

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE SOUTH** **Wednesday, 3rd November, 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, 3rd November, 2021**  
at **7.00 pm.**

**Georgina Blakemore**  
Chief Executive

**Democratic Services  
Officer**

J Leither, Democratic Services Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto: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. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

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

If you are seated in the lower 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 move to the upper public gallery.”

**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 - 14)**

To confirm the minutes of the last meeting of the Sub-Committee held on 6 October 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 COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)**

This briefing note, dated October 2021, 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 ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.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 - EPF/2769/18 93 MANOR ROAD, CHIGWELL IG7 5PN (Pages 15 - 26)

To consider the attached report for an outline application with all matters reserved: erection of three detached dwellings (existing dwelling to be removed) - Revised application to EPF/2669/17.

#### 10. PLANNING APPLICATION - EPF/0975/19 11 CROSSFIELDS, LOUGHTON IG10 3PY (Pages 27 - 36)

To consider the attached report for the erection of a single storey rear extension and erection of a new attached dwelling, following demolition of existing garage.

#### 11. PLANNING APPLICATION - EPF/1880/19 PARKING AREA AT SOUTHERN END OF CUL-DE-SAC, THATCHERS CLOSE, LOUGHTON IG10 3SP (Pages 37 - 48)

To consider the attached report for the erection of one 2 storey affordable home with 2 parking spaces.

#### 12. PLANNING APPLICATION - EPF/2056/19 142 BUCKHURST WAY, BUCKHURST HILL IG9 6HP (Pages 49 - 58)

To consider the attached report on the demolition of bungalow and construction of a two storey building of four luxury flats with room in the roof.

#### 13. PLANNING APPLICATION - EPF/1972/21 4 ELY PLACE, CHIGWELL IG8 8AG (Pages 59 - 66)

To consider the attached report for a proposed first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window. (Revised application to EPF/1386/21).

#### 14. 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](mailto:democraticservices@eppingforestdc.gov.uk)

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

**Yes, you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://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:

				
<b>Chairman</b>	<b>Vice Chairman</b>			
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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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 6 October 2021  
South

**Place:** Council Chamber, Civic Offices, **Time:** 7.00 - 9.20 pm  
High Street, Epping

**Members Present:** J Share-Bernia (Chairman), R Baldwin, D Barlow, P Bhanot, R Brookes, S Heap, R Jennings, J Jennings, J Jogia, H Kauffman, L Mead, S Murray, M Owen, A Patel, C P Pond, C C Pond, S Rackham, K Rizvi, D Sunger and D Wixley

**Other Councillors:**

**Apologies:** K Williamson, A Lion, S Neville and C Roberts

**Officers Present:** G Courtney (Planning Applications and Appeals Manager (Development Management)), A Marx (Development Manager Service Manager (Planning)), C Ahmet (Planning Officer), Francisca Muonweokwu-Egbunike (Housing Enabling Officer), J Shutt (Senior Housing Development Officer), K Shah (Senior Urban Design Officer), N Cole (Corporate Communications Officer), A Hendry (Democratic Services Officer), L Kirman (Democratic Services Officer), R Perrin (Democratic and Electoral Services Officer), A Jones (BPS Surveyors) and Thompson (BPS Surveyors)

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### 39. 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.

### 40. MINUTES

#### RESOLVED:

That the minutes of the Sub-Committee held on 8 September 2021 be taken as read and signed by the Chairman as a correct record subject to the addition of apologies for Councillor Sunger.

### 41. DECLARATIONS OF INTEREST

a) Pursuant to the Council's Members' Code of Conduct, Councillor D Wixley declared a non-pecuniary interest in the following item of the agenda by virtue of having a family plot at Chigwell Cemetery, the Councillor determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1182/18 Land West of Froghall Lane, Chigwell, Essex

b) Pursuant to the Council's Members' Code of Conduct, Councillor D Sunger declared a non-pecuniary interest in the following item of the agenda by virtue of having spoken to the Planning Officer regarding the application, the Councillor determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2868/20 177 High Road, Chigwell

c) Pursuant to the Council's Members' Code of Conduct, Councillor K Rizvi declared an interest in the following item of the agenda by virtue leaving near the application, the Councillor determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2868/20 177 High Road, Chigwell

d) Pursuant to the Council's Members' Code of Conduct, Councillors S Heap and H Kauffman declared a non-pecuniary interest in the following item of the agenda by virtue of having corresponded with the applicant, the Councillors determined that they would remain in the meeting for the consideration of the application thereon:

- EPF/2243/21 46 Russell Road, Buckhurst Hill

#### 42. ANY OTHER BUSINESS

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

#### 43. 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 had been updated and was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

#### 44. SITE VISITS

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

#### 45. PLANNING APPLICATION - EPF/1182/18 LAND WEST OF FROGHALL LANE, CHIGWELL, ESSEX

<b>APPLICATION No:</b>	EPF/1182/18
<b>SITE ADDRESS:</b>	Land west of Froghall Lane Chigwell Essex
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>DESCRIPTION OF</b>	Hybrid application requesting full planning permission for

<b>PROPOSAL:</b>	<p>an assisted living development comprising of apartments and integrated communal and support facilities; landscaped residents' gardens; staff areas; refuse storage; construction of a new site access; a sustainable urban drainage system; a new sub-station and associated infrastructure and services, and outline planning permission for a 0.45 hectare extension of the cemetery. ***</p> <p>AMENDMENT: THE ABOVEMENTIONED DEVELOPMENT PROPOSALS HAVE BEEN REVISED INVOLVING THE REDUCTION IN PROPOSED RESIDENTS CAR PARKING. THE PROPOSALS REDUCE RESIDENTS PARKING PROVISION FROM 105 SPACES TO 66 SPACES. A FURTHER 19 ADDITIONAL SPACES ARE PROPOSED FOR STAFF AND VISITOR USE RESULTING IN A TOTAL PARKING PROVISION OF 85 SPACES. ***</p>
<b>DECISION:</b>	Deferred

**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=608757](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=608757)

#### DEFERRED

#### 46. PLANNING APPLICATION - EPF/2868/20 177 HIGH ROAD, CHIGWELL IG7 6NX

<b>APPLICATION No:</b>	EPF/2868/20
<b>SITE ADDRESS:</b>	177 High Road Chigwell IG7 6NX
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed mixed-use development to provide 35 residential dwellings (Use Class C3) and 512 sqm of commercial floorspace (Use Class E) together with cycle and car parking, landscaping, provision of new pavement and loading bay on Brook Mews and associated infrastructure.
<b>DECISION:</b>	Refused

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=645633](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=645633)

#### REASONS

- 1 The proposed development, due to its design and overall bulk, would be out of character with its setting, contrary to policies CP2, DBE1 and DBE5 of the adopted Epping Forest District Local Plan and Alterations, policies DM9 and DM10 of the Epping Forest District Local Plan Submission Version (2017), and the guidance contained within the NPPF.
- 2 The proposed top floor storey, due to its prominence and positioning forward of the set-back storey on the adjacent development, will be a prominent and overbearing feature that is visually intrusive within the street scene and surrounding area, contrary to policies CP2, DBE1 and DBE5 of the adopted Epping Forest District Local Plan and Alterations, policies DM9 and DM10 of the Epping Forest District Local Plan Submission Version (2017), and the guidance contained within the NPPF.
- 3 The proposed car parking provision is considered to be inadequate for the proposed development, contrary to policy ST6 of the adopted Epping Forest District Local Plan and Alterations, policy T1 of the Epping Forest District Local Plan Submission Version (2017), and the guidance contained within the NPPF.

**47. PLANNING APPLICATION - EPF/1306/21 7 BROOKLYN AVENUE, LOUGHTON IG10 1BL**

<b>APPLICATION No:</b>	EPF/1306/21
<b>SITE ADDRESS:</b>	7 Brooklyn Avenue Loughton IG10 1BL
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed detached 3 bedroom dwelling in an existing side garden.
<b>DECISION:</b>	Refused

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=652278](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=652278)

**REASONS**

- 1 The Council cannot be certain beyond reasonable scientific doubt that the proposed development either alone or in combination with other developments within the district will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. Also, in the absence of an appropriate legal agreement to mitigate such adverse impacts, the proposed development is therefore contrary to Policies DM2 & DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and

the requirements of the Habitats Regulations 2017.

- 2 The proposal will appear as a cramped form of development and will also result in the loss of importance green infrastructure to the detriment of the established character and appearance of the locality, contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.
- 3 The proposed development would result in the loss of on-street parking provision to the detriment of highway safety, contrary to Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021

**48. PLANNING APPLICATION - EPF/2243/21 46 RUSSELL ROAD, BUCKHURST HILL IG9 5QE**

<b>APPLICATION No:</b>	EPF/2243/21
<b>SITE ADDRESS:</b>	46 Russell Road Buckhurst Hill IG9 5QE
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of first floor side/front and roof extension with x3 front rooflights, alteration to existing rear box dormer (set in by 800mm from outside edge), and alterations to existing two storey rear extension (comprising a 3m ground floor with balcony, and 4m lower ground floor) (Revised scheme to EPF/0339/21).
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=656417](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656417)

**CONDITIONS**

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: PH/RD001, PH/RD002, PH/RD003, PH/RD004, PH/RD005, PH/RD007, PH/RD008, PH/RD009, PH/RD010, PH/RD011, PH/RD012.
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to the first use of the balcony, privacy screens no less than 1.7 metres high shall be installed at both edges of the balcony and shall be permanently retained in that condition.

- 4 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.
- 5 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.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, C & E of Part 1 to schedule 2 shall be undertaken without the prior written agreement of the Local Planning Authority.
- 7 Access to the flat roof over the ground floor 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.

**CHAIRMAN**



# Epping Forest District Council



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Application Number:	EPF/2769/18
Site Name:	93 Manor Road Chigwell IG7 5PN
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2769/18
<b>SITE ADDRESS:</b>	93 Manor Road Chigwell Essex IG7 5PN
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr Brian Dalziel
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application with all matters reserved: erection of three detached dwellings (existing dwelling to be removed) - Revised application to EPF/2669/17.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=615913](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=615913)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2 Prior to commencement of the development, details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority for approval before the expiration of three years from the date of this permission, and the development shall be carried out in accordance with the details so approved.
- 3 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: Location Plan, 1470-02E, and 1470-03C.
- 4 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 5 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.



- 6 The carriageway of the proposed road shall be constructed prior to the commencement of the erection of any dwelling proposed to have access from such a road. The footways commensurate with the frontage of each dwelling shall be completed prior to occupation of the dwellings they are to serve.
- 7 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.
- 8 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.
- 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 Prior to any above ground works, 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.
- 11 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.
- 12 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 13 Prior to the first occupation of the development the access arrangements and visibility splays, as indicated on drawing no.1470-03C, shall be implemented and retained in perpetuity for their intended purpose.
- 14 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 15 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.
- 16 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.
- 17 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.
- 18 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

20 At the properties to occupy plots 2 or 3 on approved plan 1470-02E, 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, & 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 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 is formed from the curtilage of a house on the southern side of Manor Road, Chigwell. The site falls in level to the south. There are trees the subject of Tree Preservation Orders within the site. The application property is not listed and is not in a conservation area.

**Proposal**

Outline application with all matters reserved: Use of land for the erection of three detached dwellings (Existing dwelling to be removed) - Revised application to EPF/2669/17.

**Relevant Planning History**

EPF/1339/90 - Outline Application for five detached houses and construction of access road. – Refused (This proposal was for a different configuration of proposed housing with different boundaries and access off Bracken Drive)

EPF/2472/16 - Proposed two detached dwellings set to rear of existing property and accessed by new private drive – Refused

EPF/2669/17 - Outline application for demolition of existing house and garage and erection of proposed three detached dwellings with garages and associated works. (Revised application from EPF/2472/16) – Dismissed at Appeal

**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:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality

H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
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 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 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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

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

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 Main Modifications, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

<b>Policy</b>	<b>Weight afforded</b>
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
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM16 Sustainable Drainage Systems	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

### **Summary of Representations**

Number of neighbours Consulted: 34. 2 responses received

Site notice posted: No, not required

97 MANOR ROAD – Objection - will increase traffic problems, increased noise and pollution, overshadowing, loss of privacy, concern at implication for a protected oak tree.

10 THE SHRUBBERIES – Objection - invasion of our privacy, unwelcome precedent, last application was quite rightly rejected.

CHIGWELL PARISH COUNCIL – The Council Objects to this application because it considers the proposal a back-garden development which is thoroughly out of keeping with the area. Further, there is the potential for over-looking into neighbouring properties from the proposed dwellings. This revised proposal does not address the previous concerns; accordingly, the former objections remain pertinent.

## **Planning Considerations**

The main issues for consideration in this case are:

- a) The principle of residential development;
- b) Highway safety and parking provision;
- c) The impact on the character and appearance of the locality;
- d) The impact to the living conditions of neighbours;
- e) Residential amenity for future occupiers; and
- f) The impact on the Epping Forest Special Area of Conservation.

This application is identical to one dismissed at appeal. However, the Inspector only dismissed the appeal on the ground of an impact to the Epping Forest Special Area of Conservation; the SAC issue.

The other main issues are considered to be the principle of development, impact to neighbours, whether the development would provide sufficient residential amenity to future occupiers, landscaping and highway safety. These are considered below in the light of the Inspector's comments in the decision letter, APP/J1535/W/18/3194783.

### *Principle of development*

The proposed residential development would be within a residential area and would make more efficient use of urban land.

Grange Hill London Underground Station and nearby shopping parade are approximately half a mile away.

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. The Inspector commented, at paragraph 8, that he was satisfied that paragraph 11 of the Framework and its presumption in favour of sustainable development, is engaged.

The site has an area of 0.17 hectares. The three houses on the site would represent a density of 17.6 dwellings per hectare. This would be considerably less than the range of 30-50 dwellings per hectare referred to by policy H3A though more than neighbouring houses along this part of Manor Road. On balance the density of the proposal is considered to accord with policy CP7 (iv).

The proposal is back land development and as such the two houses to the rear were considered by officers to be out of character with the layout of the surrounding area. However, this was addressed by the Inspector at paragraphs 15 and 16 of the decision letter. The comment made was as follows:

*“The proposal would see the creation of two new dwellings in a backland location which would not be typical to the character and appearance of the area. Despite this, due to the size of neighbouring houses and gardens and the resultant size of the perimeter block, the appeal site cannot be distinguished from the public realm. Furthermore, given the presence of the surrounding trees in the locality, the site is a somewhat secluded and anonymous parcel of land.*

*As a result of this context, the addition of two new dwellings would not be perceptible from within the public realm. I am therefore satisfied that subject to a suitable design and layout at the reserved matters stage, the introduction of 2 dwellings within the existing garden would not harm the character and appearance of the area.”*

In the light of the Inspector's comments, it is considered that a reason for refusal based on back-land development would not be reasonable.

#### *Living conditions of neighbours*

The two houses to be at the rear of the site would be effectively surrounded on four sides by other dwellings.

The application is in outline form, with no details of room layout and window arrangement to the proposed houses. Although the site is well screened by trees and other vegetation, there is a slope down to land levels from north to south. It was previously by officers that the proposed houses would be likely to overlook the rear gardens of neighbouring dwellings, particularly that of 95 Manor Road, to an excessive degree. However, this concern was addressed at paragraph 21 of the Inspector's decision letter. The text of this paragraph is set out below:

*"The combination of the shape of the site and the site levels means that development could give rise to opportunities for overlooking, and in this regard the comments from the Chigwell Parish Council are noted. Nevertheless, the proposal seeks outline consent with all matters reserved and the layout submitted is purely indicative at this stage. The size of the appeal site and neighbouring gardens is such that development could achieve suitable window to window distances as well as protecting adjacent garden space. Furthermore, the ability to retain perimeter landscaping as well as the presence of neighbouring trees would help to reduce the sense of neighbouring properties from being overlooked."*

In the light of the Inspector's comments, it is considered that a reason for refusal based on overlooking would not be reasonable.

The new house on plot 1 would be set 1.2m from the side boundary with no. 91 and be isolated from the side boundary of no. 95 by the width of the proposed private drive. The position and depth of proposed built form on plot 1 is considered acceptable in terms of any loss of light or outlook to adjoining neighbours.

#### *Amenity space for future occupiers*

Parking and private amenity space provisions are considered acceptable. The private amenity areas would all have a south aspect.

#### *Trees and Landscaping*

The Trees and Landscaping team have been consulted on the application. Subject to a hard and soft landscaping scheme, no objection is raised.

It is considered reasonable and necessary to remove Permitted Development rights for extensions or outbuildings on the properties to occupy plots 2 and 3, the plots to the rear of the site. An extension or an outbuilding could have an adverse impact to a tree or trees the subject of a TPO. Furthermore, given the sensitivity of this back-land site, a sizeable extension or outbuilding could perhaps have an adverse impact to neighbours sharing the boundary of plots 2 or 3.

#### *Highways*

The proposal involves a new vehicular access with improved visibility splays. There is no highway safety concern.

## *Epping Forest Special Area of Conservation (SAC)*

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.

### Conclusion

Whilst the proposal was previously considered to represent back land development which would be detrimental to the character of the area and lead to an unacceptable degree of overlooking, in light of comments made by an Inspector appointed by the Secretary of State it is recommended that planning permission be granted subject to conditions and subject to completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors and air quality to the Epping Forest Special Area of Conservation including monitoring fees.

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

***Planning Application Case Officer: Muhammad Rahman***

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

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

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# Epping Forest District Council



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Application Number:	EPF/0975/19
Site Name:	11 Crossfields Loughton IG10 3PY
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0975/19
<b>SITE ADDRESS:</b>	11 Crossfields Loughton Essex IG10 3PY
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Alderton
<b>APPLICANT:</b>	Mr Oleg Kovalenko
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a single storey rear extension and erection of a new attached dwelling, following demolition of existing garage.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=622881](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=622881)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers: EX1.1, EX1.2, EX2.1, AP1.1, AP1.2, AP1.3, AP2.1, AP2.2, AP2.3, and AP2.4.
- 3 Prior to preliminary ground works taking place, details of surface water disposal for the proposed new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 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.
- 5 Prior to first occupation of the proposed new dwelling, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

- 6 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.
- 7 Prior to first occupation of the development hereby approved, 2 Electric Vehicle Charging Points - 1 for 11 Crossfields (Existing Building) and 1 for the proposed new dwelling shall be installed and retained thereafter for use by the occupants of the site.
- 8 Materials to be used for the external finishes of the proposed new dwelling shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 9 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.
- 10 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 & E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be constructed on the flank elevations, without the prior written agreement of the Local Planning Authority.
- 12 The existing outbuilding to be retained shall only be used for purposes incidental to the residential use of the main dwelling, and shall not be used for any primary residential accommodation.
- 13 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.
- 14 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.

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

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

## **Site and Surroundings**

The site comprises of a three-bedroomed semi-detached house, located within a built-up area of Loughton. It is not listed nor in a conservation area.

## **Proposal**

The proposal is for a single storey rear extension to the existing house, and the construction of a new two-bedroom dwelling and detached garage, following demolition of existing garage.

The existing house would retain one car parking space, and the proposed house would have two parking spaces.

The plot would be sub-divided to create two properties. The proposal involves demolishing an existing garage and building a house attached to part of the flank wall of no. 11 but with its front wall set back from the front elevation of no. 11.

The front elevation of the proposed house would be set back 5.4m from the front elevation of the existing house. The proposed house would have an "L" shaped footprint with a front elevation 4.9m wide and widening further back to a maximum width of 7m. The house would have a maximum depth of 8m. The proposed house would have a height to the eaves of 5.3m, matching that of the house at no. 11, and a maximum height to a roof ridge of 8.1m.

The existing house would have a single storey rear extension 3.9m deep by 6.5m wide, the full width of the plot that would be created for the existing house. The rear extension would have a sloping roof 3.2m in height to the eaves along the rearmost part of the extension, 4.1m in height where the extension roof would adjoin the existing rear elevation.

A recess would be created in the front elevation of the existing house to facilitate provision of a parking space for the host space. This arrangement would also involve a not insignificant engineering operation in the form of ground works to change a terrace in front of the house into a downward slope from highway edge to a point adjoin the front elevation of the house.

A large outbuilding would be set in the curtilage of the proposed house, at the northern rear corner of the site.

## **Relevant Planning History**

EPF/0821/06 - Erection of a part single and part 2 storey side and rear extension – Approved

EPF/0552/16 - Erection of two-bedroom house to the side of existing semi-detached house. Erection of detached garage. Existing house to be converted to two-bedroom house with single storey rear extension – Refused

EPF/0790/17 - Erection of dwelling house and detached garage, following demolition of existing garage. Existing house to be converted to two-bedroom house and single storey rear extension – Refused

EPF/0162/18 - Erection of new dwelling and detached garage, following demolition of existing garage – Dismissed on Appeal on SAC grounds only

## **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
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
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	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 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

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

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 Main Modifications, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

<b>Policy</b>	<b>Weight afforded</b>
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: 35. 5 responses received.  
Site notice posted: No, not required

9, 13, 23 CROSSFIELDS, 25 BUSHFIELDS, LRA PLANS GROUP – OBJECTIONS – Summarised as:

- Parking Stress;
- Highway Safety;
- Overdevelopment;
- Not in keeping with street scene;
- Loss of privacy; and
- Unbalanced/Cramped.

LOUGHTON TOWN COUNCIL - The Committee OBJECTED to this application, reiterating its comments to the previous application EPF/0162/18 for this site:

The Committee OBJECTED to this application on the grounds that it was garden grabbing. It was a too cramped overdevelopment of the site, which would have a detrimental effect on the neighbours. The vehicle access arrangements were inadequate for the proposal and would be detrimental to the street scene. This was contrary to Local Plan and Alterations policies CP2(ii) and (iv), CP7, DBE1, DBE6 and DBE11(i), which are consistent with the National Planning Policy Framework.

Members confirmed that they would not be willing to attend and speak against this application, having no further comments to make.

## **Planning Considerations**

The main issues for consideration in this case are:

- a) The previous dismissed appeal APP/J1535/W/18/3208248; and
- b) The Impact on the Epping Forest Special Area of Conservation (EFSAC).

The proposal is of the same scheme that was dismissed on appeal, on the 12<sup>th</sup> of March 2019.

The inspector found that in terms of highway safety and parking, the proposed scheme would not affect the safe operation of the highway network in the vicinity of the site, and that parking provision is adequate given that it is in a sustainable location.

Furthermore, the inspector concluded that with regards to the impact on the character and appearance of the area, the proposed new dwelling would appear subservient to the existing house and would therefore not harm the character and appearance of the area.

As such the only remaining issue was the impact on the Epping Forest Special Area of Conservation, of which the appeal was dismissed on, because the proposal could cause significant impacts on the integrity of the SAC in terms of recreation disturbance and air quality.

## **EFSAC**

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 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. In addition, the site lies within the parish of Loughton. 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 recreational pressures and atmospheric pollution.

### **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 and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. 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 and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect 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.

#### Conclusion

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 for mitigation measures towards the EFSAC including monitoring fees.

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

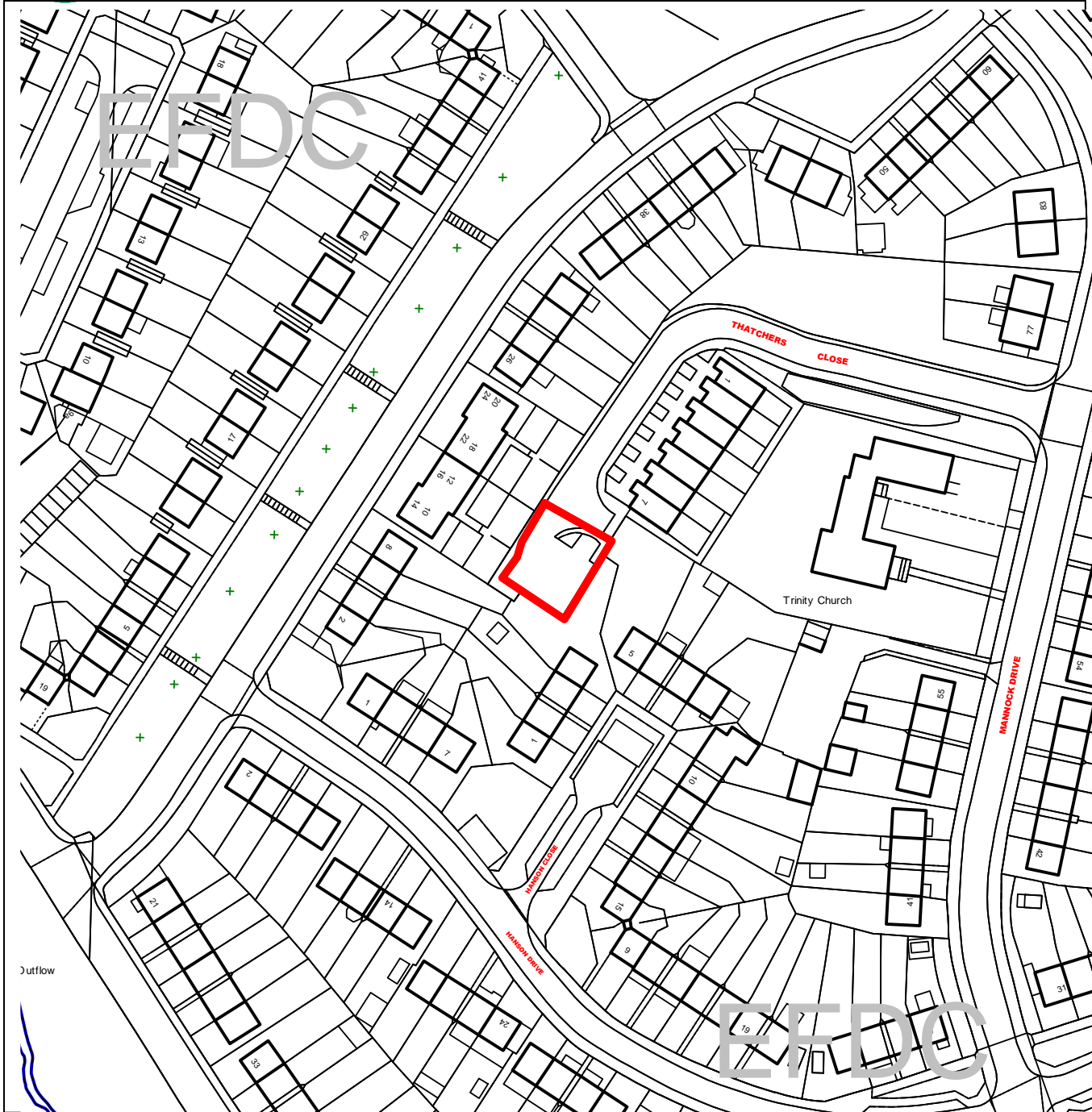
***Planning Application Case Officer: Muhammad Rahman  
Direct Line Telephone Number: 01992 564415***

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

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# Epping Forest District Council



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Application Number:	EPF/1880/19
Site Name:	Parking area at southern end of cul-de-sac Thatchers Close Loughton IG10 3SP
Scale of Plot:	1:1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/1880/19
<b>SITE ADDRESS:</b>	Parking area at southern end of cul-de-sac Thatchers Close Loughton Essex IG10 3SP
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Fairmead
<b>APPLICANT:</b>	Mr John Hayes
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of one 2 storey affordable home with 2 parking spaces.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=62687](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=62687)

**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: 612 | 063 | PL01, 612 | 063 | PL02, 612 | 063 | PL03 Rev A, 612 | 063 | PL04 Rev B, 612 | 063 | PL05 Rev B, 612 | 063 | PL06 Rev A and MWA TPP 001.
- 3 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.  
  
B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The

scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved 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 Prior to preliminary ground works taking place, details of the treatment or alteration to the boundary fences at the rear of numbers 10 to 16 Goldingham Avenue shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with such agreed details and so retained.
- 6 Tree protection shall be installed as shown on MWA Arboriculture Ltd drawing number MWA TPP 001 (dated 11th October 2019) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
- 7 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.
- 8 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.

- 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 Prior to first occupation of the building hereby permitted the window(s) in the east elevation(s) at first floor level, 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.
- 11 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.
- 12 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.
- 13 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 14 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.



- 15 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 16 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.
- 17 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.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be constructed on the elevation(s), 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 is an application for non-Major category development on the Council's own land or property that is for disposal, and 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 hard-surfaced parking area at the southern end of this cul-de-sac called Thatcher's Close. Adjoining the site is the rear and side gardens of two storey dwellings in Hanson Close and Goldingham Avenue. It is not listed nor within a conservation area. There are no protected trees on site.

**Proposal**

The proposal is for one 2 bed affordable home with 2 parking spaces and cycle storage.

This is a renewal of a previous approved consent EPF/2618/15 that was approved by members of the Area Plans South held on the 3<sup>rd</sup> of May 2016.

**Relevant Planning History**

EPF/2618/15 - Erection of one 2 storey affordable home with 2 parking spaces - Approved

## **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:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H5A	Provision for Affordable Housing
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 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

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

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
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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: 35. 2 response(s) received  
Site notice posted: Yes

7 THATCHERS CLOSE & 4 HANSON CLOSE – Objections – Summarised as:

- Parking stress;
- Overshadowing; and
- Loss of privacy.

LOUGHTON TOWN COUNCIL – Objection – Members commented on the poor quality of the drawings to view in respect of this application.

The Committee OBJECTED to this application reiterating its previous concerns for EPF/2618/15, which were:

Members were concerned the combined effect of the height of the proposed dwelling and raised level of the plot, owing to the slope of the land, would overlook and have a detrimental impact on neighbouring properties in Hanson Close and Goldingham Avenue, as well as overshadow these neighbouring gardens.

## **Planning Considerations**

The main issues for consideration in this case are:

- a) The previous approved consent EPF/2618/15;
- b) The impact on the Character and Appearance of the locality;
- c) Highway Safety and Parking Provision;
- d) Trees and Landscaping;
- e) Residential Amenity of Future Occupiers;
- f) The impact to the Living Conditions of Neighbours; and
- g) The impact on the Epping Forest Special Area of Conservation.

### *Principle of Development*

The application site is not allocated for development in the LPSV and was not assessed as part of the site selection process informing the preparation of the emerging Local Plan.

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In relation to policy SP2 (iii) from the LPSV, the site is located on one of a large number of similar sites across the district for the development of affordable homes on Council owned garage sites – though in this case the site is not given over to garages but it is a hard-surfaced area of land presumably initially intended for additional unallocated parking. However, it appears that it is rarely used for this purpose and redevelopment of this land is encouraged.

### *Character and Appearance*

The site measures some 15m in width by 17m in length. The house would only occupy a small section of the site and will measure 5.8m in width by 8.6m in length. The remainder of the site

would be given over to a garden, two car spaces, and hard surfaced area. Having regard to the modest size of this two-storey house the proposal is far from being an overdevelopment of the site.

In terms of its appearance, it is considered that proposed dwelling is of a simple design that would complement and enhance the appearance of the street scene and wider area. Accordingly, it would conform to Policies CP2, CP7 & DBE1 of the LP, Policy DM9 of the LPSV, and Paragraphs 126 & 130 of the Framework.

#### *Highway Safety and Parking Provision*

In terms of access and parking this development does not impinge upon the existing turning area at the end of this cul-de-sac. With regard to the potential loss of unallocated parking spaces, the site is little used for parking, and in any event, there is space within the Close for visitors to park.

In terms of the parking provision for the proposed dwelling, two spaces are proposed along with a cycle storage to promote sustainable transport choices, and a condition will be imposed for at least 1 EV charging point to ensure that the proposed development supports the transition to a low carbon future. Accordingly, it conforms to Policies ST1, ST2, and ST4 from the LP, and Policy T1 from the LPSV.

#### *Trees and Landscaping*

The Councils tree officer raises no objection to the proposed development, as it is considered that the proposed development provides an adequate landscaping scheme that enhances the setting of the proposed building. Also, relevant conditions would be imposed as part of the consent to ensure that the landscaping scheme is retained and maintained in perpetuity, and the existing trees and shrubs are retained and protected from any damage during the construction phase. Accordingly, it conforms to policies LL10 & LL11 of the LP, and Policies DM3 and DM5 of the LPSV.

#### *Residential Amenity of Future Occupiers*

The house would be of a good size and provides an acceptable level of internal and external amenity space. Accordingly, the development conforms to policy DBE8 of the LP, and policy DM9 and DM10 of the LPSV.

#### *Living Conditions of Neighbours*

Concerns have been raised about the impact of the proposed house on the outlook and privacy of neighbouring houses. However, the orientation of houses to the south and south east in Hanson Close mean that these neighbouring houses do not directly face the proposed house, and due to the approx. 15m distance between the proposed house and the rear areas of these houses, it would ensue that their outlook is not significantly affected.

Furthermore, the houses on Hanson Close and their gardens lie on a higher ground level than the application site. This relationship between the application site and the house on Hanson Close along with the separation distances referred to mitigates any potential overbearing impact. Since the house would be sited to the north of the nearest neighbour in Hanson Close, No. 4, any overshadowing would only impact on the northern arm of its garden in late evening during the summer. Such impact would not be excessively harmful.

In terms of the Goldingham Avenue properties it is acknowledged that they and their gardens are on a lower ground level than the application site and hence the height of the proposed house (at 4.8m to eaves and 7.2m to ridge) will be higher when viewed from the rear of these Goldingham Avenue maisonettes. However, the front face of the proposed house will be some 23m away from

the rear walls of the neighbouring properties, and this significant distance, together with the modest bulk of the proposed house, will mean that the development will not be unduly obtrusive to the existing residents outlook.

With regard to overlooking, the first-floor bedroom window is a triangular projecting window with the large side obscured - and the smaller clear glazed side will provide for a more angled view away from direct views into the rear areas of the Goldingham Avenue houses. Trees also exist close to the west boundary of the site. These will be retained and will provide some screening of the proposed new house. Taking the above factors into account the proposal will not cause a significant loss of privacy to the Goldingham Avenue houses.

Accordingly, the proposed is considered to have a limited impact to neighbouring properties and would safeguard their living conditions. Therefore, it conforms to policies CP7 & DBE9 of the LP, Policy DM9 of the LPSV, and Paragraph 130 (f) of the Framework.

### *Epping Forest SAC*

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 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. In addition, the site lies within the parish of Loughton. 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 recreational pressures and atmospheric pollution.

## **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 and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. 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 and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect 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.

Notwithstanding the above, as the Council is the applicant the contribution cannot be secured by a Unilateral Undertaking or S106 legal agreement, as the Council cannot sign such an agreement with itself. Other mechanisms are available, however, to ensure that the obligations are met.

### Conclusion

Whilst there will be a limited impact on neighbouring amenity, the accommodation proposed makes efficient use of the space available, as this site is a largely unused 'brownfield' site and the construction of an affordable home makes for a better use of it, and is in a sustainable urban

location which would result in socio-economic benefits derived from the construction and occupation of the home.

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

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

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

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





# Epping Forest District Council



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Application Number:	EPF/2056/19
Site Name:	142 Buckhurst Way Buckhurst Hill IG9 6HP
Scale of Plot:	1:1250

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/2056/19
<b>SITE ADDRESS:</b>	142 Buckhurst Way Buckhurst Hill Essex IG9 6HP
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill East
<b>APPLICANT:</b>	Mr Balwinder Chahal
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of bungalow and construction of a two storey building of four luxury flats with room in the roof.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=627575](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=627575)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 19\_7\_001A, 002A, 003A, 004A, 005A and 006
- 3 Prior to any above ground works, 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 No development shall take place above ground level until details of the proposed surface materials, boundary treatments and landscaping for the front garden area have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed works shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 5 Details and location of the parking spaces equipped with active and/or passive EVCP must be submitted prior to works commencing on site, including details which shall demonstrate that the development will deliver active EVCPs from 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:

- " Which parking bays will have active and/or passive charging provision, including disabled parking bays;
- " How charging point usage will be charged amongst users;
- " The process and the triggers for identifying when additional passive charging points will become activated; and
- " 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.

The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation.

- 6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 8 Prior to the commencement of development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. 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 Local Planning Authority 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 Local Planning Authority.

- 9 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.

- 10 The alterations to the vehicle crossover shown on the approved plans shall be fully completed prior to first occupation of the development hereby permitted.
- 11 Prior to first occupation of the building hereby permitted the windows in the north facing flank elevation (facing 140 Buckhurst Way) at first floor level and above shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of those windows shall be capable of being opened, and at ground floor those windows shall have been fitted with obscure glass with a minimum privacy level 3 obscurity with any part of those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall not be capable of being opened. Once installed the obscure glass shall be retained thereafter.

**An subject to the completion of a s106 legal agreement to secure contributions to mitigate impact on the Epping Forest Special Area of Conservation comprising £1056 (£352 per additional dwelling) in relation to recreational impact and £1005 (£335 per additional dwelling) in relation to air quality impact, plus 5% monitoring fee of £103.05.**

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

### **Site and Surroundings**

The application site lies on the east side of Buckhurst Way, opposite its junction with Walnut Way. The property comprises a double fronted bungalow with an integral garage at the side accessed from the front. The overall site is around 512 sq.m. and narrows from front to rear.

The surrounding properties are predominantly two storey houses in residential use. A pedestrian footpath runs along the southern site boundary linking Buckhurst Way with Chestnut Avenue behind, extending on to open land further east, the site has no direct access onto this path however. The site lies close to a bend and on ground rising from south to north at this point.

### **Proposal**

The application follows a number of previous applications for the redevelopment of the site and now proposes the demolition of the existing building and replacement with a new building comprising four x 2 bed flats. The units are laid out with two units on the ground floor either side of the entrance and two units on the upper levels, each with a bedroom space in the roof and remaining accommodation on the first floor.

The building has a half hipped pitched roof and is cut away at the first floor rear such that the first floor window in the north unit is in the form of a dormer. Access to the rear garden is through the centre of the building and a cycle store is shown at the rear.

The frontage is levelled up to provide parking for four vehicles, split by a central pedestrian route to the entrance and bins stores on either side of the frontage. Side access is retained on the north side of the plot.

## **Relevant Planning History**

- EPF/2688/13 Demolition of existing and construction of three storey building comprising 5 x 2 bed flats - refused.
- EPF/0049/15 Demolition of existing and construction of a two and a half storey building comprising 4 x 1 bed and 1 x 2 bed flats refused and an appeal dismissed.
- EPF/3122/15 Extension to form new first floor and conversion into two semi detached houses – approved
- EPF/0716/16 Revision to above, proposing increased footprint by widening on southern side - approved.
- EPF/1652/16 Extension to form new first floor and conversion into two semi-detached houses (enlarged proposal) - approved
- EPF/2825/16 Extension to form new first floor and conversion into two semi-detached houses (amended scheme) - approved
- EPF/0879/17 Demolition of bungalow and construction of block of six flats with rooms in roof and basement car park - refused
- EPF/2064/17 Demolition of bungalow and construction of two-storey block of four flats with rooms in roof and integral carport – refused. An appeal against this decision was allowed, the Inspector considered the scale of the building appropriate in the location close to Roding Valley Station, and in the context of other buildings in the vicinity. The Inspector also considered the development would not adversely affect living conditions of neighbours, particularly at 140 Buckhurst Way.
- EPF/0608/18 Application for variation of condition 2 'plan numbers' on planning application EPF/2825/16 comprising alterations to frontage to provide an additional vehicle crossing – approved
- EPF/1453/18 Extension to form new first floor and conversion into two, four bedroom, semi-detached houses – approved
- EPF/2891/18 Demolition of a bungalow and construction of a two-storey block of x five flats with rooms in the roof – refused. Appeal dismissed.

## **Development Plan Context**

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

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

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

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP7	Urban form and quality
NC1	SPA's, SAC's and SSSI's
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE8	Private amenity space
DBE9	Loss of Amenity
ST4	Road safety
ST6	Vehicle parking

*National Planning Policy Framework (NPPF) (February 2019)*

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

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

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

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

- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169

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

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

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

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

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

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

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Significant
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

### **Summary of Representations**

Number of neighbours consulted: Six. Three responses received, from 101 and 105 CHESTNUT AVENUE and 1 WALNUT WAY

Site notice posted: No, not required

NIEGHBOURS have raised the following issues:

- Parking and traffic concerns – overspill parking in particular arising from four flats, and concerns at the location of the site access in relation to the road bend nearby.
- Scale and mass issues – concerns at the height and design of the building, particularly in relation to the neighbouring properties to the north
- Overlooking – residents at the rear are concerned at potential overlooking from the upper level windows.
- Loss of bungalow from this cluster – residents reflect on the group of bungalows in this location, comprising the application site and two properties on Chestnut Avenue.

TOWN/PARISH COUNCIL – Buckhurst Hill Parish Council have objected stating this to be an overdevelopment of the site and insufficient parking.

### **Main Issues and Considerations**

In assessing the application, the site history is particularly relevant in establishing principle of additional built development on the site. Planning permission has been granted for both extensions to the building and redevelopment to create both two x two bedroom houses and the appeal scheme for four x two bed flats. While most of these permissions are no longer capable of being implemented due largely to delays arising from the Epping Forest SAC, they establish a key principle in respect of the quantum of development.

The current proposal is similar in scale and mass to the building the Inspector found to be acceptable in allowing the four flats appeal in terms of the ridge height and the general depth and scale of the building. The overall scale of the roof is increased by the alteration from a standard

hipped end roof to a half hip, and the height of the rear element is increased up to ridge level. The roof at this scale and form was approved as part of EPF/1453/18 for a new build pair of houses.

The building will be cut back adjacent to 144 Buckhurst Way (the neighbour on the north side) to a dormer in the roof slope at first floor consistent with all recent variations of the scheme as this element has previously been seen as the only area of concern in terms of overshadowing.

The general form and proportions of the front elevation has changed little, a central entrance at ground floor with projecting gabled bays at first floor, essentially following the scale and proportions of typical semi-detached pairs in the vicinity. The most significant change is that a garage shown on the appeal scheme is removed from the front of the building allowing for a simpler internal layout to the dwellings. This results in the four parking spaces now being provided on the frontage, although this is the same number of spaces as the previous approval (which showed two spaces on the front and two in the garage, albeit with an open forecourt in front).

In such circumstances, many of the concerns raised in the objections have been previously considered and not been deemed sufficient to support a refusal – the level of development proposed, building scale and form, parking provision and the loss of the bungalow. Officers would advise that there appear to be no significant change in local conditions or character that would suggest a different conclusion could be drawn on this occasion. The development is appropriate in scale and form for the location and does not cause substantive harm to surrounding occupiers.

#### **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 on EFSAC impact:**

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**

In broad terms, the redevelopment of this site has been accepted through previous decisions. The changes in the current proposals are minor in character from the most recent approved schemes and do not result in a significant increase in development or activity.

The scheme has been against the relevant criteria under the Habitat Regulations and subject to a suitable legal agreement and appropriate conditions, potential impact on the EFSAC can be adequately mitigated.

Thus, the application should be approved.

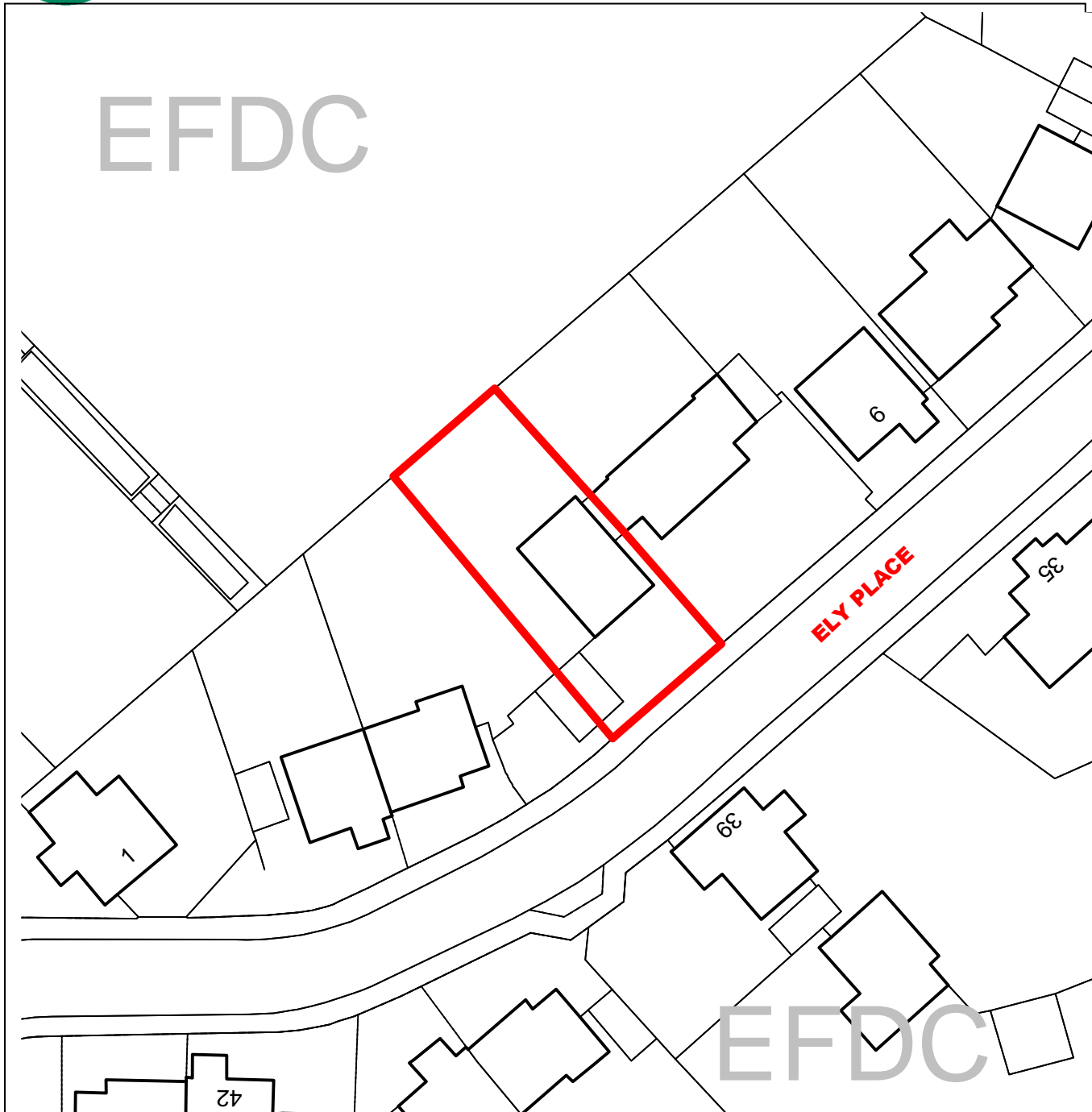
***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the Monday preceding the meeting at the latest:***

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

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



# Epping Forest District Council



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Application Number:	EPF/1972/21
Site Name:	4 Ely Place Chigwell IG8 8AG
Scale of Plot:	1:500

**Report Item No: 13**

<b>APPLICATION No:</b>	EPF/1972/21
<b>SITE ADDRESS:</b>	4 Ely Place Chigwell IG8 8AG
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Dr Mohhmad Islam
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window. (Revised application to EPF/1386/21).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=655074](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655074)

**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:  
  
Location and Site Plan  
Drawing No. 1 Rev A - Proposed Floor Plans and Sections  
Drawing No. 2 - Existing Floor Plans and Existing and Proposed Side and Rear Elevations  
Drawing No. 3 Rev A - Existing and Proposed Front Elevations  
Arboricultural Impact Assessment, July 2021  
Letter from Arboricultural Solutions, 5th October 2021.
- 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 specified on the approved plans, or those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to first occupation of the extension hereby permitted the windows in the flank elevations at first floor level (facing No. 3 and 5 Ely Place), 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.
- 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 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

*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:**

Ely Place is a relatively long cul de sac that provides access to the residential dwellings in this built up part of Chigwell Parish. No. 4 Ely Place is a two storey detached house located on the northern side of the cul de sac.

There is an Oak tree protected by a Tree Preservation Order (TPO) to the front of the building and another TPO protected Oak in the rear garden of the immediate neighbour No. 3.

There is a detached double garage building in front of the existing house, one of which belongs to the subject property No. 4.

The site is not within a conservation area.

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

The original description of development was:

*Proposed first floor side extension, repositioning of front entrance door, downlighting to front elevation and first floor landing window. (Revised application to EPF/1386/21)*

The description of development was changed on 15/10/21 with the agreement of the applicant's agent to more accurately describe the proposed development to the following:

***Proposed first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window. (Revised application to EPF/1386/21).***

The application proposes the following elements:

First floor side extension measuring approximately 4m wide and 7m deep (above footprint of existing single storey side extension).

Front porch measuring approximately 2.5m wide and 1m deep

Front canopy over porch and across front elevation measuring approximately 6m wide and 1m deep.

A new first floor window is proposed in the flank elevation facing No. 5. This would serve the landing / staircase.

A new ground floor dining room window to the front elevation.

### **Relevant Planning History:**

#### **No. 4 Ely Place:**

EPF/1386/21 - Proposed first floor side extension, repositioning of front entrance door, downlighting to front elevation and first floor landing window.  
Withdrawn 23/06/2021.

#### **No. 5 Ely Place (neighbouring property):**

EPF/1589/17 - Front ground floor extension  
Refused 31/07/2017

Reason for refusal:

*“The proposed development, by reason of its siting in close proximity to a preserved tree of significant public amenity value, would be likely to give rise to conditions that would result in the loss of the tree and consequently cause significant harm to the visual amenity of the locality, contrary to the provisions of Policy LL10 of the adopted Local Plan 1998 and Alterations 2006 and Guidance in the NPPF.”*

Allowed at appeal 19/07/2017:

*“4. In the front garden of the appeal property there is a Hornbeam tree, which is the subject of a Tree Preservation Order (TPO). Whilst the tree is not as high as other nearby trees, and therefore is not seen throughout much of the cul-de-sac, it nevertheless makes an important contribution to the leafy character of the area.*

*5. The Council raise no concern that the proposed works would directly affect the protected tree. Whilst they acknowledge that there would be an impact on the calculated root area of the tree, this would only be very minimal and within acceptable tolerances. Their concern is that the protected tree would impact upon the side/roof of the extension, which would adversely affect the living conditions of the occupants of the dwelling and that this would lead to pressure to lop the tree or even remove it. The crown of the tree has been the subject of regular maintenance, with applications for tree works being submitted to the Council approximately every four years, and the Council are concerned that the proposed extension would increase the regularity of the maintenance works.*

*6. The extension would bring the ground floor forward building line of the dwelling closer to the tree. I note that the eastern most window would serve a living room, which is already served by a similar sized window, although the proposal would involve the subdivision of the existing living room into two rooms, the smaller portion being served by the proposed window. The other window would serve the hall, which currently is only served by the light received through the side light of the front door. Whilst I appreciate that the tree would reduce the level of light entering the living room, given the size of the tree, the height of its crown and its south easterly orientation, I do not consider that the loss of light would be so significant that it would result in any greater need to*

*maintain the tree that is already experienced or require the removal of the tree. In any event the Council would retain control over any future proposal for works to the protected tree.*

*7. I find therefore that the proposal would not significantly harm the character or appearance of the area. As such, it would comply with saved Policy LL10 of the Epping Forest District Adopted Local Plan and Alterations 2006, which seeks to protect trees. It was also accord with the design objectives of the National Planning Policy Framework.”*

**Policies Applied:**

*Epping Forest Local Plan and Alterations 1998/2006*

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

*National Planning Policy Framework (NPPF) (July 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:
- c)
  - 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)*

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

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

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

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 issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

DM9 – High Quality Design  
DM10 – Housing Design and Quality.

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

Chigwell Parish Council: Objection:

“The Council OBJECTS to this application because the proposed development would be detrimental to the host building and result in over-looking into the adjacent property, thereby adversely affecting the amenity space of the neighbour.”

4 neighbours consulted: 2 responses received comprising 1 objection and 1 neutral comment.

3 Ely Place (Objection):

- Concerns regarding overdevelopment, overbearing visual impact, loss of daylight and sunlight to garden / overshadowing, impact on TPO Oak Tree, subsidence arising from proposed extension.

5 Ely Place (Comment):

- Concerns regarding proposed downward landing light casting light onto rear garden or ground floor toilet window.

### **Issues and Considerations:**

The main issues to consider relate to Character and Appearance, Residential Amenity and Impact on Protected Trees.

#### **Character and Appearance**

The proposed first floor side extension and front porch/canopy are considered to be suitable proportionate additions which are in keeping with the design of the existing house.



The proposed extensions do not represent overdevelopment, particularly in the context of recently approved extensions to nearby properties.

It is considered that the proposal would not have a harmful impact on the design, character or appearance of the site or surrounding area and is therefore acceptable in this respect.

### Residential Amenity

No 3:

The proposed first floor side extension would be added above the existing footprint of the ground floor side extension as such it would have a limited impact on the visual and residential amenity of the occupiers of the immediate neighbouring property No. 3.

Furthermore, there is a good separation distance between the proposed extension and the flank elevation of No. 3 with screening provided by the TPO protected Oak Tree in No. 3's garden.

Due to the position of No 3's rear garden to the south of the proposed extension it is not considered that any harmful loss of light or overshadowing will arise.

A first floor window is proposed to the flank wall facing No. 3. This will serve a bathroom and will be conditioned to be obscure glazed. The proposed window replaces the existing bathroom window that will be covered by the proposed first floor side extension.

No. 5:

A new first floor window is proposed in the flank elevation facing No. 5. This would serve the landing / staircase and will be conditioned to be obscure glazed.

It is not considered that light from the landing/ staircase emerging from the proposed flank window would have a harmful impact on No 5's living conditions.

The proposed porch/canopy extension would not have a harmful impact on No. 5.

The proposed extensions are considered to be acceptable in terms of impact on visual and residential amenity of both immediate neighbours and any other nearby residential properties.

### Trees and Landscaping

Following initial concerns raised by the Tree and Landscape Officer, a letter from Arboricultural Solutions was received of 5<sup>th</sup> October.

Whilst concerns of the Tree Officer are noted, the appeal decision relating to the neighbouring property No. 5 is a material consideration in this case and it is not considered that a reason for refusal based on future pressure to lop the protected Oak Trees could be sustained at appeal.

The proposal is considered to be acceptable in terms of impact on Trees and Landscape, subject to the conditions recommended by the Tree Officer.

### Response to objections

The concerns raised by the Parish Council and the immediate neighbours No. 3 and No. 5 have been addressed in the above report.

**Conclusion:**

The proposed development is considered to comply with relevant Local Plan policies and the guidance set out in the NPPF and the application is therefore recommended for approval 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: Kie Farrell Telephone Number: 01992 564248.**

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