultants. It is recommended that planning permission is 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: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564298***

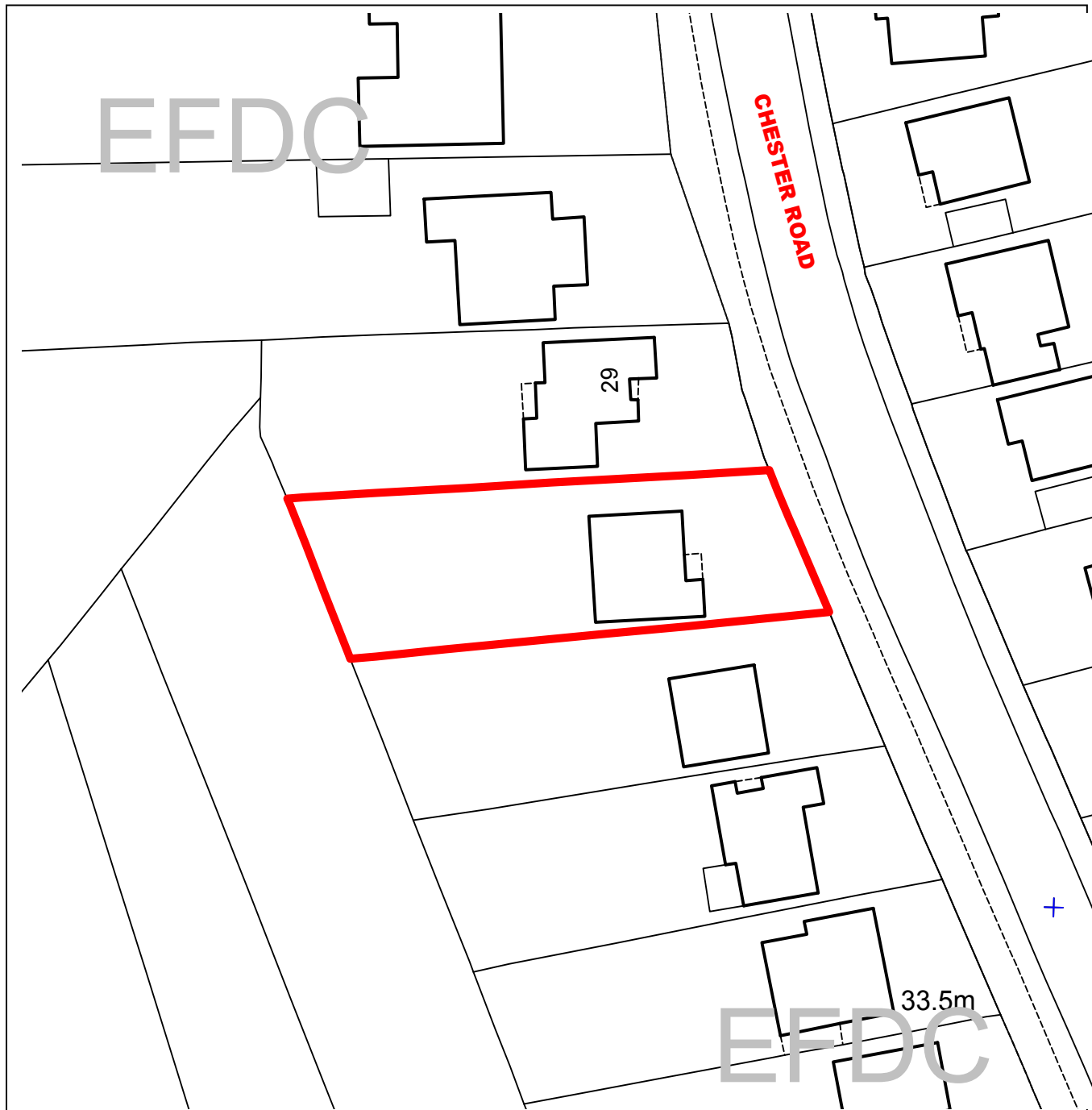
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0053/19
Site Name:	31 Chester Road Chigwell Essex IG7 6AH
Scale of Plot:	1/500



**Report Item No:4**

<b>APPLICATION No:</b>	EPF/0053/19
<b>SITE ADDRESS:</b>	31 Chester Road Chigwell Essex IG7 6AH
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Ahmed Chowdury
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey rear extension. (Revised application to EPF/1523/18)
<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=619137](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=619137)

**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: ASCBS. P1241, P1341, P1940, P2140, P2240, P2340 and P2440
- 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 Side windows indicated in the south facing side elevation (drawing reference ASCB.P2340) shall be fixed non-opening and completed in obscure glazing. No alterations to the said windows shall be made, nor any other windows inserted in the south facing side elevation without prior approval from the Local Planning Authority.

**EPF/0053/19**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

**Description of Site:**

The application relates to a two-storey detached house on west side of the road, used as single dwelling. The property has been extended at the side (two storey) and rear (single storey) under a planning permission granted in 2016.

The property lies in a wholly residential road. Properties are generally two storey, detached and built in a range of styles. Properties on the side of the road are at this point stepped in terms of their front building line, those to the south projecting forward of their northern neighbour. Land also falls north to south with buildings stepping down to reflect.

### **Description of Proposal:**

The application proposes ground and first floor rear extensions.

The ground floor extension projects 5.8m. It aligns with the existing flank wall on the northern side, 1m from the boundary with no.29, and is set in from the flank wall on the southern side by 2.4m. This element has a flat roof with openings in the rear elevation only.

The first-floor extension projects 6.8m from the rear of the existing first floor. This extension aligns with the ground floor flank on the north side, is set in from the southern flank by 4.9m and back from the rear wall of the ground floor extension by 2m. This element has a hipped pitched roof, principle windows to the rear supplemented by high level windows in the south side and a full depth window in the north side.

The extensions are finished in matching materials, painted render to walls and tiled roof.

### **Relevant History:**

- EPF/1136/10 Demolition of existing and replacement dwelling – approved, not implemented and lapsed.
- EPF/1867/16 Proposal is for a single storey rear extension and a part single storey and part double storey side extension – approved and implemented
- EPF/1523/18 Two storey rear extension – refused on its scale and bulk and impact on neighbours. An appeal against this refusal has still to be determined.

### **Policies Applied:**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

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

#### *Adopted Local Plan:*

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

The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) (February 2019) 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:*

In September 2018, the Council submitted the Epping Forest Local Plan Submission Version 2017 for examination. As such the LPSV can be treated 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 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 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

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

Date of site visit: 11 February 2019

Number of neighbours consulted: Six

Site notice posted: No, not required

Responses received: Objections have been received from neighbours at 33 and 35 CHESTER ROAD. The following issues are raised:

- Overdevelopment of the property – the objector calculates the overall built volume to be 75% larger than the original building.
- Visual impact from the depth and bulk of the extensions, and the sense of enclosure from the works.
- Loss of privacy and overlooking from flank windows
- Loss of established trees which provide screening
- Impact of side windows on future extensions at the neighbouring property – would such extensions be refused due to impact on these windows?
- Impact on property value (of itself not a material consideration).
- The neighbour at 33 points a potential inaccuracy in the site plan which suggest a central addition to their property which is in fact a canopy visible on certain aerial mapping systems. Officers do not consider this alters the primary consideration of the proposals.

Parish Council: Chigwell Parish Council OBJECT to the application, commenting as under:

*...the proposed two storey rear extension is considered an overdevelopment of the existing structure. The visual amenity of the neighbouring property would be adversely affected, and a loss of light would occur, even with the suggested revisions.*

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

The issues in considering the application relate to potential impact on residential amenity. A number of specific matters are relevant in this regard.

Due to a bend in Chester Road, the house from no.31 northwards have a different orientation to properties from those from no.33 southwards, the difference being around 7 degrees. While this is a limited change of itself, it results in the extensions sitting at an increasingly greater distance from the shared boundary the further into the site they project.

The stagger which sees properties to the north project beyond their southern neighbour is evident on the west side of the road between properties from no. 25 to no 41. The depth of this stagger varies but is more pronounced to the north, on account of the above-mentioned bend. Around half of the original two storey building at the application site projects to the rear of the immediate neighbour to the south and has a significant visual impact.

Substantial extensions have previously been added to the properties to the north, particularly no. 29 Chester Road. This part single part two storey extension, approved in 2004 before the application site was extended projects to a similar depth as the ground floor extension now proposed across two floors with a corner cut out at first floor around 3.6 m deep and 2m wide, a significantly greater built mass adjacent to the boundary.

The objector's properties lie to the south of the application site. In daylight and sunlight terms therefore, direct overshadowing of the neighbouring properties will not occur.

Taking all these factors into account, it is not considered that the proposals would have a significant impact on the objector's properties. The primary impact arises from the dominant mass of the flank wall of the original house and it is arguable as to whether the extensions, being some distance from the main habitable areas of the neighbouring property and with the favourable general orientation would results in a materially greater impact than the existing situation.

This is not to suggest that there is not an impact. The overall size of the extension has a visual impact by virtue of the overall projection and the change in levels whereby the land falls to the south. The question remains whether this visual impact is so significant as to make the proposal unacceptable in the context of the setting of the other extensions adjacent. It is officers view that the impact on amenity is limited due factors of distance and orientation and therefore not significant as to justify a refusal of planning permission.

Similar concerns do not arise in regards the neighbour to the north where the previous extensions are of a similar scale. The first-floor rear facing window above the ground floor element is sufficiently separated not to be unduly enclosed by the first-floor addition.

The proposal raises no substantive matters of design, the extensions are proportionate in their scale against the existing building and materials will match.

A number of other matters raised in the representations have been considered. Objectors refer to 'over development' but these are substantial plots and a rear garden in excess of 170 sq.m is retained. The proportionate increase in the volume of the building may be relevant in other circumstances but is of little weight where other material considerations indicate limited harm will arise.

Side windows on the south side are indicated at high level only and serve secondary purposes – to a dressing room and to a bedroom with rear facing windows. As such, these can be conditioned to be fixed and obscure glazed, and their secondary character will not hamper future extensions at the adjoining property. The north facing side window faces the flank of the previous additions to no. 29.

### **Conclusion:**

The relationship between the application site and its neighbours to the south is somewhat unconventional in not following the traditional street pattern. The extended stagger presents the existing flank wall in the area where additions may ordinarily be expected to have the most significant impact.

As a result, the proposed extensions are distant to the main habitable areas of the neighbouring property and have been stepped away from the boundary to further increase the level of separation. Officers consider the proposal now before Members to be broadly proportionate to the overall scale of the application site, and of a suitable design.

The extensions will have a visual impact, but taking account of siting and orientation, this of itself would seem insufficient to support refusal.

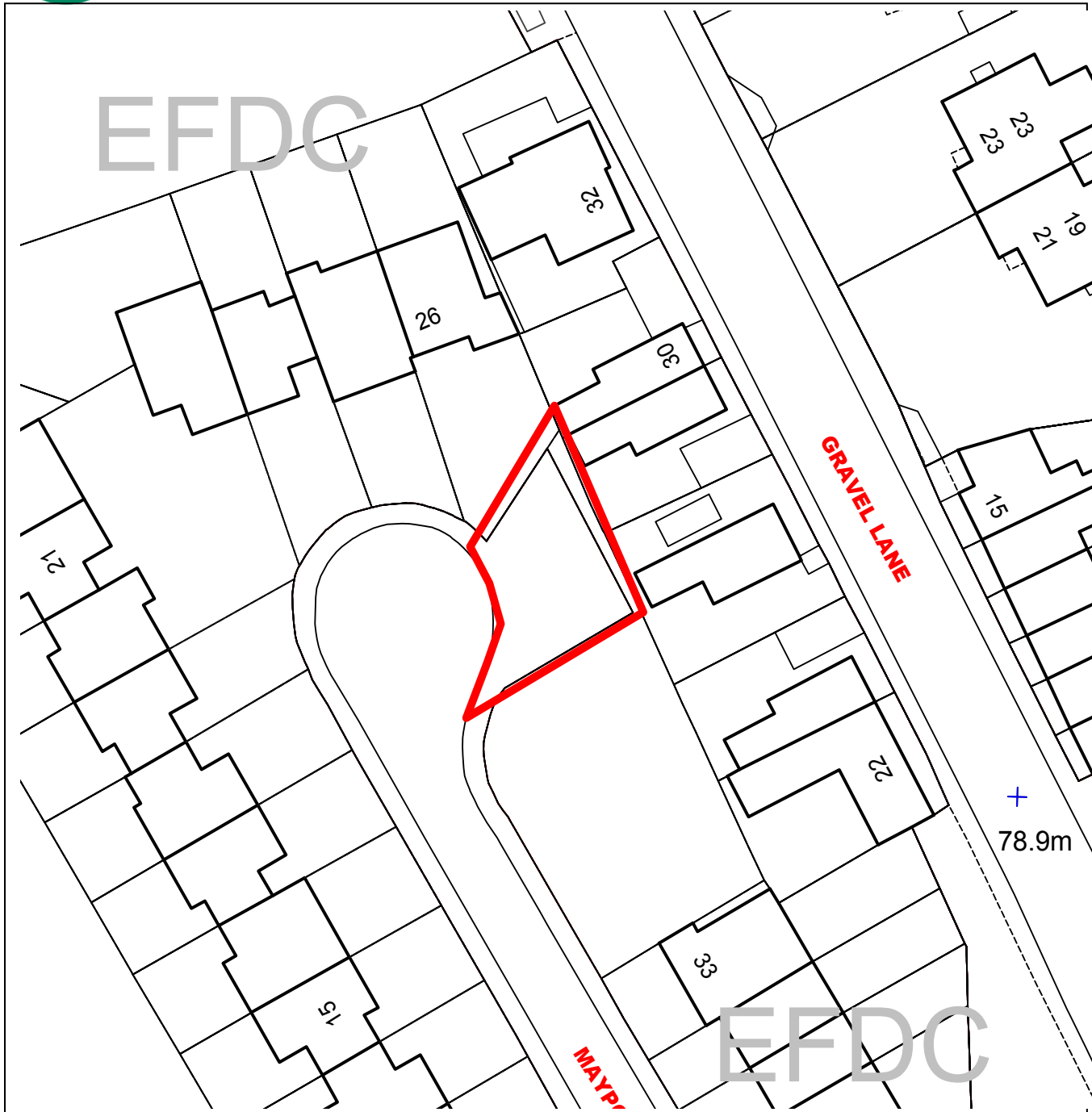
***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the Monday preceding the meeting at the latest:***

***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)***

# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/0208/19
Site Name:	Land adjacent to 26 Maypole Drive Chigwell Essex IG7 6DE
Scale of Plot:	1/500

**Report Item No:5**

<b>APPLICATION No:</b>	EPF/0208/19
<b>SITE ADDRESS:</b>	Land adjacent to 26 Maypole Drive Chigwell Essex IG7 6DE
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>APPLICANT:</b>	Mr J Oddi
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garages and rebuild to provide 3 no. garage units.
<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=619877](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=619877)

**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: 2397/1 rev D and 4 rev A
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 5 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be provided to each garage hereby permitted. and these shall be retained thereafter for use by the occupants of the site.
- 6 The building hereby permitted shall only be used for parking of private motor vehicles and ancillary purposes and shall not be occupied or used for any commercial or other purposes not directly related to domestic vehicle parking at any time.
- 7 The rear door shall be of solid construction without windows. It shall be used as access to the rear of the building for maintenance purposes only and shall otherwise be kept closed at all other times.
- 8 Existing boundary fences to the site shall be retained at a height of 1.8m, unless otherwise agreed in writing by the Local Planning Authority.

### **EPF/0208/19**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

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

The application site lies on the west side of the hammerhead at the end of Maypole Drive, a cul-de-sac. The site currently contains a single storey building presenting as a double garage from the street although historic use as a dwelling has been subject to enforcement action, open land to the north laid as a garden is fenced off from the road by a 1.8m timber fence.

This is a wholly residential road comprising two storey dwellings, most have curtilage garages at the side and spacious frontages deep enough for vehicles to be parked, although many retain grassed frontages. To the south, the site abuts what amounts to a side garden to 33 Maypole Drive. Properties to rear in Gravel Lane rely on side gardens with the buildings close to the boundary and at a lower level.

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

The application proposes revisions to an application refused under delegated powers and proposes the demolition of the existing building and the erection of a single building comprising three garages. The building is shown as of uniform height of 2.4m at eaves with a dummy pitch roof wrapping around the whole building with a maximum height of 3.5m. The building is constructed in brickwork and tiling with roller shutter doors.

Two of the garages, in a similar position to the existing, are of conventional rectangular shape internally around 7m deep x 3.3m wide. The third garage is trapezoidal including an additional area of 21 sq.m.

The building is set in from the three adjoining boundaries, a 1m gap is shown to the northern site boundary and a planting strip is shown in the space between the building and the existing fence. On the east side, the boundary is not square to the building and the building is 1.3m from the boundary at the widest part and 0.5m at the narrowest.



### **Relevant History:**

- EPF/2208/14 Second garage adjoining existing approved.
- EPF/1621/15 Use as dwelling house with associated alterations – refused – cramped and out of character, and inadequacy of amenity space for occupiers and setting of building. An appeal against refusal was dismissed.
- ENF0098/15 Enforcement Notice served in Sept 15 requiring cessation of residential use and reversion to garage including replacement of front windows with garage doors. A separate appeal against the enforcement notice was dismissed.
- EPF/2557/15 Proposed conversion of double garage to form 1 bed dwelling and retrospective external alterations – refused.
- EPF/2785/17 Demolish existing structure and construct one bedroom, two storey dwelling house – refused, appeal dismissed
- EPF/2966/18 Construction of three garages refused on grounds of bulk, mass and scale, impact on neighbours from proximity to boundaries, and lack of information on proposed use.

### **Policies Applied:**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

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

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity

The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) (February 2019) 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:*

In September 2018, the Council submitted the Epping Forest Local Plan Submission Version 2017 for examination. As such the LPSV can be treated 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 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

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

Date of site visit:                      11 February 2019

Number of neighbours consulted:    34

Site notice posted:                      No, not required

Responses received:                      Four specific objections have been received together with a letter signed by occupiers of 12 properties in Maypole Drive. These include nos. 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 34 MAYPOLE DRIVE, 26 GRAVEL LANE and one objector giving an address in Kent but not specifying their local interest. Respondents comment on the following issues:

- Concerns at the overall scale and bulk of the building and its overall appearance.
- Concerns at the intended use of the garages, particularly the larger garage which residents are concerned is intended for commercial use.
- Increased traffic activity in the road, which residents argue is congested
- The neighbour in Gravel Lane raises particular concerns at the visual impact as a result of levels changes.

Parish Council:                      Chigwell Parish Council objects to the application, considering the proposal to be inappropriate and an over development of the site.

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

In assessing the applications, Members need to give due consideration to the existing permitted position. The site houses two garages. The remainder of the site while it is fenced at present and has a limited garden area laid out, could, without further planning permission, be opened up and used for vehicle parking by at least two vehicles.

The revised appearance of the building presents a more consistent form. The eaves height as proposed is lower than that of the existing building. The dummy pitch extending around the whole of the boundary provides a consistent appearance which in the location is preferable to the alternatives – a flat roof would be lower but more intrusive and a full height pitched roof over the span would be unduly bulky. While noting resident's comments about the impact of the mass of the elevations, it should be noted that the building will not be seen as presented on the building elevations as on all sides the mass of the elevation will be part screened by fences and visual separation is created by the setting in from the boundary which softens the visual impact. Officers

note the inclusion of an area of planting but give limited additional weight to this aspect as the planting strip lies on the north side of the building and would require specialist regular maintenance to become established. Notwithstanding this issue, the scale of the building is not inappropriate in the local context.

Concerns at the possible future use of the garages remains in the comments from residents who have had a bad experience with the previous owner of the site. The use of the site to provide garages for domestic vehicles not directly linked to any dwellings in the road is established by the existing use and this would remain acceptable for an additional garage. In terms of activity from such domestic use, taking account of the existing position set out above, the level of vehicular activity that would be generated would not be significantly increased. Objectors are particularly concerned at the potential use of the larger trapezoidal unit but it is not uncommon to find domestic garages with space included in the building for incidental purposes – parking of a second smaller vehicle or a motor cycle for example. Conditions are available to preclude commercial use if Members are minded to approve the building.

### **Conclusion:**

The history of unauthorised development on the site has perhaps understandably influenced the comments of local residents. Members need to detach themselves from that history and consider the application in front of them.

The proposed building is of a satisfactory scale in the overall context, and in comparison to the height and roof form of the existing building. It cannot be disputed that the building has relatively long, simple elevations but the screening and separation provided by the boundary fencing helps to break up these elevations.

Conditions can be imposed to address concerns at possible non-domestic use. Officers also attach weight to the fall back which would permit the site to be used for parking four vehicles.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the Monday preceding 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)***

