



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday 8th November 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 8th November 2023 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

T Larsen, 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 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 - 9)

To confirm the minutes of the last meeting of the Sub-Committee held on 11 October 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/0934/23 - 2 GOLDINGS ROAD LOUGHTON IG10 2QN (Pages 10 - 14)

To consider the attached report on the part single part double storey rear extension.

9. EPF/1033/23 - 16 ELEVEN ACRE RISE LOUGHTON IG10 1AN (Pages 15 - 24)

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).

10. EPF/1852/23 - 16 ELEVEN ARCE RISE LOUGHTON IG10 1AN (Pages 25 - 29)

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.

11. EPF/1966/23 - 39 ALBION HILL LOUGHTON IG10 4RD (Pages 30 - 35)

To consider the attached report on the Retention of infill extension on ground floor to side/front elevation with a flat roof, extension to single storey rear extension, increase in overall height of building inc eaves, internal and external alterations including

door/window openings with Juliet balconies, and external finishes (Revised Scheme to approved consent)

12. EPF/0669/23 - GARAGES AT PYRLES LANE LOUGHTON IG10 2NW (Pages 36 - 47)

To consider the attached report on the Demolition of existing garages and the addition of 3 new 1B2P bungalows, designed to achieve Passivhaus standards, with new 4 no. parking spaces, standalone bin stores to the front of the property and private cycle stores to rears of each house (Revised scheme to EPF/2638/15).

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 11 October 2023, 7.00 pm - 8.50 pm

Council Chamber - Civic Offices

Members Present:	Councillors K Rizvi (Chairman), R Baldwin (Vice-Chairman), I Allgood, D Barlow, P Bhanot, R Brookes, S Heap, J Jogia, H Kauffman, A Lion, L Mead, L Morgan, C Nweke, M Owen, S Patel, Caroline Pond, C C Pond, D Sunger, K Williamson and D Wixley
Members Present (Virtually):	Councillors E Gabbett
Apologies:	Councillor(s) R Jennings, J Jennings, S Murray and A Patel
Officers In Attendance:	G Courtney (Planning Applications and Appeals Manager (Development Management)), V Messenger (Democratic Services Officer), T Larsen (Democratic Services Officer) and R Moreton (Corporate Communications Officer)
Officers In Attendance (Virtually):	I Ansell (Senior Planning Officer), M Rahman (Planning Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)

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

38 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.

39 DECLARATIONS OF INTEREST

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 North East Side, adj. Jessica, Chase Lane, Chigwell, IG7 6JW

Pursuant to the Council's Members' Code of Conduct, Councillor Bhanot 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.

- EPF/0625/23 2 Courtland Drive, Chigwell, IG7 6PN

Pursuant to the Council's Members' Code of Conduct, Councillor Morgan declared a non-pecuniary interest in the following item of the agenda since she had attended the Chigwell Parish Council meeting when the application was discussed but had not

fettered her discretion. The Councillor determined that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2999/21 Land on North East Side, adj. Jessica, Chase Lane, Chigwell, IG7 6JW
- EPF/2109/23 Front site, Former Grange Farm High Road, Chigwell, IG7 6DR
- EPF/0625/23 2 Courtland Drive, Chigwell, IG7 6PN

Pursuant to the Council's Members' Code of Conduct, Councillor Rizvi declared a non-pecuniary interest by virtue of living down the road, 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/0625/23 2 Courtland Drive, Chigwell, IG7 6PN

Pursuant to the Council's Members' Code of Conduct, Councillor Sunger declared a personal interest in the following item of the agenda, as he knew the owner. The Councillor had determined that he would leave the meeting for the consideration of the application:

- EPF/0625/23 2 Courtland Drive, Chigwell, IG7 6PN

40 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 13 September 2023 be taken as read and signed by the Chairman as a correct record.

41 ANY OTHER BUSINESS

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

42 SITE VISITS

Councillor Heap proposed a site visit for agenda items 11 and 12, application numbers EPF/1033/23 and EPF/1852/23, 16 Eleven Acre Rise, Loughton IG10 1AN, which was seconded by Councillor CC Pond therefore, as this was agreed, this item was deferred to the next meeting.

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

Decision: [refused](#).

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

Decision: [refused](#).

45 EPF/0625/23 - 2, COURTLAND DRIVE, CHIGWELL, IG7 6PN

Decision: [refused](#).

46 EPF/1033/23 - 16, ELEVEN ACRE RISE, LOUGHTON, IG10 1AN

Decision: [deferred for a site visit](#).

47 EPF/1852/23 - 16, ELEVEN ACRE RISE, LOUGHTON, IG10 1AN

Decision: [deferred for a site visit.](#)

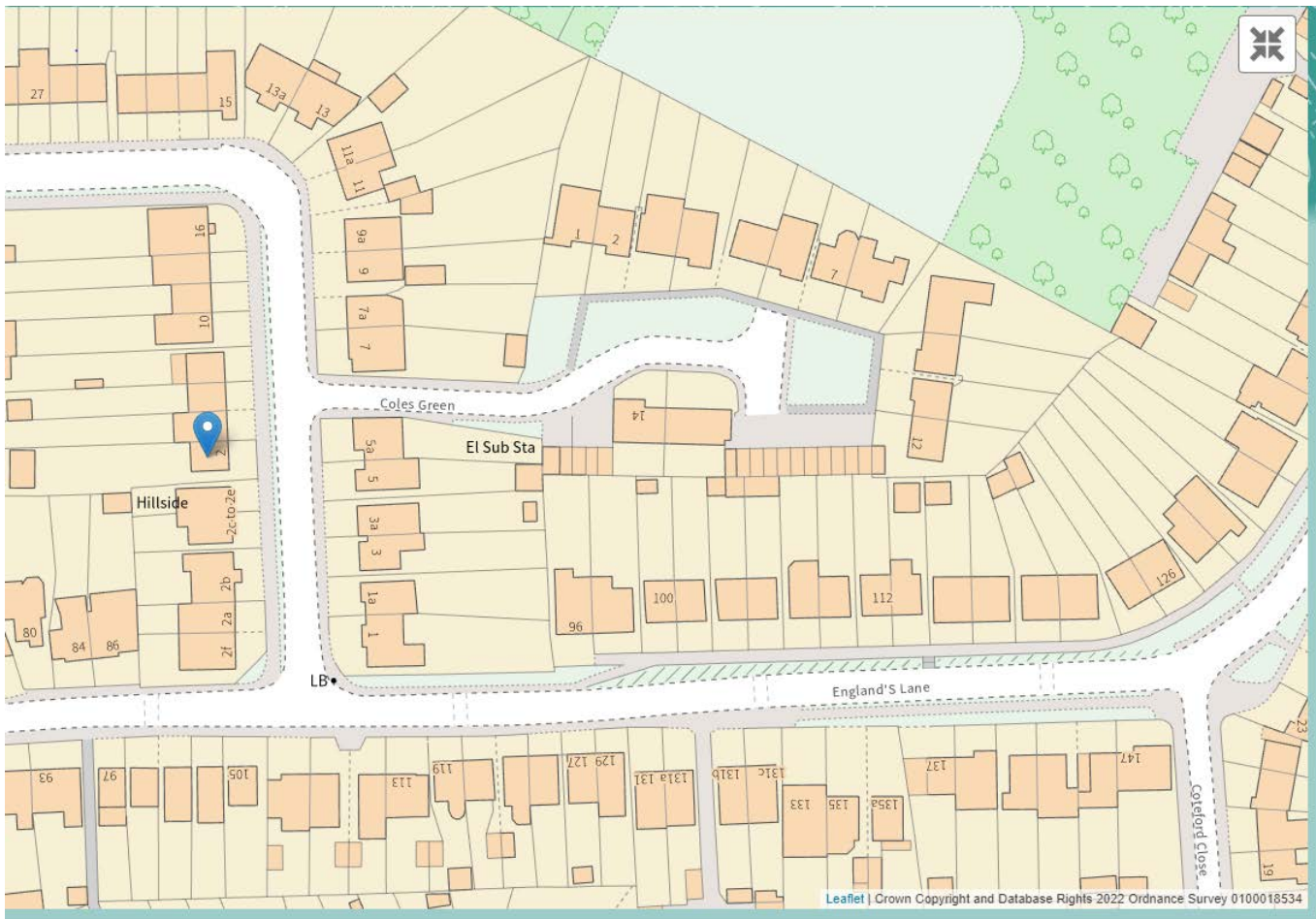
CHAIRMAN

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Agenda Item 8

OFFICER REPORT

Application Ref: EPF/0934/23
Application Type: Householder planning permission
Applicant: Mrs Jane Eren
Case Officer: Mohinder Bagry
Site Address: 2, Goldings Road, Loughton, IG10 2QN
Proposal: Part single part double storey rear extension.
Ward: Loughton St. John's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001W6sp>
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 Town 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 a modest two storey end of terrace dwellinghouse with front driveway and side access to rear amenity space. The site lies on the west side of Goldings Road a built-up urban area in Loughton. Surrounding area is of mixed character with smaller dwellings on the west side having single windows to the ground and upper floor and traditional 1930's semi-detached dwelling on the east side of the street. The site does not lie within the boundaries of a Conservation Area. It is not a Listed Building and there are no trees with Tree Protection Orders on or adjacent to the site.

Proposal

Part single part double storey rear extension.

Relevant Planning History

This is a revised submission further to the refusal of EPF/2440/22. Reason for refusal was due to its scale, massing and bulk considered harmful to the character and appearance of the area and detrimental to the living conditions of the adjoining neighbour.

Prior Approval granted for a 6m depth single storey rear extension ref: EPF/2441/22.

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
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

National Planning Policy Framework 2023 (Framework)

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

Paragraphs	126 & 130
Paragraph	180

Summary of Representations

Number of neighbours Consulted: 7. 1 response received.

Site notice posted: No.

4 GOLDINGS ROAD – Objection – Summarised as:

Size and scale

Loss of light

Effect on neighbouring trees

Impact from removal of chimney

LOUGHTON TOWN COUNCIL - return dated 15/05/23:

'The Committee OBJECTED to this application, considering it an overdevelopment which would double the size of the house. The ground floor extension was too large and should be reduced in length; it was nearly as large in volume as the main floor of the dwelling when it should read as being subservient to the main building. The windows on the side would overlook 2E Goldings Road, affecting the occupants' amenity.'

EFDC Environmental Protection and Land Drainage – No objection in principle and satisfied that the proposal will not significantly impact on the current surface water drainage arrangements, therefore no conditions to request. Informative required regarding public sewer.

LOUGHTON RESIDENT'S ASSOCIATION – Objection 'The ground floor extension is too large and needs to be reduced in length; it is nearly as large in volume as the main floor of the dwelling when it should read as being subservient to the main building. The windows on the side will overlook 2E Hillside and we ask officers to check this out.'

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality.
- b) The impact to the living conditions of neighbours.

Character & Appearance

The proposed development of a 6m depth single storey rear extension built 0.25m to the shared boundary with no.4 with flat roof form and acceptable eaves height has been granted Prior Approval ref EPF/2441/22 and can be implemented. This is therefore not the focus of this assessment.

Part double storey addition extends to more than half of the rear elevation this being a significant reduction in width to the previous refusal. Depth is aligned to the building line to the rear of no.2E. The massing and bulk of the part double storey extension has been greatly reduced therefore it has overcome its previous reasons for refusal.

With the proposed development confined to the rear of the dwelling, there is insignificant impact on the streetscene. Materials will match the existing. The proposal is considered acceptable in terms of the character and appearance of the setting.

Living Conditions

1 neighbour and one local amenity group objected to the proposal citing the excessive size and scale, loss of light, overlooking and loss of neighbour amenity.

Overlooking due to the introduction of first floor flank wall windows affecting no.2E can be mitigated by way of obscure glazing.

This revised design has set in the part double storey extension by approx. 2m. reducing its impact to neighbour at no.4. Its alignment with no 2E has negligible impact on neighbour amenity.

Overall, the proposal has satisfactorily mitigated against impact to the neighbours and is not considered to result in excessive harm to the living conditions of neighbouring occupants.

Comments on Representations

Trees

Neighbour at no.4 has raised concerns over the proposals impact on an adjacent tree. The application states no trees will be felled to make way for the development and there are no trees afforded legal protection on or near to the proposed development. Any impact on trees on third party land affected by the construction of the scheme will need to be addressed through a party wall agreement.

Chimney Removal

Class G of Part 1 of Schedule 2 of the General Permitted Development (England) Order 2015 (as amended) allows for the removal of a chimney. Concerns raised regarding the safe removal of the chimney will need to be addressed during any party wall agreement and in compliance with Building Regulations.

Conclusion

The Local Planning Authority is satisfied this resubmission following refusal of planning application EPF/2440/22 has overcome its previous reasons for refusal having reduced the scale and massing of the part double storey rear extension. There is minimal impact to both neighbour and visual amenity therefore the proposal is recommended for conditional approval.

Conditions: (5)

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: ERE.APR.23A Existing and Proposed Elevations; ERE.APR.23A Existing and Proposed Floorplans and TQRQM22232092220474.

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

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

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to first occupation of the building/extension hereby permitted the windows in the south flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of that windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained at these specifications 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.

- 5 Access to the flat roof(s) over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio, or similar amenity area.

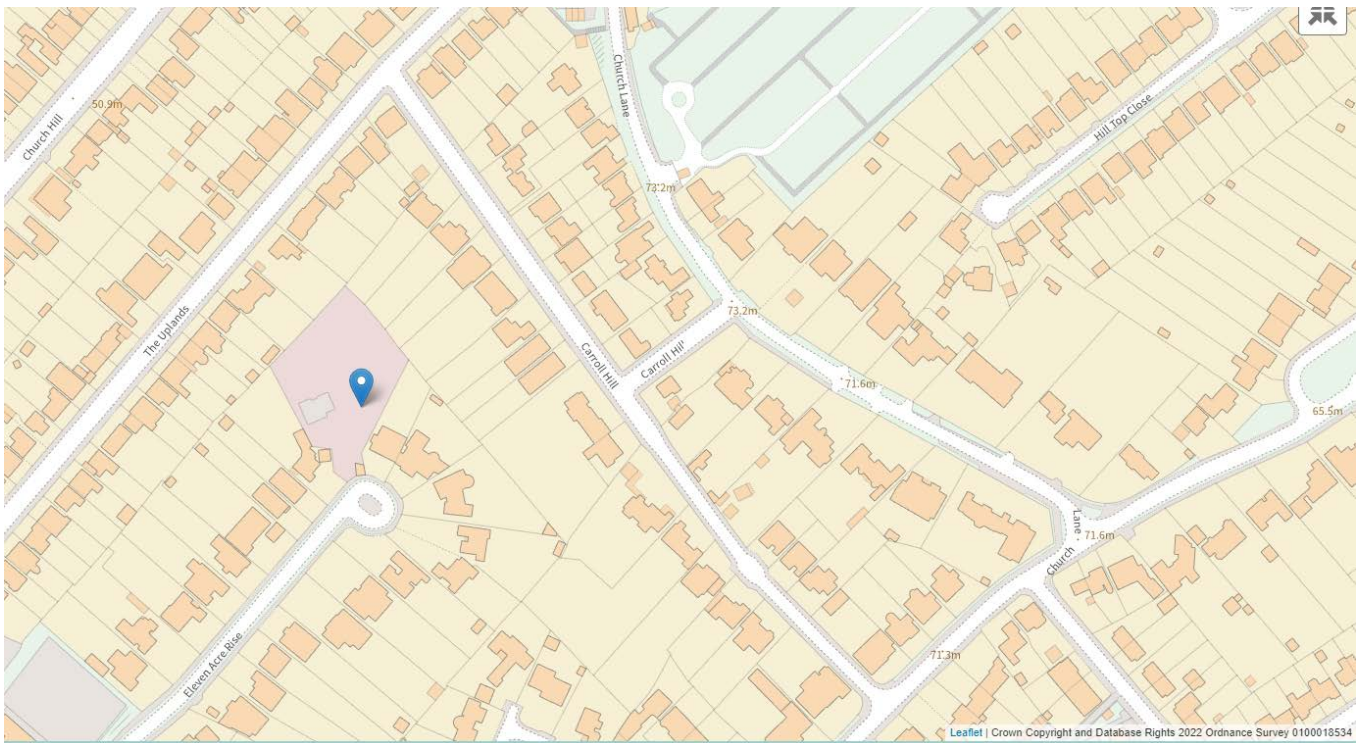
Reason: To safeguard the privacy of adjacent properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (2)

- 6 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. See below link for further information:
<https://www.thameswater.co.uk/help/home-improvements/building-near-pipes>
- 7 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/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).
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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The application was deferred from the 11 October 2023 meeting for a Members site visit, which was arranged for the 25th October 2023.

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.

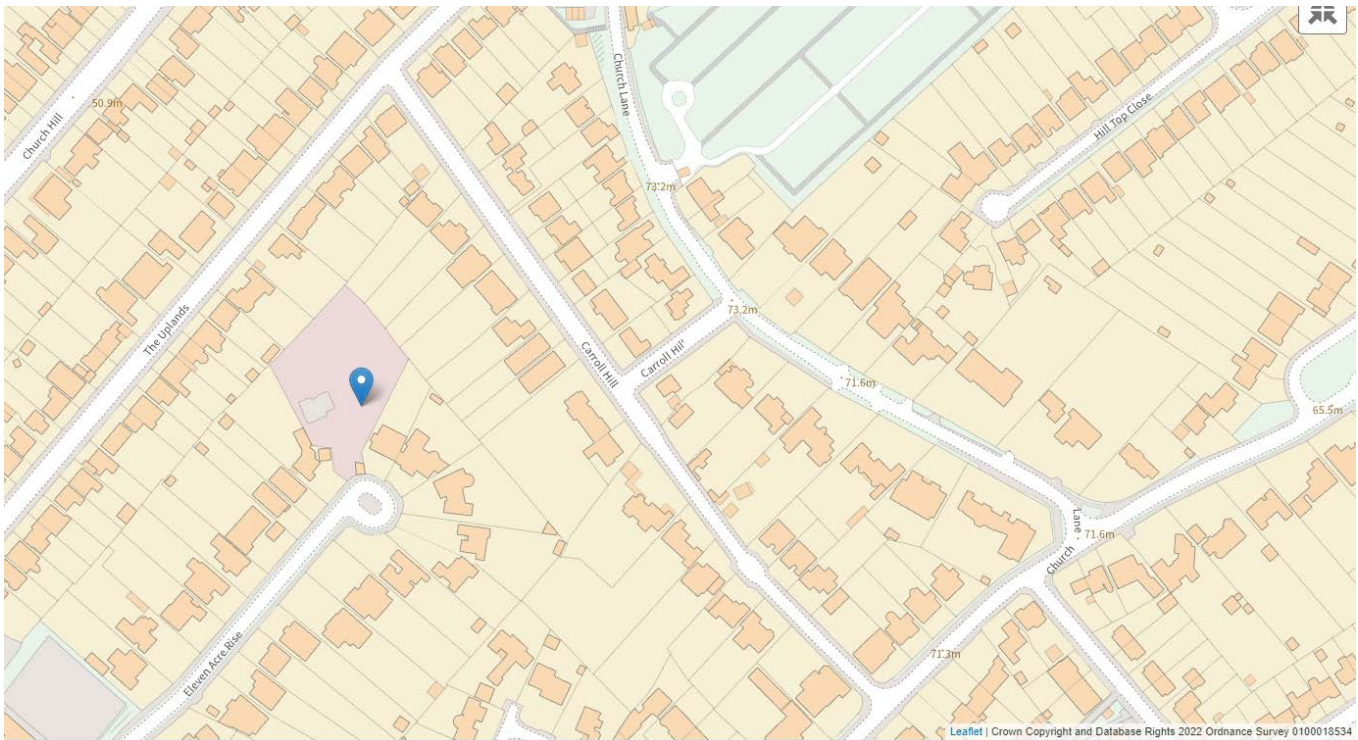
Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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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The application was deferred from the 11 October 2023 meeting for a Members site visit, which was arranged for the 25th October 2023.

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

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/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.

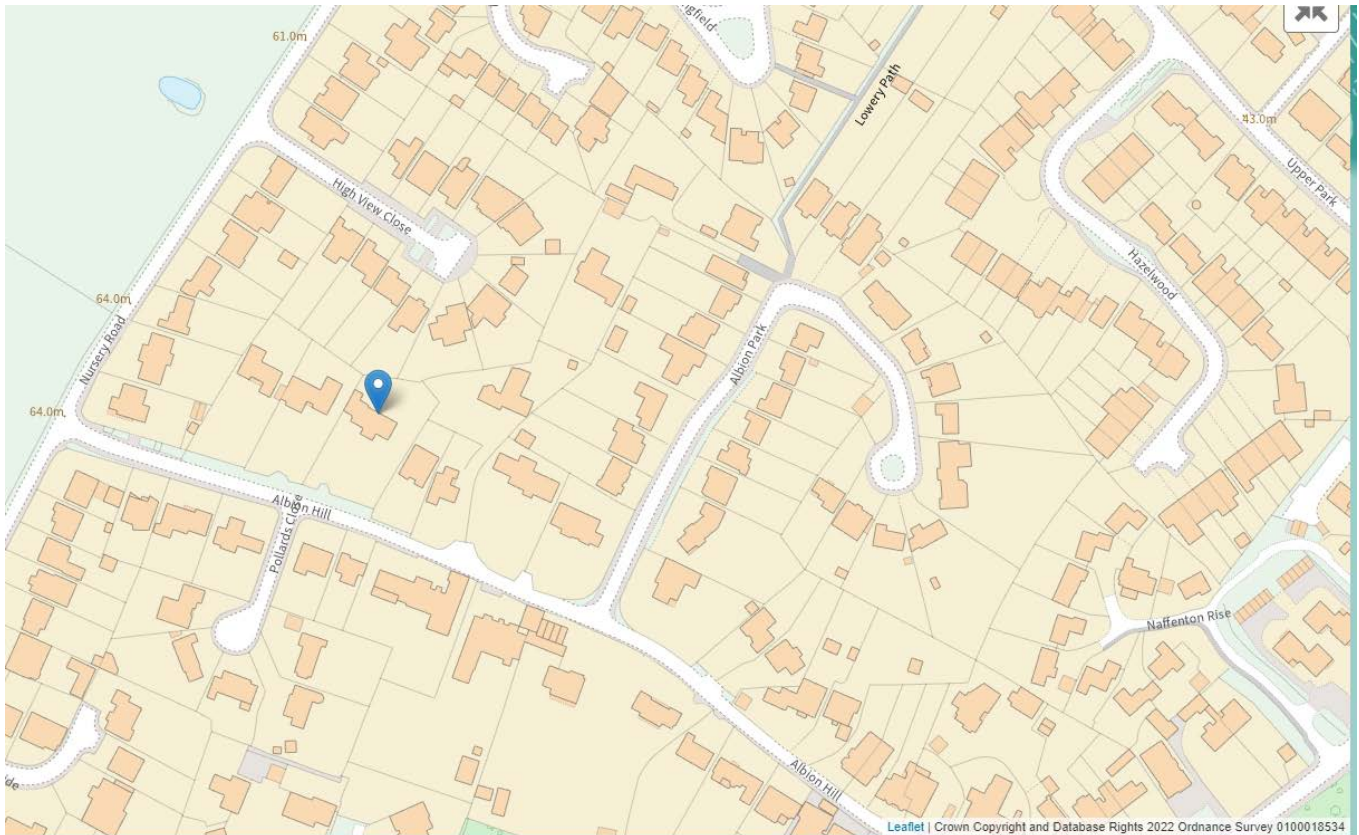
Informatives: (1)

- 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.

Agenda Item 11

OFFICER REPORT

Application Ref: EPF/1966/23
Application Type: Householder planning permission
Applicant: Mr P Giordano
Case Officer: Muhammad Rahman
Site Address: 39, Albion Hill, Loughton, IG10 4RD
Proposal: Retention of infill extension on ground floor to side/front elevation with a flat roof, extension to single storey rear extension, increase in overall height of building inc eaves, internal and external alterations including door/window openings with Juliet balconies, and external finishes (Revised Scheme to approved consent EPF/0277/20).
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001XHWo>
Recommendation: Approve with Conditions



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

Site and Surroundings

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

Proposal

The proposal is for the;

- Retention of infill extension on ground floor to side/front elevation with a flat roof;
- Extension to single storey rear extension;
- Increase in overall height of building inc eaves by approx. 400mm from 8.66m to 9.038m;
- Internal and external alterations including door/window openings with Juliet balconies;
- External finishes

This is a revised Scheme to approved consent EPF/0277/20.

For clarity, the landscaping works, swimming pool and hardstanding are not part of this application. These works were assessed under EPF/1399/23 which was recently refused and has been appealed against.

Relevant Planning History

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

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

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

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

EPF/1399/23 - Application for landscaping scheme including outdoor swimming pool, decking, and grass terraces, in pursuant with approved application EPF/0277/20 – Refused by Area Plans South Planning Committee on 13th September 2023 – Appeal Lodged.

Relevant Enforcement History

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

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

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

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

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

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

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

DM9 High Quality Design

National Planning Policy Framework 2023 (Framework)

Paragraphs 126 & 130

Summary of Representations

Number of neighbours Consulted: 6. 3 response(s) received.

Site notice posted: No, not required.

4 & 5 HIGH VIEW CLOSE & 37A ALBION HILL – Objections – Summarised as:

- Loss of privacy;
- Out of Character;
- Overdevelopment; and
- Overbearing and Visual Impact.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application stating that the applicant had displayed a complete disregard for the planning approval granted by the local planning authority (EPF/0277/20), and to not proceed with enforcement action would set a very dangerous precedent. The original application for this property had been to maintain the character of the existing dwelling, which was what this Committee had supported.

Members noted that apart from condition 1 of the approved planning application, EPF/0277/20, for works to commence within 3 years of the date of approval, all the other conditions had been breached:

The roof ridge height had been increased and a loft room including velux windows incorporated, which had not been included in the original submitted plans (condition 2). This had resulted in a negative impact on the amenity of neighbours to the rear at no.4 High View Close.

No tree protection had been implemented on this site, (condition 3). Trees and hedges had been removed without replacement, negatively impacting on the visual amenity of the area.

The original proposal for this dwelling was for materials to match original, namely a brick finish with weather board cladding, (condition 4), to safeguard the visual amenity of the locality, whereas the property had been finished in stark white rendering, creating a negative visual impact.

First floor rear windows were to be fitted with obscured glass with restricted inward opening window hinges (condition 5) – the windows installed do not match those in the plans (condition 2) – and are of clear glass with no restricted openings. Again, this has resulted in overlooking and a loss of privacy for the neighbours at no.4 High View Close.

The Committee OBJECTED to all the above breaches and strongly requested that the local planning authority enforce action for the property to be reinstated as proposed and approved in the original application, EPF/0277/20.

Planning Considerations

The overall height of the building (9.038m) has increased by some 400mm from the approved scheme (8.66m) along with the raised eaves level this increase gives the impression that the building is substantially higher than approved. Officers note the concerns raised re the increase and the external finishes, however, within the context where there are buildings of various forms and architectural design, the building will have no material impact to the character and appearance of the area including the street scene.

Turning to the concerns raised regarding loss of privacy and concerns for potential use of the flat roofs as a terrace. The proposal includes Juliette balconies on the 8 doors at the first-floor level, along with a suitably worded condition restricting the use of the flat roofs for maintenance works only this will ensure the flat roofs cannot be used for any amenity purposes. Furthermore, the original consent required the 3 rear first floor windows (serving the master bedroom) directly facing No. 4 High view close to be obscure glazed with restricted openings. This condition has been re-added to this scheme as it is necessary to prevent any harmful overlooking to the occupiers of No. 4 High View Close.

There are no further harm envisaged on the other neighbouring amenities from the proposed works.

Conclusion

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

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest, or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk

Case Officer: Muhammad Rahman |
mrahman@eppignforestdc.gov.uk

Conditions: (7)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Location Plan, TOQ_201, TOQ_202, TOQ_210, and TOQ_211.

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 notice, the first floor rear doors shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent) and with restricted inward opening hinges to 45 degrees. Once installed the obscure glass and restricted hinges shall be retained at these specifications 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.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Access to the flat roof(s) shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio, or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 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 & C 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.

- 6 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 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.

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

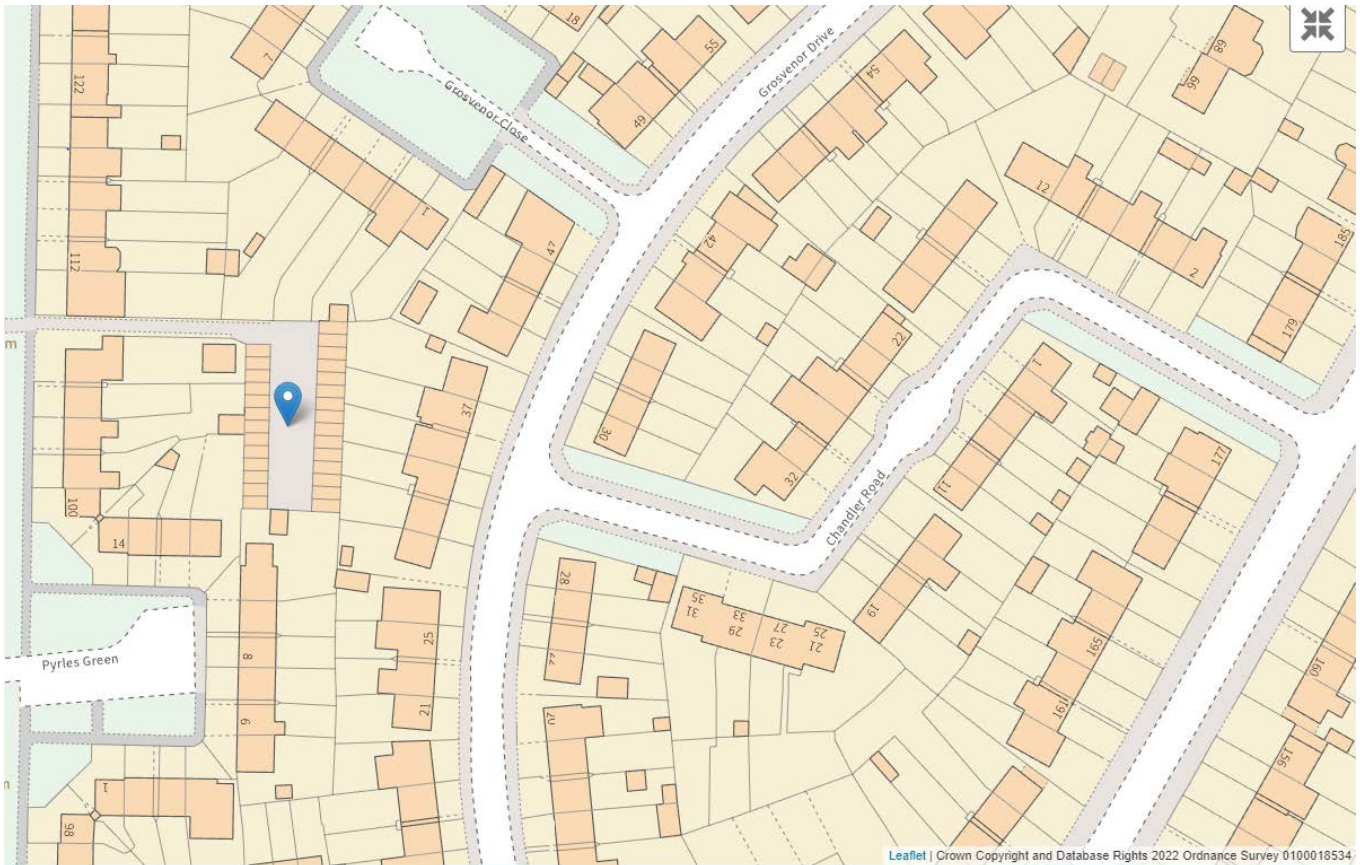
Informatives: (1)

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

Agenda Item 12

OFFICER REPORT

Application Ref: EPF/0669/23
Application Type: Full planning permission
Applicant: Rochelle Hoyte
Case Officer: Muhammad Rahman
Site Address: Garages at Pyrles Lane, Loughton, IG10 2NW
Proposal: Demolition of existing garages and the addition of 3 new 1B2P bungalows, designed to achieve Passivhaus standards, with new 4 no. parking spaces, standalone bin stores to the front of the property and private cycle stores to rears of each house (Revised scheme to EPF/2638/15).
Ward: Loughton Fairmead
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VleO>
Recommendation: Approve with Conditions



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This application is before this Committee since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were

consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of approx. 28 garages accessed via a road in between No's 108 & 110 Pyrles Lane. It is located within a built-up area of Loughton. It is not listed nor in a conservation area. No protected trees lie within the site, although there is one located to the rear of No. 4 Grosvenor Close which borders the site and within the grass verge located at the access point.

Proposal

The proposal is for the demolition of existing garages and the addition of 3 new 1 Bed-2 person bungalows, designed to achieve Passivhaus standards, with new 4 no. parking spaces, standalone bin stores to the front of the property and private cycle stores to rears of each house.

This is a revised Scheme to EPF/2638/15. The main changes are;

- Reduction in scale to the 3 dwellings from two storeys to single storey bungalows;
- Orientation of the proposed dwellings now facing west as opposed to north;
- Reduction in bedrooms from 3 bed-5 person dwelling to 1 bed 2-person dwelling;
- Reduction in parking spaces from 6 to 4; and
- Greater emphasis on sustainability, with the proposed Passivhaus Standards.

The Councils Housing Team have confirmed that the proposed dwellings would be for affordable homes.

Relevant Planning History

EPF/2638/15 - Demolition of garages and erection of a terrace of 3 two storey affordable homes, with 6 car parking spaces - Refused

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
DM11 Waste Recycling Facilities on New Development
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM17 Protecting and Enhancing Watercourses and Flood Defences
DM18 On Site Management of Wastewater and Water Supply
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: 36. 7 response(s) received.
Site notice posted: Yes.

8 & 10 Pyrles Green, 83, 104 & 108 Pyrles Lane, 35 & 39 Grosvenor Drive – Objections – Summarised as;

- Parking stress/congestion;
- Insufficient Vehicle Access;
- Impacts on Local Wildlife; and
- Trees and Landscaping.

LOUGHTON TOWN COUNCIL – The Committee had NO OBJECTION to this application.

However, members requested that should the local planning authority be minded to approve the application that the following conditions be imposed:

- Permitted Development rights to be removed from this development, to protect the amenity of residents in neighbouring properties in Pyrles Lane and Grosvenor Drive, due to its close proximity to those dwellings.
- Materials used (particularly for the roofing – which should be red tiles) should match those of surrounding properties to blend in and maintain the existing street scene.
- Screening should be provided to protect the amenity of residents of neighbouring properties in Pyrles Lane and Grosvenor Drive.
- A fire hydrant supply should be provided on site to compensate for the lack of access for a fire vehicle.

Planning Considerations

The main issue for consideration in this case is whether the previous reasons for refusal have been overcome. The reasons for refusal were;

1. The cumulative impact of the means of accessing the development site, comprising of an accessway of considerable length and narrow width, insufficient to allow cars to pass each other, together with the absence of a turning area within the site is likely to result in significant conflict between vehicles, pedestrians and cyclists. Such conflict would be harmful to the safe and free flow of traffic on both Pyrles Lane and the accessway, contrary to Local Plan and Alterations policy ST6, which is consistent with the National Planning Policy Framework.

2. Insufficient details of the means of storing refuse is submitted and, having regard to the highly constrained access arrangements for the site, it seems likely that the indicated refuse storage proposals on collection days would exacerbate the harm identified in the first reason for the refusal that the access arrangements would cause to the interest of safety. Accordingly, the proposal is contrary to Local Plan and Alterations policy ST6, which is consistent with the National Planning Policy Framework.

3. By reason of its bulk, scale, height and siting adjacent to the ends of rear gardens of houses on Pyrles Green, Pyrles Lane and Grosvenor Drive, it is likely the proposal would appear excessively overbearing when seen from the gardens of 11, 12 and 13 Pyrles Green, 102, 104, 106 & 108 Pyrles Lane and 31, 33, 35, 37 and 39 Grosvenor Drive. Accordingly, the proposal would be harmful to the living conditions of those dwellings, contrary to Local Plan and Alteration policy DBE9, which is consistent with the National Planning Policy Framework.

1st Reason for Refusal

This element can be split into 2 parts; (1) the vehicle access width and (2) the turning area.

With regards to the vehicle access, the current situation consists of 28 garages, so potentially allowing for 28 cars to be parked. The proposal would reduce the number of parking spaces from 28 spaces down to 4 spaces. For this reason, the following;

The cumulative impact of the means of accessing the development site, comprising of an accessway of considerable length and narrow width, insufficient to allow cars to pass each other...

Is not a reason that could be sustained at appeal. This is an existing issue which the proposal would not exacerbate, rather it would reduce the impact with the reduction in parking spaces and vehicle movements.

Turning to the second part – the turning area. The Highways Officer initially suggested; Given the previous refusal for EPF/2638/15 mentioned the lack of turning within the site, it would seem prudent for the applicant to provide an 8m x 8m turning head to facilitate vans and delivery vehicles. On this note, the agent has provided the following response below;

The provision of an 8m x 8m turning head would result in a substantial loss of already-limited soft landscape and the associated visual amenity, habitat value and biodiversity benefit.

It would also result in additional pressure on the existing off-site tree to the north, to the extent that soft ground would constitute a smaller proportion of its root protection area (RPA) and vehicle movement would take place over a larger proportion. Also, judging from experience, we would expect that in reality the turning head would be frequently used for informal parking, thus rendering any vehicle-turning benefit lost.

We would argue that the accommodation of larger vehicles is not appropriate at highly constrained sites such as Pyrles Lane B (EPF/0669/23) and would be preferable to discourage their entry, as per signage and/or a drop box at the entrance of the access road.

And furthermore, it is worth noting that there are precedent schemes (at Bushfields EPF/0258/16, Chester Road EPF/2590/15 and Millfield EPF/0214/16) which were approved more recently (2016) than this site's rejected scheme. These schemes had similarly not included an 8x8m turning circle.

Following the above agent response, the Highways Officer has provided the following response below;

The applicant has confirmed that the site is currently vacant, so the Highway Authority is satisfied that there will be no displacement of parked vehicles onto the surrounding roads as a result of the development. Furthermore, the proposal will not increase vehicle movements above the level of the previous use, operating at full capacity, so the use of the existing accessway will not be intensified by the development.

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

As such, Officers consider this reason for refusal has been fully overcome and will be difficult to sustain at appeal, particularly without the support of the Highways Officer.

2nd Reason for Refusal

With regards to this reason for refusal, the agent has provided the following response below;

Please see attached our refuse strategy for the scheme. The refuse collection vehicle is not expected to enter into the development. Instead, a refuse collection point has been provided at the head of the access road, where it meets Pryles Lane.

The refuse collection point would be sited adjacent to the front boundary for No's 108 & 110 as shown on the submitted refuse strategy plan. The refuse for the proposed units would be collected along with No's 108 & 110, so officers do not consider that this reason for refusal is defensible at appeal. It will be very difficult to justify how the additional bins being collected would lead to harm to the safety operation of the highway network on Pryles Lane.

For the above reasons, this reason for refusal has been overcome.

3rd Reason for Refusal

New developments need to relate positively to the locality by complementing and enhancing the character and appearance of the area including the street scene.

In this regard, the proposal is of a contemporary design and would not be readily visible from the main street. The proposed buildings are of a low storey using high quality materials and it would be tucked behind residential dwellings on Pryles Lane. Views would be limited from the street and the rear gardens of the surrounding properties.

On balance, in lieu of the existing unpleasant garages, the proposal would enhance the locality. As such, there would be no harmful impact to the character and appearance of the area.

The previous scheme proposed 3 large two storey dwellings with roof and so for the reasons set out above, it is considered that this reason for refusal has been overcome.

Epping Forest Special Area of Conservation

A large part of the Epping Forest contains a Special Area of Conservation (EFSAC) which has been identified primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. As an internationally important site it is afforded the highest level of protection due to its habitats and species that are vulnerable or rare within an international context.

The Council, as a competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and Policies DM2 & DM22 of the Epping Forest District Local Plan 2011 – 2033 has a duty to ensure that plans and projects for whose consent it is responsible will not have an adverse effect on the integrity of these designated sites either alone or in-combination with other plans and projects within the adopted Local Plan.

The Council has identified two main issues (known as 'Pathways of Impact') that are currently adversely affecting the health of the Epping Forest.

The first is recreational pressure. Surveys have demonstrated that most visitors live within 6.2km (Zone of Influence) of the Epping Forest. As new residential development within 6.2km is likely to result in more people visiting the Epping Forest on a regular basis this will add to that recreational pressure.

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads in close proximity to the Forest emitting pollutants (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle has the potential to contribute to increases in atmospheric pollution within the Epping Forest.

Stage 1: Screening Assessment

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

- 1) The site lies within the 0-3km / 3-6.2 km Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. In addition, the site lies within the parish of Loughton. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- 2) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the SAMM strategy and the Epping Forest District Green Infrastructure Strategy has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals, and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the above strategies. The applicant has agreed to make a financial contribution in accordance with agreed approach. Consequently, the Council is satisfied that the proposal would not have an adverse effect on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of the Air Pollution Mitigation Strategy (APMS), 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 APMS. The applicant has agreed to make a financial contribution in accordance with the APMS. In addition, the application will be subject to planning conditions (EVCP/Broadband) to secure measures as identified in the APMS. Consequently, the Council is satisfied that the 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.

Notwithstanding the above, as the Council is the applicant the contribution cannot be secured by a Unilateral Undertaking or S106 legal agreement, as the Council cannot sign such an agreement with itself. Other mechanisms are available, however, to ensure that the obligations are met.

Other Considerations

Given the siting of the proposed buildings and the separation distance to neighbouring dwellings, there would be no harmful impact, in terms of overlooking, loss of light, overbearing and visual impact.

The proposed dwellings would have sufficient internal amenity space for future occupiers of the dwellings in accordance with the National Described Space Standards, including private external amenity space with a reasonable outlook and light levels.

The Councils Tree & Drainage Officers have raised no objections subject to recommended conditions.

The submitted ecology report indicates that there is potential for birds nest within the Garages, so this element can be overcome with a suitably worded condition.

Conclusion

The proposal would make efficient use of land with benefit to the public in the form of affordable housing provision. There will also be some benefit to the local economy from its occupation and construction.

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

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

Planning Application Case Officer: Muhammad Rahman | 01992 564415 or if no direct contact can be made, please email:

contactplanning@eppingforestdc.gov.uk

Conditions: (22)

- 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: 05000 Rev P01, 05001 Rev P01, 05002 Rev P01, 05003 Rev P01, 05004 Rev P01, 05100 Rev P01, 05101 Rev P01, 05200 Rev P01, 05300 Rev P01, 05301 Rev P01, 05302 Rev P01, 05303 Rev P01, and 21504_07 Rev B.

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

- 3 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. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

Reason: 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.

- 4 No development, including works of demolition or site clearance, shall take place until details of installation of services and their routing have been submitted to the Local Planning Authority and approved in writing. If within the calculated root protection areas of trees on / adjacent to the site, this shall include an Arboricultural supervision timetable. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

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.

- 5 Tree protection shall be installed as shown on Tim Moya Associates Tree Protection Plan, Drawing No: 210775-P-10 dated April 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 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.

- 6 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason: The development is located in a flood risk area and would likely result in increased surface water run-off, in accordance with Policy DM15 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 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.

- 8 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.

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

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

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

- 10 No 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 careful, detailed check for active birds nests immediately before the structure is demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Such confirmation shall be submitted to and approved by the Local Planning Authority before the said demolition commences.

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

- 11 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.

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

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.

- 13 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.

- 14 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. 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.

- 15 Prior to the first occupation of the development the parking and turning areas as indicated on the approved plans shall be provided and retained as such for the life of the development.

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.

- 16 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 appropriate cycle parking is provided in the interest of highway safety and accessibility. 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.

- 17 Prior to first occupation of the development hereby permitted, the storage for waste and recycling for the residential units shall be complete and so retained.

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.

- 18 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households, in accordance with Policy H1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 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.

- 22 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, C, D & 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 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (2)

- 23 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.

- 24 Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-desac which is more than 20 metres long must have a turning head of a least Size 3.

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.