

# Committee Agenda



## Epping Forest District Council

### ***Area Planning Sub-Committee South Wednesday, 27th April, 2022***

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, 27th April, 2022  
at 7.00 pm.**

**Georgina Blakemore  
Chief Executive**

**Democratic Services  
Officer:**

V Messenger, 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, Caroline 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 lower 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 sit in the upper council chamber public gallery area 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. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage <https://eppingforestdc-self.achieveservice.com/service/Member Contact> to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council's website, at the bottom under 'Contact Us'

<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**5. MINUTES (Pages 9 - 14)**

To confirm the minutes of the last meeting of the Sub-Committee held on 30 March 2022.

**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/0463/20 LAND EAST OF 19 ORCHARD WAY, CHIGWELL IG7 6EE (Pages 15 - 30)**

To consider the attached report for the erection of a three storey building to provide 2 x 2 bedroom semi-detached houses with associated car parking, amenity space and landscaping (Revision of EPF/ 0868/19).

**10. PLANNING APPLICATION - EPF/1586/21 HIGHGROVE CLOSE, FORMERLY LAND TO THE REAR OF 33-37 HILLYFIELDS, LOUGHTON IG10 2PT (Pages 31 - 42)**

To consider the attached report for the construction of a 4 bedroom two storey dwelling with associated parking and landscaping.

**11. PLANNING APPLICATION - EPF/2374/21 20 GOLDINGS RISE, LOUGHTON IG10 2QP (Pages 43 - 48)**

To consider the attached report for the proposed remodelling of existing facade using existing levels and roof remodelling to adapt proposed hip to gable style roof extension.

**12. PLANNING APPLICATION - EPF/2619/21 ALBANY STUD FARM, EPPING NEW ROAD, BUCKHURST HILL IG9 5UA (Pages 49 - 60)**

To consider the attached report for a replacement dwelling and associated works, including security hut and access road.

**13. PLANNING APPLICATION - EPF/0138/22 88 PRINCES ROAD, BUCKHURST HILL IG9 5DZ (Pages 61 - 66)**

To consider the attached report for a proposed rear dormer extension and main roof alterations.

**14. PLANNING APPLICATION - EPF/0163/22 31 SCOTLAND ROAD, BUCKHURST HILL IG9 5NP (Pages 67 - 72)**

To consider the attached report for a proposed front porch, replacement of existing single storey rear roof (from pitched to flat).

**15. EXCLUSION OF PUBLIC AND PRESS**

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

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

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

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

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

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

## 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 South      **Date:** 30 March 2022

**Place:** Council Chamber - Civic Offices      **Time:** 7.00 - 8.45 pm

**Members Present:** K Williamson (Chairman), K Rizvi (Vice-Chairman), R Baldwin, P Bhanot, R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, S Neville, C Nweke, A Patel, Caroline Pond, C C Pond, D Sunger and D Wixley

**Other Councillors:**

**Apologies:** J Share-Bernia, R Brookes, S Heap, L Mead, S Murray, M Owen, S Rackham and C Roberts

**Officers Present:** G Courtney (Planning Applications and Appeals Manager (Development Management)), J Leither (Democratic Services Officer), A Buckley (Higher Level Apprentice (Internal Communications)) and S Mitchell (PR Website Editor)

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### 107. 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.

### 108. APPOINTMENT OF VICE CHAIRMAN

In the absence of the Chairman Councillor J Share-Bernia, Councillor K Williamson assumed the role as Chairman and proposed that Councillor K Rizvi be appointed Vice Chairman for the duration of the meeting, which was seconded by Councillor D Sunger.

#### **AGREED:**

That Councillor K Rizvi be appointed Vice Chairman for the duration of the meeting.

### 109. MINUTES

#### **RESOLVED:**

That the minutes of the Sub-Committee held on 02 March 2022 be taken as read and signed by the Chairman as a correct record subject to minute item 100, Site Visits, whereby Councillor Chris Pond asked for a site visit on item 11 of the agenda EPF/1586/21 Formerly Land to the Rear of 33-37 Hillyfields, Loughton IG10 2PT and not EPF/1586/21 – Rear of 75, 75A-C, 77 Queens Road, Buckhurst Hill IG9 5BW.

**110. DECLARATIONS OF INTEREST**

- a) Pursuant to the Council's Code of Member Conduct, Councillors S Neville and K Williamson declared a non-pecuniary interest in the following item of the agenda by virtue of the objector being known to them and they both declared that they had not discussed the application with anyone. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2298/21 – Garages to the rear of 2-12 Station Way, Buckhurst Hill IG9 6LN

**111. ANY OTHER BUSINESS**

Councillor Chris Pond wished to raise a matter of urgency, due to the endemic IT difficulties the District Council had during this week, which he understood now to be resolved he had been notified of residents who had objected to planning applications which were in the pipeline and were worried that their objections would not have been received. Therefore I would like to ask the Principal Planning Officer whether or not he would confirm that the deadlines for commenting on planning applications had been extended to cover that outage.

Graham Courtney, Principal Planning Officer advised that the deadlines for commenting would be extended and that he would speak to the Business Support team to have something put on the Councils' website to that effect.

**112. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)**

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

[http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

**113. SITE VISITS**

Councillor B Jennings proposed a site visit for item 11 on the agenda, EPF/2374/21 – 20 Goldings Rise, Loughton IG10 2QP, which was seconded by Councillor C C Pond.

**AGREED:**

That the Sub-Committee agreed in favour of a site visit.

**114. PLANNING APPLICATION - EPF/1586/21 HIGHGROVE CLOSE, FORMERLY LAND TO THE REAR OF 33-37 HILLYFIELDS, LOUGHTON IG10 2PT**

<b>APPLICATION No:</b>	EPF/1586/21
<b>SITE ADDRESS:</b>	Highgrove Close Formerly land to the rear of 33-37 Hillyfields Loughton IG10 2PT
<b>PARISH:</b>	Loughton

<b>WARD:</b>	Loughton Fairmead  Loughton St Johns
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of a 4 bedroom two storey dwelling with associated parking and landscaping.
<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=653453](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=653453)

### DEFERRED

To enable planning officers to discuss amending the roof design and to secure a street scene plan.

### 115. PLANNING APPLICATION - EPF/2298/21 GARAGES TO THE REAR OF 2-12 STATION WAY, STATION WAY, BUCKHURST HILL IG9 6LN

<b>APPLICATION No:</b>	EPF/2298/21
<b>SITE ADDRESS:</b>	Garages to the rear of 2-12 Station Way Station Way Buckhurst Hill IG9 6LN
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill East
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed development of 4 two storey terraced houses - Proposed 4 new car parking spaces - Proposed landscaped access way
<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=656635](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656635)

### REASONS

- 1 The proposed development would be a cramped and inappropriate development out of character with the built form of the surrounding area, contrary to policy CP2, DBE1 and DBE5 of the adopted Local Plan and Alterations, policy DM 9 of the Submitted Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.
- 2 The proposed development would provide inadequate private amenity space for future residents, contrary to policy DBE8 of the adopted Local Plan and Alterations, policy DM 9 and DM 10 of the Submitted Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.

- 3 The proposal, due to the overall bulk and scale, roof design, and detailing, would be an incongruous development out of character with the character and appearance of the area, contrary to policy DBE1 of the adopted Local Plan and Alterations, policy CP2 and DM 9 and DM 10 of the Submitted Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.
- 4 The proposal would provide inadequate off-street parking provision that may lead to additional vehicle displacement onto the public highway, contrary to policy ST6 of the adopted Local Plan and Alterations, policy T 1 of the Submitted Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.
- 5 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

**Potential way forward: Fewer properties and/or single storey dwellings.**

**116. PLANNING APPLICATION - EPF/2374/21 20 GOLDINGS RISE, LOUGHTON IG10 2QP**

<b>APPLICATION No:</b>	EPF/2374/21
<b>SITE ADDRESS:</b>	20 Goldings Rise Loughton IG10 2QP
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed remodelling of existing facade using existing levels and roof remodelling to adapt proposed hip to gable style roof extension
<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=656955](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656955)

**DEFERRED**

For site visit

**117. PLANNING APPLICATION - EPF/2607/21 WAYBACK, 179 LAMBOURNE ROAD, CHIGWELL IG7 6JU**

<b>APPLICATION No:</b>	EPF/2607/21
<b>SITE ADDRESS:</b>	Wayback

	179 Lambourne Road Chigwell IG7 6JU
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and erection of replacement dwelling and ancillary garden outbuilding.
<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=658134](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=658134)

### REASONS

- 1 The proposed new dwelling would appear as an alien and incongruous building in relation to its surroundings and the wider setting of the adjacent Grade II listed building, contrary to policies CP2 and DBE1 of the adopted Local Plan and Alterations, policies DM 9 and DM 10 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.
- 2 The proposed dwelling, due to its scale in relation to its plot size, would result in an cramped and overdeveloped site, contrary to policies CP2 and DBE1 of the adopted Local Plan and Alterations, policies DM 9 and DM 10 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.
- 3 The proposal, due to a lack of soft landscaping, fails to lay out its grounds sympathetic to the surrounding area in which it is situated, which is detrimental to the overall character and appearance of the area, contrary to policies CP2, DBE1 and LL11 of the adopted Local Plan and Alterations, policies DM 3, DM 9 and DM 10 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.

**Potential way forward: Reduce the scale of the development and amend the design to respect the surrounding area.**

**118. PLANNING APPLICATION - EPF/3283/21 MINDRUM, NURSERY ROAD, LOUGHTON IG10 4EA**

<b>APPLICATION No:</b>	EPF/3283/21
<b>SITE ADDRESS:</b>	Mindrum Nursery Road Loughton IG10 4EA
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest

<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing conservatory, replace with single storey rear extension with minor actions to dormer windows.
<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=661277](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=661277)

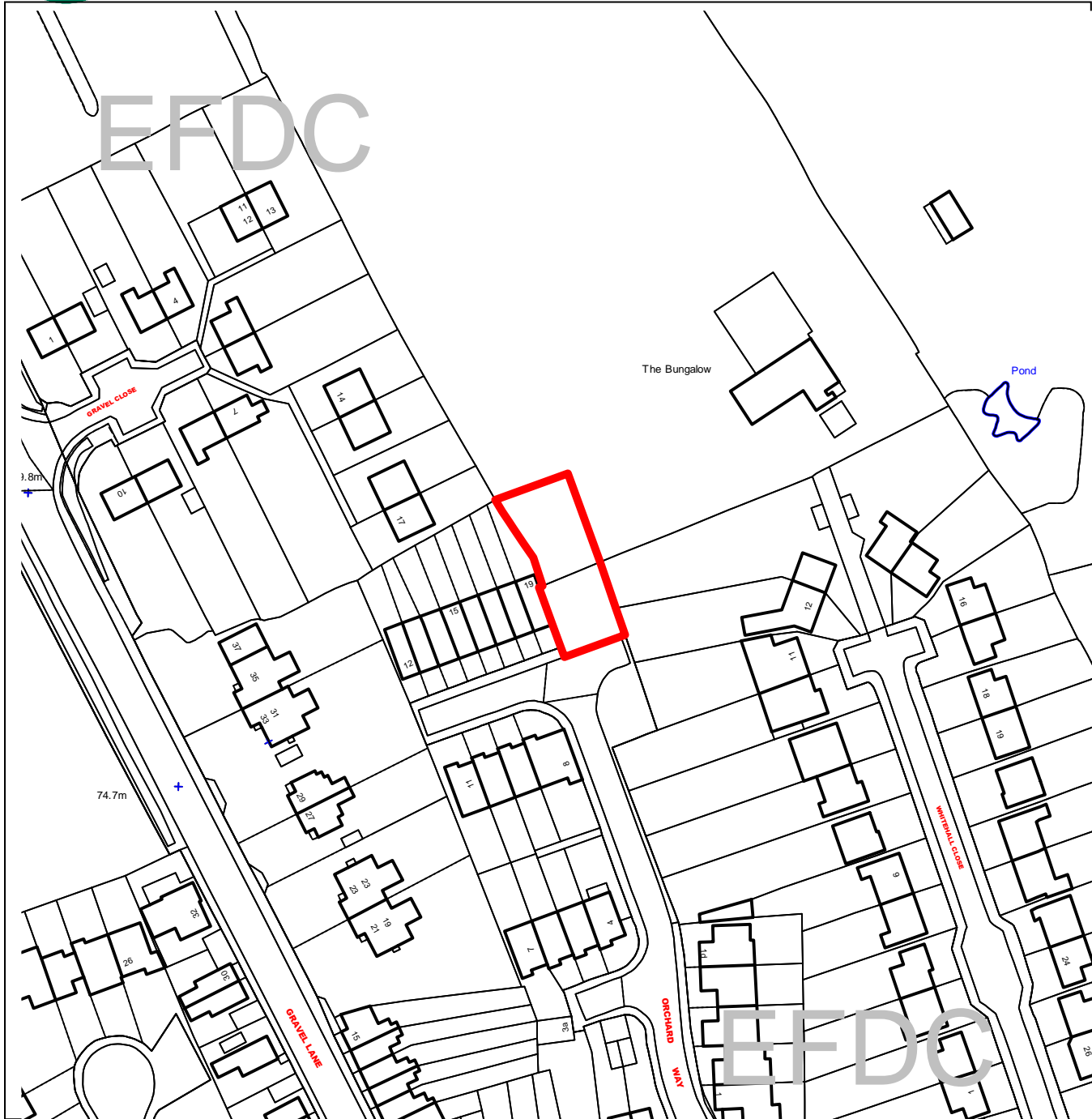
### CONDITIONS

- 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: 389-EX-01; 389-EX-02; 389-EX-03; 389-PL-01; 389-PL-02; 389-PL-03; 389- PL-04; 389-PL-05;
- 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.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 5 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.
- 6 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. 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.
- 7 Tree protection shall be installed as shown on Moore Partners Ltd "Tree Constraints and Protection Plan' drawing number 'MP/MIN/01 Rev A' (dated 3rd December 2021) 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.

**CHAIRMAN**



# Epping Forest District Council



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Application Number:	EPF/0463/20
Site Name:	Land East of, 19 Orchard Way Chigwell IG7 6EE
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0463/20
<b>SITE ADDRESS:</b>	Land East of 19 Orchard Way Chigwell IG7 6EE
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Row
<b>APPLICANT:</b>	Mrs P and Mr J Healy
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a three storey building to provide 2 x 2 bedroom semi-detached houses with associated car parking, Amenity space and landscaping (Revision of EPF/ 0868/19).
<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=634159](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=634159)

**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: 2761.2; 2761.3; 2761.4; 2761.5; 3938/1; 3938/2; 3938/3; Flood Risk Assessment (Ref 3563-ORCH-ICS-XX-RP-C07.001, June 2019
- 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 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 first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 6 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.



- 7 The garage hereby approved shall only be used for the accommodation of motor vehicles and storage incidental to the use of a dwellinghouse as a residence and shall not be used as living accommodation or for the carrying on of any industrial or commercial activity.
- 8 Prior to first occupation of the development, a scheme for the monitoring and management of the ecological assets on the site, where present, as outlined in the ecological Reports submitted, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 9 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-E of Part 1, to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 10 Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan' drawing number TCTC-17574-PL-03 (dated February 2020) 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.
- 11 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 12 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.
- 13 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). 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.

- 14 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.
- 15 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 16 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 17 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

***And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to air quality.***

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

### **Description of Site:**

The application site is located to the northeast of Orchard Way, a residential cul-de-sac built in the 1960/1970s off Lambourne Road. The site is a relatively rectangular shaped plot of land sited adjacent to a row of 3-storey town houses to the west, in modest sized plots and to the east of the site is the rear gardens of residential dwellings fronting onto Whitehall Close.

The site is not Listed and not within a Conservation area. The northern aspect of the site lies within the Metropolitan Green Belt.

### **Description of Proposal:**

This application is a resubmission following a previous refusal ref: EPF/0868/19.

Planning permission is sought for the development of the site involving the erection of 2, 2 bed, 3-storey semi-detached dwellings with first floor recessed balconies, associated car parking, amenity space and landscaping including native species, hedge and tree planting .

The amendments from the previous application are:

- The rear main building line of the development has been set back, reduced by 2.5m and is outside of the Green Belt.
- The number of units has been reduced from 3 to 2 and the height of the development reduced to 9.5m with an eave's height of 8m.
- The previous Ecology report prepared by Tim Moya Associates (March 2019) has been submitted along with an updated Ecology Report prepared by Gemma Holmes BSc (Hons) ACIEEM, March 2022.

Plot 1 - rear amenity area - 135m<sup>2</sup>: Plot 2 - 120m<sup>2</sup>  
1 garage and car space per dwellinghouse

The refuse storage area is sited to the front of the houses and the bike storage is located inside on the ground floor.

Materials: Post and rail fencing reinforced by native species hedge planting to garden boundaries. Yellow multi brick and white render and Grey concrete tiles to match adjoining property.

### **Relevant History:**

EPF/0868/19 - Erection of a three- storey building to provide one 3-bedroom house and two 1-bedroom flats with associated car parking and amenity. Refused 07/08/19

*The proposal, by reason of its scale and extent, would represent inappropriate development in the green belt by way of its impact on openness for which no case of very special circumstances has been advanced to outweigh the identified harm. The proposal is therefore contrary to policy GB2A of the Local Plan (1998/2006), policy DM4 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework (2019).*

*The proposal fails to demonstrate, by way of evidence, that the development would not have an impact on the ecology of the site including impact on any existing trees. The proposal is therefore contrary to policies LL7 and NC4 of the Local Plan (1998/2006), policies DM 1 and DM 5 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework (2019)*

## **DEVELOPMENT PLAN CONTEXT**

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

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

CP1: Achieving Sustainable Development Objectives  
CP2: Protecting the Quality of the Rural and Built Environment  
CP3: New Development  
CP6 Achieving sustainable urban development patterns  
CP7 Urban Form and Quality  
RP4 Contaminated Land  
RP5a Environment Impacts  
DBE1 Design of New Building  
DBE2: Effect on neighbouring properties  
DBE8: Private amenity space  
DBE9: Neighbouring residential amenity  
GB2A Development in the Green Belt  
GB7A Conspicuous Development  
LL11 Landscaping schemes  
ST1: Location of development  
ST2: Accessibility of Development  
ST4: Road safety  
ST6: Parking provision  
H2A: Previously developed land  
H4A: Dwelling Mix  
H3A Housing Density  
NC1 SPA's, SAC's and SSS1's  
NC4 Protection of Established Habitat

### **NPPF, 2021**

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

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

Paragraph 126 - 132, 137-150, 179

#### 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.

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:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue	Significant
H1 - Housing mix and accommodation types	Significant
H3A Housing Density	Significant
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 On site management of wastewater and water supply	Significant
DMM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 - Local environmental impacts, pollution and land Contamination	Significant
DM2 - Air Quality	Significant
T1 - Sustainable transport choices	Significant

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

CHIGWELL PARISH COUNCIL - NO OBJECTION

34 adjoining neighbours were notified, and 6 objections have been received that raise the following concerns:

- Noise and disruption to the residents in Orchard Way
- Existing parking issues and 2 additional houses will add to the problem
- Loss of privacy, overshadowing and concern regarding safety and security
- This renewed application appears to have moved the proposed properties closer to the road because of the Green Belt constraints thus causing them to be squashed in and so out of character with adjoining properties.
- The back gardens clearly impinge on to Green Belt land against the rules. Suggested landscaping indicated is merely a cover up job. Ruin the carefully preserved rural character of Orchard Way
- Further development in this already developed road is unacceptable. The additional houses will restrict the view of the fields behind the plot, increased traffic congestion
- This land does not need to be developed, it needs to remain available for the view and enable the road to have a sense of space.
- For the owners of the piece of land, it is simply a way to make money at the environmental expense of our lovely village. Chigwell Row is a beautiful picturesque parish and it's spacious and openness is what makes it so special. This application would clearly be overdevelopment of the area.

- The original planning provision for Orchard Way was on the basis that the rural aspect was to be preserved and cramming new plots with limited parking into the Orchard Way.

An additional 14-day consultation was undertaken on the 8<sup>th</sup> March 2022 and a further 6 objections have been received that raise the following concerns:

- Contrary to preserving the rural character of Orchard Way, placing an unreasonable burden on the already narrow access road and is in breach of the Green Belt.
- Loss of the landscape character of the area and natural environment.
- Pollution, failure to protect ecological features as well as protected species within and near the site impacted by the proposed development.
- Orchard Way is only a narrow lane. The proposal does not allow sufficient parking provisions.
- Loss of sunlight
- Destroying the present natural green environment which gives Orchard Way its visual break from the continuous run of houses This was not how OW was planned.
- The removal of the lamp post is unnecessary and has provided ample lighting for OW for many years.
- Squeezing in dwellings with people living on top of each other
- lot of noise and disruption and frequency of traffic in a quiet cul de sac .
- The original planning permission for Orchard Way contains a proviso that its rural character is preserved.
- This piece of land is green belt, and the fundamental aim of the green belt policy is to prevent urban sprawl and keeping land permanently open – granting permission to build on this area would completely go against that. overdevelopment of the area.
- The original planning provision for Orchard Way was on the basis that the rural aspect was to be preserved,

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

- The principle of residential
- Impact on the Metropolitan Green Belt
- Ecology
- Design, Character and Appearance
- Impact on the amenity of surrounding residents; Form of Accommodation;
- Parking and highway safety
- Trees and Landscaping
- Drainage and Contamination
- Epping Forest Special Area of Conservation

### **Principle of Residential Development**

There is no objection to the provision of residential use within this urban, residential location which accords with the presumption in favour of sustainable development and did not form one of the reasons for refusal on the previous application.

The intensification of this site would accord with the Government NPPF and should be afforded significant weight to maximise the use of urban sustainable locations to meet an identified housing need.

The site is located within a predominantly residential area where accessibility is adequate and the wider infrastructure includes local services, facilities and public transport links, some of which are available within walking distance of the site. The principle of further development within existing

sustainable settlements outside of the Green Belt is generally considered to be appropriate, subject to all other parameters.

### Impact on the Green Belt

The National Planning Policy Framework (2021) indicates that the Government attaches great importance to Green Belt. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm. This is broadly restated in policy GB2A of the Local Plan.

The southern aspect of the site is located within a built-up residential area and is accepted as being previously developed land. The previous application proposed a development where the rear building line aligned with the existing row of terrace dwellings, but which projected into the Green Belt and formed the first reason for refusal due to its detrimental impact on the Green Belt. There were no special circumstances to outweigh the harm.

This application has sought to address the reason for refusal by reducing the depth of the rear main building line, so the building lies outside of the Green Belt.

The rear garden area to the proposed dwellings remain inside the Green Belt. The width and depth of the gardens have been kept to a modest size and reflect the scale and form of the gardens to dwellings along the row of terraces. The applicant confirms that the rear garden boundaries are to remain open which would be defined by insubstantial post and rail fences reinforced by native species hedge planting.

In addition, permitted development rights for the dwellings would be removed to prevent any inappropriate development that would cause harm to the openness of the Green Belt. Weight should also be attributed to the fact that no objection was raised to the gardens of the development being sited in the Green Belt and the previous reasons for refusal did not reference any objection to the proposed gardens of the development.

In spatial and in visual terms the development would not result in any additional harmful impact on the openness of the Green Belt and is in accordance with policies CP1, CP2, GB2A and GB7A of the adopted Local Plan and Alterations (2008); Policy DM4 of the Submission Version Local Plan (2017) and Green Belt objectives set out in the NPPF.

### Design, Character and Appearance

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

The surrounding area is characterised by urban built form and is within a sustainable location. The proposed development has been amended following a reduction in the footprint of the building resulting in the reconfiguring of the internal layout with no changes to the external design. The development is of a scale, height and depth that does not project forward or beyond the adjoining properties sited to the west of the site and where no objection was raised to the design or appearance of the development in the previous application.



In terms of its design and form the development is considered to maintain the established visual character and pattern of development in Orchard Way and the wider area and complies satisfactorily with policies CP2, DBE1, DBE3 and DBE10 of the adopted Local Plan and policies of the Local Plan (1998) and Alterations (2006) and policy, DM9 and DM10 of the Local Plan Submission Version, 2017 and does not conflict with the design objectives of the National Planning Policy Framework., 2021 that seeks to ensure, amongst other things, that new development is of a high quality design that respects its setting and the character and environment of the locality.

### Ecology

The second reason for refusal on the previous application is that:

*'The proposal fails to demonstrate, by way of evidence, that the development would not have an impact on the ecology of the site including impact on any existing trees. The proposal is therefore contrary to policies LL7 and NC4 of the Local Plan (1998/2006), policies DM 1 and DM 5 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework (2019).*

Although an ecology report was submitted with the previous application there was uncertainty at the Committee as to whether one was submitted and for that reason it formed the second reason for refusal.

The applicant has resubmitted the Ecology report prepared by Tim Moya Associates (March 2019) along with an updated ecology report, March 2022. The reports main findings is that the site is located 410m north-east of Hainault Forest SSSI and contains suitable habitat for protected species including nestling birds, community bats and some limited reptiles. The report recommends a number of ecological measures to be undertaken to enhance the sites biodiversity which will form a condition to ensure implementation in accordance with policy NC4 of the adopted Local Plan 1998-2006.

### Impact on Neighbours Amenity

The NPPF encourages Local Planning Authorities to:

*'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*

The proposed development would have a similar alignment to match that of No.19 Orchard Way and the other existing dwellings to the west along the row of terraces, however would have a reduced building height. Windows to the dwellings are sited to the front with the majority located to the rear flank elevation. The east flank of the development is to be built up to the rear garden boundary to No. 13 Whitehall Close and, given the orientation of the properties and their generous width and depths it is not considered that the development would result in any overbearing or intrusive impact.

The siting and separation distance of neighbouring properties would prevent any demonstrable harm to their living conditions in terms of loss of light, outlook or privacy and amenity did not form a reason for refusal on the previous application.

The amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

### Form of Accommodation

The dwellings meet current internal space standards as set out in the Essex Design Guidelines and National Technical Standards. The form of accommodation is acceptable with each room having sufficient daylight, outlook and ventilation and a satisfactory form of living space for future occupiers.

The proposed dwellings provides amenity area which is functional and usable in terms of its width, depth, shape and orientation to meet the needs of future occupants and which would not suffer from any direct overlooking or loss of privacy and accords with the requirements of DBE8 of the Local Plan and DM10 of the Submission Version Plan. The quality of the proposed accommodation is therefore considered acceptable.

### Comments on Representations Received.

A number of objections have been received regarding the proposed development that relates to the inappropriateness of more development in the cul de sac, the design, and character of the development that is not reflective of Orchard Way and its siting and that the proposal is over development resulting in and an overbearing, intrusive impact, overlooking and a loss of privacy to neighbouring properties and the loss of open space.

This application has addressed the previous application reasons for refusal. There is no objection to the provision of residential use within this urban, location and accords with the presumption in favour of sustainable development and the intensification of this site would accord with this presumption and should be afforded significant weight. The development has been designed to ensure that it is appropriate in its context supported by the NPPF and would not prejudice the amenity of the occupiers of adjoining properties.

The site provides a quality, sustainable residential development that brings forward the growing need for additional housing. The concerns expressed by neighbouring residents regarding overdevelopment of the site and that must be balanced against the appropriateness of the design that respects the overall scale, height and relationship of the building to its plot boundaries and to the surrounding built form.

### Parking and Highway

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject the attachment of informative. The measures are to ensure that the proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

### Trees and Landscape

The Tree officer raises no objection subject to conditions that seek the provision of a hard and soft landscaping scheme and also that the tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan' drawing number TCTC-17574-PL-03 (dated February 2020) 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 t in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

## Land Drainage

No objection in principle. The applicant has provided a flood risk assessment with the application and the findings are agreed subject to the development being carried out in accordance with the flood risk assessment (Ref 3563-ORCH-ICS-XX-RP-C07.001, June 2019). Further details are required to be submitted to the Local Planning Authority of the disposal of foul sewage, surface water and drainage prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

## Contamination

The site has no acknowledged potentially contaminated land. A Phase 1 report has been submitted which was reviewed by consultants on the Council's behalf and feedback was given under the EPF/1629/19 application on 21<sup>st</sup> May 2019. The feedback below dictates what is required:

- It is recommended that a Phase II protocol with a sampling plan is submitted prior to the site investigation to prevent the need for additional site visits.
- A phase II site investigation is recommended as PPLs have been identified that may impact human health, groundwater, buildings and services. TPHs and naphthalene have been identified in made ground, landfill gases, and potential impacts to groundwater also. A phase II site investigation is required to be undertaken.
- Site investigations are to be in accordance with best practice as outlined in BS10175:2011. Gas monitoring is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015, Claire RB17 and CIRIA C665.

It is recommended that land contamination conditions are secured to ensure the risks from land contamination to the future users of the land in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

## Epping Forest Special Area of Conservation:

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. In this case, the site lies outside of the 3KM and consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC in this respect.

#### 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:**

The proposed development has satisfactorily addressed the previous reasons for refusal and is considered appropriate in terms of its character and appearance, maintaining the established spatial local context and pattern of development in Orchard Way. The proposed development is an efficient sustainable use of brownfield land whilst preserving the permanence and openness of the Green Belt located to the north of the site.

The proposal provides additional housing which is a benefit that should be afforded significant weight in the planning balance, particularly in light of the acute housing shortage within the District.

The application is supported by the policies as set out in the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the National Planning Policy Framework. In light of the above considerations it is recommended that planning permission is approved subject to conditions and a Section 106 legal agreement to secure appropriate financial contributions for measures to mitigate potential impacts on air quality and for the management and monitoring of visitors to the Epping Forest Area of Conservation.

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

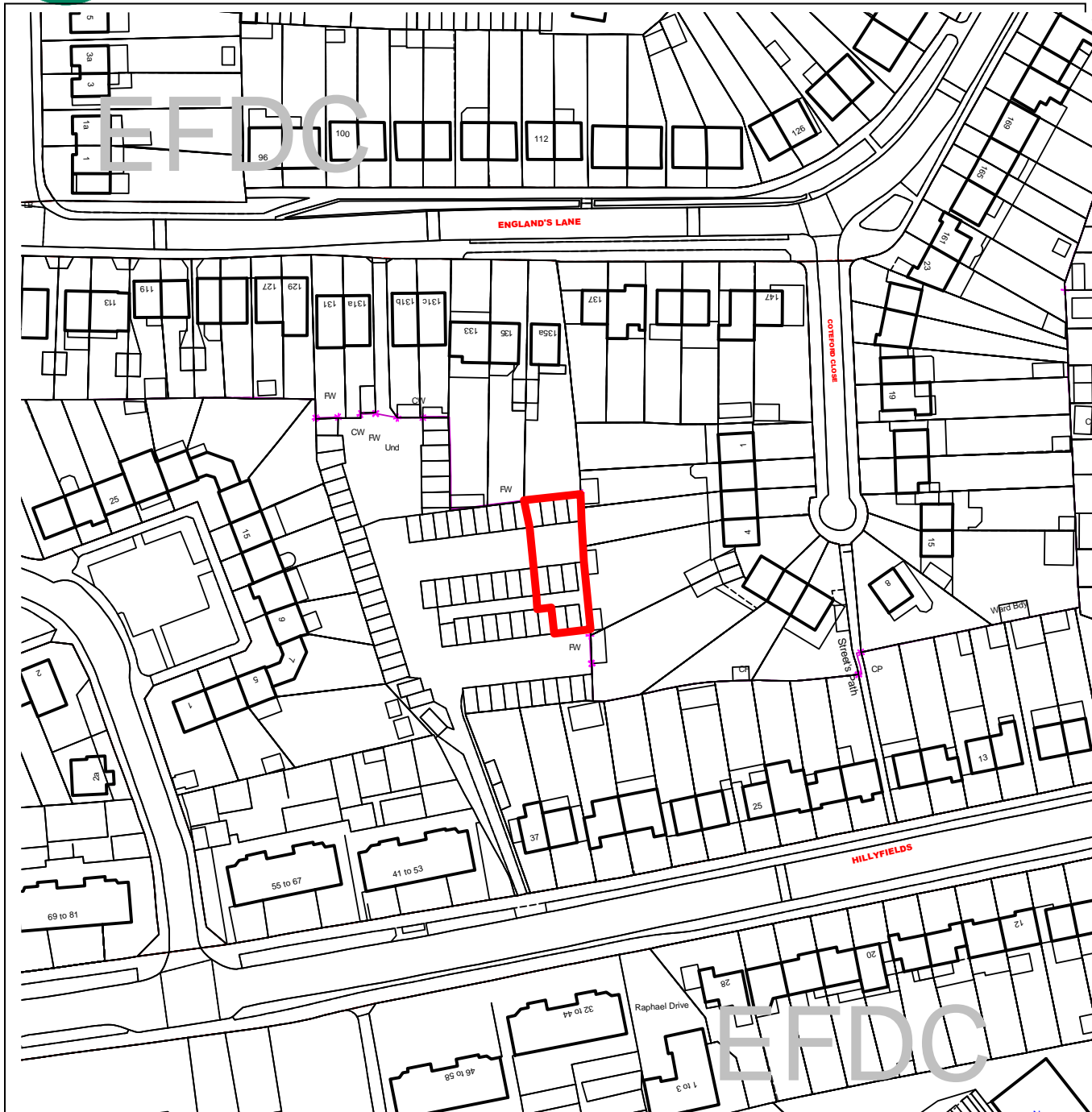
***Planning Application Case Officer: Caroline Brown  
Direct Line Telephone Number: 01992 564182***

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

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# Epping Forest District Council



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Application Number:	EPF/1586/21
Site Name:	Highgrove Close Formerly land to the rear of 33-37 Hillyfields, Loughton IG10 2PT
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1586/21
<b>SITE ADDRESS:</b>	Highgrove Close Formerly land to the rear of 33-37 Hillyfields Loughton IG10 2PT
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Fairmead  Loughton St Johns
<b>APPLICANT:</b>	Mr S Tappenden
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of a 4 bedroom two storey dwelling with associated parking and landscaping.
<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=653453](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=653453)

**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: site location plan, site layout plan and building plans and elevation drawing
- 3 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Sharon Hosegood Associates drawing number SHA.1103.TPP dated 23rd November 2019.
- 4 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.

- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 Prior to 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.
- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing

features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 8 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 9 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing buildings in Highgrove Close.
- 10 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.
- 11 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 12 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 parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 14 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 Class A-E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 15 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 east facing flank elevations, without the prior written agreement of the Local Planning Authority.

**And subject to the completion of a s106 legal agreement to secure contributions to mitigate impact on the Epping Forest Special Area of Conservation comprising £352 in relation to recreational impact £335 in relation to air quality impact, plus 5% monitoring fee of £34.35.**

*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)).*

**Additional comments:**

The application was previously put forward to Area Planning Sub-Committee South on 02 March 2022 and was deferred for a Site Visit, which took place on 26 March 2022. This application was further deferred on 30 March for the applicant to consider amending the roof, and for an additional street elevation to be provided. The applicant has agreed to the amendment suggested by Members to put a full hipped roof on the building. The street elevation indicates a lower ridge height to the proposed dwelling in relation to the adjacent terrace, reflecting the shallower depth of the building in comparison to the adjacent terrace.

**Description of Site:**

The application site comprises around 0.21 hectares within what is now known as Highgrove Close, to the north of Hillyfields. Redevelopment of the site as a terrace of seven houses is complete and the development is occupied.

The site is primarily surrounded by residential properties and there is a separate block of garages immediately to the north accessed from England's Lane constructed with a significantly higher finished ground level; there is no link between the two areas. Otherwise surrounding properties are a mix of two storey houses and three storey flats, particularly on Hillyfields.

The site entrance lies close to a bus stop. Land at the site and in the surrounding area rises from south to north such that a change of existing built levels is clearly visible.

**Description of Proposal:**

The application is a resubmission of a scheme for an additional dwelling on land to the east of the built units, comprising of a two storey, double fronted L-shaped 4 bed house with rear garden. Main openings are to the front and rear, a ground floor side door facing east is included to dual aspect rear kitchen. The building includes a hipped roof on the east side, abutting Coteford Close.

Three additional parking spaces are indicated at the eastern end of parking court in front of the dwelling increasing parking overall to 17. No other alterations to external layout are proposed

**Relevant History:**

EPF/0513/16 Proposed demolition of existing garages and erection of 8 no. dwellings (6 x three beds and 2 x two beds), with associated access and parking – Refused due to impact of a detached dwelling on the east site boundary having a disproportionate impact on neighbouring occupiers

EPF/2913/16 Revised application as above, proposing seven dwellings (5 x three bed and 2 x two bed) - Approved subject to conditions and implemented

- EPF/3512/17 Revised scheme for 9 units (7 no. three bed houses and 2 no. two bed houses) and associated parking refused – appeal dismissed on overshadowing within development.
- EPF/2205/19 Variation of plan numbers approval for revised built form to the terrace, introducing a stepped roof line – approved
- EPF/2561/19 Proposed 4 bedroom two storey dwelling – refused, appeal dismissed on impact on EFSAC (see Main Issues below)

**Policies Applied:**

*Adopted Local Plan:*

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

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

- CP1 Achieving sustainable development objectives
- CP2 Quality of rural and built environment
- CP6 Achieving sustainable Durban development patterns
- CP7 Urban form and quality
- RP5A Adverse environmental impacts
- H2A Previously developed land
- DBE1 Design of new buildings
- DBE2 Effect on neighbouring properties
- DBE3 Design in urban areas
- DBE5 Design and layout of new development
- DBE8 Private amenity space
- DBE9 Loss of amenity
- LL11 Landscaping schemes
- ST2 Accessible development
- ST4 Road safety
- ST5 Travel plans
- ST6 Vehicle parking

*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:

- 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:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 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
- 15 Conserving and enhancing the natural environment – 174, 175, 179 - 182, 183, 185, 186

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

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

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

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

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 policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

<b>No.</b>	<b>POLICY</b>
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

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

Date of site visit: 06 December 2021

Number of neighbours consulted: 14

Site notice posted: No, not required

Responses received: Responses have been received from 3 neighbours. Residents at 3 and 4 COTEFORD CLOSE object on a range of issues covering:

- over intensive development
- direct amenity impacts – overbearing appearance, sense of enclosure, loss of light to gardens and overlooking
- impact on willow tree in rear garden of no.3
- impact on existing wildlife and protected species

Resident at 4 COTEFORD CLOSE has commented that boundary fences should not be less than 1.8m high (as has been installed) and the additional parking should be constructed to prevent slippage into adjoining gardens.

The LOUGHTON RESIDENTS ASSOCIATION Plans Group have also objected on grounds that the development would adversely affect the EFSAC in terms of recreational pressure and air quality impact from additional vehicle movements.

Parish Council: Loughton Town Council OBJECTED to the application, commenting as under:

The Committee OBJECTED to this application stating it was an overdevelopment of the site which would be overbearing on the amenity of residents in neighbouring properties on both Coteford Close and Highgrove Close.

Members requested that the soft landscaping on the site of this proposal, which was conditioned in the approved application EPF/2193/16 should be enforced.

The Committee drew the attention of the Tree and Landscaping Officer to the Arboricultural Report submitted for this application which it believed was incorrect and that the proposed development would negatively impact the willow tree in the garden of the neighbour at 3 Coteford Close.

Furthermore, the additional property was contrary to the SAC and would result in more car pollution and a subsequent impact on the air quality to the SAC. This proposal would also result in more pressure for the overstressed recreational services and subsequent damage to the SAC.

The current proposed solution to bring in a Clean Air Zone (CAZ) in 2025 is not guaranteed to happen and has not yet been approved by the Planning Inspector. In any event the proposal does not stop additional cars associated with new dwellings from polluting the SAC before the CAZ is brought into operation

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

As set out above, the application amounts to a resubmission of the scheme refused under EPF/2561/19, which was dismissed at appeal. There have been no substantial changes in local conditions since then that would specifically affect the consideration of the application. In broad policy terms, there have been limited changes to the NPPF and the LPSV has reached a more advanced stage giving greater weight. Thus, the previous reason for refusal and the Inspectors decision must form the starting point of this assessment.

The previous application was refused for the following reason:

*The proposed dwelling, by reason of the scale and siting adjacent to the rear garden boundaries of properties in Coteford Close, and the loss of soft landscaping as a result of the increased provision of parking spaces, would appear excessively overbearing and dominant when seen from those gardens, causing an unacceptable degree of harm to the living conditions of adjoining residents. Accordingly, the proposal is contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version (2017), and with the National Planning Policy Framework.*

At the appeal, the Council introduced additional grounds relating to the impact of the development on the EFSAC.

The Inspector considered the three key issues to be the impact of development on the integrity of the EFSAC, the effect on the living conditions of adjoining residents, and whether the increase in parking provision would increase reliance on journeys by private motor vehicle.

Impact on EFSAC – The Inspector accepted the submissions in this regard concluding that with no mitigation measures in place, the proposal would adversely affect the EFSAC.

Living conditions of neighbours – The Inspector recognised the change in levels between the site and properties in Coteford Close but considered the building not excessive in scale, had no first floor windows in the east elevation and was set well away from the buildings which had lengthy gardens. The Inspector concluded *‘I have not therefore identified any significant harm to the living conditions of adjoining residents’* and that the loss of landscaping to provide additional parking spaces would not conflict with policies as the site was *‘tucked away to the rear of Hillyfields and not widely publicly visible..’* The application has been amended from the appeal scheme in that the gable end abutting properties in Coteford Close has been replaced by a hipped end, designed to reduce further the scale adjacent to this boundary.

Vehicle parking – The Inspector found that overall parking levels would be consistent with Essex Parking Standards and would not be an over provision and did not therefore conflict with relevant policies

The Inspector concludes:

*While I have not identified any significant harm in relation to the living conditions of adjoining residents and car parking provision, the proposal would be likely to adversely affect the integrity of the Epping Forest Special Area of Conservation. I am required to afford significant weight to this matter. The appeal should therefore be dismissed.*

Consultation responses raise similar issues, in particular around the matters relating to the relationship with neighbouring properties. A number of comments relate to potential impact on the willow tree in the adjoining garden, but this was not previously considered a reason to refuse the application. Notwithstanding the Parish Council comments in this regard, the detailed Arboricultural Assessment accompanying the application states that only around 5.5% of the root protection area is impacted by the proposal and that this area was previously occupied by a garage. This is not disputed by the Tree Officer subject to a suitable tree protection condition being included.

This leaves only the issue of the impact on the EFSAC. The site lies within the core area and the developers have accepted that a contribution towards mitigation measures for recreational impacts is appropriate. The application is accompanied by a site specific Habitat Regulations Assessment which acknowledges that the development will have a minor impact on air quality and that mitigation measures are appropriate. On this basis, officers have undertaken an Appropriate Assessment as under:

#### **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 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.

## **Conclusions:**

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

A draft unilateral undertaking relating to air pollution mitigation, recreational mitigation and 55 monitoring fee has been submitted and is currently under review.

**Conclusion:**

The appeal decision is the key consideration in the determination of this application. The Inspector, having regard to all material considerations (including the LPSV considered the development of itself to be acceptable, this is essentially the same proposal.

The applicants have confirmed their willingness to enter a suitable legal agreement to address contributions towards mitigating impacts on the EFSAC in terms of recreational pressure and air quality and those contributions are fully in line with current requirements.

Thus, officers recommend that the application be approved subject to appropriate conditions and a suitably worded legal agreement.

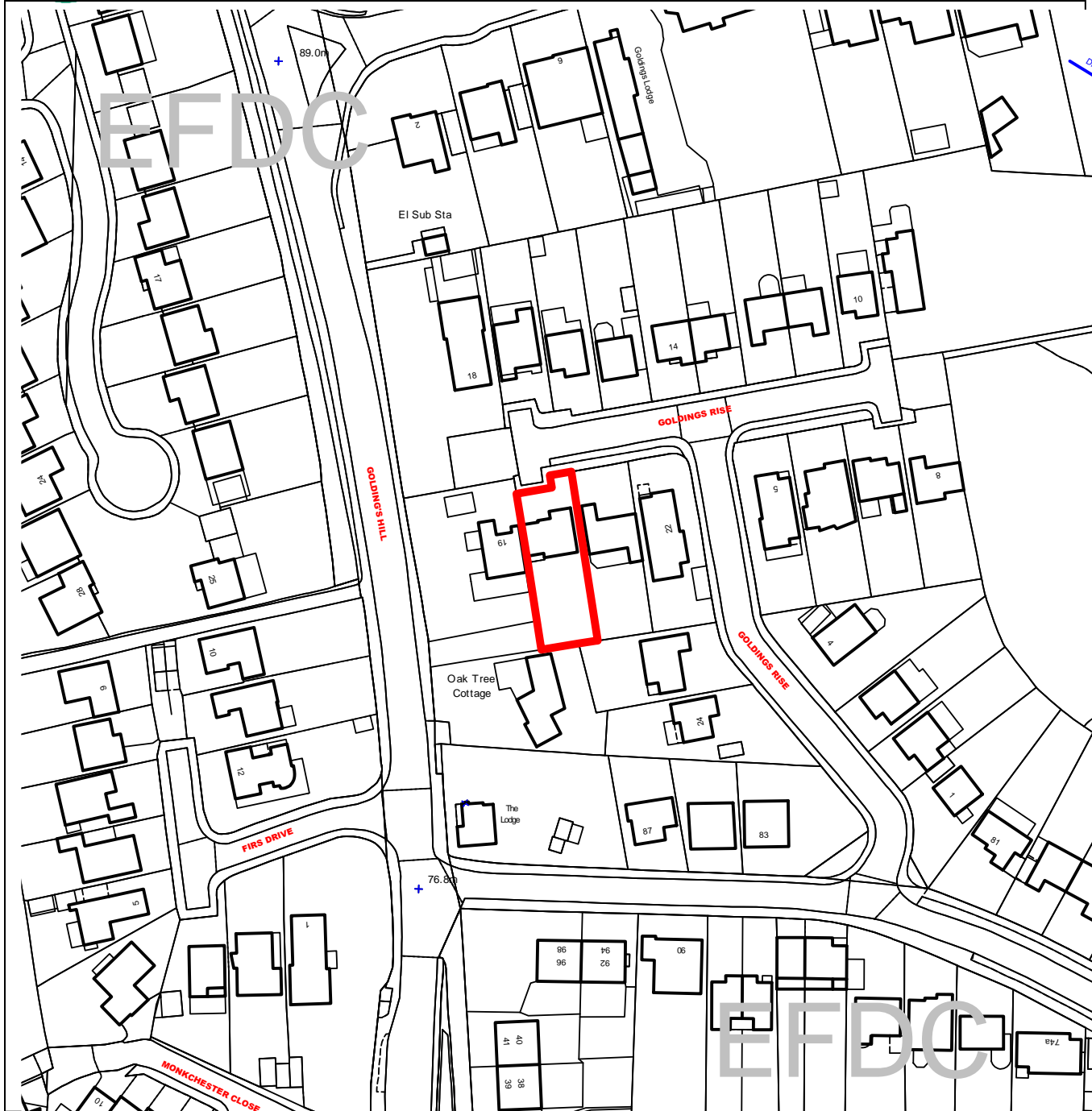
***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day preceding the meeting at the latest:***

***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/2374/21
Site Name:	20 Goldings Rise Loughton IG10 2QP
Scale of Plot:	1:1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/2374/21
<b>SITE ADDRESS:</b>	20 Goldings Rise Loughton IG10 2QP
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	Mr Gokcek
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed remodelling of existing facade using existing levels and roof remodelling to adapt proposed hip to gable style roof extension
<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=656955](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656955)

**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 Plan BD-191101 A; Location Plan BD-191102 A; Existing Floor Plans BD-191101 A; Proposed Floor Plans BD-191102 A; Existing Roof Plan BD-191103 A; Proposed Roof Plan BD-191104 B; Existing Front Elevation BD-191105 A; BD-191106 A; Existing Front Elevation BD-191109 A; Proposed Front Elevation BD-191107 B; BD-191108 B; Existing Rear Elevation BD-191109 A; Proposed Rear Elevation BD-191110 B; Existing Side Elevation BD-191111 A; Proposed Side Elevation BD-191112 B; Existing Section BD-191113 A; Proposed Section BD-191114 A
- 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 Prior to first occupation of the extension hereby permitted the windows in the flank elevations 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 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 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

***This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).***

**Additional comments:**

The application was previously put forward to Area Planning Sub-Committee South on 30 March 2022 and was deferred for a Site Visit, which took place on 12 April 2022.

**Description of Site:**

20 Goldings Rise is a two-storey detached property, with an attached single garage. It has a driveway and garden to the front and a long garden to the rear, which slopes steeply away from the main dwelling. Goldings Rise is a T-shaped cul-de-sac which runs uphill from Goldings Road below; 20 Goldings Rise lies near the top of the hill. Properties on Goldings Rise are of varied character and appearance. For example, numbers 18, 17, 16 and 15, which lie opposite number 20, are all visibly different to each other in architectural style and finish. Number 21, the next-door property, has a large dormer window at roof level to the rear. 20 Goldings Rise is situated in a built-up part of Loughton, it is not a listed building and it does not lie in a conservation area.

**Description of Proposal:**

The proposal is for the remodelling of the existing facade using existing levels, and roof remodelling to include a hip-to-gable style roof extension. The roof extension would also include a rear dormer. The proposed primary elevation will feature a new front entrance as well as new fenestration and render. The façade will be articulated with a central element built in brick and topped with a small forward-facing gable end.

**Relevant Planning History:**

No relevant planning history.

It is noted that the applicant applied for pre-application advice for this proposal (EF\2021\ENQ\00354). This pre-application submission was broadly supported and overall, it is considered that the applicants have followed the advice that they received from officers.

**Development Plan Context:**

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

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

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

CP2	Protecting the Quality of The Rural and Built Environment
CP7	Urban Form and Quality
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions
LL7	Planting, Protection and Care of Trees
LL10	Adequacy for the Provision of Landscape Retention

*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, 134

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

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

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

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

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

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

<b>Policy</b>	<b>Weight afforded</b>
SP1 Presumption in Favour of Sustainable Development	Significant
DM1 Habitat Protection and Improving Biodiversity	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

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

Seven neighbours were consulted, and a further reconsultation was carried out following the submission of amended plans.

Oak Tree Cottage, Goldings Hill, have objected based on concerns about loss of privacy and overlooking from the proposed rear dormer windows.

Loughton Town Council originally objected to this application, *'on the grounds that the rear roof extension was too bulky, making it appear too large and clumsy'*. They state that, *'it needs to be subservient to the main building and read as a proper dormer. As such it should be reduced in size. The poor example at No 21 should not be used to justify another one in this location. Members expressed concern that this overbearing proposal would have on the neighbours; and with the site being so close to the forest, for the negative impact the extensive glazing at the rear of the property would have on insects and animals caused by light pollution.'*

Following reconsultation, the Town Council considered the amended plans but did not feel that these addressed their concerns and therefore continue to object.

Loughton Residents Association Plans Group object to this application. They state, *'The rear roof extension has too much bulk, making it appear too large and clumsy. It needs to be subservient to the main building and read as a proper dormer. As such it needs to be reduced in size. We do not consider the poor example at No 21 should be used to justify another one in this location.'*

### **Issues and considerations**

The main issues for consideration in this case are:

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

#### *Character and appearance*

Given the variety of building styles in the locality, officers consider that the proposed façade alterations are of acceptable character and appearance in this location. The articulated central brick element ensures that the building is not entirely finished in white render, which is considered

to be a positive design choice. To a degree, this central brick feature provides some stylistic connection back to the character and appearance of the existing building, which is not rendered and has a brick exterior. Following concerns raised by Planning Officer, the glazing has been removed from the front gable projection in order to simplify this element of the proposal.

Officers consider that there is some validity to Loughton Town Council's comments that the rear dormer appears somewhat bulky, and as a result, amendments were sought reducing the scale of the dormer. This is now set away from the edge of the roof by 280mm each side and set down from the ridge by 300mm. It is considered that this additional inseting of the dormer reduces its overall bulk and dominance within the roofslope, particularly when taking into consideration the large dormer on the neighbouring property at 21 Goldings Hill.

#### *Living conditions of neighbours and existing occupiers*

Flank windows are to be obscure glazed and the existing separation to the boundary with neighbours is to be maintained on each side. The amount of glazing proposed in the dormer appears reasonable, and no Juliet balcony is proposed. Measuring the submitted location plan, there are circa 18 metres from the back of the proposed development to the back of the garden. This is a built-up area and given the hill, some degree of overlooking between properties is to be expected. Again, it is noted that there is a dormer window featuring a significant amount of glazing at the next-door property. Officers do not believe that the proposed dormer would result in loss of privacy that would be damaging to the living conditions of neighbours, including those at Oak Tree Cottage.

#### **Conclusion**

Given the points raised above and the amendments made to the original submission, it is recommended that planning permission is granted subject to conditions.

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

***Planning Application Case Officer: Graham Courtney***

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

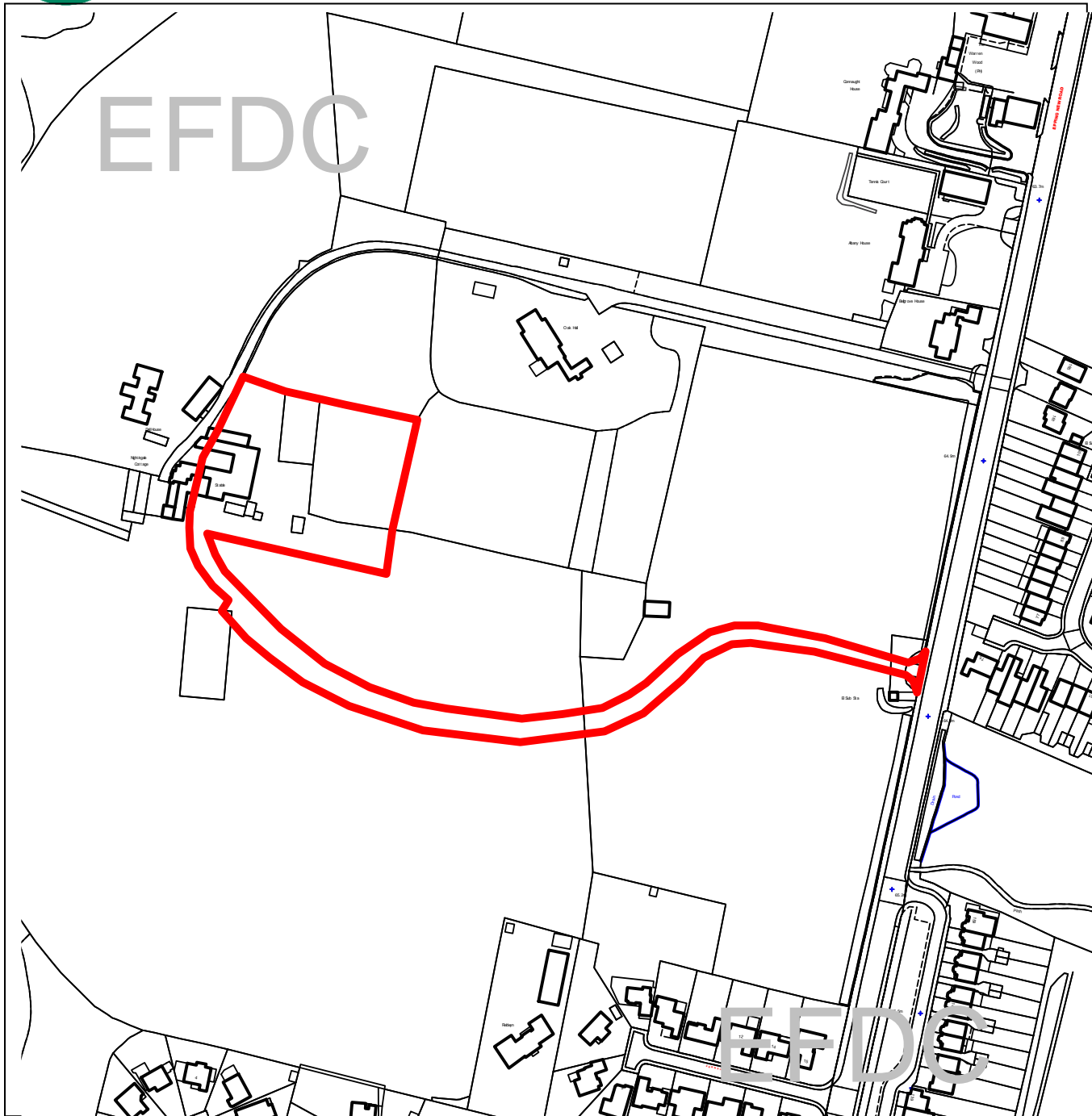
***or if no direct contact can be made please email:***

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





# Epping Forest District Council



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Application Number:	EPF/2619/21
Site Name:	Albany Stud Farm Epping New Road, Buckhurst Hill IG9 5UA
Scale of Plot:	1:2500

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/2619/21
<b>SITE ADDRESS:</b>	Albany Stud Farm Epping New Road Buckhurst Hill IG9 5UA
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr Baljit Virk
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement dwelling and associated works, including security hut & access road.
<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=658214](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=658214)

**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: 001 rev B, 101, 200, 201, 202, 203, 204, 205, 220, 300, 301, 510, 511, 512 and 520; DFCP2994TPP Rev A, 181016-E01 rev C, and 181016-P01 rev C5.
- 3 Tree protection shall be installed as shown on DF Clark Bionomique 'Tree Protection Plan' drawing number DFCP 2994 TPP Rev A (dated February 2020) prior to the commencement of development activities (including any ground works). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
- 4 No development shall take place, including any works of demolition, until an updated Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 5 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.
- 6 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.
- 8 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.
- 9 Prior to any above ground works, a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to an approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 10 Prior to any above ground works, details of any external lighting within the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter no additional external lighting shall be installed without prior consent of the local planning authority through an appropriate application.
- 11 There shall be no increase in finished floor and external site levels beyond those shown on drawings 220, 300, 301 hereby approved, unless such details have been approved prior to the changes being implemented by the local planning authority through an appropriate application.

- 12 Surface water drainage measures shall be provided strictly in accordance with the proposed drainage plan 181016-P01 Rev C5 hereby approved, unless otherwise varied by the Local Planning Authority through an appropriate application, and shall thereafter be retained for the lifetime of the development.
- 13 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.
- 14 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 15 All material excavated from the below ground works hereby approved shall be removed from the site.
- 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. 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 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 18 Prior to first occupation of the development hereby approved, 2 Electric Vehicle Charging Points shall be installed and retained thereafter for use by the occupants of the site.
- 19 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 20 Within one month of first occupation of the dwelling hereby permitted, the temporary security hut shown on drawings 300 and 301 hereby approved and the construction access road through the site shown on drawing 001 rev B shall be removed in the entirety and the land reinstated to its former condition. All access to the dwelling for residential occupiers shall be from the existing residential access to the west and north of the dwelling.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other Class order revoking and re-enacting that order) no development permitted by virtue of Class A, AA, B, E and

F of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

- 22 No increase in the domestic curtilage shown on drawing number 200 hereby approved shall take place without prior consent from the local planning authority through an appropriate planning application.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council material to the planning merits of the proposal who have confirmed in writing their intention to attend and speak at the meeting where the proposal will be considered (Pursuant to The Constitution, Part 3:).*

### **Description of Site:**

The application site lies to the west side of Epping New Road. The site is accessed from a private gated road that also serves Dell House and Oak Hall, both substantial two storey dwellings rebuilt on the plots of smaller previous dwellings; the access is largely single track and the application site is some 340 metres from the road.

The application site is now a cleared site, previous buildings comprised both single and two storey structures which included two flats, stable buildings and parking areas. The stables have now been replaced by a detached building located south east of the application site.

The site is primarily located at the lower end of sloping ground that falls from the north, east and south, such that the open areas abutting the existing buildings lie at the foot of these slopes. This part of the site is visible from Epping New Road, although there is screening vegetation along this boundary, and from the south from dwellings on the other side of the paddocks and fields.

The site is wholly within the Green Belt and the southern open part of the site is subject to covenants benefiting the Epping Forest Conservators.

### **Description of Proposal:**

This application seeks permission to erect a dwelling on the site of the previous buildings. Permission for the same dwelling was granted in 2017, but has since lapsed and the new building is of the same form and siting.

The dwelling is indicated as a two storey building with a basement and limited accommodation in the roof space. It is located directly to the east of the main existing buildings on an area that includes some paddock but includes some scrub, rubbish, outbuildings and unmade vehicle turning space. The main façade lies on the north side, visible from the approach road, and the rear is around 3m from the covenanted open land. Primary materials are brick and tile with some rendering. The roof accommodation includes only one dormer in the south facing elevation, and three roof lights. A detached garage building for four vehicles lies to the north east of the building served from the frontage courtyard. The basement extends under this courtyard.

The application also seeks to regularise two temporary elements. A construction haul road was installed across the field under permitted development for construction purposes as part of the previous works. The application seeks to retain this for the duration of the current works. A site security hut, currently positioned in the centre of the field will also be relocated adjacent to the construction access from Epping new Road, this building measures 6.5m long, 3.5m wide and 2.8m high and is also intended only for the duration of the construction of the dwelling.

The application is accompanied by a number of detailed reports dealing with contaminated land, basement impact assessment, arboricultural impact and preliminary ecological impact.

**Relevant History:**

There have been a number of applications relating to the new dwelling and stable. A replacement dwelling and new stable block was first approved in 2014, and a further application for both was again granted under EPF/1536/17. Subsequently, a revised application for the stable building was approved under EPF/1355/18 and this was implemented. A number of applications for additional works to the stable complex are being considered separately.

**Policies Applied:**

*Adopted Local Plan:*

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

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

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP3 New Development
- CP6 Achieving Sustainable Urban Development Patterns
- CP7 Urban Form and Quality
- GB2A Development in the Green Belt
- GB7A Conspicuous development
- NC3 Replacement of lost habitat
- NC4 Protection of established habitat
- RP4 Contaminated land
- U3B Sustainable Drainage systems
- DBE1 Design of New Buildings
- DBE2 Affect on Neighbouring Properties
- DBE3 Design in Urban Areas
- DBE4 Design in the Green Belt
- DBE6 Car parking in new development
- DBE7 Public Open Space
- DBE8 Private Amenity Space
- DBE9 Loss of Amenity
- LL11 Landscaping Schemes
- ST1 Location of Development
- ST2 Accessibility of development
- ST4 Road Safety
- ST6 Vehicle parking

*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:

- 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:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – 174, 175, 179 - 182, 183, 185, 186

#### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application

under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

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

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

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 policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

<b>No.</b>	<b>POLICY</b>
SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

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

Date of site visit: Previously visited

Number of neighbours consulted: 24

Site notice posted: 04 November 2021

Responses received: Three responses have been received from neighbours.

9 and 12 FERNSIDE – residents both note the need for the site hut (so long as it is not used as living accommodation) and the haul road, but wishes to see both removed post construction.

Resident at OAK HALL raises concerns at construction access and seeks to ensure the temporary access is used for all deliveries, any access from the main residential access being limited and the access road kept clean.



Parish Council: Buckhurst Hill Parish Council have objected and confirmed attendance at the relevant Area Planning Sub-Committee, making the following comments:

*The Committee find this application difficult to comprehend due to the piecemeal applications.*

*Existing and proposed drawings are needed.*

*Unable to ascertain the potential impact on greenbelt and environment due to the lack of volumetric/cubic capacity report.*

*The temporary road is not necessary for this application.*

*Verified views should be submitted for the application*

The Conservators of Epping Forest were consulted but have not objected to the application as the built element lies outside of the covenanted land.

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

#### *Green Belt principles*

In determining the application, Members must have regard to the previous decisions for a dwelling on this site. These establish a number of key points that do apply equally to the current application. In particular, it is accepted as a matter of principle that the land is previously developed as defined in the NPPF and that a replacement dwelling is therefore appropriate development. It also establishes that such development is not tied to the original built footprint. The current application is sufficiently similar to be considered as consistent with this.

In this context, the dwelling replaces a significant sprawl of poor quality buildings. It was noted in the 2017 application that at that time, the overall built volume was being reduced by around 8% across the site and as the current application is for the same dwelling, the same assessment can be made on the current application.

The dwelling will be more visible from further afield due to its greater size and mass, but this needs to be considered in the context of the two adjacent dwellings. Both Dell House and Oak Hall are of similar width with more substantial add-ons – at Oak Hall single storey additions to the side, a large patio at the rear and a setting on substantially elevated ground; at Dell House, three prominent front gables and a large detached outbuilding on two floors providing ancillary accommodation.

Taking account therefore of the immediate surrounding properties, and the previous decisions, the development does not have a significantly greater impact on the Green Belt than previously considered acceptable.

#### *Impact on surroundings*

Properties most likely to be affected are Dell House and Oak Hall which share the site access. The property at Dell House is physically the closest, located north west of the site. The house lies at its closest point 26 metres from its own site boundary and 54 metres from the proposed dwelling. The property has a boundary fence of over 2metres height along the whole of its eastern boundary and there is a large outbuilding abutting this boundary exceeding 17m in length with accommodation in the roof providing additional screening. Officers consider that views of the siting of the dwelling from this neighbour are limited and that the wider aspect across the open land to the south is largely unaffected by the proposals. Direct impact because of the separation distances is minimal.

The dwelling at Oak Hall lies north east of the application site. The dwelling is in excess of 100metres from the proposed house but sits on much higher ground, with views down on to the site. The topographical survey accompanying the application indicates the difference to be around 8 metres, which officers have no reason to dispute from inspection of the site. As such, the

proposed building has minimal impact on this property, both directly and in terms of the outlook across the wider open landscape.

Properties to the south are in excess of 200m away and are not directly impacted by the dwelling.

### *Design*

The topography of the land means that the dwelling is surrounded to the north by rising ground which naturally reduces its impact in the wider setting. Views from public land are restricted, to the east by existing forestation and from the east Epping New Road is in excess of 250 metres away. The scheme seeks to break the mass of the main elevations through varied building lines and eaves level detailing while using traditional materials. As previously, officers consider the overall design approach to be acceptable and appropriate to the location and form of the development.

### *Temporary works*

It is a matter of debate as to whether permission is required for the construction access and the security hut, such works can usually be undertaken as permitted development for active construction sites. Given that any permission would include some pre-commencement conditions, there is likely to be a delay which would take the works outside of the usual permitted development allowances, hence the need to regularise in the short term until construction commences. There is no suggestion that the route is currently being used for access to the stables. In broad terms, the separation of construction traffic from the residential access serving Oak Hall, Dell House and the stables is desirable in access and amenity terms. Installing a site hut to manage this traffic is also desirable on a site remote from the road. Subject to conditions to remove both after work is complete, there appears no good reason to reject these elements.

### *Impact on EFSAC*

The application amounts to a replacement dwelling. Notwithstanding the buildings have been removed in the interim, at the time base data for the assessment of the EFSAC was compiled, the site was included as having a residential component to it. As a result, the development does not result in any change in the existing approved position.

### *Other matters*

While noting the comments from the Parish Council, matters in relation to the detailed drawings are a matter for the District Council. The fact that the same development has been approved previously means that issues around built volumes have been previously dealt with previously, and there is no existing buildings to compare development with as these have all been demolished. While the Parish Council suggests a construction access is not required, this is not view shared by the resident of the other property sharing the existing access road, who wishes to see the haul road used for all site deliveries.

The historic uses of the site are such that contamination would have been likely to have occurred. the previous works have allowed investigation to reach an advanced stage and a remedial method statement is included with the application, provisions of which have been agreed with officers. Thus, conditions are required only in the context of verification that works have been completed.

A surface water drainage strategy has also been submitted which is acceptable in principle and can also be dealt with by condition.

**Conclusion:**

The application amounts to a renewal of the previous planning permission for a dwelling, proposing the same building in the same location. The siting of the building raises few amenity concerns in the context of the surrounding area or in relation to the neighbouring occupiers.

The haul road and construction hut are matters that are only acceptable for the duration of the works and conditions can be imposed to ensure these are removed. There is no logical reason why the road in particular should be removed at this time if it will then need to be reinstated when building work starts under permitted development.

The proposal therefore complies with relevant planning policy and it is recommended that planning permission be granted subject to appropriate conditions.

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

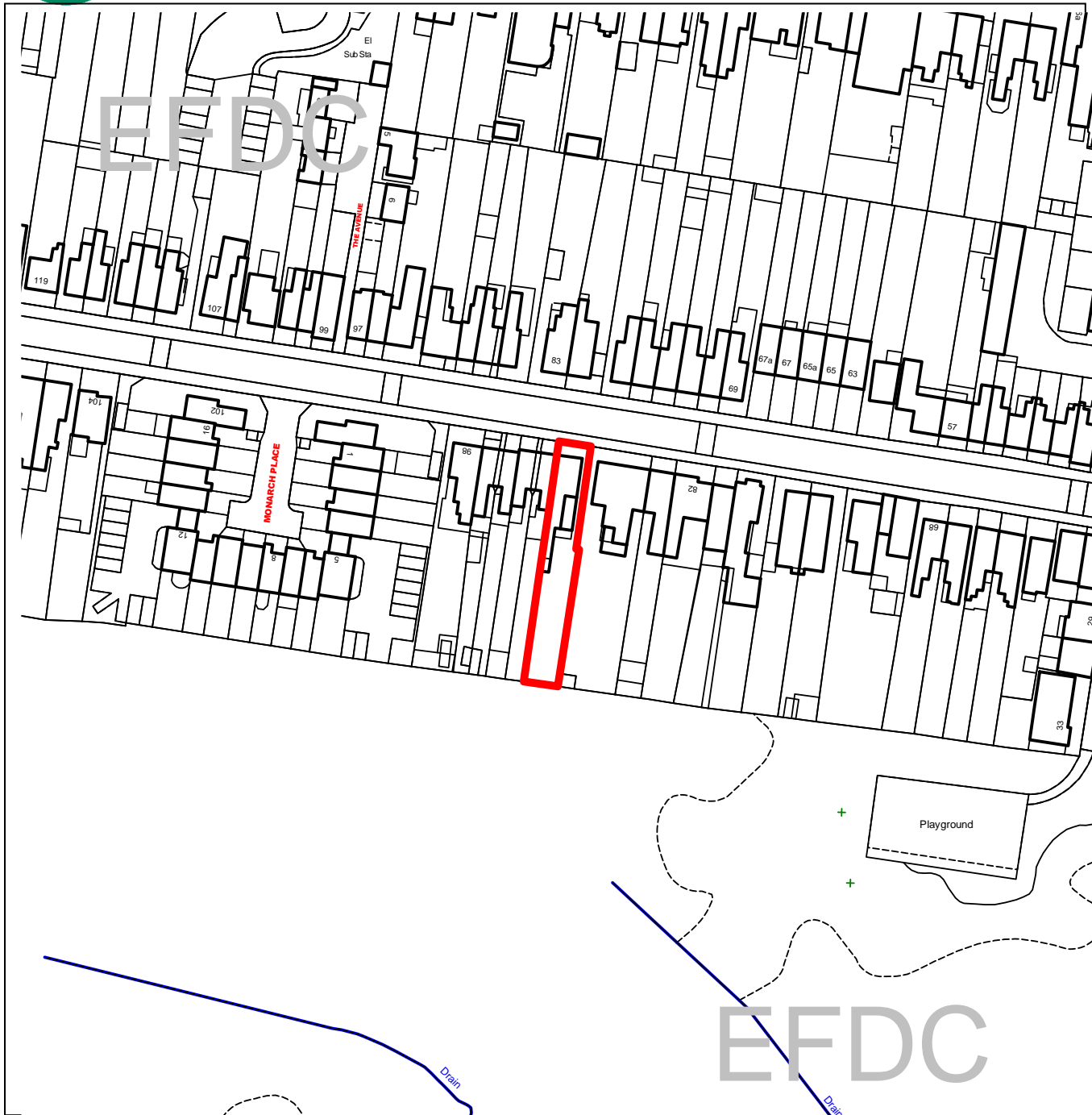
***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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

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# Epping Forest District Council



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Application Number:	EPF/0138/22
Site Name:	88 Princes Road Buckhurst Hill, IG9 5DZ
Scale of Plot:	1:1250

### Report Item No: 13

<b>APPLICATION No:</b>	EPF/0138/22
<b>SITE ADDRESS:</b>	88 Princes Road Buckhurst Hill IG9 5DZ
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr S Kaye
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed rear dormer extension and main roof alterations.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=662175](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=662175)

### REASON FOR REFUSAL

- 1 The proposed development is considered to be of a poor design which fails to complement the appearance of the existing building and the street scene. Consequently, it would have a harmful effect to the established character and appearance of this area, contrary to Policies CP2, CP7 & DBE10 of the adopted Local Plan 1996 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

*This application is before this Committee since it has been 'called in' by Councillor Heap (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).*

### **Site and Surroundings**

A site visit was carried out on 24<sup>th</sup> March 2020. The site comprises of an end of terrace house, located within a built-up area of Buckhurst Hill. It is not listed nor in a conservation area.

### **Proposal**

The proposal is for a rear dormer extension and main roof alterations (amended scheme to EPF/1793/21 and EPF/2768/21). The proposed rear dormer is 2.8m high, 5.3 long and 3.8m deep, adding 28 cubic metres to the original roof space.

The main roof alterations proposed comprise of raising the ridge by approx. 1.2m.

The application has been amended since the previous submission by removing the previously proposed parapet walls, reducing some 0.5m from the overall height.

### **Relevant Planning History**

EPF/1379/89 - Single storey rear extension – Granted

EPF/0747/06 - Demolition of existing rear timber extension and erection of two and single storey rear extensions – Granted

EPF/1501/15 - Proposed demolition of existing two storey rear section and re-construction in the form of a proposed part two storey and part single storey rear extension – Granted

EPF/1793/21 - Loft conversion with rear dormer include raising of ridge – Refused

EPF/2768/21 - Proposed main roof alterations & a rear dormer – Refused

### **Development Plan Context**

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

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

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

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form & Quality
DBE10	Residential Extensions

#### *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

## *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, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following policies are relevant to the determination of this application;

DM9            High Quality Design

### **Summary of Representations**

Number of neighbours Consulted: 5. 0 response(s) received.  
Site notice posted: No, not required.

BUCKHURST HILL PARISH COUNCIL – No objection

### **Planning Considerations**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality

### **Character and Appearance**

It was considered that the proposed increase in ridge height on previous application EPF/2768/21 would disrupt the current roofscape, having a harmful effect on the character and appearance of the area and street scene. Whilst the proposal has been improved by removing the parapet walls,



reducing some 0.5m from the overall height, this aspect of the proposal is still considered unacceptable.

Whilst this proposal is said to be on par with No.98, the height increase at No.98 follows the gradient of the hill and is able to form part of the natural increase in roofscape as a result. There remains a significant increase in comparison to No.90 which is considered to have a harmful effect to the character and appearance of the area and street scene.

Accordingly, the proposal is not considered to comply with policies CP2 and DBE10 of the LP, Policy DM9 of the LPSV, and Paragraphs 126 and 130 of the Framework.

### **Conclusion**

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

**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: Rhian Thorley**

**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/0163/22
Site Name:	31 Scotland Road Buckhurst Hill, IG9 5NP
Scale of Plot:	1:1250

**Report Item No: 14**

<b>APPLICATION No:</b>	EPF/0163/22
<b>SITE ADDRESS:</b>	31 Scotland Road Buckhurst Hill IG9 5NP
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr Eddie Lindenberg
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed front porch, replacement of existing single storey rear roof (from pitched to flat).
<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=662297](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=662297)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 2021.075.PA - 01, 2021.075.PA - 02, 2021.075.PA - 03, 2021.075.PA - 04, 2021.075.PA - 05, 2021.075.PA - 06, 2021.075.PA - 07, 2021.075.PA - 08, 2021.075.PA - 09, 2021.075.PA - 10, 2021.075.PA - 11, 2021.075.PA - 12, 2021.075.PA - 13, 2021.075.PA - 14, 2021.075.PA - 15 and 2021.075.PA - 17
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans, or those specified in the submitted application form.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

**Description of Site:**

The application site is a detached dwelling situated on the Northern side of Scotland Road. The site is not located within the Metropolitan Green Belt, it is not located within the boundaries of a Conservation Area and is not a Listed Building.

### **Description of Proposal:**

Proposed front porch, replacement of existing single storey rear roof (from pitched to flat).

### **Relevant History:**

CHI/0019/62 - ERECTION OF DETACHED HOUSE + GARAGE – Grant Permission

EPF/1928/07 - Part two storey, part single storey rear extensions and conversion of garage. - Refuse Permission

EPF/2641/07 - Part two storey, part single storey rear extensions and conversion of garage. (Revised application) - Grant Permission (With Conditions)

EPF/0767/08 - Single storey rear extension and front alterations. (Amended application) - Grant Permission (With Conditions)

EPF/1987/16 - Extension and alterations to the rear and front of the property, including the roof and internal refurbishments. - Grant Permission (With Conditions)

EPF/2934/19 - Proposed two storey rear extension. - Refuse Permission – Subsequently allowed at appeal with conditions.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of Amenity

DBE10 – Residential Extensions

#### *NPPF:*

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

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

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

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. 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
SP7 – The Natural Environment, Landscape Character and Green Infrastructure	Significant
DM9 – High Quality Design	Significant
DM10 – Housing Design and Quality	Significant

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

**Site notice posted:** No, not required

**Buckhurst Parish Council:** OBJECTION: Concerns that the design is out of keeping with the street scene.

**The Parish Council confirmed they would attend and speak at Area plans South.**

**Number of neighbours consulted:** 7

**Number of responses received: 1**

26 Amberley Road: Comment: Re the rear extension it is difficult as there is no elevation plan showing the visual effect which is what we look out onto. From the side elevation plan it appears they are simply replacing the sloping roof with a flat roof on precisely the same footprint. presumably this is to allow them to fit full height folding doors across the rear of the extension. If this is the case whilst it may not be as attractive to look at we wouldn't object. If more is involved then we need to know the detail and we would strongly object if the intention now or in the future was to put a balcony on the flat roof or any other first floor extension on the flat roof.

**Officer comment: A condition will be attached ensuring the flat roof will not be used as a balcony.**

**Main Issues and Considerations:**

The main issues to consider are the design and impact on neighbouring amenity.

**Design**

Whilst the proposed front porch would be more contemporary in appearance and would alter the overall character of this dwelling, the street scene has a mixture of house designs. The application site itself differs significantly from its immediate neighbours and the proposal is considered acceptable by reason of its overall design and use of materials, both of which complement the application dwelling.

It is therefore not considered that this modest, modern addition would detrimentally harm the overall character or appearance of the streetscene and therefore would comply with policies DBE10 of the adopted local plan, DM10 of the LPSV 2017 and the NPPF 2021 that all seek to promote high quality design.

**Impact on Neighbouring Amenity**

The proposed porch is set in from the boundary line with no. 33 by 0.5m and measures 2.2m in height from the land level of this property and is not considered to adversely impact neighbouring amenity. The works to the rear elevation consists of replacing the existing mono pitch roof of the rear extension with a flat roof. Although this will increase the height by 0.6m at the furthest point, this will not adversely impact on living conditions of neighbouring properties by reason of overbearingness, loss of light (daylight and sunlight) or loss of outlook.

The neighbouring resident confirms that they do not object to Juliet balconies being installed, but has concerns about "*if more is involved*". A condition has been suggested to restrict the access to the flat roof to ensure that this is not used as a roof terrace. The proposal therefore complies with policies DBE9 of the Adopted Local Plan, DM9 of the LPSV 2017 and the NPPF 2021.

**Conclusion:**

The proposal complies with relevant planning policy and it is recommended that planning permission be **granted**.

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

***Planning Application Case Officer: Zara Seelig***

***Direct Line Telephone Number: 01992 564379***

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

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