

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE SOUTH** **Wednesday, 21st April, 2021**

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

**Virtual Meeting on Zoom**  
on **Wednesday, 21st April, 2021**  
at **7.00 pm.**

**Georgina Blakemore**  
Chief Executive

**Democratic Services**  
**Officer:**

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

#### **Members:**

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

#### **WEBCASTING/FILMING NOTICE (VIRTUAL MEETINGS)**

**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.**

**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 participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.**

**In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.**

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

**1. WEBCASTING INTRODUCTION**

1. This virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking.

2. 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).

Please could I also remind Members of the Public who have registered to speak that they will be admitted to the meeting at the appropriate time.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.”

**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 24 March 2021.

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

**8. SITE VISITS**

Members are reminded that for the duration of the coronavirus pandemic, as decided at the Group Leaders' Meeting of 24 June 2020, **no member site visits will be conducted.**

Therefore, any planning application deferred for a site visit at an Area Planning Sub-Committee will be automatically referred to the District Development Management Committee for determination.

**9. PLANNING APPLICATION - EFP/2442/20 179 QUEENS ROAD, BUCKHURST HILL IG9 5AZ (Pages 17 - 26)**

To consider the attached report for a proposed office extension to existing ground floor commercial building (Revised application to EPF/0842/20) - As Amended.

**10. PLANNING APPLICATION - EPF/0339/21 46 RUSSELL ROAD, BUCKHURST HILL IG9 5QE (Pages 27 - 34)**

To consider the attached report for the retention of first floor side/front and roof extension with x3 front rooflights, and alteration to existing rear box dormer (set in by 800mm from outside edge).

**11. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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.

**12. REFER SIGN (Pages 35 - 36)**

If any member wants to **refer** a planning application to the District Development Management Committee (DDMC), please **hold up this refer sign** in front of your screen immediately after the vote has been taken. If at least 4 members agree/hold up their refer signs, the application will be referred to DDMC.

Alternatively, if any member wishes to **refer** a planning application to DDMC, they should propose a **motion to refer** this application immediately after the vote has been taken. The Chairman will then ask for a seconder. After a seconder has been sought, the Chairman will then ask if any other member wishes to support this resolution. If at least 4 members agree then the application will be referred to DDMC, otherwise the motion to refer will fail.

## **Advice to Public and Speakers at virtual meetings of 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 virtually if you are a speaker, or to view on the Council's website at <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Only in special circumstances are the public excluded.

### **When is the meeting?**

Details of the 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 Services. 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 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 virtually.

Only registered speakers will be admitted to the virtual meeting. This will be via the Zoom meeting invite you have been emailed by Democratic Services. Speakers must NOT forward this invite to anyone else under any circumstances. Alternatively, speakers may be contacted by phone at the appropriate time in the meeting when a Democratic Services Officer will contact you. If you are not present by the time your item is considered, the Committee will determine the application in your absence. Speakers should be following the meeting on the Council's webcaster to enable them to know when their item will be considered.

A transcript of your representation must be supplied in advance of the meeting to enable the Democratic Services Officer to read this out on your behalf should there be a technical problem. Please email your written statement to:

[democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

## **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 <https://rds.eppingforestdc.gov.uk/mgMemberIndex.aspx?bcr=1>. 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.

Area Planning Sub-Committee South 2020-21  
 Members of the Committee and Wards Represented:



**Chairman**  
**Cllr Share-Bernia**  
 Buckhurst Hill West

**Vice-Chairman**  
**Cllr Rackham**  
 Grange Hill

**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 Lion**  
 Grange Hill

**Cllr Mead**  
 Loughton Fairmead

**Cllr Murray**  
 Loughton Roding



**Cllr Neville**  
 Buckhurst Hill East

**Cllr Owen**  
 Loughton Broadway

**Cllr Patel**  
 Buckhurst Hill West

**Cllr C C Pond**  
 Loughton Broadway

**Cllr C P Pond**  
 Loughton St John's

**Cllr C Roberts**  
 Loughton Alderton

**Cllr D Roberts**  
 Loughton Alderton



**Cllr Sandler**  
 Chigwell Row

**Cllr Sunger**  
 Chigwell Village

**Cllr Wixley**  
 Loughton Fairmead

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## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 24 March 2021  
South

**Place:** Virtual Meeting on Zoom **Time:** 7.00 - 8.05 pm

**Members Present:** S Rackham (Vice-Chairman, in the Chair), R Baldwin, R Brookes, S Heap, R Jennings, J Jennings, H Kauffman, A Lion, S Murray, S Neville, M Owen, A Patel, C P Pond, C C Pond, B Sandler, D Sunger and D Wixley

**Other Councillors:**

**Apologies:** J Share-Bernia, A Beales, L Mead, C Roberts and D Roberts

**Officers Present:** J Godden (Heritage, Enforcement & Landscaping Team Manager), L Kirman (Democratic Services Officer), A Buckley (Communications Officer), V Messenger (Democratic Services Officer) and M Rahman (Planning Officer).

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### 86. 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.

### 87. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 24 February 2021 be taken as read and signed by the chairman as a correct record.

### 88. DECLARATIONS OF INTEREST

a) Pursuant to the Council's Code of Member Conduct, Councillor Owen declared a non-pecuniary interest in the following item of the agenda by virtue of a having a child due to attend the school in September. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EFP/1465/20 Davenant Foundation School, Chester Road, Loughton IG10 2LD

### 89. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting. The Chairman advised that the order that the planning applications would be

considered had changed. Cllr Murray raised concerns on the change of order but accepted the decision.

#### 90. 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](http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

#### 91. SITE VISITS

The Sub-Committee Members noted that for the duration of the coronavirus pandemic, any planning applications deferred for a site visit at an Area Planning Sub-Committee would be automatically referred to the District Development Management Committee (or Council) for determination.

There were no formal site visits requested by the Sub-Committee.

#### 92. PLANNING APPLICATION - EFP/1465/20 DAVENANT FOUNDATION SCHOOL, CHESTER ROAD, LOUGHTON IG10 2LD

<b>APPLICATION No:</b>	EFP/1465/20
<b>SITE ADDRESS:</b>	Davenant Foundation School Chester Road Loughton IG10 2LD
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Broadway
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement of existing temporary classrooms with permanent standalone block.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=639155](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=639155)

#### CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: DAVEN-IWD-XX-00-DR-A-2200 Rev P1 and 2400 Rev P1, and DAVEN-IWD-XX-XX-DR-A- 2000 Rev P1, 2200 Rev P1, 2500 Rev P1, 2502 Rev P1 and 2503 Rev P1

- 3 Prior to the commencement of the development, details of flood mitigation measures to the building to protect against surface water flood risk shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully incorporated into the development prior to the first use of the building.
- 4 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.
- 5 The development be carried out in accordance with the specifications detailed in the Drainage Layout sheet 1 and 2 (Revision P1) DAVEN IWD XX XX DR C 6000 and DAVEN IWD XX XX DR C 6001 submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 7 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.
- 8 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours

of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

- 9 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.
- 10 The demolition of the existing buildings shown on the approved plans as being removed, and the construction of the car parking area in the same area, shall be carried out as a single operation with the construction of the building hereby approved such that the use of the new parking area commences within one month of the new building being first brought into use.
- 11 Notwithstanding any details on the approved plans, the lower half of all windows in the south-west facing elevation of the building (Elevation C) shall be fitted with obscure glass with a minimum privacy level 3 obscurity, prior to the building hereby permitted being first brought into use. Once installed the obscure glass shall be retained thereafter.
- 12 No external lighting shall be fixed to any elevation of the building hereby approved without prior consent from the Local Planning Authority.
- 13 The building hereby approved shall not be used outside the hours of 08.00 and 17.00 Monday to Friday and at no time during weekends or during holidays observed by the school.

**93. PLANNING APPLICATION - EPF/2040/20 47 STRADBROKE DRIVE, CHIGWELL IG7 5RA**

<b>APPLICATION No:</b>	EPF/2040/20
<b>SITE ADDRESS:</b>	47 Stradbroke Drive Chigwell IG7 5RA
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing dwelling house and erection of a new dwelling house together with landscaping.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=641920](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=641920)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: EX-L001, EX-P001, EX-P002, EX-P003, EX-E001, EX-E002, EX-E003, EX-E004, EX-S001, PR-L001 Rev A, PR-P001 Rev A, PR-P002 Rev A, PR-P003 Rev A, PR-P004 Rev A, PR-P005 Rev A, PR-P006 Rev A, PR-E001 Rev A, PR-E002 Rev A, PR-E003 Rev A, PR-E004 Rev A, PR-E005 Rev A, PR-S001 Rev A, PR-S002 Rev A and PR-PE001 Rev A.
- 3 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. There shall be no alterations in ground levels within the calculated Root Protection Areas of retained trees. The development shall be carried out in accordance with those approved details.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Cantia Arboricultural Services drawing number CAS/2020/266 (dated October 2020).
- 6 No development shall commence above slab level until documentary and photographic details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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 Prior to the first occupation of the development, details of privacy screens to the first floor roof terrace & ground floor terrace of no lower than 1.7 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.
- 9 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 10 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.
- 11 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
- 12 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.
- 13 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 14 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.
- 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 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 17 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.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development generally permitted by virtue of Classes A and B of Part 1 of schedule 2 shall be undertaken without the prior written permission of the Local Planning Authority.
- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be constructed on the flank elevation(s).

**CHAIRMAN**

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Application Number:	EPF/2442/20
Site Name:	179 Queens Road Buckhurst Hill IG9 5AZ
Scale of Plot:	1:1250

## Report Item No: 9

<b>APPLICATION NO:</b>	EPF/2442/20
<b>SITE ADDRESS:</b>	179 Queens Road, Buckhurst Hill, IG9 5AZ
<b>PARISH</b>	Buckhurst Parish Council
<b>WARD</b>	Buckhurst
<b>APPLICANT</b>	Mr R Hopkins
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed office extension to existing ground floor commercial building (Revised application to EPF/0842/20) - As Amended
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntrypoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=643693](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntrypoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=643693)

### CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:  
P102G; P104H; P101G; S001; S003; S004; S005: Location Plan
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5 The extension hereby permitted shall only be used for purposes incidental to the existing commercial building known as 179 Queens Road and shall not be used for any primary residential accommodation.
- 6 The use hereby permitted shall not be open to customers / members outside the hours of 7.30am to 6.30pm on Monday to Friday and 7.30am to 1.00pm on Saturday, Sundays and Bank Holidays.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and more than 4 objections material to the planning merits of the proposal to be approved have been received. (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3).*

### **Description of Site:**

No. 179 is 2-storey end of terrace building located to the north, fronting onto Queens Road. The ground floor of the premises is occupied by a fitness studio with residential units above. A public right of way is located to the immediate west boundary of the site that is a through route from Queens Road to Westbury.

No.175 and 177 Queens Road have rear gardens which include ancillary single storey buildings that back on to Westbury Lane. Other commercial properties further to the east of Westbury Lane have low level buildings with pitched roofs fronting onto Westbury Lane.

The site is not within a Conservation Area or Listed.

### **Description of Proposal:**

The application seeks consent for a single storey extension in association with the existing ground floor commercial unit be used as ancillary office accommodation with opening hours Mon - Fri- 7-6.00pm; Sat 7.30-1.00 pm.

The development 59m<sup>2</sup> in floor area (as amended) measuring a maximum height of 3.7m at an eave's height of some 2.8m, set in 0.45m from each side boundary with the provision of a refuse storage area. Two small west flank windows and a door forms part of the west flank. Materials are to match the existing building.

The application is a resubmission following a previous refusal for a 2-storey rear extension which was dismissed at appeal.

### **Relevant History:**

EPF/0842/20 - Proposed 2 storey office building fronting Westbury Lane - Refused 19/06/2020

1. The proposal, by reason of its height, bulk and scale would appear highly prominent and overbearing when viewed from the public footpath and within Westbury Lane, contrary to Local Plan and Alterations policies, CP2, DBE2, DBE4 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version (2017), and the NPPF.
2. The proposed development, by reason of its close proximity with residential properties, would result in an overbearing and unneighbourly form of development, that would have a detrimental impact on residential amenity and it therefore, contrary to Local Plan and Alterations policies DBE9 of the adopted Local Plan and Alterations, policies DM9 of the Local Plan Submission Version (2017), and the NPPF.
3. The application does not provide sufficient information to satisfy the Council, as competent authority, that the development would not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such the development is contrary to Policies CP1 and CP6 of the Epping

Forest Local Plan (1998) and Alterations (2006), Policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version (2017) and the requirements of the Habitats Regulations 2017.

Dismissed at Appeal. - 12 October 2020

EPF/0330/19 - Part double storey side/rear infill extension. - Approved - 01/04/2019

### **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).

CP1-Achieving sustainable development objectives  
CP7: Urban Form and Quality  
CP2 Protecting the quality of the rural and built environment  
DBE3 Design in Urban Areas  
DBE9 Loss of Amenity  
ST4 Road safety  
ST6 Vehicle parking  
NC1 SPA's, SAC's and SSS1's

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:

Paragraph 80  
Paragraph 124

*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 14<sup>th</sup> 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 2<sup>nd</sup> 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.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
T1 Sustainable Transport	Significant
DM9 High Quality Design	Significant
DM22 Air Quality	Significant

**Consultation Carried Out and Summary of Representations received:**

**BUCKHURST HILL PARISH COUNCIL - OBJECTION**

- Overdevelopment of the site
- The height of the proposed development is taller than the immediately surrounding structures on that particular stretch of Westbury Lane. Thereby also rendering it out of keeping.
- Westbury Lane already suffers from heavy traffic and parking congestion (in spite of it being near a car park on Queens Road). The proposed development will only serve to increase both visitor and delivery traffic on already congested residential street.
- The proposed design suggests the proposed new development will be used independently to 179 Queens Road, with access via Westbury Lane. Due to negative

impact on those of Westbury Lane, the Committee would expect a restriction prohibiting the use of the proposed commercial space independently from 179 Queen Road i.e. it must remain as one unit utilised by the single commercial ground floor occupier of 179 Queens Road.

- Noting the number of previous applications and their dismissal, the committee would expect a restriction that any future development may not be changed to a two story or residence, nor should an extension or enlargement be permitted.

13 neighbouring properties were notified, and 5 objections received on the original submitted plans. 5 objections were received on a renotification exercise on the receipt of amended plans that raise the following concerns;

- The development remains overpowering and with an apex roof will be a standalone height.
- The structure continues to sit on top of the pavement. It is still high enough to have a detrimental impact on 177 Queens Road. 157 Queens Road must stand 30 foot back from the pavement and has no outbuildings.
- Looking at aerial and street views the plans don't follow an existing pattern of development. There are no other 'developments' within the immediate vicinity that have an impact on residential properties.
- Contribute to significant parking issues putting further strain on current provisions which regularly cannot cope, with several schools in the immediate vicinity and Queens Road shopping. Residents already struggle to park.
- Not a suitable use of space which is in fact a small residential garden - will set a precedent for building in gardens
- As previously, the site is not an employment site within the currently applicable local plan 1998 and 2006 (Adopted Local Plan) or its proposed replacement (the SVLP). .
- The proposed development is not a suitable use of the space. The development site footprint is equivalent to a small two bedroom flat and is not just equivalent, actually is the size of a very small residential garden. It is therefore not an appropriate space for this development, which will need the facilities of an office development.
- Contravenes policies DBE1, DBE2, DBE3, CP2, ST4, ST6 SVLP, E1 and E2, Paragraph 1.44, DM9, T1

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

The key considerations in this application is the

- Design, scale and siting on the character of the surrounding area
- Impact on the amenity of neighbouring properties
- Highway and Parking Considerations
- Land Drainage
- Impact on the Epping Forest Special Area of Conservation

### **Design and Siting:**

Epping Forest Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design.

Many of the units in this stretch of Queens Road have rear structures of varying forms, some of which front onto Westbury Lane. The scale and form of the proposed extension has been reduced to create a more subordinate structure that is ancillary to the main building complying with policy DBE1 and DBE3 of the Local Plan and Alterations, (1998-2006) and policy DM9 of the Submission Version, 2017

Policy E12 of the Local Plan seeks to support small-scale business activities provided that the proposal will not have a detrimental impact on residential amenity or local character. The use is considered appropriate within this mixed use, sustainable urban community of local employment and commercial activities that meet local needs and reduces the need to travel, and the reliance on the private car. A refuse storage area is sited to the rear of the commercial unit.

#### Impact on the Amenity of Neighbouring Properties:

The development has been designed to ensure that there is no loss of amenity to neighbouring residents. The west and east side elevations are to be set within 0.45m from the side boundary with an eave's height of 2.8m.

Having regard to the nature of the proposed use and its surroundings, it is not considered that the scale of the extension and the activities associated with such a use would give rise to any significant demonstrable harm to neighbour's amenity in the form of noise, disturbance or overbearing impact. The site is within a local shopping area where the development is associated with such uses and where a degree of activity and associated noise and general disturbance is to be expected.

The objections and comments from the Parish Council and neighbours in the surrounding area are noted. The extension is considered of a scale and form that would assimilate into the spatial pattern of the road. Appropriate conditions would be imposed at any approval ensuring that the extension is only used as ancillary accommodation to the commercial unit and for no other purposes. Other conditions such as hours of use can be restricted to further protect the amenities of surrounding neighbours. Overall, the proposed use is considered to comply with the requirements of policies DBE9 of the adopted Local Plan and policy DM9 of the emerging Local Plan.

#### Parking and Highways:

The Highway Authority have no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017 subject to informative measures being attached to any approval for the new access and to protect the public right of way.

#### Land Drainage

No objection in principle to the extension subject to conditions requiring further details to be submitted to the Local Planning Authority of the disposal of foul sewage, surface water and drainage prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

### Epping Forest Special Area of Conservation:

A significant proportion of the Epping Forest Special Area of Conservation (EFSAC) lies within the Epping Forest District Council administrative area. The council has a duty as the 'Competent Authority' under the Conservation of Habitats and Species Regulations 2017 (as Amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so, the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version, 2017.

Policy NC1 of the Epping Forest Local Plan 1998 (the adopted Local Plan) states that the Council will comply with the UK's international obligations for SAC's and the Framework requires that if significant harm to biodiversity cannot be avoided, for example through mitigation, planning permission should be refused.

Policy DM22 of the emerging plan, provides the policy context for dealing with the effect of development on the integrity of the Epping Forest SAC which are material considerations, also require that development proposals conserve the SAC in terms of access management and monitoring of visitors and that the SAC is not adversely impacted in terms of air quality.

This application has been screened in relation to both the recreational pressures and air quality Impact Pathways and concludes as follow:

1. The proposed use is not for residential and consequently, the development will not result in a likely significant effect on the integrity of the EPSAC as a result of recreational pressures.
2. In the context of the Epping Forest Special Area of Conservation it is considered that the extension is of a limited size comprising of office accommodation which would not generate any additional vehicles movement above its previous usage.

In terms of the net increase in traffic using roads through the EFSAC, the application has been accompanied by a statement providing information regarding transport movements. The extension to the existing use is to give more space and not result in any additional staff. The site is also located within an existing commercial area, within close proximity to Buckhurst Hill Station and close to bus routes on Buckhurst Hill High Road. The surrounding area is characterised by controlled parking.

The main issue is that there is to be no additional employees or traffic journeys and consequently, the proposed development will not have any greater detrimental impact on the capacity of the highway network at this location. The Council is satisfied that the proposal will not result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal. On this basis the Council is satisfied that the development complies satisfactorily with policy CP1, CP2 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policy DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.



## **Conclusion**

It is concluded that the proposed development by reason of its scale and siting as an ancillary extension to the commercial ground floor is an efficient use of the land that is appropriate in its context within a mixed use sustainable environment and would not prejudice the amenity of the occupiers of adjoining properties. Having regard to economic, social and environmental factors that support business development and economic growth as set out in the National Framework, 2019 and the policies of the adopted Local Plan and Alterations (1998 & 2006) and the emerging Local Plan, Submission Version, 2017, the proposal is supported. In the light of the above considerations, it is recommended that planning permission is approved subject to conditions

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

***Planning Application Case Officer: Caroline Brown***

***Direct Line Telephone Number: 01992 564182 or if no direct contact can be made please***

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

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# Epping Forest District Council



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Application Number:	EPF/0339/21
Site Name:	46 Russell Road Buckhurst Hill IG9 5QE
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0339/21
<b>SITE ADDRESS:</b>	46 Russell Road Buckhurst Hill IG9 5QE
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill
<b>APPLICANT:</b>	Mr Paul Halama
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of first floor side/front and roof extension with x3 front rooflights, and alteration to existing rear box dormer (set in by 800mm from outside edge).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=648114](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=648114)

- 1            The building operations hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 2 months of the date of failure to meet any one of the requirements set out in i) & ii) below:  
  
              i) Within 1 month of the date of this decision or such other period as the Local Planning Authority may agree in writing, the approved scheme shall have been carried out and completed in accordance with the following plan numbers: PH/01, PH/02, PH/03, PH/04, PH/05, PH/06, PH/07, PH/08, PH/09, PH/10, and PH/11, and so retained.  
  
              ii) In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 2            The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, unless otherwise agreed in writing by the Local Planning Authority.  
  
              Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.
- 3            No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without

the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 4 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, C & E of Part 1 to schedule 2 shall be undertaken.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with policies CP2, CP7, DBE9 & DBE10 of the adopted Local Plan 1998 & 2006, Policies DM9 & DM10 of the Local Plan Submission Version 2017, and the NPPF 2019.

*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).*

## **Site and Surroundings**

The site comprises of a semi-detached house, located within a built-up area of Buckhurst Hill. It is not listed nor in a conservation area. Land levels drop to the North-east and South of the site.

## **Proposal**

The proposal is for the retention of first floor side/front and roof extension with x3 front rooflights, and alteration to existing rear box dormer (set in by 800mm from outside edge).

For clarity, the existing two storey rear extension is not part of this application and will not be discussed in this report.

## Relevant Planning History

EPF/2016/15 - Hip to gable roof extension with 1no.rear dormer window, Juliet balcony and 2no. front facing roof lights to facilitate a loft conversion. Single storey rear extension. Relocation of existing external steps from the south east to the south west of the site – Approved

EPF/1974/18 - New rear extension to lower ground floor, ground floor and side extension to side first floor and second floor (loft) – Refused

ENF/0556/18 - Works started, not as approved – Enforcement notice served & upheld by the Planning Inspectorate. Court proceedings are in progress.

## Development Plan Context

### *Local Plan and Alterations 1998 & 2006 (LP)*

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
CP7	Urban Form and Quality
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

### *National Planning Policy Framework 2019 (Framework)*

The Framework 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:

*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<sup>th</sup> 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 2<sup>nd</sup> 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.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

<b>Policy</b>	<b>Weight afforded</b>
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

**Summary of Representations**

Number of neighbours consulted: 15. 12 response(s) received

2a & 43 SCOTLAND ROAD, 42 RUSSELL ROAD, 6 WESTBURY ROAD & BUCKHURST HILL RESIDENTS SOCIETY – Comments on non-planning merits

44, 61 & 73 RUSSELL ROAD – No objections

20 & 36 RUSSELL ROAD, 8 WESTBURY ROAD & 98 QUEENS ROAD – Objections – Summarised as:

- Loss of privacy/overlooking;
- Out of character;
- Overbearing; and
- Over dominant.

BUCKHURST HILL PARISH COUNCIL – Objection – The width, bulk and mass of this development is overbearing and incongruous and has significant impact on neighbouring properties and adverse impact to neighbouring properties. Out of keeping with the street scene and would create a terracing effect.

### **Planning Considerations**

The main issues for consideration in this case are:

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

#### *Character and Appearance*

The proposed works are considered to be of a size, scale and design that is acceptable and complements the appearance of the existing building and the street scene, and it is similar to other developments present within the wider area. To add, the inspector in the recent appeal decision (APP/J1535/C/19/3226321) also found in isolation that the current proposal (excluding the rear box dormer) would be acceptable, as set out below, although it was upheld on other grounds.

*The building-out of the 2-storey side extension to the boundary with No 48 would not in my view cause material adverse harm in that respect alone, due to the pre-existing position of the ground floor garage on the boundary and reasonable distance between the extension and the dwelling at No 48 (both the current bungalow and the approved flatted development were it to be built). Likewise, the very slight projection of the first floor beyond the main façade of the original dwelling would not in itself cause any degree of significant harm to character and appearance given varied design within the streetscene, and its alignment with the projection of the garage below. Taken together with the appeal development as a whole, however, the elements of the scheme in combination represent harmful overdevelopment.*

As stated previously, the current two storey rear extension is not part of this application and cannot be considered by Members.

Accordingly, the proposal is considered to comply with policies CP2 and DBE10 of the LP, policy DM9 (D) and DM10 of the LPSV, and paragraphs 124 and 127 of the Framework.

#### *Living Conditions*

The proposed development will have no material impact to the occupiers of both No's 44 and 48 Russell Road, in terms of loss of light, loss of privacy, overbearing and visual impact that warrants a reason for refusal.

With regards to the impacts on numbers 6, 8 & 10 Westbury Road. The common boundary with No. 6 is sited some 20 metres away from the rear elevation of the host house, and some 30 metres away to the rear elevation of No. 6. No's 8 & 10 although they are not physically attached to the site boundary, their rear elevations are sited some 30metres away. So, there is no impact to No's 6, 8 & 10 Westbury Road, in terms of loss of privacy from harmful overlooking that would justify a reason for refusal.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with policies CP7 & DBE9 of the LP, policy DM9 (H) of the LPSV and paragraph 127 (f) of the Framework.



## **Conclusion**

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

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

**Planning Application Case Officer: Muhammad Rahman  
Direct Line Telephone Number: 01992 564415**

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

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**REFER**



**REFER**