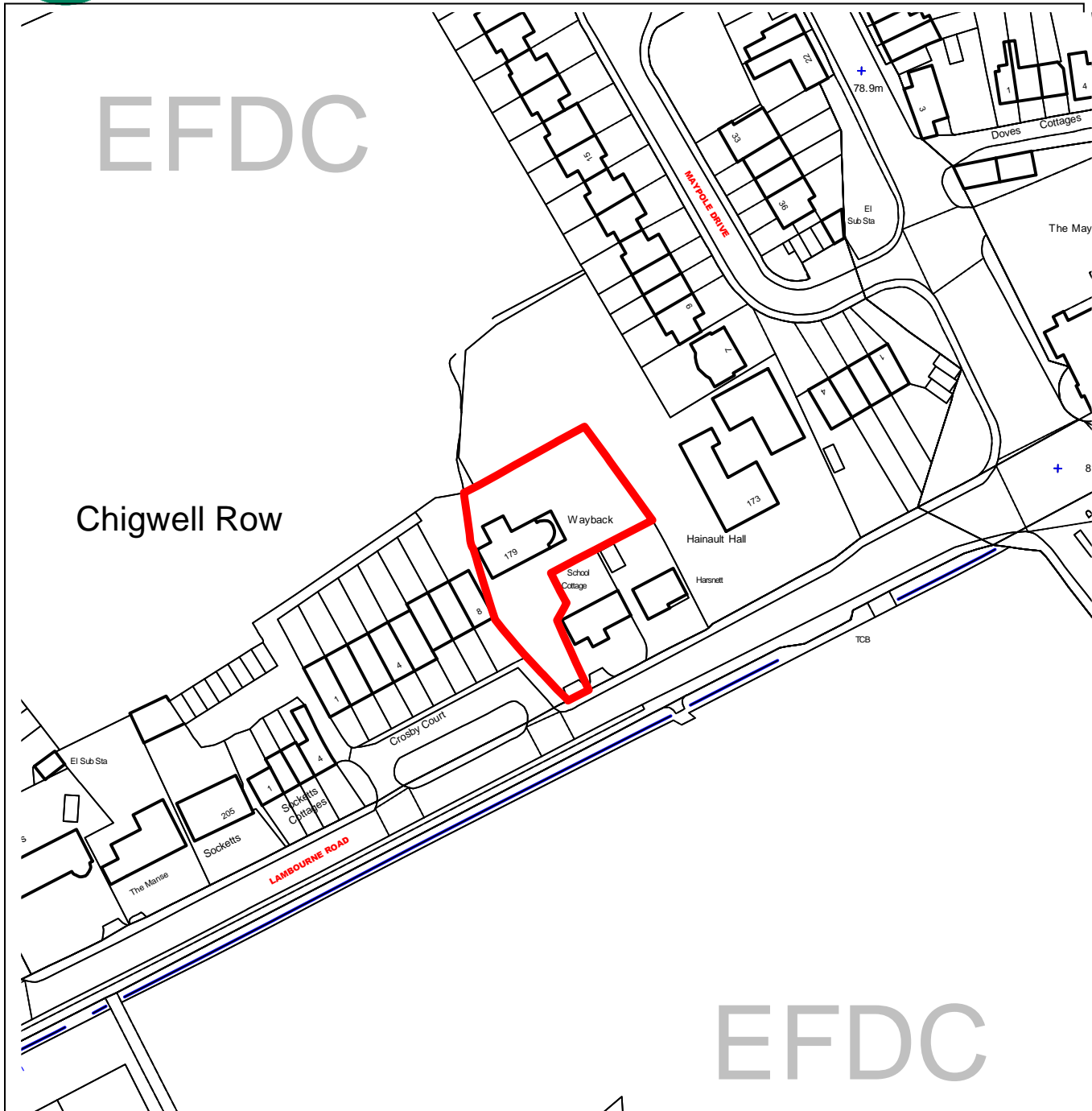




Epping Forest District Council



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Application Number:	EPF/2607/21
Site Name:	Wayback, 179 Lambourne Road Chigwell., IG7 6JU
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/2607/21
SITE ADDRESS:	Wayback 179 Lambourne Road Chigwell IG7 6JU
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Mr Amarjeet Whaid
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and erection of replacement dwelling and ancillary garden outbuilding.
RECOMMENDED DECISION:	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=658134

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: L9523, P-000, P-001, P-002, P-003, P-004, P-005 Rev P01, P-006 Rev P01, P-007 Rev P01, P-008 Rev P01, P-009 Rev P01, P-010 Rev P01, P-011 Rev P01, and P-012 Rev P01.
- 3 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.
- 4 Tree protection shall be installed as shown on Tim Moya Associates 'Tree protection for demolition' drawing number 191109-P-12 and 'Tree protection for construction' drawing number 191109-P-13 (both dated December 2021) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
- 5 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.

- 6 The development hereby permitted shall be carried out in accordance with the details set out in chapters 8 & 9 of the Preliminary Ecological Appraisal by Tim Moya Associates (dated January 2020). The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.
- 7 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.
- 8 Prior to first occupation of the building hereby permitted the windows in the flank elevation (facing Crosby Court) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 9 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.
- 10 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.
- 11 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 12 Access to the flat roof 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.
- 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 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.
- 15 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.
- 16 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.

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 large detached chalet style bungalow situated within the semi-rural area of Chigwell Row. It is not listed, nor within a conservation area or the Green Belt.

Proposal

The proposal is for a replacement dwelling.

The scheme was amended since its initial submission and all relevant parties were reconsulted on the changes.

Too add, this is an amended scheme to that allowed on appeal under EPF/2946/19, with the main changes as follows;

1. The proposal would be sited in the similar position as the existing building;
2. Reduced in scale, bulk and massing;
3. Modern design;
4. Removal of 3 bay garage; and
5. New Outbuilding.

Relevant Planning History

EPF/2946/19 - Proposed demolition of an existing dwelling & erection of a replacement dwelling – Allowed on Appeal

EPF/2929/20 - Application for approval of details reserved by condition 4 'Construction Method Statement' on planning application EPF/2946/19 – Details Approved

EPF/3034/20 - Application for Approval of Details Reserved by Conditions 7"risks posed by any contamination", 8"remediation scheme" & 9" Phase II report" for EPF/2946/19 – Details Approved

EPF/0155/21 - Application for Approval of Details Reserved by conditions 3 `Types and colours of external finishes' & 13 `landscaping' for EPF/2946/19. (Demolition of existing dwelling and erection of replacement dwelling) – Details Partially Approved

EPF/0246/21 - Demolition of existing dwelling and erection of replacement dwelling (Amended application to EPF/2946/19 Allowed on Appeal) – Withdrawn by Applicant

Pre-app - EF\2021\ENQ\00760 - Replacement dwelling (Amended scheme to EPF/2946/19)

Development Plan Context

Local Plan & 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:

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
H4A	Dwelling Mix
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes

National Planning Policy Framework 2021 (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:

Paragraphs 126 & 130
Paragraph 180

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 14th 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. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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 Main Modifications, the **highest weight** should be afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

SP2	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

Summary of Representations

Number of neighbours Consulted: 13.
 5 responses received
 Site notice posted: Yes

173 LAMBOURNE ROAD – Support

5, 6 & 8 CROSBY COURT, 177 LAMBOURNE ROAD - Objections - Summarised as:

- Overshadowing/Loss of light;
- Over-dominant; and
- Out of character/Unsuitable Development.

CHIGWELL PARISH COUNCIL – The Council OBJECTS to this application, because this proposal does not meet with the requirements stipulated in the EFDC Local Plan, Policy DM21. Further it fails to mitigate to a minimum, adverse environmental impacts and fails to align with the carbon emission reduction policies, which would protect the health and well-being of residents.

Planning Considerations

The main issues for consideration in this case are:

- a) Whether the loss of bungalow is justified;
- b) The impact on the character and appearance of the locality;
- c) Highway safety and parking provision;
- d) The impact to the living conditions of neighbours;
- e) Standard of Accommodation for future occupiers;
- f) Trees and landscaping; and
- g) The impact on the Epping Forest Special Area of Conservation.

Loss of Bungalow

The proposal would result in a loss of a chalet bungalow, however Members will note that the previous Inspector did not uphold this reason for refusal on the previous permission and this was subsequently granted consent. Since the previously approved scheme is extant, there would be insufficient grounds to refuse the application on this ground again.

Character and Appearance

Within the immediate surroundings, which is residential in nature, the properties vary in size and design. Other than Hainault Hall, a Grade II listed building, the remainder of the properties lack any significant architectural merit.

The proposed new dwelling would be a contemporary design. It would have large glazed feature gables with grey aluminium frames. It would be finished in Natural White Portland Stone with a grey slate tile roof. Whilst more modern in appearance to its surrounding neighbours, the proposal would represent a visually attractive solution adding to the overall quality of the area.

The proposed dwelling would be of a size and scale not out of keeping with the surrounding area, which contains a varied mix of one-and-a-half and two storey (and two-storey plus), detached and terraced dwellings. This includes larger, two storey detached properties similar to this proposal.

Therefore, the proposed development is not considered to have any adverse impacts upon the character and appearance of the street scene or the wider locality.

Living Conditions of Neighbouring Properties

The proposal would have no material impact to 8 Crosby Court in terms of harmful overlooking, loss of privacy, overshadowing, or overbearing and visual impact, that would warrant a reason for refusal. This is due to the existing relationship between the host house and 8 Crosby Court, the proposed separation distance from the common boundary, and the staggered set in at the first-floor level and above on the west elevation.

Whilst there are upper storey windows facing the rear garden of School Cottage, this would replace existing upper storey windows. This, along with the separation distance from the common boundary, the orientation of the host house facing southeast, and the scale of the proposed dwelling, would ensure that there would be little additional material harm to the residents of Harsnett and School Cottage situated to the front of the host house.

Standard of Accommodation

The proposed development would have sufficient internal and external amenity space for future occupiers of the proposed dwelling, in accordance with the National Described Spaced Standards as set out in Policy DM10 of the LPSV.

Highway safety and Parking Provision

The Highways officer has raised no objections and there is sufficient space to park multiple cars on the site, and no change is proposed to the existing vehicular access.

Trees and Landscaping

The Councils Tree Officer has raised no objections to the proposal, subject to the imposition of conditions as part of the consent.

Epping Forest SAC (EFSAC)

A replacement dwelling will not have an impact to the integrity of the EFSAC, as there will be no increase in recreational pressure and vehicle movements from the site compared to what can be achieved at present.

Other Considerations

With regards to the comments raised by the Parish, it is vague and unsubstantiated and has not led Officers to a different conclusion.

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:

Planning Application Case Officer: Muhammad Rahman on 01992 564415 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk