



# Epping Forest District Council

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## **AREA PLANNING SUB-COMMITTEE SOUTH** **Wednesday 21st June 2023**

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 21st June 2023 at 7.00 pm**

**Georgina Blakemore**  
**Chief Executive**

**Democratic Services Officer:** V Messenger, Democratic Services Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

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

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**PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND**

**This meeting will be broadcast live and recorded for repeated viewing.**

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### **1. WEBCASTING INTRODUCTION**

This meeting is to be webcast and the Chairman will read the following announcement:

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

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

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

**Members are reminded to activate their microphones before speaking”.**

**2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)**

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](#) 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'.

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**5. MINUTES (Pages 7 - 10)**

To confirm the minutes of the last meeting of the Sub-Committee held on 26 April 2023.

**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. 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.

**8. EPF/0503/22 - CHIGWELL NURSERY, HIGH ROAD, CHIGWELL, ESSEX, IG7 5BL (Pages 11 - 32)**

To consider the attached report on the demolition of existing buildings and construction of residential dwellings (Class C3), alterations to existing access, landscaping and associated works (Allocation CHIG R5).

**9. EPF/0760/23 - 5, STAPLES ROAD, LOUGHTON, IG10 1HP (Pages 33 - 38)**

To consider the attached report on the replacement front door and surround.

**10. 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.

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## **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. 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 MS Teams 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 MS Teams. Speakers must NOT forward the MS Teams 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 are available on [our website](#). 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, email [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

## EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE SOUTH MEETING MINUTES

Wednesday, 26 April 2023, 7.00 - 8.45 pm

Council Chamber, Civic Offices, High Street, Epping

<b>Members Present:</b>	Councillor K Williamson (Chairman) Councillors S Patel (Vice-Chairman), I Allgood, R Baldwin, R Brookes, S Heap, J Jogia, H Kauffman, A Lion, L Mead, S Murray, C Nweke, M Owen, Caroline Pond, C C Pond, K Rizvi and D Wixley
<b>Apologies:</b>	Councillors P Bhanot, E Gabbett, R Jennings, J Jennings, A Patel and D Sunger
<b>Officers In Attendance:</b>	Graham Courtney, Vivienne Messenger and Steven Mitchell
<b>Officers In Attendance (Virtually):</b>	Andrew Marx and Gary Woodhall

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### [A RECORDING OF THIS MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

#### 1 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.

#### 2 DECLARATIONS OF INTEREST

- (a) Pursuant to the Council's Members' Code of Conduct, Councillor C C Pond declared a non-pecuniary interest in the following items of the agenda by virtue of being acquainted to people who lived nearby. The Councillor had determined that he would remain in the meeting for the consideration of the applications and voting thereon:
- EPF/2475/22 – 40 Church Lane, Loughton IG10 1PD
  - EPF/0377/23 – 5 Nafferton Rise, Loughton IG10 1UB
- (b) Pursuant to the Council's Members' Code of Conduct, Councillor H Kauffman declared a pecuniary interest in the following item of the agenda by virtue of living in an adjacent property. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:
- EPF/2475/22 – 40 Church Lane, Loughton IG10 1PD
- (c) Pursuant to the Council's Members' Code of Conduct, Councillor J Jogia declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the sister of the applicant. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2933/22 – 35 Lower Park Road, Loughton IG10 4NB

- (d) Pursuant to the Council's Members' Code of Conduct, Councillor R Brookes declared a non-pecuniary interest in the following item of the agenda by virtue of living nearby at 3 Lower Park Road, but the applicant was not known to her and the application would not have a pecuniary value on her property. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2933/22 – 35 Lower Park Road, Loughton IG10 4NB
- (e) Pursuant to the Council's Members' Code of Conduct, Councillor K Williamson declared a non-pecuniary interest in the following item of the agenda by virtue of having received a letter of objection and had acknowledged its receipt. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2475/22 – 40 Church Lane, Loughton IG10 1PD
- (f) Pursuant to the Council's Members' Code of Conduct, Councillor K Rizvi declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant who had registered to speak. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0074/23 – 6 Lyndhurst Rise, Chigwell IG7 5BA

### 3 MINUTES

#### RESOLVED:

That the minutes of the Sub-Committee held on 29 March 2023 be taken as read and signed by the Chairman as a correct record.

### 4 ANY OTHER BUSINESS

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

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

It was noted that the Epping Forest District Council Planning Policy Briefing note was no longer needed as the Local Plan had been adopted but was available to view at: <https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

### 6 SITE VISITS

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

### 7 PLANNING APPLICATION - EPF/2475/22 - 40 CHURCH LANE, LOUGHTON IG10 1PD

The application was [refused](#).

### 8 PLANNING APPLICATION - EPF/2933/22 - 35 LOWER PARK ROAD, LOUGHTON IG10 4NB

The application was [approved with conditions](#).



**9 PLANNING APPLICATION - EPF/0030/23 - 7 BROOK ROAD, LOUGHTON IG10 1BW**

The application was [approved with conditions](#).

**10 PLANNING APPLICATION - EPF/0074/23 - 6 LYNDHURST RISE, CHIGWELL IG7 5BA**

The application was [approved with conditions](#).

**11 PLANNING APPLICATION - EPF/0377/23 - 5 NAFFERTON RISE, LOUGHTON IG10 1UB**

During the consideration of this application a site visit was proposed by Councillor C C Pond, which was seconded by Councillor J Jogia. As the vote was carried, this item was [deferred](#) to the next meeting.

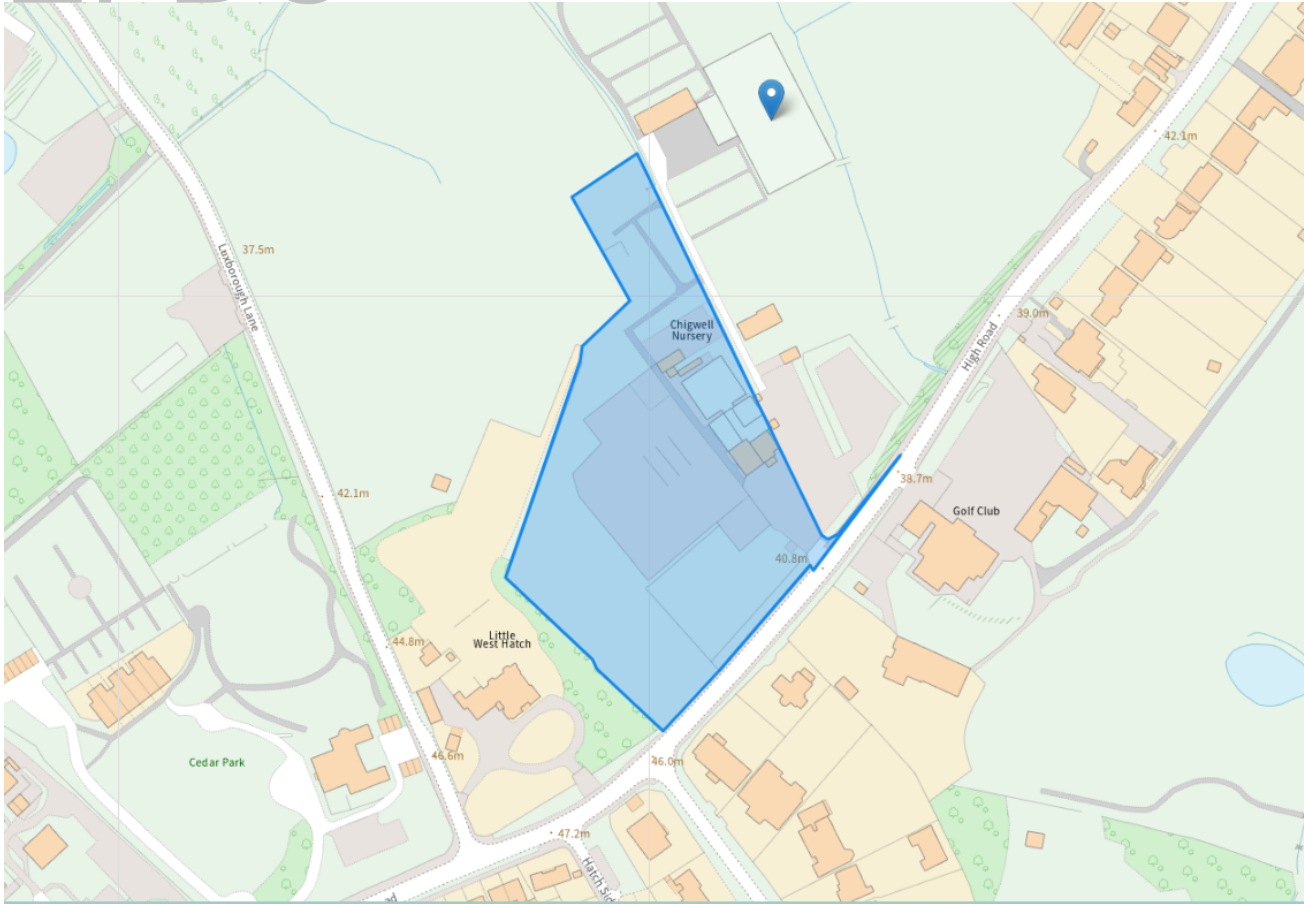
**CHAIRMAN**

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# Epping Forest District Council

# EFDC



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Application Number:	EPF/0503/22
Site Name:	Chigwell Nursery High Road Chigwell IG7 5BL

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# OFFICER REPORT

**Application Ref:** EPF/0503/22  
**Application Type:** Full planning permission  
**Applicant:** M Scott Properties Ltd  
**Case Officer:** Ian Ansell  
**Site Address:** Chigwell Nursery  
High Road  
Chigwell  
Essex  
IG7 5BL

**Proposal:** Demolition of existing buildings and construction of residential dwellings (Class C3), alterations to existing access, landscaping and associated works (Allocation CHIG R5).

**Ward:** Chigwell Village  
**Parish:** Chigwell  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyIP>  
**Recommendation:** Approved with Conditions (Subject to s106 Legal Agreement)

*This application is before this Committee since the application is a residential development consisting of 10 or more dwellings which is recommended for approval; (Pursuant to The Constitution, Article 10 District Development Management Committee and Area Plans Sub-Committees)*

## **Description of Site:**

The application site comprises 1.66 hectares and forms part of the existing Chigwell Nursery / Garden Centre, fronting onto High Road, Chigwell. The site is a mixture of car parking, permanent buildings and external hardstanding used for the selling plants and gardening products, hardstanding for storage, grassed areas and open scrubland.

The existing nursery and garden centre occupies a larger site, and to the north-eastern boundary of the application lies the retained nursery access, nursery buildings and car park area with open land beyond extending to the boundary with residential properties in Lyndhurst Rise, Tudor Close and fronting High Road. To the south-west lies the Grade II listed Little West Hatch, a residential property which extends along part of the sites north-western boundary, where existing trees and shrubs lie along the boundary, beyond this to the north is primarily open scrubland. On the opposite side of the High Road there are existing residential properties and the Chigwell Golf Club complex and car park, where the frontage building is listed Grade II.

The application site was previously within the Green Belt but has been removed by the adoption of the Local Plan. All boundaries, other than the one abutting the High Road represent new boundaries to the Green Belt.

The site lies within around 650m of Chigwell Underground Station and local services within the Village centre and around 800m from bus services in Woodford Bridge.

## **Description of Proposal:**

The application seeks redevelopment of the land allocated in the Local Plan 2011-2033 and proposes a 65 mixed-dwelling development, including houses and flats. Overall accommodation consists of 13 x 4 bed units, 11 x 3 bed, 22 x 2 bed and 19x 1 bed. The scheme includes policy compliant 40% on site affordable housing comprising 3 x 3 bed, 14 x 2 bed and 9 x 1 bed units.

The focus of the site frontage will be three, two-storey apartment buildings set behind landscaping, designed to reflect the existing buildings along the High Road frontage to the north. The layout utilises the existing vehicular entrance, albeit modified to accommodate new footpaths and formalise the visibility splays for the new development and to retain access to the retained nursery site. The access leads to a central area of open space which also features the SuDS retention basin, a dedicated equipped play space and new trees and planting. Architecturally this open space forms the focal point for the entire site.

The central open space is adjoined by two terraces of two-storey houses and an apartment building which is 3 storeys in height, with an element at 2 storeys. At the northern end of the site lies a further apartment building with car parking and amenity space laid out to its front and rear. The western element of the site contains three larger detached homes and a small run of terraced houses and an area of open space, a retained Willow tree and a new pedestrian access point to the High Road. The proposed architecture takes the traditional materials found locally but presents them in a more contemporary way. The new homes will be primarily red or buff brick with light and black weatherboarding to echo a traditional Essex vernacular.

As well as the publicly accessible open space, the proposals provide areas of private amenity space for residents of the apartments through either balconies or ground floor terraces. In addition, communal amenity space is provided in close proximity to the apartment buildings for use by residents.

Behind plots 13-18 and along the shared boundary closest to Little West Hatch, a permanent landscape buffer of 5m is provided. This will remain in the ownership of a Management Company, which will be responsible for the buffer's future maintenance. This western landscape buffer, along with the other communal space which act as landscape buffers will not be transferred to individual homeowners.

The application is accompanied by a range of detailed reports, assessments and drawings, including Design & Access Statement, Landscape & Visual Appraisal, Green Belt Assessment, Transport Assessment, Air Quality Assessment, Heritage Statement and Impact Assessment, Flood Risk Assessment, Energy & Sustainability Statement, Health Impact Assessment, Arboriculturally Survey and Implications Assessment, Shadow Habitats Regulations Assessment, Preliminary Ecological Appraisal and Bat Survey report.

### **Relevant History:**

None, previous applications relate to historic garden centre use.

### **Policies Applied:**

*Epping Forest Local Plan 2011-2033 (2023);*

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

- SP1 Spatial Development Strategy
- SP2 Place Shaping

SP5 Green Belt and Local Greenspace  
 SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure  
 H1 Housing Mix and Accommodation Types  
 H2 Affordable Housing  
 T1 Sustainable transport choices  
 T2 Safeguarding of routes and facilities  
 DM1 Habitat Protection and Improving Biodiversity  
 DM2 Epping Forest SAC and the Lee Valley SPA  
 DM3 Landscape Character, Ancient Landscapes and Geodiversity  
 DM4 Green Belt  
 DM5 Green and Blue Infrastructure  
 DM7 Historic Environment  
 DM9 High Quality Design  
 DM10 Housing Design and Quality  
 DM15 Managing and reducing Flood Risk  
 DM16 Sustainable Drainage Systems  
 DM17 Protecting and enhancing Watercourses and Flood Defences  
 DM19 Sustainable water use  
 DM20 Low Carbon and Renewable Energy  
 DM21 Local Environmental Impacts, Pollution and Land Contamination  
 DM22 Air Quality  
 P7 Site selection – Chigwell  
 D1 Delivery of infrastructure  
 D2 Essential Facilities and Services  
 D3 Utilities  
 D4 Community, Leisure and Cultural Facilities  
 D5 Communications Infrastructure

*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

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

Date of site visit: Pre-application & 20 April 2022

Number of neighbours consulted: 84

Site notice posted: 31 March 2022

Responses received: Responses have been received from 19 properties as under, and from 2 other unnamed properties:

150, 154, 160 HIGH ROAD, 2 WESTWOOD HOUSE 152 HIGH ROAD, LITTLE WEST HATCH HIGH ROAD, 1,3 and 6 CEDAR PARK, 51 COOLGARDIE AVENUE, 40 ELY PLACE, 3 EMMAUS WAY, 34 FOREST AVENUE, 3 FOREST LANE, 4 HYCLIFFE GARDENS, 32 LYNDHURST RISE, 29 ST MARYS WAY, 6 SMEATON ROAD, 8 THE CHILDERS, and 20 WALNUT WAY BUCKHURST HILL.

A range of issues are raised and summarised below, in order of the number of comments raised on each issue:

- Highway and traffic issues – including road capacity, congestion and parking provision
- Impact on local services and infrastructure
- Green Belt issues
- Visual impact, including scale, mass and built form
- Pedestrian safety, particularly for children walking to local schools
- Loss of green space, ecology and landscaping issues
- Pollution and impact on air quality
- Public transport access
- Local flooding concerns
- Impact on adjacent listed building
- Level of development in relation to local delivery in Strategic Housing Assessment
- Impact on general local character
- Concerns over piecemeal development
- Direct amenity issues – overlooking, loss of outlook
- Loss of local garden centre facility
- Non planning issues – construction disturbance, property values, consultation issues.

Parish Council: Chigwell Parish Council OBJECTED to the application *because the proposal would constitute as an over-development of the site and is poorly designed. The proposed structures are not in keeping with the existing aesthetic and would adversely impact upon the neighbouring listed buildings. The application does not propose a sufficient mixture and variety of affordable housing and there is a lack of car parking facilities, which fails to achieve the requisite parking standards, required by Essex County Council. The proposal has the potential to be inappropriate development/to impact on the openness of the Green Belt.*

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

#### *Local Plan status*

In considering the merits of the application, Members should have in mind the impact of the adoption of the Local Plan in terms of housing delivery in general, and in Chigwell specifically.

The Council is required to deliver new housing in accordance with the national policy requirements to ensure a continuous supply of homes are delivered through the maintenance of a five-year supply of housing land. Where such supply cannot be established, the presumption in favour of allowing development will take priority of most local plan policies.

The adopted plan now provides inter alia new homes to meet the Council's national housing delivery targets. The application site was identified at an early stage in the local plan process as suitable for delivery of new homes and was agreed by the Local Plan Inspector as meeting the criteria of previously developed land which it was appropriate to remove from the Green Belt to deliver on the local housing requirement. The application also meets the indicative site allocation delivering 65 units.

Thus, the early delivery of an allocated site, particularly with a level of development that meets the allocation has significant benefit in housing delivery terms which should not be underestimated in the wider context. Failure to deliver the site at an early stage, or with a significant shortfall in housing numbers below the allocation, will not remove the obligation on the Council to deliver its required allocation in the Chigwell area which can only lead to pressure to deliver additional units elsewhere in the locality in the future. Officers will set out below why they consider the development is appropriate to the site and represents a practical solution to the constraints and opportunities.

It should also be noted that at the time the application was consulted on, the land still lay in the Green Belt, and a number of local objectors commented on this. The adoption of the plan means the site no longer holds Green Belt status, and these objections should be given no substantive weight at this time.

### *Design, scale and appearance*

As set out in the application documents, the development has sought to incorporate a number of local design influences from the local area while maintaining its own character in the variety of the built form. A key driver in the layout has been the desire to minimise the impact of vehicles on the High Road frontage while establishing an active frontage where the development faces onto the road rather than being inward focused.

As a result, the single vehicle entrance, in the position of the existing, serves the whole site and a series of low-rise apartment blocks front the street, themselves fronted by a pedestrian access and landscaped grounds. These blocks are designed to be viewed as dwellings, pairs of units served by a single entrance from either frontage. The parking area for these blocks is hidden behind the building, but the back to back entrances retain a high level of natural surveillance.

Elsewhere, the scheme takes advantage of natural changes in levels to introduce variety in the scale and form. The higher land to the south contains predominantly two and two and a half storey buildings, and to the north as the levels fall buildings heights increase through three storeys to four at the northern end, providing extensive views over the open land to the upper flats.

The current proposals represent a positive response to the local setting and are consistent with advice given by the Quality Review Panel at pre-application stage. The scale of development in the prominent street fronting locations is of a height and form that reflects the general character of the immediate surroundings, and the taller elements are not inconsistent with the wider built form, albeit in a flatted block rather than the substantial individual properties in the wider setting. Views of the taller element are currently from a distance which lessens concerns about the scale, while the choice of materials will serve to reduce the impact of the mass.

### *Local impact – surrounding properties, listed buildings*

The primary concern in terms of potential harm relates to the relationship with the development with the adjacent listed building. A detailed objection from a heritage consultant representing the neighbouring owner which argues that the application fails to recognise the significance of the setting of the listed building, or to consider the impact of buildings close to the site boundary, notwithstanding any landscape screening. Historically, Little West Hatch sat in more substantial grounds, including much of the application site. This historic setting has been significantly eroded with the land being sold off mid-20<sup>th</sup> century to create the nursery and garden centre, and by the general urbanisation of the area. Little West Hatch has been screened from the adjoining land by tree and shrub planting, and the thick buffer



allows only glimpsed views of the listed building. The historic extant of Little West Hatch is no longer readable, and the current use and layout of the application site no longer contributes to the significance of the listed building. The setting of the listed building therefore now only includes the house, its outbuildings and the immediate frontage onto High Road. The application proposals retain a dense landscaping screen on the boundary and frontage, and buildings are set back into the site and predominantly two storey in proximity to this boundary. As a result, officers consider the development will preserve the significance of Little West Hatch in its current context.

Other listed buildings in the vicinity include the clubhouse building at Chigwell Golf Club on the land opposite, Great West Hatch to the south and Broomhills to the north. The substantially greater separation to these buildings means that the proposal has no material impact on these assets.

In terms of wider direct amenity impact, the development has minimal effect. The frontage buildings are modest in scale and set back from the frontage limiting direct visual impact on the property directly opposite. The neighbour at Little West Hatch is as set out above well screened by existing and proposed landscaping, and other properties to the north are a considerable distance from the development and in most cases on higher ground.

### *Highways and traffic*

The existing access to the site has been designed to accommodate commercial traffic. As such, subject to minor alterations, it is capable of serving a residential development where the nature of vehicles movements through the access is of a more domestic scale. The site plan also indicates the position of a retained access to the remaining nursery buildings to the north, again configured around an existing access within the site, which will not require a new access onto High Road to be created whatever use that site may be put to in the future.

This analysis is supported by the Highway Authority who confirm the access meets current safety criteria, and that the overall level of development is not considered to have a significant impact on the location or on the wider highway network.

The development provides a mix of parking typologies including garages, curtilage parking, and parking courts for flatted elements with a minimum provision of one space per dwelling. Additional capacity is identified in the form of tandem parking bays in front of garages to the larger dwellings. Opportunities for visitor parking exist within the road network. Cycle parking is also provided throughout the scheme.

The parking availability reflects the location of the site, within walking distance of Chigwell Station and bus services at that location, consistent with modern urban development which seeks to achieve high quality design not focused predominantly on the visual dominance of parking areas. Concerns at overspill are noted, but the site lies remote from immediate surrounding roads and residents concerns in the regard are speculative.

In light of the accessible location, and the Highway Authority comments, the development is considered to meet reasonable parking and highway requirements.

### *Trees, landscape and ecology*

The layout is heavily landscape led. This has been influenced by the change to the Green Belt boundary whereby the site boundaries will provide the new outer boundary thereto.

A central communal open space includes communal play area for younger children and a SUDS feature within a swale. Otherwise, all houses are provided with private gardens while flats are served by communal spaces adjacent to the individual blocks.

Along the western and southern boundaries of the site, a 5m wide landscape buffer is to be retained outside of the curtilage of any dwelling and remaining in the control of the future management company. This buffer serves a number of purposes in greening the outer edge of the site, screening the listed building adjacent, retaining a significant number of existing trees and introducing a ecological corridor for local wildlife. Residents within the development will benefit from the visual variety of the landscape without access to remove the planting.

Further landscape opportunities arise along the eastern and northern site boundaries. To the High Road, the treatment seeks to reflect the character of local frontages – low level hedging along the boundary with well maintained lawns and ornamental trees behind, in a space free of vehicles but with pedestrian access at the northern and southern ends linking into the rest of the site. The undulating northern boundary with the nursery includes larger areas of concentrated landscaping adding to the setting of the site entrance, and an extension of the boundary buffer further to the northern tip.

Overall, officers consider the landscape responds well to the site setting and provides opportunities for biodiversity and ecology enhancements consistent with the setting.

### *EFSAC*

The site lies within 3km of the EFSAC area and has to be assessed in terms of both recreational pressures and air quality impact. As an allocated site, the wider Interim Mitigation Strategies have taken account of all allocated sites and the indicative number of dwellings each may be expected to accommodate. The development delivers the number of residential units anticipated and does not therefore need to consider additional contributions beyond those set out in the mitigation strategy.

In terms of recreational impact, it is evident that as there are no existing general housing units on the site, full mitigation contribution would be anticipated. The EFSAC Technical Note accompanying the application utilises TRICS database to identify traffic generated by existing nurseries, and residential movements anticipated by the development. As development will inevitably result in vehicle movements within the protected area, consultants recommend full air quality mitigation is appropriate – and this is accepted by the developer.

As such the following appropriate assessment has been undertaken:

### **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.

### *Local Infrastructure*

Local residents raise concerns about the potential impact of development on local infrastructure and these concerns have been recognised by officers and consultees.

The Infrastructure Delivery Plan establishes the broad mechanism by which such matters can be resolved through appropriate contributions to improve local services and facilities to meet the increased needs placed on them by increased demand arising from development. Additional information from key service providers will inform the local requirements.

Discussions in relation to such impacts arising from the proposed development have resulted in a range of measures that would need to be addressed if development is to proceed, these can be secured by a s106 agreement. The following matters are included therefore as part of the application:

Obligations to be managed by EFDC:

Affordable housing – 26 units comprising 19 affordable rent (7 x1 bed, 9 x 2bed, 3 x 3bed) and 7 shared ownership (2 x 1 bed, 5 x 2 bed).

Health GP Improvements £32,100.00 (Contribution sought by Health Authority)

Open Space Public Parks £33,028.00 (IDP requirement)

Open Space Amenity Greenspace £13,853.33 (IDP requirement)

Open Space - Children & Young People £9,086.00 (IDP requirement)

Epping Forest Special Area of Conservation £120,420.95 (comprising Air Quality Mitigation £21,775.00 and Recreational Mitigation (98,645.95)

Community Facilities and Allotments £23,789.00 (IDP requirement)

Active Transport £27,000.00 (IDP requirement)

Sport & Leisure £6,000.00 (IDP requirement)

EFDC Monitoring Fee £14,352.61 (5% of total)

Obligations to be managed by ECC:

Early Years and Childcare £54,394.20

Primary Education £181,314.00

Library Service £5,057.00

ECC Monitoring Fee £1,650.00

These contributions, amounting to around £8,120 per dwelling in addition to the affordable housing provision have been agreed with the applicants and a legal agreement is at an advanced stage of preparation.

### *Other*

A number of other matters have arisen during consultation, most of which can be dealt with by conditions if the application is approved.

Some objectors referred to issues of flooding centered around the brook that lies at the northern edge of the retained nursery. A drainage strategy has been developed to meet current SuDS guidance including storage capacity within the open space which has been agreed in principle, subject to a condition dealing with the detailed design. This on-site management of surface water will prevent any existing issues being made worse.

The historic uses on the site make it likely that contamination is present in some of the existing open areas. As the development involves sensitive receptors particularly in private gardens, a detailed site investigation is recommended with remediation measures as appropriate.

### **Conclusion:**

The early delivery of this allocated site would be an important indication of the primacy of the recently adopted Local Plan and the Council's commitment to delivering new housing across a range of house types and tenures. The site has limited constraints within it and has therefore met the indicative capacity set out in the plan, thereby relieving pressure to allow development in less appropriate locations.

The development of itself delivers a good standard of design of reasonable scale within the local context, frontage buildings reflect the form and style of the local vernacular and the overall scale and height takes advantage of the changes in levels on the site. The high-quality landscape setting provides public and private open spaces and good pedestrian access through the whole site. Added to this, the landscape buffer around the southern and western site boundaries further enhances the landscape setting as well as screening the adjacent listed building such that its significance and setting in the modern context is not compromised.

Local concerns at the impact on local infrastructure have been addressed through a series of off-site contributions which meet guidelines in the IDP and other policy documents – health and education contributions meet fully the requests from the relevant providers. Similarly, concerns around parking and access have been addressed in the detailed design.

Officers therefore recommend that, subject to the completion of the relevant legal agreement, permission should be granted, subject to the conditions set out below.

***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: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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

**Conditions: (36)**

- 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: 21/11/01, 21/11/02 Rev A, 21/11/03 Rev D, 21/11/04, 21/11/05 Rev A, 21/11/06 Rev A, 21/11/07, 21/11/08, 21/11/010 21/11/11, 21/11/12, 21/11/13 Rev A, 21/11/14, 21/11/15 Rev A, 21/11/16, 21/11/17/, 21/11/18, 21/11/19, 21/11/20, 21/11/21 Rev A, 21/11/22, 21/11/23, 21/11/24 Rev A, 21/11/25 Rev A, and NC16.264-P202

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

- 3 Development shall not commence until the developer has completed a binding agreement with an affordable housing provider agreed by the Council to facilitate delivery of the affordable housing units comprising an agreed mix of house types and tenures required by the associated legal agreement accompanying this permission.

Reason: The development requires sufficient safeguards to ensure delivery of the affordable housing element in order to comply with policies H1 and H2 of the Local Plan 2011-2033 (2023), and the NPPF 2021.

- 4 Any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

- 5 No development shall take place on site unless and until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation. No development or demolition shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

Reason: The site is an Archaeological site where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

7 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) 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 Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 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 Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where



appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, 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 Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

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 Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

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 Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 17 Prior to the commencement of any above ground works, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 18 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials, and type of boundary treatment to be erected, shall have been submitted to an approved by the Local Planning Authority, in writing. The approved boundary treatment shall be implemented prior to the occupation of the development and so retained.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 19 Prior to their installation, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details.

Reason: To help improve local environmental conditions and limit emissions to air as required by the national planning policy framework. Boilers can be a significant source of NO2 emissions and worsen local air quality. To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest Local Plan 2011-2033 (2023).

- 20 No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared, provided a written report of confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, and that written confirmation has been approved by the Local Planning Authority

Reason: To ensure adequate protection is afforded to local wildlife in accordance with policy DM1 of the Local Plan 2011-2033 (2023), and the NPPF 2021

- 21 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 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 22 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 T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 23 Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been removed from the site, unless retention of material is agreed pursuant to any landscaping works approved as part of a relevant condition.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 24 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 25 Prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use, a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To comply with requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 26 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, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 27 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed to each parking space or garage shown on the approved plans and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

28 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, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

29 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 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

30 Prior to the first occupation of the development the access arrangements, as shown in principle on the Ardent drawing no. 2101960-001 Rev D, shall be fully implemented and retained for the life of the development. All details to be agreed with the Highway Authority, and to include, but not limited to the following:

- 2.4m x 90m visibility splays
- A bellmouth with minimum radii of 6m with dropped kerb crossing points
- Provision and implement of a pair of pedestrian dropped kerb crossing points across the High Road within the vicinity of the bus stops to the north of the site access.

Reason: To ensure that safe and appropriate access is provided, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policy T1 of the Epping Forest Local Plan 2011-2033 (2023), and the NPPF 2021.

31 Prior to the first occupation of the development the developer shall provide the following improvements, to ECC specification, to the existing Club House bus stops, to the north of the site, either side of the High Road:

- Provision of raised kerbs to both bus stops.

Reason: In the interests of reducing the need to travel to the site by car and promoting sustainable and accessible development and transport, for the development and the locality, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policy T1 of the Epping Forest Local Plan 2011-2033 (2023), and the NPPF 2021.

32 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, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policy T1 of the Epping Forest Local Plan 2011-2033 (2023), and the NPPF 2021.

33 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, and or Oyster cards, 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, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policy T1 of the Epping Forest Local Plan 2011-2033 (2023), and the NPPF 2021.

- 34 All areas of open space outside of domestic curtilages shall be retained in perpetuity for general use by all residents within the development, and shall not be enclosed nor have access restricted without prior consent from the local planning authority through a planning application.

Reason This aspect of the application has been justified as a public facility and any change thereto requires appropriate consideration in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM5, DM9 and DM10 of the Local Plan Submission Version, and the NPPF 2021.

- 35 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, AA, B, E 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 Policies DM9 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF 2021.

- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, 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 in the interest of highway safety, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

**Informatives: (4)**

- 37 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 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.
- 39 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.
- 40 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.

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# Epping Forest District Council

# EFDC



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Application Number:	EPF/0760/23
Site Name:	5, Staples Road, Loughton, IG10 1HP

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# OFFICER REPORT

**Application Ref:** EPF/0760/23  
**Application Type:** Householder planning permission  
**Applicant:** Mr Jake Marshall  
**Case Officer:** Muhammad Rahman  
**Site Address:** 5, Staples Road, Loughton, IG10 1HP  
**Proposal:** Replacement front door and surround  
**Ward:** Loughton St. Mary's  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Vq5e>  
**Recommendation:** Refuse

*This application is before this Committee since the application is objected to by Councillor Chris Pond in a purely personal capacity; (Pursuant to The Constitution, Article 10 District Development Management Committee and Area Plans Sub-Committees)*

## **Site and Surroundings**

The site comprises of a detached house, located within the Staples Road Conservation Area. It also lies within an Article 4 direction area which restricts the scope of permitted development rights.

The property itself is not listed, nor locally listed, although it is recognised as a Key Building of Townscape Merit within the Staples Road Conservation Area Appraisal, and both properties on either side (No's 3 & 7) are locally listed.

## **Proposal**

The proposal is for a replacement front door and surround.

## **Relevant Planning History**

EPF/2486/19 - Ground and lower ground floor rear renovation and extension – Allowed at Appeal

PRE/0134/22 - Pre application for a proposed installation of x8 no. solar panels on the flat roof of the new extension currently being constructed at the back of the property (ref: EPF/2486/19 - Advice Given

EPF/1519/22 - Approval of Details Reserved by Condition 3 'Details of external materials' of EPF/2486/19 (Ground and lower ground floor rear renovation and extension) – Details Approved

EPF/0724/23 - Re- design of the front garden – Concurrent

## **Development Plan Context**

Epping Forest Local Plan 2011-2033 (2023);

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of

adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

DM7 Heritage Assets  
DM9 High Quality Design

National Planning Policy Framework 2021 (Framework)

The Framework is a material consideration in determining planning applications. The following paragraphs are considered to be of relevance to this application:

Paragraphs 126 & 130

### **Summary of Representations**

Number of neighbours Consulted: 11. 1 response(s) received.  
Site notice posted: Yes.

7 STAPLES ROAD – Objection - The doors, windows and other architectural features of the houses in Staples Rd are virtually all original and are specially so approved of and noted in the EFDC Conservation Area Appraisal. They are the main reason Staples Rd was designated a conservation area 30 years ago.

The front door to no5 is original handwork of the 1880s. It is crafted with crossfill tongue & groove and stop-chamfered panels and is thus very characteristic of its time. It is a building of Townscape Merit and nos 3 and 7 are locally listed.

My main observation is that the proposal is entirely unnecessary and would detract in a small way from the attractions and merits of the conservation area. If the door, which suites that of my house adjacent, is defective, it should be refurbished. Therefore, I believe the application should not be consented.

LRA PLANS GROUP – Objection - We understand Staples Road was designated a conservation area precisely because of all the unchanged details; thus the Article 4 Direction, which removes the permitted development rights on doors. The front door is the same design as that on no 7, built by same builder at the same time; it is four panelled, cross-filled and stop-chamfered. No 5 has had a letterplate fitted; but No 7 never has.

Unless there is some justification for the replacement door other than change for change's sake, we consider the original fabric should be retained to preserve the special character of the conservation area. These losses can add up and lead to a creeping erosion of the conservation area unless the change can be justified as a necessary change.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application believing Staples Road was designated a conservation area because virtually all the doors, windows and other architectural features of the houses are original. Thus, the Article 4 Direction, which removes the permitted development rights on doors. The front door is the same design as that on no 7, built by the same builder at the same time; it is four panelled, cross-filled tongue and groove and stop chamfered. No 5 has had a letterplate fitted; but No 7 never has.

Unless there is some justification for the replacement door other than change for change's sake, the Committee consider the original fabric should be retained to preserve the special character of the

conservation area. These losses can add up and lead to a creeping erosion of the conservation area unless the change can be justified as a necessary change.

## **Planning Considerations**

The main issue for consideration in this case is the impact on the character and appearance of the Conservation area and its setting.

On this note, the Councils Conservation Officer has provided the following comments below;

### *Context & Significance*

*No.5 Staples Road ('Forest Lodge'; f.k.a. 'Glendower') is a detached 19th century house located within the Staples Road Conservation Area. The building is recognised as a 'Key Building of Townscape Merit' within the Staples Road CA Character Appraisal (2014), and its two neighbouring dwellings are both Locally Listed Buildings (LLBs). The attractive landmark building of the site was constructed by local builder George Beckett in 1882 along with its neighbour, no.7 ('Forest Retreat' / 'Forest Villa'), in a similar form and layout. The special interest of the wider Staples Road Conservation Area is partially derived from its unaltered 19th century streetscape that features examples of unique architectural design. Additional planning constraints exist for the building in the form of an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995; this explicitly limits the "alteration of a dwelling house ... where any part of the enlargement, improvement or alteration would front the highway known as Staples Road."*

### *Comments*

*The current proposal is considered to be UNACCEPTABLE. This is due to the resulting harm that the loss of this element would have on the significance (including setting) of the affected heritage assets (conservation area; LLB), contrary to paragraphs 206 and 207 of the NPPF (2021).*

*It is evident from the photo provided of the existing front door at Forest Lodge that it appears almost identical to that of its contemporary neighbour at Forest Villa. It is therefore considered likely that the door is original to the structure as designed by Beckett in the late 19th century, as noted above, which serves to add to the recognised significance of the site and of the door itself as one of a surviving pair. The existing door thus makes a positive contribution to the significance of the associated heritage assets. Furthermore, the existing door appears to be in good condition, both by visual assessment and as noted within the submitted Heritage Statement. As such, the proposed replacement of this significant element is not suitably supported by clear and convincing justification, as required by paragraph 200 of the NPPF.*

## **Conclusion**

It is concluded that the proposal would be inappropriate within its context and would fail to preserve the character and appearance of the Conservation Area and its wider setting, as well as the setting of the non-designated heritage asset (Forest Villa), contrary to Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF 2021.

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

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

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

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

**Refusal Reason(s): (1)**

- 1 The proposal would be inappropriate within its context and would fail to preserve the character and appearance of the Conservation Area and its wider setting, as well as the setting of the non-designated heritage asset (Forest Villa), contrary to Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF 2021.

**Informatives: (2)**

- 2 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Council's website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 3 This decision is made with reference to the following plan numbers: Location Plan, EX01, EX02, PR01, Front Door Specification, and Supporting Information.

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