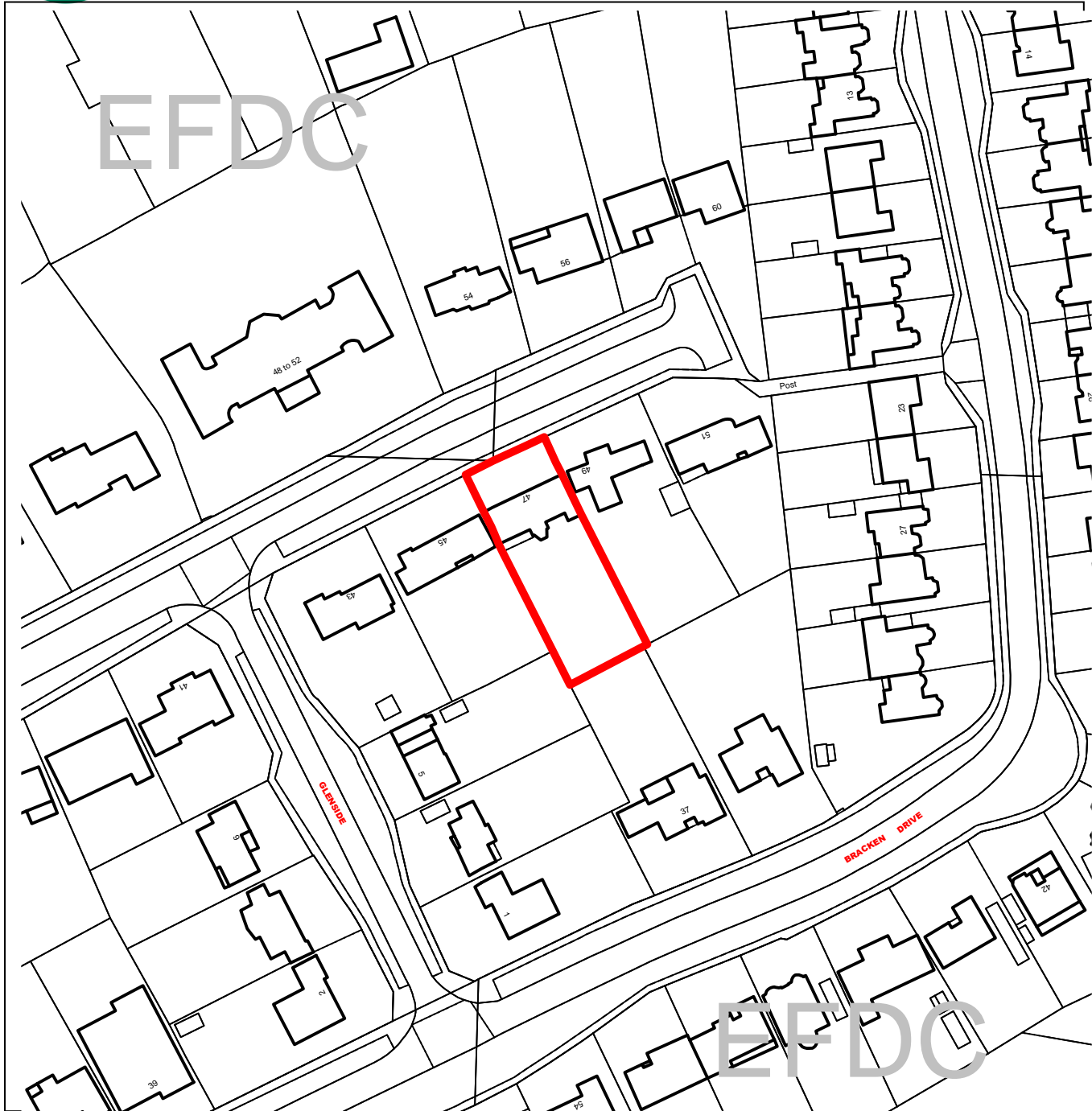




# Epping Forest District Council



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|                     |   |
|---------------------|---|
| Application Number: | EPF/2040/20                             |
| Site Name:          | 47 Stradbroke Drive<br>Chigwell IG7 5RA |
| Scale of Plot:      | 1:1250                                  |

**Report Item No: 10**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/2040/20   |
| <b>SITE ADDRESS:</b>            | 47 Stradbroke Drive<br>Chigwell<br>IG7 5RA  |
| <b>PARISH:</b>                  | Chigwell  |
| <b>WARD:</b>                    | Grange Hill   |
| <b>APPLICANT:</b>               | Mr Easan  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Demolition of the existing dwelling house and erection of a new dwelling house together with landscaping. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)  |

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=641920](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=641920)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: EX-L001, EX-P001, EX-P002, EX-P003, EX-E001, EX-E002, EX-E003, EX-E004, EX-S001, PR-L001 Rev A, PR-P001 Rev A, PR-P002 Rev A, PR-P003 Rev A, PR-P004 Rev A, PR-P005 Rev A, PR-P006 Rev A, PR-E001 Rev A, PR-E002 Rev A, PR-E003 Rev A, PR-E004 Rev A, PR-E005 Rev A, PR-S001 Rev A, PR-S002 Rev A and PR-PE001 Rev A.
- 3 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. There shall be no alterations in ground levels within the calculated Root Protection Areas of retained trees. The development shall be carried out in accordance with those approved details.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Cantia Arboricultural Services drawing number CAS/2020/266 (dated October 2020).

- 6 No development shall commence above slab level until documentary and photographic details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7 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, unless the Local Planning Authority gives its written consent to any variation.
- 8 Prior to the first occupation of the development, details of privacy screens to the first floor roof terrace & ground floor terrace of no lower than 1.7 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.
- 9 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 10 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 11 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
- 12 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.
- 13 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or

significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 14 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 15 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.
- 16 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 17 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development generally permitted by virtue of Classes A and B of Part 1 of schedule 2 shall be undertaken without the prior written permission of the Local Planning Authority.
- 19 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 elevation(s).

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

## **Site and Surroundings**

The site comprises of a detached house, located within a built-up area of Chigwell. It is not listed nor in a conservation area or a flood zone. Multiple preserved trees lie within the rear garden.

## **Proposal**

The proposal is for a replacement dwelling.

## **Relevant Planning History**

No relevant history.

## **Development Plan Context**

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

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

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

|      |   |
|------|---|
| CP1  | Achieving Sustainable Development Objectives              |
| CP2  | Protecting the Quality of the Rural and Built Environment |
| CP3  | New Development   |
| CP6  | Achieving Sustainable Urban Development Patterns          |
| CP7  | Urban Form and Quality                                    |
| DBE1 | Design of New Buildings                                   |
| DBE8 | Private Amenity Space                                     |
| DBE9 | Loss of Amenity   |
| LL10 | Adequacy of Provision for Landscape Retention             |
| LL11 | Landscaping Schemes                                       |
| ST4  | Road Safety   |
| ST6  | Vehicle Parking   |

### *National Planning Policy Framework 2019 (Framework)*

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

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

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

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

Paragraph 108 - 110  
 Paragraph 117  
 Paragraph 124 & 127  
 Paragraph 175

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has indicated an intention to provide advice to the Council by 12<sup>th</sup> July 2019; this advice will be given without prejudice to the Inspector’s final conclusions.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

| <b>Policy</b>  | <b>Weight afforded</b> |
|--|------------------------|
| SP1 Presumption in Favour of Sustainable Development         | Significant            |
| H1 Housing Mix and Accommodation Types                       | Some                   |
| T1 Sustainable Transport Choices                             | Significant            |
| DM2 Epping Forest SAC and the Lee Valley SPA                 | Significant            |
| DM3 Landscape Character, Ancient Landscapes and Geodiversity | Significant            |
| DM5 Green and Blue Infrastructure                            | Significant            |
| DM9 High Quality Design                                      | Significant            |
| DM10 Housing Design and Quality                              | Significant            |
| DM15 Managing and Reducing Flood Risk                        | Significant            |
| DM16 Sustainable Drainage Systems                            | Significant            |

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

### Summary of Representations

Number of neighbours Consulted: 12. 1 response(s) received

Site Notice posted: Yes.

49 STRADBROKE DRIVE – Objection – Summarised as;

- Overdevelopment;
- Loss of light; and
- Impact from basement development.

CHIGWELL PARISH COUNCIL – The Council OBJECTS to this application, because the proposed structure would be an overdevelopment of the site, and out of character with the existing aesthetic. Further, the positioning of the dwelling is such that the set back from the site boundary would be wholly insufficient.

### Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) The impact on the living condition of neighbouring amenities;
- c) Trees and landscaping; and
- d) The impact on the Epping Forest Special Area of Conservation.

#### *Character and Appearance*

The locality lacks uniformity in architectural styles, scale, height of buildings, and plot sizes. In this context, the replacement dwelling would have a neutral impact to the wider area and the street scene. Similar design and scale dwellings are present at 36 & 39 Stradbroke Drive. Furthermore, the replacement dwelling is set in from both common boundaries with 45 & 49 Stradbroke Drive by approx. 1 metre and there is sufficient space to the front and rear of the building, so it would not amount to harmful overdevelopment of the site. Whilst the front dormers are of a contemporary design, they are present within the street and wider area so this element would not be an alien feature within the locality. These are also positioned well within the roof space, so it further complements the appearance of the replacement building. Additionally, although the ridge line would be increased matching that of No. 45, it would not appear over-dominant when viewed in its relationship to No. 49 Stradbroke Drive.

Therefore, the proposed development would comply with policies CP2 and DBE1 of the LP, policy DM9 of the LPSV, and paragraphs 124 & 127 of the Framework.

#### *Living Conditions of Neighbouring Properties*

In terms of the impact to No. 45, whilst the single storey rear element would protrude past their rear building line, given that they are on a higher ground level and the existing extensions to their property, along with the orientation of the host house facing Northwest, there would be a limited impact to their living conditions in terms of loss of light, overshadowing, overbearing and visual impact.

In terms of the impact to No. 49, whilst they are on a slightly lower ground level and the first & ground floor elements protrude slightly past their rear building line, given the scale of their building,

the orientation of the host house facing Northwest, and the separation distance of some 1m from the common boundary, there would be a limited impact to their living conditions in terms of loss of light, overshadowing, overbearing and visual impact.

Furthermore, the first-floor roof terrace will have privacy screens to both edges which would mitigate any direct overlooking to both neighbouring amenities and concentrate any views to the rear. The ground floor terrace would also have sufficient privacy screen on both sides from the side boundary treatment. Nonetheless, a condition requiring further details of the privacy screens has been added, so as to safeguard the living conditions of adjoining occupiers.

Accordingly, the proposed development safeguards the living conditions of adjoining occupiers, in accordance with policies CP7 and DBE9 of the LP, policy DM9 (H) of the LPSV and paragraph 127 (f) of the Framework.

### *Trees and Landscaping*

The Councils Arboricultural Officer has raised no objections to the scheme subject to the imposition of conditions as part of the consent.

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

Replacement dwellings will have no impacts to the integrity of the SAC, in terms of increased recreational pressure and air quality, then present. As such, no contributions/mitigation measures are required.

### *Other Considerations*

Whilst concern has been raised regarding the impact on neighbouring dwellings from the proposed basement, a Basement Impact Assessment accompanied with this application concludes that there would be no adverse impact to the structural stability of neighbouring dwellings. Notwithstanding this, the onus is on the building owner to ensure there is no adverse impact to adjoining buildings from flooding, structural damage etc otherwise they could be liable for civil litigation.

A drainage condition requiring further details of the surface water disposal prior to commencement of the development has been added to ensure there is no increased risk of surface water flooding from the site.

There are no highway issues associated with this scheme, although further details of the proposed front boundary treatment has been secured via a condition.

### **Conclusion**

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:***

***Case Officer: Muhammad Rahman - Direct Line: 01992 564415***

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