

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee South Wednesday, 31st August, 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, 31st August, 2022  
at 7.00 pm.**

**Georgina Blakemore  
Chief Executive**

**Democratic Services  
Officer:**

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

#### **Members:**

Councillors K Williamson (Chairman), S Patel, I Allgood, R Baldwin, D Barlow, P Bhanot, R Brookes, E Gabbett, S Heap, R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead, S Murray, C Nweke, M Owen, A Patel, Caroline Pond, C C Pond, S Rackham, K Rizvi, 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](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 - 24)**

To confirm the minutes of the last meeting of the Sub-Committee held on 3 August 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/2954/21 - 1 GRANGE CRESCENT CHIGWELL (Pages 25 - 30)**

To consider the attached report for an application for Variation of Condition 2 for EPF/2061/20. (Double side, double rear extension with alteration to the roof.

## **10. PLANNING APPLICATION - EPF/0414/22 - 17 LODGE CLOSE, CHIGWELL (Pages 31 - 38)**

To consider the attached report – Two floor side and ground floor rear, part first floor rear extension.

## **11. PLANNING APPLICATION - EPF/0483/22 - 8 STANMORE WAY, LOUGHTON (Pages 39 - 56)**

To consider the attached report – The replacement of an existing house.

## **12. PLANNING APPLICATION - EPF/0519/22 - 42 CHURCH HILL, LOUGHTON (Pages 57 - 64)**

To consider the attached report – Demolition of existing single storey lean-to and erection of a single storey side & rear extension.

## **13. PLANNING APPLICATION - EPF/0540/22 - GRANGE FARM CENTRE, HIGH ROAD, CHIGWELL (Pages 65 - 74)**

To consider the attached report – Proposed demolition of a silo, concrete hardstandings & existing fence. Erection of a detached two storey, x3 no. bedroom dormer cottage for occupation of site manager. Erection of replacement fencing, provision of parking spaces & driveway (Ref: EPF/2414/20).

## **14. PLANNING APPLICATION - EPF/0627/22 - 46 PYRLES LANE, LOUGHTON**

**(Pages 75 - 84)**

To consider the attached report for change of use from vacant shop (Class E) to takeaway (Sui Generis) with installation of an extractor flue to the rear and new shopfront.

**15. PLANNING APPLICATION - EPF/0826/22 - 71 DEEPDENE ROAD, LOUGHTON  
(Pages 85 - 96)**

To consider the attached report for demolition of existing pre-fab house and replacement of a new dwelling house.

**16. PLANNING APPLICATION - EPF/0885/22 - 51 ALGERS ROAD, LOUGHTON  
(Pages 97 - 104)**

To consider the attached report for demolition of existing pre-fab house and replacement of a new dwelling house extension.

**17. 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 2022-23  
Members of the Committee and Wards Represented:

				
<b>Chairman</b>	<b>Vice Chairman</b>			
Cllr K Williamson	Cllr S Patel	Cllr Heap	Cllr Gabbett	Cllr Patel
Buckhurst Hill West	Buckhurst Hill West	Buckhurst East	Buckhurst Hill East	Buckhurst Hill West
				
Cllr Bhanot	Cllr Rizvi	Cllr Sunger	Cllr Barlow	Cllr Lion
Chigwell Row	Chigwell Village	Chigwell Village	Grange Hill	Grange Hill
				
Cllr Rackham	Cllr Nweke	Cllr I Allgood	Cllr Owen	Cllr C C Pond
Grange Hill	Loughton Alderton	Loughton Alderton	Loughton Broadway	Loughton Broadway
				
Cllr Mead	Cllr Wixley	Cllr Baldwin	Cllr Jogia	Cllr Brookes
Loughton Fairmead	Loughton Fairmead	Loughton Forest	Loughton Forest	Loughton Roding
				
Cllr Murray	Cllr B Jennings	Cllr C P Pond	Cllr J Jennings	Cllr Kauffman
Loughton Roding	Loughton St John's	Loughton St John's	Loughton St Mary's	Loughton St Mary's

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Area Planning Sub-Committee South	<b>Date:</b>	Wednesday, 3 August 2022
<b>Place:</b>	Council Chamber, Civic Offices, High Street, Epping	<b>Time:</b>	7.00 - 9.15 pm
<b>Members Present:</b>	Councillors K Williamson (Chairman), I Allgood, P Bhanot, R Brookes, R Jennings, J Jennings, H Kauffman, A Lion, S Murray, C Nweke, M Owen, A Patel, Caroline Pond, C C Pond, K Rizvi, D Sunger and D Wixley		
<b>Members Present (Virtually):</b>	None		
<b>Apologies:</b>	S Patel, R Baldwin, S Heap, J Jogia and L Mead		
<b>Officers Present:</b>	J Rogers (Principal Planning Officer), V Messenger (Democratic Services Officer) and N Cole (Corporate Communications Officer)		
<b>Officers Present (Virtually):</b>	C Ahmet (Planning Officer), A Marx (Development Manager Service Manager (Planning)) and J Leither (Democratic Services Officer)		

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### 28. 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.

The Chairman announced that he would be a voting Chairman at this meeting.

### 29. DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Code of Member Conduct, Councillor A Lion declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
  - EPF/2948/19 – 117 High Road, Loughton IG10 4JA
  
- b) Pursuant to the Council's Code of Member Conduct, Councillor A Lion declared a non-pecuniary interest in the following items of the agenda as he had called-in these applications. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
  - EPF/0172/21 – 5 Grange Crescent, Chigwell IG7 5JB; and
  - EPF/0504/22 – 1 Tomswood Road, Chigwell IG7 5QP
  
- c) Pursuant to the Council's Code of Member Conduct, Councillor M Owen declared a non-pecuniary interest in the following item of the agenda by virtue

of knowing the applicant. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0519/22 – 42 Church Hill, Loughton IG10 1LA
- d) Pursuant to the Council's Code of Member Conduct, Councillor S Murray declared a non-pecuniary interest in the following item of the agenda because it had been brought to his attention that the garden, of a volunteer he knew at the foodbank, bordered the property. The Councillor had determined he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0172/21 – 5 Grange Crescent, Chigwell IG7 5JB
- e) Pursuant to the Council's Code of Member Conduct, Councillor K Williamson declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant, which he did not know until the site visit. The Councillor had determined he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2948/19 – 117 High Road, Loughton IG10 4JA
- f) Pursuant to the Council's Code of Member Conduct, Councillor A Patel declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant. The Councillor had determined he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2948/19 – 117 High Road, Loughton IG10 4JA
- g) Pursuant to the Council's Code of Member Conduct, Councillor A Lion remarked that the Conservative Party members should declare a non-pecuniary interest in the following item as the applicant had stood as a Conservative election candidate, which the Chairman agreed was the reason for his declaration. The Councillors would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2948/19 – 117 High Road, Loughton IG10 4JA

### 30. MINUTES

#### RESOLVED:

That the minutes of the Sub-Committee held on 6 July 2022 be taken as read and signed by the Chairman as a correct record.

### 31. ANY OTHER BUSINESS

Councillor M Owen advised that as the names of applicants had been taken off the new style agenda reports, this made it difficult for members to check if they knew an applicant, in respect of declaring an interest. The Chairman replied that Planning officers were looking into this.

Councillor C C Pond again raised a problem when trying to read the Planning's Decision List that was now published as an Excel spreadsheet rather than a report, as it made it difficult to identify which decision referred to which property.

Councillor A Patel asked if Planning officers could make members aware of information material to determining that application before the meeting. This was because application EPF/2472/20, 91 Queens Road, had been deferred from the previous meeting for the Council's Senior Conservation Officer to submit a report on the heritage of the property for further consideration by members at this meeting.

### 32. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the Epping Forest District Council Planning Policy Briefing Note (October 2021) was available at:

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

### 33. SITE VISITS

The following site visit was agreed by the Sub-Committee.

Councillor B Jennings proposed a site visit for agenda item EPF/0519/22, 42 Church Hill, Loughton IG10 1LA, which was seconded by Councillor C C Pond, so this item was deferred to the next meeting. Councillor C C Pond asked if the Planning officer could also arrange access from the property of the main objector to gauge the impact of the proposal on the neighbour, as Councillor B Jennings had stated.

Councillor D Sunger remarked that it would be preferable if members who wanted a site visit had asked for this to be arranged before the meeting.

### 34. PLANNING APPLICATION - EPF/2948/19 117 HIGH ROAD, LOUGHTON IG10 4JA

<b>Application Ref:</b>	EPF/2948/19
<b>Application Type:</b>	Full planning permission
<b>Case Officer:</b>	Cuma Ahmet
<b>Site Address:</b>	117 High Road Loughton Essex IG10 4JA
<b>Proposal:</b>	Proposed conversion of an existing dwelling to incorporate x3 no. two bedroom flats. Proposed rear extension to the existing property x1 no. two bedroom flats, x1 no. three bedroom flat & x1 no. one bedroom flat. Provision of x6 no. car parking spaces with a disabled bay, cycle & bin stores. ** SAC CASE HELD IN ABEYANCE NOW PROGRESSING**
<b>Ward:</b>	Loughton Forest
<b>Parish:</b>	Loughton
<b>View Plans:</b>	<a href="https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nvjb">https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nvjb</a>
<b>Decision</b>	Approve with Conditions subject to S106

#### Conditions: (21)

1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

PHEF/19/SCH2/02  
PHEF/19/SCH2/03  
PHEF/19/SCH2/04  
PHEF/19/SCH2/05  
PHEY/19/SCH2/06  
PHEF/19/SCH2/07  
PHEY/19/SCH2/08 REV B  
PHEF/19/SCH2/09  
PHEF/19/SCH2/10

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 [+ DBE4 when located in the Green Belt] of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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

- 6 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and

functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 8 Details of the proposed surface materials for the [X] shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The agreed surfacing shall be made of porous materials and retained thereafter, or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development.

Reason: To ensure that a satisfactory surface treatment is provided in the interests of highway safety, visual amenity and to reduce the risk of flooding and pollution, in accordance with policies CP2, ST4 and U3A of the adopted Local Plan and Alterations 1998 & 2006, policies T1, DM9 and DM15 of the Local Plan Submission Version 2017, and the NPPF.

- 9 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active 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 must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 10 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.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the district and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 11 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

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

- 12 Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with policies CP2, DBE1 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM12 of the Local Plan Submission Version 2017, and the NPPF.

- 13 No preliminary ground works shall take place until an assessment of flood risk, focusing on surface water drainage, has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The

development shall be carried out and maintained in accordance with the approved details.

Reason: The development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off, in accordance with policy U2B of the adopted Local Plan and Alterations 1998 & 2006, policy DM15 of the Local Plan Submission Version 2017, and the NPPF.

- 14 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 15 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 17 Prior to the first occupation of the development the existing redundant vehicular access shall be fully reinstated, including footway construction and full height kerbing.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 18 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 19 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate parking and turning is provided.

- 20 Prior to the first occupation of the development the cycle parking facilities, as indicated on the approved plans, shall be fully implemented and retained as such for the duration of the development.

Reason: To ensure appropriate bicycle parking is provided.



- 21 Notwithstanding the details hereby approved, the applicant shall submit revised plans that incorporate private balcony/amenity details for Flat E for the written agreement of the Local Planning Authority.

Reason: To ensure adequate private amenity is provided for future occupiers.

**Informatives: (4)**

- 22 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 23 The area is secured with parking restrictions to prevent ad-hoc on-street parking becoming a safety issue. Furthermore, the site is very well located in terms of good access to other modes of sustainable travel.
- 24 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- 25 In certain soil conditions, particularly in areas with known springs, subterranean development can impact on groundwater flows and levels. This form of development has been known to block or redirect natural groundwater flows, causing subsidence, instability, saturation and/or flooding where this was not previously occurring. If your proposed development leads to these effects on neighbouring property and structures, you could be liable for civil litigation. You are advised to thoroughly investigate the hydrological and flooding implications of your proposed development.
- 26

The applicant is advised to make contact with Essex County Council Highways to establish that future occupiers of the development hereby approved will be prevented from being granted parking permits on local roads.

**35. PLANNING APPLICATION - EPF/2472/20 91 QUEENS ROAD, BUCKHURST HILL IG9 5BW**

**Application Ref:** EPF/2472/20  
**Application Type:** Full planning permission  
**Case Officer:** Cuma Ahmet  
**Site Address:** 91 Queens Road  
 Buckhurst Hill  
 IG9 5BW

**Proposal:** Proposed demolition of the existing dwelling and the construction of a semi-detached pair of dwellings.

**Ward:** Buckhurst Hill West  
**Parish:** Buckhurst Hill  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxNp>  
**Decision:** Deferred

**DEFERRED** - To DDMC with a Recommendation to refuse

**36. PLANNING APPLICATION - EPF/0172/21 5 GRANGE CRESCENT, CHIGWELL IG7 5JB**

**Application Ref:** EPF/0172/21  
**Application Type:** Outline planning permission: Some matters reserved  
**Case Officer:** Muhammad Rahman  
**Site Address:** 5 Grange Crescent  
 Chigwell  
 IG7 5JB  
**Proposal:** Outline application for demolition of the existing dwellinghouse and its replacement with a new build to provide 5 new flats (Revised scheme to EPF/1146/20).  
**Ward:** Grange Hill  
**Parish:** Chigwell  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nyst>  
**Decision:** Refused

**REASONS**

- 1 The proposed erection of five flatted dwellings amounts to a harmful overdevelopment of the site which is out of keeping with the street scene and the prevailing character of the wider area, which predominantly consists of single family homes. Therefore, the proposal will result in a jarring and harmful development which is contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.
- 2 The proposal fails to provide adequate on-site parking provision, which would add to the severe parking stress within the nearby streets, contrary to Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.
- 3 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.

**37. PLANNING APPLICATION - EPF/0080/22 2 GREEN LANE, CHIGWELL IG7 6LY**

**Application Ref:** EPF/0080/22  
**Application Type:** Full planning permission  
**Case Officer:** Mohinder Bagry  
**Site Address:** 2 Green Lane  
 Chigwell  
 IG7 6LY  
**Proposal:** Convert garage into living space.  
**Ward:** Chigwell Row  
**Parish:** Chigwell  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nxz3>  
**Decision:** Approve with Conditions

**Conditions: (3)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 20713; 20713 (01); 20713 (02); Proposed Front Elevations and 20713 (4).

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

**Informatives: (1)**

- 4 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**38. PLANNING APPLICATION - EPF/0414/22 17 LODGE CLOSE, CHIGWELL IG7 6JL**

**Application Ref:** EPF/0414/22  
**Application Type:** Householder planning permission  
**Case Officer:** Rhian Thorley  
**Site Address:** 17 Lodge Close  
 Chigwell  
 Essex  
 IG7 6JL  
**Proposal:** Two floor side and ground floor rear, part first floor rear extension.  
**Ward:** Chigwell Row  
**Parish:** Chigwell  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyTjb>  
**Decision :** Deferred

**DEFERRED****39. PLANNING APPLICATION - EPF/0504/22 1 TOMSWOOD ROAD, CHIGWELL IG7 5QP**

**Application Ref:** EPF/0504/22  
**Application** Full planning permission

**Type:**  
**Case Officer:** Ian Ansell  
**Site Address:** 1 Tomswood Road  
 Chigwell  
 Essex  
 IG7 5QP  
**Proposal:** Application for Variation of Condition 2 for EPF/0840/18.  
 (Proposed apartment block (seven flats) on the site at 1  
 Tomswood Road).  
**Ward:** Grange Hill  
**Parish:** Chigwell  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NylQ>  
**Decision:** Refused

### REASONS

1 By reason of excessive noise disturbance which would be caused to no.3 Tomswood Road by the proposed balcony on the south eastern corner of the upper ground floor, the proposal fails to ensure that the living conditions of the neighbour will be adequately maintained. The proposal is therefore contrary to policy DBE9 of the Adopted Local Plan and Alterations (2006), with policy DM9 of the Epping Forest District Local Plan Submission version (2017) and with the NPPF.

#### 40. PLANNING APPLICATION - EPF/0519/22 42 CHURCH HILL, LOUGHTON IG10 1LA

**Application Ref:** EPF/0519/22  
**Application Type:** Full planning permission  
**Case Officer:** Kie Farrell  
**Site Address:** 42 Church Hill  
 Loughton  
 IG10 1LA  
**Proposal:** Demolition of existing single storey lean-to and erection of a single storey side & rear extension.  
**Ward:** Loughton St. John's  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nylf>  
**Decision:** Deferred

**DEFERRED for a site visit**

#### 41. PLANNING APPLICATION - EPF/0564/22 38 QUEENS ROAD, BUCKHURST HILL IG9 5BY

**Application Ref:** EPF/0564/22  
**Application Type:** Full planning permission  
**Case Officer:** Ian Ansell  
**Site Address:** 38 Queens Road  
 Buckhurst Hill

**Proposal:** IG9 5BY  
 Alterations and extension to create two flats, with amended retail space to front

**Ward:** Buckhurst Hill West

**Parish:** Buckhurst Hill

**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NymM>

**Decision:** Approve with Conditions subject to S106

**Conditions: (9)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: QUE-001, QUE101, TBU/202, TBU/203, TBU/101, TBU/211, TBU/212, TBU/213, and existing plans and sections.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 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, Residential amenity areas shall be available prior to first occupation of the dwellings and thereafter retained solely for amenity space for occupiers.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 4 The materials to be used in the construction of the external surfaces of

the development hereby permitted shall match those in the existing building.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021

- 5 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 6 Refuse stores and cycle stands shown on the plans hereby approved shall be fully installed and available for use prior to the first occupation of any of the residential units hereby permitted and shall be thereafter retained in perpetuity for use by residential occupiers.

Reason: To ensure that adequate cycle and refuse facilities are duly provided in accordance with policies CP1, DBE9 and ST5 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021

- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

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

the Local Plan Submission Version 2017, and the NPPF 2021.

- 8 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 9 The photovoltaic panels as shown on drawing number TBU/211 shall be installed prior to first occupation of the development hereby approved and then retained in perpetuity. Reason: in the interests of promoting sustainable and renewable energy in accordance with policy DM 20 of the Epping Forest Local Plan (Submission version) 2019 and with the objectives of the NPPF.

**Informatives: (1)**

- 10 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

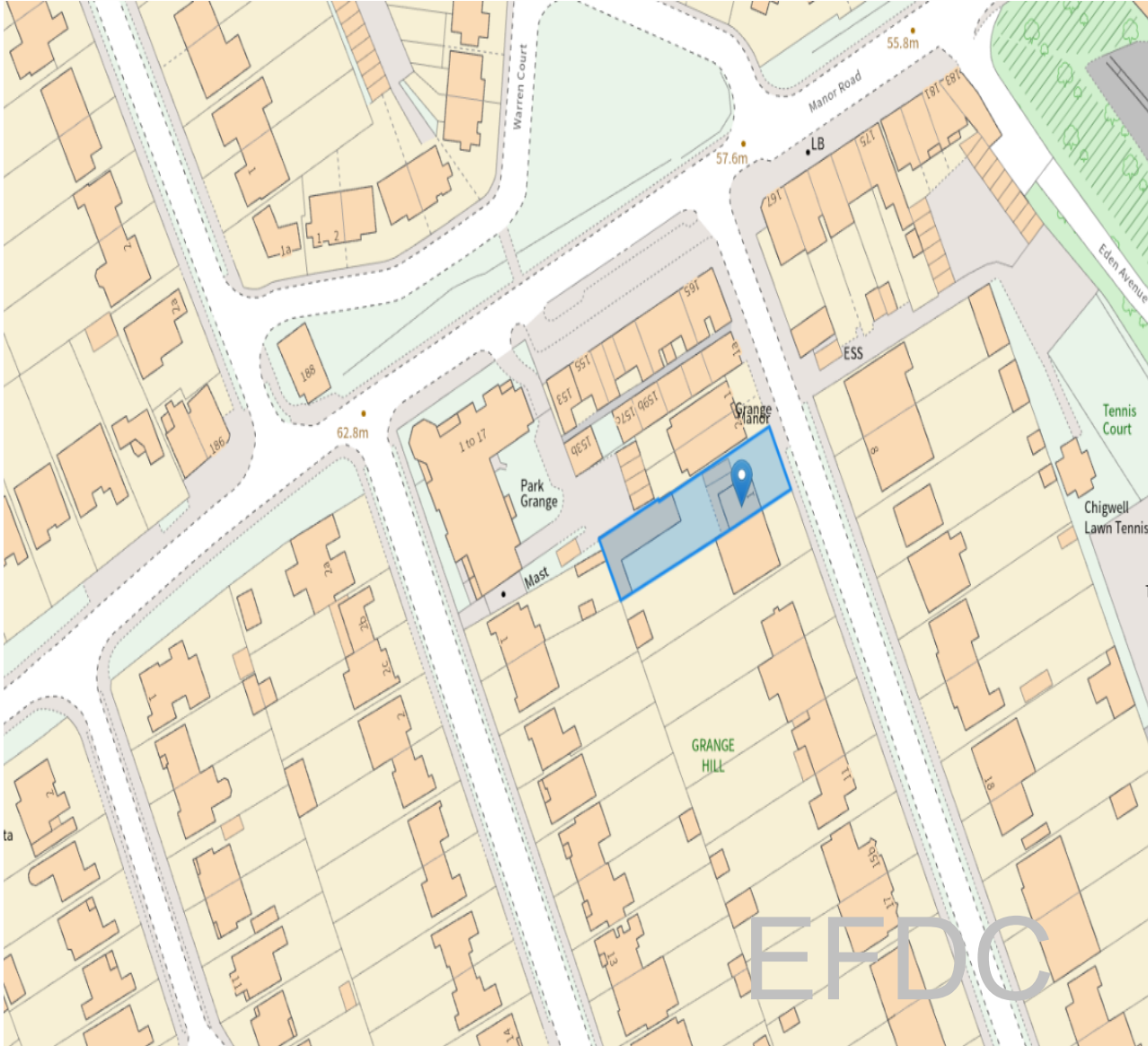
**CHAIRMAN**

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# EFDC



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Application Number:	EPF/2954/21
Site Name:	1 Grange Crescent Chigwell, IG7 5JB

# OFFICER REPORT

**Application Ref:** EPF/2954/21  
**Application Type:** Householder planning permission  
**Applicant:** Lachani  
**Case Officer:** Muhammad Rahman  
**Site Address:** 1 Grange Crescent  
Chigwell  
IG7 5JB  
**Proposal:** Application for Variation of Condition 2 for EPF/2061/20. (Double side, double rear extension with alteration to the roof).  
**Ward:** Grange Hill  
**Parish:** Chigwell  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxIY>  
**Recommendation:** Approve with Conditions

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

## Site and Surroundings

The site comprises of a semi-detached house, located within a built-up area of Chigwell. It is not listed nor in a conservation area. No protected trees lie within the site.

## Proposal

The application is for Variation of Condition 2 for EPF/2061/20. (Double side, double rear extension with alteration to the roof). The main changes are;

- Inset balcony to loft conversion (rear facing hipped end);
- Changes to rear fenestrations; and
- Addition of a sky window to single storey element.

## Relevant Planning History

EPF/1200/20 - Prior approval for a 6-metre-deep single storey rear extension, height to eaves 3.0 metres and overall height of 4.0 metres – Prior approval granted

EPF/2061/20 - Double side, double rear extension with alteration to roof – Approved

EPF/2177/21 - Non-Material amendment to EPF/2061/21 (Variation to Rear First Floor Window & Installation of Juliet Balcony) – 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
DBE9	Loss of Amenity
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: 7. 3 response(s) received

Site notice posted: No, not required

1B GRANGE MANOR – Comments not related to this application

1 & 3 OAK LODGE & CHIGWELL RESIDENTS ASSOCIATION – Objections – Summarised as;

- Overlooking/Loss of privacy.

CHIGWELL PARISH COUNCIL – The Council Strongly Objects to this application because the proposed balcony would create the potential for a loss of privacy and over-looking into the neighbouring property, thereby adversely affecting the amenity of neighbouring residents.

### **Planning Considerations**

The main issue for consideration in this case is the impact on the living conditions of neighbouring properties, with particular regard to overlooking.

The main concern is regarding the potential overlooking from the unauthorised balcony to the rear facing hipped end. The previous approval consisted of a single rooflight, however, what has been constructed on site is a balcony, with the railings protruding out the roof. This enables the occupiers of the host building to walk right up to the edge of the balcony and have unrestricted views to both sides of the property and the rear. Notwithstanding the above, this concern was raised with the applicants and the plans were revised to what is now before Members, and all parties were given an opportunity to comment on them. The proposal would now consist of an inset balcony, which would prevent the occupiers from walking right up to the edge of the balcony, with the edges of the roof also acting as natural privacy screens.

In summary, the proposed development will have no material impact to the living conditions of both neighbouring properties, in terms of harmful overlooking that warrants a reason for refusal. Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with Policies CP7 & DBE9 of the LP, Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

## Conclusion

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted. The previous conditions have been reattached and modified where necessary.

**If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest:**

**Case Officer: Muhammad Rahman | [mrahman@eppingforestdc.gov.uk](mailto:mrahman@eppingforestdc.gov.uk) or if no direct contact can be made please email:**

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

## Conditions: (4)

1 The development hereby permitted shall begin not later than 10 November 2023.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 01 OS 01, 01 PA 02, 01 HH 03, 01 B 01, and 01 MA 03 Rev 4.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

4 Prior to first occupation of the extensions hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

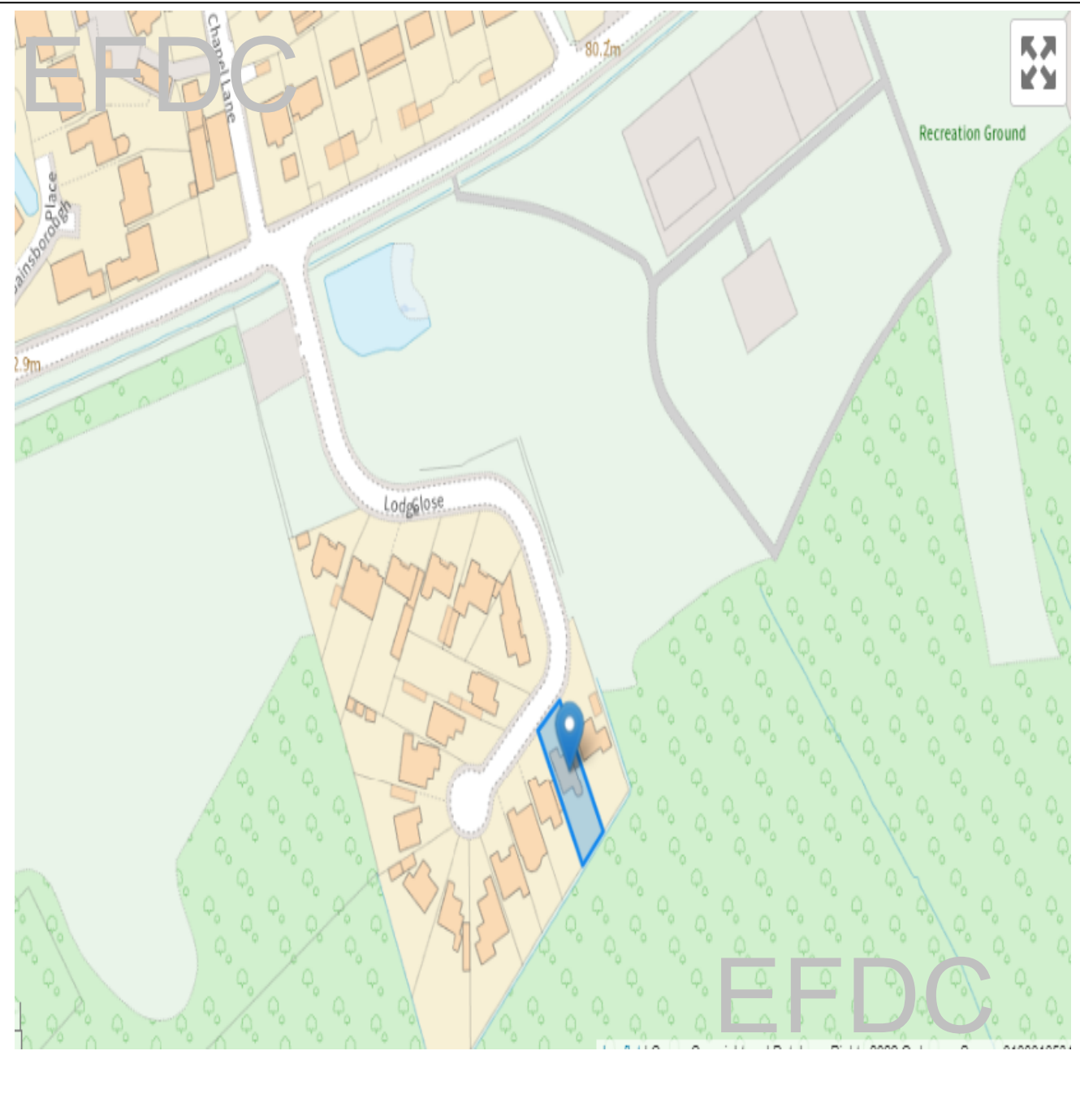
## Informatives: (1)

5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant

planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



# Epping Forest District Council



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Application Number:	EPF/0414/22
Site Name:	17 Lodge Close Chigwell Essex IG7 6JL

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# OFFICER REPORT

**Application Ref:** EPF/0414/22  
**Application Type:** Householder planning permission  
**Applicant:** Ms Bing Zhang  
**Case Officer:** Rhian Thorley  
**Site Address:** 17 Lodge Close  
Chigwell  
Essex  
IG7 6JL  
**Proposal:** Two floor side and ground floor rear, part first floor rear extension.  
**Ward:** Chigwell Row  
**Parish:** Chigwell  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyTj>

**Recommendation:** Approve with Conditions

*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).*

This application was deferred from the previous meeting for clarification on whether the property is used as a HMO. This issue is discussed in the 'other matters' section of this report

## Site and Surroundings

A site visit was carried out on 25<sup>th</sup> April 2022. The site comprises of a detached house located in the Metropolitan Green Belt. It is not listed nor in a conservation area.

## Proposal

The proposal is for a two storey side extension and part-single part-two storey rear extension. The existing car port to the side, and conservatory at the rear, would be demolished to make way for the proposed extensions.

The two storey side extension forms the entire eastern flank wall on the ground floor, and the majority of the of the eastern flank wall on the first floor (it is set back 0.5m from the principal elevation of the dwelling on the first floor). The side extension extends to a depth of 1.5m, leaving a walkway between the property and its boundary line. Its eaves height matches that of the main roof, and it has an overall height of 7.8m which is 0.2 below that of the main roof ridge.

The single storey rear extension has a depth of 4m with an eaves height of 2.8m, and a sloping roof with an overall height of 3.9m.

The first-floor rear extension has a depth of 3m. Its eaves height matches that of the main roof, and an overall height of 6.2m which is 1.5m below that of the main roof ridge.

## Relevant Planning History

CHI/0169/70 – Porch and car port – Granted.

EPF/0447/92 – Single and double storey front and side extensions and single storey rear extension – Granted.



EPF/0413/22 - Application for a Lawful Development certificate for a proposed ground floor rear extension; loft conversion with rear dormer and front roof lights, replacing porch roof with a pitched roof – Lawful.

### **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
GB2A	Development in the Green Belt
DBE9	Loss of Amenity
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, 147, 148 & 149.

#### 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;

SP1	Presumption in Favour of Sustainable Development
DM4	Development in the Green Belt
DM9	High Quality Design
DM10	Housing Design and Quality

### Summary of Representations

Number of neighbours Consulted: 4. 2 responses received

Site notice posted: No, not required

#### 6 LODGE CLOSE - Objection

*"Number 17 already has a person living in each room, sharing a bathroom, downstairs toilet and kitchen. Any extension would not only block out the light for number 18 and 16, but would also spoil the look of the house. It would also mean more parking of cars in the street as there are not enough space to park cars at the front of the house."*

#### 18 LODGE CLOSE - Comment

*"17 Lodge Close is an HMO currently with 5/6 residents. At present in addition to the 4 bedrooms the ground floor lounge and reception room are both used as bedrooms The planning proposal expands the size of the property showing only four bedrooms. There are other areas that could be used as additional bedrooms on ground floor -lounge and reception and on first floor front area. Correct HMO safety codes must be part of planning requirement.*

*There are 2 Asthmatics in our family and there is a concern that a lot of building work in such close proximity may exacerbate the conditions. There is also a family member receiving treatment for prostate cancer.*

*The final concern is that our house is surrounded by Chigwell woods which is good but keeps our house quite dark. extensions to no17 will significantly affect our light levels."*

#### CHIGWELL PARISH COUNCIL – Objection

*"The Council OBJECTS to this application, because the proposed extension would constitute an over-development of the site and is not in keeping with the existing street scene."*

#### CHIGWELL RESIDENTS ASSOCIATION – Objection

*"Concerns:*

*- over development/ bulk*

*- loss of green space/garden area*

- loss of amenity for neighbours (overlooking? Loss of light?)
- adverse visual impact”

## **Planning Considerations**

The main issues for consideration in this case are:

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

### Character and Appearance

Lodge Close is a small cul-de-sac made up of semi-detached dwellings. A number of properties on Lodge Close have been extended at the side providing a mix of forms and a varied street scene.

The proposal seeks to extend the host-dwelling to the eastern side at a depth of 1.5m. It would leave a gap of some 1m between the dwelling and its boundary with No.18. It would cover the entire flank wall at ground floor level, form part of the front elevation of the dwelling, and the majority of the flank wall at first floor level. This is considered to be an acceptable addition to the property. Its scale and form do not appear excessive in comparison to the existing building or the street scene and would not therefore constitute over-development of the site.

The rear extension is unlikely to be seen from the highway. Nonetheless, the proposal is considered to complement the rear elevation of the property.

As a whole, the proposal is considered acceptable in terms of its scale, form, detail, elevations, materials, roofing and fenestration.

### Living Conditions

The main properties to consider in terms of neighbouring amenities are adjacent Nos.16 (on the western boundary) and 18 (on the eastern boundary).

No.18:

Whilst the side extension is two storeys, it is only 1.5m deep and would not extend to the boundary line (as with the existing garage). The 45 degree rule (as annotated on drawing no. 17/lodgeclose-existing) demonstrates that the impact on the occupants of No.18 in terms of loss of light would be minimal.

Whilst it is noted that similar extensions, e.g. that of No.15, are set back from the rear elevation on the first floor this is not considered necessary because the proposed extension does not extend to the boundary line as with other examples on Lodge Close.

The rear extension would replace an existing conservatory which currently obscures the 45 degree angle of sight for No.18. The proposed angle of the extension's pitched roof means that the impact on the occupants of No.18 would not considerably differ from that of the existing conservatory and it is not therefore considered detrimental to the occupants in terms of overshadowing, loss of light, overlooking, visual impact or being overbearing.

No.16:

As No.16 sits further back than the host dwelling, the ground floor rear extension would bring the host dwelling in line with No.16. This means that neither the ground floor nor first floor extension would extend further rearwards than No.16. This reduces any potential impact of overshadowing, loss of light, overlooking, visual impact or being overbearing.

### Green Belt

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One of the exceptions to this are: The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposal is not considered to result in disproportionate additions over and above the size of the original building and is therefore acceptable with regards to the Green Belt.

## Other Matters

During the consultation period, concerns were raised around the site being used as an HMO property. The applicant and owner of the property has confirmed that the property is currently leased via an agency and has only ever been under the tenancy of one family comprising of five members. The applicant has also advised the council that, when planning permission is obtained for the enlargement of the property, she intends to use the property for her own family.

### **Conclusion**

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

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

**Planning Application Case Officer: 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)**

### **Conditions: (4)**

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: LOCATION PLAN; PROPOSED BLOCK PLAN; PROPOSED PLANS & ELEVATIONS; EXISTING PLANS & ELEVATIONS; EXISTING & PROPOSED STREET VIEW.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 2 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 3 Prior to first occupation of the building/extension hereby permitted the window in the eastern flank elevation at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that window 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building as specified in the submitted application form].

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

**Informatives: (1)**

- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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# Epping Forest District Council



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Application Number:	EPF/0483/22
Site Name:	8 Stanmore Way Loughton Essex IG10 2SA

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# OFFICER REPORT

**Application Ref:** EPF/0483/22  
**Application Type:** Full planning permission  
**Applicant:** Mr T Brough  
**Case Officer:** Muhammad Rahman  
**Site Address:** 8 Stanmore Way  
Loughton  
Essex  
IG10 2SA  
**Proposal:** The replacement of an existing house.  
**Ward:** Loughton St. John's  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyTP>  
**Recommendation:** Approve with Conditions

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

## Site and Surroundings

The site comprises of a detached bungalow located within a built-up area of Loughton. It is not listed nor in a conservation area.

## Proposal

The proposal is for a replacement dwelling.

## Relevant Planning History

EPF/2674/19 - Proposed accommodation with a new roof form – Approved

EPF/0490/20 - Proposed replacement of an existing house – Dismissed on Appeal on Loss of Bungalow.

EPF/0550/21 - Demolition of an existing bungalow and replacement with two chalet bungalows – Dismissed on Appeal on EFSAC

EPF/2649/21 - Application for Prior Approval of a proposed enlargement of a dwellinghouse by construction of additional storeys – Prior Approval Required and Refused

EPF/3114/21 - Application for Prior Approval for a proposed enlargement of a dwelling by construction of additional storeys (Revised app to EPF/2649/21) – Prior Approval Required and Granted

EPF/0411/22 - Application for Approval of Details reserved by condition 3"Construction management report" for EPF/3114/21 – Details Approved



## Development Plan Context

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

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

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

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

### *National Planning Policy Framework 2021 (Framework)*

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

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

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

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

Paragraphs 126 & 130  
Paragraph 180

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

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

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

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

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

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

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, the **highest weight** should be afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

SP2	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
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

### Summary of Representations

Number of neighbours Consulted: 8. 2 response(s) received  
Site notice posted: Yes

36 BROADSTROOD – Support - The existing property site is in a state of dis-repair and doesn't contribute positively to the appearance of the street. This proposal will bring the site back to life providing a nice family home, and the design would make a positive addition to the street scene.

1 LITTLE GOLDINGS – Objection – Summarised as: Overlooking.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application on the grounds that it was yet another attempt to change the existing dwelling from a bungalow into a multiple level dwelling. Members supported the retention of bungalows in the district, under Policy H1 of the local plan, which

proposes to seek mixed and balanced communities, as upheld by the Planning Inspectorate in its decision of 22 December 2020, for planning application EPF/0490/20.

Further, the increase in the number of bedrooms is contrary to the SAC and would result in more car pollution and a subsequent impact on the air quality to the SAC.

Natural England and Loughton Town Council have both advised in their main modifications responses to the Inspector (autumn 2021) that the LPSV cannot yet be considered justified, effective or consistent with national policy in relation to detriment to the SAC. Therefore, we object to this application because of the urbanisation effect, burden on recreational pressure, and damage to air quality in the SAC that the application, alone or with other projects, will engender.

## **Planning Considerations**

The main issue for consideration in this case is the supply of housing for older residents.

Policy H1 (f) of the LPSV specifically seeks to resist the loss of bungalows (due to their potential ease of adaption) in order to ensure an appropriate mix of accommodation types is maintained. This is consistent with the Framework's aim of delivering housing of differing sizes and types to meet the needs of different groups of the community, including older people. Policy H1 also requires new homes to be accessible and adaptable as defined by Building Regulations.

Whilst the proposal would result in a two-storey house, thereby resulting in a loss of a bungalow, however, Members attention is drawn to the fallback position under EPF/3114/21 where an additional storey under Class AA of the General Permitted Development Order (GPPDO) 2015 was granted, all pre-commencement conditions were discharged, and the consent implemented. Thus, the existing bungalow is no longer a bungalow. This position was also accepted by the Inspector of the recent appeal decision related to EPF/0550/21 (Please refer to Appendix 1).

Therefore, there would be insufficient grounds to refuse this application on the loss of a bungalow, particularly one that can be defended at appeal.

### *Other Considerations*

#### *Character and Appearance*

The current bungalow is at odds with the rest of the properties in the wider area, which consist of large detached dwellings of various architectural styles and built form. The proposal would be in keeping with neighbouring properties, have sufficient spacing around the building and be of a high-quality design. Therefore, the proposed development would complement the appearance of the street scene and that of the wider area and would not amount to harmful overdevelopment of the site.

#### *Living Conditions*

The proposed dwelling is sited a significant distance away from No. 1 Little Goldings (Approx. 8.5m to the common boundary & 13m to the flank elevation of No. 1) to cause any material impact to their amenities, in terms of harmful overlooking that would justify a reason for refusal. The rear facing window serving the master bedroom is angled at 30 degrees and the proposed green roof would not be used as a balcony or similar amenity area. This element will also be secured via a condition. The other rear facing window serves the dressing room and will be obscure glazed.

Furthermore, there will be no material impact to the living conditions of No. 6 due the extensive extensions carried out to their property, and no material impact to No. 10 due to the siting, form and separation distance of the building to the common boundary.

### *Highway Safety*

No change is proposed to the existing vehicle accessway and there is sufficient space to park multiple cars on the site, and no objection has been received from the highways officer, so it is considered that there would be no detrimental impact to the safety operation of the highway network.

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

### *Trees and Landscaping*

The Council's tree officer has raised no objection subject to the imposition of conditions as part of the consent.

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

The proposal will not result in increased recreational pressure or vehicle movements or greater urbanisation from the site than the existing dwelling. It is simply a replacement building. As such there would be no impacts in this regard. The claims by the Parish are unfounded.

### **Conclusion**

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

**If you wish to discuss the contents of this report then please contact the case officer by 2pm on the day of the meeting at the latest. If no contact can be made, then please email**

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

**Case Officer | Muhammad Rahman | [mrahman@eppingforestdc.gov.uk](mailto:mrahman@eppingforestdc.gov.uk)**

**Appendix 1 - Appeal Decision for EPF/0550/21**



## Appeal Decision

Site visit made on 11 April 2022

by **Mark Philpott BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

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**Appeal Ref: APP/J1535/W/21/3283846**

**8 Stanmore Way, Loughton IG10 2SA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms T Brough against the decision of Epping Forest District Council.
  - The application Ref EPF/0550/21, dated 26 February 2021, was refused by notice dated 14 July 2021.
  - The development proposed is demolition of an existing bungalow and replacement with two chalet bungalows.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The National Planning Policy Framework (Framework) was revised in July 2021. It replaces the version from 2019, which was effective when the planning application was determined. The appellant and the Council have been able to comment on the current version of the Framework during the appeal process.
3. In January 2022 the latest Housing Delivery Test results were published. These indicate that the presumption in favour of sustainable development, as set out at paragraph 11(d) of the Framework, is relevant to decision making in the district. The latest results are not referred to in the appeal submissions, but the results from the previous year have been referenced and the presumption was relevant then too. As such, it has not been necessary to seek the views of the main parties regarding the latest results.
4. A unilateral undertaking (UU) dated 22 September 2021 was submitted with the appeal. It intends to secure mitigation of potential adverse effects of the proposal on the integrity of the Epping Forest Special Area of Conservation (habitats site), which is designated under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations).
5. One of the Council's refusal reasons sets out that the proposal would have a 'detrimental impact on the amenities of the immediate neighbouring residents through its visual impact'. I have taken this to be a concern regarding outlook, which is reflected in the wording of one of the main issues identified below.

### Main Issues

6. The main issues are the effects of the proposal on:
  - the integrity of the habitats site;

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<https://www.gov.uk/planning-inspectorate>

- the character and appearance of the area, with particular regard to landscaping;
- the mix of housing in the district; and
- the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

## Reasons

### *Habitats site*

7. The appeal site comprises a residential property adjacent to a highway junction between Stanmore Way and The Beacons. It is around 140 metres from the habitats site. The qualifying features for which the habitats site has been designated are Atlantic acidophilous beech forests, Northern Atlantic wet heaths, European dry heaths and the stag beetle.
8. The habitats site's conservation objectives are to ensure that its integrity is maintained or restored and achieve the favourable conservation status of its qualifying features by maintaining or restoring the extent, distribution, structure and function of its 3 qualifying habitats and the habitats of the stag beetle; the population and distribution of the stag beetle; and the supporting processes on which the qualifying features rely.
9. Natural England was consulted on the proposal during the appeal, but no response was received. However, I also requested that information was submitted to facilitate an appropriate assessment. Amongst other things, the Council provided advice from Natural England prepared principally to support the advancement of the emerging Local Plan<sup>1</sup> (eLP). The most recent advice<sup>2</sup> identifies that the habitats site's qualifying features are sensitive to changes in air quality and that pollutants adversely affecting them currently exceed critical level and load thresholds. Petrol and diesel motor vehicles emit those pollutants. Natural England also identifies that the qualifying features are vulnerable to impacts associated with recreational activities within the habitats site, including trampling, dog fouling and soil erosion and compaction.
10. The proposal would result in a net increase in housing in the immediate vicinity of the habitats site. There is nothing before me which indicates that petrol and diesel vehicles would not be used in connection with the residential use. Trips to and from the site, and through and near the habitats site, would therefore likely be made using petrol and diesel vehicles. Those vehicle movements would contribute to the levels and loads of the pollutants adversely affecting the habitats site. Additionally, the future occupiers of the development would likely use the habitats site for recreational purposes given their proximity to it.
11. The appellant has prepared a Habitats Regulations Assessment (HRA). It does not comment on the significance of the recreational impacts but concludes that the air quality impacts would be insignificant. While a limited number of petrol and diesel vehicle movements would be generated by 2 dwellings, the HRA reports that more trips would arise from the development than if the existing dwelling was occupied. Any additional petrol and diesel vehicle trips would contribute to the critical levels and loads of pollutants being further exceeded.

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<sup>1</sup> Epping Forest District Local Plan Submission Version 2017

<sup>2</sup> Overarching Standard Advice for Development Applications within Epping Forest District, 10 August 2021

12. Furthermore, the effects must be considered in combination with other plans and projects and, following the People Over Wind judgement<sup>3</sup>, mitigation measures cannot be considered in determining whether effects would be significant. This includes mitigation identified in the eLP and for other development proposals. In the absence of mitigation and adopting a precautionary approach, the proposal would have likely significant effects on the habitats site. Moreover, there would be adverse impacts on its integrity from pollutants and recreational activities in the ways set out above, unless mitigation is secured.
13. The Council has created interim strategic approaches<sup>4</sup> for mitigating the air quality and recreational impacts of development that would adversely affect the habitats site. The UU seeks to provide financial contributions towards mitigating the development's air pollution and recreational impacts in line with those interim approaches.
14. Natural England's latest advice sets out that air quality should not be considered an impediment to determining applications if development comes forward in accordance with a modelled scenario relied upon by the HRA from August 2020 to support the eLP, and the mitigation relied upon in that scenario and the Council's interim air quality strategy is secured and certain to proceed. In respect of recreational impacts, Natural England supports the Council's interim approach, but it raises concerns regarding the lack of a strategy for green infrastructure and suitable alternative natural greenspace.
15. Evidence relating to the eLP examination has been provided, including a schedule of proposed main modifications to the eLP. Amongst other things, modifications are proposed to eLP Policies DM2 and DM22 and their supporting text, which relates to development effecting the habitats site and air quality. The schedule also refers to an updated HRA that has not been submitted. On the basis of the evidence before me, I cannot be sure that the proposed changes and the updated HRA accord with Natural England's latest advice such as in respect of the modelling assumptions, and thus that there would be no adverse effects on the habitats site's integrity.
16. Additionally, it is logical that mitigation should be delivered to address the adverse impacts of this proposal specifically in time to prevent harm being caused, to maintain the integrity of the habitats site. Although the interim strategies set out various potential mitigation measures, evidence which indicates that mitigation for this specific proposal would be delivered in a timely manner has not been provided.
17. Therefore, based on the evidence before me and taking a precautionary approach, I cannot be certain that the mitigation necessary to conclude that the proposal would not adversely affect the habitats site would be secured.
18. Further, even if I was to conclude that the necessary mitigation could be secured, the UU is deficient insofar as Clause 1.3 indicates that a Building Society has an interest in the land. As it is not party to the UU, the obligations would be unenforceable against its successors in title. The UU also refers to the incorrect planning application reference and therefore it would not take effect if

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<sup>3</sup> People Over Wind & Peter Sweetman v Coillte Teoranta C-323/17

<sup>4</sup> Epping Forest Interim Air Pollution Mitigation Strategy (2020); Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation (2018)

the appeal was allowed. Accordingly, I cannot be certain that the financial contributions would be made or that mitigation would be provided.

19. Planning conditions have been agreed between the main parties in the event the appeal succeeds. Amongst them are ones to require the provision of electrical vehicle charging points and a strategy to facilitate super-fast broadband for the occupiers. These would likely result in the number of petrol and diesel vehicle movements and harmful emissions generated from the development being lower than would otherwise be the case. However, the conditions would not prevent the use of such vehicles or address the proposal's impacts from recreational activities.
20. Whilst the appellant's HRA was reviewed by a specialist consultant appointed by the Council and housing may have been approved in locations that are similarly close to the habitats site, as competent authority I must be satisfied that the development would not adversely affect the habitats site's integrity. For the reasons identified, I cannot conclude that this would be the case.
21. Therefore, the proposal conflicts with Policy NC1 of the Epping Forest District Local Plan and Alterations (LP), which resists adverse effects on special areas of conservation. It also fails to comply with eLP Policies DM2 and DM22, which seek to avoid adverse effects on the habitats site. Additionally, it conflicts with Chapter 15 of the Framework and the Habitats Regulations, which seek to protect designated habitats and species.

#### *Character and appearance*

22. The site includes a bungalow and associated outbuildings. A tall hedge extends across the majority of the site's front boundary. Trees and other vegetation are located within and near the boundaries of the site.
23. The area is predominantly characterised by large, detached houses fronting the highway in fairly consistent lines; however, their ages and designs vary considerably and a few bungalows are also evident nearby. A high number of street trees are present in the vicinity. Additionally, many properties feature soft landscaping that is visible from the highway, including boundary hedges.
24. The bungalow has a tired appearance, is somewhat awkwardly juxtaposed between the comparatively large houses at 6 and 10a Stanmore Way and makes a limited contribution to the prevailing character of the area. Furthermore, the site's front boundary hedge is unusually large relative to the size and extent of boundary hedges at other properties.
25. The proposed building would feature asymmetrical pitched and gabled roofs which would appear to be separated by a chimney stack. Most of the accommodation, including a bathroom and bedroom or study, would be located on the ground floor of each dwelling. However, there would also be ensuite bedrooms above ground floor level, which would be served by windows in gable ends to the front and rear of the building.
26. Taking the proposed dwellings together, the overall building would be comparable with the height of the adjacent houses at Nos 6 and 10a, and similar in scale and width to many properties in the vicinity of the site. The building would also conform to the building line along Stanmore Way. Although the main entrances would be to the sides and not the front of the building, the site would nevertheless appear to feature semi-detached dwellings due to the



proposed roof design and as there would be front gardens for each property. However, the Council has not objected on the basis that the properties would be semi-detached. Having regard to the extent of variation in the appearance of the housing in the area, the development would not appear incongruous.

27. The proposal would involve the removal of part of the front boundary hedge to create an additional site access. The hedge is also proposed to be reduced in height. The resulting hedge would be typical of the size and extent of front boundary hedges apparent elsewhere in the locality. Although a few trees are proposed for removal, the appellant's arboricultural report identifies that they are of limited quality, none are protected by way of tree preservation orders, and their visibility from the public realm is limited. Subject to a condition to secure the implementation of new landscaping, the verdant character of the area would endure.
28. The proposal would not harm the character and appearance of the area. It accords with LP Policies LL10 and LL11, which resist the inadequate provision and retention of trees and other vegetation. It also complies with eLP Policies DM9 and DM10, which seek the integration of landscaping into schemes and enhancements to the quantity and quality of landscaping. Additionally, it accords with Chapter 12 of the Framework, which sets out that schemes should be visually attractive as a result of effective landscaping.

#### *Housing mix*

29. LP Policy H4A states that the provision of a range of dwellings, including an appropriate proportion of smaller dwellings, is required to meet identified needs. Similarly, eLP Policy H1 aims to address housing needs; however, Part F of the policy specifically resists the loss of bungalows and specialist accommodation. Its supporting text explains that there has been a gradual erosion of the existing stock of bungalows and that these play an important role because of their potential ease of adaptation such that they can provide choice for people with accessibility needs, including older people. In addition, paragraph 62 of the Framework sets out that the housing needs of different groups, including older people and people with disabilities, should be reflected in policies.
30. The appellant contends that the proposed dwellings would constitute 'chalet bungalows', whereas the Council argues that they would be 2 storey dwellings. I have not been referred to any definitions for bungalows or chalet bungalows for the purposes of assessing the proposal's conformity with LP Policy H4A or eLP Policy H1. However, details and drawings of several schemes have been provided which suggest that the Council has previously found chalet bungalows to be bungalows for the purposes of eLP Policy H1<sup>5</sup>. The buildings that the Council identifies as bungalows for policy purposes have similarities with the proposed dwellings, with some comparable in internal configuration and height, and others featuring first floor windows in gable ends. The Council has not provided reasons for concluding that the proposed dwellings do not constitute chalet bungalows or explained what sets them apart from the buildings that were found to constitute bungalows in compliance with eLP Policy H1. The Council's previous decisions therefore support the appellant's arguments.

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<sup>5</sup> Council references: EPF/1952/20; EPF/2680/20; EPF/2715/20; EPF/0028/21; EPF/0179/21

31. The appellant has undertaken an appraisal of the accessibility and adaptability credentials of the existing bungalow and the proposed dwellings. The bungalow is limited in these regards for several reasons, including stepped entrances, narrow accesses, small rooms and limited circulation space. The proposed dwellings would not have such constraints. Moreover, all the rooms typically required to meet day-to-day needs, such as cooking and bathing facilities, would be located at ground floor level. The proposed dwellings would satisfy the requirements of people with accessibility needs, including older people, even though the accommodation would be located over 2 floors.
32. Furthermore, a prior approval application has been granted<sup>6</sup> that would have the effect of turning the bungalow into a 2 storey house. Having regard to the bungalow's condition, there is a reasonable prospect that the prior approval scheme would be implemented if this appeal was dismissed. This fallback position attracts considerable weight. Therefore, even if I were to find that the proposed dwellings were neither bungalows nor chalet bungalows, the loss of the existing bungalow would not lead me to conclude that the proposal should be rejected due to housing mix concerns.
33. I have been provided with 3 appeal decisions<sup>7</sup> wherein the loss of bungalows was found to conflict with LP Policy H4A and eLP Policy H1. Full details and drawings of those proposals have not been provided. However, one decision refers to the creation of a 'two storey house with roof above', another refers to a proposed 'standard two storey dwelling', and the other scheme sought outline permission with all matters reserved. Chalet bungalows are not referred to within the decisions and thus the precise circumstances of and arguments put forward for those appeals appear to differ to this one. Furthermore, in this case, there is evidence that dwellings with similarities to the proposal have been found to comply with LP Policy H4A and eLP Policy H1. Accordingly, those appeal decisions have little bearing on this appeal.
34. Based on the evidence before me and taking account of the fallback position, the proposal would have a satisfactory effect on housing mix. On that basis, it does not conflict with LP Policy H4A, eLP Policy H1 or paragraph 62 of the Framework, the purposes of which are set out above.

#### *Living conditions*

35. The proposed building would be located almost centrally within the site. The gaps between it and the adjacent dwellings at Nos 6 and 10a would be similar to those between buildings elsewhere in the street. It would extend modestly beyond the front elevation of No 6 and the rear elevation of 10a. Furthermore, its pitched roof design is such that much of its upper parts would be set back significantly from the site's boundaries. Adequate outward views from the neighbouring dwellings and gardens would therefore be retained and any sense of enclosure would be limited.
36. The proposal would not result in excessive harm to the living conditions of the occupiers of adjacent properties. It accords with LP Policy DBE9, which requires that new development does not result in excessive loss of amenity for neighbouring properties. It also complies with eLP Policy DM9 and Chapter 12

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<sup>6</sup> Council reference: EPF/3114/21

<sup>7</sup> Appeal references: APP/J1535/D/20/3252852; APP/J1535/W/21/3268775; APP/J1535/D/21/3284249

of the Framework, which seek to achieve high amenity standards and prevent overlooking, overbearing and over enclosure.

### Other Matters

37. Paragraph 182 of the Framework makes clear that the presumption in favour of sustainable development does not apply where a plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the project would not adversely affect the integrity of a habitats site. It has not been possible to conclude that the proposal would not adversely affect the habitats site's integrity. Therefore, the presumption is not applicable in this case.
38. Nevertheless, it is undisputed that the Council cannot demonstrate 5 years supply of deliverable housing sites, with the appellant indicating that only 1.35 years supply exists. The proposal would make a small but notable contribution to housing supply and delivery having regard to the housing provision issues in the district. Additionally, the housing would be within walking distance of the centre of Loughton and the site would be used efficiently to increase the amount of accessible and adaptable accommodation in the district. Energy efficiency measures are also proposed. Further, the Framework supports the use of small sites, windfall schemes in existing settlements, the development of under-utilised land and the subdivision of sites. However, these benefits do not outweigh my concerns in respect of the habitats site.
39. The proposal is supported by an ecological assessment. Amongst other things, it recommends that a bat emergence survey of the existing bungalow is undertaken. The main parties have agreed to a condition that would require the recommendations in the assessment to be carried out.
40. Circular 06/2005<sup>8</sup> states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted. On that basis, it would be inappropriate to require the undertaking of surveys by means of a condition. The use of conditions to require mitigation in the absence of surveying would also be inappropriate as there would be no certainty that such measures would satisfactorily address any harm to bats that might occur. However, as I am dismissing the appeal in relation to one of the main issues in dispute, I have not sought further views from the parties regarding this matter.

### Conclusion

41. The proposal is contrary to the development plan. Material considerations do not outweigh the conflict with the development plan. Accordingly, the appeal is dismissed.

*Mark Philpott*

INSPECTOR

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<sup>8</sup> Office of the Deputy Prime Minister Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impacts within the Planning System

**Conditions: (18)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 378-EX-01 Rev B, 378-EX-02 Rev B, 378-EX-03 Rev B, 378-PL-10 Rev A, 378-PL-11 Rev A, 378-PL-12 Rev A, 378-PL-13 Rev A, 378-PL-14 Rev A, and 378-PL-15 Rev A.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Tree protection shall be installed as shown on Moore Partners Ltd 'Tree Constraints and Protection Plan', drawing number 'CA\STAN\01' (dated 12th 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 5 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

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

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 8 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 9 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above & the window on the rear elevation serving the master bedroom dressing area, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal

floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 10 The development shall be carried out in accordance with the Recommendations & Enhancements as set out in the Preliminary Ecological Appraisal by agb Environmental Ltd (dated 2 March 2020) and completed prior to first occupation of the development and so retained.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with policy DM1 of the Local Plan Submission Version 2017, and the NPPF.

- 11 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form & design & access Statement.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 12 Access to the flat (green) 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.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 13 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 14 The proposed dwelling hereby permitted shall be built in accordance with Part M4 (2) of the Building Regulations.

Reason To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households in accordance with Policy H1 of the Local Plan Submission Version 2017, and the NPPF.

- 15 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

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

- 16 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and 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 be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 17 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, AA & B of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

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

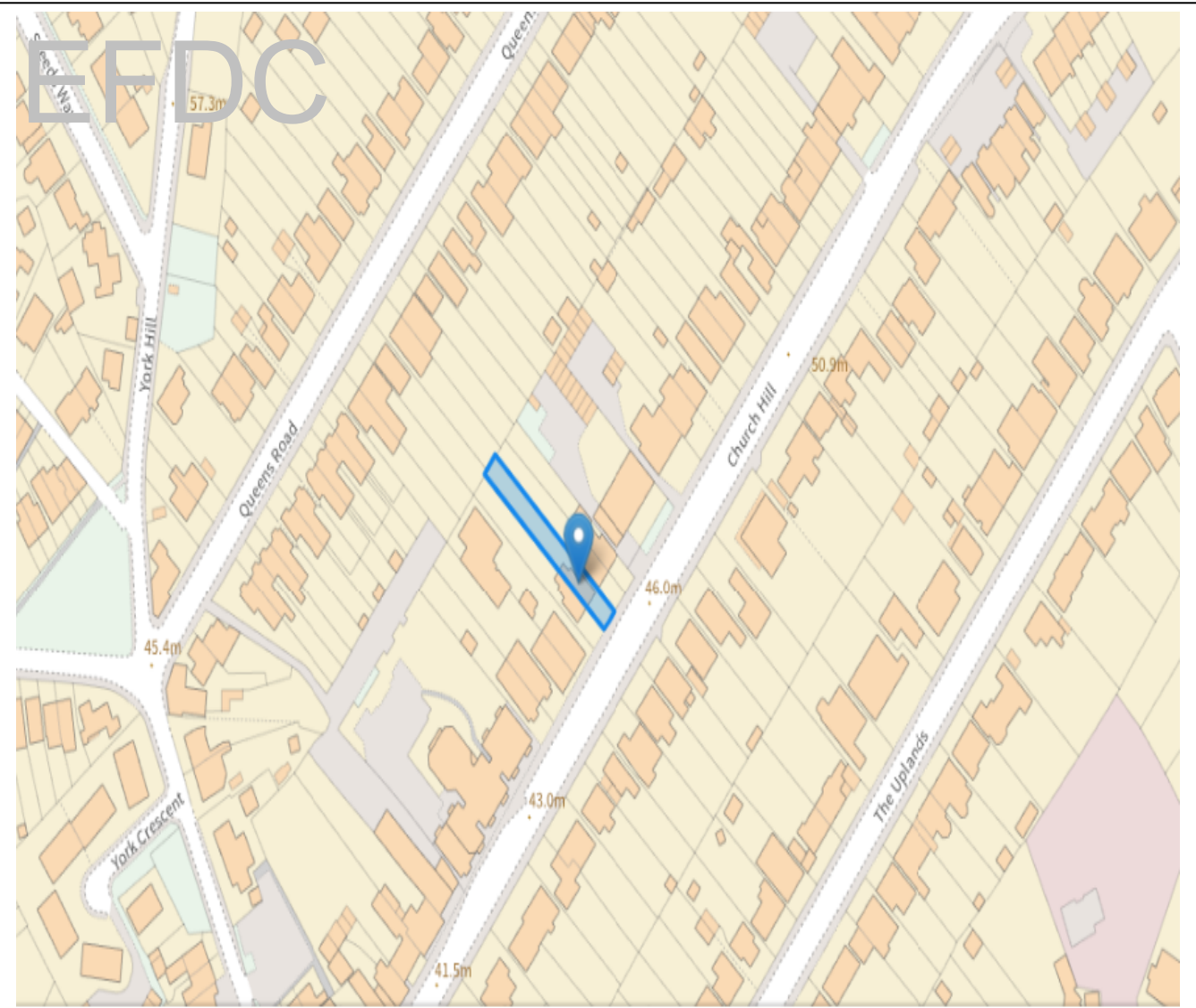
**Informatives: (1)**

- 19 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.





# Epping Forest District Council



# EFDC

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Application Number:	EPF/0519/22
Site Name:	42 Church Hill Loughton IG10 1LA

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# OFFICER REPORT

**Application Ref:** EPF/0519/22  
**Application Type:** Full planning permission  
**Applicant:** Mr and Mrs Favell  
**Case Officer:** Kie Farrell  
**Site Address:** 42 Church Hill  
Loughton  
IG10 1LA  
**Proposal:** Demolition of existing single storey lean-to and erection of a single storey side & rear extension.  
**Ward:** Loughton St. John's  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nylf>  
**Recommendation:** Approve with Conditions

**This application was deferred from the 3rd August 2022 South Area Committee meeting for a Site Visit. The Site Visit was held at 6pm on Wednesday 10th August where six Councillors visited both No. 42 and No. 44.**

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

## **Description of Site:**

The proposal is one of a semi-detached pair of attractive "L" shaped Victorian/Edwardian dwellings on Church Hill. The lean to on the attached neighbouring house comes out the same depth as the lean to on the proposal building. The immediate area is made up of a mix of dwelling styles with the dominant style older housing. Gardens are long and narrow.

Not in a Conservation Area. Not listed.

## **Description of Proposal:**

*Demolition of existing single storey lean-to & erection of a single storey side & rear extension.*

This is resubmission following refusal of EPF/2655/21.

The proposal is to demolish a small lean to projection on the rear of the dwelling and replace it with a larger extension. The proposal would square off the rear elevation and extend 3.00m (reduced from 4.27m as proposed under refused application EPF/2655/21) past the depth of the existing lean to element of the subject property and the attached neighbouring property No. 40.

The structure would have a flat roof with projecting rooflights (infill element pitched roof).

## **Relevant History:**

Planning History – Application property No 42:

EF\2022\ENQ\00061

Post-app advice issued 28.02.2022.

EPF/2655/21

Demolition of existing single storey lean-to & erection of a single storey side & rear extension.

Refused 29.11.21.

Reasons for refusal:

1. *The proposed extension by reason of its design, scale and excessive depth, appears as an disproportionate and incongruous addition and fails to complement or enhance the appearance of the existing dwelling and surrounding area contrary to policies CP2, CP7 & DBE10 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.*
1. *The proposed extension by reason of its design, scale and excessive depth would appear overbearing and visually intrusive when viewed from the rear garden of the attached neighbouring property No. 40 Church Hill resulting in a loss of residential amenity. As such the proposal fails to safeguard the living conditions of the occupiers of this neighbouring property contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.*

EPF/1464/10

Demolition of rear lean-to extension and construction of new single storey full width extension.

Approved 15th September 2010.

Not implemented.

EPF/0913/10

Certificate of lawful development for proposed removal of rear lean-to and construction of a new single storey extension.

Not Lawful 15.07.2010 (Proposal would extend beyond the rear wall of the original dwellinghouse by more than 3 metres).

Planning History - Attached Neighbouring property No 40:

EPF/2245/09

Demolition of existing rear building and erection of single storey rear extension.

Approved 27.1.10

Not implemented.

### **Policies Applied:**

*Epping Forest Local Plan and Alterations 1998/2006*

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

*National Planning Policy Framework (NPPF) (July 2021)*

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

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

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

c)

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

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

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

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

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

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

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ended 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:

SP1 Presumption in Favour of Sustainable Development

DM9 – High Quality Design

DM10 – Housing Design and Quality.

## Consultation Carried Out and Summary of Representations Received:

Loughton Town Council: Objection:

Late comments received 26.04.2022:

*The Committee OBJECTED to this application on the grounds that the proposed extension by reason of its design, scale and excessive depth was an overdevelopment of the site and would have an adverse effect on the neighbours at number 44 Church Hill*

4 neighbours consulted: 2 responses received comprising 1 objection and one 'comment' as follows:

44 Church Hill (Objection):

*"We object strongly to the proposed development of a side & rear extension to 42 Church Hill IG101LA. The extension would be visually intrusive in its height & proximity to our property at No 44 Church Hill. The design of the extension wall would greatly impact the light & view from our kitchen/diner where we eat our meals and have done for the past 41 years. It is the width and height we mostly object to. The latest renewed application only reduces the length from 10 metres to 8.5 metres but the height and width remain the same. We have a similar sized wall at 10ft 6in on the extension at No 46 which is also incongruous and out of character to these charming Victorian Villas. To have another plain high brick wall at No42 would greatly upset us & make us feel that we are living in a tunnel. We spend a lot of time in our garden & think it important to preserve the character to the rear of these houses. This extension would be sadly visually intrusive."*

40 Church Hill (Comment):

*"Referring to the revised planning application, I note that the depth of the proposed extension has been reduced, however I still have concerns regarding the scale and design of the building. As noted in the council's refusal, the plans for the extension remain overbearing and intrusive, largely owing to the height of the structure. I agree with the council's feedback and fear that the height and scale of the planned building would negatively impact my enjoyment of my home and particularly my garden. I believe my living conditions would be seriously affected by the disproportionate and out of keeping design. It doesn't feel very sympathetic to our existing Edwardian period properties.*

*I have other concerns that I wish to raise again, initially submitted in response to the original planning application. I don't believe that these have been addressed. These are as follows:*

*I need assurances that the works will protect my property from damp, using sympathetic lead flashing between my roof and the proposed wall. This is a priority and I need to know how the architect plans to address this.*

*In relation to the support of the party wall. I would like clarity over the proposed wall type, along with confirmation of its adequacy under point load. I would suggest the need for a secondary wall, to protect the party wall and my property. Under no circumstances do I support any damage or undermining of the integrity of my party wall.*

*I note there is no detail regarding the depth of the proposed excavations for the footings, also detailed surveys need to be carried out in relation to the existing foundations and any potential undermining of my foundations or utilities eg. water/ sewer. I do not anticipate any intrusion into my property, be it via shared walls or in the garden, which includes my fence and landscaping.*

*I would like these concerns to be addressed in an open and constructive manner."*

## Issues and Considerations:

The main issues to consider relate to Character and Appearance and Residential Amenity.

### Character and Appearance

The depth of existing single storey 'lean to' element to both No 42 and No 40 is approximately 2.7m.

As detailed in the Planning History section below, in 2010 planning permission was granted for single storey rear extensions to the subject property (1.5m deeper than existing lean to) and to the attached neighbour No. 40 (1m deeper than existing lean to). Neither of these permissions have been implemented.

The design and form of the extension proposed by this post app is similar to that previously approved in 2010 and at 3m deep (past the existing lean to), the proposed depth falls between the refused EPF/2655/21 scheme (4.27m past the existing lean to) and the previously approved 2010 scheme (1.5m past the existing lean to).

The proposed extension would infill the existing void created by the L shape of the building in a wraparound form to a depth of 10m from the shallowest part of the rear elevation.

Although the flat roof design is not ideal, the structure would be unseen from the street and the roof form itself does not represent a reason for refusal.

The reduction in depth now proposed is considered sufficient to overcome previous concerns and the proposed extension can now be considered to be a suitable, proportionate addition.

Overall the proposed development is now considered to be acceptable in design, character and appearance terms and in accordance with policies CP2, DBE9 and DBE10 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017)* and the NPPF.

### Residential Amenity

No 44:

Separation will be maintained in the form of the existing side alleyway and it is not considered that the proposed extension would have a harmful impact on the visual or residential amenities of the occupiers of No 44.

No 40 (attached neighbour):

The proposed extension would extend 3m (reduced from 4.27m) beyond the depth of No. 40's lean to projection along the boundary into the rear garden.

The parapet wall on this side of the extension has also been reduced compared to the previously refused scheme, reducing the height of the extension along the boundary, mitigating the impact on the occupiers of No. 40.

The reduction in depth and height along the boundary are considered to be sufficient to overcome the previous reason for refusal.

Now acceptable in terms of impact on residential amenity.

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

### **Conclusion:**

The proposed extension is considered to comply with relevant Local Plan policies and the guidance set out in the NPPF and the application is therefore recommended for approval subject to conditions.

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

Planning Application Case Officer: Kie Farrell Telephone Number: 01992 564248.

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

### **Conditions: (4)**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Drawing No. ksd/21/57/01 - Existing Site and Location Plan

Drawing No. ksd/21/57/02 Rev A - Proposed Site Plan

Drawing No. ksd/21/57/03 Rev A - Existing and Proposed Ground Floor Plans

Drawing No. ksd/21/57/04 Rev B - Existing and Proposed Roof Plans

Drawing No. ksd/21/57/05 - Existing and Proposed Rear Elevation

Drawing No. ksd/21/57/06 Rev B - Existing and Proposed Side Elevations (as viewed from No. 44)

Drawing No. ksd/21/57/07 Rev B - Existing and Proposed Side Elevations (as viewed from No. 40)

Drawing No. ksd/21/57/08 Rev A - Existing and Proposed Sections.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building [or those specified on the approved plans, or those specified in the submitted application form].

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 [or DBE1 if structure is not a residential extension] of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 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.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

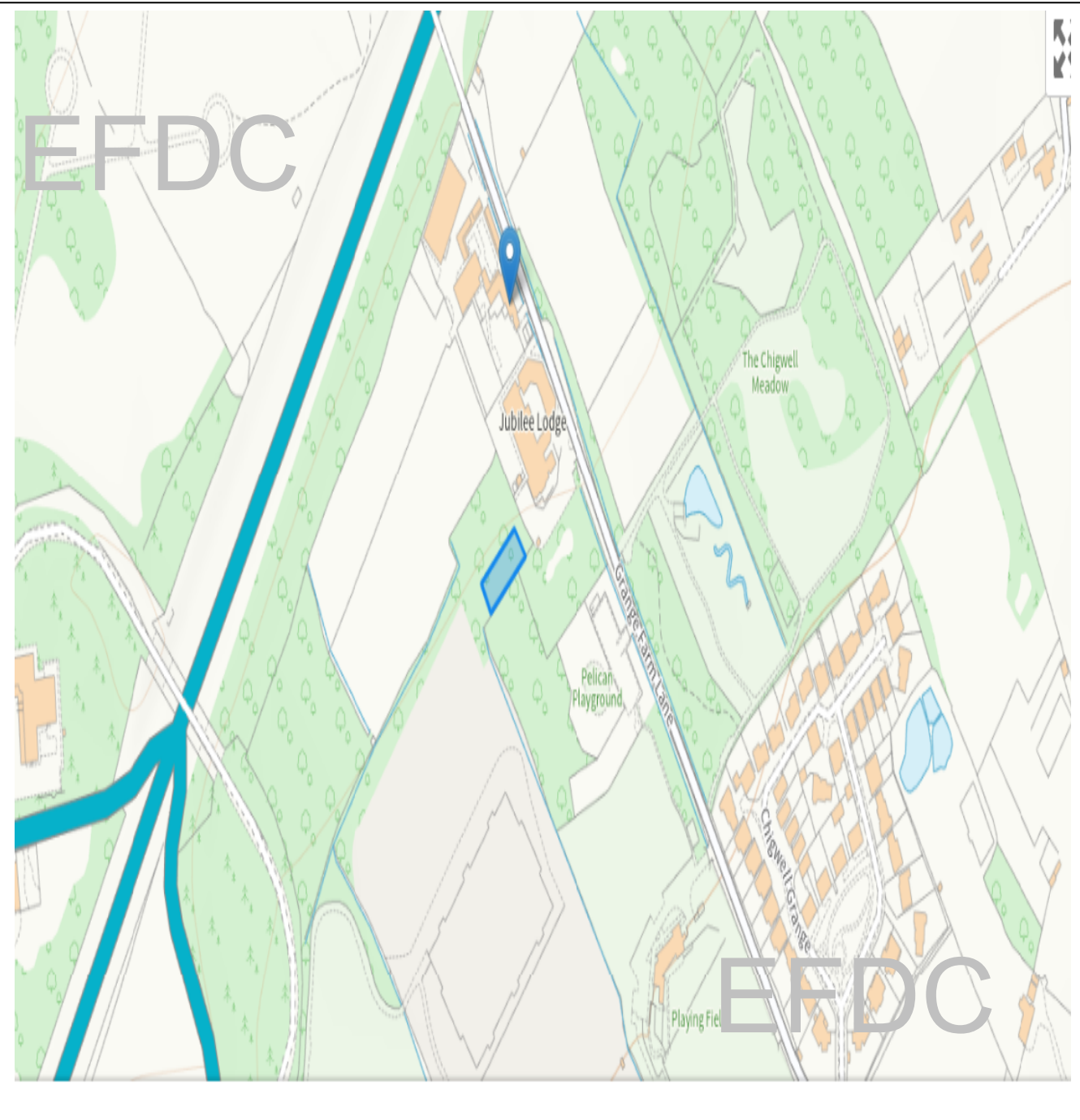
**Informatives: (1)**

- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.





# Epping Forest District Council



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Application Number:	EPF/0540/22
Site Name:	Grange Farm Centre High Road Chigwell IG7 6DP

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# OFFICER REPORT

**Application Ref:** EPF/0540/22  
**Application Type:** Full planning permission  
**Applicant:** Mr R Draper  
**Case Officer:** Ian Ansell  
**Site Address:** Grange Farm Centre  
High Road  
Chigwell  
IG7 6DP

**Proposal:** Proposed demolition of a silo, concrete hardstandings & existing fence. Erection of a detached two storey, x3 no. bedroom dormer cottage for occupation of site manager. Erection of replacement fencing, provision of parking spaces & driveway (Ref: EPF/2414/20).

**Ward:** Chigwell Village  
**Parish:** Chigwell  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nylz>  
**Recommendation:** Refuse

## REASONS FOR REFUSAL

1. The proposal represents inappropriate development in the Green Belt which by reasons of the siting and scale of the building and associated works would be visually intrusive and detrimental to the openness and character of the Green Belt in this location. In the absence of sufficient grounds to demonstrate that very special circumstances exist in terms of the siting of and need for the building proposed, development is contrary to policies GB2A, GB7A and DBE2 of the adopted Local Plan and Alterations, policies DM4 and DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.
2. 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, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

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

### Description of Site:

The application site lies at the south-eastern end of the Grange Farm site. It sits within an area immediately to the rear of Bramble Close comprising a mix of established trees and scrubby ground cover. The maintenance compound lies immediately south west. To the west, at a lower level, lies the upper football pitch and a community garden area, the main pavilion building lies at the opposite end of the football pitch. Vehicle access to the site and the maintenance store building is existing, lying to the south west side of the land.

The wider Grange Farm complex extends to the north and includes a range of amenities and open spaces., served from the main access road that also serves Chigwell Grange (residential development), Jubilee Lodge (care home) and stables (Riding Centre for the Disabled. To the west, the site adjoins further playing fields.

All of the land lies within the Green Belt. A number of Cadent gas pipelines run beneath various parts of Grange Farm site

### **Description of Proposal:**

The application seeks a new dwelling on the site for use by staff working on the site.

The house comprises a three bed chalet style dwelling with access from the existing service road. The building is set in a residential curtilage of around 800 sq.m that includes parking for two vehicles and a turning area to the front, and a private garden to the rear. The building is designed in brick, weatherboarding and tiles.

The application form confirms that the accommodation is intended for the Centre Manager.

The building would necessitate the relocation of the existing groundsman's silo, this is relocated to the north of the store building, within the existing compound area.

### **Relevant History:**

EPF/0395/08 New pavilion building and related works approved.

EPF/2152/16 New machinery store and hard standings - approved.

EPF/1605/17 First floor extension to residential flat (part of pavilion) with roof terrace – approved

EPF/0389/18 Outline application for new dwelling in similar location to current scheme withdrawn.

EPF/2414/20 Erection of detached house to provide tied accommodation for Centre Manager – refused – inappropriate development in the Green Belt, potential impact on EFSAC.

### **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:

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous development
NC1	SPA's, SAC's and SSSI's
NC4	Protection of established habitat
RP4	Contaminated land
RST1	Recreational, sporting and tourist facilities
U2B	Flood Risk Assessment Zones
U3B	Sustainable Drainage Systems

DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE8	Privat amenity space
DBE9	Loss of Amenity
LL10	Adequacy of provision for landscape retention
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 – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

*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
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: 25 April 2022

Number of neighbours consulted: Sixteen

Site notice posted: 28 March 2022

Responses received: Five comments have been received in support of the application, as under:

- A resident of 127 HIGH ROAD, Chigwell representing the local Scout Group who use the facility. Comments note new facilities which have developed in recent years and generally increased usage which supports additional staff presence.
- A resident of Galley Hill, Waltham Abbey who works with special needs groups at the site and sees a need for more permanent staff on the site.
- A representative of Chigwell Riding Trust who notes security concerns at the site, anti-social behaviour incidents and sees recent increases in use of Grange Farm as justification for the application.
- A representative of Voluntary Action Epping Forest who manage the community garden on the site, echoing comments above
- A resident of Hutton, Essex who uses the facilities and has seen popularity grow, thereby requiring additional staff presence.

Chigwell RA have raised concerns at the impact of the development on the Green Belt and the precedent set for further such building, the potential impact on biodiversity. If approved, would wish to see a condition removing future permitted development rights.

Parish Council: Chigwell PC objected to the application stating that the proposal has the potential to be inappropriate development impacting on the openness of the Green Belt. However, if Planning and Landscape Officers supported the application, the Committee is willing to withdraw the objection so long as permitted development rights are withdrawn.

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

The primary considerations in this case arise from the location of the site within the Green Belt. In broad terms, national and local policy are clear that development of new residential accommodation is inappropriate unless very special circumstances clearly exist and substantially outweigh the harm the development causes to the openness of the Green Belt.

The applicants case is that development is required in order to manage the activities at the Grange Farm Centre and a condition restricting occupation to a specialist worker as was imposed with the existing residential apartment is suggested. The Centre has expanded its range of activities and facilities since the Trust was formed in 1984 as well as the duration of public access, the pavilion is open between 7am and 10pm for example, and public access to the wider site has been increased. Unfortunately, with public access has come an increase in vandalism and anti-social behaviour which requires increased security measures, including damage to the playground, the community garden. Similar incidents have been reported by some of those responding to consultation in support of the application. An increase in livestock including sheep and cattle on the site also brings with it a need for a greater presence and management of the wider site.

The applicants further argue that the cost of suitable accommodation within the immediate vicinity. The build cost is estimated at around £300,000, properties of a comparable size are considerably more expensive and, at the time the applicant researched (January 2022) none were available within a quarter mile – the area the applicant considers necessary for immediate access to the site. The additional cost of purchase would have to be funded from the centre's budget, reducing funds that may be used elsewhere.

Officers recognise the changing nature of the site over the years and that it has continued to evolve and grow. However, the test set to establish very special circumstances is rightly extremely high and there are concerns that this has not been met. It is understood the accommodation is specifically designed for the exiting site manager who currently occupies the large 3 bed flat on the site. Notwithstanding, no

specific justification has been provided to support a further 3 bed dwelling on the site and while a smaller dwelling may restrict the number of applicants there is no reason to suggest this would not be viable, In such circumstances, some of the reasons for the location being selected may also be capable of resolution and alternative locations closer to the pavilion could be assessed. There is no specific justification for limiting the search for alternatives to a quarter mile radius, nor the fact that this search was carried out on one occasion only. Officers therefore consider that the case for very special circumstances remains weak, and as a result development would be inappropriate.

Following the previous refusal, where the scale of the development was considered of itself to be excessive in scale and volume so as to be incongruous in the location and was located in an area of existing landscaping, the building and curtilage have been reduced in size and footprint, and relocated onto an area of existing scrub and hardstanding. As such, previous concerns in relation to scale and form have been addressed in design terms.

The building has also been moved further from the boundary with properties in Bramble Close, and retains more of the existing screening of trees and shrubs on the boundary. The nearest house at 15 is side on with a 25m garden, and the block to the south-east comprises elderly persons flats and is single storey. The building will have a limited visual impact and due to the height this will be prominent, but direct impacts from overshadowing will be limited by the separation and the orientation.

The site lies within 3km of the EFSAC core area and the application has been assessed in terms of recreational pressure and air quality, the application is accompanied by a suitable Habitats Regulation Assessment. The applicants recognise that appropriate mitigation measures will be required and have agreed to meet the relevant contributions applicable in the interim strategy, and a draft Unilateral Undertaking has been submitted. Thus, an Appropriate Assessment can be undertaken, 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 pollution Pathways of Impact and concludes as follows:*

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

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

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

## **Stage 2: 'Appropriate Assessment'**

### Recreational Pressures

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

### Atmospheric Pollution

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

## **Appropriate Assessment Conclusions:**



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

The site is constrained by a main gas pipe running across the land which prevents development further north, even if this was desirable. Cadent Gas have advised that there are no objections to the siting as now proposed.

### **Conclusion:**

While being sympathetic to the needs of the operators to adequately maintain the facility and to provide security, primacy must be given to the protection of the green Belt.

The application proposes new residential development which is inappropriate. The justification for development is weak, it does not meet the tests in para 145 of the NPPF and particularly cannot be defined as appropriate to facilitate outdoor sport and recreation.

The case for the building in this location is not overwhelming and the reasons for rejecting other options are not clear. In particular, the need for two three bedroom dwellings to service the site is not apparent, and the search for alternatives have not been exhaustive, and places significant emphasis on relative cost which in most circumstances should not be viewed as a primary consideration.

Thus the application should be refused on Green Belt grounds. There is agreement in principle to the completion of a Unilateral Undertaking to mitigate impact on EFSAC, but at this stage it remains incomplete.

**If you wish to discuss the contents of this report then please contact the case officer by 2pm on the day of the meeting at the latest. If no contact can be made, then please email**

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

**Case Officer | Ian Ansell | [iansell@eppingforestdc.gov.uk](mailto:iansell@eppingforestdc.gov.uk)**

### **Refusal Reason(s): (2)**

- 1 The proposal represents inappropriate development in the Green Belt which by reasons of the siting and scale of the building and associated works would be visually intrusive and detrimental to the openness and character of the Green Belt in this location. In the absence of sufficient grounds to demonstrate that very special circumstances exist in terms of the siting of and need for the building proposed, development is contrary to policies GB2A, GB7A and DBE2 of the adopted Local Plan and Alterations, policies DM4 and DM9 of the Local Plan Submission Version 2017, and the NPPF.
- 2 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, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.





# Epping Forest District Council



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Application Number:	EPF/0627/22
Site Name:	46 Pyrles Lane Loughton Essex IG10 2NN

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# OFFICER REPORT

**Application Ref:** EPF/0627/22  
**Application Type:** Change of use  
**Applicant:** Mr. Yasin Yaman  
**Case Officer:** Muhammad Rahman  
**Site Address:** 46 Pyrles Lane  
Loughton  
Essex  
IG10 2NN

**Proposal:** Change of use from vacant shop (Class E) to takeaway (Sui Generis) with installation of an extractor flue to the rear and new shopfront.

**Ward:** Loughton Fairmead  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nyn8>  
**Recommendation:** Approve with Conditions

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

## Site and Surroundings

The site comprises of a commercial unit within a shopping parade including residential flats above. It is located within the built-up area of Loughton and sits on the east side of Pyrles Lane. To the rear lies a yard with a small garage. It is not within a conservation area nor is it a listed building.

Too add, Pyrles Lane is defined as a Local Town Centre within the Town Centre Hierarchy in the adopted LP, however, it is not part of the Town Centre Hierarchy within the LPSV.

The site was most recently used as a Martin McCall convenience and has been vacant since 29 May 2020.

## Proposal

The proposal is for change of use from vacant shop (Class E) to takeaway (Sui Generis) with installation of an extractor flue to the rear and new shopfront.

The agent has clarified the opening hours as it differs from that stated on the application form. As such, the current proposed opening hours are

10am –10pm on Sundays to Thursdays; and  
10am – 11pm on Fridays & Saturdays.

The proposed employees are 3 Full-time staff & 2 part time.

The intended end user is known and the unit would be offering Turkish Food (Kebabs etc.)

## Relevant Planning History

EPF/0517/21 - Change of use from A1 to A5 (Indian Takeaway) or Sui Generis (new user classes) – Refused on lack of information re the Kitchen extraction system.

EPF/0746/22 - New externally illuminated sign - Approved

## Development Plan Context

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

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

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

CP7	Urban Form and Quality
TC1	Town Centre Hierarchy
TC6	Local Centres and Corner and Village Shops
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking
RP5A	Adverse Environmental Impacts

### *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:

Paragraph	81
Paragraph	86
Paragraph	130

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

DM9	High Quality Design
E2	Centre Hierarchy/Retail Policy
P2	Loughton

## **Summary of Representations**

Number of neighbours consulted: 18. 1 response(s) received

Site notice posted: No, not required

62 PYRLES LANE – Objections - Summarised as: Concerns regarding noise, litter, odour and general disturbances.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application on the grounds that the proposed extractor system would not protect the amenity of the residents living in the properties above this site and would cause noise and smells for the residents.

## **Planning Considerations**

The main issue for consideration in this case are;

- a) The principle of the proposal in the Town Centre including whether it would maintain the vitality and viability of the Town Centre;

- b) The impact on the living conditions of neighbouring amenities; and
- c) The Impact on the Integrity of the Epping Forest Special Area of Conservation.

### *Vitality & Viability*

The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system. The NPPF sets out the core planning principles which should underpin decisions and notes that planning should, amongst other matters, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the development needs of an area and respond positively to wider opportunities for growth.

The unit has been vacant since May 2020 and the loss of the convenience store would not be detrimental to the parade given that there is an existing convenience store (Nisa Local) several units down which provides a similar service on a far larger scale. As such, the proposal would generate footfall, maintain the diversity, vitality and viability of the local town centre, and complement existing uses within the Parade.

Concerns have been raised regarding competition within the Parade, however, in the interest of clarity, it is not the role of the Planning Regime to restrict competition. As such, this matter is attributed no weight.

There is ample parking space to the front of the parade and a designated car park at the end of the parade. Also, any refuse collection & servicing would be carried out via the rear service road. So, there would be no parking issues.

No issues are raised from the proposed shopfront and the advertisements have been approved under EPF/0746/22.

Furthermore, it is considered that the proposed opening hours are acceptable and will ensure that there is an active frontage that contributes to the daytime and night-time economy, thereby enhancing the vitality and viability of the local Town Centre, in line with Paragraph 86 of the Framework. The current fish & chip shop operates from 11:30am – 10pm daily (Although it is closed between 2pm – 4:30pm). If Members consider the opening hours for Fridays & Saturdays to be unacceptable, then it can be modified to an earlier time i.e. 10:30pm or 10pm.

### *Living conditions of neighbours*

The unit sits below residential three storeys of residential flats and opposite residential dwellings. As such, particular consideration must be given to the living conditions of the occupiers of these dwellings given the nature of the proposed use which may give rise to issues regarding noise, odour, parking and general disturbance.

On this note, the Council's Environmental Health Team are satisfied with the proposed kitchen extraction & ventilation system as it will not have a harmful impact to the living conditions of neighbouring properties from odour, noise and fumes, nor would there be any material visual impact from the proposed flue.

With regards to litter, anti-social behaviour & general disturbance concerns the agent has provided the following management strategy below, which has also been secured by a condition. The strategy is as follows;

The proposed takeaway employees would be trained on 'Crime Prevention

Qualifications & Training'. When the unit is open there would be at least one employee who had this training to ensure the crime, disorder, public safety and nuisance is contained and should any incident happen the responsible authority would be notified.

In line with the Secured by Design advice:

1. The premises would be checked regularly, at least once a week to see if there are any obvious signs of prevent the spiral of decline. This includes removing litter and graffiti as soon as possible and making sure that landscaping is cut back to assist with surveillance from passers-by and the unit's CCTV system. Flammable and combustible materials and substances would be stored in a secure, lockable container, cage or room. Bins would be securely stored away from the building to prevent arson.
2. There would be a monitored intruder system to deter burglary. The system would be regularly maintained, in good working order and remotely monitored for a police response.
3. There would be a CCTV which is regularly maintained, in good working order covering most vulnerable areas, including doors and windows.
4. Doors and windows would be in good working order, free from rot or damage and have good quality locks.
5. All easily accessible glazing would be laminated to resist forced entry.
6. Roller shutters and grilles would be added as an additional security measure if needed.
7. There would be internal lighting operated by detection devices and would be automatically switch lights on where movement is detected.
8. The valuables, assets and stocks would be either removed from the premises or stored in a secure, lockable container, cage or room and the keys stored in a secure key cabinet or removed entirely.
9. Once the planning permission is approved a Waste Collection Agreement will be carried out with a local waste authority and an additional agreement will be made for the collection of used & waste Cooking Oil also with a local company.
10. There would be regular sweeps along the terrace and pavement to ensure there would be no litter from the premises.
11. Any drivers to come in and leave the premises would be reminded to enter and leave the premises in a quiet manner and although it is not the applicant's intention to make deliveries from the rear yard, if the Local Planning Authority requires, this can also be arranged.

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

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

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes 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 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 parts of the methodology underpinning the appropriate assessment HRA 2019, 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 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

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows;

- The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.

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

### **Stage 2: 'Appropriate Assessment'**

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 atmospheric pollution 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 IAMPS. 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 the two strategic employment allocations at Dowding Way and North Weald Airfield. The application will, however, be subject to planning conditions to secure site-specific measures as identified in the IAMPS.

### **Conclusion**

In broad planning terms, the proposal seeks to provide an active frontage, whilst supporting the Framework's objectives of building a strong, competitive economy, and ensuring the vitality and viability of the Town Centre.

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

**If you wish to discuss the contents of this report please contact the case officer by 2pm on the day of the meeting at the latest.**

**Case Officer | Muhammad Rahman | [mrahman@eppingforestdc.gov.uk](mailto:mrahman@eppingforestdc.gov.uk)**

**If no contact can be made please email:**

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

**Conditions: (9)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Location Plan, PL-0203-EBP, PL-0203-PBP, PL-0405-EPFP, PL-0405-EPES, and PL-0803-EPES.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 Prior to first use of the development hereby permitted, details of foul drainage for the kitchen shall be submitted to and approved by the Local Authority, in writing. Drains serving the kitchens in the development shall be fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply with prEN 1825-1 and designed in accordance with prEN 1825-2 (Installations for separation of grease) or other effective means of grease removal. The approved drainage shall be retained and maintained while the site is in use.

Reason: To protect the environment, human health, surface and groundwater in accordance with policies RP5A & DBE9 of the adopted Local Plan 1998 & 2006, policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The extract, ventilation and odour details hereby approved, shall be installed before the use hereby permitted commences and so retained. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

Reason: To safeguard the amenity of adjoining properties and to protect the general environment from the impact of cooking smells, odours and noise in accordance with policies CP7, DBE9 & RP5A of the adopted Local Plan 1998 & 2006, policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 5 The use hereby permitted shall only be open to customers between the hours of 10am to 10pm on Sundays to Thursdays and 10am to 11pm on Fridays & Saturdays.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 6 No deliveries shall be taken at or dispatched from the site outside the hours of 10am to 6pm on Mondays to Fridays, 10am to 1pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, Policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 7 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 [or DBE1 if structure is not a residential extension] of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 8 The use hereby permitted shall be operated in accordance with the Management Strategy by ADA Group (dated 3 May 2022).

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 and DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 9 The rating level of noise (as defined by BS4142:2014) emitted from any mechanical equipment installed must not exceed the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014 +A1:2014.

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations and policies DM9 and DM21 of the Local Plan Submission Version 2017, and the NPPF.

**Informatives: (1)**

- 10 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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# Epping Forest District Council



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Application Number:	EPF/0826/22
Site Name:	71 Deepdene Road Loughton IG10 3PH

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# OFFICER REPORT

**Application Ref:** EPF/0826/22  
**Application Type:** Full planning permission  
**Applicant:** Mr Ramazan Jakupi  
**Case Officer:** Kie Farrell  
**Site Address:** 71 Deepdene Road  
Loughton  
IG10 3PH  
**Proposal:** Demolition of existing pre-fab house and replacement of a new dwelling house.  
**Ward:** Loughton Alderton  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyZr>

**Recommendation:** Approve with Conditions

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

## **Description of Site:**

71 Deepdene Road is a semi-detached, two-storey, 3 bedroom property, attached to number 69. A small conservatory has been added at the rear. It is located within the built-up area of Loughton.

An outbuilding has recently been constructed in the rear garden (EPF/2998/21).

The site is not within a conservation area nor is it a listed building.

## **Description of Proposal:**

*Demolition of existing pre-fab house and replacement of a new dwelling house.*

- 3 bedroom, 5 person house proposed.
- Same ridge and eaves height as existing house
- Front building line as existing except for addition of front porch
- Wider than existing house but 1m gap to side boundary retained
- 3m deeper at ground floor rear than existing
- Existing garden size reduced as a result outbuilding currently under construction and 3m deep ground floor rear extension proposed
- Cream buff brick proposed facing material
- Existing off-street parking for 1 or 2 cars retained

On 16<sup>th</sup> June 2022 an additional drawing was received (1597/07 – Site Plan as Existing and Proposed) which shows the proposed development and rear garden area.

## **Relevant Planning History (031246):**

EPF/3202/21

Demolition of existing pre-fab house and replacement of a new traditional energy efficient dwelling

Refused 17.02.2022

Reasons for refusal:

1. The two storey rear projection of the proposed replacement dwelling by reason of its design, scale and depth would appear as an disproportionate and incongruous element which fails to complement or enhance the appearance of the surrounding area contrary to policies CP2, CP7 & DBE10 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.
2. The two storey rear projection of the proposed replacement dwelling by reason of its design, scale and depth would appear overbearing and visually intrusive when viewed from the rear facing windows and gardens of the immediate neighbouring properties No. 69 and 73 Deepdene Road resulting in a loss of residential amenity. As such the proposal fails to safeguard the living conditions of the occupiers of this neighbouring property contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.
3. The proposed development would provide insufficient useable amenity space for future occupiers resulting in a poor quality of accommodation for future occupiers contrary to policies DBE8 of the adopted Local Plan 1998 & 2006, policies DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

EPF/1879/21

Application to determine if Prior Approval is required for a Larger Home Extension measuring 6.00 metres, height to eaves of 3.00 metres & a maximum height of 3.00 metres.

Prior Approval Required and Refused 12.08.2021.

Reason for refusal: *Based on the application of the 45-degree rule, the proposed development would harm the living conditions of neighbours at number 69 by unacceptably reducing the daylight / sunlight entering their ground floor rear windows. The proposal would also result in an overbearing and overly enclosed form of development that would materially impact upon the outlook of occupiers at the adjoining property. As such, this proposal is contrary to policy DBE9 of the Adopted Local Plan (1998 & 2006), to policy DM9 (H) of the Local Plan Submission Version (2017) and to paragraph 130 (f) of the NPPF (2021).*

EPF/2998/21

Application for a Lawful Development certificate for a proposed new outbuilding at the rear of the garden.

Lawful 03.02.2022.

### **Policies Applied:**

*Epping Forest Local Plan and Alterations 1998/2006*

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Building  
CP6 – Achieving Sustainable Urban Development Patterns  
CP7 – Urban Form and Quality  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE3 - Design in Urban Areas  
DBE6 – Parking in New Developments

DBE8 – Private Amenity Space  
DBE9 – Excessive Loss of Amenity to Neighbouring Properties  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
H2A – Previously Developed Land  
H3A – Housing Density  
H4A – Dwelling Mix  
LL10 Adequacy of Provision for Landscape Retention  
LL11 Landscaping Schemes  
U1 Infrastructure Adequacy  
RP4 Contaminated Land  
I1A Planning Obligations

*National Planning Policy Framework (NPPF) (July 2021)*

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

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

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

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.



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

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

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ended 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:

SP1: Presumption in Favour of Sustainable Development  
H1: Housing mix and accommodation types  
DM2: Epping Forest SAC and Lee Valley SPA  
DM9: High Quality Design  
DM10: Housing design and quality  
DM11: Waste Recycling facilities in New Development  
DM16: Sustainable Drainage Systems

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

Loughton Town Council: Objection:

*"The Committee OBJECTED to this application on the grounds that the materials used will be out of keeping with the current neighbouring properties in the road and will be detrimental to the street scene.*

*The porch extension would appear incongruous to the property, causing a negative impact on the street scene.*

10 neighbours consulted: 2 responses received comprising 2 objections:

69 Deepdene Road:

*"Letter ID - 1177138 not recognised above.*

*71 and 69 are next door to each other, semi-detached properties sharing a wall. Both are BISF properties. The houses are built on a sloped road, sloping downwards so 71 is higher than 69.*

*I object to the application to reconstruct 71 to a brick built fabrication. The weight of bricks against my steel framed BISF house on a sloped road will be significant. There is no assessment by the applicant as to the impact it will have. The surrounding properties on this side of the road are BISF. The brick construction will be completely out of place with the other houses on this side of the road. The houses on the opposite side of the road are brick built from the outset, they have not been changed from a BISF house to a brick built one. My property will be significantly affected by the demolition and construction as it shares a wall with 71.*

*This is a repeat application, I raised the same concerns previously and none of them have been addressed by the applicant, they have essentially submitted the same application again in the hope*

*there will be no objection! I have grave concerns about the proposed plans for the reasons I have stated.*

*I object to the rear extension as it will have a detrimental impact on the natural light into the garden of 69 and the privacy of my tenants.*

*In addition, I have concerns about the impact of the applicant's plans on drainage. My tenant advises construction work is being undertaken in the garden. Previous works undertaken by neighbouring properties have resulted in blocked drains for 69 and required emergency callouts.*

*This is a repeat application. Previously the environmental and drainage team required further information as to how surface water will be disposed of. I cannot see that this issue has been addressed in the current application.”*

*73 Deepdene Road:*

*“I’m not objecting to the build however I’m Objecting to the time they work on this property currently they have been working 6-7 days a week from 7am till late drilling banging and making noise. Also taking over the road with lorries cars and mess*

*They have already built and oversized dwelling in garden which seems to be to live in.*

*There has to be a cut off point as to time and days worked in this property.”*

*Officer response to objections*

*Loughton Town Council – The proposed materials are acceptable in the context of the immediate surrounding area where a variety of facing materials are evident. Other nearby dwellings feature a front porch and therefore feature would not be incongruous.*

*69 Deepdene Road – Construction methodology is not a material planning consideration. The two storey rear element has been reduced to single storey and will not harmfully impact the residential amenity of the occupiers of No. 69. Surface water drainage details will be the subject of a planning condition.*

*73 Deepdene Road – These comments appear to relate to the construction of the outbuilding. A standard construction working hours condition will be added in the event that this application for a replacement dwelling is approved.*

*EFDC Land Drainage:*

*“The applicant is proposing to dispose of surface water by sustainable drainage system. Further details are required. Please add condition SCN16 requiring approval of surface water drainage details by the Local Planning Authority prior to preliminary groundworks commencing*

*No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team.”*

*EFDC Contaminated Land:*

*“I have screened readily available records held by the Council for this site including our GIS database and aerial photographs. From the records I can see the site has no acknowledged potentially contaminated land.*

*As this proposal is for demolition, development and subsequent residential land use - a sensitive land use, it is necessary to investigate all potential land contaminative issues.*

*I have reviewed the documents submitted on behalf of this application and I have noted that no contaminated land assessment has been submitted for this application to date. In line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site.*

*Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition NSCN57 be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge."*

### **Issues and Considerations:**

*The main issues to consider relate to Design, Character and Appearance, Residential Amenity, Quality of Accommodation and Highways Safety/Parking.*

#### Design, Character and Appearance

The two storey rear projection previously proposed under refused application EPF/3202/21 has now been removed.

The main difference between the existing and proposed houses is the proposed single storey rear extension proposed as part of the replacement dwelling.

The proposed house would also be slightly wider and would be constructed from brick.

Single storey rear extensions are commonly found on nearby neighbouring houses and as such the proposed 3m deep single storey rear element would not be unacceptable in its own right as an extension to the existing house. It is therefore also acceptable as part of the replacement dwelling.

Other nearby dwellings feature front porches. The front porch element is considered to be an acceptable addition in design, character and appearance terms.

A weathered cream buff brick is proposed as the primary facing material along with a smooth grey Marley Ashmore roof tile and Anthracite Grey aluminum windows. The proposed material are considered to be acceptable in the context of the immediate surrounding dwelling where a wide variety of facing materials are evident.

The proposed replacement dwelling is now considered to be acceptable in design, character and appearance terms.

#### Residential Amenity

The previously proposed two storey rear element that was considered to have a have an overbearing and harmful impact on the visual amenity of both immediate neighbouring properties (69 and 73) has now been removed and reduced to a single storey rear element.

The proposed replacement dwelling is now considered to be acceptable in terms of impact on the residential amenity of the neighbouring properties.

### Quality of Accommodation

A 3 bed, 5 person dwelling over 2 storeys is required to be a minimum of 93 sq m floor area to comply with the National Residential Space Standards.

The proposed dwelling has a GIA of 110 sq m which exceed the minimum requirement.

All habitable rooms would benefit from acceptable levels of light and outlook.

Adopted Policy DBE8 states that new residential developments will be expected to provide private amenity space of a size shape and nature which enables reasonable use.

Whilst the size of the original rear garden has been reduced by the recently built outbuilding and would be reduced further by the proposed single storey rear element, a rear garden area of approximately 80 sq m would remain and this is considered to be sufficient amenity space for the proposed dwelling.

Overall, the quality of accommodation is considered to be acceptable.

### Highway Safety/Parking

The existing off street parking for 1 or 2 cars on the front drive would be retained.

### Sustainability:

The applicant is proposing Solar PV on the roof of the replacement dwelling in order to reduce carbon emissions and electricity need.

The provision of the Solar PV array will be secured by planning condition.

### Epping Forest SAC

Replacement dwellings are not considered to have any additional impact on the integrity of the EFSAC, both in terms of recreational pressure and air pollution, as there would be no increase in visitors to the Epping Forest, nor an increase in vehicle movements above what is currently achievable with the existing dwelling. Therefore, as competent authority, the Council is satisfied that the proposed development complies with the Habitats Regulations 2017, policy DM2 and DM22 of the LPSV and paragraph 175 of the Framework.

### **Conclusion:**

Recommended for approval subject to conditions.

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

*Planning Application Case Officer: Kie Farrell Telephone Number: 01992 564248.*

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

**Conditions: (13)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Drawing 1597/00 – Site Location Plan

Drawing 1597/01 – Block Plan as Existing and Proposed

Drawing 1597/02 – Floor Plans as Existing

Drawing 1597/03 – Elevations and Sections as Existing

Drawing 1597/04 – Floor Plans as Proposed

Drawing 1597/05 – Elevations and Sections as Proposed

Drawing 1597/06 – Street Elevation as Existing and Proposed

Drawing 1597/07 – Site Plan as Existing and Proposed

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 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 and documents, or those specified in the submitted application form.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

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

- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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

- 6 Access to the flat roof 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.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Prior to first occupation of the building hereby permitted the window in the flank elevation at first floor level facing No. 73 shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that window 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

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

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the district and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 9 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 10 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 11 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, C, D, E and F of Part 1 to Schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with policy DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9of the Local Plan Submission Version 2017, and the NPPF 2021.

- 13 The photovoltaic panels as shown on drawing number 1597/05 shall be installed prior to first occupation of the development hereby approved and then retained in perpetuity. Reason: in the interests of promoting sustainable and renewable energy in accordance with policy DM 20 of the Epping Forest Local Plan (Submission version) 2019 and with the objectives of the NPPF.

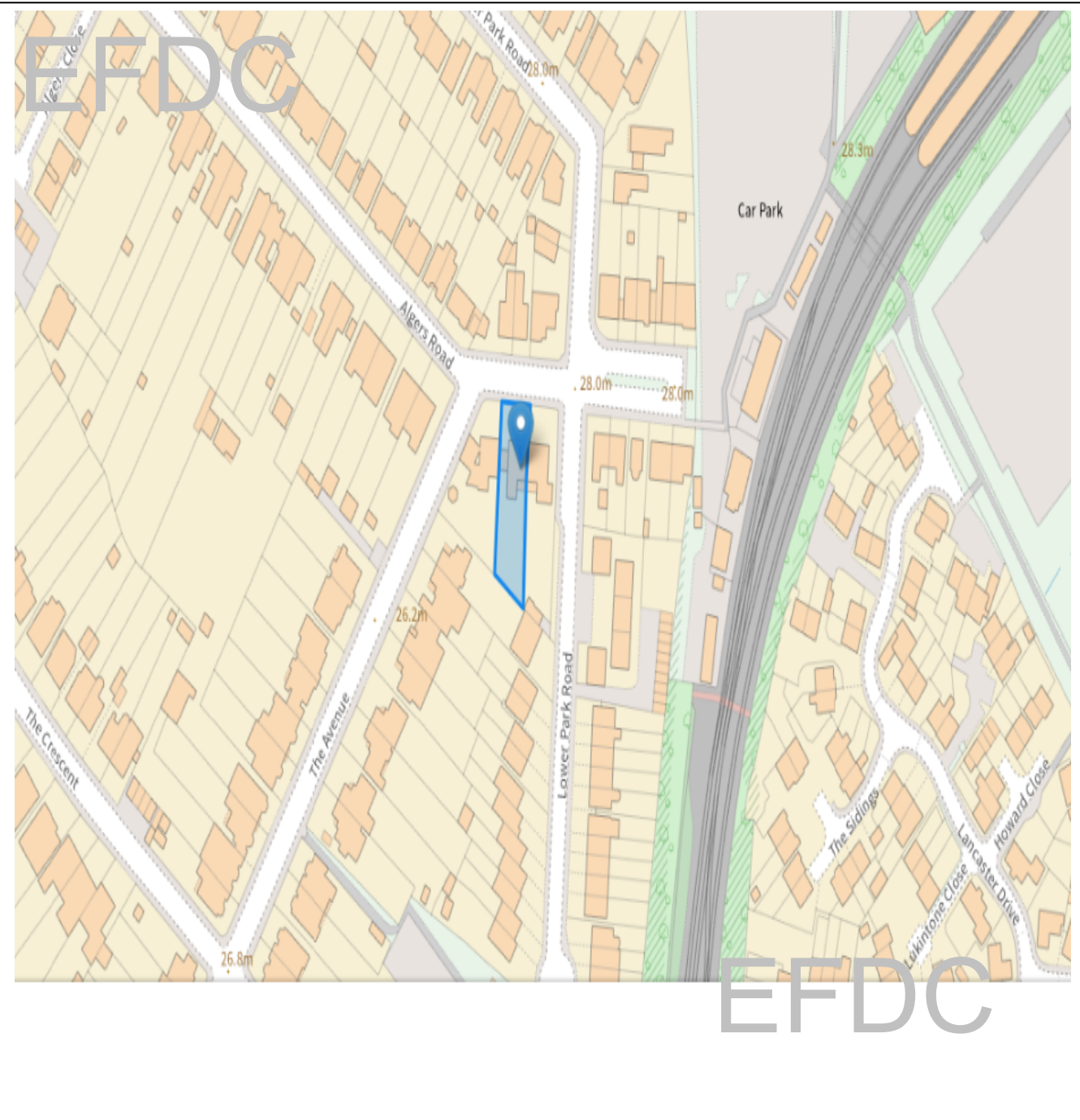
**Informatives: (1)**

- 14 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.





# Epping Forest District Council



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Application Number:	EPF/0885/22
Site Name:	51 Algers Road Loughton Essex IG10 4NF

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# OFFICER REPORT

**Application Ref:** EPF/0885/22  
**Application Type:** Householder planning permission  
**Applicant:** Mr James Hart  
**Case Officer:** Muhammad Rahman  
**Site Address:** 51 Algiers Road  
Loughton  
Essex  
IG10 4NF  
**Proposal:** Demolition of existing pre-fab house and replacement of a new dwelling house extension.  
**Ward:** Loughton Forest  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzAk>  
**Recommendation:** Approve with Conditions

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

## Site and Surroundings

The site comprises of a semi-detached house, located within a built-up area of Loughton. It is not listed nor in a conservation area. No protected trees lie within the site.

## Proposal

The proposal is for alterations to the roof (including a rear dormer), front garage door and first floor side extension.

## Relevant Planning History

EF\2021\ENQ\00415 - Ground and first floor side extensions, ground floor rear extension and rear dormer extension - Advice Given

## 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

DBE9	Loss of Amenity
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: 6. 1 response(s) received  
Site notice posted: No, not required

49 ALGERS ROAD & LOUGHTON RESIDENTS ASSOCIATION – Objections – Summarised as;

- Terracing effect;
- Loss of light;
- Loss of symmetry/visual amenity; and
- Greater sense of enclosure.

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of a letter of objection. A member of the public with an interest in this application addressed the meeting.

The Committee OBJECTED to this application on the grounds that the property forms part of a matching pair of semi-detached houses with their neighbours at number 53. The side extension and rear roof addition, by reason of its bulk, would cause an imbalance and loss of symmetry and be detrimental to the visual amenity of this part of Algiers Road.

The side extension would close the gap with no. 49, blocking the open aspect between the properties to the rear thereby causing a negative impact on the street scene and creating a terracing effect. The building would be dominant and overpowering to the neighbours at no. 49, such that no.49 would no longer look like a detached property.

The Committee also considered that the attractive vintage character of the property would be negatively impacted by the inclusion of new oddly shaped roof lights and windows and removal of the existing original leaded light windows. It was also preferred that to maintain their character the window frames should be kept in their original colour of white.

Natural England and Loughton Town Council have both advised in their main modifications responses to the Inspector (autumn 2021) that the LPSV cannot yet be considered justified, effective or consistent with national policy in relation to detriment to the SAC. Therefore, we object to this application because of the extra burden on recreational pressure, and damage to air quality in the SAC that the application, alone or with other projects, will engender.

Members expressed concern at the poor quality of plans that had been provided in respect of this application

### **Planning Considerations**

The main issues for consideration in this case are:

1. The impact on the character and appearance of the locality; and
2. The impact on the living conditions of neighbouring properties.

### *Character and Appearance*

This application follows on from a recent pre-application exercise and officer recommendations are present within the proposal.

The proposed first floor side extension is recessed from the front wall some 2.4m and set in from the common boundary with No. 49 by 1m. As such, the proposal would not result in a terracing effect and is of a subservient design that complements the appearance of the existing building and that of the street scene. There are no design issues regarding the garage extension and the replacement door, nor the proposed rear dormer and front rooflight both of which can be built under permitted development.

On that basis, the proposal would not have a harmful effect to the character and appearance of the area.

### *Living Conditions*

The proposed first floor side extension is contained within the flank wall of No. 49, so there would be no impacts to No. 49 in any regard i.e. loss of light overlooking, overbearing, and visual impact. No further impacts are envisaged from the proposed extension to the rear of the garage. Too add, as mentioned above the proposed rear dormer can be built under permitted development, and the level of overlooking from a rear dormer is not uncommon within urban areas where there already exists a high level of mutual overlooking across properties.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with Policies CP7 & DBE9 of the LP, Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

### *Other Considerations*

It is unclear as to how extensions to a single dwelling would have an impact on the Epping Forest Special Area of Conservation, so the Parish comments in this regard are unfounded. Regarding the submitted plans, they are of a good standard, so it is unclear as to how they are of poor quality. The adjoining neighbour has commented on maintenance concerns to their flank wall; however, this is not a planning matter, but one to be resolved between both the neighbour and the applicant, outside the planning regime.

### **Conclusion**

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

**If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest.**

**Case Officer: Muhammad Rahman | [mrahman@eppingforestdc.gov.uk](mailto:mrahman@eppingforestdc.gov.uk). If no direct contact can be made please email:**

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

**Conditions: (5)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 0-01, 0-02, 0-03, 0-10, 0-11, 0-12, 1-02, 1-03, 1-10, 1-11, and 1-12.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

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

- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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

**Informatives: (1)**

- 6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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