

REA PLANS SUB-COMMITTEE SOUTH

31 July 2019

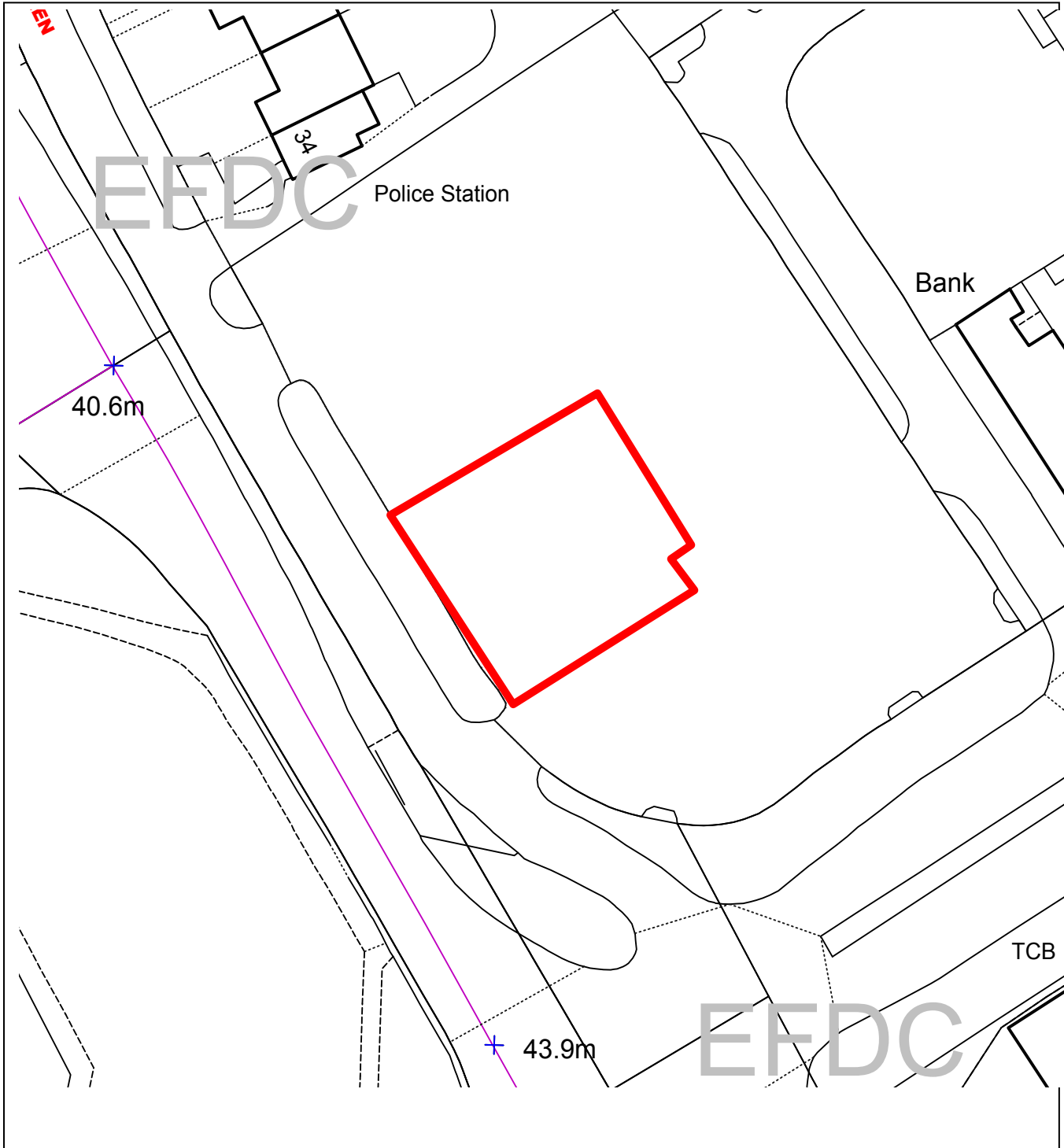
INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/0119/19	1 Landmark House The Broadway Loughton Essex IG10 2FA	Grant Permission (With Conditions)	22
2.	EPF/0304/19	St Thomas More RC Church site Willingale Road Loughton Essex IG10 2DB	Grant Permission (Subject to Legal Agreement)	30
3.	EPF/0517/19	6 Ashley Grove Staples Road Loughton Essex IG10 1HS	Grant Permission (With Conditions)	42
4.	EPF/0868/19	Land at Orchard Way Chigwell Essex IG7 6EF	Grant Permission (Subject to Legal Agreement)	48
5.	EPF/1025/19	46 Stradbroke Drive Chigwell Essex IG7 5QZ	Grant Permission (Subject to Legal Agreement)	60
6.	EPF/1257/19	132 Church Hill Loughton Essex IG10 1LH	Grant Permission (Subject to Legal Agreement)	70
7.	EPF/1278/19	122 Roding Road Loughton Essex IG10 3EJ	Refuse Permission (Householder)	80
8.	EPF/1437/19	38 Chigwell Lane Loughton Essex IG10 3NY	Grant Permission (With Conditions)	86
9	EPF/1574/19	38 Woolhampton Way Chigwell Essex IG7 4QH	Grant Permission (With Conditions)	94



Epping Forest District Council

Agenda Item Number 1



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/0119/19
Site Name:	1 Landmark House The Broadway Loughton Essex IG10 2FA
Scale of Plot:	1/500

Report Item No:1

APPLICATION No:	EPF/0119/19
SITE ADDRESS:	1 Landmark House The Broadway Loughton Essex IG10 2FA
PARISH:	Loughton
WARD:	Loughton Broadway
APPLICANT:	Mr Cem Yaman
DESCRIPTION OF PROPOSAL:	Erection of x 3 no. air conditioning motors and x 2 no. cold room motors on rear wall placed at 30cm above floor level.
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=619453

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1021_GA-E3 P3, 1021_GA-PR-E2 P3, 1021_GA-PR-PL-02 P3, 1021_GA_PR-PL-01 P3, 1021_GA-PR-P-L00 P2, 1021_GA-D-01 P1, Site Location Plan
- 3 The hereby permitted air-conditioning units and refrigeration units shall not operate until the acoustic enclosure is constructed in line with drawing number 1021_GA-PR-PL-02 P3. Any amendment to the design or construction should be agreed in writing with the Local Planning Authority.
- 4 The use of the equipment hereby permitted in reference to EPF/0119/19 must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from the air conditioning units and cold room motors installed pursuant to EPF/0119/19 exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than 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).

Description of Site:

This application relates to commercial units on the ground floor of Landmark House, Debden. The units have been given the address of 30 Barrington Green in relation to street numbering. The units have previously been known as units 2, 3 and 4 Landmark House.

Landmark House has an L-shaped footprint. A northern arm has commercial units numbered 1 to 5. A common entrance to the upper floor residential flats is positioned where the northern arm and an eastern arm conjoin. The eastern arm accommodates a commercial unit which was the subject of an application associated with the Co-op supermarket (EPF/2884/17). The northern arm faces onto Barrington Green and Rectory Lane, these roads running parallel where the proposal is sited. The eastern arm faces onto The Broadway.

The application relates to the mid part of the northern arm, the rear elevation which faces east onto a car park and service yard. There are residential flats on upper storeys of Landmark House.

The commercial unit is within the defined Town Centre of Loughton Broadway on an inset map of the adopted Local Plan. The site is within the Small District Centre of Loughton Broadway as defined in the Submission Version of the Local Plan (Map 5.5 refers).

Description of Proposal:

Erection of x 3 no. air conditioning motors and x 2 no. cold room motors on rear wall placed at 30cm above floor level.

Note: The applicant has reduced the number of condensing units from 3 to 2. Environmental Health Officers have been consulted and agree that 2 condensing units are sufficient. As such the total number of units would be 5 as opposed to the original 6 units that were proposed.

Members wanted clarity on whether 5 units were proposed or 6 and this has been clarified. **This planning application is relating to 5 units in total not 6.**

The applicant has proposed an acoustic enclosure to minimise the noise impact of the units. This is shown on the plans submitted.

The units have been moved from the originally proposed location to further along the wall so that they are not directly below the terraces of the residential units above.

Relevant History:

EPF/2163/13 - Demolition of Public House and garages and replacement with construction of a mixed-use development, comprising retail and food and drink units (within classes A1, A3 and A4) at ground floor level and 64 residential units at upper floor levels (first to sixth floors), together with 64 car parking spaces, service yard, access and car parking. – Granted subject to legal agreement 28/03/2014

Officer comment: The above planning decision relates to the original consent for Landmark House which was formerly occupied by The Winston Churchill public house. As part of this consent, planning permission was granted for the unit to operate in A3 use (restaurant/cafe).

EPF/1691/18 - Change of use of Units 2, 3 and 4 previously permitted to be used for purposes within Use Class A3 (restaurants and cafes) under planning permission EPF/2163/13 to use for a mix of purposes within Use Class A3 (restaurants and cafes) and Use Class A5 (hot food takeaways). Provision of outside seating area of 8 tables for 32 covers. Installation of extractor

ventilation system connected to external acoustic aluminium weather louvres to the rear at ground floor level. – Refused 03/10/2018

EPF/2844/18 - Certificate of lawful use for existing A3 use - installation of extraction equipment to allow A3/A5 use to ground floor unit. – Lawful 29/11/2018

Officer comment: In relation to the above certificate of lawfulness, the local planning authority was satisfied that the proposed use of the land specified by the location plan as a restaurant (A3 use) has planning permission for such use; that the takeaway element (A5 use) as specified in the submitted documentation would be ancillary and incidental to the restaurant; and, that the installation of the air extraction equipment as specified in the submitted documentation would be "de minimus" in relation to the use of the land as a whole. Planning permission is therefore not required.

The extraction system would be limited to two louvred vents. These would only impact on the external appearance of the premises in that two vents would be set on the rear elevation. The vents would be small in proportionate terms and unobtrusive. The collars of the vents and the louvres would have an aluminium finish. Two vents, one for intake and one for extraction, would be set on the rear elevation of the premises, the eastern elevation onto a parking and servicing area. The position of the vents is illustrated on the first page of document SGL:001 (submitted as part of the certificate application). The size of the vents is also indicated on the floorplan, drawing A107 (submitted as part of the certificate application).

The two vents serving a restaurant would therefore be "de minimus"; no planning application would be required for the vents in the context of them being an element of the restaurant use.

Policies Applied:

Epping Forest Local Plan (1998) and Alterations (2006):

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

RP5A – Adverse Environmental Impacts

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been adopted as national policy since 2012, most recently updated in February 2019. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Presumption in Favour of Sustainable Development

SP2 E. (i) and F (i) - Spatial Development Strategy 2011-2033

DM21 A. and B. (i) and (v) - Local Environmental Impacts, Pollution and Land Contamination

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 73

Site notice posted: No, not required

Responses received:

1 LANDMARK HOUSE – Object, would be directly underneath our property, unwanted hot/cold air by our balcony, noise, smell, problems identified in previous petition applies, these types of installations can only be for a bar/pub with associated unruly/anti-social behaviour and late opening hours.

10 LANDMARK HOUSE – Object, could lead to the construction of a bar/pub, noise pollution would be made much worse, would affect residents sleeping in their own homes, diminish the view and entire look of the building, would appear unpleasant and be prominent from most angles, residents with balconies will no longer enjoy sitting and relaxing on them with the noise, smell and ugliness of the units, terror at the prospect of re-sale of apartments if to be set above a bar/pub, pleasant and quiet balconies is the main reason people have chosen to live in Landmark House.

27 LANDMARK HOUSE – Object, public nuisance, excessive noise, unpleasant odours, adverse impact to the external appearance of the property, a loss in market value which is difficult to quantify, searches conducted by our solicitors contained no notice of external additions to the property, flat occupied by a nurse working unsocial hours and therefore in need of sleeping during the day and at night after a long day shift, would be unable to open windows or sit on the balcony, no information regarding fire or other hazards, not clear why proposed.

37 LANDMARK HOUSE – Object, a pub below a residential building would be disruptive, music, chatter, shouting, smoking, outdoor drinking, incredibly damaging to the happiness we feel in our own home, a pub might encourage drug related activity in the area, I do not wish to start feeling less safe in the neighbourhood I live.

40 LANDMARK HOUSE – Object, a pub will cause lots of noise and trouble near our home.

41 LANDMARK HOUSE – Object, visual pollution, air pollution, noise pollution, potential smell associated, the building should have been originally designed for the intended use so that applications like this would not be needed.

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this application. Whilst appreciating that air conditioning is a requirement for public houses and restaurants, members felt

architects would need to look at other solutions that did not affect the residents' enjoyment of their properties and quality of life in relation to noises and smells

Main Issues and Considerations:

The main issue with this application is whether the air conditioning motors and cold room motors, would cause noise disturbance to occupiers of residential flats to a degree that would be unreasonable.

Background

As stated earlier in this report, planning approval has been granted for the unit to be used as an A3 use. (restaurant/café) A certificate of lawfulness has been granted subsequently for an A3/A5 mixed use with the A3 element being the predominant use and the A5 element (takeaway) being ancillary to the A3 element.

Note: To confirm there have been no planning appeal for this unit/application site.

Impact on living conditions of neighbours

- The hours of operation for the restaurant which has planning approval are Monday to Sunday, 9am to 11pm.
- The alcohol licensing hours for the restaurant are 10am to 11pm. Monday to Saturday and 10am to 10.30pm on Sundays.
- 3 air conditioning units and 2 registration/cold room units are proposed as part of this planning application.
- The proposed units would sit below flats 1 and 2 Landmark House and these would be the units that would be most impacted by the proposed development.
- The proposed air conditioning units would be operational Monday to Sunday 9am to 11pm. The air conditioning units do not need to be run at all times, only when the business is open and when there are customers within the premises. These will be switched off when the premises is not operating
- Cold room units would run 24 hours. The cold room units do need to operate at all times for food safety reasons.
- An acoustic enclosure is proposed which will significantly reduce noise levels.
- **Environmental Health were consulted on the proposal and have provided the following comments:**

'My calculations indicate that 5 units give a worse case scenario noise level at 5m (which is about the distance to the closest noise sensitive premises above the units) of 51dB. From my calculations, it would appear that the 5 unit configuration provides a 5dB improvement to the noise climate (excluding any tonal correction required by BS4142 (2014)).

I understand that the rockwool units you intend to use is the 100kg/m³, and at 50mm thick. In the absence of any noise frequency data of the units, I've looked at the 1Khz band (with an absorption

coefficient of 0.9). This gives a reduction in noise of 20dB. Assuming that there may be some noise breakout from the front and side of the enclosure, I would estimate that there would be about a 15dB noise reduction from the enclosure.

This suggests that the noise at the closest balcony to the units would be 39dB in a worse case scenario. BS8223 (2014) suggests that the average noise levels (LAeq) for outside areas should not exceed 55dB, living rooms not exceed 35dB (both during the day) and bedrooms not exceed an average of 30dB at night.

Assuming windows are opened, in the closest rooms, (with an assumed 10dB further reduction), the units would provide a 29dB level in the living and sleeping areas.

As such, I do not think that the noise from the units would cause a significant loss of amenity to those in neighbouring residential properties, providing the enclosure is made and correctly constructed'

Whilst I am of the opinion that there has been steps taken as reasonably practicable to mitigate the risk of the noise from the units impacting significantly on the neighbours, I would still recommend the following conditions are included any permission granted to the development, to ensure that the units do not impact the residents significantly:

- 1. The hereby permitted air-conditioning units and refrigeration units shall not operate until the acoustic enclosure is constructed as to the details submitted to the Local Planning Authority under drawing number 1021_GA-PR-PL-02 P3). Any amendment to the design or construction should be agreed in writing with the Local Planning Authority.*
- 2. The use of the equipment hereby permitted in reference to EPF/0119/19 must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from the air conditioning units and cold room motors installed pursuant to EPF/0119/19 exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.*

The conditions proposed by Environmental Health will safeguard their living conditions. Indeed, the availability of air conditioning within the unit will facilitate and encourage the restaurant to operate with its doors shut, limiting the escape of normal noise associated with the use. That arrangement would be of some benefit to the living conditions of flats adjacent to the premises.

Planning permission has been granted for a mixed-use development - food and drink units at ground floor level and residential units at upper floor levels – by planning permission EPF/2163/13. It is considered reasonable to expect that purchasers of the flats would have been aware that the residential properties were in a mixed commercial and residential setting. Buses pass the site and commuters going to the underground station contribute to activity outside the site. It is understood that a number of business premises, in a more general vicinity, along The Broadway are open from 6am. Whilst the proposal would generate some noise, there is some background noise at this locality.

Members are advised an Inspector commented in a recent appeal decision for a nearby unit (APP/J1535/W/18/3203201) that Landmark House is sited at the busy junction of Rectory Lane and The Broadway. The Inspector described the prevailing character of the vicinity as a bustling local centre. The site is in a commercial centre as shown in the Submission Version of the Local Plan.

Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. This is considered to be the case in this instance.

Impact of the proposed units on the design and appearance of the application site and immediate locality.

The condenser motors would have very limited visual impact. They would be set on a rear wall, a wall onto a car parking area and service yard. The five motors would be arranged within an acoustically boxed enclosure and set further along the wall compared to the original proposal. As such they would no longer be directly below the terraces of the residential units. .

Conclusion:

Given the scale of the proposal, that such a proposal would be expected in connection with a restaurant use and that the proposal is not in a wholly residential setting refusal of the proposal could not be reasonably and adequately supported. It is recommended that planning permission be granted subject to a condition regarding noise as recommended by Environmental Health.

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: Sukhdeep Jhooti
Direct Line Telephone Number: 01992 564 298***

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



Epping Forest District Council

Agenda Item Number 2



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/0304/19
Site Name:	St Thomas More RC Church site Willingale Road Loughton Essex IG10 2DB
Scale of Plot:	1/1250

Report Item No:2

APPLICATION No:	EPF/0304/19
SITE ADDRESS:	St Thomas More RC Church site Willingale Road Loughton Essex IG10 2DB
PARISH:	Loughton
WARD:	Loughton Broadway
APPLICANT:	Mr Simon Lambourne
DESCRIPTION OF PROPOSAL:	Redevelopment of site to provide 16 houses and 10 flats, including a new community hall (class D1/D2), associated parking, access, hard and soft landscaping and all ancillary works.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=620275

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1854 SLP-01, 1854 E-01, 1854 E-02, 1854 E-03, 1854 E-04, 1854 E-05, 1854 E-06, 1854 E-07, 1854 E-08, 1854 E-09, 1854 P-01 Rev D, 1854 P-02 Rev B, 1854 P-03 Rev B, 1854 P-04 Rev B, 1854 P-05 Rev B, 1854 P-06 Rev B, 1854 P-07 Rev B, 1854 P-08 Rev B, 1854 P-09 Rev B, 1854 P-10 Rev D and 1854 P-12 Rev B
- 3 Materials to be used for the external finishes of the proposed development shall match those as outlined on plan no. 1854 P-10 Rev D unless otherwise agreed in writing by the Local Planning Authority.
- 4 The parking areas shall be surfaced as per the materials outlined on plan number 1854 P-02 Rev B, unless otherwise agreed in writing by the Local Planning Authority.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C, D and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 The D1/D2 use hereby permitted shall not be open to customers/members outside the hours of 07:30 to 21.00 on Monday to Friday, 08.00 - 20.00 on Saturday and 08.00 and 17.30 on Sundays and Bank Holidays.
- 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.
- 8 The parking spaces shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 9 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 10 No development shall commence until 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 have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 11 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 12 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.
- 14 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. The development shall be carried out in accordance with those approved details.
- 15 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.
- 16 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. These works shall be carried out as approved. The hard landscaping details shall include, all means of enclosure; all hard surfacing; 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.
- 17 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 unless the Local Planning Authority gives its written consent to any variation.

- 18 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.
- 19 The window openings in the first floor rear elevation of plots 24 and 25 shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 20 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 21 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
 - Limiting discharge rates to a minimum of 50% betterment of the existing brownfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- 2
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Demonstrate that all storage devices have a half drain time of less than 24 hours
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.
- Reason:
- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
 - To ensure the effective operation of SuDS features over the lifetime of the development.
 - To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before
- 22 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

- 23 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
- 24 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- 25 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 26 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

Description of Site:

The application site is a roughly triangular site located at the junction of Collard Avenue and Willingale Road, with the narrow part of the site at this junction. There is a gentle slope across the site with the Collard Avenue side on higher ground. The site previously was used as a church, church hall, priests house and car park but now redundant for this use. The site has a protected tree in the south east corner and a large Ash tree in the south west of the site which is not protected. The site is an allocated site for housing within the Submission Version of the Local Plan (SVLP).

The site is located within the built-up area of Loughton, approximately 1.5km from Debden Station. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

The proposal seeks consent for 16 houses and 10 flats (26 dwellings in total) including a new community hall (class D1/D2), associated parking and accesses. The proposal is for a three storey 'L' shaped block housing 9 flats (8 x 2 bed and 1 x 1 bed) at the apex of the site, with terraced and semi-detached 3 and 4 bed houses around the perimeter of the site, with one terrace of houses within the site. An additional 1x 2 bed flat will be located above the community use. 41 car parking spaces are proposed and two communal amenity areas are also proposed.

Relevant History:

No relevant applications. However, the scheme was submitted as a pre-application proposal and extensive discussions have taken place with Planning, Housing and Urban Design Officers resulting in the current scheme.

Policies Applied:

Local Plan (1998) and Alterations (2006)

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
DBE1	Design of New Buildings
DBE2	Amenity Issues
DBE3	Development Layout
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST6	Car parking
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H5A	Provision for Affordable Housing
H6A	Site Thresholds for Affordable Housing
H7A	Levels of Affordable Housing
CF8	Public Halls and Places of Religious Worship
CF12	Retention of Community Facilities

National Planning Policy Framework (NPPF) (February 2019)

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

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

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

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

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. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight
SP1 Presumption in Favour of Sustainable Development	Significant
SP3 Place Shaping	Significant
H1 Housing Mix and Accommodation Types	Significant
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM9 High quality design	Significant
DM10 Housing design and quality	Significant
H1 Housing mix and accommodation types	Some
H2 Affordable Housing	Some
DM11 Waste recycling facilities on new development	Significant
DM16 Sustainable Drainage Systems	Significant
DM18 On site management of waste water and water supply	Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

Date of site visit: 31st January 2019

Number of neighbours consulted: 91

Responses received:

66 COLLARD AVENUE – No objection but concern with height of flats, noise from community hall
LOUGHTON RESIDENT'S ASSOCIATION (PLANS GROUP) – Objection, overdevelopment of the site, out of keeping with surrounding 2 storey properties (particularly flats), insufficient off-street parking.

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

Main Issues and Considerations:

Character and appearance

The proposal results in the demolition of the existing buildings on the site which although include a large church building sits within a spacious and landscaped site. Therefore the proposal will result in a significant change to the density of built form on the site. However, the surrounding pattern of development is of terraced and semi-detached properties and this proposal is similar to the surrounding plan form.

The proposal has been developed with extensive discussion with the Council's Urban Design Officer who has guided the proposal to its current form. The built form of the proposal is broken up with communal amenity areas (including the retention of an attractive un-protected Ash tree) and a further area around the protected tree reducing the impact of the built form and taking inspiration from the established small areas of green at the corners of the surrounding roads.

The block of flats will result in a three storey development in a area of two storey housing, however it has been designed as an anchor building for the development so that it has a prominence within the streetscene. It will however be viewed within the context of the proposed houses and given the flat roof design with green roof, (which provides a more contemporary appearance) the flatted element is only 1m taller than the proposed houses. Although different, it is considered to respect both the surrounding properties off site and on and not to disrupt the character or appearance of this part of the streetscene.

The houses are link detached and have traditional pitched roofs with contemporary elements. In the main, the houses front the road and have rear gardens with the exception of plots 21-23. There is ample separation between those properties which back to back and the communal amenity areas provide a more sylvan in nature and spacious in character scheme.

With regards to the car parking areas proposed – these have been specifically revised through the pre-app process and through the application process to avoid the dominance of cars within the scheme. This has been achieved in part by breaking up the two car parking 'courts' by differing surfaces including reinforced gravel and the use of reinforced grass surfacing, along with landscaping in these areas. This will avoid drab parking areas and create a more visually attractive area particularly for those properties which will front these areas. In addition the use of parallel parking spaces for the houses avoids wide driveways and a further dominance of parking.

Material choices have been carefully selected and assessed at this stage to ensure that the scheme moves from plan form to completed build stage with the same high quality. The use of brick and weatherboard cladding is considered acceptable. Red brick has been used in surrounding properties and the use of cladding and grey window frames will create a contemporary appearance to the development. The materials can be conditioned to ensure that those proposed are used within the development.

In summary it is considered that the scheme results in a well thought out design which has benefitted from the advice of the Council's Urban Design Officer. Although the proposed scheme is for more dwellings than the SVLP allocation suggested (18), it is considered that the scheme has achieved a high quality design, which does not result in overdevelopment of the site.

Neighbouring Amenity

Due to the location of the site at the junction of the two roads, the site only has immediate neighbours to the south. Prior to submission of the proposal the applicant's consulted with these neighbours to the south and altered the layout following comments received (most notably

removing a parking court which backed onto the rear gardens of these properties) and this form of neighbour consultation is appreciated.

With regards to No.108 Willingale Road (to the south east of the site) the proposal will result in development within 1m of the flank wall of the attached garage to this property. Although close, plot 20 (the nearest house) will not extend beyond the rear of No. 108 so loss of light and outlook is not considered a significant issue with this relationship. Although there will be first floor windows, it is not considered to give rise to such a significant increase in possible overlooking above that from the existing houses to the south of No. 108.

To the opposite side of the site on Collard Avenue, maisonettes side onto the site. In this case the proposal is some 4m from the flank wall of the nearest property, and again does not extend beyond the rear of these properties so considered acceptable.

The properties of Collard Avenue and Willingale Road rear gardens are back to back and proposed plots 24 and 25 will back onto the side of these rear gardens. The built form of these properties is within 5m of the southern boundary of the application site. However, these properties have been designed so that the first floor element has windows that serve bathrooms, stairs or are secondary windows and therefore can be conditioned as obscured glazed to avoid any overlooking. Therefore although relatively close to the boundary, there is sufficient distance to prevent the proposal appearing overbearing and with obscure glazing will avoid any overlooking.

With regards to the surrounding properties that front on to the site, clearly there will be a change in view but no other significant amenity issues are raised.

Amenity of Future Occupiers

The proposal meets the current nationally prescribed space standards for all dwellings and is therefore inline with Policy DM10 of the SVLP. With regards to the provision of amenity space, this has been significantly increased for the flats to the north so that each of the ground floor flats has a patio area with direct access and in addition, for all flats access to a communal area has been provided directly adjacent to the flats of approximately 130m². This will be landscaped to the front (road side) and rear (car park) to make it a useable and semi-private area for future occupiers. The applicant's have provided a sunlight study for this amenity area (it is located between buildings) and the study concludes that the amenity area exceeds the BRE guidance. This area is in addition to the larger communal area to the south which will be a more public space with paths connecting the development site with the highway, but still useable if required.

In addition, all the apartments have dual aspect which creates a better form of living accommodation for future occupiers.

The houses all have ample rear gardens, with no north facing gardens so that the gardens all will get a sufficient supply of sunlight and be useable spaces.

Plot 18 will be located above the community hall and therefore they may be some noise and disturbance from this use. The applicant's have proposed opening times for this element M-F: 07.30-21.00, Sat: 0800-20.00 and Sun and BH: 08.00-17.30 and it is considered these times are suitable. It is not the intention of the applicants to have this use as a social club i.e. no late parties and the times proposed can be conditioned to limit any unsocial noise.

Affordable Housing

9 affordable housing units are proposed with this application. The Council's Housing Officer, initially objected to the scheme because the proposed offer of 9 dwellings results in approximately 34.6% of the overall number of units being affordable rather than the policy requirement of 40%

affordable. The applicant and the Housing Officer had extensive discussions on this matter and the applicant submitted a viability report which was assessed by the Council's consultants (at the cost of the applicant) to agree an outcome on the numbers proposed.

Following the consultant's conclusions, the applicant is now willing to provide 9 affordable units, of those 9 there will be 3 x 2bed shared ownership apartments, 5 x 2bed affordable rented apartments and 1 x 1bed affordable rented apartment. In addition to this onsite provision, a financial contribution of £33,146 will be made towards the provision of affordable housing elsewhere in the District. On the basis of the consultant's report and the agreement by the applicant, the Housing Officer on this basis has removed their objection.

Highways and Parking

The parking on this site has been a significant issue raised throughout the pre-application discussions and throughout the application process. The number of parking spaces for this proposal increased significantly from the pre-application scheme but has decreased slightly during the course of the application process, in the main to achieve a more visually attractive layout. The scheme currently proposes 41 spaces for 26 dwellings and the D1/D2 use.

If the Essex Parking standards were strictly applied 51 spaces would be required for the housing plus 3 spaces for the D1/D2 use. However, this site is within an easy walk of the shops and services within the Broadway and Debden Station and is considered a fairly sustainable site. Emerging SVLP policies promote sustainable development and car free developments, and the Essex Parking Standards also allows for reductions in parking numbers. This proposal is 30% below the requirements of the Essex Parking Standards but this is considered acceptable and appropriate for this location, providing sufficient parking whilst promoting the sustainability of the site.

In addition the first submitted plans for this application did not provide car parking spaces to the sizes required by the Parking standards and the amended plans (albeit with less spaces) now meet this requirement. The Essex County Council Highways Officer originally objected to the scheme but following the re-design has no objection to the proposal.

This development is considered to have achieved the balance of providing sufficient on-site car parking without creating a development that is dominated by cars.

Loss of Community Use

The proposal results in the loss of a church and church hall which did provide a community use for the wider area. However, this use ceased in October 2015 and no community use has been present at the site. Although it is regrettable that this large community use is now redundant, the proposed scheme does include a proposed D1/D2 hall which may be of more value to the wider community as a more useable size and therefore the inclusion of this element is a welcome addition to the scheme and one that is supported given the loss of the existing buildings.

Landscaping

The Council's Tree and Landscape Officer has no objection to the scheme subject to conditions to ensure the retained trees are protected, the retention of the trees and the submission of hard and soft landscaping scheme. The Tree Officer would have preferred the planting of a replacement tree for the most northerly tree which was removed recently (not protected), however the inclusion of a tree within the apartments communal area goes some way to mitigate against this loss. A landscape masterplan was also submitted as part of the application, at the request of the urban design officer and this shows how the layout of the built form has been designed around landscaping.

SAC and Air Quality

Policies DM 2 and DM 22 of the Local Plan Submission Version, sets out issues that have been identified in relation to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development within 3km of the SAC, and from the effects of air quality throughout the District. The Council has agreed a financial contribution with regards to visitor numbers but is still working with partners with regards to the contribution for air quality.

Notwithstanding the fact that part of this work is yet to be completed the agent has confirmed willingness to enter into a s106 agreement (and has commenced drafting this with the Council's legal team) to provide the appropriate contributions when negotiations are finalised.

Conclusion:

The proposal results in new dwellings within an urban part of the District, it proposes a well-conceived design, and layout, has limited harm to surrounding neighbours, provides sufficient parking in this sustainable part of the District, and provides onsite and an offsite contribution for affordable housing. Therefore given the above assessment and subject to a legal agreement the application is recommended for approval.

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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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



Epping Forest District Council

Agenda Item Number 3



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/0517/19
Site Name:	6 Ashley Grove Staples Road Loughton Essex IG10 1HS
Scale of Plot:	1/500

Report Item No:3

APPLICATION No:	EPF/0517/19
SITE ADDRESS:	6 Ashley Grove Staples Road Loughton Essex IG10 1HS
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Ms Andrea Lopez de Pablo Hernando
DESCRIPTION OF PROPOSAL:	Proposed roof extension.
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=621002

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Location Plan, 1830-05, 1830-09b, 1830-11, 1830-07, 1830-06a, 1830-08, 1830-02, 1830-04c, 1830-12a, 1830-13
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.
- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before the Committee since the recommendation is for approval as more than five objections have been received which are material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site comprises of a two storey end of terrace dwellinghouse within the built up area of Loughton St.Johns. Metropolitan Green Belt land is situated further north west of Ashley Grove. Further east of Ashley Grove is the York Hill Conservation Area. The application building itself is not a Listed Building and there are no Listed Buildings adjoining the site. Land levels rise to the west but fall significantly to the east. Dwellings 1-9 on Ashley Grove are well-screened by mature trees and landscaping. They are not readily visible even at oblique views when viewed from different angles along the street scene. These trees and landscaping which is outside the site curtilage of no's 1-9 Ashley Grove are owned by the City of London Corporation and managed by the Conservators of Epping Forest. They are protected because of the Epping Forest Act 1878 and any works to these trees requires the permission of the Conservators. As such they are highly unlikely to be removed in future and therefore provide effective screening from different angles along Ashley grove and Staples Road notwithstanding the topography of the site and locality.

To the east is 7 Ashley Grove which is a two storey dwelling with a pitched roof. To the west is 5 Ashley Grove which is an end of terrace two storey building with a flat roof. To the rear land levels fall steadily along the application site and at no's 6 and 7.

Description of Proposal:

Proposed roof extension

Note: The proposed single storey front and rear extension shown on the proposed plans and elevations have been approved under decision reference EPF/3168/18 and is shown for purely indicative purposes.

Relevant History:

EPF/3168/18 Single storey front and rear extensions. Approved
EPF/2031/16 Prior approval application for a 4.36 metre deep single storey rear extension, eaves height 2.8 metres and overall height of 2.95 metres. Prior Approval Required and Granted
EPF/1403/16 Certificate of Lawful Development for proposed single storey rear extension. NOT LAWFUL.

Policies Applied:

Adopted Local Plan:

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

NPPF:

The Revised National Planning Policy Framework (NPPF) has been published as of February 2019. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in Favour of Sustainable Development
DM9	High Quality Design
DM10	Housing Design and Quality

Consultation Carried Out Summary of Representations Received

Number of neighbours Consulted: 17

Responses received: HILLS AMENITY SOCIETY – OBJECT on the following grounds:

The property is between two Conservation areas. Will affect privacy of neighbours and obstructs views of the forest, giving them a very enclosed environment.

7 ASHLEY GROVE - OBJECT: Loss of light, outlook and privacy. Out of character

10 FOREST WAY – OBJECT: Loss of light, outlook and privacy. Out of character

8 FOREST WAY- OBJECT: Loss of light, outlook, privacy. Out of character

12 FOREST WAY – OBJECT: Loss of light, outlook, privacy. Out of character

20 FOREST WAY – OBJECT: Loss of light, outlook, privacy. Out of character

4 FOREST WAY – OBJECT: Loss of light, outlook, privacy. Out of character

Parish Council: CONCERNED that this proposal would cause overlooking and loss of privacy for the residents of 12 Forest Way; and the design was out of keeping for this road which borders the Conservation Area.

Main Issues and Considerations:

The main issues to be considered with this application relates to design and impact on neighbour living conditions.

Design

The proposed extension at roof level would result in the existing two storey dwellinghouse having a pitched roof extension with a dormer window – it will remain two storeys but would have roof accommodation like what has been approved number 5 under decision reference EPF/0488/19 and as witnessed at no. 4 Ashley Grove. It would match the building height of adjoining no. 7 Ashley Grove which is a two storey building with a pitched roof. It would create balance and symmetry to this row of terraced dwellings. The proposal would not be readily visible from the public highway/streetscene due to the presence of mature screening which is owned and managed by the Conservators of Epping Forest. The proposal would be of a brick-built finish and would have proportionate glazing that would match the glazing of the adjoining dwellings at no. 5 and 7.

The proposed bay window projection will serve as a characteristic feature of the application dwelling due to its edge of brick detailing, tile hung roof form and proportionate glazing. It will complement the design of the existing dwellinghouse and due to its minimal projection and proportionate height and width would not appear bulky or over-dominant in relation to the host dwelling. This has been approved under decision reference EPF/3168/18.

The proposed front rooflights will be proportionate in number and size and would not appear over-dominant within the front roofslope. The rooflights would match the proportions of glazing below roof level.

The proposed single storey ground floor rear extension has been approved under EPF/3168/18.

The proposed roof extension will result in proposed glazing to the rear at roof level. This will appear no different to glazing to a loft conversion and is proportionate in size.

Living Conditions

The single storey rear and front extension shown on the proposed plans have been approved under decision reference EPF/3168/18. These extensions by reason of their overall height, depth and width would not cause significant harm to neighbour amenity.

The proposed roof extension would have a similar height to no. 7 which is attached to this dwellinghouse and would not be readily visible from the rear habitable room windows of this dwellinghouse. The proposal would not protrude the 45 degree line from the centre of the nearest front and rear first floor habitable room windows of this adjoining dwelling. As such the proposal would not result in a significant loss of outlook, light or privacy afforded to this neighbour. It would by reason its height, depth and width not result in a severe sense of enclosure or appear excessively overbearing when viewed from the garden area of this adjoining dwellinghouse.

The application dwelling is set off by 2m from the common boundary with no 5 Ashley Grove to the west. The application dwelling set 2m forward of this adjoining dwelling. This adjoining dwelling is two storey in height but has approval for a similar proposal which has not been implemented yet under decision reference EPF/0488/19. Whilst the proposal would result in a 2.7m height increase compared with the existing situation, and would be higher than the two storey height of this adjoining dwelling to the west, given the spacing between the dwellings, the proposal is not considered to result in a significant loss of light, outlook and privacy afforded to the occupiers of this dwellinghouse when viewed from their front habitable room windows and garden areas. It would not breach the 45 degree line when taken from the centre of this neighbour's nearest first floor habitable room window.

The proposed roof extension would not result in significant increases in the levels of overlooking to no. 12 Forest Way to the rear compared with the existing situation. This is due to the 20m distance

of the proposal from the garden area of this dwellinghouse and the 28m from this dwellinghouse. Moreover, due to the orientation of his dwelling and no. 12 Forest Way to the rear, there would be no direct overlooking into the rear garden area and habitable room windows of this adjoining dwellinghouse. Separately the proposal is at a significant distance away from no., 20 Forest Way and would have limited to little impact on this neighbour's amenity as a result.

In terms of no. 10 Forest Way, the proposed extension would be some 20m from this neighbour's habitable room windows and some 14 metres from this neighbour's garden area. Moreover, the application dwelling is orientated away from this dwellinghouse so the proposal would not amount to direct overlooking of this adjoining dwellings garden area and habitable room windows. Due to the distance, height and siting of the proposal, it is not considered that the proposed roof extension would cause significant loss of outlook, light or privacy when viewed from this adjoining neighbour's garden and habitable room windows.

In terms of the impact on no.8 Forest Way, it is some 12m from this neighbouring dwellings garden and some 21m from this neighbour's garden. The application proposal would not directly face/overlooking this dwellings garden area/habitable room windows due to the orientation of the application site and this neighbouring dwellinghouse. The proposal as such would not result in a detrimental impact on the light, outlook and privacy afforded to existing and future occupiers of this adjoining dwellinghouse.

In terms of the impact on the occupants of no. 4 Forest Way, the proposal would be some 22m from this dwelling and some 20m from their garden area. The proposal is orientated away from this dwellinghouse. The proposal would not amount to direct overlooking of this dwellinghouse as a result. Due to the separation distance, siting, and height of the proposal in relation to this two storey dwellinghouse, it would not result in significant loss of light, outlook and privacy afforded to the inhabitants of this neighbouring dwellinghouse to justify refusal of planning approval.

Due to the mature screening at the site frontage (on Forest land) the proposed extensions to the front will not be readily visible to dwellings along Staples Road to the fronting the site (to the south of the site).

Other Matters

A similar scheme has been granted at no.5 Ashley Grove under decision reference EPF/0488/19 and the vast majority of dwellings along this small street as well as to the rear along Forest Way are two storey dwellinghouses. The approval at no. 5 Ashley Grove and the building heights/roofscapes of dwellings along Ashley Grove and Forest Way are important material considerations that cannot be overlooked when assessing this particular proposal. If members are minded to refuse the proposal, these matters would be considered by the planning inspectorate were it to go before an appeal.

Conclusion:

The proposed development for reasons outlined above would safeguard the living conditions neighbours due to its overall size, scale and siting and would add balance and symmetry to the existing row of terraces. It therefore complies with relevant planning policy and guidance and is accordingly recommended for approval subject to conditions.

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

Planning Application Case Officer: Sukhdeep Jhooti

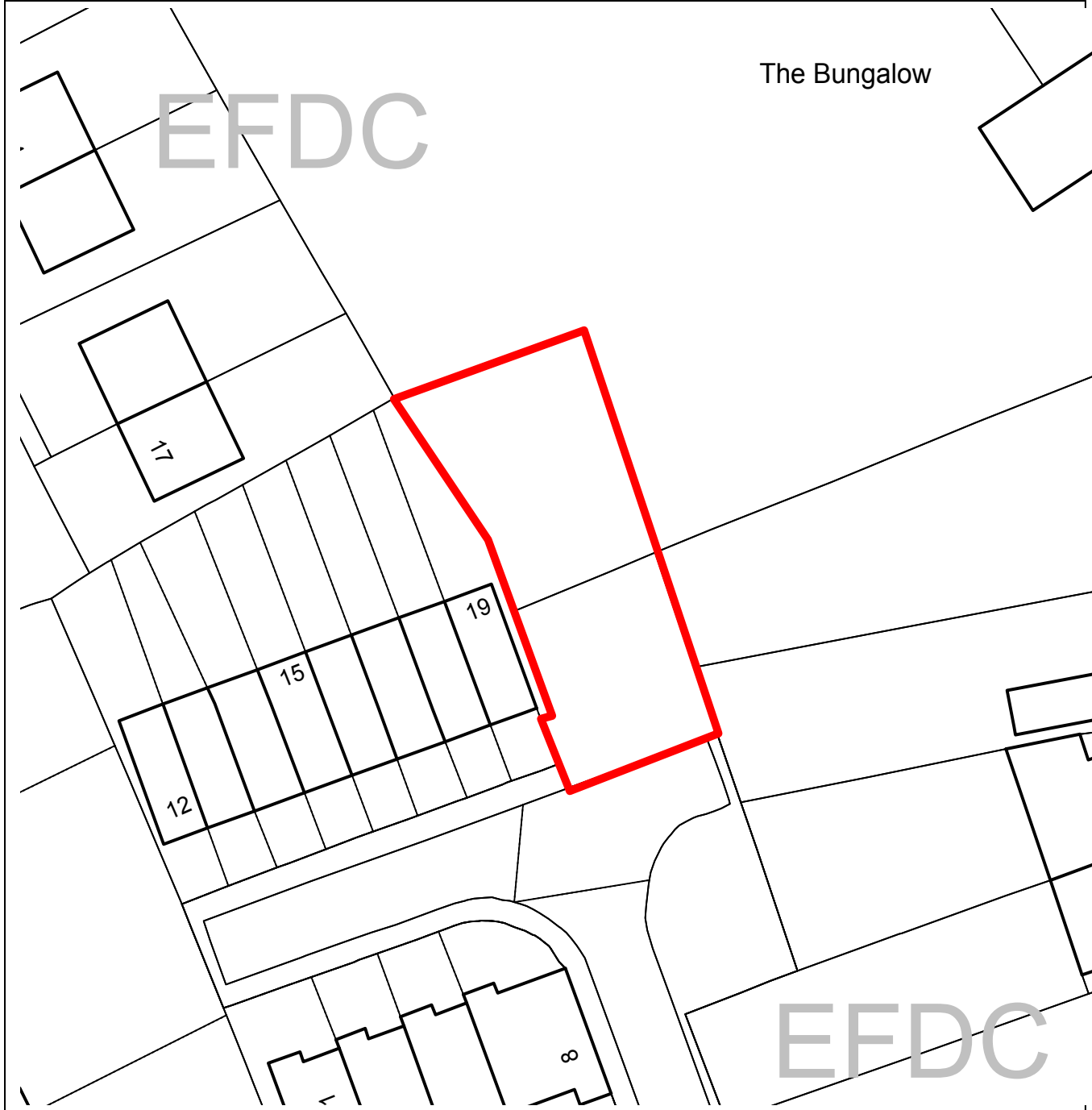
Direct Line Telephone Number: 01992 564 298

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



Epping Forest District Council

Agenda Item Number 4



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/0868/19
Site Name:	Land at Orchard Way Chigwell Essex IG7 6EF
Scale of Plot:	1/500

Report Item No:4

APPLICATION No:	EPF/0868/19
SITE ADDRESS:	Land at Orchard Way Chigwell Essex IG7 6EF
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Mrs P Healy
DESCRIPTION OF PROPOSAL:	Erection of a three-storey building to provide one 3 bedroom house and two 1 bedroom flats with associated car parking and amenity.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=622456

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 01, 5216-TFP-ZZ-ZZ-DR-A-2000 S1 P2, 5216-TFP-ZZ-ZZ-DR-A-2007 S1 P1, 5216-TFP-ZZ-ZZ-DR-A-2005 S1 P1, 5216-TFP-ZZ-ZZ-DR-A-2006 S1 P1, 5216-TFP-ZZ-XX-DR-A-2011 S1 P1, 5216-TFP-ZZ-XX-DR-A-2010 S1 P1, 5216-TFP-ZZ-XX-DR-A-2009 S1 P1, 5216-TFP-ZZ-XX-DR-A-2008 S1 P1
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 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.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and shall be installed and retained thereafter for use by the occupants of the site.
- 7 The development be carried out in accordance with the flood risk assessment (Infrastructure CS Ltd, Ref 3563-ORCH-ICS-XX-RP-C-07.001 June 2019) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority
- 8 No development shall commence until 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 have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 9 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

And subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards mitigation of the impact of the development on visitor pressure and air quality in the Epping Forest Special Area of Conservation.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council and objection from neighbours which is material to the planning

merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)

Description of Site:

The application site is within a within a cul-de-sac off Lambourne Road. The site is adjacent to existing dwellinghouse from the 1960's/70s. It is a residential street comprising of predominantly two and three storey terrace/semi-detached housing on relatively modest plots. The site is not Listed and not within a Conservation area. To the rear is the Metropolitan Green Belt and there is a gas pipeline operated by Cadent (a division of the National Grid) running beneath this street and nearby streets. There are no TPO streets on the immediate site or nearby. There is a street light on the public footway at the frontage of the site (maintained by Essex Highways, part of the County Council).

Description of Proposal:

Erection of a three- storey building to provide one 3-bedroom house and two 1-bedroom flats with associated car parking and amenity.

Relevant History:

None

Policies Applied:

Development Plan Context

Local Plan (1998) and Alterations (2006)

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
DBE1	Design of New Buildings
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions
GB2A	Green Belt

National Planning Policy Framework (NPPF) (February 2019)

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular

- ii. importance provides a clear reason for refusing the development proposed; or 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.

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

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. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector’s final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Sustainable Development	Significant
DM4 Green Belt	Significant
DM9 High Quality Design	Significant
DM10 Housing design and quality	Significant

Summary of Representations Received

34 Neighbours consulted:

13 WHITEHALL CLOSE – COMMENT:

- Would like to know whether trees would be retained along the common boundary with this neighbour. Does accept they may need when digging foundations.

Officer comment: A planning condition will be imposed regarding a scheme of soft and hard landscaping to be submitted to the Council prior to any above ground works. This is to retain

the landscape character of the locality, to soften the appearance of the development and to reduce impact on neighbouring amenity in terms of overlooking/privacy concerns, impact on outlook.

16 ORCHARD WAY – OBJECT

- Impact on Green Belt
- Concern regarding possible PD extensions that could be implemented.
- Protect trees
- Traffic/highway safety
- Land contamination concerns
- Gas pipeline concerns

Officer comment: Impact of the Green Belt is assessed in the main body of this report. There are no protected trees but a soft landscaping scheme to be submitted by the applicant is to be condition as part of the Council's draft decision notice. Permitted development rights will be removed and the flats by default have no PD rights due to planning law restricting this. County Highway Authority have no objection in terms of highway safety and parking is fully compliant with Essex Parking Standards 2009. The National Grid have been consulted re the gas pipeline and have suggested some conditions in relation to this to protect the operational capacity of the pipeline during the construction process. Finally, land contamination have no objections subject to conditions which are set out in this report.

17 ORCHARD WAY OBJECT

- Concern about Green Belt impact, impact on character of the area

19 ORCHARD WAY OBJECT

- Concern about impact on open space
- Removal of lamppost and safety concerns regarding this
- Sewerage problems
- Dust and noise

Officer comment: Impact on open space is assessed in main body of report. Removal and relocation of lamppost has been agreed by the County Highway Authority in their comments. This is something they have jurisdiction over under the Highways act 1980. Land Drainage have been consulted and have no objections subject to suggested conditions relating to treatment of surface water disposal. Noise and dust is controlled by Environmental Health 1990 although a planning conditions relating to hours of construction and construction management statement (control of dust and emissions) will be conditioned.

18 ORCHARD WAY – OBJECT

- Impact on Green Belt
- Unwanted precedent.

1D ORCHARD WAY – OBJECT

- Parking
- Disruption.

Officer comment: The County Highway Authority have no objections to the proposal, sufficient parking in compliance with Essex Standards have been provided. Hours of construction and construction management statement (which would set out details on how the applicant would control of dust and emissions, where parking for vehicles would be in terms of loading and

unloading, delivery of materials on site) all of this would be conditioned as part of any planning approval to minimise disruption for neighbouring residents.

10 WHITEHALL CLOSE – OBJECT

- Overlook our property
- Spoil view from our property
- Involve extensive removal of natural environment
- Increased congestion, and shortage of parking
- Encroaching on neighbouring properties
- Risk of flooding as natural soak away and surface water run off destroyed.
- Light pollution
- Noise pollution
- Poor design

15 ORCHARD WAY – OBJECT

- Impact on Green Belt
- Impact on parking
- Out of character

1 A ORCHARD WAY – OBJECT

- Impact on green belt
- In sufficient parking
- Waste and refuse concerns

9 WHITEHALL CLOSE- OBJECT

- Over development of a semi-rural environment bordering on green belt impacting on the surrounding area.
- The additional large increase in traffic associated with the proposed development is also unacceptable in an already busy small cul-de-sac.

15 GRAVEL CLOSE – OBJECT

- Will further constrict escape route/ convenient footpath to Orchard Way
- Since this land/site seems to have a pond it might indicate a water table of historic and environmental importance. Build over may not be without consequence to those down/stream/hill of any significant blocking of an artisan water feature.
- The site is also a natural corridor whilst not an SSI or of natural beauty, neither insignificant Presumably, all trees mention in the environmental report will be clear felled thereby deducing the carbon capture.
- As there is no reasonable parking in Gravel Close, any access to Orchard Way would be desirable to alleviate strain if it was negotiable to reduce danger and congestion on A113.

CHIGWELL PARISH COUNCIL – OBJECT

- Impact on Green Belt, over-development on site and devoid of special circumstances.

CADENT (RE: GAS PIPELINE): Agreement has been reached between applicant and Cadent in relation to the pipeline. The pipeline will not adversely affect the operational ability of the pipeline.

EFDC LAND CONTAMINATION: In summary, a phase II site investigation is required, and A phase II site investigation protocol should be formally submitted for approval by EFDC prior to works taking place. Planning conditions requiring submission of phase II investigation will be imposed in the Council's decision notice.

COUNTY HIGHWAY AUTHORITY: NO OBJECTION to the proposal. Lamppost may need to be removed/relocated, no objection to this. Applicant must contact highways in relation to this matter and the proposed vehicle crossing prior to commencement of development.

EFDC LAND DRAINAGE – NO OBJECTION subject to conditions requiring applicant to submit surface water details prior to commencement of development.

Main Issues and Considerations:

Green Belt

The front half of the site is within land which is not Green Belt and the other half is within the Metropolitan Green Belt.

The total footprint of the proposed development is 132sqm. The green belt element of the proposed build is 66sqm. This is 50% of the total development. The site would be in line with the rear building line of the linear development along this stretch of Orchard Way (in line with existing terraces). The 66sqm element of the proposal which would be in the Green Belt does not amount to a disproportionate addition/entity within the Green Belt and such a footprint is not unusual in its size compared with dwellings and extensions which have been implemented and approved within Chigwell Row, particularly along Millers Lane, Grove Lane and Chase Lane. To the north east of the site at the 'Bungalow' (dwelling within the Green Belt). It would therefore not have a significant impact upon the openness of the Green Belt compared with the existing situation. It is noted that the development proposal is surrounded by three sides of development and is within 1.2miles from Grange Hill London Underground station. It is within a walking distance of 23mins from the site to the station and London Bus Services, route 150 to Staggart Green (Hainault) and route 462 bus to Grange Hill operate not far from the application site. As such, the is within a sustainable location and the Government's NPPF 2019 as well as the Epping Forest Submission Version of the Local Plan 2017 promotes development which is within sustainable locations.

The proposal would result in the complete re-development of previously developed land to the front/first half of the site which is currently redundant land that is within the ownership of the applicant. It would result in the efficient use of this land by providing a net additional 5 residential units compared with the existing situation and would provide much needed housing within a sustainable location whilst providing economic benefits in terms of construction jobs and the resultant spend that would occur within the local economy from the construction process and from future occupiers of the site.

The rear garden area of all proposed dwellings shall be similar length to existing dwellings along this row of terraces. This is to avoid urbanisation of this Green Belt site by way of having an excessively large manicured lawn, compared with the existing natural site.

A large proportion of the site will need to be siphoned off to avoid an unusual large residential curtilage to one of the dwellings proposed. This is to avoid a large area of land being used as manicured lawn, causing harm to the openness of the site by way of urbanising this Green Belt site and to prevent any built form on the site which would cause harm to the openness of the Green Belt.

PD rights would need to be removed to prevent inappropriate development in the interests of preventing harm to the Green Belt.

In terms of very special circumstances, the development is within the edge of the settlement within the village of Chigwell Row. Chigwell Row is defined as a small village within the SVLP 2017 which has undergone examination by the Planning Inspectorate and carries significant weight. The surrounding area is built up with development opposite the site, on either side and a dwelling in the rear known as The Bungalow. It is not a standalone dwelling within a field, it would be within the context of the existing built form, not detract from the openness of the Green Belt due to its siting. It is noted that the existing built form is neglected in terms of the foliage on site and the proposed building due to its complementary design, size and scale would serve as a visual improvement compared with the existing situation. The proposed development would and would serve as a natural completion of this side of the road in terms of limited infill development within a village. Overall, for reasons set out above, the proposal is not considered inappropriate development within the Green Belt and would comply with policy GB2A of the Local Plan 1998, DM 4 of the Submission Version of the Local Plan 2017 and the NPPF 2019 which ensures future development does not adversely affect the permanence and openness of the Green Belt.

Design

The proposed development would have a similar external finish, gabled roof form, appearance, footprint, building height and building line to the existing terraced dwellings to the west. Similar glazing and balcony features will be deployed. The proposal would therefore not appear visually intrusive when viewed from different angles from the street scene compared with the existing situation as a result.

Living Conditions of neighbours

The proposed development would have a similar building height and line to match 19 Orchard Way and other dwellings along the row of terraces to the west. It would therefore not result in a significant loss of light, outlook and privacy when viewed from the rear garden and habitable room windows of this adjoining dwelling and others along this row of terraces.

The proposal is some 40m from the flank elevation of 'The Bungalow' to the north east to the site and some 30m from the garden area. There would be no direct overlooking into the garden area and habitable room windows of this neighbouring dwelling from the proposal as a result of the orientation/siting of the proposed development in relation to this neighbouring dwellinghouse. As such the proposed development would have no impact on the light, outlook and privacy afforded to the inhabitants of this neighbouring dwellinghouse.

The proposal is situated at a similar building line and height to dwellings to the west on Orchard Way (12-9 Orchard Way) and would have a similar amenity impact on dwellings situated to the rear along Gravel Close in terms of light, outlook and privacy to these existing dwellings. It would not result in direct overlooking of these dwellings or be readily visible from dwellings along these neighbouring dwelling i.e. no. 17, 15, 13 and 11 due to the siting and orientation of these dwelling in relation to the application proposal.

The proposed development is some 26m from 12 Whitehall Close, it is some 35m distance from 13 White Hall Close and some 31m from 11 Whitehall Close and some 38m from 10 Whitehall Close. Screening along the common boundary will be retained via the imposition of a planning condition to protect the outlook of those residing at dwellings 13, 12 and 11 Whitehall Close. These dwellings have large rear garden areas which are generous in width and depth. The proposal by reason of its height, width depth, siting and screening measures provided, would not result in a significant loss of outlook, light or privacy when viewed from the garden and habitable room windows of these dwellinghouse.

The proposed development would be situated at the same building line and height as dwellings to the west. The proposal by reason of the separation provided by the public carriageway and siting

of the development, would amount to no significant harm to the light, outlook and privacy afforded to the inhabitants of dwellings situated opposite the site along no's 8, 9, 10 and 11 Orchard Way compared with the existing situation.

Overall, the proposal would safeguard the amenities and living conditions of surrounding buildings.

Living Conditions of future occupiers

Amenity space of 91sqm for the house and 127sqm for the flats is provided to the rear. The proposal meets the National Prescribed Space Standards 2017 (proposed for adoption under the LPSV2017) in terms of floorspace standards, thus providing a good quality level of accommodation for future occupiers. Moreover, the layout/stacking of the proposal is acceptable in reducing noise disturbance for future occupiers by ensuring bedrooms are above bedrooms and bathrooms above bathrooms.

Parking

Four parking spaces would be provided for the units proposed. The spaces would be 5.5m deep and 2.4m in width. The three-bedroom unit would have 2 parking spaces and the one-bedroom units would have one parking space each all in line with Essex Parking Standards 2009.

Land Drainage

The Council's Land Drainage Team have been consulted and have no objections to the proposal subject to imposition of conditions relating to the treatment of surface water disposal to minimise flood risk.

Land Contamination

No objections have been received by the Council's Land Contamination Consultants subject to conditions to be outlined in the Councils decision notice.

Trees and Landscaping.

No protected trees on site, landscaping scheme will be conditioned as part of Decision Notice to retain landscape character of the site and immediate locality.

Impact on Epping Forest Special Area of Conservation (SAC)/Air Quality

The site lies within 6km of the Epping Forest SAC but outside the 3km zone. As a result, the increased vehicle activity can be expected to impact on general air quality in the wider SAC area.

The Epping Forest covers a large area of land within the District and much of the Forest is designated as a Special Area of Conservation (SAC). Biodiversity features within, or associated with, these designations enjoy the highest level of protection under UK and EU Law and UK planning policy. Epping Forest SAC is designated a 'European Site' and as the Conservation of Habitats and Species Regulations 2017 as amended ("the Habitats Regulations") requires that the Council, as the competent authority, must before deciding to grant planning permission make an appropriate assessment of the implications of the development for the SAC in view of the SAC's nature conservation objectives where it is likely that the development is likely to have a significant effect on the SAC (either alone or in combination with other development) and where the development is not directly connected with or necessary to the management of the SAC. This appropriate assessment is known as a Habitats Regulation Assessment (HRA).

Under the Habitats Regulations, the Council may, if it considers that any adverse effects of the development on the integrity of the SAC would be avoided if the planning permission were subject

to conditions or limitations, grant planning permission, subject to those conditions or limitations. The approach may vary depending on the scale and nature of the proposal.

Two specific issues in particular have been identified that could result in development have a likely significant effect on Epping Forest SAC. These are:

1. Increased visitors to the Forest arising from new development within 6.2km of the SAC.
2. Damage to the health of the flora, including trees and potentially the heathland habitats, from air pollution primarily generated by vehicles.

This application (5 new residential units) would result in a net increase in vehicle movements and therefore a likely significant effect on air quality as it relates to the Epping Forest SAC cannot be screened out at this point in time. It is also likely to lead to increased visitor pressure on the SAC given its location within the 6.2km Zone of Influence.

The Council is currently awaiting the views of Natural England on the findings of an updated HRA (January 2019), which has been provided to support the Examination of the Council's submitted Local Plan. This updated HRA has assessed the likely significant effect of development over the period of the Local Plan (including windfalls) in combination with other plans and projects. Until such time as Natural England confirms that it is satisfied with the findings of the updated HRA the Council **cannot grant planning permission on any planning applications** which would result in a net additional increase in vehicle movements within the District.

Natural England has, however, advised that it is satisfied with the approach set out in the Council's 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications) with respect to mitigating the likely significant effects of residential development within the current Zone of Influence of 6.2km.

The applicants have indicated that they are willing to enter into a legal agreement and/or accept to agree contributions that may emerge to address this issue. As such, and for the purposes of agreeing the principle and merits of the proposal as set out in this report, members are advised that any S106 legal agreement or planning condition is likely to require the provision of, or contribution to, measures including, for example:

- Electric charging points for electric vehicles
- Resources relevant to the use of passenger transport and cycling/walking (e.g. Travel Plans, provision of travel packs and introductory tickets for use on public transport, cycle parking,)
- All new development to have the ability to connect to high speed broadband
- Financial contributions towards air quality monitoring

Other Matters

A Construction Management Statement will be conditioned as part of the council's decision notice. This require the applicant to provide details how they will seek to control dust and emissions arising from the construction process, details of hoarding, protection of any trees, wheel washing and delivery hours of vehicles, parking and unloading for construction vehicles. Hours of construction will be conditioned too to protect residents from noise.

Conclusion:

Based on the assessment carried out above, the proposal would result in creation of 5 residential units within a sustainable setting which reflect the design and appearance of surrounding dwellings to the west. The proposal would preserve the permanence and openness of the Green Belt whilst safeguarding the amenities and quality of life enjoyed by inhabitants of neighbouring dwellings and would be fully compliant with parking, privacy amenity and floorspace standards.

Officers therefore consider that the proposal complies with relevant planning policy and it is recommended that planning permission be granted, subject to conditions and a legal agreement in relation to air quality issues.

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:

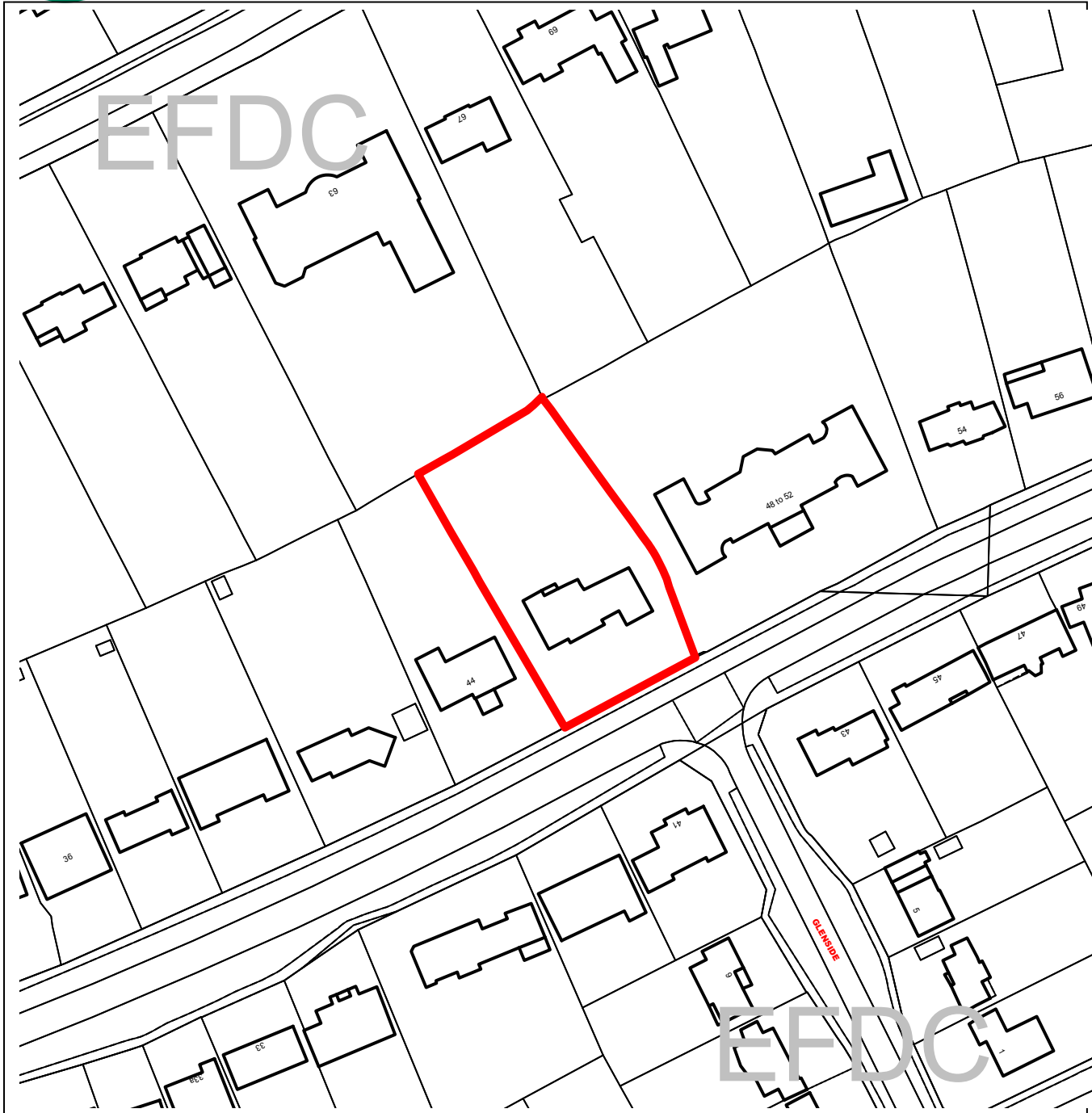
***Planning Application Case Officer: Sukhdeep Jhooti
Direct Line Telephone Number: 01992 564 298***

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



Epping Forest District Council

Agenda Item Number 5



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1025/19
Site Name:	46 Stradbroke Drive Chigwell Essex IG7 5QZ
Scale of Plot:	1/1250

Report Item No:5

APPLICATION No:	EPF/1025/19
SITE ADDRESS:	46 Stradbroke Drive Chigwell Essex IG7 5QZ
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr Robert Davis
DESCRIPTION OF PROPOSAL:	Proposed sub-division of the second floor flat to 2 flats, revised layout of basement and revised parking layout. (Amendment to decision reference EPF/0973/17. Number of flats would be increased from 5 to 6. *AMENDED DESCRIPTION*
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=623133

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 17.120.01, 17.120.02 A, 17.120.SK16 D, 17.120.05 A, 17.120.05
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 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. These works shall be carried out as approved. 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.

- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 6 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.
- 7 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.
- 8 Prior to first occupation of the development hereby approved, the proposed window openings in both flank elevations above ground floor level shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 9 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 10 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.

This application is before this Committee since the recommendation is for approval contrary to an objection from the Parish Council and more than five objections have been received material to the planning merits of the proposal. (Pursuant to The Constitution, Part Three: Scheme of Delegation.

Description of site

Two storey five bedroom detached house with integral double garage. Not Listed nor in Conservation area. The property has an in and out driveway. There is a swimming pool to the rear of the house.

The footprint of the existing house on site is nearly 24.5m wide by a maximum depth of 14m

The site is located within the built up area of Chigwell. The surrounding area has a wholly residential character at low densities and is characterized by detached houses with mature trees and other planting to gardens.

Ground levels rise gently to the south-west, to the left hand when viewing the front of the plot, and fall to the north-east, to the right hand side.

Description of Proposal:

Demolition of house at 46 Stradbroke Drive and the erection of a new building with 6 flats.

The footprint of the proposal will be 27m wide by a maximum depth of 22m, plus a 3m deep front projecting portico. Accommodation for the six flats would be across three full size floors, plus a below ground full basement area that shows parking for 11 vehicles and small storage rooms, including provision for bicycle storage. Access to the basement parking would be on the front right-hand side.

Relevant History

It is understood that the site was undeveloped forest land until the site was developed in 1960, following the earlier development of the main Stradbroke Drive estate in 1934.

CHI/0181/60 – Detached house and garage- Granted 17/08/1960

EPF/0053/85 – Front canopy, screen walls and alteration to front elevation- Granted 08/02/1985

EPF/1461/90- Ground and first floor rear extensions. - Granted 04/01/1991

EPF/2354/07 – Demolition of existing house and erection of detached house with basement and rooms in roof space – Refused 22/02/2008

EPF/1159/08 – Demolition of existing house and erection of detached house with basement and rooms in roof space. (Revised application)- Refused 29/07/2008

EPF/0034/09 – Demolition of existing dwelling and the construction of a replacement house. (Revised application)- Refused 04/03/2009

EPF/2602/14- Demolition of 46 Stradbroke Drive and the erection of a replacement house with associated external works. - Granted 12/02/2015

EPF/1893/15 – Demolition of 46 Stradbroke Drive and the erection of a new building of five flats. – Refused 19/10/2015 (The sole reason for refusal was on design grounds, focusing on the scale and particularly the width of the proposed building).

EPF/2987/15 - Demolition of house at 46 Stradbroke Drive and the erection of a new building with five flats. – Allowed on appeal 20/10/2016.

DEVELOPMENT PLAN

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	Quality of Rural and Built Environment
CP3	New Development

CP5	Sustainable Building
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
DBE1	Design of New Buildings
DBE2	Effect of Neighboring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking
DBE8	Private Amenity Space
DBE9	Loss of Amenity
DBE11	Sub-Division of Properties
LL7	Planting, Protection and Care of Trees
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscape Schemes
LL12	Street Trees
ST1	Location of Development
ST4	Road Safety
ST6	Vehicle Parking

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

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

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

EPHING 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 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 July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP 1 Presumption in favour of sustainable development	Significant
SP 3 Place shaping	Significant
SP 7 The Natural Environment, Landscape Character and Green and Blue Infrastructure	Significant
H 1 Housing mix and accommodation types	Significant
T 1 Sustainable Transport Choices	Significant
T 2 Safeguarding of routes and activities	Significant
DM 2 Epping Forest SAC and the Lee Valley SPA	Significant
DM 3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM 9 High Quality Design	Significant
DM 10 Housing design and quality	Significant
DM 11 Waste recycling facilities on new development	Significant
DM 12 Subterranean, basement development and light wells	Significant
DM 15 Managing and reducing flood risk	Significant

DM 21 Local environmental impacts, pollution and land contamination	Significant
DM 22 Air Quality	Significant

Summary of Representations:

CHIGWELL PARISH COUNCIL: Strongly Objects to this application, because the proposal is considered to be over-development of the existing structure, which would result in an unacceptable lack of amenity space. Further, the parking facilities being proposed are wholly inadequate.

Neighbors consulted 33:

OBJECTIONS FROM: No's 24 Stradbroke Drive, 11 Stradbroke Drive, 31 Stradbroke Drive, 14 Stradbroke Drive, 39 Stradbroke Drive, 54 Stradbroke Drive, 34 Stradbroke Drive, 44 Stradbroke Drive, 33a Stradbroke Drive, 8 Stradbroke Drive, 29 Stradbroke Drive, 43 Stradbroke Drive, 56 Stradbroke Drive, 36, Stradbroke Drive, 3 Stradbroke Drive, 51 Stradbroke Drive, 21 Stradbroke Drive, 24 Stradbroke Drive, 29 Stradbroke Drive, 60 Bracken Drive, 23 Coolgardie Avenue, 49 Stradbroke Drive, 68 Bracken Drive, 80 Bracken Drive, 49 Bracken Drive, 53 Bracken Drive, 3 Glenside, 78 Bracken Drive, 25 Stradbroke Drive, 69 Manor Road, 67 Manor Road, 63 Manor Road, 61 Manor Road, 45 Stradbroke Drive, 41 Stradbroke Drive, 37 Stradbroke Drive, 39 Stradbroke Drive, 48-52 Stradbroke Drive, 21 Stradbroke Drive, 29 Stradbroke Drive, 45 Stradbroke Drive, 24 Stradbroke Drive, 40 Stradbroke Drive, 36 Stradbroke Drive, 56 Stradbroke Drive, 53 Bracken Drive, 3 Glenside , 25 Stradbroke Drive, 69 Manor Road, and 67 Manor Road,

Objections relate to development being

- Out of character, poor design, parking insufficient, waste and refuse issues, construction management, impact on trees, impact on character of the area, impact on street scene, neighbor amenity in terms, of light, outlook privacy, noise, intensification of site, comings and goings being more than existing and proposal could set an unwanted precedence which could change the area/estate from one of suburban family housing to flatted urban development.

CHIGWELL REISDENTS ASSOCIATON: Out of character, impact on visual and neighbouring living conditions and parking.

Issues and Considerations

Five flats have been approved as part of EPF/2987/15- Demolition of house at 46 Stradbroke Drive, and the erection of a new building with five flats. –Allowed on appeal 20/10/2016.

The proposal is seeking to change internal layout so that an extra flat can be accommodated. The overall design, size and footprint would remain as per decision reference EPF/0973/17.

The existing site was occupied by a large family house that was demolished. The approval EPF/0973/17 was given as modification to an earlier design for 5 apartments over three floors, one of those being in the roof space. There is also a basement.

This new proposal for an additional flat presents no outward/exterior changes with all window configuration and positions kept the same.

There are 15 car parking spaces within the extant permission, 11 in the basement car parking and 4 on the ground floor to the front of the property. That number would allow for 2 spaces for each of the 6 flats equaling 13 and 3 for visitors falling within current parking standards.

The basement is changed to accommodate the 11 basement parking spaces with the bin store move above ground to the front of the development. It is set back in the site and well screened with a yew hedge as high as the Eurobin storage so it is fully concealed.

The internal layout will remain the same on the Ground and First Floors.

The second floor will be divided into 2 flats to match the floors below being served by the same communal stair lift. As stated earlier, the outward appearance of the building will be unchanged and therefore scale is not a consideration in this application. Outward appearance is unchanged. Access to the new flat will be as the access to the flats of the extant approval.

Waste and Refuse

Sufficient space outside and at basement level for bin storage in line with Essex Waste and Refuse Guidance 2011.

Other Matters

Land Drainage Officers and Land Contamination Officers have no objection to the proposals subject to conditions. Landscaping conditions have been placed as per the previous 2017 approval.

Epping Forest Special Area of Conservation.

The site lies within 6km of the Epping Forest SAC but outside the 3km zone. As a result, the increased vehicle activity can be expected to impact on general air quality in the wider SAC area.

The Epping Forest covers a large area of land within the District and much of the Forest is designated as a Special Area of Conservation (SAC). Biodiversity features within, or associated with; these designations enjoy the highest level of protection under UK and EU Law and UK planning policy. Epping Forest SAC is designated a 'European Site' and as the Conservation of Habitats and Species Regulations 2017 as amended ("the Habitats Regulations") requires that the Council, as the competent authority, must before deciding to grant planning permission make an appropriate assessment of the implications of the development for the SAC in view of the SAC's nature conservation objectives where it is likely that the development is likely to have a significant effect on the SAC (either alone or in combination with other development) and where the development is not directly connected with or necessary to the management of the SAC. This appropriate assessment is known as a Habitats Regulation Assessment (HRA).

Under the Habitats Regulations, the Council may, if it considers that any adverse effects of the development on the integrity of the SAC would be avoided if the planning permission were subject to conditions or limitations, grant planning permission, subject to those conditions or limitations. The approach may vary depending on the scale and nature of the proposal.

Two specific issues in particular have been identified that could result in development have a likely significant effect on Epping Forest SAC. These are:

3. Increased visitors to the Forest arising from new development within 6.2km of the SAC.
4. Damage to the health of the flora, including trees and potentially the heathland habitats, from air pollution primarily generated by vehicles.

This application (6 flats) would result in a net increase in vehicle movements and therefore a likely significant effect on air quality as it relates to the Epping Forest SAC cannot be screened out at this point in time. It is also likely to lead to increased visitor pressure on the SAC given its location within the 6.2km Zone of Influence.

The Council is currently awaiting the views of Natural England on the findings of an updated HRA (January 2019), which has been provided to support the Examination of the Council's submitted Local Plan. This updated HRA has assessed the likely significant effect of development over the period of the Local Plan (including windfalls) in combination with other plans and projects. Until such time as Natural England confirms that it is satisfied with the findings of the updated HRA the Council **cannot grant planning permission on any planning applications** which would result in a net additional increase in vehicle movements within the District.

Natural England has, however, advised that it is satisfied with the approach set out in the Council's 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications) with respect to mitigating the likely significant effects of residential development within the current Zone of Influence of 6.2km.

The applicants have indicated that they are willing to enter into a legal agreement and/or accept to agree contributions that may emerge to address this issue. As such, and for the purposes of agreeing the principle and merits of the proposal as set out in this report, members are advised that any S106 legal agreement or planning condition is likely to require the provision of, or contribution to, measures including, for example:

- Electric charging points for electric vehicles
- Resources relevant to the use of passenger transport and cycling/walking (e.g. Travel Plans, provision of travel packs and introductory tickets for use on public transport, cycle parking,)
- All new development to have the ability to connect to high speed broadband
- Financial contributions towards air quality monitoring

Conclusion

The proposal would create a detached built form in spacious grounds which would maintain the character of the area. There is a variety of house design in the street scene and the proposal takes some of the features that prevail in the road, such as the front pillars, canopy, neat front dormers and the neo-Classical look. Subject to appropriate conditions it is considered that the design, appearance and size is such that there will be no material adverse impact on the street scene, which is made up of similar larger residential buildings. Or have a detrimental impact upon the amenities of neighbouring residents. Accordingly, it is recommended that planning permission is granted subject to a section 106 legal agreement regarding compensatory measures to tackle air quality and recreational pressure in relation to the Epping Forest SAC.

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: Sukhdeep Jhooti
Direct Line Telephone Number: 01992 564298***

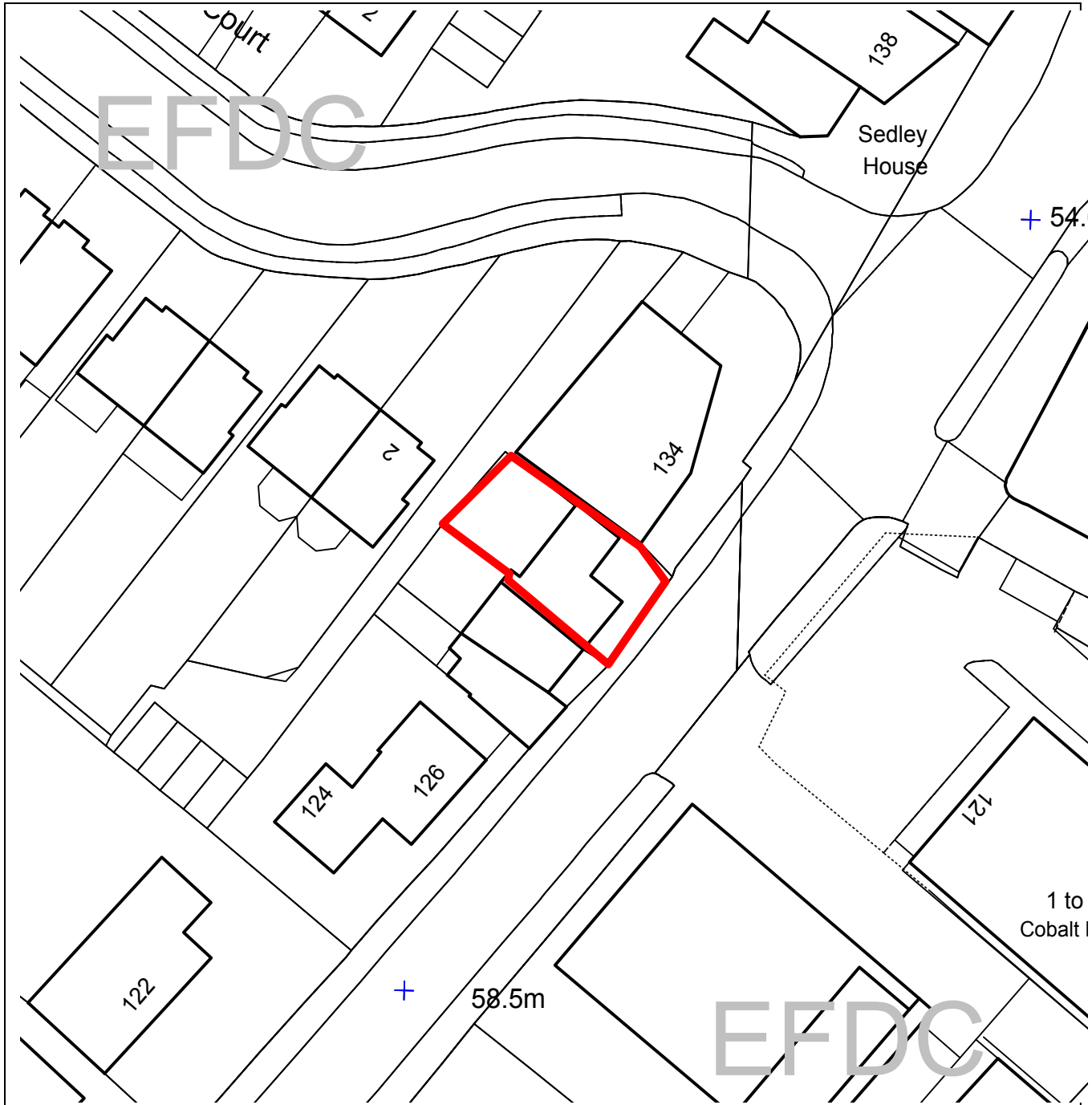
***Or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***

THIS PAGE IS INTENTIONALLY BLANK



Epping Forest District Council

Agenda Item Number 6



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1257/19
Site Name:	132 Church Hill Loughton Essex IG10 1LH
Scale of Plot:	1/500

Report Item No:6

APPLICATION No:	EPF/1257/19
SITE ADDRESS:	132 Church Hill Loughton Essex IG10 1LH
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Alan Barter
DESCRIPTION OF PROPOSAL:	Proposed demolition of a single storey annexe and construction of a two storey dwelling house (Revised application to EPF/0426/19).
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=624117

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings No's: 150.132A01, 150.132A02, 150.132A03, 150.132A04, 150.132A05, 150.132A06, 150.132A07, 150.132A08, 150.132A09, 150.132A10 and 150.132A011
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, D and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 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.
- 5 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.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 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 such agreed details.
- 8 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.
- 9 No development shall commence until 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 have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 10 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 12 Prior to any above ground works, details of the proposed landscaping of the site, including retention of trees and other natural features and the proposed times of planting (linked to the development schedule), shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at the agreed times.

...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards mitigation of recreational pressure in the vicinity of the Epping Forest SAC.

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 is on the north-western side of Church Hill. The site is that of a semi-detached house and its curtilage. To the side of the original house is an extension which is effectively an outbuilding linked to the house by a single storey flat roofed element. The property is not listed nor in a conservation area.

Proposal

The proposal is for demolition of single storey annexe and the construction of a two-storey dwelling house.

The proposed house would infill between the original house of 132 Church Hill and the two-storey built form of 134 Church Hill.

The proposed house would be 5.2 m wide by 9.1 m deep. The proposed house would have a roof with a front and rear gable with a height to the ridge of 6.9m, 4.7m to where the eaves would appear to be (although this element of the roof would be in the form of box gutters).

The proposed house would have two first floor bedrooms and an open plan living/dining/kitchen area on the ground floor.

Relevant Planning History

EPF/2077/08 - Vehicle crossover – Refused

EPF/1668/18 - Certificate of Lawful Development for proposed single storey rear extension – Lawful

EPF/2008/18 - Demolition of single storey annex and the construction of a two-storey dwelling house – Refused

EPF/0426/19 - Demolition of a single storey annexe and construction of a two-storey dwelling with a dropped kerb (revised application to EPF/2008/18) - Refused

Development Plan Context

Local Plan (1998) and Alterations (2006)

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
NC1	SPAs, SACs and SSSIs
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework (NPPF) (February 2019)

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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:
 - iii. 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
 - iv. 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
Paragraph	127
Paragraph	130
Paragraph	131

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

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. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
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
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	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: 8. 2 responses received
 Site notice posted: No, not required

6 SEDLEY RISE – Comment – Summarised as:

- Mature trees removed;
- Parking Stress.

LRA PLANS GROUP – Objection – Summarised as:

- Parking Stress.

EFDC LAND DRAINAGE – No objection subject to a condition.

EFDC LAND CONTAMINATION – No objection subject to conditions.

ECC HIGHWAYS – No objection - The applicant has provided a Parking Survey which provides evidence that there is existing on-street parking available and demonstrates that the proposal will not be detrimental to highway safety. Given the good access to other modes of sustainable travel, within the locality, this is considered to be an acceptable position.

LOUGHTON TOWN COUNCIL – Objection – Summarised as;

- Overdevelopment;
- Garden grabbing;
- Overlooking; and
- Parking stress.

Planning Considerations

The main issues for consideration in this case are:

- a) The previous refused consent EPF/0426/19;
- b) The principle of residential development;
- c) Highway safety and parking provision;
- d) The impact on the character and appearance of the locality;
- e) The impact to the living conditions of neighbours;
- f) Residential amenity for future occupiers; and
- g) The impact on the Epping Forest Special Area of Conservation.

Principle

The proposal is for a residential use on a residential site; in essence the site is the side garden to an existing house. As noted by an Inspector in a decision letter of 2014 in relation to the site of a Sainsbury store with flats above (APP/J1535/W/14/3000961) this section of Church Hill is outside a designated town centre but contains a mix of residential, commercial and community uses. The local Sainsbury store is on the opposite side of the road.

So, the site is previously developed land, and redevelopment of this land is encouraged.

Highway safety and parking provision

Whilst there is no on-site car parking proposed, the site is nonetheless close to good public transport services.

The previous three applications were refused on highway safety grounds, amongst others. However, members should note that a Parking Beat Survey was submitted along with this application to ascertain whether an additional car would add to the parking stress within this locality.

Members will be very familiar with Parking Beat Surveys as they have been used for all the EFDC owned garage courts to housing. From the highway officers point of view, it demonstrates that

there will be no detriment to highway safety if the development resulted in additional on-street parking in the vicinity.

Moreover, the evidence of the survey and the Parking Standards themselves, which allow reductions in sustainable locations, are a strong case, as Members would have to prove, with evidence, that it would create a detrimental issue if parking was a reason for refusal.

Character and appearance

The proposed house would be flush with the front elevation of the semi-detached house at No. 132 and project 1.4 m forward of the front elevation of the office building at No.134. The width of the proposed built form would completely infill an existing visual gap by creating a two-storey built form with a front facing gable. The ridge of the front and back gable roof would appear to be 6.9m in height, 1m lower than the ridge of the roof to No.'s.130 and 132.

The proposal is set in a varied street scene and the flat roofed linking element to the former outbuilding does not have a good appearance. Nevertheless, the proposal would infill an opening in built form which defines one building from another and establishes sites, property curtilages and thereby creates a sub-urban character. The proposal would hide oblique views of the hipped slate roof to 132 Church Hill. 132 and 130 Church Hill form a semi-detached pair of houses with an interesting appearance being clearly identifiable as older, traditional houses forming part of the character of the street scene.

In visual terms, the proposal is considered to be, at best, neutral in terms of appearance in the street scene.

Living conditions of neighbours

First floor windows on the rear elevation would look in the direction of houses on Sedley Rise. There would be a distance of only some 10m between the rear elevation of the proposed house and a side boundary of 2 Sedley Rise. However, the first-floor rear windows of the proposed house would be to a bathroom and a bedroom. The bedroom window would look toward the front gardens of properties on Sedley Rise.

A two-storey office building is orientated to the northeast. The attached residential neighbour would be to the southwest and the rear of the proposed built form would only be 3m deeper than the rear elevation of no. 132.

Based on that assessment it is concluded that the proposal would not cause any excessive overlooking to No. 2 Sedley rise or any loss of light and excessive loss of outlook to the Host house (No.132) and the two-storey office building that justifies a refusal.

Residential amenity of future occupiers

The proposed two-bedroom three-person house would be a two-storey dwelling. The relevant standard for minimum internal space as set out at emerging policy DM10 would be 70 m². The proposed house would provide 80 m² of internal space.

An open plan living area on the ground floor would have a southeast facing front window, directly serving the kitchen area, and effectively a glazed rear wall facing northwest onto the private amenity area. The house would have WC under the staircase, a bathroom on the first floor and bedroom No. 1 would have an en-suite shower-room. Overall the proposal is considered to offer a good level of residential amenity in terms of the internal accommodation.

Furthermore, approx. 51 sqm of private amenity space will be provided for future occupiers of the proposed dwelling. This, is considered to be an appropriate level of amenity space within the

current context, and is in accordance with emerging policy DM10 (B) of the LPSV 2017. Additionally, paragraph 192 of the NPPF 2019 refers to an assessment framework (Building for Life 2015), which provides a general guideline of appropriate standards for amenity space for new dwellings, and flats.

Impact on the Epping Forest SAC

This proposal could cause significant impacts on the integrity of the SAC in terms of recreation disturbance and air quality.

A Unilateral Undertaking or S106 will secure a financial contribution to mitigate the impact of recreational disturbance to the Epping Forest SAC in line with the Councils interim approach (£352 per new dwelling).

In terms of air quality, the Council is working with Natural England and other neighbouring authorities towards establishing a mechanism for collecting contributions that would be used to offset any potential impact because of air pollution on the SAC, and a Mitigation Strategy which would identify specific measures or projects.

However, as the proposed development is a car free development, in a sustainable location with a regular bus route (Bus No, 20 – 15 min to Debden Station), there would be no increase in air pollution. Therefore, the Council, as competent authority, is satisfied that the proposed development will not have an adverse impact on air quality.

Other considerations

In terms of the Town Councils objection: overdevelopment and garden grabbing are noted but such terms are not precisely defined and are considered to not be grounds for refusal in their own right. Furthermore, the trees to the rear of the property had no legal protection.

Conclusions

The accommodation proposed makes best use of the space available. The site is in a highly accessible location and car free development in this instance is justified.

For the reasons set out above, it is recommended that planning permission be granted subject to conditions and subject to completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation.

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
Direct Line Telephone Number: 01992 564415***

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

THIS PAGES IS INTENTIONALLY BLANK



Epping Forest District Council

Agenda Item Number 7



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1278/19
Site Name:	122 Roding Road Loughton Essex IG10 3EJ
Scale of Plot:	1/500

Report Item No:7

APPLICATION No:	EPF/1278/19
SITE ADDRESS:	122 Roding Road Loughton Essex IG10 3EJ
PARISH:	Loughton
WARD:	Loughton Roding
APPLICANT:	Mr Parvinder Dhanoa
DESCRIPTION OF PROPOSAL:	Two storey side extensions and first floor rear extension.
RECOMMENDED DECISION:	Refuse Permission (Householder)

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=624173

REASON FOR REFUSAL

- 1 The proposed development by reason of its siting, size and scale will be a prominence addition to the subject dwelling which fails to complement or relate positively to the existing building, the surrounding townscape and the streetscene. As such the proposal fails to comply with policy DBE10 of the Adopted Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Plan (submission Version 2017) which are consistent with the NPPF.
- 2 The proposed development will give rise to overbearing and overshadowing impact on the adjoining flat no. 1 and flat no. 3 on the north west elevation. This would be contrary to Policy DBE9 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017 which are consistent with the NPPF.

This application is before this Committee since the recommendation is for refusal contrary to no objection from a Local Council which is material to the planning merits of the proposal, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site is a two storey detached property which is located on the north eastern side of Roding Road in the built up area of Loughton. The dwelling has an integral garage on its side (north west) elevation and has a relatively modest back garden which is entirely laid with hard surfacing and has a depth of approximately 6.0 metres at the deepest section and 2.8 metres with the least depth. The application site is adjacent to the curtilage of a row of retail outlets which have flat on the first floor. The application dwelling is not a Listed Building and is not located within a Conservation Area or Metropolitan Green Belt.

Description of Proposal:

This proposal seeks permission for two storey side extensions and first floor rear extension (ref: EPF/1278/19).

Relevant Planning History:

There is no planning history related to this application.

Policies Applied:

Development Plan Context

Local Plan (1998) and Alterations (2006)

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
DBE9	Loss of amenity
DBE10	Design of Residential Extensions

National Planning Policy Framework (February 2019)

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

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

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

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

Section 12.

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 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 July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
DM9 - High Quality Design	Significant

Consultations Carried Out and Summary of Representations Received:

Number of neighbours consulted: 14

Responses received: 1 objection has been received from no. 127 Roding Road. No. 127 is located opposite the application site. Their comments are summarised below:

- The existing property is large
- Loss of privacy
- Increase in light pollution
- Loss of openness and space to the outlook
- Decreased value of property no. 127

Site notice posted: N/A

Parish / Town Council: Loughton Town Council have no objection to the proposal.

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 conditions of neighbouring amenities;

Character and appearance:

The proposed development will result in the conversion of the existing garage into a study area and the creation of 2 no. additional bedrooms. One of the proposed bedrooms will be located on the first floor with its own en suite and the proposed bedroom will be located on the second floor. The ground floor enlargement will result in the creation of a garage and the enlargement of the existing kitchen. The proposed development will have a maximum depth of 8.3 metres and a maximum width of 2.9 metres. It will have a pitched hipped roof which will be set down from the main roof ridge by 0.9 metres. The two storey side extension will be 1.5 metres set in from the proposed study at the front elevation and 2.5 metres set in from the lounge at the front elevation. The proposed two storey side extension will be 6.0 metres set in from the highway. The proposed two storey extension abuts to the shared boundary at the front elevation and is set in by approximately 1.2 metres at the rear section.

Taking into account the size of this plot of land that the already large building sits on as well as the size of the rear garden and the character of the street scene, it is considered the enlargement would be disproportionate for the site. The proposed development will create a cramped appearance and outlook which will be detrimental to the character of its host dwelling and the overall appearance within the streetscene. It is therefore concluded that the proposed development does not comply with Policy DBE10 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Living conditions of neighbours:

The neighbouring properties on the north west elevation include flats (no. 1 and no. 3) above retail outlets which have their primary windows facing the proposed two storey side extension. There will be approximately 6.5 metres separation gap between the above mentioned windows and the proposed development. The proposed two storey side extension will have a significant amount of negative impact on the outlook of the occupiers of the above mentioned flats and will be unduly overbearing. The erection of the proposed development will further result in the loss of light and overshadowing into the main living areas of the flats and their outdoor curtilage.

As mentioned above the occupiers of no. 127 have raised objection to this proposal. However it is considered that due to the siting of no. 127 (across the road on the opposite side) and the subject dwelling, it is considered that the proposal will not give rise to undue material adverse impact on no. 127 by reason of loss of light, overshadowing, overlooking or overbearing impact.

Taking into account the above factors and the negative amenity impact on the above mentioned flats, it is considered that the proposed development does not comply with Policy DBE9 of Epping Forest District Local Plan (1998) and Alterations (2006) and policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Conclusions:

For the reasons outlined above and below, it is recommended that planning permission is refused for the above proposal:

The proposed development by the reason of its siting, size and scale will be a prominence addition to the subject dwelling which fails to complement or relate positively to the existing building, the surrounding townscape and the streetscene. As such the proposal fails to comply with policy DBE10 of the Adopted Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Plan (submission Version 2017) which are consistent with the NPPF.

The proposed development will give rise to overbearing and overshadowing impact on the adjoining flat no. 1 and flat no. 3 on the north west elevation. This would be contrary to Policy DBE9 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017 which are consistent with the NPPF.

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:

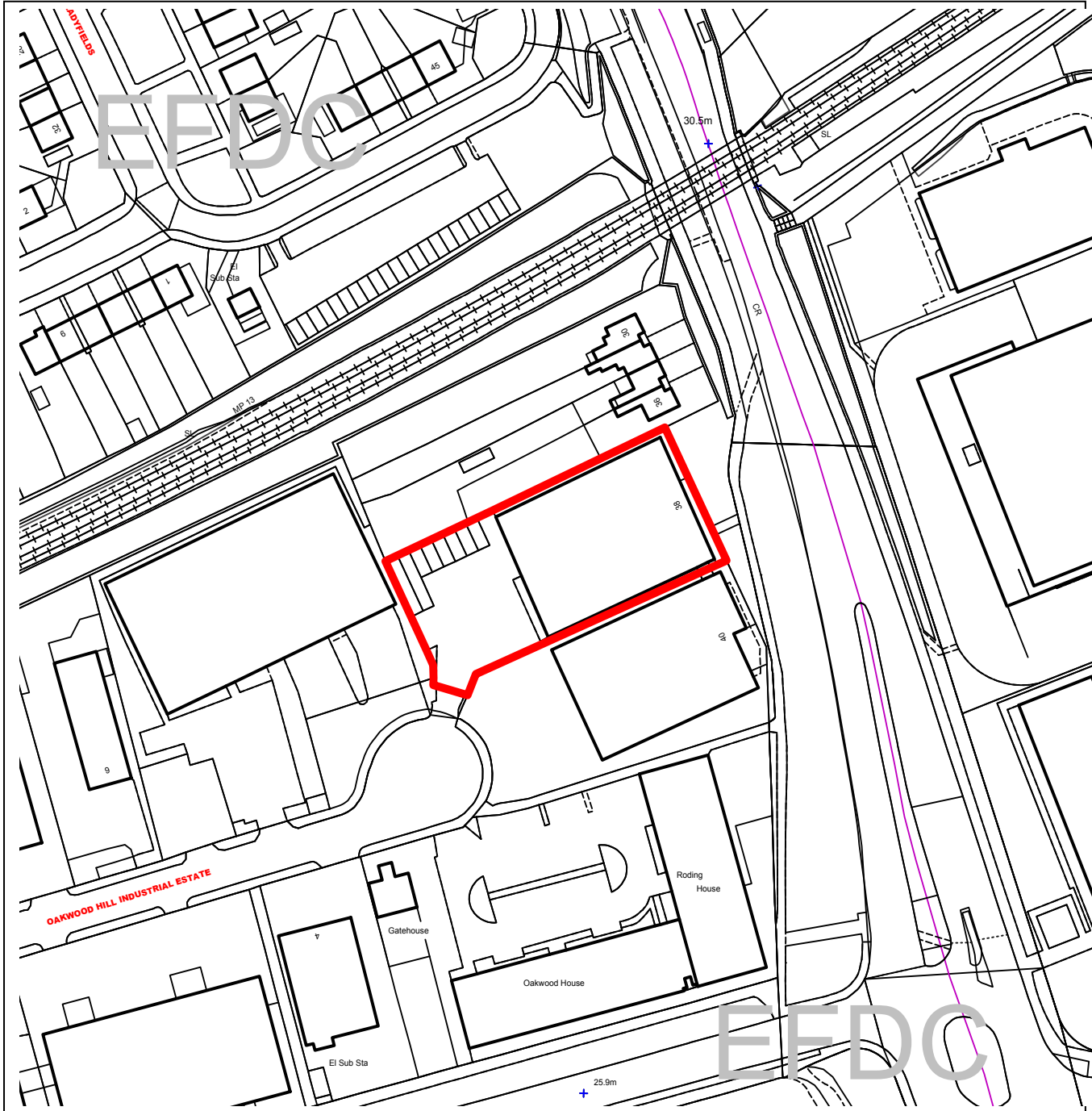
***Planning Application Case Officer: Honey Kojouri
Direct Line Telephone Number: 01992 56 4124***

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



Epping Forest District Council

Agenda Item Number 8



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/1437/19
Site Name:	38 Chigwell Lane Loughton Essex IG10 3NY
Scale of Plot:	1/1250

Report Item No:8

APPLICATION No:	EPF/1437/19
SITE ADDRESS:	38 Chigwell Lane Loughton Essex IG10 3NY
PARISH:	Loughton
WARD:	Loughton Alderton
APPLICANT:	Mr Baljit Virk
DESCRIPTION OF PROPOSAL:	Proposed extension of opening time to 7am - 9pm (Monday to Saturday) and a single storey extension to create WC space to the cafe space. (Revised application to EPF/0457/18).
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=624877

CONDITIONS

- 1 The proposed extension of opening hours of Monday to Saturday 7am to 9pm shall cease on or before the following date, 31 July 2020 after which, the hours of opening shall revert back to the hours of operation granted under decision reference EPF/0307/13.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PL01, PL02 rev C, PL03 rev C, PL04 rev C, PL05 rev C,
- 3 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.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The application site comprises of an existing warehouse building within a designated employment site in Debden. It is not within a Conservation area nor is it Listed.

Description of Proposal:

Proposed extension of opening time to 7am-9pm (Monday to Saturday) and single storey rear extension to create WC space to the existing café.

Key changes since 2018 are that instead of 7am to 10pm Monday to Saturday being proposed, it is now 7am to 9am Monday to Saturday. In addition, the applicant has agreed for a request of temporary planning permission for one year in order to the Local Planning Authority to fully assess the amenity impact of the proposal on neighbours.

Current opening hours are 8am to 6pm Monday to Sunday (including Bank/Public Holidays).

Relevant History:

EPF/0457/18 Proposed extension of opening time to 7am-10pm (Monday to Saturday) and single storey rear extension to create WC space to the existing café. Refused

The proposal relates to premises not in a town centre but within an employment area. The proposal is likely to introduce excessive noise and activity in the vicinity of the site, significantly later than the normal working day. Such noise and activity is likely to cause excessive harm to the living conditions of occupiers of neighbouring dwellings, particularly the four dwellings to the north of the site. The proposal is therefore contrary to policy DBE9 of the adopted Local Plan and Alterations; policies E 2 H. (i) DM 21 A. and B. of the Epping Forest District Local Plan Submission Version (2017); and, the provisions of the National Planning Policy Framework.

EPF/0307/13 Change of use and conversion of part of an existing office (Use Class B1/B2) to a new cafe (Use Class A3) with indoor seating for 22 and outside seating area for 10. New cladding to front elevation. Approved

EPF/0454/18 Change of use of existing garage space to office (B1) and general internal alteration to main warehouse building to create office area A with a new window and door to the east elevation. Approved.

EPF/0140/18 Conversion of Plot of Suis Generis Use in rear of 30-36 Chigwell Lane into a car park extension providing 30 no. new parking bays to adjacent existing car park of 38 Chigwell Lane. Approved

EPF/2165/17 Warehouse extension with addition of windows to side elevations Approved.

EPF/2164/16 New fascia signage. Approved

EPF/2159/16 Change of use and conversion of part of existing ground floor office (Use Class B1) to a convenience store (Use Class A1) including new cladding to front elevation and new pedestrian access. Approved.

- EPF/0129/16 Change of use of second floors from use as offices (Use Class B1) to use as 3 x 1 bedroom flats (Use Class C3) (Front part of building fronting Chigwell Lane) (resubmission following refusal of EPF/2423/15) Refused.
- EPF/2423/15 Change of use of ground, first and second floors from use as offices (Use Class B1) to use as 9 self-contained flats (4 x 1 bedroom flats and 5 x studio flats) (Use Class C3) (Front part of building fronting Chigwell Lane) Refuse Permission.
- EPF/1386/15 Extension of opening hours from current 08:00 to 18:00 Monday to Sunday (including Bank/Public Holidays) to proposed 07:00 to 00:00 Monday to Sunday (including Bank/Public Holidays) Refused on the basis that *'The proposed extension of hours of trading would result in an unacceptable adverse impact to neighbouring amenity by way of an increase in noise and disturbance during the period of extended hours beyond what could be considered reasonable in this location which is isolated from other evening businesses, contrary to policies RP5A and DBE9 of the Adopted Local Plan and Alterations and national guidance contained in the NPPF'*.
- EPF/0044/14 Non material amendment to EPF/0307/13 comprising replacement of sliding doors with window and canopy changes (Change of use and conversion of part of an existing office (Use Class B1/B2) to a new cafe (Use Class A3) with indoor seating for 22 and outside seating area for 10. Including new cladding to front elevation) Non-material amendment - Approved
- EPF/2309/13 Application for approval of details reserved by condition 3 'Materials' of planning permission EPF/0307/13. (Change of use and conversion of part of an existing office (Use Class B1/B2) to a new cafe (Use Class A3) with indoor seating for 22 and outside seating area for 10. Including new cladding to front elevation) Details Approved
- EPF/0308/13 New fascia signage. Approved
- EPF/0307/13 Change of use and conversion of part of an existing office (Use Class B1/B2) to a new cafe (Use Class A3) with indoor seating for 22 and outside seating area for 10. Including new cladding to front elevation. Approved.
- EPF/1641/09 Conversion and change of use of existing showroom to caretakers flat. Withdrawn Decision
- EPF/0276/05 Change of use from B1/B8 to builder's merchants with trade counter. Refuse Permission

DEVELOPMENT PLAN

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
DBE9	Loss of Amenity
E1	Employment Sites
ST4	Road Safety

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

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

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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 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 July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy		Weight afforded
CP2	Protecting the quality of the rural and built environment	Significant
DBE9	Loss of Amenity	Significant
E1	Employment Sites	Significant
ST4	Road Safety	Significant

Summary of Representations Received

6 Neighbours consulted:

32 CHIGWELL LANE OBJECTED:

Nothing has changed on this from the application EPF/0457/18 which in itself had not changed from EPF/1386/15, both of which were rejected. My issue is that although it says "create WC space" if you look at the original and proposed plans the WC space is not changing at all, and what is happening is that the WC is moving but the bar and kitchen are being enlarged.

Secondly, we have the proposed opening times from 8am-6pm to 7am-9pm.

EPF/1386/15 proposed 7am-midnight

EPF/0457/18 proposed 7am-10pm

Both of these were refused for the reason below and nothing has changed in the area to suggest it should be accepted this time.

"The proposed extension of hours of trading would result in an unacceptable adverse impact to neighbouring amenity by way of an increase in noise and disturbance during the period of extended hours beyond what could be considered reasonable in this location which is isolated from other evening businesses, contrary to policies RP5A and DBE9 of the Adopted Local Plan and Alterations and national guidance contained in the NPPF.

LOUGHTON TOWN COUNCIL: OBJECTION. Committee objected to proposed extension of the opening times on the grounds previously cited by the LPA: *The proposal relates to premises not in a town centre but within an employment area. The proposal is likely to introduce excessive noise and activity in the vicinity of the site, significantly later than the normal working day. Such noise and activity is likely to cause excessive harm to the living conditions of occupiers of neighbouring dwellings, particularly the four dwellings to the north of the site. The proposal is therefore contrary to policy DBE9 of the adopted Local Plan and Alterations; policies E 2 H. (i) DM 21 A. and B. of the*

Epping Forest District Local Plan Submission Version (2017); and, the provisions of the National Planning Policy Framework.

However, members had NO OBJECTION to the proposal for a single storey extension to create WC space to the café space.

EFDC ENVIRONMENTAL HEALTH – NO OBJECTION

Main Issues and Considerations:

The main issues with this application relate to design and impact on amenity

Design

The proposed infill extension would not be readily visible from the general street scene. It would result in flat roof over the existing brick wall area outside of the café. It would result in an efficient use of space and would not result in a development that would appear out of character or incongruous when viewed in relation to the parent building or wider locality.

Living Conditions

The infill extension by reason of its nature and siting would safeguard living conditions of neighbours. Residential dwellings are situated a considerable distance away from the proposal.

The café is already established and serves hot and cold food as expected. The nature of the cooking will not change. There are existing cafes in the Broadway which close at 10pm on Mon-Sat, and open at 7am or earlier. Examples include 25 The Broadway which was granted planning approval for A3 use under decision reference EPF/0211/18 with opening hours 10:30am to 11pm Monday to Saturday. Another example is the café at 57 The Broadway (i.e 'Biggerland') which has opening times from 6am to 11pm seven days a week, approved under decision reference EPF/2620/14. As such, the proposed new opening times of 7am to 9pm Mon-Saturday would not be unusual in the locality. The café itself is situated at a considerable distance from residential dwellings. The change in hours to open one hour earlier and to close three hours later during Mon-Sat would not result increased intensification of the existing use nor would it result in excessive harm by way of increased levels of noise, odour and parking stress to justify refusal of planning permission.

In addition, the nature of the locality has changed since the refusal of the previous permission in 2018 with the opening of the new Epping Forest Retail Park. Shops within the retail park have a closing time of 8pm and include a 'Costa' coffee shop/café within the first floor of the 'Next' retail Unit. There is also a 'Gregg's Bakery' store which serves hot and cold produce in this shopping park. As such, the proposed extended opening times would not be unusual given recent developments in the immediate area.

Key changes since 2018 are that instead of 7am to 10pm Monday to Saturday, it is now 7am to 9am Monday to Saturday. In addition, the applicant has agreed for a request of temporary planning permission for one year in order to the Local Planning Authority to fully assess the amenity impact of the proposal on neighbours. It is therefore considered the proposal is considered acceptable.

It is noted that Environmental Health have no objection to the proposal.

Parking

Parking is available to the rear and the site is close to Debden Station. Moreover, planning approval has recently been granted for a car park extension to the warehouse building under decision reference EPF/0140/18. As such, there is ample parking available for patrons to the café.

Employment Site Impact

The site is within a designated employment area and the proposed development would support the viability and vitality of this designated employment area.

Conclusion:

The proposed infill extension would safeguard the living conditions of neighbours due to its siting and would be of a design that would complement the existing building. The change in the hours of operation for the café would not result in undue harm to neighbour living conditions due to the siting of the café, away from residential dwellings and due to proposed the hours of operation being similar to what currently exists on nearby Debden Broadway for A3 development.

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: Sukhdeep Jhooti
Direct Line Telephone Number: 01992 564 298***

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



Epping Forest District Council

Agenda Item Number 9



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1574/19
Site Name:	38 Woolhampton Way Chigwell Essex IG7 4QH
Scale of Plot:	1/500

Report Item No:9

APPLICATION No:	EPF/1574/19
SITE ADDRESS:	38 Woolhampton Way Chigwell Essex IG7 4QH
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Mrs Amardeep Sehmi
DESCRIPTION OF PROPOSAL:	Proposed single and part double storey rear extension with part demolition of the existing garage.
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=625461

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings No's: 2035/10, 2035/11 and 2035/12.
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan), shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
- 5 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.

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 property is a two-storey detached house with garage, located within a built-up area of Chigwell. The property is not listed nor in a conservation area.

Proposal

The proposal is for a two-storey rear extension, part conversion of existing garage with a new roof form.

Relevant Planning History

EPF/1210/19 - Part demolition of existing garage, new single storey rear and part double storey extension to the side of the house over existing garage - Refused

Development Plan Context

Local Plan (1998) and Alterations (2006)

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
DBE9 Loss of Amenity
DBE10 Design of Residential Extensions

National Planning Policy Framework (NPPF) (February 2019)

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

- e) approving development proposals that accord with an up-to-date development plan without delay; or
- f) 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:
 - v. 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
 - vi. 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	124
Paragraph	127
Paragraph	130
Paragraph	131

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

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. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Summary of Representations

Number of neighbours consulted: 5. Two responses received
 Site notice posted: No, not required

34 WOOLHAMPTON WAY – Objection – Summarised as:

- Setting a precedent;
- Loss of light to No. 36; and
- Visually unattractive.

36 WOOLHAMPTON WAY – Objection – Summarised as:

- Loss of privacy;
- Overbearing and visual impact;
- Inappropriate design; and
- Out of keeping with neighbouring properties.

EFDC LAND DRAINAGE – Provided advisory information for the applicant.
 CHIGWELL PARISH COUNCIL – Objection – Summarised as:

- Poor design.

Planning Considerations

The main issues for consideration in this case are:

- c) The impact on the character and appearance of the locality; and
- d) The impact on the living conditions of neighbouring amenities.

Character and appearance

The proposed two storey rear element has been designed to be subservient to the main house by reason of its limited depth (3.5m at ground floor and 2.5m at first floor), and it will not be readily visible from the street except for oblique views over the garage. It is of a simple design that compliments the main house. The first-floor rear element will retain the existing finishing of the main house, whilst the ground floor rear element will be predominantly of brick finish with roof tiles to match the main house.

The only element that will be clearly visible from the street would be the new roof form above the existing garage, and as it is recessed from the front wall by approx. 3.5 metres and limited height increase of 1m, there would be no adverse impact to the street scene. The visual gap at first floor level would still exist, so the proposed development would not be out of keeping with the character and appearance of the locality.

Living conditions of neighbours

The potentially affected neighbours would be No's 36 and 40.

There will be no material impact to the living conditions of No. 40 in terms of visual impact, loss of light, overbearing, overshadowing or loss of privacy due to limited depth and scale of the two-storey rear extension and No. 40's existing extension, and rear building line.

In terms of the first-floor rear element, the rear end does not protrude the 45-degree line taken from the first-floor habitable room window of No. 36, so there would be no material loss of light or outlook to the habitable room window of No. 36. Furthermore, due to the orientation of the main house facing North West, adequate sunlight and daylight will reach the rooms, and garden area of No. 36.

Moreover, the first-floor rear element is set in from the common boundary line by approx. 3.25 metres, and is of a limited depth (2.5 metres), so it will not have an adverse overbearing or visual impact when viewed from the rear garden area of No. 36.

With regards to the new roof form above the existing garage, it will have an eaves height of 2.9 metres and an overall height of 3.4 metres. Although it is sited on the common boundary line with No. 36 due to its limited height, it will not have an overbearing or visual impact that would justify a refusal.

Conclusion

The proposal would improve the living conditions of the existing occupants, be sympathetic to the appearance of the existing house while respecting the visual relationship to neighbouring houses and safeguarding their living conditions.

For the reasons set out above, 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
Direct Line Telephone Number: 01992 564415**

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