



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday 16th August 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 16th August 2023 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

Democratic Services Tel: (01992) 564243
Email: 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

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

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

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 - 8)

To confirm the minutes of the last meeting of the Sub-Committee held on 19 July 2023 (attached).

6. 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.

7. EPF/0829/23 - 10 RECTORY LANE LOUGHTON IG10 2RL (Pages 9 - 20)

To consider the attached report for the demolition of the existing commercial building and construction of a new building to provide five commercial units (including workshop, showroom and office space), together with parking and landscaping.

8. EPF/1399/23 - 39 ALBION HILL LOUGHTON IG10 4RD (Pages 21 - 26)

To consider the attached report for the application for a landscaping scheme including outdoor swimming pool, decking, and grass terraces, in pursuant with approved application EPF/0277/20.

9. EPF/2113/20 - HAINAULT HALL 173 LAMBOURNE ROAD CHIGWELL IG7 6JU (Pages 27 - 34)

To consider the attached report for the installation of an outdoor swimming pool and hard landscaped surround in the grounds of Hainault Hall. The pool is adjacent to and associated with an annexe to the Hall (under construction).

10. 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.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion:

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Background Papers:

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

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

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

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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

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

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

Wednesday 19 July 2023, 7.00 pm - 8.55 pm

Council Chamber, Civic Offices, High Street, Epping

- Members Present:** Councillors K Rizvi (Chairman), R Baldwin (Vice-Chairman), I Allgood, R Brookes, S Heap, H Kauffman, L Mead, L Morgan, C Nweke, M Owen, A Patel, S Patel, Caroline Pond, C C Pond, K Williamson and D Wixley
- Apologies:** Councillors D Barlow, P Bhanot, R Jennings, J Jennings, J Jogia, A Lion, S Murray and D Sunger
- Officers In Attendance:** G Courtney (Planning Applications and Appeals Manager (Development Management)), V Messenger (Democratic Services Officer), S Mitchell (PR Website Editor) and D Murphy (Principal Litigation Lawyer)
- Officers In Attendance (Virtually):** I Ansell (Senior Planning Officer), R Moreton (Corporate Communications Officer), M Rahman (Planning Officer) and N Raimi (Planning Officer)

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

8 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.

9 DECLARATIONS OF INTEREST

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

10 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 21 June 2023 be taken as read and signed by the Chairman as a correct record.

11 ANY OTHER BUSINESS

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

12 SITE VISITS

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

13 EPF/1204/22 1 LANGSTON ROAD LOUGHTON ESSEX IG10 3SD

The Committee agreed to amend the following conditions with the additional wording below:

(3c) ...including minimisation of diesel-powered construction machinery.

(22) ...and Guest Travel Plan.

The application was [Approved with Conditions \(Subject to s106 Legal Agreement\)](#).

14 EPF/2216/22 NEW OAK LODGE, ENGLANDS LANE, LOUGHTON, IG10 2NX

Discussion took place around the design of the proposed new dwelling, the potential refurbishment of the listed pillars and gates, and the impact on the Green Belt. Clarity was sought on the comparison between the size of this proposal compared to that previously granted consent on the site.

Clarity was also sought by Members on the Green Belt policy and whether this constituted inappropriate development that would require very special circumstances. Several members recalled determining the previously approved scheme and highlighted that the previous proposal constituted inappropriate development, however, was granted consent since the very special circumstances clearly outweighed the harm in that instance. The key very special circumstances being the refurbishment of the listed gates and pillars, the handing over of part of the site for the extension to the adjacent nature reserve, and the historic ambience in the built form of the previously approved new dwelling. It was highlighted by Cllr C C Pond that, with the exception of the refurbishment of the gates and pillars, none of these benefits were present in this instance, and the proposed dwelling was larger than that previously approved. As such it was determined that the proposal constituted inappropriate development that would cause harm to the Green Belt, and this harm would not be sufficiently outweighed by very special circumstances.

As such, the Committee determined that planning consent should be [refused](#) for the following reason:

1. The proposed development amounts to inappropriate development in the Green Belt and results in a significant increase in built volume above that of the extant planning permission for the site. The public benefit through the provision of part of the site as an extension to the nature reserve and the historic ambience in the built form that were considered very special circumstances that clearly outweighed the harm from the extant scheme are no longer proposed as part of this development, and no other very special circumstances exist that clearly outweigh the harm from this proposal. As a result, the development has a significant adverse effect of the openness of the Green Belt and local character, contrary to policies SP5 and DM4 of the adopted Local Plan 2011-2033 (2023), and the NPPF 2021.

15 EPF/0377/23 5 NAFFERTON RISE LOUGHTON IG10 1UB

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

16 EPF/0912/23 40 IBBETSON PATH LOUGHTON IG10 2AS

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

CHAIRMAN



Epping Forest District Council



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Application Number:	EPF/0829/23
Site Name:	10 Rectory Lane Loughton IG10 2RL

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OFFICER REPORT

Application Ref: EPF/0829/23
Application Type: Full planning permission
Applicant: Ms Siobhan Cook
Case Officer: Kie Farrell
Site Address: 10, Rectory Lane, Loughton, IG10 2RL
Proposal: Demolition of the existing commercial building and construction of a new building to provide five commercial units (including workshop, showroom and office space), together with parking and landscaping
Ward: Loughton St. John's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Vyt3>
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).

Address:

10 Rectory Lane, Loughton, IG10 2RL.

Description of Site:

The application site comprises an industrial building located within an Employment area off Rectory Lane, close to the junction with Goldings Hill.

The lawful use of the building is understood to be (based on planning history) a scrap metal recycling facility (Sui generis).

The submitted Planning Statement states that the building is currently in use as a builders' depot, office and showroom.

The neighbouring building adjoining immediately to the north is Loughton Auto Repair Centre.

Opposite to the east is a two storey office building known as 4 to 6 Rectory Lane.

The neighbouring building to the south is a 2/3 storey office building (Amshold house).

To the west, the site backs on to the rear gardens/yards of commercial/residential properties on Goldings Hill (3, 5, 5a, 7- 9 and 11). 3, 5 and 5a – 2 storey residential. 7-9 – Sevenoaks Sound and Vision, ground and first floor. 11 – Kitchen shop ground floor with residential above.

Description of Proposal:

Demolition of the existing commercial building and construction of a new building to provide five commercial units (including workshop, showroom and office space), together with parking and landscaping.

- 3 storey building
- Use Class E (g)
- 5 Commercial units
- 9 car parking spaces
- 20 cycle parking spaces (4 per unit)
- Green Roof

	Ground Floor	First Floor	Second Floor	Total
Unit 1	67.4 sq m Workshop	74.0 sq m Showroom	74.0 sq m Office	214.5 sq m
Unit 2	74.9 sq m Workshop	72.7 sq m Showroom	72.7 sq m Office	220.3 sq m
Unit 3	74.9 sq m Workshop	72.7 sq m Showroom	72.7 sq m Office	220.3 sq m
Unit 4	74.9 sq m Workshop	72.7 sq m Showroom	72.7 sq m Office	220.3 sq m
Unit 5	74.9 sq m Workshop	72.7 sq m Showroom	72.7 sq m Office	220.3 sq m
			Total	1,096 sq m

Relevant Planning History:

EF\2022\ENQ\00392

Demolition of the existing building and redevelopment to provide a three storey development of ground and two upper floors to comprise office space and showroom, car parking and associated works.
Advice given 13.06.2022.

EF\2021\ENQ\00664

3 storey building to provide 10 flats and ground floor co-working space.
Pre-app advice issued August 2021.

ENF/0024/17

Possible change of use of scrapyard (New owners)
ENF site visit found premises to be vacant
Case closed 07/08/2017.

ENF/0602/16

Change of use from scrap metal yard to offices
ENF site visit found premises to be vacant
Case Closed 07/08/2017.

EPP/2031/12

Change of use of premises from use for storage purposes (Use Class B8) to use as a scrap yard for the purpose of recycling metals (Sui Generis)
Approved 07/08/2013.

Policies Applied:

Adopted Plan (March 2023):

SP1: Presumption in Favour of Sustainable Development

T1: Sustainable Transport Choices

Consultation Carried Out and Summary of Representations Received:

Loughton Town Council: Objection:

“The Committee NOTED the contents of a letter regarding this application.

The Committee OBJECTED to this application on the grounds of the excessive height of the proposed units, which would result in a large overbearing construction, causing an enclosing effect and a loss of amenity for the residents in the properties of Golding’s Hill.

However, members had no objection in principle to the redevelopment, welcoming the enhanced employment use, but noted that too many employment uses have been lost to residential under permitted development rights.

Therefore, the Committee requested that should the local planning authority be minded to approve the application, it includes the following:

i. The council should enter into a section 106 agreement with the applicant to ensure the units remain for commercial use only and do not flip to residential under permitted development rights after they have been completed.

The planning statement says they originally wanted a residential use, the Committee believe a planning condition was not strong enough to protect the use and could easily be appealed against.

ii. Conditions are required to restrict the parking spaces to the users of the development and ensure the cycle spaces are provided and retained.

iii. In order to protect the amenity of residents on Golding’s Hill, the rear roof should be conditioned not to be used as a terrace and the rear glazing should be obscured – mezzanine floors could easily be inserted without the need for consent which would result in overlooking without such a condition.”

Number of neighbours consulted: 80. 3 comments received, comprising 2 objections and 1 neutral comment.

Units 1 & 2, The Hat Works T/A Press Parts Limited, 10 Rectory Lane (Objection):

“We wish to object to the planning application on the following grounds:-

1) INADEQUACY OF ACCESS AND COMMERCIAL VEHICLE PROVISION.

There is only one private narrow roadway from Rectory Lane to the proposed development for access. The roadway ending in a cul-de-sac is shared with the applicant’s two neighbours, giving only one way in and one way out for all 3 properties. The planned development site for an extra 4 commercial units has only a right of access up to its boundary and no further along the roadway. There are no loading bays, drop off areas or turning areas provided. The planning application does not include sufficient commercial vehicle provision to meet normal requirements such as provision for loading, unloading and turning, contrary to the current Essex Parking Standards September 2009.

2) EXTENT OF ROADWAY.

Epping Forest District Council Planning Department cannot be sure there is adequate parking for the development as there is doubt that what is planned as car parking space can be implemented, given the rights of way of neighbouring properties (as well as the restrictive covenants) as registered against the property with H.M. Land Registry under section C of the charges register.

SEE ATTACHED PDFs of summary title and plan for the property EX 3481235. The 1969 Conveyance plan referred to, is also attached for reference.

The block or site plan submitted for consideration does not show the correct current building line and therefore existing roadway width with measurements to scale for practical consideration. The proposed parking extends out onto the roadway obstructing both neighbours' right of way. SEE ATTACHED amended block diagram PDF "Roadway diagram" showing the correct building line and extent of roadway, together with a PDF photo of the Auto Repair Centre porta-cabin and full height roller door of one of our warehouse units at the end of the roadway.

3) TRAFFIC OVERSPILL.

Given the rights of way enjoyed by the neighbours over the whole roadway, the roadway cannot be considered as overspill parking. It is unlikely that any parking or stopping on the narrowed roadway would be tolerated. The plan submitted is for excess cars, deliveries and service vehicles parking elsewhere off site, being pushed out onto the highway or surrounding residential areas and as such is contrary to the adopted Local Plan 2023.

4) INADEQUATE PARKING PROVISION.

The proposed undercroft car parking is not adequate. The planned parking has to provide for 5 commercial units on 3 floors, covering 1096 square metres. The plan is for only 8 communal car parking spaces, the ninth D.D.A. space would have to be kept clear at all times under the Disability Discrimination Act 2005 as it is for people with disabilities' sole use. The plan allows for only one parked car per unit with an excess limited to three visiting cars in total between the five units without any van bays. There are currently ongoing traffic congestion and access issues with obstructive parking, including that part of the roadway contained within the development site.

Again, the lack of parking will push excess vehicles out onto the neighbouring highway or adjacent residential areas to park.

5) HGV RESTRICTED ACCESS.

The planned reduced width roadway at 5.5 metres forms the entire space in front of the development however, this is shared with the two neighbours.

The parking spaces jutting out into the access road referred to in the application as P1, P2, P3, P4 would obstruct the swept path of HGV vehicles as they try to navigate the corner opposite the development. HGVs including fire tenders would simply be unable to make their way past the bend in the roadway within the site.

6) HEALTH AND SAFETY RISK.

There is a significant safety risk as no parking will be possible on the roadway given the neighbours' rights of way, accessing pallet or forklift truck deliveries to the 5 units would be going back and forth on the roadway with no separation from other users. This does not comply with Workplace (Health, Safety and Welfare) Regulations 1992.

7) PEDESTRIAN AND CYCLIST SAFETY.

The Design and Access Statement does not show consultation undertaken on issues which prevent safe access to the development for pedestrians and cyclists from the highway to the proposed development. There is no separation for pedestrians from HGVs or other vehicles accessing from Rectory Lane as there is no pavement from Rectory Lane up to and past the property, nor is there any street lighting along the private access roadway."

The Hat Works, 10 Rectory Lane (Objection):

"Object to this proposal on the grounds that it breaches existing rights as detailed in the conveyances dated 27 February 1969 and also all subsequent entries in the registry to pass and repass over the whole driveway denoted in brown on said filed plans.

We are entitled to reasonable access at all times, which is taken to be a minimum of 15' 8" (the width of the gates as measured), along the entire length of the roadway from Rectory Lane to The Hat Works.

The attached original 1969 Conveyance Plan shows the extent of the access roadway coloured brown. Their proposal does not include any traffic congestion or parking controls, outside loading or delivery mitigations for the neighbouring properties or protection of access rights.

The proposal site has insufficient parking provision any intensification in use and our access at The Hat Works is already hampered by vehicles parked on the roadway in breach of existing covenants.

We think that the development proposed would need a minimum of 5 car parking spaces per unit plus associated loading spaces and further parking spaces for visitors.

Highways issues will occur at the junction with Rectory Lane

We also consider that the additional height of the development will overshadow and cause loss of light to The Hat Works during the winter into our office space.”

Loughton Residents Association Plans Group (Neutral):

“We have no objection in principle to the redevelopment and welcome the enhanced employment use. However, too many employment uses have been lost to residential under permitted development rights. We therefore urge the council to enter into a section 106 agreement with the applicant to ensure the units do not flip to residential under pd rights after they have been completed. The planning statement says they originally wanted a residential use and we do not consider a planning condition is strong enough to protect the use and can easily be appealed against. We also consider conditions are required to restrict the parking spaces to the users of the development and ensure the cycle spaces are provided and retained. In order to protect the amenity of residents on Golding’s Hill we ask for the rear roof to be conditioned not to be used as a terrace and for the rear glazing to be obscured – mezzanine floors could easily be inserted without the need for consent that would result in overlooking without such a condition.”

Main Issues and Considerations:

The main issues in this case are:

- Principle of Development
- Design, Character and Appearance
- Residential Amenity
- Highway Safety

Principle of Development:

The proposal is for demolition of the existing commercial building and construction of a new three storey building to provide five commercial units (including workshop, showroom and office space), together with parking and landscaping.

The use class applied for is Class E (Commercial, Business and Service), part (g)

- (i) an office to carry out any operational or administrative functions,
- (ii) the research and development of products or processes, or
- (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Adopted Local Plan (March 2023):

The application site falls within allocated Employment Area LOU.E3 and as such Policy E1 applies:

Policy E1 Employment Sites

Existing Employment Sites (Designated and Undesignated)

A. The Council will seek to retain and enhance existing employment sites and premises for their existing authorised uses within Use Class B2, B8 or E, or Sui generis uses of an employment character.

B. Proposals for the redevelopment, renewal, intensification, or extension of existing employment sites and premises for employment uses or Sui generis uses of an employment character will be encouraged.

The proposed development is an Employment development and therefore complies with adopted Local Plan policies. The proposed development is acceptable in principle.

The proposed use class E (g) is also acceptable.

Design, Character and Appearance:

At pre-app stage a 3 storey flat roofed building was proposed which was considered to be unacceptable in design terms.

The building now proposed has a gable fronted pitched roof form which is considered to be acceptable.

The current application proposes a 3 storey building, however this appears externally as a 2.5 storey building as the second floor is in the roof space.

The submitted drawings show that the maximum/ridge height of the proposed building (approx. 10.9m) would be lower than the ridge of the 4 to 6 Rectory Lane opposite and set within this context the height is considered to be acceptable.

The rear part of the building backing onto the western boundary with the properties on Goldings Hill reduces to a single storey flat roofed element which will include a Green Roof. A condition should be attached to any permission issued to ensure that the proposed Green Roof is delivered.

Due to the position of the proposed building within the existing employment site, views of the Golding's Hill and Rectory Lane street scenes will be limited.

The proposed development is considered to be acceptable in terms of design, character and appearance.

Residential Amenity:

The rear part of the building backing onto the western boundary with the properties on Goldings Hill reduces to a single storey flat roofed element which will include a Green Roof. This single storey element provides additional separation distance between the upper floors of the proposed building and the existing residential properties on Goldings Hill.

The upper floors of the proposed building would be set off the rear boundary by between 5m and 7m and it is considered that this is sufficient to ensure that there is no overbearing impact on neighbouring residential properties on Golding's Hill.

Rear window treatments (minimum cill heights of 1.7m from floor level) are proposed which would limit the potential for overlooking / loss of privacy to the residential properties on Goldings Hill and this is considered to be acceptable mitigation which can be secured by condition.

A sunlight, daylight, overshadowing report has been submitted which concludes that there would be no harmful loss of light or overshadowing of any neighbouring residential properties.

A condition should be added to any planning permission issued restricting the use of the single storey flat Green Roof as a balcony to ensure there is no harmful impact on the amenity of neighbouring residential properties.

Overall, acceptable in terms of impact on residential amenity.

Highway Safety:

Access to the proposed development will remain as existing with vehicles and pedestrians accessing via Rectory Lane.

A total of 9 car parking spaces are proposed to serve the 5 commercial units, one of which will be an accessible bay.

20 covered and secure cycle parking spaces will also be provided (4 per unit).

Essex CC Highway Authority comments dated 26th May 2023:

“The submitted information has been assessed, and the Highway Authority are satisfied that the proposal is not contrary to national/local policy and current safety criteria.

The proposal will not generate a significant increase in vehicle movements over the previous use of the site. Furthermore, the parking arrangements are considered to be sufficient for the development, and the site has good access to other modes of sustainable travel.

Consequently, the development will not be detrimental to highway safety or efficiency.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

Prior to the first occupation of the development the vehicle and cycle parking as indicated on the approved plans shall be provided and retained as such for the life of the development. Reason: To ensure that appropriate parking is provided.

The above measures are to ensure that this proposal is not contrary to the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.”

Acceptable in this respect.

SAC:

The submitted Project Level HRA document provides extracts from the submitted Transport Statement which conclude that the proposed development will result in a net additional 23 vehicle trips per day. Subject to the provision of electric charging points and an Employees Travel Pack, it is considered that the proposed harm resulting from this increase in vehicle movements would be adequately mitigated.

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
email: contactplanning@eppingforestdc.gov.uk

Conditions: (11)

- 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:

1134-CYA-AA-XX-DR-A-10001 Rev C – Site Location & Block Plan
1134-CYA-AA-00-DR-A-10003 Rev B – As Existing – Ground Floor Plan
1134-CYA-AA-01-DR-A-10004 Rev B - As Existing – First Floor Plan
1134-CYA-AA-RF-DR-A-10005 Rev B – Existing Roof Plan
1134-CYA-AA-ZZ-DR-A-10006 Rev B – Existing Elevations (Sheet 1)
1134-CYA-AA-ZZ-DR-A-10007 Rev B - Existing Elevations (Sheet 2)
1134-CYA-AA-XX-DR-A-10009 Rev A – Proposed Block Plan
1134-CYA-AA-00-DR-A-10010 Rev B – Proposed Ground Floor Plan
1134-CYA-AA-01-DR-A-10011 Rev B – Proposed First Floor Plan
1134-CYA-AA-02-DR-A-10012 Rev B – Proposed Second Floor Plan
1134-CYA-AA-RF-DR-A-10013 Rev B – Proposed Roof Plan
1134-CYA-AA-ZZ-DR-A-10014 Rev B - Proposed Elevations (Sheet 1)
1134-CYA-AA-ZZ-DR-A-10015 Rev B - Proposed Elevations (Sheet 2)
1134-CYA-AA-ZZ-DR-A-10016 Rev B – Proposed Sections
1134-CYA-AA-ZZ-DR-A-10018 Rev B – Contextual Elevations
1134-CYA-AA-XX-DR-A-10019 Rev A – Typical Cycle & Refuse Store
1134-CYA-AA-XX-DR-A-10020 Rev B – 3D Views
1134-CYA-AA-XX-DR-A-10021 Rev B – 3D Views
Planning Statement, Planning Insight, March 2023
Planning, Design and Access Statement, Cooley Architects, February 2023
Project Level HRA, Planning Insight, April 2023
Transport Statement, Markides Associates, 9 March 2023
Energy Statement, NRG Consulting, March 2023
Daylight, Sunlight and Overshadowing Report, OSM, 24th January 2023
BREEAM Pre-Assessment, NRG, 20th March 2023.

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

- 4 Details of the biodiversity green roof shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity green roof shall be:
- a) biodiversity based with extensive substrate base (depth 80-150mm);
 - b) laid out in accordance with the approved drawings;
 - c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). The biodiversity green roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The biodiversity green roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. If within a period of five years from the date of the planting or establishment of the green roof it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective it shall be replanted / re-seeded with the same agreed mix of species as that originally planted and shall be planted at the same place.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

- 5 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 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.

- 6 Prior to first occupation of the building hereby permitted the windows in the west/rear elevation facing Golding's Hill at first floor level and above, shall have been fitted such that no part of those windows are less than 1.7 metres above the internal floor level of the room in which the window is installed. Once installed the windows shall be retained unaltered thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 Access to the flat Green Roof hereby approved shall be for maintenance or emergency purposes only and the flat Green 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Prior to the first occupation of the development the vehicle and cycle parking as indicated on the approved plans shall be provided and retained as such for the life of the development. Reason: To ensure that appropriate parking is provided.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

- 9 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

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

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 Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 Prior to first occupation of the approved development, the developer shall submit a Workplace Travel Plan to the Local Planning Authority for approval. The approved Workplace Travel Plan shall be actively implemented for a minimum period of 5 years.

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 District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and the Use Classes Order 1987 (or any other Order revoking, further amending or re-enacting those Orders) the use of the proposed development shall be limited to Class E (g) and no other use within Class E or any other Use Class without the prior written permission of the Local Planning Authority. Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development, in accordance with the guidance contained within the National Planning Policy Framework and policies E1 and DM9 of the Adopted Local Plan (March 2023).

Informatives: (1)

- 12 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/1399/23
Site Name:	39 Albion Hill IG10 4RD

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OFFICER REPORT

Application Ref: EPF/1399/23
Application Type: Householder planning permission
Applicant: Mr P Giordano
Case Officer: Muhammad Rahman
Site Address: 39, Albion Hill, Loughton, IG10 4RD
Proposal: Application for landscaping scheme including outdoor swimming pool, decking, and grass terraces, in pursuant with approved application EPF/0277/20
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001WeGX>
Recommendation: Approve with Conditions

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

Site and Surroundings

The site comprises of a detached house which has been newly extended/altered, located within a built-up area of Loughton. It is not listed nor in a conservation area or a flood zone. Protected trees lie within the site.

Proposal

The proposal is for landscaping scheme including outdoor swimming pool, decking, and grass terraces.

For clarity, this application is limited to the above works only. The outstanding matters with regards to the host building currently being investigated under ENF/0088/21 are to be assessed via a separate application. As such Members are considering whether the landscaping works to the front inc the rear swimming pool is acceptable in terms of impact on character & impact on neighbouring amenities, not the unauthorised works to the host building.

Relevant Planning History

EPF/1925/19 - Proposed two storey rear extension with internal alterations - Withdrawn

EPF/0277/20 - Proposed rear single storey extension; amendment to part of roof to add x3 no. new dormers with internal alterations.(Revised application to EPF/1925/19) - Approved with Conditions & Implemented.

EPF/0225/21 - Non-Material Amendment to EPF/0277/20 (Partial rear roof slope amendment to incorporate with the change of eaves height) - Approved

EPF/3130/21 - Retention of single storey side & part single storey front extension with flat roof to be used as a terrace area. Swimming pool to the rear of the property - Withdrawn

Relevant Enforcement History

ENF/0339/20 - Works without planning permission - EPF/0277/20 not as plans extn and changes to roof. that part of house now demolished and footing closer to neighbours than plans – Closed

ENF/0010/21 - Works without planning permission - Lack of tree protection and raising of land levels within front garden over trees rooting area see EPF/0277/20 - Closed

ENF/0030/21 - Works without planning permission - Erection of wall at 1st floor level to create terrace and boundary wall not on plans EPF/0277/20 - Closed

ENF/0088/21 - Works without planning permission - Removal of trees, groundworks, additional windows, balcony, flat roof and additional room added to front of property - In Progress

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:

DM3 Landscape Character
DM5 Green and Blue Infrastructure
DM9 High Quality Design

National Planning Policy Framework 2021 (Framework):
Paragraphs 126 & 130

Summary of Representations

Number of neighbours Consulted: 6. 3 response(s) received.
Site notice posted: No, not required.

3, 4 & 5 HIGH VIEW CLOSE – Objections – Summarised as:

- Noise & General Disturbance from Pool;
- Impact on Trees & Landscaping; and
- Other comments not related to proposal.

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of a letter of objection.

Members deplored the retrospective nature of this application and the applicant's complete disregard for the planning approval conditions imposed under EPF/0277/20 to protect the amenity of the occupants of neighbouring properties.

The Committee OBJECTED to this application on the grounds that the pool was located too close to neighbouring properties affecting their amenity causing noise pollution; it had also resulted in an

overdevelopment of the site. Members believed Enforcement action should be taken for the removal of the pool.

The Committee expressed concern that any proposed levelling of the site of this property should not be to the detriment of any neighbouring properties, resulting in either overlooking or flood risk.

Planning Considerations

The proposed works to the front garden complements the setting of the host house and does not appear harmful within the street scene or wider locality. Partial screening is provided by the existing trees and landscaping. No design concerns are raised from the rear swimming pool.

Members will note that permitted development rights are still intact, so the proposed swimming, in Officers view is Lawful under Class E of the General Permitted Development Order 2015 (as amended) and does not require planning permission, although it has been included as part of this application. The concerns raised regarding protentional noise disturbance form the use of the swimming pool are unsubstantiated and how different is it from occupants using the garden for recreational purposes i.e., children playing, barbeques, social events, parties etc.

No harm is envisaged on the amenities of No.37A Albion Hill from the proposed works to the front garden, in terms of loss of privacy or visual impact.

Concerns has been raised with regards to the loss of some trees. The site will be enhanced with new landscaping to mitigate for the previous removal of trees from the site and this intends to make a positive contribution to the landscape character. The Councils Tree Officer has reviewed the submitted information and is satisfied with the revised landscaping scheme. As such there are no valid reasons to refuse in this regard.

Officers consider a timeframe of 4 months from the date of the decision notice to be a reasonable time period to complete the proposed planting. Traditionally recognised planting season in the UK is between October until March, so 4 months gives ample opportunity, should consent be granted by Members in August.

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

contactplanning@eppingforestdc.gov.uk

Case Officer: Muhammad Rahman | mrahman@eppignforestdc.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, 1362 / 10, and TCTC-18544-PL-01 Rev A.

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

- 2 Within 4 months of the date of the decision notice, or such other period as agreed, in writing, with the Local Planning Authority, the Hard and soft landscaping scheme shall be implemented as shown on Tracy Clarke Tree Consultancy 'Landscape masterplan' drawing number 'TCTC-18544-PL-01 Rev A' (dated February 2023); and the accompanying planting schedule. 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.

- 3 Within 4 months of the date of the decision notice, or such other period as agreed, in writing, with the LPA, the methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and as shown on Appendix B3 to the Arb Report - Tracy Clarke Tree Consultancy 'Arboricultural Method Statement (Landscape operations)' drawing number TCTC-18544-PL-03 (dated December 2022).

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.

- 4 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.

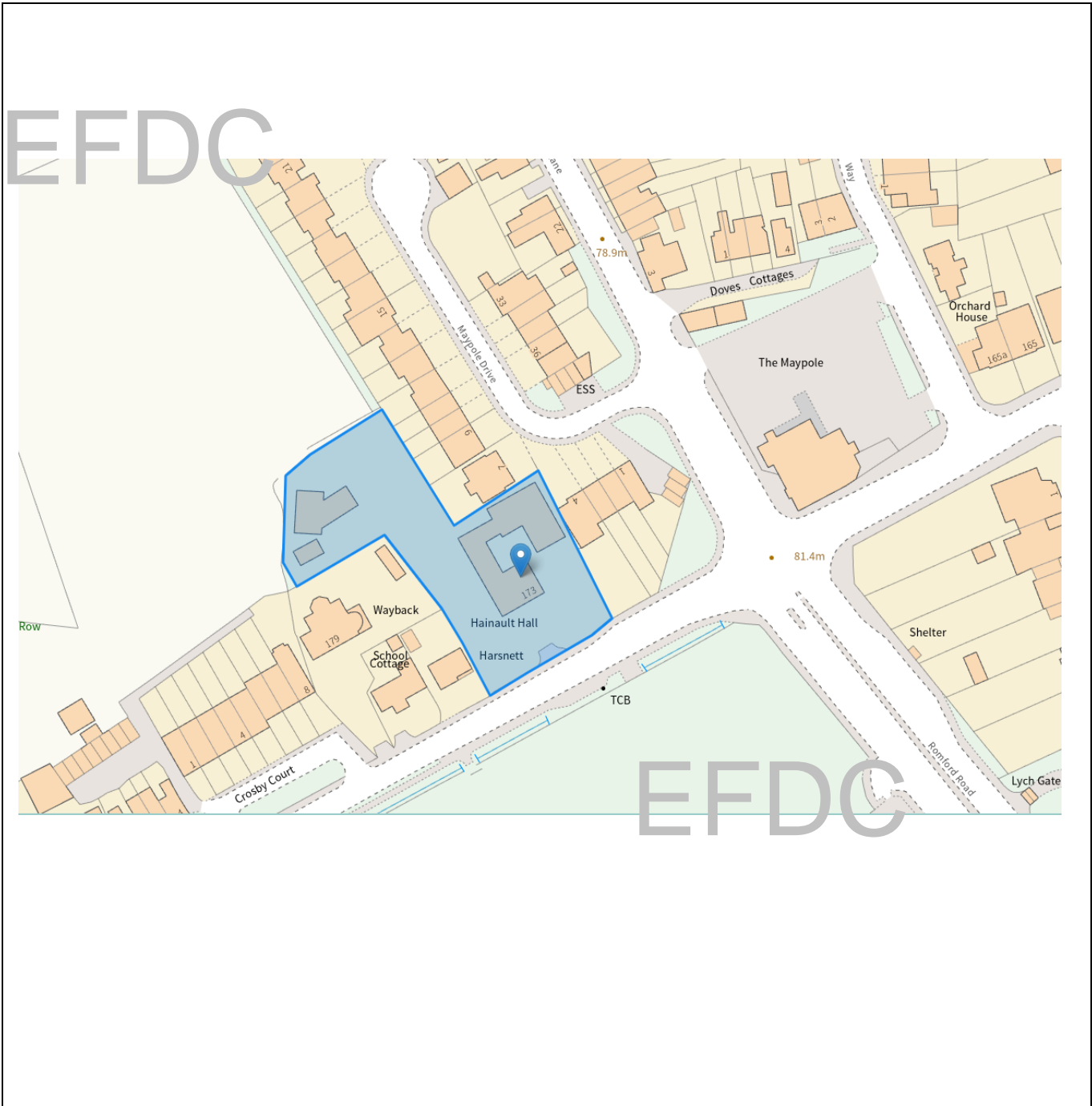
Informatives: (1)

- 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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Application Number:	EPF/2113/20
Site Name:	Hainault Hall, 173 Lambourne Road Chigwell IG7 6JU

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OFFICER REPORT

Application Ref: EPF/2113/20
Application Type: Full planning permission
Applicant: Mr Sandeep Singh
Case Officer: James Rogers
Site Address: Hainault Hall
173 Lambourne Road
Chigwell
IG7 6JU

Proposal: Installation of an outdoor swimming pool and hard landscaped surround in the grounds of Hainault Hall. The pool is adjacent to and associated with an annexe to the Hall (under construction).

Ward: Chigwell Row
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NwsU>
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 application site is located on the northern side of Lambourne Road within the built up area of Chigwell. Currently on the site is a Grade II Listed Building built in the late 18th Century. There is an existing outbuilding used as a summer house towards the rear of the site approximately 30m from the main dwelling. The application site is located within the boundaries of the Metropolitan Green Belt and it is not within a Conservation Area.

Proposal

The proposal is for the construction of a new swimming pool towards the rear of the site, adjacent to the existing summer house.

Relevant Planning History

There is much planning history on this site, relating to the main dwelling and the adjacent summer house, however none directly relating to the proposed swimming pool on the site. The most relevant of the outbuilding applications are:

EPF/0055/19 - Revision to approved application EPF/0959/18 for the erection of replacement single storey outbuilding in the rear garden to serve as an ancillary annex. – Approved

EPF/0959/18 – Proposed outbuilding in the rear garden to serve as ancillary annex – Approved

Development Plan Context

Epping Forest District Local Plan 2011- 2033 (“the EFDLP”)

The Local Plan (2011-2033) has now been formally adopted by the Council and therefore has full weight when considering planning applications. The following policies are relevant:

SP2 Spatial Development Strategy 2011-2033
T1 Sustainable Transport Choices
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 Heritage Assets
DM9 High Quality Design
DM10 Housing Design and Quality
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM19 Sustainable Water Use
DM20 Low Carbon and Renewable Energy
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

National Planning Policy Framework 2021 (“The 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 Framework. Paragraph 11 of the Framework states 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 Framework 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 Framework 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 Framework are of relevance to this application:

Paragraphs 126 & 130
Paragraphs 137, 147 - 150
Paragraph 180
Paragraphs 189, 194, 195, 197, 199, 200, 207 & 208

Summary of Representations

8 Neighbours consulted – 11 objections received. A summary of the comments received is:

- Inappropriate development in the Green Belt with no very special circumstances
- Overdevelopment of the site
- The proposal will cause a significant noise impact

Planning Considerations

The main issues for consideration in this case are the potential impacts on the Metropolitan Green Belt, the living conditions of the neighbours, the potential impact on the setting of the Grade II listed building and the character and appearance of the area and any other material planning considerations.

The Green Belt

The Framework identifies that the Government attaches great importance to the Green Belt. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The fundamental characteristics of the Green Belt are its openness and its permanence, or in other words, it is characterised by an absence of development.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Government requires the decision maker to ensure that substantial weight is given to any harm to the Green Belt and that, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm identified is clearly outweighed by other considerations. The adopted Local Plan echoes the position of the Framework and both identify that certain forms of development are not considered to be inappropriate in the Green Belt.

Paragraph 149 part b) gives the exception:

the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

This application proposes an outdoor swimming pool, the outbuilding which is shown on the drawings already benefits from planning permission and is not part of this planning application.

An outdoor swimming pool clearly facilitates outdoor sport and recreation, albeit at a small scale for the occupiers of the main dwelling house and therefore fulfills the first part of this exception. Turning to the second part, by its very nature a swimming pool does not increase the level of built form in the Green Belt although it inevitably changes its character through the addition of ancillary swimming pool related paraphernalia. Nevertheless the Green Belt is characterised by an absence of development and in the context of this application, for a small scale outdoor swimming pool measuring only 3m x 8m the proposal will preserve the openness of the Green Belt.

Overall, the proposal facilitates outdoor sport and recreation and preserves the openness of the Green Belt and the purposes of including land within it.

It is also noteworthy that in most instances, domestic outdoor swimming pools within residential curtilages is permitted development under Class E of Part 1 of Schedule 2 of the GPDO. As such, in most cases they are acceptable even within the boundaries of the Green Belt, albeit this proposal is not permitted development since the host dwelling is Listed.

Living conditions of neighbours

The swimming pool is located within relative close proximity to the neighbours backing onto the site from Maypole Drive, whose rear gardens are reasonably modest. Whilst the swimming pool could cause an increased level of noise through its use, it is within the residential curtilage of Hainault Hall and can be used for the enjoyment of its occupants regardless of the outcome of this planning application. In any event the pool will not cause a significant increased level of noise above and beyond the existing

situation since it is only for domestic use in connection with Hainault Hall and would therefore not be used excessively. A condition can be attached to ensure that it is only used for purposes incidental to the enjoyment of Hainault Hall.

The applicant proposes significant and robust landscaping on the boundaries with these neighbours, which will lessen the potential noise impacts even further, which can also be secured through condition.

Potential impact on the Listed Building

The EFDLP is clear that development proposals must preserve or enhance designated heritage assets and their settings, in a manner that is appropriate to their significance.

In this case the Conservation Officer has commented that:

The proposal site stands within the setting of Hainault Hall, an imposing and attractive Georgian building, statutory listed at grade II. The impact of the pool on the setting of the listed hall is found acceptable as it can be mitigated through the use of appropriate materials for the pool lining and surrounding hard surfacing, it is recommended that these details are reserved by condition.

This is clearly a reasonable and necessary condition to impose and will ensure no harm to the setting of the heritage asset.

Character and Appearance

The swimming pool is of a small scale and is located to the rear of Hainault Hall, not visible from public viewpoints. Even if it were, swimming pools are relatively common in domestic areas and as such the proposal will not cause harm to the character and appearance of the area.

Other Matters

The land drainage team have commented that the proposal is acceptable subject to further details of foul and surface issues. This can be secured through condition.

The Tree and Landscape Team have offered no objection to the application subject to further details of hard and soft landscaping as well as the removal of the excavated material from the site.

Conclusion

The swimming pool is not inappropriate development in the Green Belt, will not cause significant harm to the living conditions of the neighbours, preserves the setting of the Grade II Listed Building and will not cause harm to the character and appearance of the area. It is therefore recommended that planning permission is granted, subject to conditions.

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

Planning Application Case Officer: James Rogers
email: contactplanning@eppingforestdc.gov.uk

Conditions: (7)

- 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: PL-01, PL-02, PL-03 and PL-04

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

- 3 The swimming pool hereby permitted shall only be used for purposes incidental to the enjoyment of the main dwelling house known as Hainault Hall and shall not be used for commercial purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: The swimming pool is located within a suburban area with various neighbouring properties in close proximity. Its use for commercial purposes may cause significant noise disturbance to these neighbours. This protection of the living conditions of the neighbours is in accordance with Policies DM9 & DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been removed from the site.

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.

- 5 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of foul and 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.

- 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 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.

- 7 Full photographic details and drawings of the types and colours of the hard surfacing surrounding the pool, the external pool lining, and the pool furniture shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with the guidance contained within the National Planning Policy Framework and policy DM 7 of the Epping Forest District Council Local Plan (2011-2033)

Informatives: (1)

- 8 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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