

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday, 25th September, 2019**

You are invited to attend the next meeting of **Area Planning Sub-Committee South**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 25th September, 2019**
at **7.30 pm** .

Georgina Blakemore
Chief Executive

Democratic Services
Officer

Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors G Mohindra (Chairman), A Patel (Vice-Chairman), R Baldwin, A Beales, R Brookes, S Heap, R Jennings, J Jennings, H Kauffman, J Knapman, A Lion, L Mead, S Murray, S Neville, M Owen, C P Pond, C C Pond, S Rackham, C Roberts, D Roberts, B Sandler, J Share-Bernia, D Sunger and D Wixley

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should speak to the webcasting officer or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast;
2. Members are reminded of the need to activate their microphones before speaking; and
3. the Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should speak the webcasting officer.”

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 16)

To confirm the minutes of the last meeting of the Sub-Committee held on 28 August 2019.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing

Note is available at:

http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

8. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

9. PLANNING APPLICATION - EFP/1177/19 - GARAGES AT LOWER ALDERTON HALL LANE, LOUGHTON, ESSEX, IG10 3HA (Pages 17 - 28)

To consider the attached report.

10. PLANNING APPLICATION - EPF/1471/19 - 113 CHURCH HILL, LOUGHTON, ESSEX, IG10 1QR (Pages 29 - 42)

To consider the attached report.

11. PLANNING APPLICATION - EPF/1602/19 - 20 WELLFIELDS, LOUGHTON, ESSEX, IG10 1NX (Pages 43 - 52)

To consider the attached report.

12. PLANNING APPLICATION - EPF/1792/19 - HAINAULT HALL, 173 LAMBOURNE ROAD, CHIGWELL, ESSEX, IG7 6JU (Pages 53 - 62)

To consider the attached report.

13. PLANNING APPLICATION - EPF/1799/19 - HAINAULT HALL, 173 LAMBOURNE ROAD, CHIGWELL, ESSEX, IG7 6JU (Pages 63 - 72)

To consider the attached report.

14. PLANNING APPLICATION - EPF/1962/19 - PATSALLS, COACH HOUSE, PUDDING LANE, CHIGWELL, ESSEX, IG7 6BY (Pages 73 - 84)

To consider the attached report.

15. PLANNING APPLICATION - EPF/1968/19 - PATSALLS, COACH HOUSE, PUDDING LANE, CHIGWELL, ESSEX, IG7 6BY (Pages 85 - 96)

To consider the attached report.

16. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

| Agenda Item No | Subject | Exempt Paragraph Number | Information |
|----------------|---------|----------------------------|-------------|
| Nil | Nil | Nil | |

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee West or Area Plans Sub-Committee South you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services or through our leaflet 'Your Choice, Your Voice'.

Area Planning Subcommittee South 2019-20
 Members of the Committee and Wards Represented:



Chairman
Cllr Mohindra
 Grange Hill

Vice-Chairman
Cllr Patel
 Buckhurst Hill West

Cllr Baldwin
 Loughton Forest

Cllr Beales
 Loughton Forest

Cllr Brookes
 Loughton Roding

Cllr Heap
 Buckhurst Hill East



Cllr B Jennings
 Loughton St John's

Cllr J Jennings
 Loughton St Mary's

Cllr Kauffman
 Loughton St Mary's

Cllr Knapman
 Chigwell Village

Cllr Lion
 Grange Hill

Cllr Mead
 Loughton Fairmead



Cllr Murray
 Loughton Roding

Cllr Neville
 Buckhurst Hill East

Cllr Owen
 Loughton Broadway

Cllr C C Pond
 Loughton Broadway

Cllr C P Pond
 Loughton St John's

Cllr Rackham
 Grange Hill



Cllr C Roberts
 Loughton Alderton

Cllr D Roberts
 Loughton Alderton

Cllr Sandler
 Chigwell Row

Cllr Share-Bernia
 Buckhurst Hill West

Cllr Sunger
 Chigwell Village

Cllr Wixley
 Loughton Fairmead

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

| | | | |
|---------------------------|---|--------------|----------------|
| Committee: | Area Planning Sub-Committee South | Date: | 28 August 2019 |
| Place: | Council Chamber - Civic Offices | Time: | 7.30 - 8.35 pm |
| Members Present: | G Mohindra (Chairman), A Patel (Vice-Chairman), A Beales, R Brookes, R Jennings, J Jennings, A Lion, S Murray, S Neville, M Owen, C P Pond, C C Pond and D Wixley | | |
| Other Councillors: | None | | |
| Apologies: | R Baldwin, S Heap, H Kauffman, J Knapman, L Mead, S Rackham, C Roberts, D Roberts, B Sandler, J Share-Bernia and D Sunger | | |
| Officers Present: | M Johnson (Implementation Team Manager), J Leither (Democratic Services Officer) and P Seager (Chairman's Officer) | | |

20. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

21. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

22. MINUTES

RESOLVED:

That the minutes of the meeting held on 3 July 2019 be taken as read and signed by the Chairman as a correct record, subject to the following amendments:

- EPF/0304/19 – St Thomas More RC Church Site, Willingale Road, Loughton.

Councillor CC Pond asked it to be noted that when an application was granted, subject to a legal agreement the said legal agreement should be set out in the minutes.

- EPF/1025/19 – 46 Stradbroke Drive, Chigwell.

Councillor CC Pond noted typographical errors in paragraph 2 of this minute, amended as below:

The proposed parking bays fall below the minimum standards for Vehicle Parking Bay sizes contained within the Essex County Council Parking Standards (Design and Good Practice) 2009. The proposal was therefore contrary to the aforementioned document, and Policy T14 of the Adopted Local Plan 1998/2006.

- EPF/1278/19 – 122 Roding Road, Loughton.

Councillor D Wixley advised that his comments were not recorded in the minutes. Members should be aware that Member comments do not form part of the minutes of an Area Planning Sub-Committee.

23. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct

24. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

25. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

26. SITE VISITS

The Sub-Committee did not propose any site visits for any items on the agenda.

27. PLANNING APPLICATION - EPF/0517/19 6 ASHLEY GROVE, STAPLES ROAD, LOUGHTON, ESSEX, IG10 1HS

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/0517/19 |
| SITE ADDRESS: | 6 Ashley Grove Staples Road Loughton Essex IG10 1HS |
| PARISH: | Loughton |
| WARD: | Loughton St Johns |
| DESCRIPTION OF PROPOSAL: | Proposed roof extension. |
| DECISION: | Refused |

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=621002

REFUSED

1. The proposal, by reason of its design, scale and position would be detrimental to the amenities and living conditions of adjoining residents in Forest Way by reason of overbearingness. As such, the proposal would be contrary to policies DBE1 and DBE2 of the Adopted Local Plan 1998/2006, and Policy DM9 of the Submission Version Local Plan 2017
2. The proposal, by reason of its design scale and proximity to residential curtilages would be detrimental to the Outlook of residents of those properties along Forest Way. As such, the proposal would be contrary to policies DBE1 and DBE2 of the Adopted Local Plan 1998/2006, and Policy DM9 of the Submission Version Local Plan 2017.
3. The proposal, by reason of its design, scale and position would have a detrimental impact on the Character, Appearance or Setting of the adjacent Conservation Area. As such, the proposal would be contrary to policies HC6 of the Adopted Local Plan 1998/2006, and Policy DM7 of the Submission Version Local Plan 2017.

28. PLANNING APPLICATION - EPF/1308/19 LAND REAR OF 198 - 200 FOREST EDGE, BUCKHURST HILL, ESSEX, IG9 5AE

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1308/19 |
| SITE ADDRESS: | Land rear of 198 - 200 Forest Edge Buckhurst Hill Essex IG9 5AE |
| PARISH: | Buckhurst Hill |
| WARD: | Buckhurst Hill West |
| DESCRIPTION OF PROPOSAL: | Proposed new detached one-bedroom dwelling and associated works. (Revised application to EPF/3066/18) |
| DECISION: | Grant Permission (With Conditions) subject to S106 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=624316

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 numbers: Site Location Plan and B1.1
- 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 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.
- 5 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.
- 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 Class A, B, C, D or E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 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.
- 8 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.
- 9 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land

Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 10 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 12 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.
- 13 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 14 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.

- 15 All bedrooms within the development hereby approved shall be provided with sufficient double glazing and acoustically treated trickle ventilators, or other means of ventilation, that will provide adequate ventilation with the windows closed, to ensure that the occupiers are provided with reasonable resting/sleeping conditions with reference to British Standard BS8233:2014 - Sound insulation and noise reduction for buildings - Code of Practice (or such other standard which may supersede it from time to time).
- 16 Details of the double glazing and acoustically treated trickle ventilators, or other means of ventilation, referred to in the above Condition 15 shall be submitted to and agreed in writing by the Local Planning Authority and installed before any of the proposed residential development is occupied.
- 17 Full details of any acoustic barriers shall be submitted to, and agreed in writing with the Local Planning Authority, and installed before any of the proposed residential development is occupied, to ensure that the occupiers are provided with reasonable use of external amenity space, as recommended by British Standard BS8233:2014 - Sound insulation and noise reduction for buildings - Code of Practice (or such other standard which may supersede it from time to time).
- 18 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- 29. PLANNING APPLICATION - EPF/1356/19 47 HARVEY GARDENS, LOUGHTON, ESSEX, IG10 2AD**

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|---------------------------------|---|
| APPLICATION No: | EPF/1356/19 |
| SITE ADDRESS: | 47 Harvey Gardens Loughton Essex IG10 2AD |
| PARISH: | Loughton |
| WARD: | Loughton Fairmead |
| DESCRIPTION OF PROPOSAL: | Application for Removal of Condition 5 "occupiers only be students enrolled at either Epping Forest College (Borders or East 15 Acting School)". (EPF/1291/11- Change of use from residential dwelling (C3) to multiple occupancy (7 persons) (sui generis) and erection of a front porch). |
| DECISION: | 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=624494

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 47-HGL-C4-01; 47-HGL-C4-02; 47-HGL-C4-03; 47-HGL-C4-04; 47-HGL-C4-05; 47-HGL-C4-06; 47-HGL-C4-07
- 2 The house in multiple occupancy (HMO) which is hereby permitted shall be occupied by a maximum of seven individuals at any one time.

30. PLANNING APPLICATION - EPF/1174/19 11 LYNDHURST RISE, CHIGWELL, ESSEX, IG7 5BB

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1174/19 |
| SITE ADDRESS: | 11 Lyndhurst Rise Chigwell Essex IG7 5BB |
| PARISH: | Chigwell |
| WARD: | Chigwell Village |
| APPLICANT: | Mr Doron Bregman |
| DESCRIPTION OF PROPOSAL: | Proposed extension of current HMO license to cover 7 occupants (Change of use to a large (sui generis) HMO). |
| DECISION: | 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=623796

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 numbers: 1530/01, Second Floor Plan, and Location Plan.
- 3 Prior to first occupation of the proposed development, details for the provision of adequate storage for waste and recycling shall be submitted and approved by Local Planning Authority, and shall thereafter be carried out and retained, shall be free of obstruction and used for the storage of waste and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

31. PROBITY IN PLANNING - APPEAL DECISIONS, 1ST OCTOBER 2018 TO 31ST MARCH 2019

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions from 1 October 2018 to 31 March 2019.

In compliance with the recommendation of the District Auditor, the report advised the Sub-Committee of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).

The purpose was to inform the Committee of the consequences of their decisions in this respect and, in cases where the refusal was found to be unsupportable on planning grounds, an award of costs might be made against the Council.

Over the six-month period between 1 October 2018 and 31st March 2019, the Council received 53 decisions on appeals (46 of which were planning related appeals and 7 were enforcement related).

Out of a total of 46 planning related appeals, 10 were allowed (21%). Broken down further, Committee reversals performed very well with only 4 out of 22 allowed (18%) and there was a good Officer delegated decisions performance of 6 out of 24 (25%) allowed.

Out of the planning appeals that arose from decisions of the Area Planning Sub-Committee South to refuse contrary to the recommendation put to them by officers during the 6-month period, 2 appeals were allowed against decisions made and 9 were dismissed.

Performance in defending planning application related appeals was reasonable at 21%, meaning of course the Council were successful in defending their decisions in 79% of cases. Whilst there was no national comparison of authority performance, Members and Officers were reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This was more important now than ever given a Planning Inspector or the Secretary of State could award costs, even if neither side had made an application for them.

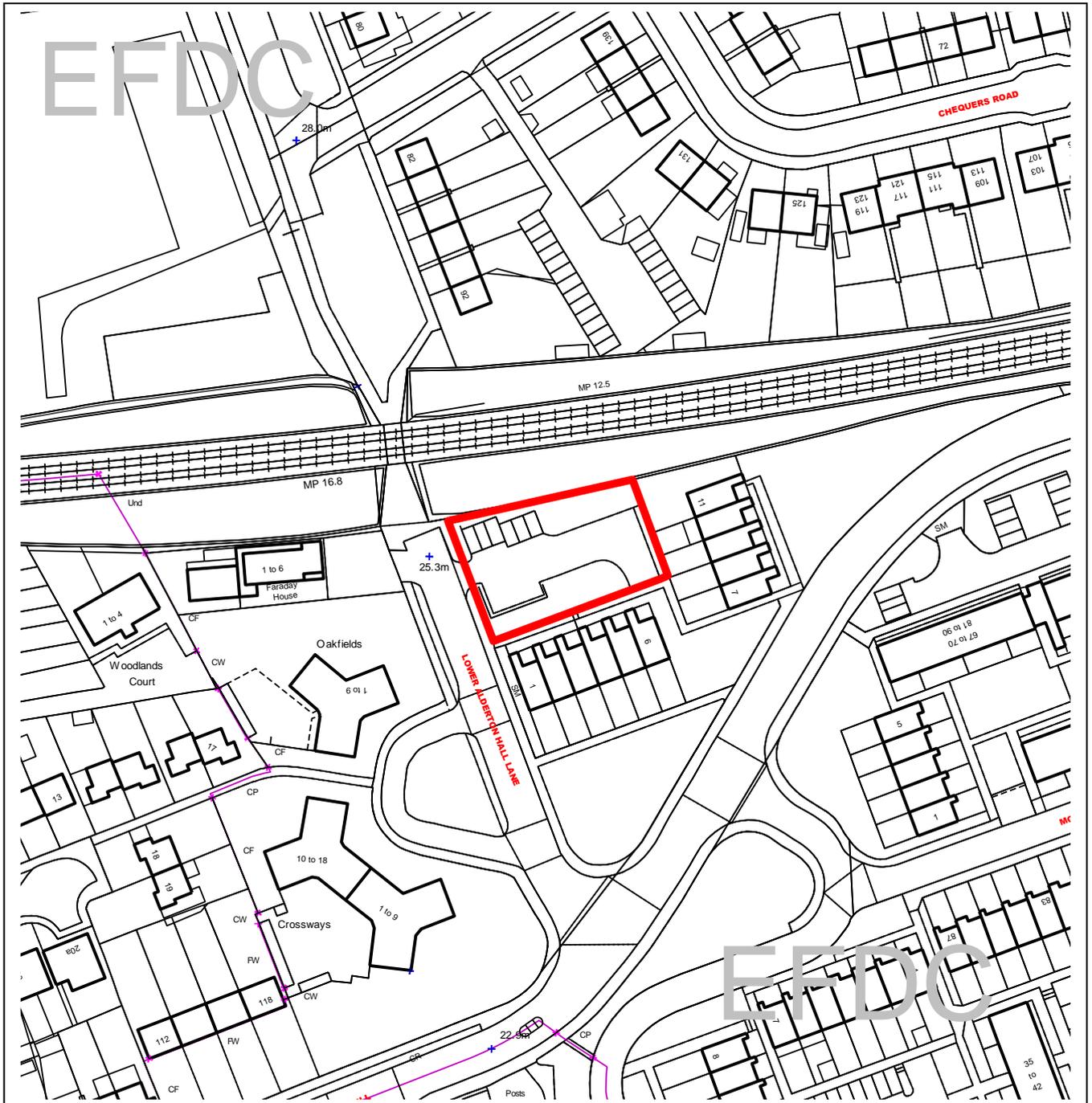
RESOLVED:

That the Probity in Planning report covering the period 1 October 2018 to 31 March 2019 be noted.

CHAIRMAN



Epping Forest District Council



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| | |
|---------------------|--|
| Application Number: | EPF/1177/19 |
| Site Name: | Garages at Lower Alderton Hall Lane Loughton Essex IG10 3HA |
| Scale of Plot: | 1:1250 |

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|---------------------------------|--|
| APPLICATION No: | EPF/1177/19 |
| SITE ADDRESS: | Garages at Lower Alderton Hall Lane Loughton Essex IG10 3HA |
| PARISH: | Loughton |
| WARD: | Loughton Alderton |
| APPLICANT: | Mr John Hayes - EFDC |
| DESCRIPTION OF PROPOSAL: | Demolish existing garages and erect x 2 no. affordable homes. |
| RECOMMENDED DECISION: | Grant Permission (Subject to Legal Agreement) |

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=623799

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 numbers: 612/055/PL01, PL02, PL03A, PL04A, PL05 and PL06.
- 3 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
 - provide details on all structures
 - accommodate the location of the existing London Underground structures and tunnels

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the buildings hereby permitted are occupied.
- 4 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.

- 5 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.
- 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 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.
- 7 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.
- 8 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.
- 9 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.
- 10 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..

- 11 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.
- 12 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, 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.
- 13 Prior to first occupation of the development hereby approved, Electric Vehicle Charging Points shall be installed to serve a minimum of 50% of the parking spaces within the site, and retained thereafter for use by the occupants of the site.
- 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.
- 15 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.
- 16 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.
- 17 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

- 18 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 19 There shall be no discharge of surface water onto the Highway.
- 20 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 21 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.
- 22 The window openings in the south elevation shall be entirely fitted with obscured glass with a minimum Level 3 obscurity 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.
- 23 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 and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

And to secure appropriate financial contributions towards mitigation of the impact of the development on visitor pressure and air quality in the Epping Forest Special Area of Conservation.

This application is before this Committee since it is an application for non-Major category development on the Council's own land (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

This application site comprises around 900 sq.m and is located to the rear of properties 1-11 Lower Alderton Hall Lane. The development is located on the northern part of the site immediately adjacent to a railway embankment where a block of six garages is located, some of which are now boarded up. The remainder of the site comprises four marked parking bays on the south side, an amenity green containing a mature lime tree and a turning head where vehicles are regularly parked. Access to the site is from the east side of Lower Alderton Hall Lane.

Properties abutting the site comprise two terraces of houses, the southern block 1-6 have their front doors facing north towards the development and the eastern block 7 – 11 have rear gardens facing this way, all of which have pedestrian access at the rear.

On the west side of Lower Alderton Hall Lane lie 3 storey flatted blocks in Oakfields and Crossways. The railway embankment to the north is relatively high and features a number of trees, the pedestrian link through to Alderton Hall lane abuts the site western boundary.

Proposal

The application resubmits proposals approved in 2016 but not implemented for two detached two bedroom dwellings and the reconfiguration of the parking area. The application drawings are in fact the same plans.

The two houses have a flat roof built form, built with brick at ground floor and cedar cladding at first floor and are located on the northern part of the site, including the area currently occupied by the garages. Garden areas wrap around the north and west side of the dwellings and primary window openings face west, a small defensible frontage area is indicated.

The greater footprint of development requires reconfiguration of the parking and turning area, including cutting back of the grassed area around the lime tree. A total of 13 parking spaces are provided in the revised layout; five spaces are provided on the north side of the access, four between the two houses and one in the north eastern corner of the site, and on the south side there are six spaces in the south east corner and two in the south-west corner, separated by the tree and grass surround. The existing vehicle access to the road is retained unchanged.

Relevant Planning History

EPF/2620/15 2 affordable homes with 13 parking spaces – approved subject to conditions.

EPF/0098/19 Application for approval of details for tree protection measures – approved

EPF/0102/19 Application for approval of details relating to Phase 1 and 2 contaminated land surveys – not determined, awaiting further information

Development Plan Context

Local Plan (1998) and Alterations (2006)

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

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

| | |
|------|---|
| CP1 | Achieving Sustainable Development Objectives |
| CP2 | Protecting the Quality of the Rural and Built Environment |
| CP3 | New Development |
| CP7 | Urban Form and Quality |
| NC1 | SPAs, SACs and SSSIs |
| H2A | Previously Developed Land |
| 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 |

| | |
|------|---------------------|
| LL11 | Landscaping Schemes |
| ST4 | Road Safety |
| ST6 | Vehicle Parking |

National Planning Policy Framework (NPPF) (February 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Making effective use of land – para 117, 118, 121,
Achieving well designed places para 124, 127, 128, 130. 131

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised

at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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

| Policy | Weight afforded |
|--|-----------------|
| SP1 Presumption in Favour of Sustainable Development | Significant |
| H1 Housing Mix and Accommodation Types | Some |
| T1 Sustainable Transport Choices | Significant |
| DM2 Epping Forest SAC and the Lee Valley SPA | Significant |
| DM9 High Quality Design | Significant |
| DM10 Housing Design and Quality | Significant |
| DM16 Sustainable Drainage Systems | Significant |
| DM19 Sustainable Water Use | Significant |
| DM21 Local Environmental Impacts, Pollution and Land Contamination | Significant |
| DM22 Air Quality | Significant |

Summary of Representations

Number of neighbours consulted: 44 - 3 response(s) received 2 2 FARADAY HOUSE, and 2 and 11 LOWER ALDERTON HALL LANE
 Site notice posted: Yes, 31 May 2019

NIEGHBOUR COMMENTS – Residents have raised a number of issues around apparent conflicting information in some of the documents accompanying the application, including particularly in the Transport Assessment and application form, and the adjoining buildings not all being marked on the plans. While such discrepancies are noted, officers consider that the application is clear in what is proposed and can be considered on its merits, and have carried out a site visit in assessing the application. Where information is inconsistent, for example in respect of drainage and contamination matters, these can be dealt with by condition where appropriate.

On the key planning issues, the following matters have been raised:

- Suitability of the site for the development – comments are raised about the proximity of the railway embankment and the overall level of built development in the vicinity and whether the proposal represents an inappropriate intensification.
- Design and built form of the dwellings proposed.
- Loss of parking overall – objectors argue that the area has capacity for 15 vehicles (6, garages, 4 marked bays and other ad hoc capacity)
- Loss of usable garages
- Proximity of built development to existing houses and resultant amenity impact
- Potential impact on the retained tree
- Traffic issues in the locality arising from opening of the Langston Road retail park

Matters in respect of noise and disturbance during construction have been raised, but should not affect determination of the application.

TOWN/PARISH COUNCIL – Loughton Town Council advised they had no objection.

OTHER COMMENTS – TfL were consulted as adjoin owner. They have no objection subject to conditions relating to construction methodology.

Planning Considerations

The principle of this development has been established by the previous decision which has now expired due to factors outside of the planning process. In considering the new application for the same development, Members must have regard to any change in circumstances which may lead them to a different conclusion. Noting changes to national and local policy in the interim (ie. changes to the NPPF, the publication and progress of the LPSV, impact of the Habitat Regulations), in terms of the local context, the site and immediate surroundings have changed little and the local amenity considerations are largely the same as Members previously considered.

Design and setting - The buildings are designed to reflect the existing built form, comprising low two storey properties with flat roofs and contrasting materials at ground and first floor. It is appropriate that the development is finished in a different material to that which exists as a later addition, and as such the buildings are appropriate in this location.

The setting of the development is impacted by the railway embankment but as this lies on the north side, its impact on amenity of future occupiers is limited, particularly as principle windows do not lie in this side of the buildings.

This represents a low density development as a result of the site constraints that is in officers view a suitable response to those constraints.

Impact on surrounding properties – No substantial building works have taken place to the surrounding dwellings. The new properties lie on the northern site boundary and are a minimum of 18 metres from 1-6 Lower Alderton Hall Lane to the south and 15 metres from properties to the east (nos. 7-11). These separation distances are sufficient to ensure no overshadowing results. Other than a stairwell, there are no east facing windows and first floor south facing windows are of a secondary nature and obscure glazed to protect against the perception of overlooking.

In terms of overall activity, the two dwellings are entirely consistent with local character and will not generate such activity as would be considered detrimental to surrounding occupiers.

Parking issues – Given the principle of redevelopment has been accepted previously, the use of the existing garages has been run down. Their loss remains acceptable in planning terms. The rest of the hard surfaced area continues to be used for ad hoc parking outside of the four bays currently marked opposite the garages.

The application proposes 13 marked bays, split between the north and south sides of a central access of 6 metres width to allow for turning and manoeuvring. Taking account of the requirements to provide adequate amenity space to the units, the retention of the mature tree on the site with a grassed area around and other landscaping, this represents the most efficient use of the site in terms of parking provision and site layout.

While noting residents objections to some of the information in the accompanying Transport Statement, the Highway Authority note that the statement attempts to model a worst case scenario, this does not necessarily reflect current usage and as a result the proposals will not adversely affect highway safety or efficiency in this location or on the wider highway network. This view is shared by officers.

Epping Forest SAC – The site lies within the core area in proximity to the Epping Forest SAC. As such, the development involves a net increase in residential dwellings which would have the potential to impact the SAC in terms of additional recreational pressure, and in the increased risk to air quality. It is acknowledged that mitigation of such impacts is required in accordance with the provisions in policies DM2 and DM22. A contribution of £352 in respect of recreational pressure would be applied, and the contribution in respect of mitigation of air quality remains to be finalise through Natural England and the local plan process

However, as the Council is the applicant the contribution cannot be secured by a Unilateral Undertaking or S106 agreement, as the Council cannot sign such an agreement with itself. Other mechanisms are available however to ensure that the obligations are met. Thus, if Members are minded to approve the application, final decision cannot be issued until the levels of this contribution have been determined and the appropriate mechanism for collection activated.

Other matters – The land contamination matters previously identified have not been further progressed and a remediation process remains unresolved. The key issues in the regard remain to be addressed by conditions.

Conclusion

The previous permission for this development has not been progressed due to issues outside the planning process. Members will be aware of similar renewals where local conditions have remained largely unchanged. This remains the situation in this case.

The proposal involves creation of two affordable homes that are consistent with the character and scale of buildings in the area and which have little direct impact on immediate neighbours.

The loss of the existing garages can be justified in the context of the revised parking layout, which the highway authority has accepted as not impacting on the road network to any substantial degree.

In such circumstances, the application is considered to satisfy relevant planning policy and it is recommended that planning permission be granted, subject to conditions and completion of the relevant contributions to mitigate impact on the Epping Forest SAC

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***

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Epping Forest District Council



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|---------------------|--|
| Application Number: | EPF/1471/19 |
| Site Name: | 113 Church Hill Loughton Essex IG10 1QR |
| Scale of Plot: | 1:1250 |

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|---------------------------------|--|
| APPLICATION No: | EPF/1471/19 |
| SITE ADDRESS: | 113 Church Hill Loughton Essex IG10 1QR |
| PARISH: | Loughton |
| WARD: | Loughton St Johns |
| APPLICANT: | Mr Steve Healey |
| DESCRIPTION OF PROPOSAL: | Residential development of x 10 no. apartments with associated parking and external amenity space. (Revised application to EPF/0610/18). |

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=624994

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 numbers: 17068/PL01A, PL02, PL03B, PL04, PL05, PL06 and PL07
- 3 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.
- 4 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.

- 5 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.
- 6 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.
- 7 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.
- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction,
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.
- 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; 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 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.
- 11 Prior to the commencement of the development other than groundworks, details of all walls, fences gates and other means of enclosure, and including where practical retention of existing boundary walls, shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully implemented prior tot first occupation of the development. No further gates or means of enclosure shall thereafter be added without prior consent from the Local Planning Authority.
- 12 Prior to the commencement of development other than groundworks, details of all external lighting to be installed on buildings and within the site shall be submitted to and approved by the Local Planning Authority/ The works as agreed shall be fully implemented prior to first occupation of the development. Thereafter, no additional lighting shall be installed above ground floor level of the building without prior consent from the Local Planning Authority.
- 13 Prior to the commencement of the development other than groundworks, details of the design, including security measures, of the cycle store with capacity for a minimum of 10 bicycles shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully implemented prior to first occupation of the development and thereafter retained for use by residents of the site.
- 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.
- 15 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.
- 16 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.
- 17 Notwithstanding any details approved pursuant to condition 6 above, the development be carried out strictly in accordance with the flood risk assessment (SLR, Ref 425.09671.00002 Version No.2 May 2019) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 18 Prior to first occupation of Units 7, 8 and 10, obscure glazed privacy screens a minimum of 1.8m high shall be fitted to the south west facing end elevation of balconies to Units 7 and 8 and the terrace to unit 10 as so identified on the approved plan. Such screens shall thereafter be permanently retained and maintained in perpetuity unless otherwise agreed by the Local Planning Authority.

- 19 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.
- 20 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each parking space shall be installed and retained thereafter for use by the occupants of the site.
- 21 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 22 Prior to first occupation of the development the existing redundant vehicular dropped kerb crossing shall be fully reinstated to full height kerbing and footway.
- 23 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation 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.
- 24 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 25 The rear external amenity area at ground floor shall remain available for use by all residents and shall not be enclosed or sub-divided to limit or prevent access thereto for any resident unless otherwise agreed in writing by the Local Planning Authority.
- 26 All flat roof areas indicated on the floor plan 17068/PL04 as finished as Sedum Roof areas shall be used only for maintenance and repair access to the building and shall not be used as terraces, balconies or other amenity areas.
- 27 Flank windows at first and second floor in the side elevation of the building facing no.111 Church Hill shall be non-opening and finished in obscure glazing, and shall be permanently retained in that form. No additional window openings shall be installed in any elevation of the building without prior consent from the Local Planning Authority.
- 28 No vents, grilles or ducting shall be fixed to the front elevation of the building without the prior written approval of the Local Planning Authority.

And subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards mitigation of the impact of the development on visitor pressure and air quality in the Epping Forest Special Area of Conservation.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The application relates to the former milk delivery depot site on the south-east side of Church Hill, comprising around 0.1 ha on an L-shaped plot extending behind the adjoining petrol station. Following previous grant of outline permission for redevelopment and for security reasons, the previous single storey buildings on the site have been demolished and the site made secure.

The site is adjoined on its south-east and south-west sides by residential properties. The site also adjoins a petrol station to the north east, beyond which is the Sainsbury Local store in a three storey building including residential accommodation on the upper floors.

The location of the site on Church Hill means there are significant changes in ground levels, rising to both south and east

Proposal

The application resubmits the proposals considered by Members in June 2018 for redevelopment of the site to provide a three-storey building comprising of 10 x 2 bedroom flats, with 10 parking spaces in the north-eastern part of the site.

The scheme proposes 4 units on both ground and first floors and two at second floor. The siting of the building reflects the outline applications, it aligns at the front with the adjoining house and terminates around 8m from the rear boundary. The second floor is set a minimum of 2 metres at the front and 4 metres from the rear, further set backs are indicated on the side elevations.

Main entrance to the building is from the side off the access road and a bin store is sited adjacent to the entrance as an integral part of the building, also entered from the access road. Ten parking spaces are provided at the rear together with cycle stores. Pedestrian access is also retained on the south-west side of the building.

The building has a contemporary design with flat roofs to minimise the height. The second floor is set back from the front main wall by 2m and from the rear by 4m. Balconies and terraces are provided to first and second floor flats, primarily located on the north west side elevation and at the front at roof level; other flat roof areas are indicated as sedum roofs with no direct access as amenity decks.

Materials are indicated primarily as brick and at roof level zinc cladding with detail elements of timber boarding.

Relevant Planning History

EPF/1741/16 Outline application for residential development of three storey building comprising 10 no. apartments with details of access. The application was initially refused for three reasons, however two of these relating to parking, highway obstruction from refuse vehicles and visibility splays were later withdrawn in advance of an appeal which proceeded on the grounds that a three storey building was considered to relate poorly to the neighbouring house, would appear over-dominant in the street scene. The appeal against this refusal was successful, and is discussed further below.

EPF/0862/17 Outline application for residential development with details of access , this revised scheme again proposed 10 units but illustrative material indicated a two storey building only. This application was approved.

EPF/0610/18 Residential redevelopment of 10 apartments with associated parking and external amenity space. This application was refused by Committee for the following reason:

By reason of its modern flat roofed design, the proposed building would appear out of keeping with neighbouring buildings, particularly 111 and 122 Church Hill, and would not sufficiently enhance the setting of 122 Church Hill, a Grade II listed building situated opposite the site. As a consequence, the proposal would cause harm to the character and appearance of the locality contrary to Local Plan and Alterations policies CP2(iv), CP7 and DBE1, and to Draft Local Plan (Submission Version 2017) policies DM 7 (paragraph A) and DM 9 (paragraphs A and D), which are consistent with the NPPF.

At appeal, the Council introduced further grounds, that the development had an adverse impact on the Epping Forest SAC. The appeal was dismissed, but only on the impact on the SAC, this decision is discussed further below.

Development Plan Context

Local Plan (1998) and Alterations (2006)

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

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

| | |
|------|---|
| CP1 | Achieving Sustainable Development Objectives |
| CP2 | Protecting the Quality of the Rural and Built Environment |
| CP3 | New Development |
| CP6 | Achieving Sustainable Urban Development Patterns |
| CP7 | Urban Form and Quality |
| NC1 | SPAs, SACs and SSSIs |
| RP4 | Contaminated land |
| RP5A | Adverse Environmental Impacts |
| H2A | Previously Developed Land |
| H3A | Housing Density |
| H4A | Dwelling Mix |
| 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 |
| LL11 | Landscaping Schemes |
| ST4 | Road Safety |
| ST6 | Vehicle Parking |

National Planning Policy Framework (NPPF) (February 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Promoting sustainable transport – para 110

Making effective use of land – para 117, 118, 121,

Achieving well designed places para 124, 128, 130. 131

Meeting the challenge of climate change, flooding and coastal change – para 163, 165

Conserving and enhancing the historic environment – para 193, 195, 196

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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

| Policy | Weight afforded |
|---|-----------------|
| SP1 Presumption in Favour of Sustainable Development | Significant |
| SP7 The Natural Environment, Landscape Character, and Green and Blue Infrastructure | Some |
| H1 Housing Mix and Accommodation Types | Some |
| T1 Sustainable Transport Choices | Significant |
| DM2 Epping Forest SAC and the Lee Valley SPA | Significant |
| DM3 Landscape Character, Ancient Landscapes and Geodiversity | Significant |
| DM9 High Quality Design | Significant |
| DM10 Housing Design and Quality | Significant |
| DM15 Managing and Reducing Flood Risk | Significant |
| DM16 Sustainable Drainage Systems | Significant |
| DM19 Sustainable Water Use | Significant |
| DM21 Local Environmental Impacts, Pollution and Land Contamination | Significant |
| DM22 Air Quality | Significant |

Summary of Representations

Number of neighbours consulted: 48 - 4 response(s) received
 Site notice posted: 27 June 2019

NIEGHBOURS – Objections were received from 24 and 32 MARJORAMS AVENUE and 122 CHURCH HILL raising the following concerns;

- Design and appearance of development
- Overlooking of rear gardens in Marjorams Avenue
- Traffic and parking issues arising from the level of parking proposed
- Security issues along rear site boundary – residents seek retention of the existing rear boundary wall (retained when the building was demolished) and seek a secure boundary to the shared amenity area.
- Nuisance from lighting in the car park area.

Resident at 5 COBALT PLACE, 121 CHURCH HILL comments on concerns at construction disturbance only.

TOWN/PARISH COUNCIL – Loughton Town Council advised there was no objection to the application.

Planning Considerations

Appeal decisions

The application has been submitted following the dismissal of the appeal against the refusal of the previous application in 2018. The Inspectors decision and reasons in that decision, and in the earlier appeal in respect of the outline application from 2016, are material to the determination of the application.

In the 2017 appeal case, the Inspector considered the principle of a three storey building on the site, concluding '*...in view of the wide range of building types in the area, I am not persuaded that a three storey building on the appeal site would be unacceptable in principle*'. The Inspector also concluded that the separation distance to properties in Marjorams Avenue was sufficient to overcome overlooking and overshadowing concerns, provided no rear facing roof terrace was included.

In the more recent appeal, the Inspector considered the main issues to be the effect of the development on the character and appearance of the area, and whether the scheme would preserve or enhance the setting of the listed building at 122 Church Hill. On the first issue, the Inspector made the following assessment:

9. Most buildings near the site are two storey in height with a pitched roof. The exception to this is the flat roof three storey Sainsburys building. There is therefore precedent for three storeys and a flat roof design in the area. Both the appeal site and the Sainsburys store would form modern buildings lying either side of the petrol filling station. The canopy of the petrol station, whilst being a structure rather than a building, also has the form of a flat roof. The appeal proposal, seen in this context would not look out of place in this part of Church Hill.
10. The Council consider that the flat roof design would be out of keeping when seen with the traditional style of No 111 Church Hill. However, the appeal site is located at the point of transition between the commercial premises of Loughton and the residential uses on its edge. Taking a wider view, the proposal would not look out of character against these commercial uses, being sited at the limit of their extent.
11. With regard to materials, the use of zinc cladding to the second floor would introduce a new type of material to the locality. However, there is already a wide range of materials in this area and the second floor of the proposed building would be set back onto the roof. This would reduce its dominance in the street scene and result in no adverse harm to the character and appearance of the area.

Considering the relationship with the listed building, the Inspector commented as under:

17. I acknowledge that the appeal scheme would be sited on the same building line as No. 111 Church Hill and would therefore feature prominently in the same view as the Listed dwelling. However, the setting of the Listed property consists of both commercial and residential buildings with a mix of architectural styles, heights, mass and materials. In this context I consider that the appeal scheme would preserve the setting of the heritage asset and would not cause any harm to its significance.

The Inspector was presented with the updated position on the Epping Forest SAC and the potential impact on the development. The appellants submitted a draft Unilateral Undertaking proposing contribution of £3,520 to mitigate recreational impact, but this was

incomplete and the Inspector saw it as ineffective. The Inspector accepted the Council's argument that the development impacted air quality, commenting:

22. Planning permission can only be granted where it has been satisfactorily demonstrated that the development will not adversely affect the integrity of the SAC. In the absence of an agreed mitigation strategy to overcome the in-combination effects that have been identified in respect to air quality and the lack of a mechanism to secure the contribution to mitigate the impacts of recreational pressure, I cannot be satisfied that the appeal proposal would not cause harm to the integrity of the SAC. I am therefore unable to allow this appeal.

It should be noted that the Inspector had due regard to the policies in the Local Plan Submission Version in reaching the decision. At the time the appeal was determined, the Local Plan examinations were in progress but none of the policies cited in the reasons for refusal or referred to in the Inspector's decision are proposed for substantial alteration as a result of the Inspector's findings.

Design issues

In design terms, two Inspectors have now considered the form of building proposed to be appropriate to the area, and it would be difficult to now argue against again. The petrol station canopy screens large areas of the larger elevation, and building levels rise to the south, such that the set back of the upper floor reduces the impact of the scale and mass of the building on the street frontage, such that the overall scale is consistent with the street scene, and as the Inspector concluded does not adversely impact the listed building.

Amenity, parking and traffic issues

Neighbours have raised issues of overlooking and overshadowing again, but the previous application was not refused on this ground. No alterations are proposed to the rear elevation, only high level windows are proposed in the rear elevation at second floor and one first floor bedroom window. Properties immediately to the rear of the development have 25m deep rear gardens and sit in an elevated position above the site, further limiting such harm.

Residents also raise security and lighting issues which are more appropriate to be dealt with by conditions. The rear wall referred to by neighbours is indicated as retained.

Neither previous application has been refused on parking grounds. The scheme proposes one car space per unit and cycle stores, as previously. The site lies within an accessible location well served by bus routes to both Debden and Loughton centres and the level of parking in such a location is supported by the Highway Authority, as is the siting and general form of the site access.

Epping Forest SAC issues

The potential impact of development on the Epping Forest SAC in terms of recreational impact and air quality has been recognised in the Inspector's decision and the applicant's latest submission. The applicant has confirmed their agreement to make appropriate contributions to mitigate such impact, comprising £3,250 (£325 per dwelling) in respect of recreational impact and to meet any future level of contribution that may be agreed with Natural England in respect of air quality. A draft unilateral undertaking is submitted with the application to that effect. Thus, if Members are minded to approve the application, final decision cannot be issued until the levels of this contribution have been determined.

Other matters

Historic uses of the site, and the presence of the petrol station adjacent, mean that the site is likely to be contaminated. An Phase 1 assessment has been submitted detailing the potential for contaminants and this has been assessed by consultants as sufficient at this stage, subject to further detailed investigation which can be dealt with by conditions.

Conclusion

The principle of residential redevelopment of the site as ten units and in a three storey form was effectively established by the decision allowing the first appeal in 2017. Members and residents concerns at the detailed application have been considered by a further appeal inspector who considered the general details of the application – its scale and design, the impact on surrounding properties including the listed building and parking and access issues – to be acceptable in this location.

In terms of the context of the resubmitted application, the Local Plan Submission Version is at a more advanced stage and can be given additional weight, but the policies therein were before the inspector at the appeal, and are not significantly affected by the Inspectors comments on the Local Plan Examination, resulting in no substantive change in circumstances.

The issue around the impact on the Epping Forest SAC now has an acceptable way forward with the applicants proposing an appropriate legal agreement to deal with contributions to mitigate recreational pressures and air quality impact.

Officers consider that the application should now be approved in principle (subject to the legal agreement referred to) and to seek to refuse again leaves the Council vulnerable to costs at a further appeal. Officers have reviewed conditions recommended previously at Committee and at appeal and have updated these as required. These cover the matters of lighting and boundary treatments raised by objectors.

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:

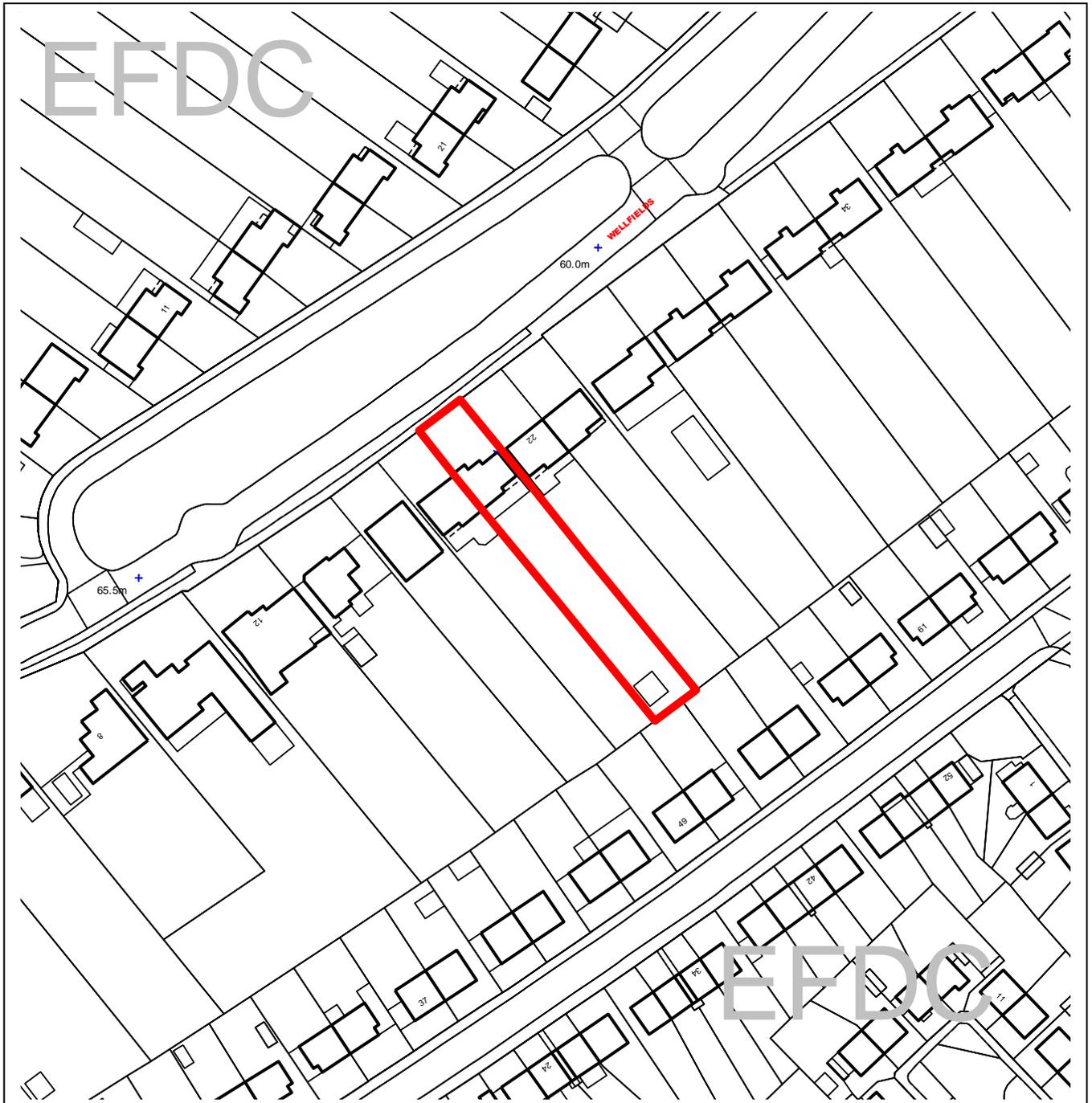
***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

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Epping Forest District Council



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| | |
|---------------------|--------------------------------|
| Application Number: | EPF/1602/19 |
| Site Name: | 20 Wellfield Loughton IG10 1NX |
| Scale of Plot: | 1:1250 |

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| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1602/19 |
| SITE ADDRESS: | 20 Wellfields Loughton Essex IG10 1NX |
| PARISH: | Loughton |
| WARD: | Loughton St Marys |
| APPLICANT: | Mrs Shahnilah Razaq |
| DESCRIPTION OF PROPOSAL: | New glazed lantern on the existing rear single storey roof, change of use of existing garage, x 3 no. new dormers to the front elevation and miscellaneous windows. |
| RECOMMENDED DECISION: | 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=625619

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 numbers:
 - SR4 21
 - SR410
 - SR4 20
 - SR4 30
 - SR4 31
 - SR4 35
 - SR4 40B
- 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.

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 comprises a two storey semi detached dwelling on the south eastern side of Wellfields in the built up area of Loughton. The land has a slight downward slope from south west to north east, hardstanding to the front accommodating 4 parking spaces, and a substantial rear garden with closed boarded fencing and a wooden outbuilding towards the rear of the garden. The application site is not within a Conservation Area or the Metropolitan Green Belt and is not a Listed Building.

Description of Proposal:

This proposal seeks permission for a glazed lantern on the existing rear single storey roof, use of the existing garage as study, 3 no. new dormers to the front elevation and a widening of the existing rear roof extension.

It is noted that the lantern element of the proposal is retrospective.

Relevant Planning History:

EPF/0576/19 - Lantern rooflight to extension approved under EPF/0247/18, conversion of garage to habitable room, three dormer windows to front elevation and changes to fenestration. The application was considered by Area Plans South on the 29th May 2019 where planning permission was refused for the following reason:

Reason for refusal:

The proposed alterations to the front elevation in particular the removal of the centrally located full height window, would be detrimental to the character and appearance of this group of properties to which the subject site belongs and the street scene in general. The proposal is therefore contrary to policy DBE10 of the adopted Local Plan 1998, policy DM9 of the Submission Version of the Local Plan 2017 and the NPPF 2019.

EPF/2664/18 - Proposed alterations to provide 5 bed house with first floor extension, adding 3 new dormers and a change of use from garage to study (revised application to EPF/1717/18). 26-10-2018 - Refuse Permission (Householder)

Reasons for refusal:

- 1) *The proposed first floor rear extension would by reason of its excessive, height, width and depth appear excessively overbearing and cause excessive harm to the outlook of the inhabitants residing at no. 18 Wellfields when viewed from their rear habitable room windows and rear garden area. It would therefore fail to safeguard the living conditions of this adjoining neighbour and, accordingly, fail to comply with policy DBE9 of the adopted Local Plan (1998), policy DM 9 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*
- 2) *The proposed first floor rear extension by reason of its excessive bulk would appear over-dominant and incongruous when viewed from the rear garden areas of the application site and those of no's 18 and 22 Wellfields. It would fail to complement the existing dwellinghouse and would not comply with policy DBE10 of the adopted*

Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).

- 3) *The proposed middle front dormer window by reason of it's insufficient set back from the eaves of the existing roof, would appear incongruous and dominant within the front roofslope of the application dwelling. It would fail to complement the existing house when viewed from the general street scene. Accordingly, it would fail to comply with policy DBE10 of the adopted Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*

EPF/1717/18 - Part two storey, part single storey rear extension, new dormers to front and garage conversion. 04-07-2018 - Refuse Permission (Householder)

Reasons for refusal:

- 1) *The proposed two-storey rear extension would by reason of its excessive, height, width and depth appear excessively overbearing and cause excessive harm to the outlook of the inhabitants residing at no. 18 Wellfields when viewed from their rear habitable room windows and rear garden area. It would therefore fail to safeguard the living conditions of this adjoining neighbour and, accordingly, fail to comply with policy DBE9 of the adopted Local Plan (1998), policy DM 9 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*
- 2) *The proposed two-storey rear extension by reason of its excessive bulk would appear over-dominant and incongruous when viewed from the rear garden areas of the application site and those of no's 18 and 22 Wellfields. It would fail to complement the existing dwellinghouse and would not comply with policy DBE10 of the adopted Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*
- 3) *The proposed middle front dormer window by reason of it's insufficient set back from the eaves of the existing roof, would appear incongruous and insubordinate within the front roofslope of the application dwelling. It would fail to complement the existing house when viewed from the general street scene. Accordingly, it would fail to comply with policy DBE10 of the adopted Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*

EPF/0247/18 -Prior approval application for a proposed 6m deep single storey rear extension, height to eaves 3m and maximum height of 3m - 29-01-2018 - Prior Approval Not Required.

CHI/0005/70 - 09-01-1970 - BR/8703 Extension. 09-01-1970 - Grant Permission

Policies Applied:

Development Plan Context

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material

considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

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

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

National Planning Policy Framework (February 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following sections of the NPPF are considered to be of relevance to this application:

Section 12.

Epping Forest District Local Plan Submission Version (2017) (LPSV)

Although the LPSV 2017 does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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

| Policy | Weight afforded |
|--|------------------------|
| SP1 - Presumption in Favour of Sustainable Development | Significant |
| DM9 - High Quality Design | Significant |
| DM10 – Housing Design and Quality | Significant |

Consultations Carried Out and Summary of Representations Received:

Number of neighbours consulted: 5

Responses received: 3 objections have been received from the neighbouring properties numbers: 18, 22 and 24 Wellfields.

The objections are summarised below:

18 Wellfields

- This application is the fifth presented by 20 Wellfields since autumn 2017. The application references are:
- EPF/0576/19 - Lantern rooflight to extension approved under EPF/0247/18, conversion of garage to habitable room, three dormer windows to front elevation and changes to fenestration. 3-03-2019 - Refuse Permission (Householder)
- EPF/2664/18 - Proposed alterations to provide 5 bed house with first floor extension, adding 3 new dormers and a change of use from garage to study (revised application to EPF/1717/18). 26-10-2018 - Refuse Permission (Householder)
- EPF/1717/18 - Part two storey, part single storey rear extension, new dormers to front and garage conversion. 04-07-2018- Refuse Permission (Householder)
- EPF/0247/18 -Prior approval application for a proposed 6m deep single storey rear extension, height to eaves 3m and maximum height of 3m - 29-01-2018 - Prior Approval Not Required.
- No objection to the proposed change of use of the garage at the front of No. 20 to a study.
- The objection principally relate to the lantern.
- The lantern has already been constructed without planning permission.
- Object to the construction of the lantern. The lantern is too large, obtrusive and is more visible at night due to illumination.
- The lantern can be seen from numbers 22 and 24.
- Front window to be retained.

- Insufficient setback of the middle dormer window was given as a reason by the planning officers for rejecting application EPF/1717/18.

22 Wellfields

- This is the fourth planning application made for No.20 in the last two years and is similar in scope to the last application (EPF0576/19) which was rejected.
- Objected to the last application on the grounds of the lantern light on top of the ground extension on the basis that the lantern is too large and obtrusive and adds to an already significant and over-bearing ground floor extension.
- Object to the installation of this lantern once again.
- No objection to the works proposed to the front of the property or the alterations to the windows on the top floor at the rear of the property.

24 Wellfields

- The lantern has already been installed.
- This proposal has already been rejected by planning.

Site notice posted: N/A

LOUGTON TOWN COUNCIL: OBJECT to the proposal as summarised below:

- The committee deplore the nature of the retrospective nature of this application.
- Air conditioning units have been installed without planning permission.
- The proposed front dormers will have an adverse impact on the street scene.
- The lantern has not been shown on plans accurately and it is overbearing to the neighbouring properties numbers: 18 and 22.

Planning Considerations:

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) The impact on the living conditions of neighbouring amenities;

Character and appearance:

Following the previous resolution to refuse by this committee on the 29/05/2019, the applicant has responded to the suggested way forward by retaining the centrally located first floor window feature under this proposal. Amended plans have been received to show the correct angle of the lantern and its relationship with the rear first floor windows. It was noted at the time of the site visit that the lantern had already been constructed and as such this element of the proposal is retrospective.

According to the submitted plans, the lantern has a width of 4.0 metres, a depth of 2.0 metres and a height of 0.46 metres. The side glazing on the lantern show that they are slanted at 23 degree angle.

Taking into account the dimensions and siting of the lantern, it is considered that it is not detrimental to the character or appearance of the building and as it is located to the rear of the property it does not have a negative impact on public views from the street scene.

The existing garage will be converted to a study. The footprint of the proposed conversion will remain the same as existing. The garage door and 1 no. casement window will be replaced with 1 no. casement window at the front elevation. The proposed garage conversion will not have a detrimental impact on the subject dwelling or those within the surrounding townscape.

3 no. dormers are proposed as part of this proposal. 2 no. small dormers on each side of the roof plane and 1 no. larger dormer in the middle. The smaller dormers will measure 1.6 metres in width, 2.72 metres in depth and 1.9 metres in height. The larger dormer will measure 1.8 metres in width, 3.25 metres in depth and 2.4 metres in height. All dormers will have pitched roofs. It was noted at the site visit that a number of other neighbouring properties in close proximity benefit from front dormers of different sizes and styles. Given the size and design of the proposed dormers as well as other dormer examples within the street, it is considered that they will not be detrimental to the character or appearance of the subject dwelling or the street scene. As mentioned above it is noted that on a previous application reference: EPF/2664/18, the middle dormer was refused for the reason of its insufficient set back from the eaves of the existing roof. This matter has now been resolved and the dormer is now approximately 0.3 metre set back from the eaves of the existing roof.

Taking into account the above factors it is considered that the proposed development complies with Policy DBE10 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Living conditions of neighbours:

The neighbouring property no. 18 is located on the south east elevation of the subject dwelling. This neighbouring property has objected to the proposal as outlined above. One of their main objections is to the installation of the lantern and its negative impact on their amenity. However taking into account a separation gap of approximately 2.8 metres to the boundary line and its modest height with slanted sides, it is considered that the lantern does not give rise to any detrimental impacts in term of overbearingness, overshadowing, loss of privacy or loss of light to this neighbouring property to justify a reason for refusal of this application. Furthermore, the fact that it can be seen from neighbouring properties does not constitute harm. The location of the proposed front dormers does not result in any impacts. The proposed garage conversion will not result in any increase in the footprint and as such it will not have any negative impact on this property.

The neighbouring property no. 22 is located on the north west elevation of the subject dwelling. As mentioned above this neighbouring property has objected to the installation of the lantern. However it is considered that due to an even greater separation gap than No. 18 of approximately 4.5 metres to the flank wall, the lantern equally does not give rise to planning impacts as mentioned above with No. 18. Similarly there are no impacts from the proposed front dormers nor the garage conversion.

Taking into account the above factors, it is considered that the proposed development complies with Policy DBE9 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Other Matters Raised by 3rd Parties

Objections have been received in regards to the air conditioning unit which has been installed without planning permission. However, the air conditioning unit has not been proposed as part of this application and as such cannot be assessed under this proposal.

Objections have also been received in terms of dormers having an adverse impact on the street scene. However as noted above, a number of other neighbouring properties benefit from front dormers with varied sizes and styles and as such the refusal of the dormers cannot be justified.

It is noted that the lantern / roof light has been installed without planning permission, however, carrying out development without planning permission is not unlawful or a criminal offence unless to a Listed Building. This element of the proposal is now being sought to be regularised under this application and has been assessed as acceptable and in compliance with planning policies. A refusal to this element cannot be reasonably justified.

Other objections which are not relevant to this application cannot be considered under this proposal.

Conclusions:

For the reasons outlined above, it is recommended that planning permission is granted for this proposal subject to conditions attached within the decision notice.

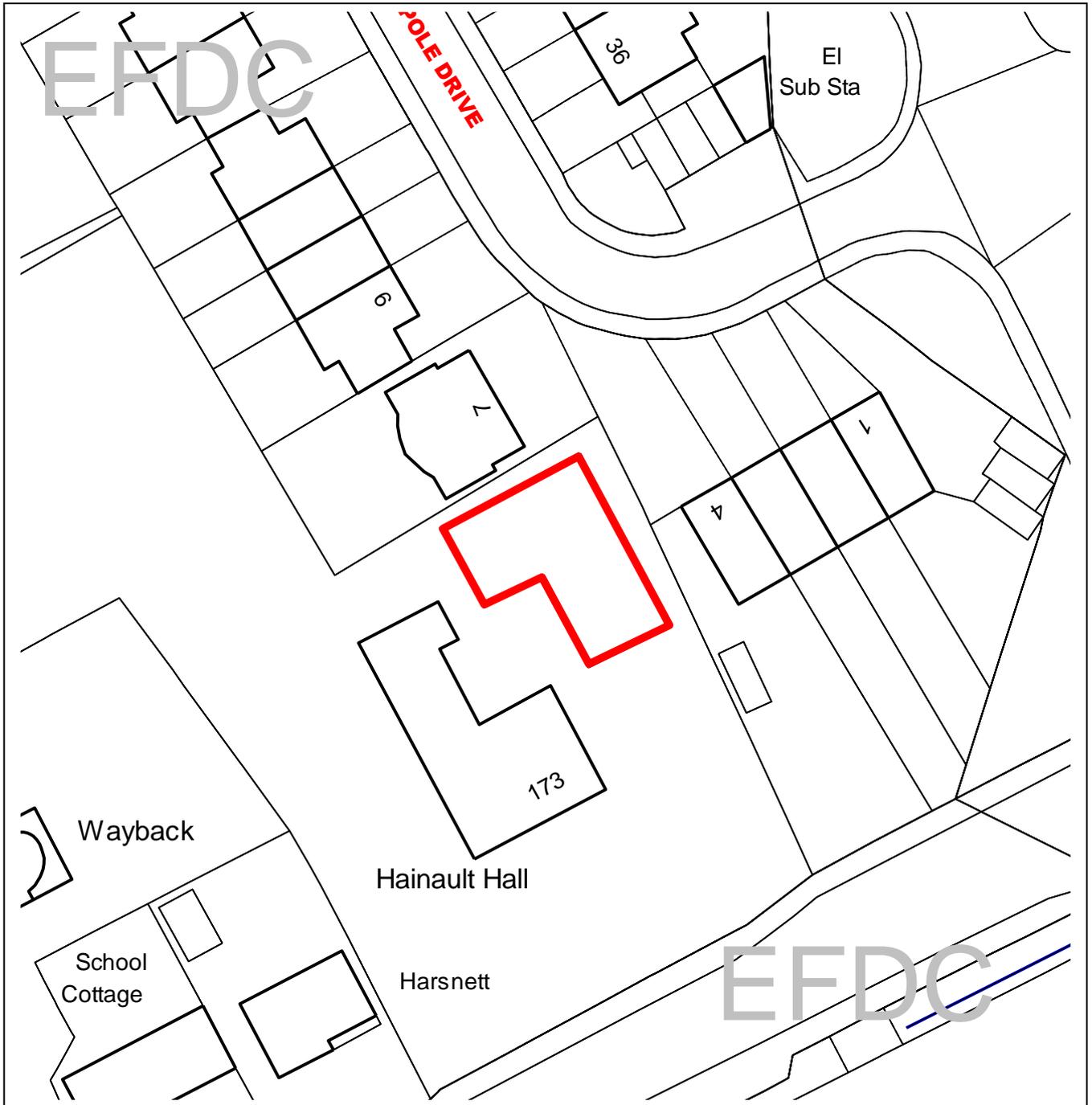
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the Monday preceding the meeting at the latest:

***Planning Application Case Officer: Honey Kojuri
Direct Line Telephone Number: 01992 564124***

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



Epping Forest District Council



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| Application Number: | EPF/1792/19 |
| Site Name: | Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU |
| Scale of Plot: | 1:500 |

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| APPLICATION No: | EPF/1792/19 |
| SITE ADDRESS: | Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU |
| PARISH: | Chigwell |
| WARD: | |
| APPLICANT: | Mr A Singh |
| DESCRIPTION OF PROPOSAL: | Amendment to planning permission EPF/0348/18 (Retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above). |
| RECOMMENDED DECISION: | Refuse Permission (Householder) |

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=626557

REASON FOR REFUSAL

- 1 The proposal would result in significant harm to the setting of the listed building by the increased bulk of the proposed garage/pool building, the harm caused to the appearance and special interest of the listed building and the wider street scene of Maypole Drive. This is supported by policies HC10 and HC12 of the Local Plan and Alterations (1998 and 2006), policy DM7 of the Submission Version Local Plan (2017), and the NPPF (2019).
- 2 Due to the close proximity of the proposal to no.7 Maypole Drive, the proposal by reason of its excessive height would cause significant harm to the outlook and light afforded the inhabitants of this dwellinghouse when viewed from its rear habitable room glazing and garden area. The proposal is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998 and 2006), policy DM 10 of the Submission Version of the Local Plan 2017 and the NPPF 2019.

This application is before this Committee as the application has been 'called-in' by Councillor Sunger (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of site

The application site comprises a large mansion house located close to the traffic light junction of Lambourne Road and Gravel lane/Romford Road. The property is a listed building, but it does not lie in a conservation area.

Description of Proposal:

Amendment to planning permission EPF/0348/18 and Listed Building Consent EPF/0349/18 (Retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above).

Changes proposed are as follows:

To remove the 1.2 m basement excavation underneath the pool and garage buildings,
To increase the ridge height of the pool building by 750mm
To introduce additional roof lights to side elevation 2.

Relevant History:

EPF/1398/19 Application for a Non-Material Amendment to EPF/0055/19 to change the position of an approved outbuilding and move up North to allow more garden space at the Southern side. Non-material Amendment - Approved

EPF/0780/19 Grade II Listed Building Consent for a proposed single storey glazed link connecting the pool house to the existing single storey rear extension to the main house. Approved.

EPF/0774/19 Proposed single storey glazed link connecting the pool house to the existing single storey rear extension to the main house. Approved.

EPF/0841/19 Grade II Listed Building Consent for proposed mounting of poles in the garden and boundary fence walls for the purpose of installation of CCTV camera, security lighting, PIR Sensor and installation of cameras on the main building, single storey rear extension, outbuildings and either side of the front gate. (Revised application to EPF/1194/18).
Approved.

EPF/0839/19 Proposed mounting of poles in the garden and boundary fence walls for the purpose of installation of CCTV camera, security lighting, PIR Sensor and installation of cameras on the main building, single storey rear extension, outbuildings and either side of the front gate. (Revised application to EPF/1192/18). Approved.

EPF/0893/19 014101 Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU
Variation of condition 5 'approved plans' on planning application LB/EPF/0349/18 (Grade_II listed building application for retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above)
WITHDRAWN 05-04-2019 Withdrawn Decision

EPF/0716/19 Application for Variation of Condition 3:-"approved plans" for EPF/0348/18 (Retention of height of rear pool building, roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of existing garage roof building with formation of basement in existing garage building for use as gym with rooms above). WITHDRAWN 05-04-2019 Withdrawn Decision

EPF/0055/19 Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU Revision to approved application EPF/0959/18 for the erection of replacement single storey outbuilding in the rear garden to serve as an ancillary annexe. FINAL DECISION 31-01-2019 Grant Permission (With Conditions)

EPF/2562/18 Application for Approval of Details Reserved by Conditions 2 & 3 of EPF/1914/17. 2)-"Samples of the types and details of colours of all the external finishes shall be submitted", 3)-"Additional drawings that show details of proposed new windows and doors". (Rear Extension to Conservatory (Renewal of lapsed consent EPF/0110/13 but with modifications)). REGISTERED 26-09-2018

EPF/2351/18 Construction of part single, part two storey new building in the rear section of garden to be used as an ancillary family recreation centre incorporating a granny annexe, swimming pool and gym. WITHDRAWN 07-09-2018 Withdrawn Decision

EPF/1888/18 Listed building application for retention of double glazed windows (Retrospective application) FINAL DECISION 19-07-2018 Refuse Permission

EPF/1095/18 The proposal is to extend the current garage frontwards by 3 metres and introduce basements and mezzanine floors across the garage and adjoining rear pool house to provide changing rooms, toilets, sauna, steam room, children's play area, snooker lounge, home cinema, swimming pool and a private gym FINAL DECISION 04-06-2018 Refuse Permission (Householder)

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EPF/0959/18 Erection of replacement single storey outbuilding in the rearmost section of rear garden to serve as an ancillary granny annexe. FINAL DECISION 24-04-2018 Grant Permission (With Conditions)

EPF/0349/18 Grade II listed building application for retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above. FINAL DECISION 27-02-2018 Grant Permission (With Conditions)

EPF/0348/18 014101 Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU Retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and

raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above. FINAL DECISION 27-02-2018

Grant Permission (With Conditions)

EPF/1935/17 Grade II listed building application for rear extension to conservatory. (Renewal of lapsed consent EPF/0137/13 but with modifications) FINAL DECISION 07-08-2017 Grant Permission (With Conditions)

EPF/1914/17 Rear extension to conservatory. (Renewal of lapsed consent EPF/0110/13 but with modifications). FINAL DECISION 07-08-2017 Grant Permission (With Conditions)

EPF/1292/16 Grade II listed building application for raising roof of garage and addition of a mezzanine floor over the existing garage and poolhouse building. Single storey glazed link connecting the pool house to the existing single storey extension to the rear of the main house, and alterations and extension to this single storey rear extension. FINAL DECISION 27-05-2016 Refuse Permission

EPF/1287/16 Raising of roof over garage and addition of a mezzanine floor over the existing garage and poolhouse building. Single storey glazed link connecting the pool house to the existing single storey extension to the rear of the main house, and alterations and extension to this existing single storey rear extension. FINAL DECISION 26-05-2016 Refuse Permission (Householder)

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EPF/0110/13 Extension to existing conservatory (Renewal of lapsed consent, application reference EPF/2413/2006) FINAL DECISION 25-01-2013 Grant Permission (With Conditions)

EPF/2414/06 Grade II listed building application for a single storey front garage extension and single storey rear extensions. FINAL DECISION 02-01-2007 Grant Permission (With Conditions)

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LB/EPF/0118/02 Listed Building application for lowering of existing basement floor and install ground beams (Revised Scheme) FINAL DECISION 18-01-2002 Grant Permission (With Conditions)

DEVELOPMENT PLAN

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:

| | |
|------|---|
| CP1 | Achieving Sustainable Development Objectives |
| CP2 | Protecting the Quality of the Rural and Built environment |
| GB2A | Development in the Green Belt |
| HC12 | Development Affecting the Setting of Listed Buildings |
| DBE1 | Design of New Buildings |
| DBE4 | Design in the Green Belt |
| DBE8 | Private Amenity Space |
| DBE9 | Loss of Amenity |
| LL10 | Adequacy of Provision for Landscaping Retention |
| ST4 | Road Safety |
| ST6 | Vehicle Parking |

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

EPHING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has since provided their initial advice on the LPSV following the Independent Examination and hearing sessions. This advice was given without prejudice to the Inspector's final conclusions.

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

| Policy | Weight afforded |
|--|-----------------|
| SP1 Presumption in favour of sustainable development | Significant |
| SP2 Spatial Development Strategy | Significant |
| CP2 Protecting the quality of the rural and built environment | Significant |
| DM9 High Quality Design | Significant |
| SP6 Green Belt and District Open Land | Significant |
| SP7 The Natural Environment, Landscape Character and Green and Blue Infrastructure | Significant |
| H1 Housing mix and accommodation types | Significant |
| T 1 Sustainable transport choices | Significant |
| T2 Safeguarding of routes and facilities | Significant |
| DM1 Habitat protection and improving biodiversity | Significant |
| DM2 Epping Forest SAC and the Lee Valley SPA | Significant |
| DM3 Landscape Character, Ancient Landscapes and Geodiversity | Significant |
| DM4 Green Belt | Significant |

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| DM5 | Green and Blue Infrastructure | Significant |
| DM7 | Heritage Assets | Significant |
| DM10 | Housing Design and Quality | Significant |
| DM11 | Waste recycling facilities on new development | Significant |
| DM12 | Subterranean, basement development and lightwells | Significant |
| DM15 | Managing and Reducing Flood Risk | Significant |
| DM16 | Sustainable Drainage Systems | Significant |
| DM17 | Protecting and enhancing watercourses and flood defences | Significant |
| DM18 | On site management of waste water and water supply | Significant |
| DM19 | Sustainable water use | Significant |
| DM21 | Local environmental impacts, pollution and land contamination | Significant |
| DM22 | Air Quality | Significant |

Summary of Representations Received

7 NEIGHBOURS CONSULTED: 7 MAYPOLE DRIVE: OBJECTED Proposal is too high, will result in a loss of light, outlook and privacy

SITE NOTICE POSTED: 01.08.2019
CHIGWELL PARISH COUNCIL:

EPF/1792/19 (PLANNING APPLICATION): NO OBJECTION

EPF/1799/19 (CURTILAGE GRADE II LISTED BUILDING CONSENT APPLICATION): NO OBJECTION SUBJECT TO THE HERITAGE OFFICER'S DETERMINATION THAT THE PROPOSED DEVELOPMENT ABIDES BY THE APPLICABLE PLANNING REGULATIONS.

Main Issues and Considerations:

Hainault Hall is a grade II listed building dating from the late 18th century with 19th and 20th century extensions. It is of stock brick construction under a clay tile mansard roof standing at two storeys with an attic and basement. With its symmetrical frontage, projecting open pediment, and contrasting gauged red brick arches above sash windows, it is a prominent and elegant building within the wider streetscene. It is essential to the building's character that it remains the dominant building on the site.

Permission was granted in 2012 (EPF/1998/12) for the replacement of the existing garage with a larger pool and gym building. Later applications to raise the height of the approved building were refused due to the detrimental impact on both the setting of the listed building and the neighbours. An application was submitted in 2018 (EPF/0348/18) to revise the 2012 scheme; slightly raise the height of the front building and excavate below the buildings to provide enough height to create a first floor. The external alterations were considered to be minimal (slight increase in height, a connecting link between the roofs and the addition of a bank of rooflights in the northern elevation). The proposal still remained subservient to the main house. Permission was granted.

This proposal is for the enlargement of the 2018 approved scheme (not implemented) which is the extended version of the 2012 scheme. The application comprises the removal of the basement excavation underneath the pool and garage building, the increase of the ridge height

and connecting link between the roofs by 750mm and the addition of a bank of roof lights to side. The current proposal also seeks to increase the height and massing of the garage/pool house by a substantial amount. As well as reintroducing a design which resulted in the previous reasons for refusal regarding the impact on Maypole Drive and its occupants, the proposed scheme is considered to be harmful to the setting of the listed building. Hainault Hall should be the dominant building on the site but, due to its size, the proposed scheme encroaches on the listed building and visually competes with it to the detriment of its setting. Increasing the height of the garage/pool house undermines the building hierarchy of the site.

It is recommended that Listed Building consent and Planning permission is refused due to the harm caused to the setting of the listed building by the increased bulk of the proposed garage/pool building, the harm caused to the appearance and special interest of the listed building and the wider street scene of Maypole Drive. This is supported by policies HC10 and HC12 of the Local Plan and Alterations (1998 and 2006), policy DM7 of the Submission Version Local Plan (2017), and paragraphs 190, 192, 193 and 194 of the NPPF (2019).

Furthermore, due to the close proximity of the proposal to no.7 Maypole Drive to the south (0.3m to the rear where the common boundary narrows and 0.6m to the front where the common boundary widens), the proposal by reason of its excessive height would cause significant harm to the outlook and light afforded the inhabitants of this dwellinghouse when viewed from its rear habitable room glazing and garden area. Moreover, the excessive height and close proximity of the proposal to this neighbours glazing and garden area would appear excessively overbearing and result in a severe sense of enclosure. The proposal is contrary to policy DBE9 of the adopted Local Plan 1998/2006, policy DM 10 of the Submission Version of the Local Plan 2017 and the NPPF 2019.

Conclusion

The proposed development by reason of its poor design and excessive height would appear as an insubordinate addition that would compete with the Grade II Listed Building. It would be contrary to policy HC10 and HC12 of the Local Plan 1998, policy DM7 of the Submission Version of the Local Plan 2017 the NPPF 2019. Moreover, the development due to its excessive height and close proximity to the garden area and boundary of no. 7 Maypole Drive would adversely affect the amenities enjoyed by the inhabitants of this dwellinghouse contrary to policy DBE9 of the adopted Local Plan 1998, policy DM 10 of the Submission Version of the Local Plan 2017 and the NPPF 2019.

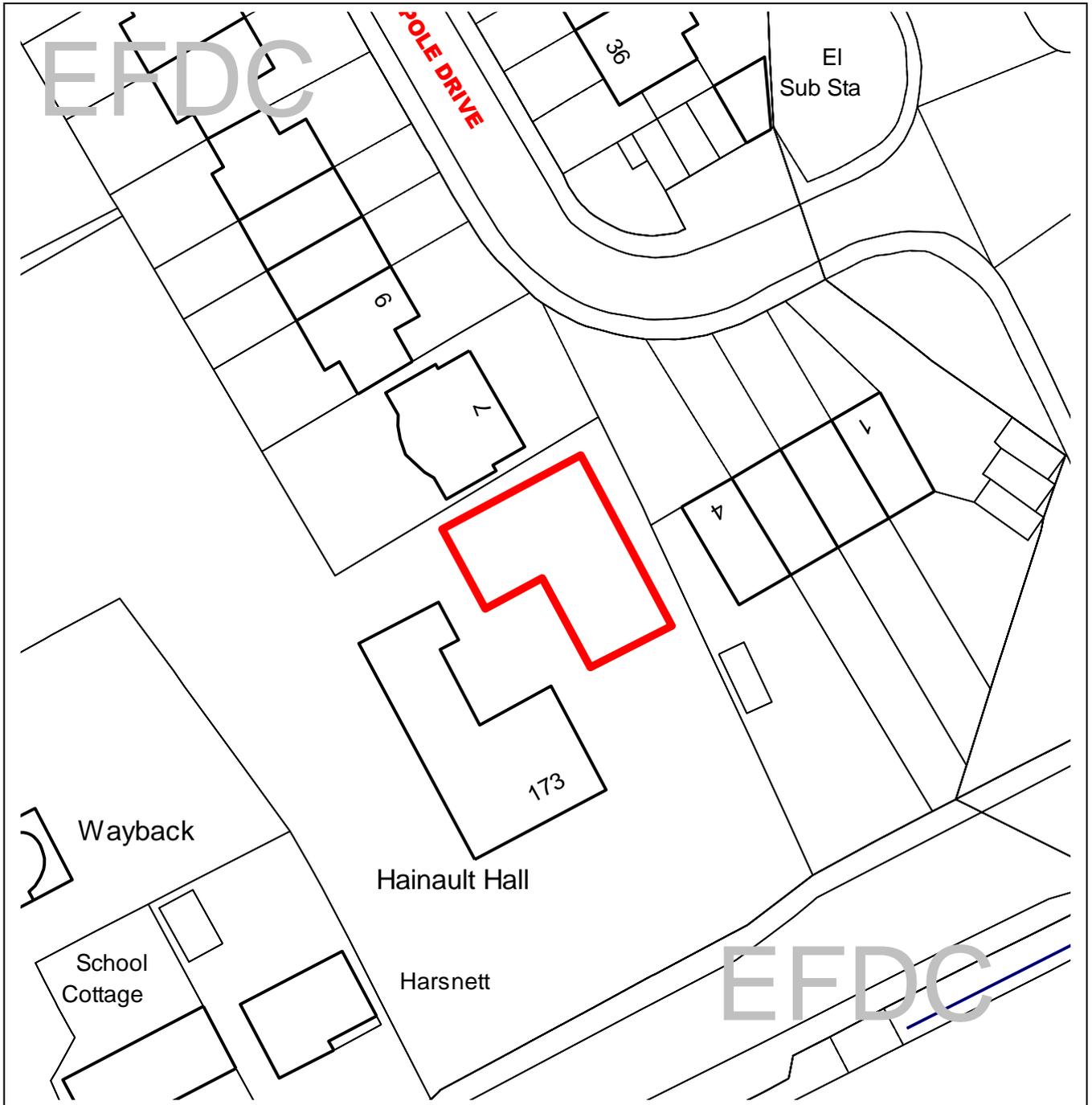
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***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***



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| Application Number: | EPF/179919 |
| Site Name: | Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU |
| Scale of Plot: | 1:500 |

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| APPLICATION No: | EPF/1799/19 |
| SITE ADDRESS: | Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU |
| PARISH: | Chigwell |
| WARD: | Chigwell Row |
| APPLICANT: | Mr A Singh |
| DESCRIPTION OF PROPOSAL: | Amendment to Grade II Listed Building Consent EPF/0349/18 (Retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above). |
| RECOMMENDED DECISION: | Refuse Permission (Householder) |

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=626614

REASON FOR REFUSAL

- 1 The proposal would result in significant harm to the setting of the listed building by the increased bulk of the proposed garage/pool building, the harm caused to the appearance and special interest of the listed building and the wider street scene of Maypole Drive. This is supported by policies HC10 and HC12 of the Local Plan and Alterations (1998 and 2006), policy DM7 of the Submission Version Local Plan (2017), and the NPPF (2019).

This application is before this Committee as the application has been 'called-in' by Councillor Sunger (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of site

This application comprises a large mansion house located close to the traffic light junction of Lambourne Road and Gravel lane/Romford Road. The property is a listed building, but it does not lie in a conservation area.

Description of Proposal:

Amendment to planning permission EPF/0348/18 and Listed Building Consent EPF/0349/18 (Retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above).

Changes proposed are as follows:

To remove the 1.2 m basement excavation underneath the pool and garage buildings,
To increase the ridge height of the pool building by 750mm
To introduce additional roof lights to side elevation 2.

Relevant History:

EPF/1398/19 Application for a Non-Material Amendment to EPF/0055/19 to change the position of an approved outbuilding and move up North to allow more garden space at the Southern side. Non-material Amendment - Approved

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Approved.

EPF/0839/19 Proposed mounting of poles in the garden and boundary fence walls for the purpose of installation of CCTV camera, security lighting, PIR Sensor and installation of cameras on the main building, single storey rear extension, outbuildings and either side of the front gate. (Revised application to EPF/1192/18). Approved.

EPF/0893/19 014101 Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU
Variation of condition 5 'approved plans' on planning application LB/EPF/0349/18 (Grade II listed building application for retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above)
WITHDRAWN 05-04-2019 Withdrawn Decision

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| | |
|------|---|
| CP1 | Achieving Sustainable Development Objectives |
| CP2 | Protecting the Quality of the Rural and Built environment |
| GB2A | Development in the Green Belt |
| HC12 | Development Affecting the Setting of Listed Buildings |
| DBE1 | Design of New Buildings |
| DBE4 | Design in the Green Belt |
| DBE8 | Private Amenity Space |
| DBE9 | Loss of Amenity |
| LL10 | Adequacy of Provision for Landscaping Retention |
| ST4 | Road Safety |
| ST6 | Vehicle Parking |

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has since provided their initial advice on the LPSV following the Independent Examination and hearing sessions. This advice was given without prejudice to the Inspector's final conclusions.

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

| Policy | Weight afforded |
|--|-----------------|
| SP1 Presumption in favour of sustainable development | Significant |
| SP2 Spatial Development Strategy | Significant |
| CP2 Protecting the quality of the rural and built environment | Significant |
| DM9 High Quality Design | Significant |
| SP6 Green Belt and District Open Land | Significant |
| SP7 The Natural Environment, Landscape Character and Green and Blue Infrastructure | Significant |
| H1 Housing mix and accommodation types | Significant |
| T 1 Sustainable transport choices | Significant |
| T2 Safeguarding of routes and facilities | Significant |
| DM1 Habitat protection and improving biodiversity | Significant |
| DM2 Epping Forest SAC and the Lee Valley SPA | Significant |
| DM3 Landscape Character, Ancient Landscapes and Geodiversity | Significant |
| DM4 Green Belt | Significant |
| DM5 Green and Blue Infrastructure | Significant |
| DM7 Heritage Assets | Significant |
| DM10 Housing Design and Quality | Significant |
| DM11 Waste recycling facilities on new development | Significant |
| DM12 Subterranean, basement development and lightwells | Significant |

| | | |
|------|---|-------------|
| DM15 | Managing and Reducing Flood Risk | Significant |
| DM16 | Sustainable Drainage Systems | Significant |
| DM17 | Protecting and enhancing watercourses and flood defences | Significant |
| DM18 | On site management of waste water and water supply | Significant |
| DM19 | Sustainable water use | Significant |
| DM21 | Local environmental impacts, pollution and land contamination | Significant |
| DM22 | Air Quality | |

Summary of Representations Received

7 NEIGHBOURS CONSULTED: 7 MAYPOLE DRIVE: OBJECTED Proposal is too high, will result in a loss of light, outlook and privacy

SITE NOTICE POSTED: 01.08.2019
CHIGWELL PARISH COUNCIL:

EPF/1792/19 (PLANNING APPLICATION): NO OBJECTION

EPF/1799/19 (CURTILAGE GRADE II LISTED BUILDING CONSENT APPLICATION): NO OBJECTION SUBJECT TO THE HERITAGE OFFICER'S DETERMINATION THAT THE PROPOSED DEVELOPMENT ABIDES BY THE APPLICABLE PLANNING REGULATIONS.

Main Issues and Considerations:

Hainault Hall is a grade II listed building dating from the late 18th century with 19th and 20th century extensions. It is of stock brick construction under a clay tile mansard roof standing at two storeys with an attic and basement. With its symmetrical frontage, projecting open pediment, and contrasting gauged red brick arches above sash windows, it is a prominent and elegant building within the wider streetscene. It is essential to the building's character that it remains the dominant building on the site.

Permission was granted in 2012 (EPF/1998/12) for the replacement of the existing garage with a larger pool and gym building. Later applications to raise the height of the approved building were refused due to the detrimental impact on both the setting of the listed building and the neighbours. An application was submitted in 2018 (EPF/0348/18) to revise the 2012 scheme; slightly raise the height of the front building and excavate below the buildings to provide enough height to create a first floor. The external alterations were considered to be minimal (slight increase in height, a connecting link between the roofs and the addition of a bank of rooflights in the northern elevation). The proposal still remained subservient to the main house. Permission was granted.

The proposal is for the enlargement of the 2018 approved scheme (not implemented) which is already the extended version of the 2012 scheme. This application is for the removal of the basement excavation underneath the pool and garage building, the increase of the ridge height and connecting link between the roofs by 750mm and the addition of a bank of roof lights to side. The current proposal seeks to increase the height and massing of the garage/pool house by a substantial amount. As well as reintroducing the previous reasons for refusal regarding the impact on Maypole Drive and its occupants, the proposed scheme is considered to be harmful to the setting of the listed building. Hainault Hall should be the dominant building on the site but,

due to its size, the proposed scheme encroaches on the listed building and visually competes with it to the detriment of its setting. Increasing the height of the garage/pool house undermines the building hierarchy of the site.

It is recommended that Listed Building consent and Planning permission is refused due to the harm caused to the setting of the listed building by the increased bulk of the proposed garage/pool building, the harm caused to the appearance and special interest of the listed building and the wider street scene of Maypole Drive. This is supported by policies HC10 and HC12 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017), and paragraphs 190, 192, 193 and 194 of the NPPF (2018).

Due to the close proximity of the proposal to no.7 Maypole Drive to the south (0.3m to the rear where the common boundary narrows and 0.6m to the front where the common boundary widens), the proposal by reason of its excessive height would cause significant harm to the outlook and light afforded the inhabitants of this dwellinghouse when viewed from its rear habitable room glazing and garden area. Moreover, the excessive height and close proximity of the proposal to this neighbours glazing and garden area would appear excessively overbearing and result in a severe sense of enclosure. The proposal is contrary to policy DBE9 of the adopted Local Plan 1998, policy DM 10 of the Submission Version of the Local Plan 2017 and the NPPF 2019.

Conclusion

The proposed development by reason of its poor design and excessive height would appear as an insubordinate addition that would compete with the Grade II Listed Building. It would be contrary to policy HC10 and HC12 of the Local Plan 1998, policy DM7 of the Submission Version of the Local Plan 2017 the NPPF 2019. Moreover, the development due to its excessive height and close proximity to the garden area and boundary of no. 7 Maypole Drive would adversely affect the amenities enjoyed by the inhabitants of this dwellinghouse contrary to policy DBE9 of the adopted Local Plan 1998, policy DM 10 of the Submission Version of the Local Plan 2017 and the NPPF 2019.

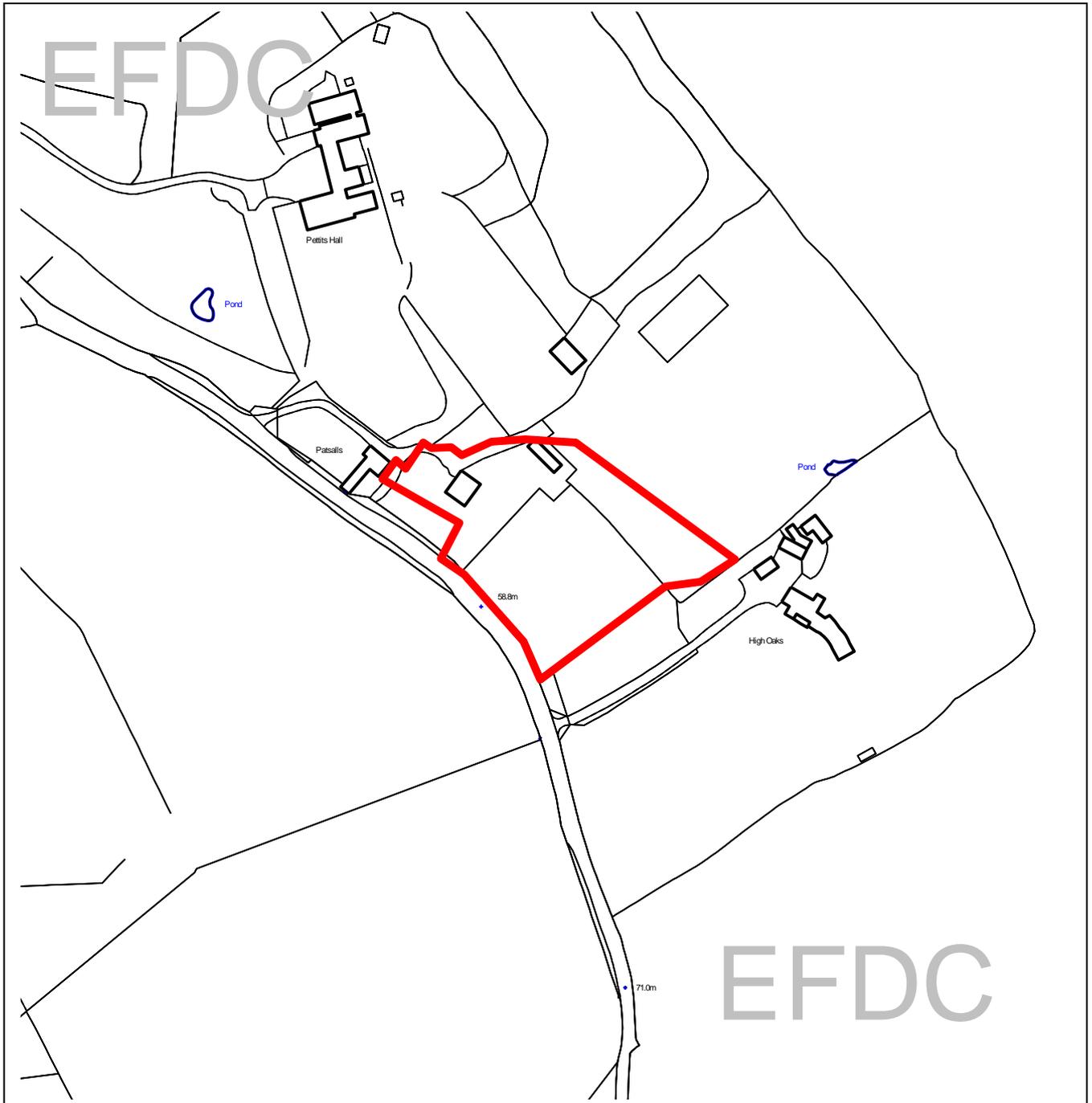
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***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***



Epping Forest District Council



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| | |
|---------------------|---|
| Application Number: | EPf/1962/19 |
| Site Name: | Patsalls Coach House, Pudding Lane Chigwell Essex IG7 6BY |
| Scale of Plot: | 1:2500 |

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|---------------------------------|--|
| APPLICATION No: | EPF/1962/19 |
| SITE ADDRESS: | Patsalls Coach House Pudding Lane Chigwell Essex IG7 6BY |
| PARISH: | Chigwell |
| WARD: | Chigwell Village |
| APPLICANT: | Mr Dhallu |
| DESCRIPTION OF PROPOSAL: | The proposed demolition of the existing Coach House building (used as a C3 dwellinghouse as per decision reference EPF/3357/18) and single storey stable building, and construction of a 5 bedroom replacement dwelling. |
| RECOMMENDED DECISION: | Refuse 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=627215

REASON FOR REFUSAL

- 1 The proposal fails to demonstrate the public benefits of the demolition of this historic asset and its replacement with a contemporary dwellinghouse. Moreover, the proposed development would be situated on higher land and would as a result undermine the setting of the adjacent Grade II Listed Building known as Patsalls. The proposed development therefore fails to accord with policy policy HC12 of the adopted Local Plan 1998, policy DM7 of the SVLP 2017 and the NPPF 2019.
- 2 The access point for the proposed replacement dwellinghouse is little used at present. There is a veteran tree directly adjacent to this existing access point which has been recently granted tree preservation order status due to its civic and public amenity value. The proposed development is likely to result in a greater intensification of use of this existing access and could result in the deterioration of this tree. As such, the proposal is contrary to policy LL10 of the adopted Local Plan 1998, policy DM5 of the SVLP 2017 and the NPPF 2019.

This application is before this Committee as the application has been 'called-in' by Councillor Sunger (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The site is in a rural setting located on the north eastern side of the Patsalls, a Grade II Listed Building, adjacent to Pudding Lane in Chigwell Row. Some buildings associated with the Patsalls include a two storey building known as the 'Coach House' and a single storey

outbuilding, all of which are constructed in traditional roof form and materials. The Patsalls is built on lower ground and it is situated about 150 metres from the application site. The access to the site will be from Pudding Lane which is located some 140 metres from the site and a new access from Pudding Lane is proposed for the proposed dwellinghouse.

The site is within the Metropolitan Green Belt, it is surrounded by trees, vegetation and open countryside.

The site is defined by a submitted plan, FGA-001. The building in question is shown as a roughly square outline in a bold line. The site is defined by a red line. Within the red lined site are two parcels of land: a parcel around the footprint of the building and, to the southeast of this, a larger parcel of land.

The application building is known as the Coach House. The building appears to have also been known as The Cottage or The Barn. The site is not within a Conservation area and the application building is Curtilage Listed. This is because although a Lawful development certificate has been granted under decision reference EPF/3357/18 on the basis that the Coach House's lawful use is as a C3 dwellinghouse with its own curtilage, there is no boundary treatment separating the two to ensure it is not curtilage Listed. It still therefore has a relationship to the Grade II Listed Building known as 'Patsalls'. Even if there is boundary treatment separating the two sites, the historic nature of the Coach House building would make it a non-designated heritage asset. The significance of demolishing this building and building a new dwellinghouse would still be assessed critically.

To the west is the built form of the property Patsalls. To the north is Petits Hall. To the east is High Oaks.

Description of Proposal:

Curtilage Grade II listed building application and an application for planning permission for the proposed demolition of the existing Coach House building (used as a C3 dwellinghouse as per decision reference EPF/3357/18) and single storey stable building, and construction of a 5 bedroom replacement dwelling.

Relevant History:

EPF/3357/18 Land shown hatched on drawing no. FGA-001 Coach House at Patsalls Pudding Lane Chigwell Essex IG7 6BY Certificate of lawful use for existing use of the building as a single dwelling house began more than four years ago. FINAL DECISION
17-01-2019 Lawful

EPF/2526/18 Patsalls Grade II listed building consent for demolition of existing coach house building and erection of new build two storey replacement dwelling. WITHDRAWN 24-09-2018
Withdrawn Decision

EPF/0950/18 Patsalls Demolition of existing coach house building and erection of new build two storey replacement dwelling with basement. WITHDRAWN 24-09-2018
Withdrawn Decision

EPF/1766/15 Patsalls Grade II listed building application to repair impact damage to flank wall. FINAL DECISION 29-09-2015 Grant Permission (With Conditions)

EPF/2179/15 Patsalls Submission of details of conditions; 4 (Sample Roof Tile) and 5 (Drawn Survey of Existing/Proposed Roof) pursuant to planning application ref: EPF/0801/15, dated 22/05/2015. FINAL DECISION 15-09-2015 Details Approved

EPF/0801/15 Patsalls Grade II listed building consent to carry out structural roof repairs, following stripping of roof to the central range. Insertion of new window to ground floor hall. New boiler flue through south cat slide roof. Bollard replacement to roadside. FINAL DECISION 24-04-2015 Grant Permission (With Conditions)

EPF/1302/14 Patsalls Grade II listed building application for alteration and extension to main house. FINAL DECISION 19-06-2014 Refuse Permission (Householder)

EPF/1284/14 Patsalls Pudding Lane Chigwell Essex IG7 6BY Alteration and extension to main house. FINAL DECISION 19-06-2014 Refuse Permission (Householder)

EPF/1272/14 Patsalls Change of use of agricultural building to residential use. FINAL DECISION 18-06-2014 Grant Permission (With Conditions)

EPF/1219/78 Patsalls, Pudding Lane, Chigwell Erection of 6ft high brick wall. FINAL DECISION 04-09-1978 Grant Permission

CHI/0376/64 Patsalls, PUDDING LANE, CHIGWELL, ESSEX, IG7 6BY CONVERSION INTO 1 HOUSE WITH NEW ACCESS FINAL DECISION 21-10-1964 Grant Permission

DEVELOPMENT PLAN

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:

| | |
|------|---|
| CP1 | Achieving Sustainable Development Objectives |
| CP2 | Protecting the Quality of the Rural and Built environment |
| GB2A | Development in the Green Belt |
| HC12 | Development Affecting the Setting of Listed Buildings |
| DBE1 | Design of New Buildings |
| DBE4 | Design in the Green Belt |
| DBE8 | Private Amenity Space |
| DBE9 | Loss of Amenity |
| LL10 | Adequacy of Provision for Landscaping Retention |
| ST4 | Road Safety |
| ST6 | Vehicle Parking |

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has since provided their initial advice on the LPSV following the Independent Examination and hearing sessions. This advice was given without prejudice to the Inspector's final conclusions.

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

| Policy | | Weight afforded |
|--------|--|-----------------|
| SP1 | Presumption in favour of sustainable development | Significant |
| SP2 | Spatial Development Strategy | Significant |
| CP2 | Protecting the quality of the rural and built environment | Significant |
| DM9 | High Quality Design | Significant |
| SP6 | Green Belt and District Open Land | Significant |
| SP7 | The Natural Environment, Landscape Character and Green and Blue Infrastructure | Significant |
| H1 | Housing mix and accommodation types | Significant |
| T 1 | Sustainable transport choices | Significant |
| T2 | Safeguarding of routes and facilities | Significant |
| DM1 | Habitat protection and improving biodiversity | Significant |
| DM2 | Epping Forest SAC and the Lee Valley SPA | Significant |
| DM3 | Landscape Character, Ancient Landscapes and Geodiversity | Significant |
| DM4 | Green Belt | Significant |
| DM5 | Green and Blue Infrastructure | Significant |
| DM7 | Heritage Assets | Significant |
| DM10 | Housing Design and Quality | Significant |
| DM11 | Waste recycling facilities on new development | Significant |
| DM12 | Subterranean, basement development and lightwells | Significant |
| DM15 | Managing and Reducing Flood Risk | Significant |
| DM16 | Sustainable Drainage Systems | Significant |
| DM17 | Protecting and enhancing watercourses and flood defences | Significant |
| DM18 | On site management of waste water and water supply | Significant |
| DM19 | Sustainable water use | Significant |
| DM21 | Local environmental impacts, pollution and land contamination | Significant |
| DM22 | Air Quality | Significant |

Summary of Representations Received

2 NEIGHBOURS CONSULTED: NO REPRESENTATIONS RECEIVED AT TIME OF WRITING REPORT

SITE NOTICE POSTED: 27.08.2019

CHIGWELL PARISH COUNCIL:

EPF/1962/19 (PLANNING APPLICATION): NO OBJECTION

EPF/1968/19 (CURTILAGE GRADE II LISTED BUILDING CONSENT APPLICATION): NO OBJECTION SUBJECT TO THE HERITAGE OFFICER'S DETERMINATION THAT THE PROPOSED DEVELOPMENT ABIDES BY THE APPLICABLE PLANNING REGULATIONS.

Main Issues and Considerations:

The main issues with this application relate to the following:

- Design of the proposal and its impact on the setting of the Grade II Listed Building known as 'Patsalls'.
- Living Conditions of neighbours
- Highway Safety and Parking
- Trees and Landscaping

Other Matters relating to impact of proposal on land drainage, land contamination, living conditions of future occupiers, the Epping Forest SAC and Air Quality are also discussed in this report.

Design of the proposed dwellinghouse and its impact on the setting of the nearby Grade II Listed Building known as 'Patsalls'

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively.

The Patsalls is a Grade II Listed Building. The Coach House building (application building) is adjacent to this building and is curtilage Listed. Further into the site is a single storey stable building. This is also curtilage listed but of less historic importance in terms of its design and appearance and due to it being a modern addition to the site. The new dwelling will be closer to this single storey building which is associated with the Patsalls Grade II Listed Building. The proposal would be single storey with parapet walls and flat roof and would have a large proportion of built form underground.

The proposed replacement dwellinghouse is considered to detract from the setting of the Listed Building known as Patsalls due to the proposed scale, contemporary design, and its position on higher ground to the east of the Listed Building. In views from the Listed Building to the east it appears that the building form of the proposed house would create a modern, boxy skyline which would appear incongruous within the relatively open landscape setting of the traditional, vernacular house.

The removal of the Coach House building to facilitate the proposed dwellinghouse is unjustified, since it is not terminally irrecoverable as a structure, but in a good state of preservation, and the great majority of its components are original and C19 in date. To demolish it would constitute substantial harm to the curtilage listed asset itself, and a moderate level of harm to the setting of the listed Patsalls house adjacent. Such a high level of harm to a designated heritage asset is not justified by any of the exceptional public benefits that would need to be accrued in order for the project to align with Paragraph 195 of the NPPF 2019, as follows:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant -funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

None of the above applies here, since the development is not necessary in order to deliver substantial public benefits, and therefore the development is contrary to this and other associated paras in the NPPF. To remove the building, and to replace it with a building of indifferent suburban design, would not conform to ss. 16 and 66 of the Planning (LBCA) Act 1990, which states,

16. In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This development does not pay regard to the preservation of the curtilage listed building, and would be contrary to the requirement to preserve the setting of the grade II listed Patsalls house.

By implication, the proposals do not accord with policy HC12 of the adopted Local Plan 1998, policy DM7 of EFDCs emerging Local Plan, and the NPPF 2019 which all seek to ensure that historic assets are conserved in a manner consistent with their significance.

Living Conditions of neighbours

The new dwelling would be located several metres away from surrounding dwellings Petits Hall and High Oaks. It will therefore, not give rise to any concerns in regards to the impact on the amenities of neighbouring occupiers, particularly in terms of overlooking, loss of outlook or appear overbearing.

However, there may be some vibration and noise disturbance during the construction process from heavy trucks. Whilst this might affect the amenities of nearby residents, particularly those residents within the curtilage of Patsalls, it would be temporal inconvenience and a construction management statement and hours of construction condition be imposed in the event of approval.

Metropolitan Green Belt

The site is within the Metropolitan Green Belt where the National Planning Policy Framework highlights that the “the construction of new buildings is inappropriate”. However, the NPPF lists a number of exceptions to this.

One of these exceptions is the re-development of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. I note that the documentation includes figures of floor space and volumes for the two buildings on the site, the coach house and the outbuilding/stable building and of the proposed house.

It is noted that planning permission EPF/1272/14 was for the coach house to be used as a dwelling, planning permission was for the change of use of agricultural building to residential use.

The proposal would result in a total increase of 27 percent increase in the above ground volume compared with the existing Coach House Building and single storey stable building. Case law and some recent appeal decisions have highlighted that that below ground/basement developments within the Green Belt does not adversely undermine the openness of the Green Belt both in visual and spatial terms. The volume of below ground level developments within the Green Belt are therefore discounted and it would be difficult to argue that the below ground level development undermines the openness of the Green Belt at appeal stage. The twenty seven percent increase is not considered disproportionate to the existing buildings and the proposal is not considered to be inappropriate development within the Metropolitan Green Belt.

Biodiversity and ecology

No objections have been received from the Council's CountyCare team regarding the Phase 1 Habitats Survey submitted with the planning application. A standard condition requiring the applicant to submit details of ways in which they would seek to implement ecological enhancements at the site would have been imposed if the proposal would have been recommended for approval.

Parking and Highways

Two parking spaces have been proposed which meet Essex Parking Standards 2009. The proposed dwelling seeks to an existing existing vehicle access from Pudding Lane (spate to the access to the Grade II Listed Building known as Patsalls. The County Highway Authority has been consulted and has raised no objections to the proposal.

Trees and Landscaping

The Council's Trees and Landscaping team have been consulted on the proposal and have objected to the proposal for the following reasons:

We note that the applicant intends to use the 'existing access' point into this field. Photos indicate that this is a little used access point. Given that there is a veteran tree directly adjacent to this access point, we object to any intensification of use / installation of crossover for domestic use as we consider that this could result in the deterioration of this tree.

We have made a tree preservation order, on the three field boundary oaks, the veteran roadside oak and a further oak within the site'

As such, the proposal would be contrary to policy LL10 of the adopted Local Plan 1998 which relates to adequacy for the provision of landscape retention. It would also be contrary to policy DM5 of the Local Plan Submission Version 2017 which states that 'Development proposals must demonstrate that they have been designed to retain and enhance existing green infrastructure'. This policy also states that 'the loss, deterioration or fragmentation of irreplaceable habitats, such as veteran trees and ancient woodland, will not be permitted by the Council, unless the need for, and the benefits of, the development in that location can be demonstrated to clearly outweigh the loss.'

Other matters

Land Contamination- No objections received from the Council's Land Contamination Team

Land Drainage – No objections have been received from the Council's Land Drainage team subject to conditions relating to surface water disposal

Living Conditions of future occupiers - The proposal provides generous private amenity space for future occupiers of the proposed dwellinghouse and complies with the Government's Nationally Described Floor Space Standards 2015.

Archaeological Impact of Proposal

The County Council Historic Environment Officer has screened the developed proposal and has no objection to the proposal subject to the imposition of two planning conditions. The first being in relation to the keeping of a Building Record and the second in relation to a Programme of archaeological trial trenching and excavation. This is due to the historic nature

of the site dating back to the medieval period. As the development proposal is recommended for refusal, these two suggested conditions would not be applied.

Epping Forest SAC and Air Quality Impact of the proposal.

Furthermore, the council has sought legal advice, and a replacement dwelling would not have any impact to the integrity of the Epping Forest Special Area of Conservation. As such a section 106 legal agreement in relation to contributions towards air quality or recreational mitigation have not been sought.

Conclusion:

Whilst the proposed development would on balance safeguard the openness of the Metropolitan Green Belt, it would result in the loss of a historic asset (Coach House- curtilage Listed) with a replacement dwelling which would be more prominent due to its siting in higher land and its contemporary design. There has not been sufficient justification which would indicate there is public benefit in losing the existing historic asset for a more contemporary and prominent building which would undermine the setting of the nearby Grade II Listed Building when viewed from various angles within the application site. It is accepted that the proposed replacement dwelling would not be not readily visible from the general street scene due to it being well-screened by vegetation, being significantly set back from Pudding Lane and its single storey flat roofed design. This does not outweigh the concerns raised above regarding its prominence in relation to the Grade II Listed Building and the harm caused through losing the Coach House building.

Moreover, the proposed development would involve more frequent use of the existing access leading to the proposed dwelling. This access is situated near a veteran tree which has recently been protected by a TPO (tree preservation order) due to its public and civic amenity value. The health of this Oak would be undermined as a result of the proposal.

The proposal is therefore recommended for refusal and would be contrary to policies LL10, HC12 of the adopted Local Plan 1998, policies DM5 and DM7 of the SVLP 2017 and the NPPF 2019.

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

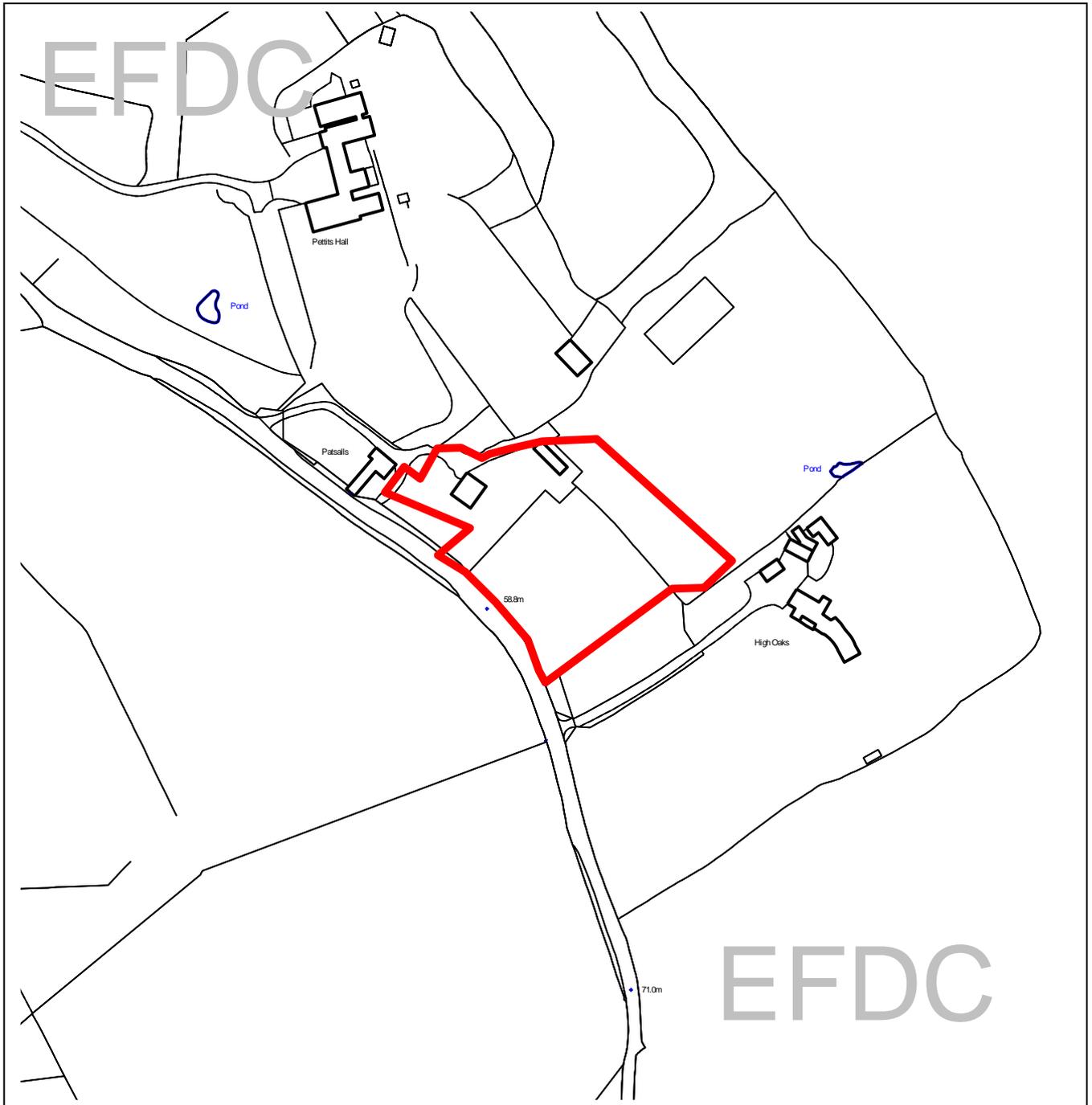
or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk

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| | |
|---------------------|---|
| Application Number: | EPF/1968/19 |
| Site Name: | Patsalls Coach House Pudding Lane Chigwell Essex IG7 6BY |
| Scale of Plot: | 1:2500 |

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|---------------------------------|---|
| APPLICATION No: | EPF/1968/19 |
| SITE ADDRESS: | Patsalls Coach House Pudding Lane Chigwell Essex IG7 6BY |
| PARISH: | Chigwell |
| WARD: | Chigwell Village |
| APPLICANT: | Mr Dhallu |
| DESCRIPTION OF PROPOSAL: | Curtilage Grade II listed building application for the proposed demolition of the existing Coach House building (used as a C3 dwellinghouse as per decision reference EPF/3357/18) and single storey stable building, and construction of a 5 bedroom replacement dwelling. |
| RECOMMENDED DECISION: | Refuse 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=627221

REASON FOR REFUSAL

- 1 The proposal fails to demonstrate the public benefits of the demolition of this historic asset and its replacement with a contemporary dwellinghouse. Moreover, the proposed development would be situated on higher land and would as a result undermine the setting of the adjacent Grade II Listed Building known as Patsalls. The proposed development therefore fails to accord with policy HC12 of the adopted Local Plan 1998, policy DM7 of the SVLP 2017 and the NPPF 2019.

This application is before this Committee as the application has been 'called-in' by Councillor Sunger (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The site is in a rural setting located on the north eastern side of the Patsalls, a Grade II Listed Building, adjacent to Pudding Lane in Chigwell Row. Some buildings associated with the Patsalls include a two storey building known as the 'Coach House' and a single storey outbuilding, all of which are constructed in traditional roof form and materials. The Patsalls is built on lower ground and it is situated about 150 metres from the application site. The access to the site will be from Pudding Lane which is located some 140 metres from the site and a new access from Pudding Lane is proposed for the proposed dwellinghouse.

The site is within the Metropolitan Green Belt, it is surrounded by trees, vegetation and open countryside.

The site is defined by a submitted plan, FGA-001 outlined in red. The building in question is shown as a roughly square outline in a bold line. Within the red lined site are two parcels of land: a parcel around the footprint of the building and, to the southeast of this, a larger parcel of land.

The application building is known as the Coach House. The building appears to have also been known as The Cottage or The Barn. The site is not within a Conservation area and the application building is Curtilage Listed. This is because although a Lawful development certificate has been granted under decision reference EPF/3357/18 on the basis that the Coach House's lawful use is as a C3 dwellinghouse with its own curtilage, there is no boundary treatment separating the two to ensure it is not curtilage Listed. It still therefore has a relationship to the Grade II Listed Building known as 'Patsalls'. Even if there is boundary treatment separating the two sites, the historic nature of the Coach House building would make it a non-designated heritage asset. The significance of demolishing this building and building a new dwellinghouse would still be assessed critically.

To the west is the built form of the property Patsalls. To the north is Petits Hall. To the east is High Oaks.

Description of Proposal:

Curtilage Grade II listed building application and an application for planning permission for the proposed demolition of the existing Coach House building (used as a C3 dwellinghouse as per decision reference EPF/3357/18) and single storey stable building, and construction of a 5 bedroom replacement dwelling.

Relevant History:

EPF/3357/18 Land shown hatched on drawing no. FGA-001 Coach House at Patsalls Pudding Lane Chigwell Essex IG7 6BY Certificate of lawful use for existing use of the building as a single dwelling house began more than four years ago. FINAL DECISION
17-01-2019 Lawful

EPF/2526/18 Patsalls Grade II listed building consent for demolition of existing coach house building and erection of new build two storey replacement dwelling. WITHDRAWN 24-09-2018
Withdrawn Decision

EPF/0950/18 Patsalls Demolition of existing coach house building and erection of new build two storey replacement dwelling with basement. WITHDRAWN 24-09-2018
Withdrawn Decision

EPF/1766/15 Patsalls Grade II listed building application to repair impact damage to flank wall. FINAL DECISION 29-09-2015 Grant Permission (With Conditions)

EPF/2179/15 Patsalls Submission of details of conditions; 4 (Sample Roof Tile) and 5 (Drawn Survey of Existing/Proposed Roof) pursuant to planning application ref: EPF/0801/15, dated 22/05/2015. FINAL DECISION 15-09-2015 Details Approved

EPF/0801/15 Patsalls Grade II listed building consent to carry out structural roof repairs, following stripping of roof to the central range. Insertion of new window to ground floor hall. New boiler flue through south cat slide roof. Bollard replacement to roadside. FINAL DECISION 24-04-2015 Grant Permission (With Conditions)

EPF/1302/14 Patsalls Grade II listed building application for alteration and extension to main house. FINAL DECISION 19-06-2014 Refuse Permission (Householder)

EPF/1284/14 Patsalls Pudding Lane Chigwell Essex IG7 6BY Alteration and extension to main house. FINAL DECISION 19-06-2014 Refuse Permission (Householder)

EPF/1272/14 Patsalls Change of use of agricultural building to residential use. FINAL DECISION 18-06-2014 Grant Permission (With Conditions)

EPF/1219/78 Patsalls, Pudding Lane, Chigwell Erection of 6ft high brick wall. FINAL DECISION 04-09-1978 Grant Permission

CHI/0376/64 Patsalls, PUDDING LANE, CHIGWELL, ESSEX, IG7 6BY CONVERSION INTO 1 HOUSE WITH NEW ACCESS FINAL DECISION 21-10-1964 Grant Permission

DEVELOPMENT PLAN

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:

| | |
|------|---|
| CP1 | Achieving Sustainable Development Objectives |
| CP2 | Protecting the Quality of the Rural and Built environment |
| GB2A | Development in the Green Belt |
| HC12 | Development Affecting the Setting of Listed Buildings |
| DBE1 | Design of New Buildings |
| DBE4 | Design in the Green Belt |
| DBE8 | Private Amenity Space |
| DBE9 | Loss of Amenity |
| LL10 | Adequacy of Provision for Landscaping Retention |
| ST4 | Road Safety |
| ST6 | Vehicle Parking |

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- (a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has since provided their initial advice on the LPSV following the Independent Examination and hearing sessions. This advice was given without prejudice to the Inspector's final conclusions.

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

| Policy | | Weight afforded |
|--------|--|-----------------|
| SP1 | Presumption in favour of sustainable development | Significant |
| SP2 | Spatial Development Strategy | Significant |
| CP2 | Protecting the quality of the rural and built environment | Significant |
| DM9 | High Quality Design | Significant |
| SP6 | Green Belt and District Open Land | Significant |
| SP7 | The Natural Environment, Landscape Character and Green and Blue Infrastructure | Significant |
| H1 | Housing mix and accommodation types | Significant |
| T 1 | Sustainable transport choices | Significant |
| T2 | Safeguarding of routes and facilities | Significant |
| DM1 | Habitat protection and improving biodiversity | Significant |
| DM2 | Epping Forest SAC and the Lee Valley SPA | Significant |
| DM3 | Landscape Character, Ancient Landscapes and Geodiversity | Significant |
| DM4 | Green Belt | Significant |
| DM5 | Green and Blue Infrastructure | Significant |
| DM7 | Heritage Assets | Significant |
| DM10 | Housing Design and Quality | Significant |
| DM11 | Waste recycling facilities on new development | Significant |
| DM12 | Subterranean, basement development and lightwells | Significant |
| DM15 | Managing and Reducing Flood Risk | Significant |
| DM16 | Sustainable Drainage Systems | Significant |
| DM17 | Protecting and enhancing watercourses and flood defences | Significant |
| DM18 | On site management of waste water and water supply | Significant |
| DM19 | Sustainable water use | Significant |
| DM21 | Local environmental impacts, pollution and land contamination | Significant |
| DM22 | Air Quality | Significant |

Summary of Representations Received

2 NEIGHBOURS CONSULTED: NO REPRESENTATIONS RECEIVED AT TIME OF WRITING REPORT

SITE NOTICE POSTED: 27.08.2019

CHIGWELL PARISH COUNCIL:

EPF/1962/19 (PLANNING APPLICATION): NO OBJECTION

EPF/1968/19 (CURTILAGE GRADE II LISTED BUILDING CONSENT APPLICATION): NO OBJECTION SUBJECT TO THE HERITAGE OFFICER'S DETERMINATION THAT THE PROPOSED DEVELOPMENT ABIDES BY THE APPLICABLE PLANNING REGULATIONS.

Main Issues and Considerations:

The main issues with this application relate to the following:

- Design of the proposal and its impact on the setting of the Grade II Listed Building known as 'Patsalls'.
- Living Conditions of neighbours
- Highway Safety and Parking
- Trees and Landscaping

Other Matters relating to impact of proposal on land drainage, land contamination, living conditions of future occupiers, the Epping Forest SAC and Air Quality are also discussed in this report.

Design of the proposed dwellinghouse and its impact on the setting of the nearby Grade II Listed Building known as 'Patsalls'

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively.

The Patsalls is a Grade II Listed Building. The Coach House building (application building) is adjacent to this building and is curtilage Listed. Further into the site is a single storey stable building. This is also curtilage listed but of less historic importance in terms of its design and appearance and due to it being a modern addition to the site. The new dwelling will be closer to this single storey building which is associated with the Patsalls Grade II Listed Building. The proposal would be single storey with parapet walls and flat roof and would have a large proportion of built form underground.

The proposed replacement dwellinghouse is considered to detract from the setting of the Listed Building known as Patsalls due to the proposed scale, contemporary design, and its position on higher ground to the east of the Listed Building. In views from the Listed Building to the east it appears that the building form of the proposed house would create a modern, boxy skyline which would appear incongruous within the relatively open landscape setting of the traditional, vernacular house.

The removal of the Coach House building to facilitate the proposed dwellinghouse is unjustified, since it is not terminally irrecoverable as a structure, but in a good state of preservation, and the great majority of its components are original and C19 in date. To demolish it would constitute substantial harm to the curtilage listed asset itself, and a moderate level of harm to the setting of the listed Patsalls house adjacent. Such a high level of harm to a designated heritage asset is not justified by any of the exceptional public benefits that would need to be accrued in order for the project to align with Paragraph 195 of the NPPF 2019, as follows:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant -funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

None of the above applies here, since the development is not necessary in order to deliver substantial public benefits, and therefore the development is contrary to this and other associated paras in the NPPF. To remove the building, and to replace it with a building of indifferent suburban design, would not conform to ss. 16 and 66 of the Planning (LBCA) Act 1990, which states,

16. In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This development does not pay regard to the preservation of the curtilage listed building, and would be contrary to the requirement to preserve the setting of the grade II listed Patsalls house.

By implication, the proposals do not accord with policy HC12 of the adopted Local Plan 1998, policy DM7 of EFDCs emerging Local Plan, and the NPPF 2019 which all seek to ensure that historic assets are conserved in a manner consistent with their significance.

Living Conditions of neighbours

The new dwelling would be located several metres away from surrounding dwellings Petits Hall and High Oaks. It will therefore, not give rise to any concerns in regards to the impact on the amenities of neighbouring occupiers, particularly in terms of overlooking, loss of outlook or appear overbearing.

However, there may be some vibration and noise disturbance during the construction process from heavy trucks. Whilst this might affect the amenities of nearby residents, particularly those residents within the curtilage of Patsalls, it would be temporal inconvenience and a construction management statement and hours of construction condition be imposed in the event of approval.

Metropolitan Green Belt

The site is within the Metropolitan Green Belt where the National Planning Policy Framework highlights that the “the construction of new buildings is inappropriate”. However, the NPPF lists a number of exceptions to this.

One of these exceptions is the re-development of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. I note that the documentation includes figures of floor space and volumes for the two buildings on the site, the coach house and the outbuilding/stable building and of the proposed house.

It is noted that planning permission EPF/1272/14 was for the coach house to be used as a dwelling, planning permission was for the change of use of agricultural building to residential use.

The proposal would result in a total increase of 27 percent increase in the above ground volume compared with the existing Coach House Building and single storey stable building. Case law and some recent appeal decisions have highlighted that that below ground/basement developments within the Green Belt does not adversely undermine the openness of the Green Belt both in visual and spatial terms. The volume of below ground level developments within the Green Belt are therefore discounted and it would be difficult to argue that the below ground level development undermines the openness of the Green Belt at appeal stage. The twenty seven percent increase is not considered disproportionate to the existing buildings and the proposal is not considered to be inappropriate development within the Metropolitan Green Belt.

Biodiversity and ecology

No objections have been received from the Council's CountyCare team regarding the Phase 1 Habitats Survey submitted with the planning application. A standard condition requiring the applicant to submit details of ways in which they would seek to implement ecological enhancements at the site would have been imposed if the proposal would have been recommended for approval.

Parking and Highways

Two parking spaces have been proposed which meet Essex Parking Standards 2009. The proposed dwelling seeks to an existing existing vehicle access from Pudding Lane (spate to the access to the Grade II Listed Building known as Patsalls. The County Highway Authority has been consulted and has raised no objections to the proposal.

Trees and Landscaping

The Council's Trees and Landscaping team have been consulted on the proposal and have objected to the proposal for the following reasons:

We note that the applicant intends to use the 'existing access' point into this field. Photos indicate that this is a little used access point. Given that there is a veteran tree directly adjacent to this access point, we object to any intensification of use / installation of crossover for domestic use as we consider that this could result in the deterioration of this tree.

We have made a tree preservation order, on the three field boundary oaks, the veteran roadside oak and a further oak within the site'

As such, the proposal would be contrary to policy LL10 of the adopted Local Plan 1998 which relates to adequacy for the provision of landscape retention. It would also be contrary to policy DM5 of the Local Plan Submission Version 2017 which states that 'Development proposals must demonstrate that they have been designed to retain and enhance existing green infrastructure'. This policy also states that 'the loss, deterioration or fragmentation of irreplaceable habitats, such as veteran trees and ancient woodland, will not be permitted by the Council, unless the need for, and the benefits of, the development in that location can be demonstrated to clearly outweigh the loss.'

Other matters

Land Contamination- No objections received from the Council's Land Contamination Team

Land Drainage – No objections have been received from the Council's Land Drainage team subject to conditions relating to surface water disposal

Living Conditions of future occupiers - The proposal provides generous private amenity space for future occupiers of the proposed dwellinghouse and complies with the Government's Nationally Described Floor Space Standards 2015.

The Environment Agency – They have no objection to the proposal. They have not suggested any conditions.

Archaeological Impact of Proposal

The County Council Historic Environment Officer has screened the developed proposal and has no objection to the proposal subject to the imposition of two planning conditions. The first being in relation to the keeping of a Building Record and the second in relation to a Programme of archaeological trial trenching and excavation. This is due to the historic nature of the site dating back to the medieval period. As the development proposal is recommended for refusal, these two suggested conditions would not be applied.

Epping Forest SAC and Air Quality Impact of the proposal.

Furthermore, the council has sought legal advice, and a replacement dwelling would not have any impact to the integrity of the Epping Forest Special Area of Conservation. As such a section 106 legal agreement in relation to contributions towards air quality mitigation or recreational impacts have not been sought.

Conclusion:

Whilst the proposed development would on balance safeguard the openness of the Metropolitan Green Belt, it would result in the loss of a historic asset (Coach House- curtilage Listed) with a replacement dwelling which would be more prominent due to its siting in higher land and its contemporary design. There has not been sufficient justification which would indicate there is public benefit in losing the existing historic asset for a more contemporary and prominent building which would undermine the setting of the nearby Grade II Listed Building when viewed from various angles within the application site. It is accepted that the proposed replacement dwelling would not be not readily visible from the general street scene due to it being well-screened by vegetation, being significantly set back from Pudding Lane and its single storey flat roofed design. This does not outweigh the concerns raised above regarding its prominence in relation to the Grade II Listed Building and the harm caused through losing the Coach House building.

Moreover, the proposed development would involve more frequent use of the existing access leading to the proposed dwelling. This access is situated near a veteran tree which has recently been protected by a TPO (tree preservation order) due to its public and civic amenity value. The health of this Oak would be undermined as a result of the proposal.

The proposal is therefore recommended for refusal and would be contrary to policies LL10, HC12 of the adopted Local Plan 1998, policies DM5 and DM7 of the SVLP 2017 and the NPPF 2019.

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***

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