



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday 11th October 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 11th October 2023 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

V Messenger, 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

[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 4 - 5)

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 6 - 7)

To confirm the minutes of the last meeting of the Sub-Committee held on 13 September 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/2999/21 - LAND ON THE NORTH EAST SIDE, ADJ. JESSICA, CHASE LANE, CHIGWELL IG7 6JW (Pages 8 - 21)

To consider the attached report to build additional stables to mirror the existing stable block, construct an all-weather riding arena and adjacent store.

9. EPF/2109/22 - FRONT SITE, FORMER GRANGE FARM, HIGH ROAD, CHIGWELL IG7 6DR (Pages 22 - 38)

To consider the attached report on the redevelopment to provide residential dwellings with associated amenity space, landscaping, car and cycle parking.

10. EPF/0625/23 - 2, COURTLAND DRIVE, CHIGWELL IG7 6PN (Pages 39 - 52)

To consider the attached report on the demolition of existing dwelling and replacement with two structures containing a total of 5 new dwellings.

11. EPF/1033/23 - 16, ELEVEN ACRE RISE, LOUGHTON IG10 1AN (Pages 53 - 62)

To consider the attached report on the Variation of condition 2 'Plan numbers' attached to EPF/1508/18 (Demolish existing house. Replace with 2 detached houses).

12. EPF/1852/23 - 16, ELEVEN ACRE RISE, LOUGHTON, IG10 1AN (Pages 63 - 67)

To consider the attached report on the installation of air conditioning condenser units (6 in total - 3 per house) to the pair of new houses.

13. 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.

Agenda Item 2

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

Agenda Item 5

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

Wednesday 13 September 2023, 7.00 pm - 8.45 pm

Council Chamber, Civic Offices, High Street, Epping

Members Present:	Councillors K Rizvi (Chairman), R Baldwin (Vice-Chairman), I Allgood, D Barlow, P Bhanot, R Brookes, E Gabbett, S Heap, H Kauffman, A Lion, L Morgan, C Nweke, C C Pond, D Sunger and D Wixley
Apologies:	Councillor(s) R Jennings, J Jennings, J Jogia, L Mead, S Murray, M Owen, S Patel and K Williamson
Officers In Attendance:	J Rogers (Principal Planning Officer), R Moreton (Corporate Communications Officer) and L Kirman (Democratic Services Officer)
Officers In Attendance (Virtually):	I Ansell (Senior Planning Officer), S Dhadwar (Senior Planning Officer), V Messenger (Democratic Services Officer) and M Rahman (Planning Officer)

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

27 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.

28 DECLARATIONS OF INTEREST

- Pursuant to the Council's Members' Code of Conduct, Councillor Sungar declared a personal interest in the following item of the agenda. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:
 - 2EPF/0947/23, 27, High Road, Loughton, IG10 1BB
- Pursuant to the Council's Members' Code of Conduct, Councillor Bhanot declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/2999/21, Land On The North East Side Adjacent to Jessica Chase Lane Chigwell IG7 6JW
- Pursuant to the Council's Members' Code of Conduct, Councillors Wixley and CC Pond declared a non-pecuniary interest in the following item of the agenda. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/1547/23 69 Church Hill Loughton IG10 1QP
- Pursuant to the Council's Members' Code of Conduct, Councillor L Morgan declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/2109/22 Front site, Former Grange Farm High Road Chigwell IG7 6DR

29 MINUTES**RESOLVED:**

That the minutes of the Sub-Committee held on 16 August 2023 be taken as read and signed by the Chairman as a correct record.

30 ANY OTHER BUSINESS

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

31 SITE VISITS**Resolved:**

1. That the determination of the planning applications EPF/2999/21 – Land on the North East Side, Adj Jessica Chase Lane, Chigwell IG7 6JW, be deferred pending a site visit by the Sub-Committee, and
2. That the determination of the planning application EPF/2109/22 – Front Site, Former Grange Farm, High Road, Chigwell IG7 6DR be deferred pending a site visit by the Sub-Committee.

32 EPF/2999/21 - LAND ON THE NORTH EAST SIDE, ADJ. JESSICA CHASE LANE CHIGWELL IG7 6JW

This application was deferred pending a site visit by the Sub-Committee.

33 EPF/0947/23 -227 HIGH ROAD LOUGHTON IG10 1BB

Decision: This application was [approved with conditions](#).

34 EPF/0979/23 -16 STANMORE WAY LOUGHTON IG10 2SA

Decision: This application was [approved with conditions](#).

35 EPF/1399/23 - 39 ALBION HILL LOUGHTON IG10 4RD

Decision: This application was [refused](#).

36 EPF/1547/23 - 69 CHURCH HILL LOUGHTON IG10 1QP

Decision: This application was [refused](#).

37 EPF/2109/22 - FRONT SITE, FORMER GRANGE FARM HIGH ROAD CHIGWELL IG7 6DR

This application was deferred pending a site visit by the Sub-Committee.

CHAIRMAN

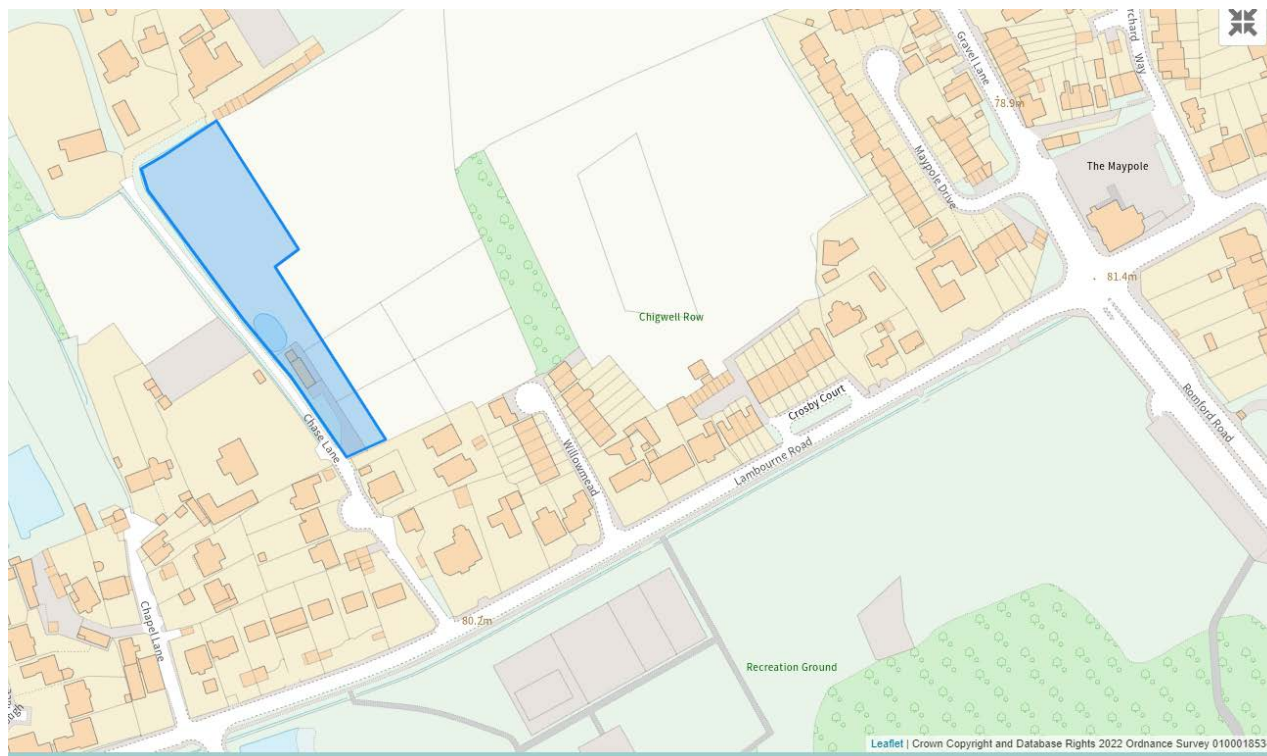
Agenda Item 8

OFFICER REPORT

Application Ref: EPF/2999/21
Application Type: Full planning permission
Applicant: Mr K and Mrs L Plaster
Case Officer: Kie Farrell
Site Address: Land On The North East Side Adjacent to Jessica Chase Lane
Chigwell
IG7 6JW

Proposal: Build additional stables to mirror the existing stable block, construct an all-weather riding arena and adjacent store.

Ward: Chigwell Row
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxJG>
Recommendation: Refuse



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Consideration of this application was deferred at the last meeting of this Committee to allow for a site visit which was arranged for Saturday 7th October.

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

Description of Site

The application site is land on the north-east side of Chase Lane adjacent to the property known as 'Jessica'.

The site is located within the Metropolitan Green Belt, it is not located within a Conservation Area and there are no listed buildings on the site.

Description of Proposal

The description of development is:

Build additional stables to mirror the existing stable block, construct an all-weather riding arena and adjacent store.

The proposed development is very similar to application (EPF/1554/21) that was refused in July 2021 and dismissed at appeal in March 2023.

The development comprises 4 main elements as follows:

1. Stable building
2. Riding Arena
3. Arena Store Building
4. Manure Clamp

The table below compares the current proposal and the refused/dismissed scheme, showing that 3 of the 4 elements are unchanged / identical:

		EPF/1554/21 (Refused/Dismissed Appeal scheme)	Current Proposal (EPF/2991/21)
1	Stable Building	24m x 11.6m. Max height 4m (incorporating footprint of existing Barn - 19.5m x 5.9m. Maximum height 3.3m)	New building of 19m x 3.8m (max height 3m); and 3.9m x 3.8 (3m height) extension to existing building (tool/rug store)
2	Riding Arena	50m x 30m with surrounding berms 1.7m high	Unchanged/Identical
3	Arena Store Building	7.2 x 3.6m. 3.0m high	Unchanged/Identical
4	Manure Clamp	5.5m x 2.5m	Unchanged/Identical

The development proposed by the current application (EPF/2991/21) is very similar to that proposed by refused application EPF/1554/21 which was dismissed at appeal in March 2023. The appeal decision is therefore a strong and relevant material consideration for the determination of the current application.

Relevant History

EF\2021\ENQ\00796

Convert existing stables into a larger barn, construct an all-weather riding arena and adjacent store.

Post-App advice issued 5.10.2021.

EPF/1554/21

Convert existing stables into a larger barn, construct an all-weather riding arena and adjacent store. ** Corrected site address **

Refused 28.07.2021. Dismissed at appeal 07.03.2023.

Reason for refusal:

The application site is located in the Metropolitan Green Belt. The proposed development is inappropriate development, by definition, harmful to the Green Belt. In addition due to its excessive scale, volume and footprint it will have a significant physical impact on openness. No very special circumstances have been demonstrated that are sufficient to outweigh the significant harm to the Green Belt and to the purposes of including land within the Green Belt. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and Policy DM4 of the Local Plan Submission Version 2017 and the NPPF (2019).

EF\2020\ENQ\01120

Construction a single American Style barn and all weather riding arena.

Pre-app response issued 21.01.21 – Not supported – proposal would be inappropriate development in the Green Belt.

EPF/0992/19

Shepperd's Nursery, Chase Lane

Revision to EPF/1618/17 to allow changes to the stable and storage building design.

Approved 15.07.2019.

EPF/1618/17

Shepperd's Nursery, Chase Lane

Construction of a two-storey detached residential dwelling, with the demolition of existing stables and outbuildings and their replacement with new stables and storage facilities

Approved 23.08.2017.

It is noteworthy that as part of planning permission EPF/1618/17 (amended by EPF/0992/19) is a significant amount of stable buildings were removed in a trade off for the new development allowed which included a new dwelling and replacement stable buildings for personal use. The approved new dwelling, stable building and storage building amounted to a 54% increase over the volume of the buildings originally on the site.

Relevant Planning Policies

Adopted Local Plan (2023):

SP1 – Presumption in Favour of Sustainable Development

SP7 – The Natural Environment, Landscape Character and Green Infrastructure

DM3 – Landscape Character and Ancient Landscapes

DM4 – Green Belt

DM9 – High Quality Design

NPPF 2021.

Consultation carried out and summary of representations received

Chigwell Parish Council – Objection. Comments dated 12th January 2022:

“The Council OBJECTS to this application because the proposal has the potential to be inappropriate development/to impact on the openness of the Green Belt. However, if Planning and Landscape Officers are minded to approving this proposal, the committee is willing to withdraw its objection.”

10 Neighbours consulted. 8 responses received comprising:

4 objections (3 neighbours and the Chigwell Residents Association) and
4 letters of support (1 family member, 1 neighbour and 2 local businesses)

Chase Farm Cottage (Objection):

“I write on behalf of Chase Farm Cottage (Unique ID 1145013) which is located to the end of Chase Lane, to the north of the application site.

Whilst, we acknowledge the reductions from the earlier application (EPF/1554/21) in terms of the size and height of the buildings, we remain concerned regarding the scale and extent of the proposed equestrian development and its intended use. Indeed, in terms of floorspace this approximately a 100% increase in respect of the building alone. This is on the basis of the impact this will could have on the lane and the scale of the development compared to the extent of the wider available land. We also raise concerns on account of the applicant already having a sand school and stabling facilities to the other side of the lane and which we understood is within the same ownership. We also note from the council’s recent report that previous stabling was demolished to facilitate other building work and therefore it is unclear why further stabling is required when not long ago it was considered to be redundant.

Firstly, it is acknowledged that the building height and massing has been reduced but the overall scale of equestrian use remains similar as the combination of the new and existing stabling equates to the potential for up to 9-10 stables. This is on the basis of each of the rooms having the exact dimensions of a stable but which has been annotated as other uses such as a grooming box or rug store. Indeed, there would be control over these becoming stables in the future. That being said even the annotated 7 stables is significant for private use on an area of land of 4-5 acres.

The Design and Access Statement does state the facilities will be for personal use only but we raise concerns over the scale of the facilities which appear to be excessive and easily used for a greater activity and which we feel is disproportionate to the size of the land and for a personal use.

Furthermore, the grazing land appears to only be around 4-5 acres and having regard to the British Horse Society (BHS) standards of requiring 1-1.5 acre per horse, it would appear these facilities are excessive for the land holding to which the building will serve. Indeed, even the seven stables shown on PP3-4 does not meet the BHS land requirements as it would calculate at 0.71 acres per horse. This does not take account of the fact further land would be lost through the riding arena, areas of roadway and larger buildings, which would likely result in the resultant land being less than 4 acres and would decrease the land available for grazing. It is considered the existing stables (3 stables) is proportionate to the land holding and in accordance with the BHS standards. Thus, there could be horse welfare concerns if this development were to proceed.

Therefore, we question the justification for this significant increase in such facilities and their proportionality to the land and their intended personal use.

Against this statement that the facilities will be used for personal use of the family, it is understood the application land is owned by one of the owners of the land to the west of Chase Lane at Shepperds Nursery and for which a building of 4 stables was approved under EPF/1619/17 (amended under EPF/0992/19). It is also noted that under this permission, the applicant secured permission for a larger building on this site on the basis numerous stables were to be demolished and as acknowledged by the planning officer, it seems now the applicant wishes to reinstate these on the current site. It is also noted that there is also an existing sand school on this other land which the applicants currently use. Thus, it is unclear why the family require a further sand school, stabling and which would be extensive for a relatively small area of land, either side Chase Lane.

Furthermore, from social media extracts it appears the existing sandschool has been used for commercial activities including riding lessons and which has impacts on the use of the lane, including parking. A copy of these extracts will be made available to the planning officer.

Thus, having regard to the scale of the development and the existing commercial activities, we are concerned about the impacts that this development could have in facilitating an intensification of what is currently a low-key stable block and grazing land. The existing commercial activities together with the potential for over 10 stables and a larger sand school, represent a worrying situation. Indeed, the existing commercial activities already cause problems and this would only exacerbate the issues, including a significant increase in the use of the lane. It is also unclear why the owner requires two sets of stables and 2 sand schools for these relatively insignificant areas of grazing land.

In terms of other policy, including Green Belt, the buildings are considered to have a greater impact on the Green Belt and will be an inappropriate form of development within the Green Belt. It is also considered the development would be contrary to the stated equestrian policies for the reasons set out in this letter.

We would also wish to raise concerns over the location of the muck heap and proximity to the ditch as it was understood this should not be located near to watercourses to avoid wider pollution. Furthermore, it is noted on the plans that there is no ecology report on the website on account of the pond to the north and it is assumed the council will be satisfied that no loss of habitat occurs for any protected wildlife.

I trust these comments will be taken into account as part of the application process and I look forward to hearing from you in due course.”

Chase Farm Riding Stables (Objection):

Same objection text as Chase Farm Cottage objection above.

Chase Farm (Objection):

Same objection text as Chase Farm Cottage objection above.

Chigwell Residents Association (Objection) 11th January 2022:

“NPPF states, inappropriate development in Green Belt, no special circumstances. Has the family crept into the greenbelt? Initially demolishing earlier stables for house building with having achieved this wanting stables again?

National Planning Policy Framework says:

147. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

1. 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;

Private stables can hardly be regarded as facilities for outdoor recreation, more just play space for the family”

Kimian (E Plaster) (Support)

I write in connection with the above planning application. Our family first kept horses at Chase Lane in 1965, with both my husband and brother in law riding. My children then rode and now my grandchildren ride. To have a sport pass through the generations at the same site is to be commended and I fully support their application, for the provision of more stables and an arena, to continue this legacy.

2 Chase Lane (Support)

I write in connection with the above planning application. I know the site and the families well and wish to offer my support to the proposal.

Whilst we would not be directly affected by the proposal, we do not envisage any harm to the green belt for the purposes of keeping and exercising horses.

Chigwell Riding Trust, Grange Farm Lane, Chigwell (Support)

I am writing to you with regards the Plaster family's planning application for stabling and an arena.

The Plaster family are extremely knowledgeable people when it comes to horses having kept them all their lives with Tom Plaster competing to a high level too. The wellbeing of their horses would be of paramount importance plus they would take into consideration the impact on neighbours and wildlife. Most people dealing with horses have a great understanding about the welfare of wildlife and the environment.

I feel sure that any planning application they submit would be in keeping with the surrounding area and not cause any anxiety to neighbours.

I have known three generations of the family for at least forty years. During this time, they have been extremely supportive to Chigwell Riding Trust in supplying and donating our much-needed equipment. This has helped us tremendously over the years.

Galley Hill Equine Surgery, Waltham Abbey (Support)

The Plaster family have been clients of Galley Hill Equine Surgery for many years and I can confirm they are knowledgeable and experienced horse owners.

The horses are always extremely well cared for and their welfare paramount at all times.

Issues and considerations

The main issues to consider when assessing this application are:

Green Belt
Design, Character and Appearance
Impact on Residential Amenity
Trees and Landscape.

Green Belt

The National Planning Policy Framework, (NPPF), 2021 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Paragraph 149 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- a) Buildings for agriculture and forestry;
- b) 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;**
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - Not have a greater impact on the openness of the Green Belt than the existing development; or
 - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 138 of the NPPF sets out the five purposes of the Green Belt as follows

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;**
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The application site is currently used for stabling / equestrian purposes which is an outdoor recreation use falling within the definition of Paragraph 149 b) of the NPPF as set out above.

As such the tests of Para 149 b) apply. Buildings associated with an outdoor recreation use are only acceptable within the Green Belt where these facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposed development would be of significant scale, volume and footprint, resulting in a much greater impact on the openness of the Green Belt than the existing building on the site.

It is also considered that the proposal would conflict with the purpose of the Green Belt at NPPF Paragraph 138 c) as it would result in encroachment into the countryside.

Having failed the exceptions test of Paragraph 149, any proposed building in the Green Belt is considered to be inappropriate development unless Very Special Circumstances can be demonstrated. No Very Special Circumstances are considered to exist in this case.

The proposed development is inappropriate development in the Green Belt and is unacceptable for this reason.

The development proposed by the current application (EPF/2991/21) is very similar to that proposed by refused application EPF/1554/21 which was dismissed at appeal in March 2023. The appeal decision is therefore a strong and relevant material consideration for the determination of the current application.

In summary, the appeal decision concluded that:

- The proposal would not preserve the openness of the Green Belt and is therefore inappropriate development (Para 13)
- The proposal would conflict with the purpose of the Green Belt at paragraph 138 c) of the NPPF (to assist in safeguarding the countryside from encroachment) (Para 13)
- No Very Special Circumstances exist (Para 21).

3 of the 4 elements of the current proposal are identical to the refused/dismissed scheme and therefore the Planning Inspector's conclusions in respect of those 3 elements can be applied equally to the current proposal (see summary table below).

Only the Stable building element is different in the current scheme. The maximum height of the new stable building and the extension to the existing stable building would be 3m and in this respect the maximum height would be lower than the maximum height of the previously proposed building (4m) and the maximum height of the existing building (3.3m). In terms of height therefore, this would have less of an impact on openness than the refused/dismissed scheme.

However, the majority of the Inspector's conclusions on the proposed stable building (Para 10) can be still applied to the current scheme as the new stable building:

Para 10 - Moreover, the larger barn would have a significantly greater footprint, mass and volume than the existing stables. It would extend beyond an area of existing hardstanding and into the adjoining grassed paddock land. ~~The roof would also have a higher maximum ridge height than the existing stables.~~

		EPF/1554/21 (Refused/Dismissed Appeal scheme)	Current Proposal (EPF/2991/21)	Inspector's comment in Appeal Decision
1	Stable Building	24m x 11.6m. Max height 4m (incorporating footprint of existing Barn - 19.5m x 5.9m. Maximum height 3.3m)	New building of 19m x 3.8m (max height 3m); and 3.9m x 3.8 (3m height) extension to existing building	Para 10 - Moreover, the larger barn would have a significantly greater footprint, mass and volume

				than the existing stables. It would extend beyond an area of existing hardstanding and into the adjoining grassed paddock land. The roof would also have a higher maximum ridge height than the existing stables.
2	Riding Arena	50m x 30m with surrounding berms 1.7m high	Unchanged/Identical	Para 9 - The grassy berms to the perimeter of the all-weather riding arena have the potential to assist in assimilating this element of the proposal into the landscape. However, the riding area would be considerable in area. Its surface materials and those of the extended track alongside the proposed larger barn, would have a spatial effect on the Green Belt.
3	Arena Store Building	7.2 x 3.6m. 3.0m high	Unchanged/Identical	Para 10 - The arena store would not be insubstantial in size and would be located on a previously undeveloped part of the site. Taking these factors into account, these structures would undoubtedly have a significant spatial effect on the openness of the Green Belt.
4	Manure Clamp	5.5m x 2.5m	Unchanged/Identical	-

The Appeal Decision is set out in full below:

Decision

1. *The appeal is dismissed.*

Preliminary Matters

2. *The Policies referred to in the Council's decision notice include Policy DM4 of the Epping Forest Local Plan (Submission Version) 2017 (LPSV). The LPSV has not yet been adopted by the Council as part of its development plan. However, the LPSV has been through the examination process and has reached an advanced stage. I am not aware of any unresolved objections to the policies of the LPSV so far as they relate to this appeal. Therefore, I have attached significant weight to this emerging policy but not the full weight of an adopted Local Plan. Main Issues*

[Officer Note on Para 2 above – The new Local Plan was adopted in March 2023 and therefore its policies now carry full weight]

3. *The main issues are: (i) whether the proposal would be inappropriate development in the Green Belt including the effect on its openness; and (ii) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.*

Whether inappropriate development in the Green Belt including the effect on its openness

4. *Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. The exception at Paragraph 149 b) allows for 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. Policy DM4 of the LPSV includes a similar exception and requirements to Paragraph 149 b).*

5. *Policy GB2A (Development in the Green Belt) of the Epping Forest District Local Plan Alternations (2006) includes an exception for the construction of new buildings or the extension of existing buildings for the purposes of outdoor participatory sport and recreation or associated essential small-scale buildings. However, this policy does not require that such buildings or extensions preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.*

6. *Paragraph 219 of the Framework confirms that due weight should be given to existing policies according to their degree of consistency with the Framework. In this case, as Policy GB2A is inconsistent with the requirements of the Framework, I only attach limited weight to this policy.*

[Officer Note on Paras 5 and 6 – Policy GB2A is now obsolete following the adoption of the new Local Plan in March 2023]

7. *The proposals would clearly provide facilities associated with the current use of the site for equestrian purposes. In this regard, there is no dispute between the main parties that the proposals would be appropriate facilities for outdoor sport and recreation. I have no reason to disagree. Therefore, I will go on now to assess whether the facilities would*

preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

8. Paragraph 137 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development. Openness can have a spatial aspect as well as a visual aspect.

9. The grassy berms to the perimeter of the all-weather riding arena have the potential to assist in assimilating this element of the proposal into the landscape. However, the riding area would be considerable in area. Its surface materials and those of the extended track alongside the proposed larger barn, would have a spatial effect on the Green Belt.

10. Moreover, the larger barn would have a significantly greater footprint, mass and volume than the existing stables. It would extend beyond an area of existing hardstanding and into the adjoining grassed paddock land. The roof would also have a higher maximum ridge height than the existing stables. The arena store would not be insubstantial in size and would be located on a previously undeveloped part of the site. Taking these factors into account, these structures would undoubtedly have a significant spatial effect on the openness of the Green Belt.

11. From a visual perspective, I accept that Chase Lane is a private drive and that the mature planting along the boundary of the site with this lane filters views of the site. Even so, I saw on my site visit that the development would be discernible to passers-by on the lane. The proposed larger barn would be particularly noticeable from windows serving some of the nearby dwellings on Chase Lane as well as in more distant oblique views from residential properties on Willow Mead.

12. I accept that any new development under the exception at Paragraph 145 b) has the potential to erode openness to some degree. However, I find that when the spatial and visual effects of the various aspects of the proposal are taken together in this instance, there would be moderate harm to the openness of the Green Belt.

13. I conclude, the proposal would not preserve the openness of the Green Belt. In the context of paragraph 149 b) of the Framework, the proposal would therefore constitute inappropriate development in the Green Belt. Furthermore, it would conflict with the purpose of the Green Belt at paragraph 138 c) of the Framework, namely to assist in safeguarding the countryside from encroachment.

14. For the same reasons, the proposal would also conflict with Policy DM4 of the LPSV.

Other Considerations

15. The appellant has drawn my attention to some appeal decisions relating to equestrian development in the Green Belt. The equestrian elements of the appeal at Tipulo Stud, Berkhamstead, related to a manège of a 'not significant' scale and a single stable which was 'very small in scale' with 'a verdant form'. These elements were also considered in the context of a hybrid application which took into account the relationship with openness as a whole alongside agricultural and forestry proposals. From the limited details before me in terms of the other appeal referenced, the Inspector in that instance considered that the level of incursion into the open countryside would be negligible.

16. With regards to the planning applications in the locality listed by the appellant, I am not aware of the material considerations that formed part of the Council's assessment in the majority of these cases. With regards to the planning application at Dews Hall Farm, the

delegated report takes into account amongst other things a previously approved and implemented development and suggests that the proposal in that instance was a reduction on this.

17. In any case, having regard to the particular circumstances of the case before me, I do not find that any of the examples provided by the appellant justify the site-specific harm to the Green Belt in this instance.

18. I note that the appellant's family include a successful show-jumper and that some members of the appellant's family currently travel 8 miles to a riding school to ride their horses on a daily basis. The proposal would result in benefits for the well-being of the appellant's family as a result of the proposed stabling allowing them to keep additional horses at home. There would also be a reduction in car journeys and associated emissions. Furthermore, the riding arena would be likely to provide a safe riding environment off the highway. I attach some positive weight in favour of these matters.

19. I have seen there is some third-party support for the proposal. I have no reason to doubt that the appellant's and their family are well respected in the equestrian community or that the wellbeing of their horses is of paramount importance.

Conclusion

20. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome. The other considerations put forward in favour of the proposal only carry very limited weight.

21. In conclusion and on balance, the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.

22. For the reasons given the overall conclusion is therefore that the appeal should be dismissed."

Design, Character and Appearance

The proposal is of a simple, acceptable design in keeping with the rural, agrarian setting. The proposal would comply with policies DM4 and DM10 of the adopted Local Plan (March 2023) and the NPPF 2021 which all seek to promote high-quality design.

Impact on Residential Amenity

Due to the distance between the proposal and the closest neighbouring properties, there would be no harmful impact on living conditions of any neighbouring property by reason of overbearingness, loss of light (daylight and sunlight) or loss of outlook. The proposal therefore complies with policy DM9 of the adopted Local Plan (March 2023) and the NPPF 2021.

Trees and Landscape

There are trees on the site; particularly on the western boundary with Chase Lane. Tree Protection documents have been submitted and assessed by the Council's Tree Officer who has no objection to the proposal subject to tree protection conditions.

Tree and Landscape Officer comments 2nd December 2021:

“We have NO OBJECTION to this application subject to the addition of the following conditions:-

SCN31 – retention of trees and shrubs

Tree Protection

Tree protection shall be installed as shown on Equestrian Blueprint drawing number TP4 (dated 12th November 2021) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports. Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.”

Drainage

EFDC Land Drainage comments 15th December 2021:

Having reviewed the above application I can provide the following comments:

Any works to or within eight metres of an open or piped watercourse will require Land Drainage Consent. For further information on the Land Drainage consent process or to find the application forms the applicant should visit the link below.

<https://www.eppingforestdc.gov.uk/environment/land-drainage-consent/>

There is a public sewer within the site, any works within three metres of a public sewer requires build over consent from Thames Water Developer Services.

The applicant has no proposal to dispose of foul sewage. Further details are required.

Please add condition SCN16 requiring approval of foul drainage details by the Local Planning Authority prior to preliminary groundworks commencing.

The applicant is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required. **Please add condition SCN16 requiring approval of surface water drainage details by the Local Planning Authority prior to preliminary groundworks commencing.**

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

EFDC Land Drainage final comments 5th January 2022:

Upon attending a site visit today to discuss the proposals with the applicant and gaining a greater understanding of the surrounding area and their intention for the dispose of surface water alongside the scale/nature of the development, I wish to remove my request for a pre commencement foul and surface water condition.

Conclusion

In conclusion, the development is inappropriate development in the Green Belt, by definition harmful. In addition, due to its excessive scale, volume and footprint it will have a considerable visual, physical and spatial impact on openness. No very special circumstances are apparent sufficient to outweigh the identified harm and the application is therefore contrary to national and local Green Belt policy. In light of the above considerations it is recommended that planning permission be REFUSED.

Refusal Reason(s): (1)

- 1 The application site is located in the Metropolitan Green Belt. The proposed development is inappropriate development, by definition, harmful to the Green Belt. In addition due to its excessive scale, volume and footprint it will have a significant visual, physical and spatial impact on openness. No very special circumstances have been demonstrated that are sufficient to outweigh the significant harm to the Green Belt and to the purposes of including land within the Green Belt. The development is therefore contrary to policy DM4 of the adopted Local Plan (March 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 Councils 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:

Drawing E2-4 – Existing Block Plan

Drawing E3-4 – Existing Elevations

Drawing P1-4 – Location Plan

Drawing P2-4 – Proposed Block Plan

Drawing P3-4 – Proposed Elevations

Drawing P4-4 – Proposed Layout

Drawing PP3-4 Rev 1 – Proposed Plan View

Drawing A2-4 – Arena Block Plan

Drawing AS3-3 – Arena Store Elevations

Drawing A3-3 – Arena Cross Sections

Drawing TP4 – Tree Plan

Arboricultural Impacts Assessment, OMC, 16 March 2021

Arboricultural and Construction Method Statement, November 2021

Design and Access Statement, November 2021

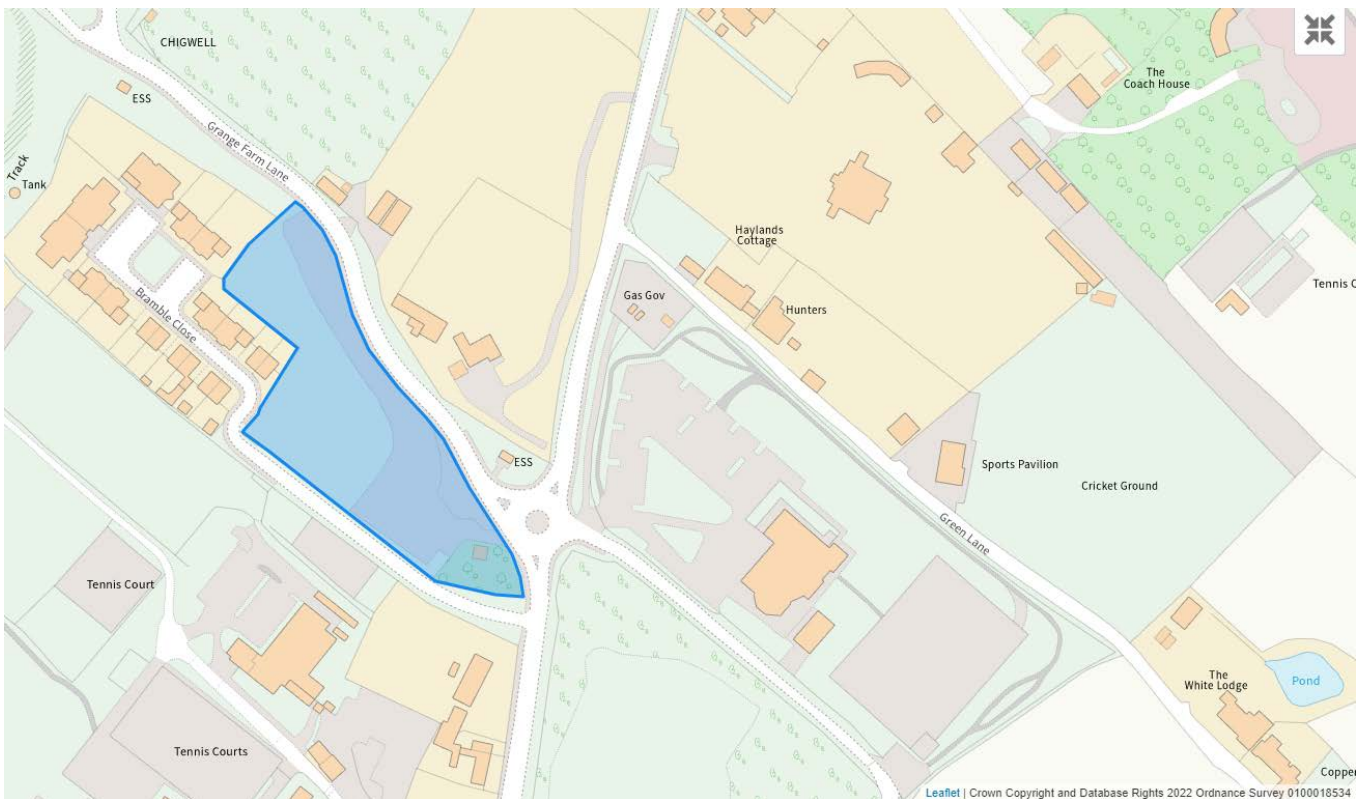
Planning Policies document

'Tom Competing' Photographs.

Agenda Item 9

OFFICER REPORT

Application Ref: EPF/2109/22
Application Type: Full planning permission
Applicant: Mr Mark Smith
Case Officer: Ian Ansell
Site Address: Front Site, Former Grange Farm, High Road, Chigwell, IG7 6DR
Proposal: Redevelopment to provide residential dwellings with associated amenity space, landscaping, car and cycle parking.
Ward: Chigwell Village
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OpIV>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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Consideration of this application was deferred at the last meeting of this Committee to allow for a site visit which was arranged for Saturday 7th October.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The site comprises an area of around 0.8 hectares, and lies to the north-east of the centre of Chigwell, immediately adjacent to the roundabout at the junction of Grange Farm Lane with High Road. The Site is bounded to the south by Bramble Close and to the north by Grange Farm Lane. The site has been surrounded by hoardings for a number of years and comprises mostly hardstanding and accumulated building materials and detritus. It has been used storage purposes and as a building compound for other development projects in the area, including the scheme now known as Chigwell Grange.

To the north of the Site is the Grange Farm Trust Sports Pavilion and associated facilities. Land to the north of that comprises fields known as Chigwell Meadows which are also managed by the Trust. To the south of Bramble Close properties fronting High Road mark the northern end of the settlement and the Chigwell Village Conservation Area, this part of the High Road comprises a number of listed buildings. Land to the east forms part of the site where enabling development has been approved to support refurbishment of Chigwell primary Academy, access to which is from the roundabout abutting the site.

The site and much of the surrounding land is located within the Green Belt. A gas main runs under the northern corner of the site with a no-build zone located either side of it, enforced by the Health and Safety Executive (the HSE). The site was included in the Council's Brownfield Land Register in December 2020, with an estimated capacity of 6-11 residential units.

Description of Proposal:

The application proposes redevelopment to provide 14 dwellings comprising 10 x 2-bed flats and 4 x 5-bed houses, sited on the wider, south-eastern, roundabout end of the site, and positioned to avoid the no-build route of the gas main.

The houses will be two-storeys, although each of these will include an 'attic room' within the roof storey. There will be a variety to the roof-scape with hip and gable ends to each of the houses. The facades will be made of brick and timber, with clay roofing tiles.

The apartments will be in three two-storey buildings around a three-sided open courtyard'. These will be clad in a mix of black and white timber.

The scheme provides a total of 24 car parking spaces, all of which will have Electric Vehicle charging points. This will include 4 visitor spaces and 1 blue badge space. One secure cycle parking space will be provided per flatted unit. For the houses, an integral garage will be provided within the curtilage of the property. Furthermore, two stands providing 4 cycle parking spaces will be provided for visitors within the communal area.

An enclosed refuse store has been provided, adequately sized to accommodate both land-fill and recyclable refuse, and located on the Site to allow access of the refuse lorry for safe and easy collection.

Having regard to the location of the gas main, the design ensures that only landscaping is provided within the no build zone comprising a communal amenity meadow area.

Relevant History:

Planning permission was granted for construction of three dwellings on the land under separate applications in 2006, following an earlier consent for 2 dwellings granted in 2002. Lawful development certificates were granted in 2012 confirming that the three dwellings had been lawfully commenced. As a result, this permission remains capable of implementation.

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
- 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

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
- 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: November 2022

Number of neighbours consulted: 28

Site notice posted: 20 October 2022

Responses received: No response received from neighbours.

Parish Council: No comments were initially received, late representations object to the application on the following grounds:

- Impact on the adjacent Conservation Area
- Lack of provision of on-site affordable housing
- Impact on Green Belt
- Under provision of parking

If members are minded to approve, conditions are suggested to retain garages for parking and to improve sustainability rating.

Main Issues and Considerations:

Green Belt

The site is located in the Green Belt, where national and local policy include a general presumption against new built development unless that development either meets any of the exceptions tests set out in paragraph 149 of the NPPF. Or where very special circumstances exist. Paragraph 149 g) explains that exclusions to inappropriate development in the Green Belt can include *“limited infilling or the partial or complete redevelopment of previously developed land, where redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development;*
- or
- *not cause substantial harm to the openness of the Green belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.*

In 2020, the site was added to the Council’s Brownfield Land Register. The Town and Country Planning (Brownfield Land Register) Regulations 2017 place a duty on local authorities to maintain and publish a Brownfield Land Register . Such a register contains sites considered by the local planning authority to be appropriate for residential development. The allocation in this case recognises that development of between 6-11 dwellings *‘is not likely to result in greater or substantial harm to the openness of the Green Belt subject to quantum, scale and careful design and layout’.* This description is no more specific in terms of the size or form of the units likely to come forward.

The site was previously developed, recognised in the lawful development certificates issued for the three dwellings, while for 15 years or so it has been hoarded around and used as a site and storage

compound. As a result, it currently detracts from the openness of and indeed harms the Green Belt in its present state. As stated above, the site is surrounded by development and has no connectivity with the broader Green Belt as a result of other adjacent developments.

There are no important views of the Green Belt across the Site which sits on a prominent corner location between a major highways' roundabout and the development of Bramble Close to the rear. Whilst the proposal does represent an increase in the floorspace and scale over what was historically approved on the site and three additional units when compared with the Brownfield Land Register, the high-quality architecture, reflecting the local vernacular, and soft landscaping scheme will enhance the site's visual amenity and limit the impact on the openness of the surrounding area.

Taking all material considerations into account, officers conclude that the development in its context does not have a materially greater impact on the openness of the Green Belt in this location. Notwithstanding, the circumstances arising from the extent of previous development and the history of use as well as the allocation in the Brownfield Register is sufficiently unique as to amount to very special circumstances.

Design and appearance

The site is located in a semi-urban/rural location and sits between the main village to the south, Grange Farm, Bramble Close and London Square to the east and the ribbon frontage dwellings on High Road to the north. To the west of the roundabout, planning permission has been granted for further development in association with Chigwell Primary academy.

The site is constrained further by the no-build zone for the gas pipeline crossing the site, and in some ways this has a positive impact on the form and scale of development. It provides an opportunity for a high quality landscape setting for the development, befitting the fringe urban location.

The design of the houses and flats will be consistent with the Essex vernacular prevalent in the immediate surrounding area. The flatted elements are located on the wider south-eastern end of the site closer to the roundabout, but within the landscape and set back to allow creation of a SuDs pond. The flatted blocks are set around a parking courtyard which has been designed to be as pedestrian friendly as possible. Parking has been kept away from the site boundary to reduce the dominance of cars on the layout. The buildings are set back from the access road and each of these houses has its hard standing parking space. Each of the buildings on the Site will be located appropriate distances from each other to ensure that there is suitable privacy and natural light.

The impact on neighbouring heritage has also been considered given the close proximity of the Chigwell Village Conservation Area boundary and some listed buildings nearby. Bramble Close provides a buffer between the scheme and historic pattern of the settlement, such that the heritage assets are not adversely affected.

Neighbour amenity

It is noted that no neighbour representations were received on the application. This is not surprising given the present condition of the site, which is seen to detract from local amenity generally, and the siting and form of the buildings. Primary concerns were raised at pre-application stage about the relationship of the development with dwellings in Bramble Close and the application has responded to these by reducing the number of units and moving the houses away from the shared boundary. The siting of the buildings minimises potential overshadowing.

The site is otherwise separated from surrounding properties by the roads between; the separation considered with the scale and built form and the screening provided by new landscaping are such that no other direct impact on neighbours results.

Highways

No highways or traffic concerns have been identified in relation to the road network. All site access and egress is from Grange Farm Lane without need for alteration to the road or the roundabout at High Road. Overall parking levels are appropriate for a site in this location on the edge of the settlement.

EFSAC considerations

The site lies within the core 3km EFSAC area and the development has been assessed in terms of both recreation and air quality impact. Notwithstanding the extant consent, it is recognised that this would not have been taken into account in previous modelling and the scheme has to be assessed in relation to the provision of 14 dwellings. The applicants have accepted their obligations in this regard and have agreed to meet the mitigation contributions in full. As a result an appropriate assessment has been undertaken as under:

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan 2011-2033 (2023).

The Council published an updated Habitats Regulations Assessment in 2021 (the HRA 2021) to support the examination of the LPSV. The screening stage of the HRA 2021 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). The Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

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

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

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

Atmospheric Pollution

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

Conclusions:

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.

Affordable housing and wider mitigation

The site would attract an affordable housing requirement proposing development above 10 units. The applicants have submitted a viability assessment seeking to establish that the site, as a result of the high development costs cannot meet it's policy obligations in this regard. The submissions have been reviewed by independent consultants instructed by the Council. Following extensive discussions and provision of revised and updated assessments, and taking account of other potential contributions arising from the development, it is not viable to provide on-site affordable housing as part of the scheme. The NPPF recognises that development must be viable and that where affordable housing cannot be viably provided, this should not be a barrier to bringing forward land for new development where no other material objections exist.

The comments from the Council's consultants are caveated. An off-site contribution should be considered, within an overall package of wider mitigation contributions that are viable within the development. An overall level of all contributions of £500,000 has been deemed to be viable, including any off-site contributions. Further, the viability assessment is based land values and development costs

determined in the early part of 2023 and such circumstances may change which would justify a further viability review if development is delayed. This has been agreed with the applicant, in the event development is not commenced within two years of the application being granted, then a review of viability will be undertaken, such provision will be secured by legal agreement.

The development does, as referenced above propose a level of contribution towards wider mitigation arising from the Infrastructure Delivery Plan. Having reviewed all aspects of the local requirements, officers have agreed the following:

- EFSAC mitigation in relation to recreational impact (£25,936.82) and air quality (£4,690) - £30,626.82
- Health Care contribution – £4,309 - requested by East of England Ambulance Service
- Open space and green infrastructure – including open space and playing field provision, contribution for parks and gardens improvements, provision for children and young people and allotments - £182,221 (or £13,015 per dwelling).
- Community facilities – improvements to community facilities to meet additional needs - £37,814 (£2,701 per dwelling)
- Off-site affordable housing – £220,000
- Monitoring fee - £25,000
- Affordable housing viability review – if development has not commenced within two years of the date of the permission, a financial viability review will be undertaken to determine whether additional contributions should be provided for affordable housing provision.

Taking account of material viability considerations, officers recommend that the measures represent a balanced mitigation package.

Other matters

Development provides significant scope for landscape and biodiversity improvements, particularly in the context of the no-build zone resulting in the provision of a communal amenity space.

A biodiversity strategy includes providing new habitat opportunities through appropriately designed biodiverse planting and hard landscaping features. Ecological enhancements will be integrated into the development including bird boxes, bat boxes, bug hotels and log piles. Where possible, the log piles will be created with timber from the felled trees. Hedgehog friendly fencing will also be provided.

The application proposals recognise the important contribution trees make to the character and quality of urban environments, and the role they play to help mitigate and adapt to climate change. The proposals seek to retain existing trees and integrate new trees in accordance with the requirement of local and national planning policy.

The application includes a detailed Flood Risk Assessment which identifies opportunities to introduce sustainable drainage improvements, including provision of an attenuation pond. Matters of detailed design can be dealt with by condition.

Similarly, recent uses of the site are likely to have resulted in contamination and a remediation strategy is required to protect future vulnerable uses from potential harm. This can also be secured by condition.

Conclusion:

The site is evidently in need of a final development solution in visual and land use terms. The site meets all relevant guidance in terms of the definition of previously developed land and the land is in poor condition as a result of its extended use for construction compound elsewhere.

The proposal represents a relatively modest scale of development, buildings are consistent with the local scale and vernacular and the site constraint result in a relatively low density. Neighbour amenity is not significantly impacted.

While the site is in the Green Belt, it's status is significantly affected by the inclusion in the brown field register. On balance, harm to the openness is limited and is outweighed by the benefits of bringing the site forward.

Accordingly, officers recommend that subject to the completion of a suitable legal agreement to bring forward mitigation measures set out above and to the conditions listed, permission can be granted.

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

Planning Application Case Officer: Ian Ansell

Direct Line Telephone Number: 01992 564481

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (28)

- 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:
C100 0001 P03, 0002 P03, 0010 P03, 0011 P03, 0012 P03, 0013 P04, 0030 P01, 0050 P01, 0051 P01, 0052 P01, 0070 P01, 0071 P01 and 0072 P01
LO37-P-001 Rev A, 002 Rev A, 003 Rev A, 004 Rev A, 005 Rev A, 006 Rev A, 007 Rev A, 008 Rev A, 009 Rev A, 010 Rev A and 011 Rev A
2023-KC-XX-YTREE-TCP01 Rev B and TPP01 Rev B

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

- 3 No development shall take place, including any works of demolition, until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve protected and Priority 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), s40 of the NERC Act 2006 (Priority habitats & species), and policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023)

- 4 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.

- 5 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.

- 6 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.

- 7 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development [or specified phase of development]. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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), s40 of the NERC Act 2006 (Priority habitats & species) and policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023).

- 8 Tree protection shall be installed as shown on Keen Consultants Tree Protection Plan, Drawing No: 2023-KC-XX-YTREE-TPP01 Rev B dated August 2022, prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 9 Prior to any above ground works, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021, s40 of the NERC Act 2006 (Priority habitats & species) and policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023).

- 10 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

- 11 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works. 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, Isolux drawings and technical specifications) 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, s40 of the NERC Act 2006 (Priority habitats & species) and policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023).

- 12 Soft landscaping shall be implemented as shown on Urban Landscape Partnerships Soft Landscaping General Arrangement Plan, Ref: L037-P-003 dated September 2022, and all the accompanying planting plans (Ref: L037-P-007 - P011) and schedules (Ref: L037-PL-RP02 dated Sept 2022). The works shall be carried out prior to the occupation of the building or completion of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 13 All hard landscaping and gates, walls, fences and other means of enclosure shall be installed in strict accordance with the details shown on drawing L037-P-004 Rev A, unless otherwise agreed by the Local Planning Authority through an appropriate application. No walls, gates, fences or means of enclosure not shown on the approved plan shall be installed without prior consent from the Local Planning Authority through an appropriate application.

Reason: In the interests of general visual amenity, and to accord with policies DM9 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023).

- 14 The development shall be carried out in accordance with details of site levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas shown on drawing number

L037-P-005 Rev A, unless otherwise agreed by the Local Planning Authority through an appropriate application.

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 2021.

- 15 All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greengage, August 2022), Bat Survey (Greengage, November 2022) and Reptile Survey (Greengage, December 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority 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, s40 of the NERC Act 2006 (Priority habitats & species) and policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) .

- 16 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

- 17 No deliveries of plant or materials, 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.

- 18 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.

- 19 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.

- 20 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.

- 21 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.

- 22 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).

- 23 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.

- 24 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.

- 25 Prior to the first occupation of the development the proposed vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. This shall include the visibility splays as shown, which shall be retained for the life of the development.

Reason: To ensure that safe access is provided whilst prioritising pedestrian movement, in the interest of highway safety and to accord 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

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

Reason: To ensure that appropriate access, vehicle parking and turning 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.

- 27 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, and to accord 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

- 28 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 and B of Part 1, or by Class AA of Part 20, to schedule [20 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties and the Green Belt, in accordance with Policies DM4 and DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (3)

- 29 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.
- 30 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 31 Informative requested by Highway Authority:
- i. There shall be no discharge of surface water onto the Highway.
 - ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
 - iii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
 - iv. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

OFFICER REPORT

Application Ref: EPF/0625/23
Application Type: Full planning permission

Applicant: Mr John Digwa

Case Officer: Caroline Brown

Site Address: 2, Courtland Drive, Chigwell, IG7 6PN

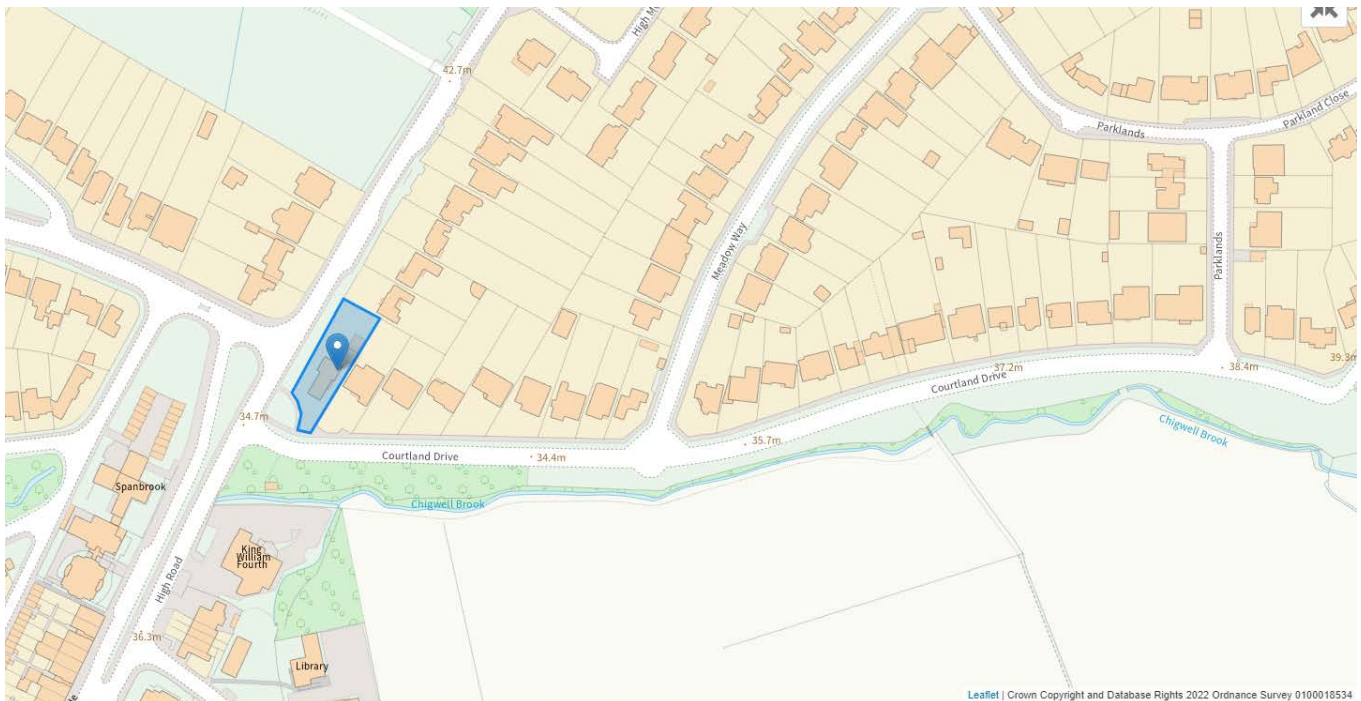
Proposal: Demolition of existing dwelling and replacement with two structures containing a total of 5 new dwellings.

Ward: Chigwell Village

Parish: Chigwell

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VjTM>

Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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

The application is also 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

No. 2 comprises of a 2-storey detached dwellinghouse with a detached rear/side garage located to the north of Courtland Drive, a corner plot sited adjacent to the main High Road. The plot is deep, and the property is well set back from the highway on both Courtland Drive and High Road with a large wide corner pavement and grass verge.

Courtland Drive is residential in character comprising of large, wide 2- storey detached dwellinghouses with deep frontages and parking in the frontage arranged in a staggered alignment with no. 2 sited further forward than No. 4 and the other dwellings in this section of Courtland Drive.

No. 2 is sited adjacent to High Road which is typified by a mixed variety of urban building types and heights with 3-and 4 storey residential blocks of flats to the west and commercial units to the south.

Proposed Development

Planning permission is sought for the redevelopment of the site involving the demolition of the existing 2- storey detached dwellinghouse and garage and its replacement with a 2- storey building to accommodate x 5 residential units. (2, 1 bed and 3, 2 bed), basement car parking for 7 car spaces...

The communal refuse storage and cycle area is sited to the east boundary measuring a height of 1.5m, a width of 3m and a depth of 2.3m.

The proposed building has a similar front building line and height as the existing dwellinghouse, some 2m wider set in between 2.5 - 3.66m from the east boundary and some 3.8m from the west boundary.

Ground floor

Flat 1: 1 bed (56,6sqm)

Flat 2: 1 bed (59.7sq)

Flat 3: 2 bed (109sqm)

First Floor

Flat 4: 2 bed (90.4sqm)

Flat 5: 2 bed (117sqm)

The main pedestrian entrance to the building is to the central west elevation of the building with the provision of a lift and staircase. The majority of the habitable room windows are to be sited to the west and front elevations. The existing crossover is to be widened and the bollard removed.

Amenity space is to the rear of the building with the provision of balconies to units, 3.4 and 5.

Materials: Brick and render and clay tiles

A completed s106 Legal Agreement has been submitted with the application to secure mitigating measures for the EFSAC.

Relevant Planning History

EPF/0583/22 - Demolition of existing dwelling and erection of new replacement dwelling.-

Refused 26/07/22 - Allowed on Appeal 9 March 2023 Ref: APP/J1535/W/22/3305279

EPF/1573/20 - Demolition of existing dwelling and replacement with new structure containing 5 new dwellings. Refused 23/07/2020 – Dismissed at Appeal 09 March 2023 Ref: APP/J1535/W/22/3293378

EPF/0672/17 - Enlargement of roof, and provision of one front dormer window and three rear dormer windows as part of loft conversion.

EPF/1929/18 - Proposed first floor rear infill extension, enlargement of roof and loft conversion with one front dormer window and three rear dormer windows.

EPF/2057/16 - Two storey rear extension, and erection of new front wall, railings, and gates on front boundary – 06/10/2016

CHI/0320/59 - Erection of Detached House & Garage - Approved

Policies Applied:

DEVELOPMENT PLAN CONTEXT

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

Epping Forest District Local Plan (2011-2033) (March 2023)

The proposed adoption of the Epping Forest District Local Plan 2011 - 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council and therefore has full weight when considering planning applications.

The following policies are relevant:

SP6 - Green Belt and District Open Land

SP7 - The Natural Environment, Landscape Character and Green and Blue infrastructure

H1 - Housing mix and accommodation types

H4a - Dwelling Mix

T1 - Sustainable transport choices Significant

DM2 - Epping Forest SAC and the Lee Valley SPA

DM5 - Green and Blue Infrastructure

DM9 - High Quality Design

DM10 - Housing Design and Quality

DM 11 - Waste recycling facilities on new developments

DM16 - Sustainable drainage systems

DM18 - On Site Management of Wastewater and Water Supply

DM19 - Sustainable Water Use

DM20 - Low Carbon and Renewable Energy

DM2 - Epping Forest SAC

DM21 - Local environmental impacts, pollution and land Contamination

DM22 - Air Quality

CONSULTATION CARRIED OUT & SUMMARY OF REPRESENTATIONS RECEIVED:

Site Notice Displayed

Chigwell Parish Council - OBJECTION

- the Planning Inspector when dismissing the appeal against a previous refusal of the same proposal (EPF/1573/20), was not convinced that a shared basement carpark proposed would be practicable or convenient for the future residents of five separate dwellings.

- Should the car lift be out of action there is insufficient space on site for the occupiers of five dwellings to park leading to an increase on on-street parking.

the Council noted the approval of a single dwelling granted at appeal, specifically condition 13 which requires any gates shall be inward opening only and set back a minimum of 6 metres from the back edge of the carriageway. This application placed the vehicular access at less than 5m from the back

edge of the carriageway and the Committee thus considers the proposal is contrary to the policies of the adopted Local Plan

- whilst the Planning Inspector considered the car lift for a single dwelling would not cause an unacceptable disturbance, the Parish consider the use of both the car lift and car turntable necessary for five dwellings would cause an unacceptable disturbance to the occupants of nearby dwellings,
- whilst it was noted the applicant stated a S106 was submitted, no such document was before the Committee.
- the Courtland Estate is a unique area of predominantly Arts and Crafts style houses within Chigwell and does not contain any purpose-built flatted units.
- whilst not officially designated a flood zone, local Councillors noted the frequent flooding of the road from surface water run off.

Chigwell Residents Association - OBJECTION

- over development of a relatively small site, out of keeping - affect the character and loss of amenity.
- Existing mature vegetation will have to be removed during construction and this will have a substantial and negative visual impact on what is one of the principal junctions in Chigwell village.
- The adjoining 'street trees and shrubs' will also be adversely impacted.
- parking onsite is inadequate and nearby roadside resident/visitor parking will be limited due to commuter parking and the 'overflow' of cars from the nearby shops, businesses and pub.
- The site adjoins a very busy traffic 'through route' which together with commuter/local parking and contractor requirements will place overwhelming pressure on the space available.
- During construction excavated material removal will have an unacceptable impact on the area and in particular the adjoining properties.

96 adjoining neighbours were notified, and 20 objections have been received that raise the following concerns:

Flat 16 Claremont Place, 24 Brook Parade Chigwell; 14 Meadow Way Chigwell; 36 Courtland Drive; 20 Daleside Gardens; 37 Meadow Way; 28 Lee Grove; 37 Meadow Way; 23 Daleside Gardens; 5 Parkland Close; 2 Meadow Way Chigwell; 34 Courtland Drive; Green Acres Vicarage Lane; 24a Meadow Way; A Sharad, Sharon Welley.

- block of flats is inappropriate and would overload the existing community facilities.
- the Design and Access statement states 'On the opposite side of High Road there are several blocks of five storey high flats.' Almost opposite the site there are indeed 2 blocks of flats but not 'several blocks'.
- The single entry/exit driveway proposed seems insufficient for the likely number of cars. Insufficient parking spaces will increase congestion.
- A basement carpark opposite Chigwell Brook could easily become flooded. The application has already been considered, appealed, and rejected.
- Nothing is different from the previous application that has changed the situation.
- The applicant relies upon an Arboricultural Impact Assessment Report dated January 2020. This Report fails to address the impact on certain trees and hedges lying close to the boundaries of the proposed site. This includes the tree on the corner of Courtland Drive and the 2.5m high hedge belonging to No. 4.
- The issue relating to the Epping Forest SAC is another reason for consideration; the proposal would result in increased vehicle movements going to and from the site compared with the existing situation. The proposal would therefore cause harm to the integrity of the Epping Forest SAC due to the increased emission the parking for the house would generate.
- Poor design loss of light and privacy for the occupiers of the neighbouring property due to directly overlooking the private rear outdoor amenity space of No.4,
The refuse storage facilities appear insufficient to accommodate the refuse from these 5 flats.

Scale of the property will make the ground unstable the excavation of the basement parking would exacerbate this.

The inspector stated he was not convinced that a shared basement carpark of the scale and nature proposed would be practical or convenient for the future residents.

No account was taken of the potential noise at all times night and day of the underground turntable machinery which is directly below our main bedroom and main habitable room.

- It sets a wholly undesirable precedent on the Courtland Estate which is characterised by large family homes - any argument that the flatted development is providing affordable housing is superius - there is no doubt that the flats are anything but affordable.

Main issues for consideration:

- Principle of development, design, scale and siting
- Impact on the amenity of neighbouring properties.
- Parking and highway safety.
- Land Drainage
- Contamination
- Epping Forest Special Area of Conservation

Principle of development, Design, Scale and Siting

This application is a resubmission following a refusal of the same proposal in July 2020 which was dismissed at Appeal in March 2023.

The Inspector, whilst dismissing the appeal, raised no objection to the redevelopment of the site or the design, scale and siting of the building concluding that the 'proposal would not result in any harm to the character and appearance of the area'.

The Inspector stated that,

The eaves and ridge height would be no greater than those of the existing dwelling to be replaced or those of the adjacent houses. Although the principal elevation of the new dwelling would be longer than the existing one, its massing would be broken up by the varying building and roof lines, appearing almost as two linked dwellings. It would project roughly up to the front of the existing garage that is to be demolished, and little beyond the rear elevation of No.4 Courtland Drive.

The side elevation fronting Courtland Drive, despite being slightly wider than that of the existing dwelling, would replicate similar features such as the ground floor bay window. As other properties along Courtland Drive have wide frontages, the increased width of the building would not appear out of character with its surroundings.

The new building would be set further forward than the adjacent dwellings on both High Road and Courtland Drive. However, this is also the case with the existing dwelling. Accordingly, the pattern of development in the area would not be harmed and the staggered building line of Courtland Drive would be retained.

As the design and materials would reflect those of the existing dwelling and those surrounding it, the proposal would not appear incongruous. I acknowledge that the new building would be larger than the dwelling it would replace. However, given the size of the plot and the design of the building, with its varied elevation and roof lines, the proposal would not appear cramped or over dominant and would maintain the open spacious character of the area.

Whilst I am not convinced that a shared basement carpark of the scale and nature proposed would be practical or convenient for the future residents of 5 separate households, I do not agree that providing

the option of underground parking would be harmful to the visual character and appearance of the surrounding area. Moreover, I note that the site is close to a good range of services and facilities and the area is well served by public transport. Cycle parking is also proposed. Accordingly, future occupiers of the development would not necessarily all need a car.

In addition, the application ref: EPF/0583/22 for the replacement single family dwellinghouse at the site has been allowed on appeal, is of the same design, scale and siting as the building for the 5 units and can be built out.

Comments on Representations Received.

The concerns expressed by the Parish Council and neighbouring residents are noted. The Inspectors decision on the previous planning application which is for the same proposal is of material consideration on any new resubmission.

While the Inspector dismissed the proposal overall, he raised no objection to the redevelopment of the site concluding that the *'proposal would not result in any harm to the character and appearance of the area'*.

'As the design and materials would reflect those of the existing dwelling and those surrounding it, the proposal would not appear incongruous....the proposal would not appear cramped or over dominant and would maintain the open spacious character of the area.'

The Inspector in his decision also stated that whilst he remained to be convinced on how practical or convenient a proposed shared basement carpark would be for the future residents of 5 separate households, he did not consider that underground parking would be harmful to the visual character and appearance of the surrounding area.

The Inspector does on to state that,

I have considered the additional concerns of local residents with regards to the effect of the development on the living conditions of neighbouring occupiers, highway safety, loss of trees and landscaping and setting a precedent for other similar development in the future. I note the conclusions of the Council and relevant consultees, who found no harm in respect of these matters. Based upon my own assessment I have no reason to disagree.

The Inspectors only objection to the scheme was the absence of a mechanism for securing mitigating measures for the EFSAC. To address this objection, the applicant has re submitted the same scheme with a signed s106 legal agreement confirming the willingness to make a financial contribution to secure recreational and air quality mitigation measures for the forest.

Furthermore, the design, scale, form and siting of the proposed development is the same as the application for the proposed replacement single family dwellinghouse at the site under, ref: EPF/0583/22 which was Allowed on Appeal by the Inspectorate and can therefore be built out.

The only objection the Inspector raised to the proposal was the lack of mitigating measures for the monitoring and implementation of the EFSAC which has now been addressed in this application by the applicant submitted a completed and signed s106 Legal agreement.

Impact on amenity of neighbouring properties

No. 4 Courtland Drive is the closest residential dwellinghouse to No. 2 which itself has been extended into a large property with a first floor and 2- storey rear extension. The majority of the main habitable room windows to the proposed development are sited to the west flank elevation fronting onto High Road with 3 minor non-habitable room windows located to the east first floor flank elevation. In addition,

it is considered that the separation distance would prevent any demonstrable harm to the living conditions of neighbouring properties in terms of loss of light, overlooking or privacy subject to first floor flank elevation windows being conditioned as being non openable and obscure glazed below 1.7m from the internal floor height of the rooms. It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DM9 of the adopted Local Plan, 2023.

The Inspector at appeal raised no objection to the proposed development in terms of the impact on the amenity of neighbouring properties and it did not form one of the reasons for refusal on the previous planning application.

Parking and Highway Considerations

From a highway and transportation perspective the Highway Authority has no objection to make on the proposal and did not form one of the reasons for refusal on the previous application and the development complies with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and policy T1 of the adopted Local Plan, (2011-2033), 2023. The Inspector in his decision raised no objection on Highway grounds and again did not form one of the reasons for refusal on the previous application.

Land Drainage

The site is outside of any Flood Risk Assessment Zone therefore a Flood risk assessment is not required. A Basement Impact Assessment was submitted with the application and the drainage team have not raised any objection and none was raised by the Inspector at Appeal.

The Council's Land Drainage engineer have requested details of surface water drainage to be submitted for consideration in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Contamination

There are no acknowledged on-site potentially contaminated land however off-site sources include former horticultural nursery sites. No contaminated land assessment has been submitted and in line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site.

Given the sensitive nature of the use it is recommended a suitable condition on any approval for the possibility of unacknowledged contamination during development/demolition is considered necessary and reasonable.

Epping Forest Special Area of Conservation:

The Inspector in his appeal decision did note that the appeal site is located within 3km zone of Influence of the Epping Forest SAC stating that:-

'The Council has adopted an 'Interim Approach to Managing Recreational Pressures' on the SAC, which identifies a number of costed mitigation measures. The cost of providing these mitigation measures is to be achieved by seeking a financial contribution from new residential developments within a specified distance of the SAC.

As the proposal would increase the number of dwellings on the site from 1 to 5, which would inevitably result in increased vehicles and pedestrians and in the absence of a completed S106 Agreement to

secure contributions to the mitigation measures necessary he could not be satisfied that the proposed development would not harm the integrity of the Epping Forest SAC. It would therefore conflict with Chapter 15 of the Framework and the Habitats Regulations.

Whilst I have found that the proposal would not result in harm to the character and appearance of the area, this would not outweigh the harm to the Epping Forest SAC, which would result from the development in the absence of a mechanism for securing the necessary mitigation measures of the site in as far as it is comparatively large for the existing one dwelling. It is also intended that the proposal would meet accessibility standards in order to assist with mobility and be energy efficient. The appellant also considers that the proposal would be reflective of the character of the houses in the area and incorporate the use of good quality materials and design’.

It was for this reason only that the proposed development was dismissed by the Inspector.

The application site is within 3km of the EFSAC and does have the potential to increase recreational pressures and a net increase in traffic using roads on the EFSAC. The Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating recreational and 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.

The previous planning application ref: EPF/0195/21 was dismissed at appeal by the Inspector who confirmed that,

‘the applicant had not demonstrated beyond reasonable scientific doubt as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation and in the absence of such information, and / or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of air pollution, the development is contrary to Policies NC1, CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policy DM2 and DM22 of the Epping Forest District Local Plan Submission Version (2017), and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

The applicant has submitted a completed and signed legal agreement agreeing to make a financial contribution in accordance with the IAPMS and therefore has addressed the Inspectors outstanding objection to the proposal. In addition, the application will be subject to the imposition of planning conditions to secure further mitigating measures. Consequently, the Council is satisfied that the proposal would not have an adverse impact on the integrity of the EFSAC.

Conclusion

The Inspector raised no objection to the redevelopment of the site, the design, scale or siting of the building or the underground carparking. He considered that the building sufficiently maintained the character, appearance of the surrounding area and would not result in any amenity implications to neighbouring dwellings in terms of light, privacy and outlook’ Other aspects in relation to parking/highway safety and landscaping are considered satisfactory.

The only objection the Inspector did raise was with the *‘absence of a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of recreational and air pollution’*. The applicant has now addressed this by submitting a completed signed s106 legal agreement securing appropriate funds to recreational and air quality and the management and monitoring of visitors to the Epping Forest Area of Conservation. In light of the above considerations, it is recommended that planning permission is approved 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: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (21)

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: TGV- 001;002; 101; 102; 103; 104; 105; 106; 202;203;204;206;209; Basement Impact Assessment; Tree Survey

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 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.

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

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 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 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.

- 8 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.

- 9 Prior to the first occupation of the development the vehicle parking , car lift and turning facility, 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 and turning is provided in compliance with Policy T1 of the adopted Local Plan, 2023

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. In compliance with policy T1 of the adopted Local Plan, 2023

- 11 Electric vehicle charging points shall be provided for all of the car parking spaces shown on the approved plans. The spaces shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

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.

- 12 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.

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

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties in accordance with Policy DM9 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, 2023.

- 14 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence

until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

15 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. 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 adopted Local Plan, (2011-2033). 2023 and the NPPF 2021.

16 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.

- 17 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.

- 18 Prior to the first occupation of the development the proposed private drive shall be constructed to a minimum width of 5 metres for at least the first 6 metres from the back edge of the carriageway and provided with an appropriate dropped kerb crossing of the verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner, and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in compliance with policy T1 of the adopted Local Plan.

- 19 Prior to the first occupation of the development the 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 cycle parking is provided 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.

- 20 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.

- 21 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.

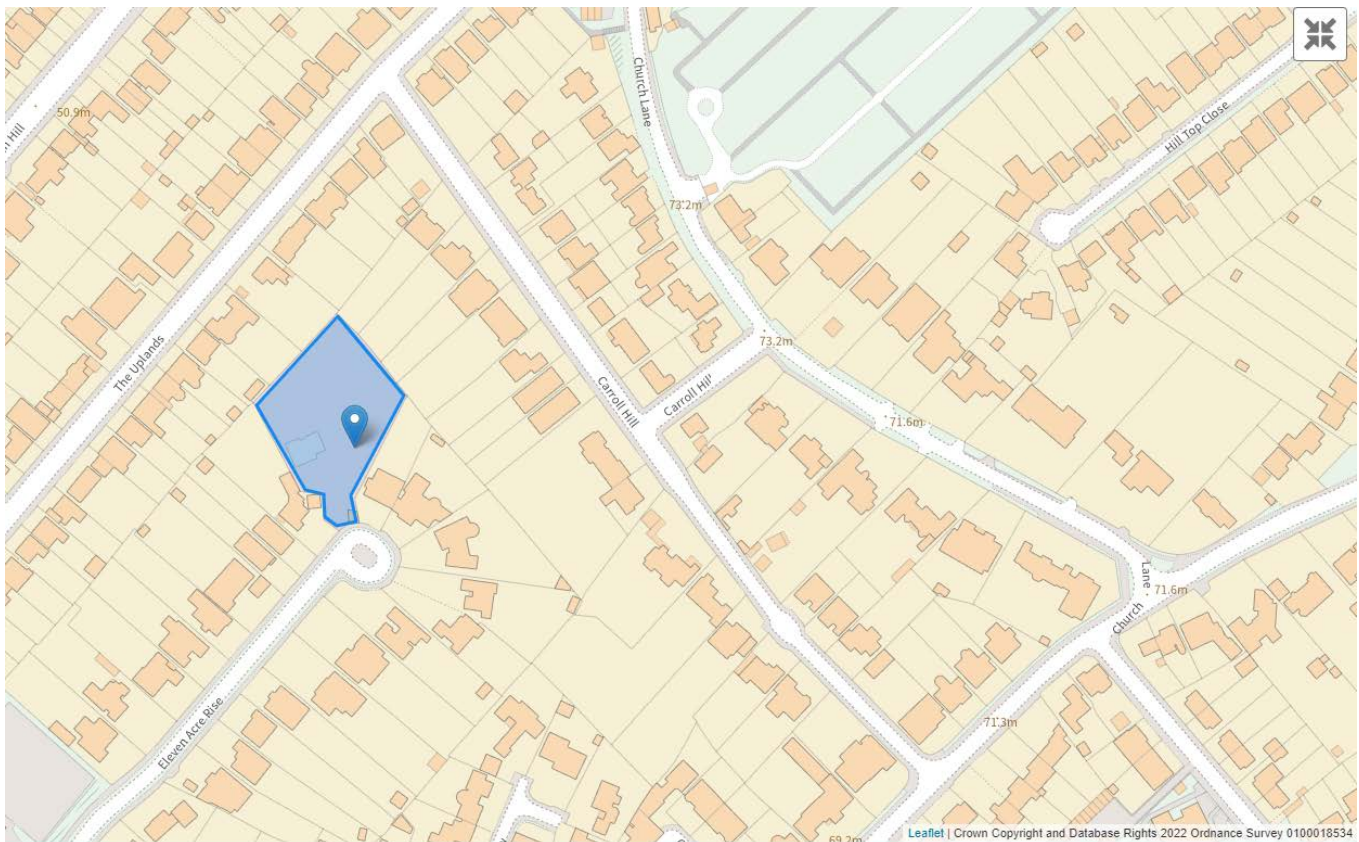
Informatives: (2)

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

23 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

OFFICER REPORT

Application Ref: EPF/1033/23
Application Type: Removal/variation of conditions
Applicant: Declan O'Driscoll
Case Officer: Muhammad Rahman
Site Address: 16, Eleven Acre Rise, Loughton, IG10 1AN
Proposal: Variation of condition 2 'Plan numbers' attached to EPF/1508/18 (Demolish existing house. Replace with 2 detached houses).
The cover letter sets out the variations
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001WDQX>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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This application is before this Committee since it has been 'called in' by Councillor Howard Kauffman 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 2 recently constructed detached dwellings (House A & B). They are sited within a built-up area of Loughton situated on a hill. There are multiple preserved trees within the site. It is not listed nor within a conservation area or a flood zone.

Proposal

The proposal is for the variation of condition 2 'Plan numbers' attached to EPF/1508/18 (Demolish existing house. Replace with 2 detached houses).

The changes proposed are internal and external alterations as set out in the cover letter, namely;

- External finishes for House A & B – Brick finish instead of render
- Stone Detailing for House A & B
- Porch Detail for House A
- Fenestration for House A & B
- Increase in Overall Height to House A by approx. 200mm from approx. 11.5m to 11.7m
- Step Free access to House A; and
- Glass balustrade to approved balcony for House A.

Relevant Planning History

Multiple histories with most relevant below;

EPF/3155/15 - Demolition of existing dwelling and erection of two dwelling houses - Approved with Conditions

EPF/1508/18 - Demolish existing house. Replace with 2 detached houses - Approved with Conditions

EPF/1127/19 - Application for approval of details reserved by conditions 7 and 8 of EPF/1508/18 'Planting and maintenance schedules' (Demolish existing house. Replace with 2 detached houses) – Approved

EPF/1668/19 - Application for Approval of Details Reserved by Condition 12 "flood risk assessment, management and maintenance plan" for EPF/1508/18. (Demolish existing house and replace with x 2 no. detached houses) - Approved

EPF/0931/20 - Approval of Details Reserved by Condition on EPF/1508/18 'materials' (Demolish existing house. Replace with 2 detached houses) - Withdrawn

EPF/1928/20 - Erection of detached dwelling - Disposed

EPF/2465/21 - Application for Approval of Details reserved by conditions 3"Tree Protection Plan", 4"surface materials", 5"types & colours of external finishes", 17"facilitate super-fast broadband" & 18"details and location of the parking spaces" for EPF/1508/18 – Split

EPF/2828/21 - Application for a Non- Material Amendment for EPF/1508/18 (Demolish existing house. Replace with 2 detached houses.) - Approved

EPF/1140/22 - Retaining wall to rear gardens area - Withdrawn

EPF/1154/22 - Application for approval of details reserved by condition 3 'Tree Protections Measures' and condition 8 'Ecological Measures' on EPF/1508/18 (Erection of two dwellings) - Refused

EPF/0203/23 - Retrospective application to alter the ground levels and create a retaining wall to the rear of the new homes granted under EPF/1508/18 - Refused

EPF/0204/23 - Application for a Non-Material Amendment for EPF/1508/18 (elevation to show a cast stone portico). (Demolish existing house. Replace with 2 detached houses.) - Refused

EPF/0205/23 - Application for Approval of Details reserved by condition 3 "Tree Protection Plan" for EPF/1508/18. (Demolish existing house. Replace with 2 detached houses) - Refused

EPF/0206/23 - Application for Approval of Details reserved by conditions 17 "superfast broadband" & 18 "Electric Vehicle Charging Point(s)" for EPF/1508/18. (Demolish existing house. Replace with 2 detached houses) – Approved

EPF/0452/23 - Removal/variation of condition 3 'Tree Protection Measures' on planning consent EPF/1508/18 (Demolish existing house. Replace with 2 detached houses) – Refused

EPF/1852/23 - Installation of air conditioning condenser units (6 in total - 3 per house) to the pair of new houses - Concurrent

Planning Enforcement History

ENF/0115/19 - Works without planning permission - Conditions not discharged on EPF/3155/15 – Closed

ENF/0046/20 - Works without planning permission - Demolition of house and building new properties - Closed

ENF/0391/21 - Breach of Condition - 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:

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems

DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

National Planning Policy Framework 2023 (Framework)

Paragraph 11
Paragraphs 126 & 130
Paragraph 180

Summary of Representations

Number of neighbours Consulted: 41. 5 response(s) received
Site notice posted: No, not required.

4 THE GREENS CLOSE, 29 & 37 THE UPLANDS, 17 & 23 ELEVEN ACRE RISE, LRA PLANS
GROUP – Objections – Summarised as:

- Out of character;
- Overlooking/Loss of Privacy;
- Overbearing Impact;
- Loss of Outlook; and
- Not built in accordance with approved plans.

LOUGHTON TOWN COUNCIL – The Committee NOTED the Contents of two letters of objection. A member of the public with an interest in this application addressed the meeting.

Members deplored the retrospective nature of this application.

The Committee OBJECTED to this application on the following grounds:

There has been far too much unauthorised works on this site. It was noted that the items covered in this application had previously been included in EPF/0204/23, which had already, rightly, been refused.

The increase in the height of the buildings, that were too high anyway, dominate the whole road, which was evident when approaching them along Eleven Acre Rise, and from the neighbouring properties. This had also led to the subsequent change in the level of windows, which was responsible for the overlooking and loss of amenity of neighbours at no.17. The change of glass in the balcony also resulted in loss of privacy for these neighbours.

There would be no need for increasing the height for insulation between floors unless the underfloor heating was considered subsequently. Electrics do not require extra floor thickness either. Therefore, no further increase in height should be tolerated.

Members were concerned about substituting the approved drawings for the new ones, as the local planning authority may unintentionally grant the unauthorised ground levels. They should stick with the original plans and spell out what amendments are being permitted to them rather than reissue the planning condition with the substituted drawings.

None of the proposed variations should be allowed. The dwellings should be built as per the original approved plans.

Planning Considerations

Officers have visited the site numerous times and considered the proposed changes.

With regards to the proposed alterations:

External finishes for House A & B – Brick finish instead of render

The two dwellings were originally going to be rendered, however they have subsequently been finished in brick. Eleven Acre Rise contains a mix of rendered and various brick finished buildings, so this change would not be out of keeping with the area.

It is considered that the brick finish softens the overall appearance of the two dwellings as opposed to render which, given the neighbours concerns about their overbearing appearance, would stand out more.

Stone Detailing for House A & B

The proposed stone detailing adds visual interest to the dwellings and would not appear out of keeping with the character or appearance of the area.

Porch Detail for House A

The porch on House A has been enlarged slightly with columns added. Whilst this creates a more defined feature, such porch detailing is not uncommon and can be seen within the wider area.

Fenestration for House A & B

The only additional window proposed is a small rooflight on House B. The number, size and location of the fenestration is largely unchanged from the approved scheme, however the detailing is considered to be less 'fussy'. Overall, the proposed fenestration changes would not be harmful to the overall appearance of the dwellings or wider locality.

Increase in Overall Height to House A by approx. 200mm from approx. 11.5m to 11.7m

Officers note the concerns re the overall height for house A. For clarity the dimensions shown on the approved plans are not taken to right up to the pinnacle of the house, just above where it specifies slate roof on top of the topmost window. When measured from this point to the lowest point, it is some 11.5m. With the additional increase of some 200mm, this takes it to an overall height of 11.7m. Thus, the slight increase in the overall height to House A by approx. 200mm will not have any additional impact to neighbouring amenities, in terms of overbearing and visual impact.

Any increase in height is going to increase prominence of a building, however given the topography of the street and its relationship with House B, it is not considered that this increase in height would cause any excessive harm to the street scene.

Step Free access to House A

Providing step free access is something that should be encouraged on all dwellings, even on sites as topographically constrained as this. Therefore, this amendment is considered beneficial.

Notwithstanding this however, it should be noted that this application is not seeking any consent for the wider topographical changes across the site, and in particular the raising of land levels to the rear. These were subject to a separate application (refused), and Enforcement investigation.

Glass balustrade to approved balcony for House A.

The provision of a glass balustrade in place of the railings that formed part of the approved balcony would not result in any additional overlooking.

In light of the above, the proposed changes when considered either individually or together as a whole, would not cause any significant additional harm to the amenities of neighbouring residents or on the character and appearance of the street scene and wider locality.

Conclusion

As this will result in a new planning permission a new s106 legal agreement to secure the required mitigation measures towards the EFSAC will need to be completed.

For the reasons set out above, having regard to all the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal agreement to secure contributions towards the EFSAC including monitoring fees.

The relevant conditions from the parent application have been added and modified where required.

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: (19)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Site Location Plan, Site Plan - 1 Rev A, House A - 2 Rev B, and House B - 3 Rev C.

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

- 2 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.

- 3 The agreed surfacing for the driveway and parking areas as approved under EPF/2465/21 shall be made of porous materials and retained thereafter or provision shall be made and retained

thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

Reason: To ensure that a satisfactory surface treatment is provided in the interests of highway safety, visual amenity and to reduce the risk of flooding and pollution, in accordance with Policies T1, DM9, DM15, DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 The development shall be carried out in accordance with the external finishes as specified in the submitted cover letter dated 10th May 2023.

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.

- 5 The refuse storage as shown on the approved plans shall be complete and available for use prior to first occupation of the residential units and thereafter maintained in accordance with the agreed details.

Reason: To ensure adequate provision is made in a suitable location, in accordance with Policies DM11 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 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.

- 7 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.

- 8 There shall be no discharge of surface water into the highway.

Reason - In the interest of highway safety. 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.

- 9 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development is 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.

- 10 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.

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

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.

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

- 13 No gates shall be provided at the vehicular access without the prior written approval of the Local Planning Authority.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety. 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.

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

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be constructed on the flank elevations, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 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 as per the approved details under EPF/0206/23.

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.

- 17 The installation of EVCP shall be completed in accordance with the approved details under EPF/0206/23 and made operational prior to first occupation. The details must include details as follows:

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

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 18 The development shall be implemented in accordance with the approved drainage details under EPF/1668/19 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.

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

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

Informatives: (1)

- 20 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.

OFFICER REPORT

Application Ref: EPF/1852/23
Application Type: Full planning permission

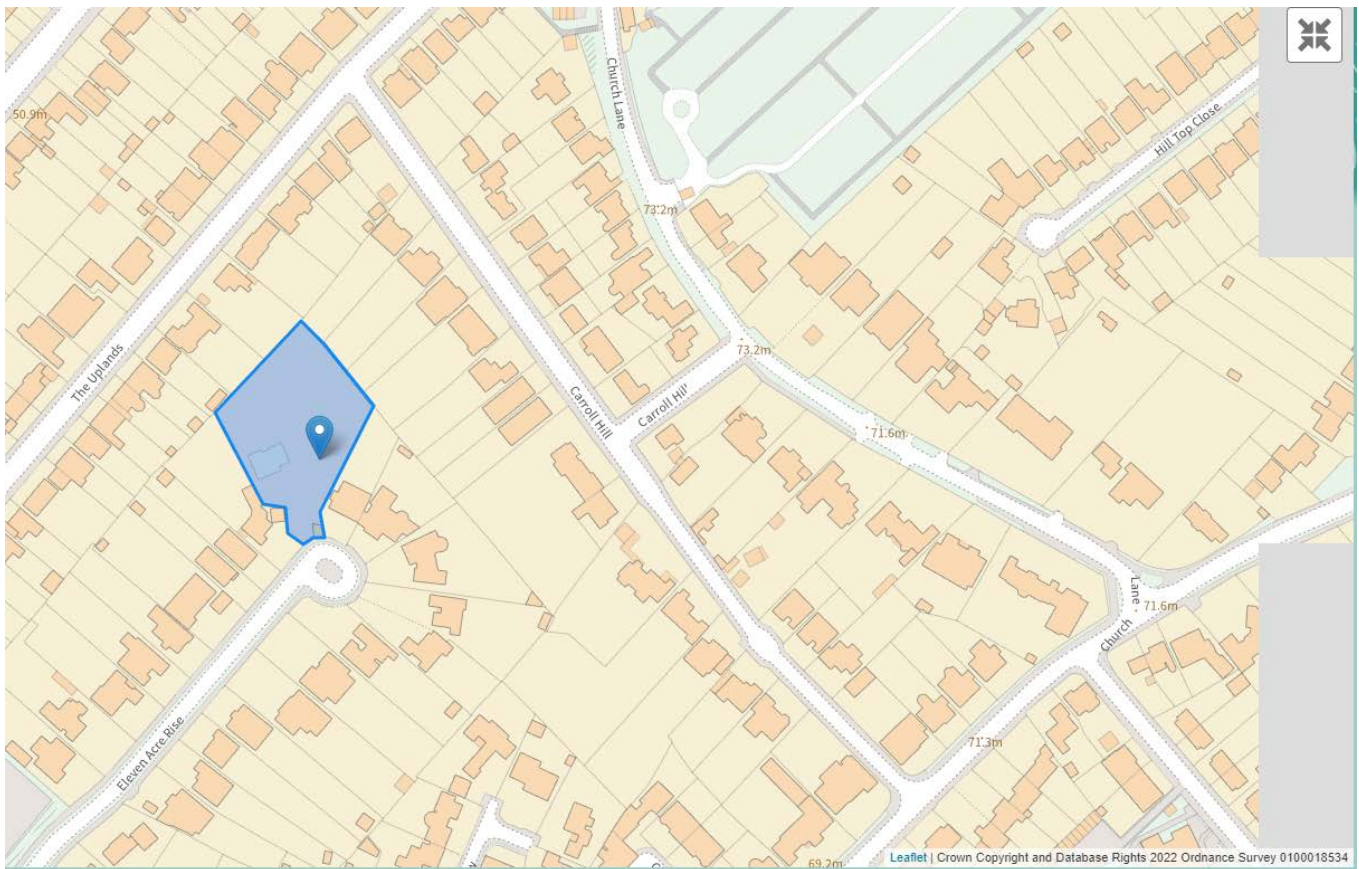
Applicant: Declan O'Driscoll
Case Officer: Muhammad Rahman
Site Address: 16, Eleven Acre Rise, Loughton, IG10 1AN
Proposal: Installation of air conditioning condenser units (6 in total - 3 per house) to the pair of new houses.

Ward: Loughton St. Mary's

Parish: Loughton

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001XArZ>

Recommendation: Approve with Conditions



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

Site and Surroundings

The site comprises of 2 recently constructed detached dwellings (House A & B). They are sited within a built-up area of Loughton situated on a hill. There are multiple preserved trees within the site. It is not listed nor within a conservation area or a flood zone.

Proposal

The proposal is for the installation of air conditioning condenser units (6 in total - 3 per house) to the pair of new houses.

The application is retrospective.

Relevant Planning History

Multiple histories with most relevant below;

EPF/3155/15 - Demolition of existing dwelling and erection of two dwelling houses - Approved with Conditions

EPF/1508/18 - Demolish existing house. Replace with 2 detached houses - Approved with Conditions

EPF/1127/19 - Application for approval of details reserved by conditions 7 and 8 of EPF/1508/18 `Planting and maintenance schedules' (Demolish existing house. Replace with 2 detached houses) – Approved

EPF/1668/19 - Application for Approval of Details Reserved by Condition 12 "flood risk assessment, management and maintenance plan" for EPF/1508/18. (Demolish existing house and replace with x 2 no. detached houses) - Approved

EPF/0931/20 - Approval of Details Reserved by Condition on EPF/1508/18 `materials' (Demolish existing house. Replace with 2 detached houses) - Withdrawn

EPF/1928/20 - Erection of detached dwelling - Disposed

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EPF/2828/21 - Application for a Non- Material Amendment for EPF/1508/18 (Demolish existing house. Replace with 2 detached houses.) - Approved

EPF/1140/22 - Retaining wall to rear gardens area - Withdrawn

EPF/1154/22 - Application for approval of details reserved by condition 3 'Tree Protections Measures' and condition 8 'Ecological Measures' on EPF/1508/18 (Erection of two dwellings) - Refused

EPF/0203/23 - Retrospective application to alter the ground levels and create a retaining wall to the rear of the new homes granted under EPF/1508/18 - Refused

EPF/0204/23 - Application for a Non-Material Amendment for EPF/1508/18 (elevation to show a cast stone portico). (Demolish existing house. Replace with 2 detached houses.) - Refused

EPF/0205/23 - Application for Approval of Details reserved by condition 3"Tree Protection Plan" for EPF/1508/18. (Demolish existing house. Replace with 2 detached houses) - Refused

EPF/0206/23 - Application for Approval of Details reserved by conditions 17"superfast broadband" & 18"Electric Vehicle Charging Point(s) for EPF/1508/18. (Demolish existing house. Replace with 2 detached houses) – Approved

EPF/0452/23 - Removal/variation of condition 3 'Tree Protection Measures' on planning consent EPF/1508/18 (Demolish existing house. Replace with 2 detached houses) – Refused

EPF/1033/23 - Variation of condition 2 'Plan numbers' attached to EPF/1508/18 (Demolish existing house. Replace with 2 detached houses). *The cover letter sets out the variations* - Concurrent

Planning Enforcement History

ENF/0115/19 - Works without planning permission - Conditions not discharged on EPF/3155/15 – Closed

ENF/0046/20 - Works without planning permission - Demolition of house and building new properties - Closed

ENF/0391/21 - Breach of Condition - 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:

DM9 High Quality Design
DM21 Local Environmental Impacts

National Planning Policy Framework 2023 (Framework)

Paragraphs 126 & 130

Summary of Representations

Number of neighbours Consulted: 41. 2 response(s) received
Site notice posted: No, not required.

4 THE GREENS CLOSE, 17 ELEVEN ACRE RISE & LRA PLANS GROUP – Objections – Summarised as:

- Noise concerns; and
- Loss of Visual Amenity.

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of three letters of objection.

Members deplored the retrospective nature of this application.

The Committee OBJECTED to this application, supporting the comments of the Loughton Residents Association Plans Group, which were:

“The Environmental Noise report concludes that, without mitigation measures the noise levels at night would be above the acceptable level. Given the sorry history of this development, it is essential that the mitigation measures be put in place and conditioned. We ask the plant be soundproofed to a level that will ensure neighbours are not disturbed in the evening. A condition limiting the times of operation is not a suitable alternative because it will be almost impossible to enforce. We also consider any plant above ground floor level on the side elevation is unacceptable on visual amenity grounds.”

Members also drew the attention of the planning officer to the comments of the neighbours at no 17, regarding the ongoing Enforcement issues with this proposal site and the accuracy of the survey and proposed mitigation in this application which was based on measurements that have been declined and which could alter should Enforcement action be taken.

Planning Considerations

Officers do not consider the ac units would have a negative visual impact to the street scene and wider area. They are of a small scale and sited on different parts of the building at low levels, and not readily visible from the street.

Furthermore, Officers do not consider there to be a material loss of outlook to the occupiers of No. 17 Eleven Acre Rise. Whilst the 2 units on the flank elevation would be visible from the garden and windows of No. 17, loss of view is not a planning matter and the proposal is not considered to be visually overbearing.

The Councils Environmental Health Noise Team have reviewed the accompanied noise survey and raised no objections subject to the imposition of conditions as part of the consent. The report in particular paragraph 4.7 sets out that some further mitigation measures are required to bring the noise level down by 10 decibels, which would be secured via condition no. 2. Condition no.3 also requires that should the noise emitting form the units exceed the background level noise then they are to cease use.

Thus, for the reasons set out above, there would be no harm to the established character and appearance of the area, nor would there be a significant impact to the living conditions of No. 17 Eleven Acre Rise or any other neighbour in terms of visual impact and noise disturbance that justifies a reason for refusal.

Whilst the application is retrospective, and concerns have been raised about this, the LPA cannot consider retrospective applications any differently from proposed planning applications. Therefore we are unable to take into consideration the fact that the works have taken place prior to planning consent being sought and this cannot form a reason for refusal.

Conclusion

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

If you wish to discuss the contents of this report 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: (3)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Location Plan, 2 Rev B, and 3 Rev C.

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

- 2 Within 3 months of the date of the decision, or such other period as agreed with the Local Planning Authority, in writing, the recommendations as set out within section 4 of the Environmental Noise Report by Sharps Redmore (dated 27th June 2023) shall have been implemented and thereafter permanently retained.

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policies DM9 and DM21 of the adopted Local Plan 2023, and the NPPF.

- 3 The use of the equipment hereby permitted must cease during any period that the rating level of noise (as defined by BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound") (or its replacement) emitted from the unit exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014 +A1:2019 (or its replacement).

Reason: To protect the amenity of noise sensitive premises from noise from mechanical plant in accordance with policies DM9, DM21 of the adopted Local Plan 2023, and the NPPF.

Informatives: (1)

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