

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday, 8th September, 2021**

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, 8th September, 2021**
at **7.00 pm.**

Georgina Blakemore
Chief Executive

Democratic Services
Officer

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

Members:

Councillors J Share-Bernia (Chairman), K Williamson (Vice-Chairman), R Baldwin, D Barlow, P Bhanot, R Brookes, S Heap, R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead, S Murray, S Neville, C Nweke, M Owen, A Patel, C P Pond, C C Pond, S Rackham, K Rizvi, C Roberts, 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 - 12)

To confirm the minutes of the last meeting of the Sub-Committee held on 11 August 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

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/0296/21 37 FOREST VIEW ROAD, LOUGHTON IG10 4DX (Pages 13 - 22)**

To consider the attached report for a part single storey part two storey rear extension and loft conversion including ridge raise. (Revised application to EPF/1376/20).

10. **PLANNING APPLICATION - EPF/0861/21 76 ALGERS ROAD, LOUGHTON IG10 4NF (Pages 23 - 34)**

To consider the attached report for the demolition of existing dwelling and replacement with new building consisting of six flats. (Revised application to EPF/2881/18).

11. **PLANNING APPLICATION - EPF/1169/21 152 CHURCH HILL, LOUGHTON IG10 1LJ (Pages 35 - 40)**

To consider the attached report for the proposed rear extensions to ground floor retail unit with internal alterations and new shopfront. New first floor rear extension and alterations to form a 1 bedroom self-contained flat.

12. **PLANNING APPLICATION - EPF/1272/21 67 LOWER QUEENS ROAD, BUCKHURST HILL IG9 6DS (Pages 41 - 50)**

To consider the attached report for the proposed new 2 bedroom dwellinghouse.

13. **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 Information Paragraph Number |
|-----------------------|----------------|--|
| 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. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

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. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. 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: Only 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 **3 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 South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: 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://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.

Area Planning Sub-Committee South 2021-22
Members of the Committee and Wards Represented:

| | | | | |
|---|---|---|--|---|
|  |  |  |  |  |
| Chairman | Vice Chairman | | | |
| Cllr Share-Bernia Buckhurst Hill West | Cllr Williamson Buckhurst Hill West | Cllr Heap Buckhurst East | Cllr Neville Buckhurst Hill East | Cllr Patel Buckhurst Hill West |
|  |  |  |  |  |
| Cllr Bhanot Chigwell Row | Cllr Rizvi Chigwell Village | Cllr Sunger Chigwell Village | Cllr Barlow Grange Hill | Cllr Lion Grange Hill |
|  |  |  |  |  |
| Cllr Rackham Grange Hill | Cllr Nweke Loughton Alderton | Cllr Roberts Loughton Alderton | Cllr Owen Loughton Broadway | Cllr C C Pond Loughton Broadway |
|  |  |  |  |  |
| Cllr Mead Loughton Fairmead | Cllr Wixley Loughton Fairmead | Cllr Baldwin Loughton Forest | Cllr Jogia Loughton Forest | Cllr Brookes Loughton Roding |
|  |  |  |  |  |
| Cllr Murray Loughton Roding | Cllr B Jennings Loughton St John's | Cllr C P Pond Loughton St John's | Cllr J Jennings Loughton St Mary's | Cllr Kauffman Loughton St Mary's |

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 11 August 2021
South

Place: Council Chamber, Civic Offices, **Time:** 7.00 - 7.38 pm
High Street, Epping

Members Present: J Share-Bernia (Chairman), K Williamson (Vice-Chairman), R Jennings, J Jogia, H Kauffman, A Lion, C Nweke, C P Pond, C C Pond and D Wixley

Other Councillors:

Apologies: R Baldwin, P Bhanot, R Brookes, S Heap, J Jennings, L Mead, S Murray, S Neville, M Owen, A Patel, K Rizvi, C Roberts and D Sunger

Officers Present: T Carne (Corporate Communications Team Manager), N Cole (Corporate Communications Officer), J Godden (Heritage, Enforcement & Landscaping Team Manager), A Hendry (Democratic Services Officer) and R Perrin (Democratic and Electoral Services 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. MINUTES

RESOLVED:

That the minutes of the last meeting of the Sub-Committee held on 14 July 2021 be taken as read and signed by the Chairman as a correct record.

22. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Council's Members' Code of Conduct.

23. ANY OTHER BUSINESS

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

24. 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

25. 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.

26. PLANNING APPLICATION - EFP/0403/21 46 STRADBROKE DRIVE, CHIGWELL IG7 5QZ

Report Item No:

| | |
|---------------------------------|---|
| APPLICATION No: | EFP/0403/21 |
| SITE ADDRESS: | 46 Stradbroke Drive Chigwell IG7 5QZ |
| PARISH: | Chigwell |
| WARD: | Grange Hill |
| DESCRIPTION OF PROPOSAL: | Proposed sub-division of the second floor flat to 2 flats, revised layout of basement and revised parking layout. (Amendment to decision reference EFP/0973/17. Number of flats would be increased from 5 to 6. |
| DECISION: | WITHDRAWN |

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=648374

ITEM WITHDRAWN BEFORE COMMITTEE MEETING

27. **PLANNING APPLICATION - EPF/1209/21 35 UPPER PARK, LOUGHTON IG10 4EQ**

Report Item No:

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1209/21 |
| SITE ADDRESS: | 35 Upper Park Loughton IG10 4EQ |
| PARISH: | Loughton |
| WARD: | Loughton Forest |
| DESCRIPTION OF PROPOSAL: | Proposed loft conversion with increase of roof ridge level by 500mm with rear dormer. |
| 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=651861

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 shall be carried out and retained strictly in accordance with the following approved plans:

2021.028.DD01; 2021.028.DD02; 2021.028.DD03; 2021.028.DD04;
2021.028.DD05; 2021.028.DD06;
2021.028.DD07; 2021.028.DD08; 2021.028.DD09; 2021.028.DD10;
2021.028.DD11; 2021.028.DD12;
2021.028.DD13; 2021.028.DD14A; 2021.028.DD15A;
2021.028.DD16A; 2021.028.DD17A; 2021.028.DD18;
2021.028.DD19A; 2021.028.DD20; 2021.028.DD21.
- 3 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.

28. **PLANNING APPLICATION - EPF/1648/21 2 LUCTON MEWS, LOUGHTON IG10 3PE**

Report Item No:

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1648/21 |
| SITE ADDRESS: | 2 Lucton Mews Loughton IG10 3PE |
| PARISH: | Loughton |
| WARD: | Loughton Alderton |
| DESCRIPTION OF PROPOSAL: | Proposed demolition of rear conservatory with a replacement rear & side ground floor single storey extension with rooflights and decking/patio area. Loft conversion with rear dormer and x2 no. front rooflights. (Amended application to EPF/0345/20). |
| 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=653741

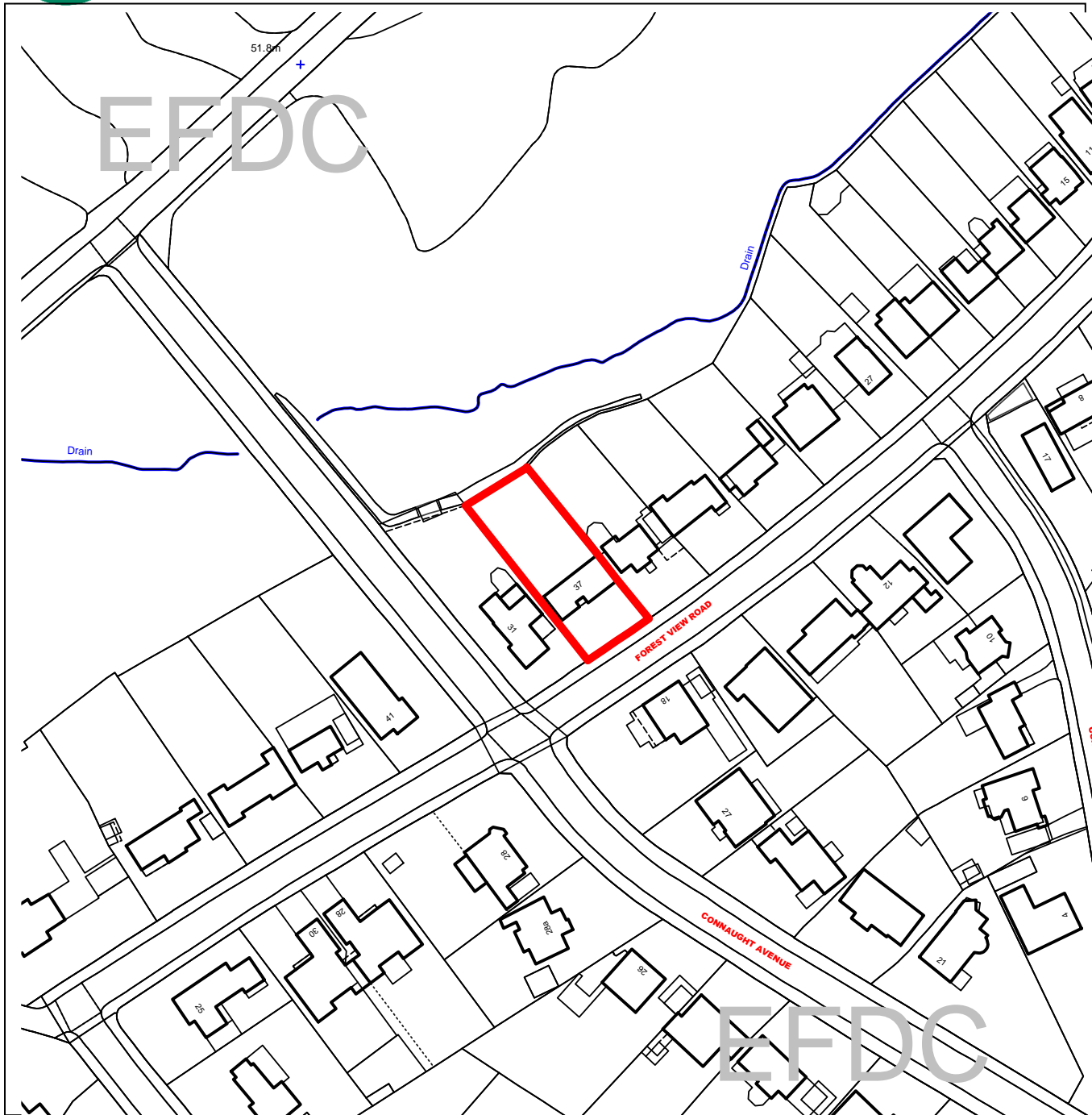
CONDITIONS

- 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 shall be carried out and retained strictly in accordance with the following approved plans: E100, E101, E102, E103, E201, E202, E301, A101, A102, A103, A201, A202, and A301.
- 3 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.

CHAIRMAN



Epping Forest District Council



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| | |
|---------------------|---------------------------------------|
| Application Number: | EPF/0296/21 |
| Site Name: | 37 Forest View Road Loughton IG10 4DX |
| Scale of Plot: | 1:1250 |

Report Item No: 9

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/0296/21 |
| SITE ADDRESS: | 37 Forest View Road Loughton IG10 4DX |
| PARISH: | Loughton |
| WARD: | Loughton Forest |
| APPLICANT: | Eamon McCallister |
| DESCRIPTION OF PROPOSAL: | Part single storey part two storey rear extension and loft conversion including ridge raise. (Revised application to EPF/1376/20). |
| 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=647918

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 shall be carried out and retained strictly in accordance with the following approved plans: PL-5865_21, PL-5865_22, PL-5865_23, PL-5865_24A, PL-5865_25D, PL-5865_26D, PL-5865_27E, PL-5865_28D, PL-5865_29, PL-5865_30B
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building [or those shown on plan number: PL-5865_21, PL-5865_22, PL-5865_23, PL-5865_24A, PL-5865_25D, PL-5865_26D, PL-5865_27E, PL-5865_28D, PL-5865_29, PL-5865_30B, 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 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.

- 6 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.
- 7 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 Open Spaces drawing number OS 2043-20.1th (Tree protection plan) dated 5 August 2020.
- 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 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

This application is before this Committee since it is for a type of development that cannot be determined by Officers as the majority of those consulted objected on planning grounds material to the application. The application is also 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 part two-storey detached dwelling house, located on the North side of Forest View Road within the built-up area of Loughton. It is not within a conservation area nor is it a listed building.

The application site is located on a sloping road downwards from West to East, as such it sits on slightly lower ground than 31 Connaught Avenue and slightly higher than no.35 Forest View Road, the gardens on Forest View Road fall to the rear. The properties on this part of Forest View Road are large detached dwelling house recessed from the road, there is no uniform style, many have benefited from large alterations. To the rear of the property lies forest land.

Proposal

The proposal is a part single storey part two storey rear extension and loft conversion.

The proposal is a revised scheme of application EPF/0296/20 which was refused at south committee in November 2020. This scheme has reduced the depth of the double storey rear extension from 5m to 4.8m and has been stepped down around 1m at the eaves and 0.7m from the highest part of the roof down to the natural floor level to replicate the implementable live application EPF/0579/03, the double storey rear extension still extends from the west flank to a width of 10.4m. The rear extension will facilitate a loft conversion, the ridge height of the original part of the roof will be raised by 0.5m. The roof will be completely replaced with a new crown roof, smaller than that proposed under EPF/0296/20, and the larger front facing dormer windows will be removed to give the front elevation an appearance more akin to that of a two-storey dwelling house rather than a chalet bungalow. The proposed single storey extension on the east side of the rear elevation has also been reduced to the natural floor level, reducing the height along the boundary with no. 35 Forest View Road from 4m to 3.1m and will use a flat roof with a rooflight.

Relevant Planning History

EPF/0579/03 - Demolition of existing garage, part two storey/part single storey rear extension and two storey side extension - GRANTED

EPF/1376/20 - Part single storey part two storey rear extension and loft conversion – REFUSED by committee on 18/11/2020. Currently under appeal ref - APP/J1535/D/21/3267533

Development Plan Context

Local Plan and Alterations (LP) (1998 & 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 (Framework) (2019)

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:

Paragraphs 124 & 127

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.

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 |
| DM9 High Quality Design | Significant |
| DM10 Housing Design and Quality | Significant |

Summary of Representations

Number of neighbours consulted: Six neighbours consulted; four representations received
Site notice posted: Not required

No. 31 Connaught Avenue – Objection,

- Depth of 4.8m at two storeys still represents an overdevelopment of the site and projects significantly beyond the established rear building line of the properties on Forest View Road as such the proposal does not overcome the reason for refusal for application EPF/1376/20.
- Overshadowing and loss of morning light/sunshine for the rear conservatory and garden areas
- Loss of light for the rooflight and flank elevation windows and unacceptable loss of light for the living room.
- Loss of privacy and overlooking of garden and patio areas derived from the first-floor windows of the proposed rear extension
- Overbearing

No. 16 Forest View Road – Objection,

- Out of character with the streetscene, unbalanced front façade due to loss of existing gable/dormer roof features,
- Overdevelopment of the site
- Amendments made are minor and fail to overcome the reasons for refusal for application EPF/1376/20

No. 31 Forest View Road – Objection,

- Extension is excessively large
- Due to proximity to the forest the proposal may have an effect on trees and wildlife

No. 35 Forest View Road – Objection,

- Minimal reduction in height and bulk which fails to overcome the reasons for refusal under EPF/0296/21
- Rear extension would breach the consistent rear building line along this side of Forest View Road at two storeys
- Raised terrace area of 0.5m adjacent to the shared boundary would result in a loss of privacy

Loughton Town Council – OBJECTION,

- Only a minor amendment has been made to the plans refused under application EPF/1376/20
- Raising height of the roof would affect the streetscene
- Due to the increase in the number of bedrooms and potential increase in occupants, the proposed development would have an unacceptable impact on the Epping Forest Special Area of Conservation by reason of additional vehicle trips.

Loughton Residents Association Plans Group – OBJECTION,

- Original existing drawings omitted the chimney stacks (now since amended to include these, objection to removal of these as they are characteristics of other dwellings in the area.

Trees and landscaping – No objection subject to conditions

Land drainage – No objection subject to conditions

Planning Considerations

Status of EPF/0579/03

The site was subject of an approved application under EPF/0579/03 for a part two storey, part single storey rear extension and two storey side extension. The two-storey rear extension is proposed to be 5.7m in depth along the boundary of 31 Connaught Avenue with a width of 7m, this is deeper than what is proposed under this application. A 4m deep, 3m wide single storey rear extension is proposed on the eastern side of the rear of the property. Unlike this application no works were proposed in the area behind the garage, along the boundary of no.35 Forest View Road nor was there any proposed raising of the ridge height of the roof. These works were proposed along with a two-storey side extension.

Works to the first-floor side extension were carried out however the works to the rear have not been to date. A legal opinion was sought and confirmed that part of the proposal was implemented within the allowed five year time frame and the Council are satisfied that the 2003 application remains live and works could continue to implement the remainder of the proposal at a later date which includes a 5.7m in depth double storey rear extension.

Justification to return to committee

Some of the objections received by neighbours and the Town Council have commented on the minor amendments made to the original scheme refused by planning committee on the 18th November 2020; and whether this has sufficiently overcome the reasons for refusal on application EPF/1376/20.

The reason for refusal on neighbour amenity grounds centred around the bulk and mass of the proposal leading to significant harm to the living conditions of the occupants of the adjacent properties in terms of loss of light. When discussing a way forward Councillor Chris Pond stated that any revised scheme must be reduced in height and bulk and have less impact on light. The double and single storey rear extensions have now been stepped down to the natural floor level and reduced in height by 1m, the scale of the crown roof has also been reduced and the overall bulk of the proposal has been lessened. Both these amendments are considered significant enough to go some way to mitigating the impact on light received by the adjacent properties and is in line with the advice given by councillors at the November meeting.

The second reason for refusal centred on design grounds and pertained to the depth of the extensions and its considerable projection beyond the established rear building line of the properties along Forest View Road. The depth of the double storey rear extension has been reduced from 5m to 4.8m. Whilst this is a minor reduction in depth this is still well within the depth of 5.7m allowed to be implemented along the boundary with no. 31 Connaught Avenue under EPF/0578/03. Given the fallback position is a deeper rear extension the minor reduction in depth coupled with the reduction in height and bulk are considered sufficient enough to address the reason for refusal under EPF/1376/20 and therefore a return to committee is justified.

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 amenities.

Character and appearance

The raising of the ridge height by 0.5m to facilitate a loft conversion is considered acceptable given the variation in styles and degrees of separation between the properties in this area. The adjacent property No.31 Connaught Road sits on higher ground than the application site, the raising of the

roof will bring it largely in line with this property. Although no.31 sits on a different street to the application site it occupies a corner plot and retains a prominent elevation on Forest View Road and as such it forms part of the Forest View Road streetscene. Whilst the application site sits on slightly higher ground than no.35 Forest View Road there is a step down in the existing roof ridge towards no.35. The roof on this part of the dwelling house is not set to be increased in height. As such, raising the roof ridge will not appear as unduly dominating or incongruous within the street scene.

The front elevation is proposed to be amended and the removal of a large hipped roof dormer will give the property an appearance more akin to a two-storey dwelling house rather than a chalet bungalow. The removal of the chimney stacks would not be resisted. Whilst many of the houses along Forest View Road have chimney stacks this feature is not considered an integral part of the streetscene and their removal would not cause significant harm to the visual amenity of the locality. The front gabled dormer features are due to be removed, this does pose any significant concerns given these are of a little architectural importance and the varying styles of the properties within the immediate vicinity. Overall the alterations viewable from the streetscene to the front elevation are considered to aesthetically enhance the property and will not appear as out of character for the wider area.

Forest View Road has a consistent rear building line with some rear extensions at ground floor level. No.35 has a conservatory which goes beyond the rear building line of that of the application site. No. 31 Connaught Road occupies a corner plot and backs on to the application site. Although this property sits on a different street it appears as to extend beyond the rear building line of the host site. The proposal will not extend beyond the north facing side elevation of No.31 nor will it extend beyond the rear conservatory of no.35.

It is not considered that granting this application will set an unwanted precedent for similar applications further along Forest View Road. Given the relationship the host site has with the adjacent property on Connaught Avenue it is not unreasonable to use this as justification for allowing such a development on this site. Regardless, there is a live application on the site which includes a deeper double storey rear extension (depth of 5.7m) than what is proposed here and as such it is considered this application is an improvement in terms of its design and relationship with no.31 and the houses along this side of Forest View Road.

The stepping down of both rear extensions to the natural floor level reducing the overall depth by 1m does much to reduce the bulk and mass of the double storey rear extension. This element of the proposal now appears as a subservient addition to the original dwellinghouse and is more akin to the design and scale of the implementable application. The scale of the crown roof has also been reduced in comparison to EPF/1376/20 and its bulk lessened. The works would not be prominent within the streetscene and forest land is set to the rear, as such the crown roof would convincingly appear as a hipped roof within the streetscene and would not appear as detrimental to it. No.45 Forest View Road has undergone similar works to the roof. Given the above the alterations to the rear do not amount to overly dominant, excessively large or incongruous additions.

A single storey rear extension is proposed from the side wall of the proposed two storey extension to the east elevation, this will measure 2.6m in width and 4.1m in depth. This will not extend beyond the existing rear conservatory at no.35 and will have a flat roof with a skylight. The single storey rear extension will not be viewable from the streetscene and is not considered to be out of character for the area.

The application site does not compromise the Green Belt or the forest land to the rear. Overall, the proposal complements and enhances the existing building as well as the character and appearance of the wider area. Therefore, this fully complies with policies CP2, DBE9 and DBE10

from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017 and the NPPF)*.

Living conditions of neighbours

Impact on the living conditions of no.31 Connaught Road

The occupants of this property have raised a number of concerns in regard to loss of privacy and light. The front elevation of no.31 is orientated to the west on Connaught Road and the rear of the property backs on to the host site and sits on slightly higher land. Although the proposal extends 4.8m from the original dwelling house at two storeys bringing the rear windows forwards it will not extend beyond the north flank elevation of no.31. Whilst there will be some increase in overlooking the situation will not be unlike what can be expected between adjacent properties where the conservatory and rear garden areas of no.31 will only be viewable at oblique views. The live 2003 application is proposed to have a deeper double storey rear extension along the boundary of no.31, as such this proposal is more palatable in terms of the privacy of the occupants of this property. Furthermore, the proposal has been set down a further 1m from that proposed under EPF/1376/20 further diminishing any overlooking.

The reason for refusal under EPF/1376/20 on neighbour amenity grounds centred around the height and bulk of the proposal appearing as overly dominant in relation to the adjacent properties leading to an unacceptable loss of light. The revised scheme has stepped down the rear extensions to the natural floor level, this has gone a considerable way to further reduce the bulk and impact on the light received by no. 31.

Given the height and depth of the proposal and its proximity to the boundary of no.31 there will be some loss of light and morning sunlight derived from the proposal however no.31 sits on higher ground than the host site and the proposal does not breach the 45 degree rule when measured from the first floor north facing window of no.31. The light obtained by the flank ground floor windows facing the application site is already compromised given they are facing the side wall of the host site. It is not considered that the proposal will cause any more significant loss of light for these windows.

Unlike the 2003 application this proposal does propose the raising of the ridge height of the original roof by 0.5m which will have some implications on the light received by the flank first floor window facing the host site. However, given the moderate increase in ridge height and that the window effected already has minimal light and does not serve a habitable room it is not considered that the loss of light is such that it would not warrant a refusal on these grounds

As previously stated, the live application from 2003 allows for the implementation of a deeper double storey rear extension along the boundary of no.31 and as such would have a greater impact on the amenity of the occupants of this property and as such this proposal cannot reasonably be refused on its impact on the living condition of no.31 Connaught Avenue. The revised scheme more closely resembles this application given the step down to the natural floor level and this design change is considered to overcome the previous reason for refusal under EPF/1376/20 and goes a significant way to ensure there is no excessive loss of living conditions for the occupants of no. 31.

Impact on the living conditions of no. 35 Forest View Road

The host site sits on slightly higher land than no. 35 Forest View Road with both rear gardens falling significantly to the rear. The rear extensions will not extend beyond the rear building line of the conservatory at no.35 that lies adjacent to the boundary of the host site. The single storey rear extension will abut the boundary however by reason of its, depth, height and siting it is not considered that this element will have a significant impact on the living conditions of no. 35

particularly as this element of the proposal has been by approximately 1m along the shared boundary compared to the plans submitted under refused application EPF/1376/20.

The 4.8m double storey rear extension will have some impact on the light received by the occupants of this property but given the separation distance of 3.2m from this element of the proposal and the boundary this is not considered to be excessive enough to warrant a refusal on grounds of loss of light. The setting in of the two-storey element of the rear extension does much to lessen the sense of the enclosure and overbearingness of the proposal. Furthermore, the stepping down of the proposal to the natural floor level and overall reduction in height and depth goes further to ensuring there is no significant loss of light or overbearingness derived from this element of the proposal. The area of the roof closest to no.35 is not set to be increased in height and therefore no loss of neighbour amenity will be derived from that element of the proposal.

The occupants of no.35 have raised concerns in regard to the depth and height of the proposed terrace area. Revised plans have been submitted and the terrace area will now be staggered inwards and away from the boundary of no.35 Forest View Road thus reducing potential overlooking. Furthermore, the patio area is raised only minimally and is smaller in height than that proposed under the refused application. It should be noted that the more intimate gardens area of no.35 Forest View Road lie the other side of the conservatory and therefore are not easily viewable from the host site. The rooflights do not give rise to any loss of privacy concerns. Given the staggered nature of the terrace area and the layout of both rear gardens it is considered that there will not be a significant loss of privacy for the occupants of no.35 Forest View Road derived from this proposal. The proposal does not give rise to any other neighbour amenity concerns.

Therefore, this fully complies with policies DBE2, DBE9 and DBE10 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017)* and the NPPF.

Other matters

Both the drainage and trees and landscaping officers have no objection to the proposal subject to conditions. The proposal, although adjacent to the forest, is not considered to have any detrimental impacts on the forest nor any wildlife within it.

Conclusion

For the reasons set out above, it is recommended that planning permission be GRANTED.

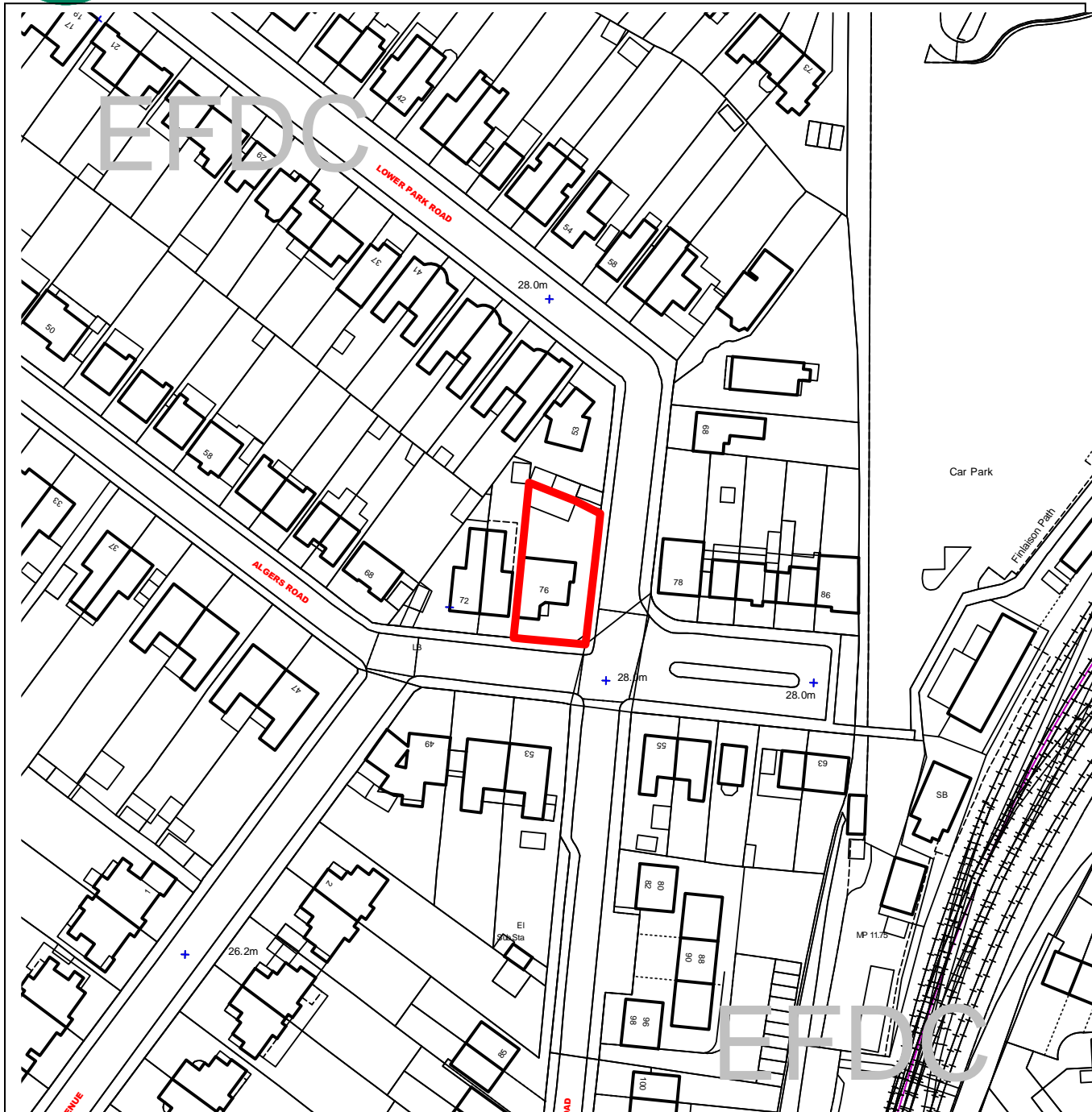
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Brendan Meade
Direct Line Telephone Number: 01992 56 4078***

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/0861/21 |
| Site Name: | 76 Algers Road Loughton IG10 4NF |
| Scale of Plot: | 1:1250 |

Report Item No: 10

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/0861/21 |
| SITE ADDRESS: | 76 Algiers Road Loughton IG10 4NF |
| PARISH: | Loughton |
| WARD: | Loughton Forest |
| APPLICANT: | Mr Gary Crouch |
| DESCRIPTION OF PROPOSAL: | Demolition of existing dwelling and replacement with new building consisting of six flats (Revised application to EPF/2881/18). |
| 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=650354

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: 334-EX-01, 2631.2, 2631.3, 2631.4, 2631.5, 2631.6 and 2631.7
- 3 No construction works above ground level shall take place until (documentary and photographic) details of the type and colours of the external finishes 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.
- 4 The building/extension hereby permitted shall not be occupied until the window(s) in the flank elevation facing No. 74 Algiers Road have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 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 the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 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.

- 7 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.
- 8 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.
- 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. 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.
- 10 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.
- 11 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.
- 12 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.

13 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

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 is a large detached property located at the corner of Algers Road and Lower Park Road within the built up area of Loughton. The existing property is a large 'L' shaped Edwardian style property with a number of extensions and a large outbuilding to the rear. The outbuilding to the rear and part of an extension have been used as annexes/separate residences but have not benefitted from planning permission. The building to the rear is in a particularly poor state of repair. Algers Road is characterised by semi-detached and detached dwellings to the west and terrace properties to the east. There is a large flatted development at the opposite end of Algers Road with the junction of the High Road, and further flats on Lower Park Road. The site is within 55m of a public footpath to Loughton Station resulting in the station being a 300m walk from the site. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

The proposal is a revision to a previously refused and dismissed at appeal scheme. This proposal seeks consent for the demolition of the existing dwelling and replacement with a 2 storey building with accommodation within the roof slope, consisting of 3 x 1 bed and 3 x 2 bed apartments. The proposal does not provide any off-street parking but provides associated cycle storage, bin storage and amenity space. The proposal is 'L' shaped has a maximum height of 9.3m, maximum depth of 22.5m and width of 13m. The plans have been revised since the previous refusal adding a combined bike and bin store to the side of the building (rather than a detached store) and with some adjustments to window locations and roof lines but is broadly the same design as previously submitted.

Relevant History:

EPF/2881/18 - Demolition of existing dwelling and replacement with a new building consisting of 3 x 1 bed and 3 x 2 bed apartments - Refused and dismissed at appeal

Policies Applied:

Adopted Local Plan:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings

DBE2 – Amenity Issues
DBE3 – Development Layout
DBE8 – Private Amenity Space
DBE9 – Loss of Amenity
ST6 – Car parking

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

Submission Version Local Plan (2017)

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

SP3-Place Shaping
H1 – Housing Mix and Accommodation Types
T1 – Sustainable Transport Choices
DM2 – Epping Forest SAC and the Lee Valley SPA
DM9 – High quality design
DM10 – Housing design and quality
DM11 – Waste recycling facilities on new development
DM18 – On site management of waste water and water supply
DM22 – Air Quality

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 17

Responses received: 105 Objections received from the following addresses an address plus a further 11 who did not supply their address. :

19, 21, 23, 28, 29, 31, 36, 41, 43, 47, 49, 51, 53, 54, 57, 58, 60, 63, 66, 72, 74, 80, 82, and 86
ALGERS ROAD

3, 9, 19, 23, 26, 41, 44, 49 and 55 THE CRESCENT

3A, 9, Rose Cottage, 18, 29, 33, 43, 45, 49, 50, 51, 53, 54, 62, 64, 66, 68, 92, 94, 101, 106 and
120 LOWER PARK ROAD

33 and 88 SPRING GROVE

24 OLLARDS GROVE

LOUGHTON RESIDENT'S ASSOCIATION (PLANS GROUP)

The objections can be summarised as follows:

Loss of existing building, visual impact of larger building, no parking is unacceptable, parking is already an issue, loss of light and outlook, overlooking, drainage issues, burden on existing services, insufficient amenity space, detriment to the area, unwanted precedent, change character of family homes.

LOUGHTON TOWN COUNCIL –

The Committee NOTED the contents of 3 letters of objection.

The Committee OBJECTED to this application on the grounds that it was an overdevelopment of the site and out of character for the area. The design would also extend the flats in the front of the building line on Lower Park Road.

The proposal did not provide sufficient amenity space for the proposed number of residents/dwellings and would need to be reduced in size to better accommodate this.

The number of residents to be accommodated in this application would have a detrimental impact on the amenity of existing residents of neighbouring properties due to noise pollution.

The six flats would result in more car pollution and a subsequent impact on the air quality to the SAC. Any additional dwelling that leads to more traffic in the SAC is unacceptable. The flats would also result in more pressure for the overstressed recreational services and subsequent damage to the SAC. The current proposed solution to bring in a Clean Air Zone (CAZ) is not guaranteed to occur and would not stop additional cars associated with new dwellings from polluting the SAC before it was brought in.

Members commented that the planning inspector did not fully address the pressure for car parking on Algiers Road in the appeal decision. The streets in this area are very congested; with no spare on street capacity to accommodate more car parking for residents or visitors. Therefore, they suggested a survey of the street should be undertaken to provide evidence for any further appeal, in this regard.

Should the council be minded to grant consent, members requested a section 106 agreement to be secured to fund a RPZ for the area.

Main Issues and Considerations:

The previous application ref: EPF/2881/18 was refused for the following reasons:

- 1. The proposal, by reason of its size, poor design and position would harm the spacious character of the area and be generally out of character with the plan form of nearby buildings detracting from the overall appearance of the locality. The proposal would therefore be contrary to policies CP2 and DBE1 of the Adopted Local Plan 1998/2006, policy DM9 of the Local Plan Submission Version 2017, and be at odds with paragraph 127 of the National Planning Policy Framework 2019.*
- 2. The Council considers the existing building at the application site to be a non-designated heritage asset, the loss of which would of itself be harmful to the character and appearance of the locality. It therefore considers its loss can only be justified if it is replaced by a development that is of high quality design. Its loss would only serve to exacerbate the harm caused by the development to the character and appearance of the locality. The loss of the non-designated heritage asset is therefore contrary to policies CP2 (iV) and CP7 of the adopted Local Plan (1998/2006), and would be at odds with paragraph 127 the National Planning Policy Framework 2019.*
- 3. The proposal lacks an adequate level of amenity space for future occupiers of the proposed development; in addition access to off site alternative amenity space is not considered to be in reasonable proximity nor legibly accessible. The proposal is therefore contrary to policies DBE8 of the Adopted Local Plan (1998/2006) and policy DM9 (High Quality Design) of the Local Plan Submission Version 2017.*

The decision was appealed and subsequently dismissed, albeit only on reason 3 and air quality grounds.

Character and appearance

The proposal results in the demolition of the existing property along with the large outbuilding to the rear and the replacement with a larger 'L' shaped property to house 6 flats.

The existing character within the street is a mix of detached and semi-detached properties to the west and then terrace properties to the east. Although in the immediate vicinity the character is of single dwelling houses, approximately 50m to the south of the site on Lower Park Road are a group of maisonettes and to the north west at the junction with the High Road (approximately 200m from the site) is a large modern development of apartments. It is not considered, as with the previous scheme that apartments in this location particularly in this corner plot is so out of character with the surrounding character to justify a refusal on this basis.

The Planning Inspector for the previous refusal found no harm to the character of the area with the proposed design and states:

For all of the above reasons, I see no reason the proposed development would be unsympathetic to its location or that it would fail to harmonise with or enhance the varied street scenes of Algiers Road and Lower Park Road and the character and appearance of the area and there is no compelling reason to resist the loss of the existing building on the site. Accordingly, on this main issue, I find no conflict with LP Policies CP2, CP7 or DBE1. Together, these policies broadly seek to maintain or improve the setting, character, townscape and urban quality of the built environment, including through the protection and enhancement of buildings or architectural or historic interest. The proposal would also comply with the principles of the Framework which seeks good design that is sympathetic to local character.

The Inspector also found, as hinted to above, that 'alterations to the building including the extension to its rear, use of some modern windows and other additions dilute its interest'. Thereby concluding that the existing building is not one that can be classed as a non-designated heritage asset.

Neighbouring Amenity

Impact on neighbouring amenity was considered acceptable previously and did not form a reason for refusal.

Due to the position of the site at a junction, the application site has one main near neighbour – 74 Algiers Road. The owner of this property has objected to the scheme and it is agreed that the demolition of the existing building, proposed new building and change to 6 flats from a single dwelling house (albeit with annexes) will be a significant change to the existing situation; however change alone is not a reason for refusal.

No. 74 has been extended in the past and to the rear has side facing windows and rear facing windows, the proposal will be visible from these windows. However, the proposal will be set away from the shared boundary by 1m, where the current building is located directly on the boundary and this is a welcome move which provides a better level of separation between the two buildings.

In terms of overlooking the proposal will have first floor windows serving a lounge area closest to the shared rear boundary. It is not considered that the addition of these windows give rise to such an increase in overlooking from that of the existing situation to justify a refusal. At second floor roof lights will serve the rear but as these will be high level and angled, overlooking would be difficult.

The rear projection has side facing windows proposed, however these will be obscure glazed so loss of privacy from these windows is not considered an issue. A condition can be added to ensure these windows are obscured and fixed shut to a height of 1.7m to avoid any future potential of overlooking and the Applicant has agreed to such a condition.

To the rear of the site is the garage at No.53 Lower Park Road and therefore the proposal is well separated from the main house of No. 53 both by built form and by distance (10m) and this will mitigate against any excessive noise or disturbance arising from the use of this area.

At Officer request, with the previous application, the applicant's submitted a daylight and sunlight assessment with particular emphasis on No. 74 Algers Road, although 53 Lower Park Road (to the rear) and 78 Algers Road (across the junction) were also assessed. This report assesses the impact of the development against current daylight and sunlight received in accordance with BRE Guidance. With regards to No. 74 all rear facing windows on the original building and those that face No. 76 were part of the assessment, as were the ground floor side windows of No. 53 Lower Park Road and 78 Algers Road. The report concludes that all windows retain greater than 80% of existing levels of daylight and sunlight which is in accordance with BRE guidelines. In addition, the rear garden area of No. 74 and 53 Lower Park Road were also assessed and these areas retain over 90% of existing sunlight levels, again exceeding BRE guidance.

Given the results found in this assessment coupled with the distances to the shared boundaries loss of sunlight and daylight has been adequately accounted for during the design process and is acceptable.

Amenity of Future Occupiers

The proposal was previously refused on the lack of amenity space for future residents and the due to the insufficient light this area would receive.

This current proposal has revised the layout so that the bin and bike store are attached to the main building and the building shape has been rationalised providing a much larger amenity space. The amenity area is now in excess of the 150m² suggested by policy DBE8 of the Adopted Local Plan and therefore the amount of amenity space meets standards.

In addition the application has been accompanied by a revised daylight and sunlight report which shows that the whole garden area has been tested and received adequate light. In addition, there has been a slight design change, hipping the previously gabled roof on Lower Park Road to allow sun on the amenity area of a longer period.

Although not ideal, the Inspector also found no issue with residents wishing to use the amenity space existing to the front of the building to gain access to the rear.

In addition to the larger amenity space now provided, as before, access to Epping Forest for recreational purposes can be gained within 800m of the site.

Highways and Parking

As with the previous application, this proposal does not include any parking. The SVLP suggests that within 400m of a station, the Council will seek reduced car parking, including car free development. This site is within 300m of Loughton Underground Station and within 450m of the shops and services of Loughton Town Centre beyond and is therefore a very sustainable location. Although many of the neighbour comments and that of the Town Council reference the existing parking situation this proposal is not considered to result in such a significant change to the existing situation to justify a refusal.

The surrounding area has existing parking restrictions, preventing cars being parked between 2pm and 3pm and this will continue to be the situation. A planning permission can not prevent a future occupier owning a car, however any future occupier of the proposed development will be aware of these restrictions and that the development has no off street parking and therefore will have to take the existing situation into account.

The car free aspect of this development was considered acceptable previously and this did not form a reason for refusal.

SAC and air quality

Previously it was considered that as the proposal is for a car free development there would not be a requirement for a contribution towards air quality mitigation within the District, however with the adoption of the APMS a contribution is required per a dwelling of £335. It is acknowledged that 6 dwellings even without parking will still result in additional 'vehicular use' i.e. deliveries/taxis/visitors. In addition, as the proposal is for new dwellings with 3km of the Epping Forest Special Area of Conservation (SAC) a contribution of £352 per a dwelling is required to mitigate against recreational pressures on the Forest. The application is willing to enter into a legal agreement for this contribution.

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty 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 (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusions:

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Conclusion:

The proposal results in new dwellings within an urban part of the District, it proposes a well-conceived design drawing on the surrounding detailing, has limited harm to surrounding neighbours and it is located in a sustainable part of the District. Therefore given the above assessment and subject to a legal agreement the application is recommended for approval.

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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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

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Report Item No: 11

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1169/21 |
| SITE ADDRESS: | 152 Church Hill Loughton IG10 1LJ |
| PARISH: | Loughton |
| WARD: | Loughton St Johns |
| APPLICANT: | Drazal Ltd |
| DESCRIPTION OF PROPOSAL: | Proposed rear extensions to ground floor retail unit with internal alterations and new shopfront. New first floor rear extension and alterations to form a 1 bedroom self-contained flat. |
| 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=651733

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: 2562; 1, 2, 3
- 3 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.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 5 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.
- 6 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.

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, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

Description of Site:

The site is located on the Northwest side of Church Hill in the built up area of Loughton. It is a two storey end of terrace building with a ground floor retail unit and first floor residential accommodation above, currently used by the occupant of the retail unit. Vehicular access is provided to the rear of the site. There are no listed buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt.

Description of Proposal:

Proposed rear extensions to ground floor retail unit with internal alterations and new shopfront. New first floor rear extension and alterations to form a 1 bedroom self-contained flat.

Relevant Site History:

EPF/0674/04 - Two storey and single storey rear extensions to rear of retail shop (revised application). – Grant Permission (With Conditions)

EPF/0109/04 - Two storey and single storey rear extensions to rear of retail shop – Refuse Permission

Policies Applied:

CP1 - Achieving sustainable development objectives

CP2 - Quality of rural and built environment

CP3 - New development

H3A - Housing density

DBE2 - Effect on neighbouring properties

DBE8 - Private amenity space

DBE9 - Loss of amenity

ST1 - Location of development

ST4 - Road safety

ST6 - Vehicle parking

LL10 - Adequacy of provision for landscape retention

LL11 - Landscaping scheme

RP4 - Contaminated land

National Planning Policy Framework (NPPF) (2021)

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 (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. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be 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:

SP1 - Presumption in Favour of Sustainable Development
SP6 - Green Belt and District Open Land
T1 - Sustainable Transport Choices
DM9 - High quality design
DM10 - Housing Design and Quality
DM11 - Waste Recycling Facilities on New Development
DM18 - On Site Management of Waste Water and Water Supply
DM21 - Local Environmental Impacts, Pollution and Land Contamination

Summary of Representation:

5 Neighbours were consulted as part of this application and 16 Objections were received – all concerned with the lack of off-street parking. 3 comments were received also querying the lack of off-street parking.

LOUGHTON RESIDENTS ASSOCIATION: no objection in principle, however feels that the scheme could be improved by the inclusion of an off-street parking space.

TOWN COUNCIL: The Committee OBJECTED to the proposal for the one-bedroom flat, stating it was too cramped and of poor design, falling below the national minimum space standards. Members expressed concern for the loss of parking provision, particularly due to high parking stress in this area. If the local planning authority was minded to grant this application, they requested a consideration for dedicated off-street parking to the rear of the unit be made, in the area currently being used for storage containers.

Main Issues and Considerations:

The main issues to consider for the assessment of this application are as follows:

Principle of Development
Parking
Design
Impact on Living Conditions of Neighbours

Principle

There is a current residential use at first floor level on the site and therefore the principle of development is acceptable.

Parking

Neighbouring residents and the Town Council have objected to the proposal with concerns over the lack of an off-street parking space on the site.

Policy T1 (F) of the Epping Forest District local Plan (Submission Version) 2017 states that Development will be permitted where 'Reduced car parking, including car free, development in sustainable locations will be supported'. The application site is considered to be within a sustainable location due to the site having access to local shops and public transport links nearby, which would help to limit the reliance on a private motor vehicle by occupiers of the residential unit. It is therefore considered that the premise of a car-free development in this location is acceptable.

Design

The Town Council have objected to the proposal stating that it is of poor design, overly cramped and would not meet the national minimum space standards.

The proposal includes the erection of a flat roofed ground floor extension serving the retail unit 7.7 metres in depth and 3.5 metres in height. It would be adjacent to the boundary with 154/154A Church Hill. The hipped first floor rear extension would measure 3 metres in depth, 4.8 metres in width and approximately 4.5 metres in height. It would be approximately 1.4 metres from the shared boundary with 154/154A Church Hill. The appearance and scale of the extensions are common within urban locations such as this and pose no concern in terms of design.

Currently, the national minimum space standards for a 1 bedroom, 2 person flat is 50sqm. The gross internal area of the proposed residential unit would be 51.7sqm – thereby exceeding this requirement. Amenity space in the form of a balcony is being provided which would be acceptable. Cycle storage for 2 bicycles is to be provided at ground floor level toward the front boundary of the site.

It is considered that the design of the proposal would be acceptable.

Impact on Living Conditions

It is considered that due to the distance between the first floor extension and adjacent first floor flat at 154A Church Hill as described above, it is considered that the proposal would not cause excessive harm to the living conditions of neighbouring properties in relation to loss of outlook, loss of privacy or loss of light. There would be no harm caused by the single storey rear extension due to the adjacent ground floor retail unit extending beyond the proposed extension to the application site by approximately 0.5 metres.

Conclusion

It is considered that the proposal is acceptable for the above reasons and it is recommended that planning permission is granted subject to conditions.

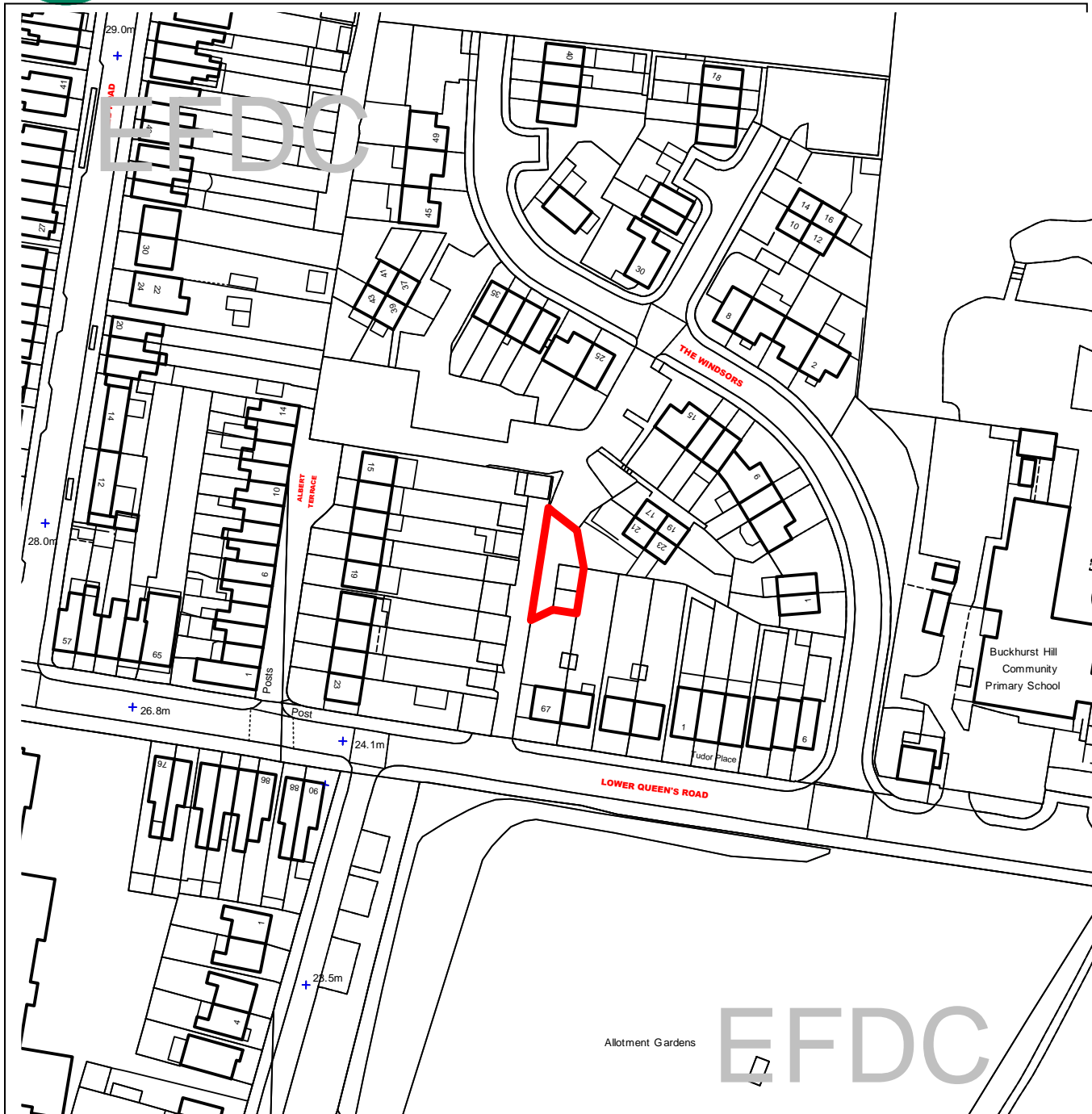
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462***

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/1272/21 |
| Site Name: | 67 Lower Queens Road Buckhurst Hill IG9 6DS |
| Scale of Plot: | 1:1250 |

Report Item No: 12

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/1272/21 |
| SITE ADDRESS: | 67 Lower Queens Road Buckhurst Hill IG9 6DS |
| PARISH: | Buckhurst Hill |
| WARD: | Buckhurst Hill East |
| APPLICANT: | Mr Michael Daley |
| DESCRIPTION OF PROPOSAL: | Proposed new 2 bedroom dwellinghouse. |
| 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=652176

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: 2020.060.PA 01, 2020.060.PA 02, 2020.060.PA 03, 2020.060.PA 04, 2020.060.PA 05, 2020.060.PA 06, 2020.060.PA 07, 2020.060.PA 08, 2020.060.PA 09, 2020.060.PA 10, 2020.060.PA 11, 2020.060.PA 12, 2020.060.PA 13, 2020.060.PA 14, 2020.060.PA 15, 2020.060.PA 16, 2020.060.PA 17, 2020.060.PA 18, 2020.060.PA 19, and 2020.060.PA 20.
- 3 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 and Tree protection shall be installed as shown on Tim Moya Associates drawing number 210537-P-11 dated June 2021 unless the Local Planning Authority gives its prior written approval to any alterations.
- 4 Prior to preliminary ground works taking place, details of foul and 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 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

- 6 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 7 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.
- 8 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.
- 9 Prior to first occupation of the development, the window(s) in the upper flank elevation facing the rear garden of 69 Lower Queens Road shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 10 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building [or those specified on the approved plans, unless otherwise agreed in writing by the Local Planning Authority.
- 11 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.

- 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 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.
- 14 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.
- 15 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.
- 16 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, AA, B, D & E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

...and Subject to the Completion of a s106 Legal Agreement.

This application is before this Committee since it has been 'called in' by Councillor Steven Neville; and since it is for a type of development that cannot be determined by Officers if five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a detached double garage for 67 Lower Queens Road which is accessed via The Windsors. It is not listed nor in a conservation area.

Proposal

The proposal is for a new 2-bedroom dwelling.

Relevant Planning History

EPF/2196/07 - Erection of new three-bedroom dwelling – Dismissed on Appeal on design and loss of privacy to Albert Terraces.

EF\2021\ENQ\00144 - Proposed 3 bedroomed dwelling to replace an existing detached garage on land to the rear of 67 Lower Queens Road.

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 |
| CP3 | New Development |
| CP6 | Achieving Sustainable Urban Development Patterns |
| CP7 | Urban Form and Quality |
| H2A | Previously Developed Land |
| H4A | Dwelling Mix |
| U3B | Sustainable Drainage Systems |
| DBE1 | Design of New Buildings |
| DBE8 | Private Amenity Space |
| DBE9 | Loss of Amenity |
| LL10 | Adequacy of Provision for Landscape Retention |
| LL11 | Landscaping Schemes |
| ST4 | Road Safety |
| ST6 | Vehicle Parking |

National Planning Policy Framework 2021 (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:

Paragraphs 110 - 112
 Paragraph 119
 Paragraphs 126, 130
 Paragraph 180

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 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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan

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 |
|--|-----------------|
| SP2 Spatial Development Strategy 2011-2033 | Significant |
| H1 Housing Mix and Accommodation Types | Significant |
| T1 Sustainable Transport Choices | Significant |
| DM2 Epping Forest SAC and the Lee Valley SPA | Significant |
| DM3 Landscape Character, Ancient Landscapes and Geodiversity | Significant |
| DM5 Green and Blue Infrastructure | Significant |
| DM9 High Quality Design | Significant |
| DM10 Housing Design and Quality | Significant |
| DM11 Waste Recycling Facilities on New Development | 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 Wastewater 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

Number of neighbours Consulted: 16. 46 response(s) received
 Site notice posted: Yes

MULTIPLE OBJECTIONS RECEIVED including a PETITION – Summarised as;

- Out of character;
- Poor design;
- Loss of privacy/overlooking;
- Parking/Traffic concerns;
- Drainage concerns;
- Trees and landscaping;
- Noise and general disturbance from construction phase; and
- Impact on EFSAC.

BUCKHURST HILL PARISH COUNCIL – The Committee were unable to make a decision on this application. Concerns around the neighbours at number 21. If this application is approved at district level there should be no permitted development rights.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the area;
- b) Standard of accommodation;
- c) The impact on the living conditions of neighbouring amenities;
- d) Highway safety and parking provision;
- e) Trees and landscaping; and
- f) The impact on the Epping Forest Special Area of Conservation (EFSAC).

Character and Appearance

In terms of the principle of the development, the previous appeal decision is noted, however since that decision there has been a material change in Planning Policy with the introduction of the Framework in 2012 (Superseded by the current 2021 version), and the Council's emerging Local Plan Submission Version 2017 (LPSV), which has reached an advanced stage. Policy SP2 of the LPSV set outs a sequential approach to identifying sites suitable for development. The site is previously developed land within the settlement of Buckhurst Hill. So, this site would sit in a moderate position in the 'land preference hierarchy'.

In terms of the design, the proposed dwelling would have a neutral impact to the street scene and wider area. Also given the adjacent flats (17 – 23 The Windsors), the introduction of a dwelling on this site would not be considered as backland development, nor conflict with the pattern of development in this locality. It would also not amount to harmful overdevelopment of the site, as

there would be (1) sufficient spacing around the dwelling; (2) ample amenity space retained for the host house, and (3) functional amenity space provided for future users of the dwelling.

To conclude, development on this site would be considered to be making an effective use of land and will have a neutral impact to the character and appearance of the area.

Standard of Accommodation

The proposal would exceed the National Described Space Standards for a 2 bed-3 person dwelling at some 82.3m² and have a functional external amenity space at some 70m² with a reasonable outlook for future users of the dwelling.

Living Conditions

The side dormer windows (serving the bathroom and stairs) facing the rear garden of 69 Lower Queens Road would be obscured glazed, so there would be no harmful overlooking to their amenities. Also given the limited size, scale and separation distance from the common boundary with No's 67, 69 Lower Queens Road & 21 The Windsors, there would be no material impact in terms of overbearing and visual impact when viewed from their garden areas, nor would there be any material loss of light or overshadowing to 21 The Windsors given the orientation of the proposal facing North.

To add, the bedroom windows are sited some 12m (Taken from the window to the end of the existing garages) away from the 16 – 19 Albert Terraces, so, whilst there would be some level of overlooking it is considered to be of a limited impact, insufficient to justify a reason for refusal.

Highway Safety

With regards to the parking arrangements for the proposed dwelling, 2 car parking spaces are required for a 2 bed+ dwelling in line with the Council's adopted parking standards (Essex Parking Standards 2009), however, as the site is in a sustainable location with the underground station in close proximity to the site, in this instance 1 car parking space would be acceptable. It is also noted that the host house has ample parking space to the front, so the loss of the garage is acceptable, and the proposed dwelling would utilise the existing designated parking bay for 67 Lower Queens Road. No objection has been received from the highways officer, so it is considered that there would be no detrimental impact to the safety operation of the highway network.

Accordingly, the proposal complies with policies ST4 and ST6 of the LP, policy T1 of the LPSV and Paragraphs 108 and 109 of the Framework.

Trees and Landscaping

The Council's Tree officer has raised no objection subject to the imposition of conditions as part of the consent, as the proposed landscaping scheme is considered to be adequate.

Epping Forest Special Area of Conservation (EFSAC)

A significant proportion of the EFSAC lies within the Epping Forest District Council administrative area. The Council has a duty 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 LPSV.

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Impact Pathways whereby development within the Epping Forest District is likely to result in significant effects on the EFSAC. The Impact Pathways are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Impact Pathways identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Impact Pathways to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

- 1) Recreation activities arising from new residents (recreational pressures); and
- 2) Atmospheric pollution as a result of increased traffic using roads through the EFSAC (air quality).

Stage 1: Screening Assessment

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

- 1) The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- 2) The development would result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to recreational pressures and air quality.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to the above.

Stage 2: 'Appropriate Assessment'

Recreational Pressure

The proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach.

Air Quality

The proposal falls within the definition of 'windfall development.' The application has been supported by sufficient information to support the assessment of the application in relation to the creation of additional Annual Average Daily Traffic on roads within 200m of the Epping Forest Special Area of Conservation. An allowance for windfall development across the District up to 2033 has been included within the air quality modelling used to inform the development of the Council's Interim Air Pollution Mitigation Strategy (APMS), and the identification of the required mitigation measures within it. Therefore, subject to the imposition of planning conditions and completion of a Section 106 Planning Obligation to secure the delivery of the relevant required mitigation measures identified within the APMS, the application is acceptable in relation to the consideration of the Air Pollution Pathway of Impact.

In addition to the per-dwelling financial contribution, the relevant mitigation measures include ensuring all new car parking spaces having physical access to an EV charging point, and provision of digital communications infrastructure to support home working.

Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Conclusion

The previous appeal decision is noted, however, as mentioned previously it predates the Framework which states the following under Paragraph 11;

For decision-taking this means:

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As the Council is currently unable to demonstrate a 5-year housing land supply and the adopted local plan is out of date, the Presumption in favour of sustainable development is therefore engaged.

Thus, for the reasons set out above, having regard to the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal Agreement to secure contributions for the EFSAC.

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