



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday 28th February 2024**

You are invited to attend the next meeting of **Area Planning Sub-Committee South**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday 28th February 2024 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

T Larsen Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors K Rizvi (Chairman), R Baldwin (Vice-Chairman),
I Allgood, D Barlow, P Bhanot, R Brookes, E Gabbett, S Heap,
R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead,
L Morgan, S Murray, C Nweke, M Owen, A Patel, S Patel,
Caroline Pond, C C Pond, D Sunger, K Williamson and D Wixley

[This meeting will be broadcast live and recorded for repeated viewing.](#)

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on MS Teams do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

Members are reminded to activate their microphones before speaking”.

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 4 - 5)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the [Members Portal webpage](#) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the [Council's website](#), at the bottom under 'Contact Us'.

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 6 - 11)

To confirm the minutes of the last meeting of the Sub-Committee held on 31 January 2024.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

8. PLANNING APPLICATION - EPF- 2193 / 23 - 155, FOREST ROAD, LOUGHTON, IG10 1EF (Pages 12 - 17)

To consider the attached report for the demolition of existing bungalow and the erection of 2 Detached Dwelling Houses.

9. PLANNING APPLICATION - EPF- 2469 / 23 - CORNER GARTH, NURSERY ROAD, LOUGHTON, IG10 4EF (Pages 18 - 23)

To consider the attached report for excavation of the rear garden so that it is level with the current lowest part of the garden.

10. PLANNING APPLICATION - EPF- 2688 / 23 - 6 TEWKESBURY CLOSE, LOUGHTON, IG10 3NT (Pages 24 - 28)

To consider the attached report for change of use from waste land to garden.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Agenda Item 2

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can [view the webcast](#) on the Council's website. Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via MS Teams or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices or will be admitted to the meeting virtually via MS Teams. Speakers must NOT forward the MS Teams invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes, you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details are available on [our website](#). Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services, email democraticservices@eppingforestdc.gov.uk

Agenda Item 5

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

Wednesday 31 January 2024, 7.00 pm - 9.55 pm

Council Chamber, Civic Offices, High Street, Epping

Members Present: Councillors K Rizvi (Chairman), R Baldwin (Vice-Chairman), I Allgood, D Barlow, P Bhanot, R Brookes, S Heap, J Jogia, H Kauffman, A Lion, L Mead, L Morgan, C Nweke, A Patel, S Patel, Caroline Pond, C C Pond, K Williamson and D Wixley

Members Present (Virtually): None.

Apologies: Councillor(s) R Jennings, J Jennings, S Murray, M Owen and D Sunger

Officers In Attendance: N Cole (Corporate Communications Officer), G Courtney (Service Manager (Planning Development)) and V Messenger (Democratic Services Officer)

Officers In Attendance (Virtually): M Picking (Democracy & Elections Apprentice) and M Rahman (Planning Officer)

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

71 WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

72 DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillor A Lion declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the Chigwell Residents Association speaker. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0625/23 – 2 Courtland Drive, Chigwell IG7 6PN
- b) Pursuant to the Council's Members' Code of Conduct, Councillor K Rizvi declared a non-pecuniary interest in the following item of the agenda by virtue of living in Courtland Drive and knowing some of the speakers including from the Chigwell Residents Association and the Parish Council, but he did not know the applicant. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0625/23 – 2 Courtland Drive, Chigwell IG7 6PN
- c) Pursuant to the Council's Members' Code of Conduct, Councillor P Bhanot declared a personal interest in the following item of the agenda as he knew the applicant. As the Councillor had previously withdrawn from meetings for this property, he had

determined he would leave the meeting for the consideration of the application and voting thereon:

- EPF/0625/23 – 2 Courtland Drive, Chigwell IG7 6PN
- d) Pursuant to the Council's Members' Code of Conduct, Councillor P Bhanot declared a non-pecuniary interest in the following item of the agenda as the applicant lived in his ward. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2113/20 - Hainault Hall, 173 Lambourne Road, Chigwell IG7 6JU
- e) Pursuant to the Council's Members' Code of Conduct, Councillor R Baldwin declared a non-pecuniary interest in the following item of the agenda by virtue of living in Burney Drive. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0726/23 – Garage Site Burney Drive, Loughton IG10 2DU
- f) Pursuant to the Council's Members' Code of Conduct, Councillor R Brookes declared a non-pecuniary interest in the following item of the agenda by virtue of living in Lower Park Road but did not know the applicant or the objector. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/1815/23 – 25 Lower Park Road, Loughton IG104NB
- g) Pursuant to the Council's Members' Code of Conduct, Councillor D Barlow declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the Chigwell Residents Association speaker. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0625/23 – 2 Courtland Drive, Chigwell IG7 6PN
- h) Pursuant to the Council's Members' Code of Conduct, Councillor L Morgan declared a non-pecuniary interest in the following item of the agenda by virtue of knowing three of the objectors and had attended the Parish Council meeting. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0625/23 – 2 Courtland Drive, Chigwell IG7 6PN

73 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 6 December 2023 be taken as read and signed by the Chairman as a correct record.

74 ANY OTHER BUSINESS

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

75 SITE VISITS

There were no formal site visits requested by the Sub-Committee.

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

The Presenting Officer made it clear to Members that this application had been put back in front of Members since the Court quashed the previous decision in part due to the Committee's decision being reached on incorrect evidence.

The background was provided, in that this application was discussed at Area Planning Sub-Committee South on 11 October 2023. The decision reached by Members was to refuse planning consent. Unfortunately, on the 25 October 2023 an incorrect decision notice was sent to the applicant which granted consent for the proposal. The Council subsequently judicially reviewed the decision and the Courts recognised that the decision issued was clearly a mistake and therefore quashed this decision and as a result the application has returned to the LPA for redetermination and was now once again 'live'.

The incorrect evidence referred to by the Court was the lack of clarity in terms of the date of the previous appeal decision regarding EPF/1573/20 in relation to the adoption of the latest Local Plan. This formed part of the previous debate and was clarified by the presenting officer that the previous appeal decision was dated 9 March 2023. The Epping Forest District Local Plan 2011-2033 was formally adopted by the Council on 6 March 2023. Therefore, on the day that the Planning Inspector determined the previous appeal the latest Local Plan was adopted.

Much debate took place around the previous appeal decision. This adoption of the new Local Plan, along with the recent updates to the NPPF, have changed the landscape in which the decision should be assessed.

Discussion took place with regards to the number and layout of the parking provision proposed. It was highlighted by the Parish Council that four of the six basement parking spaces were adjacent to walls and were not the necessary usable size of 3.5m (minimum) to 3.9m (preferred) in width, as laid out within the Essex Vehicle Parking Standards (para. 3.2.1 and para. 3.2.7). Whilst it was accepted that the spaces were undersized, Members agreed not to progress their parking concerns as a reason for refusal since the Planning Inspector did not previously dismiss the appeal on these grounds.

Discussion took place around the reasons for refusal previously voted on in October 2023, and the presenting officer and legal representative explained why these could not be defended on appeal.

A vote on the recommended approval of the proposal, subject to conditions was taken and not upheld. In light of the adoption of the Local Plan and its vision to improve sustainability, with specific reference given to Policy DM20, and the updated NPPF where greater emphasis and weight was given to design, the below reasons for refusal were then progressed by Members, seconded, and a majority vote confirmed that:

The application was [refused](#) for the following reasons:

1. Insufficient information has been provided to show how the proposed development would incorporate low carbon and renewable energy measures, contrary to policy DM20 of the Epping Forest District Local Plan 2011-2033 (2023), and Chapter 14 of the National Planning Policy Framework (2023).
2. The proposed development, due to its bulk, scale and use as a block of five flats, would be out of context, prominent and incongruous within the established pattern of

development in Courtland Drive and the surrounding street scene and would set an unacceptable precedent, contrary to policy DM9 of the adopted Epping Forest District Local Plan 2011- 2033 (2023), and the guidance contained within the National Planning Policy Framework (2023).

77 EPF/0726/23 - GARAGE SITE BURNEY DRIVE, LOUGHTON IG10 2DU

Members who attended the site visit clarified that this was extremely helpful.

Members commended and fully supported the provision of Affordable Housing, however there was general concern over the scale of this proposal. Much discussion took place regarding the impact on neighbours, and in particular the impact on No. 8 Colebrook Gardens.

Questions were raised around waste storage and collection and about the provision of solar panels on the roof and who would benefit from this.

Discussion took place around existing access points to neighbours gardens/garage through the site. The presenting officer and legal representative made it clear that this was not a material planning consideration, and a planning consent did not override the need to address any legal rights of access that might exist.

It was suggested by several Members that a single storey development might be more appropriate in this location. Councillor L Mead also requested that on applications such as this information should be submitted on whether replacement garages would be offered to current garage users and where these would be located.

A vote was taken on the officer recommendation to approve subject to conditions. No Members voted in favour of this.

Councillor Chris Pond put forward reasons for refusal on the basis that this would be an unneighbourly development and that the design would be out of character with the area, with particular reference to the updated NPPF.

A vote was taken on refusing consent for these reasons which was unanimously agreed.

Following the decision, the presenting officer highlighted that the application would now have to be presented to DDMC under point (1) (g) of the Terms of Reference of the District Development Management Committee (as found in Article 10 of the Constitution).

Therefore, the application was referred to DDMC with a recommendation for refusal from the Sub-Committee for the following reasons:

1. By reason of the proposed height and bulk, the proposal would be an unneighbourly development resulting in a detrimental impact on neighbouring amenities with regards to material loss of light, overshadowing, overlooking from the front balcony, loss of outlook and overbearing impact. As such the proposal fails to safeguard the living conditions of neighbouring amenities contrary to Policy DM9 (i) of the adopted Local Plan and Paragraph 135 (f) of the NPPF 2023.
2. The proposed contemporary design does not relate positively to the locality. Consequently, it would result in a harmful effect on the established character and appearance of the area, contrary to Policy DM9 of the adopted Local Plan 2023, and Paragraphs 131 & 135 of the NPPF 2023.

78 EPF/1415/23 - 6 GREAT OAKS, CHIGWELL IG7 5ES

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

79 EPF/1815/23 - 25 LOWER PARK ROAD, LOUGHTON IG10 4NB

Discussion took place regarding the overall bulk and design of the proposal.

It was accepted that such schemes were found across the District and Members accepted that there was a permitted development fallback position, albeit this would not result in a scheme as large as this proposed (re: the side extension).

A street photograph was displayed showing the property two doors down that had a similar hip to gable roof extension and a hipped roof two storey side extension.

Discussion took place around the proposal appearing too bulky in general, and the rear dormer window specifically being overbearing since it spanned the entire rear roofslope. Specific reference was made to the updated NPPF and the emphasis that was placed on good design.

A vote was taken to approve the application, subject to conditions, as recommended by the Planning Officers. This decision was not upheld.

Cllr Chris Pond put forward a reason to refuse on the excessive bulk, blocky nature, and the delivery of accommodation across the whole roof, which was considered detrimental to the character and appearance of the area.

A vote was taken, and the application was [refused](#) for the following reason:

1. The proposal, by reason of its excessive bulk, design and the rear dormer projecting across the entire rear roof slope, would be detrimental to the character and appearance of the area and the streetscape of Lower Park Road, contrary to Policy DM9 of the adopted Local Plan 2023, and Paragraphs 131 & 135 of the NPPF 2023.

80 EPF/2113/20 - HAINAULT HALL, 173 LAMBOURNE ROAD, CHIGWELL IG7 6JU

The presenting officer highlighted that the application had been deferred from Area Planning Sub-Committee South on 16 August 2023 for a site visit to be undertaken and that, despite repeated attempts, the Case Officer had been unable to arrange a Member Site Visit and therefore, the application was back in front of the Committee for a decision based on the information presented. Additional photographs and images were included in the presentation. The presenting officer also recommended that the wording of the suggested conditions be amended since works had already commenced, so the trigger points within certain conditions would need to be changed.

A Chigwell Parish Councillor spoke and referenced an appeal decision that determined that an outdoor swimming pool in a residential garden used only by the residents would not meet the exception of 'outdoor sport and recreation'.

Members discussed the visual impact of the proposal, including the significant level of hardstanding and visual encroachment into the Green Belt land to the rear of the site. The view was taken that this proposal was inappropriate development in the Green Belt.

Members were informed that usually swimming pools such as this would not require planning consent, however this did not benefit from permitted development since it was in the curtilage of a listed building. Therefore, there was no fallback position.

Queries were raised about the need for this development since there was already an indoor pool elsewhere on the site, and it was noted that there was already significant development to the rear as a result of the approved outbuilding.

Members considered that since the pool was now complete and in use it was known that this did have an impact already on the amenities of the neighbours and it was not considered that the provision of additional landscaping would adequately mitigate this.

A vote was taken on the officer's recommendation to approve consent, subject to conditions, with was unanimously voted against.

The Chairman put forward reasons for refusal based on this being inappropriate development within the Green Belt with no very special circumstances, and also due to the impact on neighbours' amenities. The presenting officer obtained clarity on what harm would be caused to neighbouring residents based on this being in a residential garden. The Committee voted unanimously to refuse consent.

Therefore, the application was [refused](#) for the following reasons:

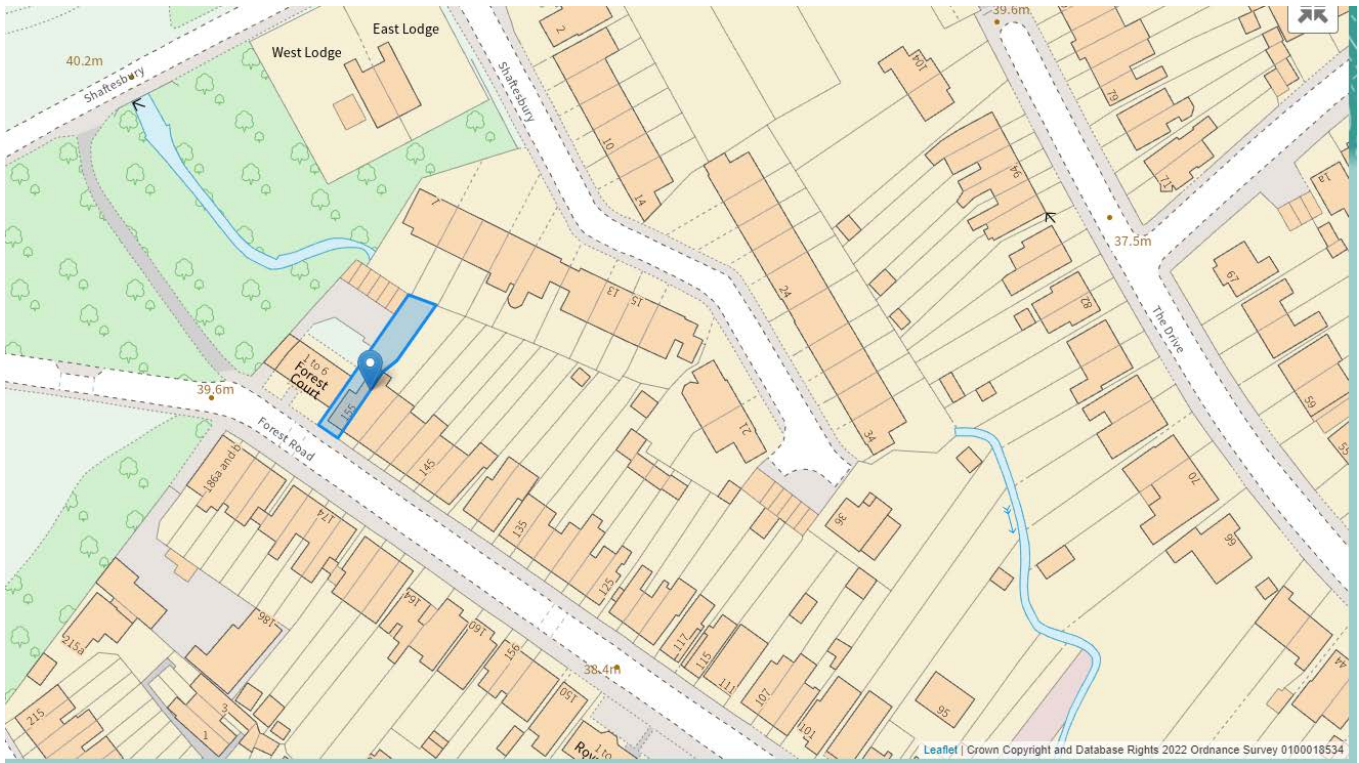
1. The proposal constitutes inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist that clearly outweigh this harm, and therefore the development is contrary to policy DM4 of the adopted Epping Forest District Local Plan 2011-2033 (2023) and the guidance contained within the National Planning Policy Framework (2023).
2. The proposed development would have a detrimental impact on the amenities of neighbouring residents in Maypole Drive through harm caused by noise nuisance, a loss of visual amenity, and loss of the quiet enjoyment of their garden space, contrary to policy DM9 of the adopted Epping Forest District Local Plan 2011-2033 (2023) and the guidance contained within the National Planning Policy Framework (2023).

CHAIRMAN

Agenda Item 8

OFFICER REPORT

Application Ref: EPF/2193/23
Application Type: Householder planning permission
Applicant: Woodford
Case Officer: Murtaza Poptani
Site Address: 155, Forest Road, Loughton, IG10 1EF
Proposal: Demolition of existing rear extension. New 1 storey rear extension. New dormer extension.
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001XZNI>
Recommendation: Approve with Conditions



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

Background

This application was deferred from a previous Committee meeting for a site visit

Site and Surroundings

The subject site is a two-storey, end of terrace, Victorian dwelling. It is located within a residential area.

Proposal

The proposal is for the demolition of existing bungalow and the erection of 2 Detached Dwelling Houses. Part of the rear garden is within the Loughton Brook buffer area and is located within Flood Zone 2.

The subject site is not a statutory or locally listed building nor is it within a Conservation Area. The dwelling is not within the Green Belt. There are no TPOs on site.

Relevant Planning History

Application No.	Description	Status
EPF/2190/06	Erection of sun deck.	Refused
EPF/0881/09	Two storey rear extension and single storey rear extension.	Refused
EPF/1428/22	Certificate of Lawful Development for two proposed outbuilding.	Approved
EPF/1851/22	Demolition of existing rear extension. New side infill extension and part 2 storey part 1 storey rear extension. New dormer extension.	Refused

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023);

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

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

DM9 High Quality Design
DM10 Housing Design and Quality

National Planning Policy Framework 2021 (Framework)

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

Paragraphs 132 & 134

Summary of Representations

Number of neighbours Consulted: 10. 4 response(s) received.

153 FOREST RD, 164 FOREST ROAD, FLAT 4 FOREST COURT, LRA PLANS GROUP – Objections
– Summarised as;

- Privacy
- Incongruent design
- Mass
- Overbearing
- Possibly a future HMO
- Insufficient height to accommodate loft conversion .
- Encroaches into rear garden space

LOUGHTON TOWN COUNCIL –

The Committee NOTED the contents of three letters of objection.

The Committee noted two outbuildings have been erected, described as a garden room and a potting shed, in the garden of 155 for which a Certificate of Lawful Development was granted on 12 August 2022. Whilst the submitted plan PD005 showed this building to be 2.5m in height from the ground level members understand it is actually 3.5m in height. The Committee therefore request that officers take enforcement action as a matter of urgency due to the impact of the extensions on neighbours.

Regarding this current planning application, EPF/2193/23, the Committee OBJECTED to this proposal, considering the existing closet wing reads as a matching pair with 153 Forest Road; its loss would be detrimental to the character of the area. The proposed ground floor extension was also out of character with No 153 and this part of Forest Road. The roofs could also be used as terraces, leading to overlooking to the adjacent properties. The proposal would create a loss of symmetry and a loss of amenity.

Whilst not a planning matter the IC must stay in the existing position as the chamber construction cannot be under the adjoining property. The existing roof ridge does not have sufficient height for the dormer.

Factoring in the unauthorised extensions to the rear, this ground-floor addition and roof extension represent an overdevelopment of the site.

Planning Considerations

The main issues for consideration in this case are:

- A) Character and Appearance
- B) Amenity

Character and appearance

The subject site is not a statutory or locally listed building nor is it within a Conservation Area. The dwelling is not within the Green Belt. There are no TPOs on site.

The proposal seeks to demolish the existing single storey rear extension and erect a single storey rear extension and a new dormer extension.

Single storey rear extension

The proposed single storey extension would be erected following the demolition of the existing single storey rear extension.

It would have a maximum depth of 7.0m, which is no greater than the existing single storey rear extension. It would have a maximum width of 4.4m for the rear wall of the proposed single storey rear extension – at the point at which it extends beyond the existing rear wall of the subject dwelling, the proposed single storey rear extension would have a width of c.1.7m and be set back from the rear wall by 1.4m. The proposed single storey rear extension would have a maximum height of c.3.6m which would be in line with the current existing single storey rear extension.

The proposed materials are considered to be acceptable in this location. In the event of an approval, a condition will be imposed to ensure the details for the meadow for the roof of the proposal are assessed and approved by the Local Planning Authority.

Officers recognise that there is an element of symmetry between the pair of dwellings nos.153 and 155 with regard to their existing single storey rear extensions. Whilst this proposal represents a departure from this established symmetry, it would be to the rear of the dwelling and not visible from the street scene and as such is considered to, on balance, be acceptable. It would not result in a feature considered to detract from the character and appearance of the main dwelling and its context.

Proposed dormer

The proposed dormer is setback from the western boundary of the subject dwelling and would not appear as an overly dominant protrusion from the loft. It would be set back from the eaves and the materials proposed are considered acceptable.

Furthermore, officers note the proposed rear dormer would accord with the provisions set out in the General Permitted Development Order 2015 (as amended).

Overall, the proposal is considered acceptable with regard to its impact on character and appearance. Officers note that there is an extant certificate of lawfulness () for two outbuildings, which are under construction. Whilst the proposal would introduce more built form to the rear garden, it would not protrude beyond the existing rear extension and therefore there will be no significant change between the current massing of the dwelling and the proposals.

Amenity

The neighbouring occupiers most likely to be affected by the proposals are the occupiers at 1-6, Forest Court and no.153 Forest Road.

The proposed single storey rear element would not have a depth greater than the existing rear extension, nor would it have a height significantly greater than the existing extension. Having regard of the aforementioned features of the proposed single storey rear extension, officers do not consider that this element of the proposal would significantly detract from the amenity currently enjoyed by neighbouring occupiers.

There were objections raised in relation to privacy as it concerns the meadow flat roof. In the event of an approval, a condition would be imposed to ensure to prevent this element of the proposal being used as a balcony.

Conclusion

Overall, the proposals are considered to be acceptable and therefore has officer support.

If you wish to discuss the contents of this report item, please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (5)

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: PL103 revA EX PR ROOF, PL100 revA GROUND FLOOR, PL203 revA PR SECTION BB, PP-12482406v1, PL202 revA EX SECTION BB, PL201 revA PR SECTION AA, PL121 revA EX PR REAR ELEVATION, PL200 revA EX SECTION AA, PL120 revA EX PR FRONT ELEVATION, PL101 revA EX PR 1ST FLOOR, PL102 revA EX PR 2ND FLOOR

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

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

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

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

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

- 5 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting and meadow roof details) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any

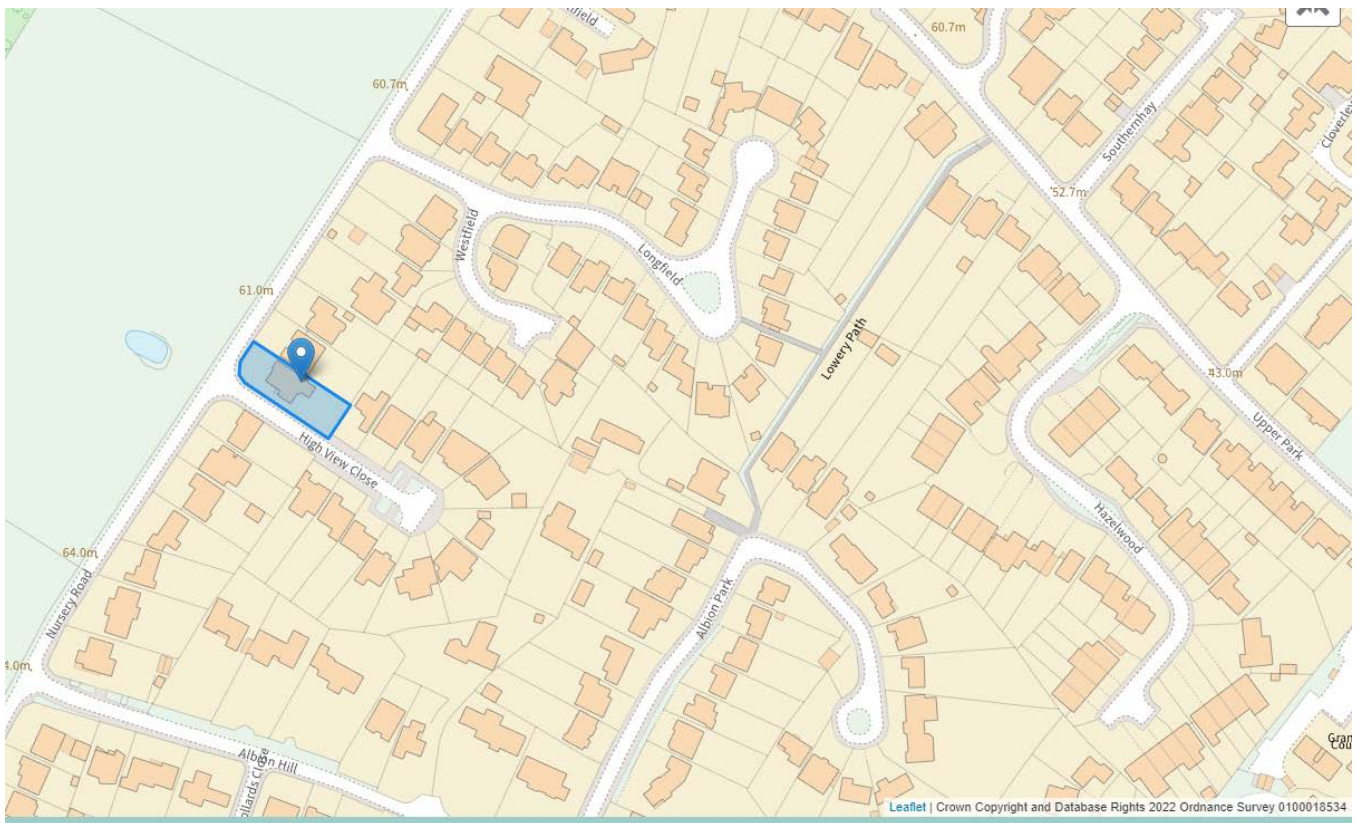
replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Agenda Item 9

OFFICER REPORT

Application Ref: EPF/2469/23
Application Type: Householder planning permission
Applicant: Mr & Mrs Laysmith
Case Officer: Kelly Sweeney
Site Address: Corner Garth, Nursery Road, Loughton, IG10 4EF
Proposal: Rear garden level alterations
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv00000005ED>
Recommendation: Approve with Conditions



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This application has been brought before the Planning Committee because the application is recommendation for approval and objections have been received from nearby residents and the Town Council.

Summary

It is considered that the proposed alterations are relatively minor in nature and would not result in harm to the character and appearance of the property or the public realm. The Council's Tree and Landscaping

Officer is satisfied with the information submitted and it is considered that there would be no harm to nearby residents or to the local highway network. Approval is therefore recommended.

Site and Surroundings

The site comprises a large, detached bungalow located on a prominent corner plot between High View Close and Nursery Road. The property has an enclosed rear garden which backs onto the boundary with No. 12 High View Close. To the front the property is set back from the road and had a large, grassed frontage with a driveway leading to an integral garage.

The surrounding area comprises a mix of bungalows and two storey houses of varying character. Several of the bungalows located within close proximity to the site have been extended significantly.

The site is not located within a conservation, nor is located within close proximity to any heritage assets or protected trees.

Proposal

At present the rear garden of the site has a steep gradient which increases in height. Its lowest point is closest to the rear elevation of the main bungalow and its maximum height is next to the rear boundary adjacent to No. 12 High View Close. The proposal seeks to excavate the rear garden so that it is level with the current lowest part of the garden.

It is noted that the excavation of a rear garden to make it level would normally constitute permitted development under the Town and Country Planning (General Permitted) Development Order (As amended), however as the development would include the construction of a retaining wall of 2.4m in height along the boundary with 'Glentarras' and the use of reinforced concrete it is considered that a planning application is required in this case.

Relevant Planning History

The site has an extensive planning history relating to extensions and alterations to the main bungalow. They have several recent planning permissions the most recent being EPF/1757/23 and EPF/1780/23 which include ground floor and roof extensions to the property.

Development Plan Context

Local Plan (2023)

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

- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM16 Sustainable Drainage Systems

National Planning Policy Framework (NPPF) 2023

Summary of Representations

One resident objection has been received commenting as follows: -

- The development would result in a risk of subsidence.

- There are errors in the planning submission which state works has not commenced, however trees have already been removed from the site.

Officer Comment: Any risk of subsidence would not be a material planning consideration. Any structures matters must be considered under building regulations. The loss of trees on site is discussed further in the report.

LOUGHTON TOWN COUNCIL – Objected on the following grounds: -

- The level of information provided is incomplete and ambiguous.
- Concern has been raised that waste from the demolition of the building could be used as landfill for this purpose.
- The development has involved the loss of all greenery.

Officer Comment: Since the submission of the application the applicant has provided additional plans which show the difference between the existing and proposed garden levels. In terms of waste disposal as a result of the demolition of the main house, this is not for consideration as part of this application. It is noted that there is no planning permission in place for demolition of the existing bungalow. The Council's Tree and Landscaping Officer has been consulted on the application and raises no objection to the development and has recommended a land excavation condition.

Internal and External consultees

The responses follow the receipt of amended documents and information.

Tree and Landscape Officer: No objection subject to safeguarding conditions. Comments followed the submission or additional information and plans.

Planning Considerations

The main issues for consideration in this case are:

- a) The principle of the development;
- b) The impact on the character and appearance of the locality.
- c) The impact to the living conditions of nearby residents.
- d) Other Matters.

Principle

The application seeks approval to make improvements within the curtilage of an existing residential dwelling. Subject to compliance with policies relating to the impact upon the character and appearance of the area, residential amenity and other matters such as impact upon trees, landscaping and highways the proposed development is acceptable in principle.

Character and Appearance

Policy DM9 of the adopted Local Plan (2023) seeks to ensure that development does not harm the character and appearance of existing buildings and that any extensions and alterations are appropriate in terms of their appearance, scale and massing. Due regard should also be paid to the landscape character of the site as well as the protection of any trees.

Concerns have been raised that the development has involved the loss of a number of trees and shrubs on site. However, none of the trees or other landscape features within the site boundary are/were

protected. The site is not in a conservation area and no trees are subject to a Tree Preservation Order as such the removal of the trees does not require permission from the Local Planning Authority.

As discussed above the need for planning permission in this case only relates to the proposed 2.4m retaining wall and use of reinforced concrete. Usually levelling a rear garden can be carried out under permitted development. It is considered that the works would not result in harm to the character and appearance of the site or the wider area. Lowering the garden would mean that it would be less visible from the public realm than at present.

The Council's Tree and Landscaping Officer has been consulted on the application and raises no objection to the development. Conditions have been recommended which would ensure that there would be some replanting of trees to off-set the trees lost on site. It is considered that this this would overcome concerns raised by the resident objections.

The retaining wall would be relatively low in height and would not introduce a feature that would appear incongruous within this location.

Overall, the development would be in compliance with Policy DM9 of the Council's adopted Local Plan 2023.

The impact to the living conditions of nearby residents

The development would involve a reduction in site levels which would reduce any impact upon nearby residents. As such it is considered that the development would not be harmful to residential amenity.

Other Matters

The development involves alterations to an existing rear garden. There would be no alterations to the existing access arrangements for the site. As such there are no concerns with respect to the impact upon the local highway network.

It is proposed that the rear garden will be laid to lawn and the existing area of hardstanding shall remain as existing. As such it is considered that there would not be any sustainable drainage concerns as a result of the development.

Conclusion

The development would involve minor changes to the rear garden of an existing residential property. It is considered that the development would not result in harm to the amenity of nearby residents, the character and appearance of the site or the wider area or to the local highway network. New trees planting within the rear garden would be secured by way of condition. The development would be in compliance with policies DM9 of the Council's adopted Local Plan (2023). App

If you wish to discuss the contents of this report item, please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (4)

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2342-200.11 Rev A and 500.11.

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

- 3 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to any above ground works, details of tree planting, including positions or density, species and planting size(s) and a timetable for implementation (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. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

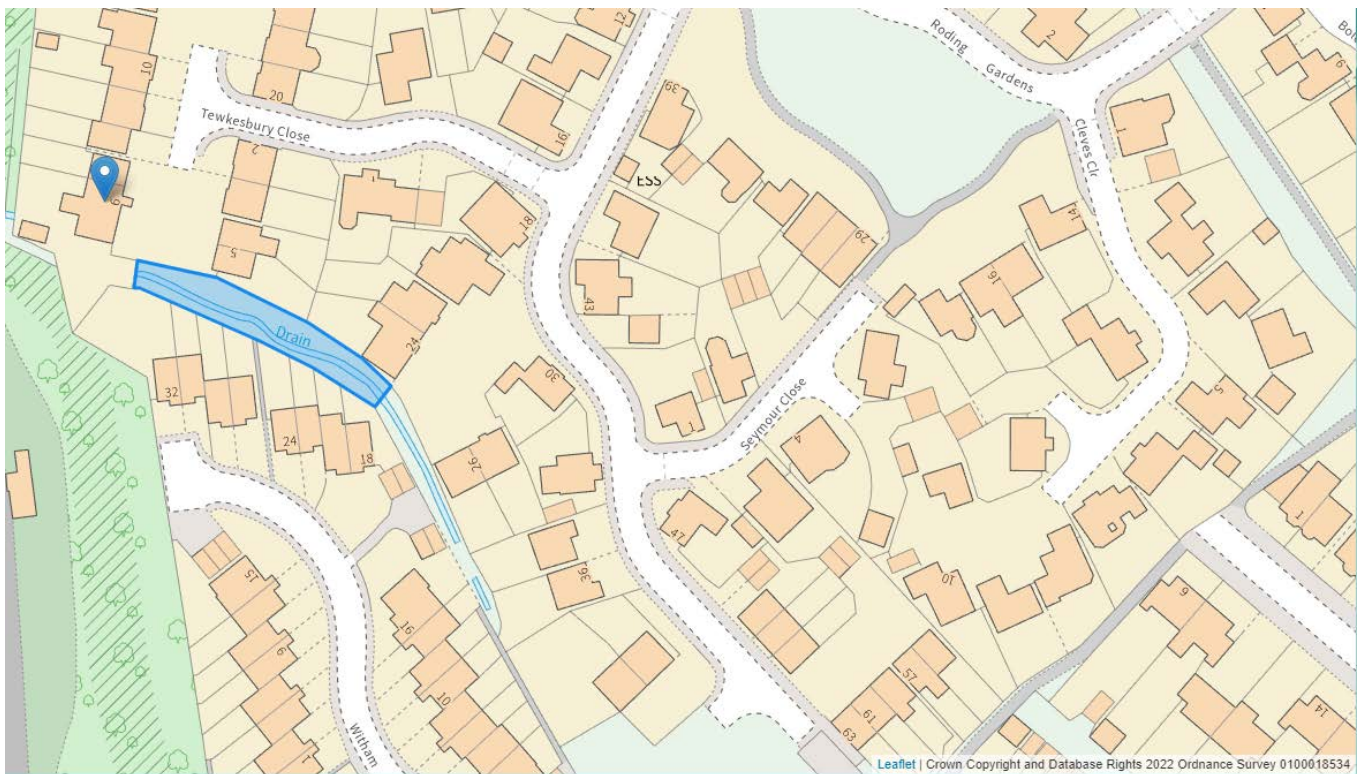
Informatives: (1)

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

Agenda Item 10

OFFICER REPORT

Application Ref: EPF/2688/23
Application Type: Full planning permission
Applicant: Mrs Marsh
Case Officer: Mohinder Bagry
Site Address: 6, Tewkesbury Close, Loughton, IG10 3NT
Proposal: Change of use from waste land to garden
Ward: Loughton Roding
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000000ROP>
Recommendation: Approve with Conditions



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This application is before this Committee since the application is objected to by five adjoining neighbours and by Loughton Town Council.

Site and Surroundings

The site comprises a linear stretch of wasteland attached to the side garden of no.6 Tewkesbury Close between the boundaries to the rear gardens of dwellings along Tewkesbury Close and Witham Close. A culvert/water drainage course runs along the length of the site facilitating drainage to the railway line to the rear of the applicant site. Site clearance of trees has already taken place. Surrounding area is

largely relatively modern residential. It lies within a built-up area of Loughton. It is not a Listed Building nor in a Conservation Area It does not lie within the boundaries of the Metropolitan Green Belt.

Proposal

Change of use from waste land to garden.

Relevant Planning History

EPF/2678/23 Certificate of lawful development for a proposed garden shed, 05/12/2023, Lawful.

EPF/1317/23 Erection of garden office. 08/06/2023, Refuse.

EPF/2005/22 Certificate of Lawful Development for proposed outbuilding. 01/09/2022, Not Lawful.

EPF/1033/22 Certificate of lawful development for a proposed large garden shed. 04/05/2022, Not Lawful.

EPF/0591/18 Continued use of land at rear and side as domestic garden and erection of a summerhouse in rear garden. 27/02/2018. Approve with Conditions.

PRE/0144/22 Pre application for a proposed erection of outbuilding.18/11/2022, Advice Given.

EPF/0840/21 Application for a Non-Material amendment for EPF/2399/19. (Part first floor rear extension and loft conversion with rear dormers, continuation of front roof slope over recessed area of front wall.(Amended application to EPF/1975/17). 25/03/2021, Approve.

EPF/1975/17 Part first floor side extension and loft conversion with rear dormers. 19/07/2017, Approve with Conditions

EPF/0415/21 Installation of Solar Panels on approved extension. EPF/2399/19, 15/02/2021

EPF/2399/19 Part first floor rear extension and loft conversion with rear dormers, continuation of front roof slope over recessed area of front wall.(Amended application to EPF/1975/17).07/10/2019. Approve with Conditions.

EPF/1234/18 Amendments to planning approval EPF/1975/17 (Part first floor rear extension and loft conversion with rear dormers). Addition of 2 pitched roof dormers and roof light to front roof slope. 02/05/2018. Approve with Conditions.

EPF/2038/08 Demolition of existing and erection of new rear conservatory. 20/10/2008. Approve with Conditions.

EPF/0097/09 Demolition and replacement two storey side extension.16/01/2009. Approve with Conditions.

EPF/0051/03 Erection of front porch. 09/01/2003. Approve with Conditions.

EPF/1988/02 Erection of rear conservatory. 18/10/2002. Approve with Conditions.

EPF/1140/99 Two storey side extension. 28/07/1999. Approve with Conditions.

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

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

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

SP1	Spatial Development Strategy 2011-2033
SP2	Place Shaping
SP6	The Natural Environment, Landscape Character and Green and Blue Infrastructure
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM17	Protecting and Enhancing Watercourses and Flood Defences
DM22	Air Quality

National Planning Policy Framework 2023 (Framework)

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

Paragraph 135

Summary of Representations

Number of neighbours Consulted: 19. Response(s) received 6.
Site notice posted: No.

NEIGHBOUR CONSULTATION RESPONSES:

5 neighbours from 4 households OBJECT to the proposal. Summarised as:

1. Disputes the description of wasteland instead categorises the site as wildlife habitat.
2. Loss of greenery impacting residents' mental wellbeing.
3. Loss of privacy.
4. Impact on water drainage.
5. Land ownership issue. *
6. Neighbours are sharing care for the land (cutting grass etc.)
7. Promotes further loss of wildlife habitat. Loss of trees impacting privacy for residents of Witham Close.
8. Devaluation of nearby homes. *
9. Loss of sun time in the garden.
10. Fears further loss of remaining trees.
11. Loss of outlook.
12. Implications with land drainage due to presence of culvert.
13. Disagrees with characterisation as wasteland instead refers to area of biodiversity that requires protection from further loss of wildlife.
14. Highlights the anomaly with the application description and information contained in the public notice.
15. Impacts the privacy and outlook of at least 5 neighbours adjoining the proposal site.

LOUGHTON TOWN COUNCIL – OBJECTION

The Committee OBJECTED to this application supporting the comments of the LRA Plans Group, namely:

“The applicant has signed Certificate A and claims they are the sole owner of the land. Yet they have put an advert in the paper certifying they do not own the land. Notwithstanding this, the advert refers to the erection of a garden building, not to convert waste land to garden. It is an offence under the planning acts to sign the wrong certificate of ownership knowingly or recklessly. As such we consider the application should be invalidated and the applicant clarify what they are applying for.”

LOUGHTON RESIDENT’S ASSOCIATION

We object to this application.

‘The applicant has signed Certificate A and claims they are the sole owner of the land. Yet they have put an advert in the paper certifying they do not own the land. Notwithstanding this, the advert refers to the erection of a garden building, not to convert waste land to garden. It is an offence under the planning acts to sign the wrong certificate of ownership knowingly or recklessly. As such we consider the application should be invalidated and the applicant clarify what they are applying for.’

EFDC Environmental Protection and Land Drainage

No comments to make on the proposed development however requires informative stating any works to or within eight metres of an open or piped watercourse will require Land Drainage Consent.

Planning Considerations

The main issues for consideration in this case are:

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

Character & Appearance

The site comprises a linear stretch of undeveloped land attached to the side garden of no.6 Tewkesbury Close between the boundaries to the rear gardens of dwellings along Tewkesbury Close and Witham Close. A culvert/water drainage course runs along the length of the site facilitating drainage to the railway line to the rear of the applicant site. Site clearance of trees has already taken place. Surrounding area is largely relatively modern residential. It lies within a built-up area of Loughton.

The application for change of use from wasteland to garden space is considered acceptable. The proposal provides stewardship for and improves the existing undeveloped area of land. Change of use to a residential garden retains the character and appearance of its setting and is therefore supported.

Living Conditions

Several objections have been received stating the area is not wasteland instead a place of wildlife and biodiversity. Those marked with an asterisk were not material considerations, therefore did not feature in the planning balance.

Most neighbour objections related to the loss of existing biodiversity and wildlife. The change of use will not result in significant change to the general biodiversity which is present in domestic gardens therefore, the change of use is not considered to result in significant loss of neighbour amenity.

Further built environment within the garden space can be overcome by way of restriction to permitted development which will reduce loss of outlook to neighbouring dwellings.

Conclusion

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

If you wish to discuss the contents of this report item, please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (3)

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Newspaper Public Notice.

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

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

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

Informatives: (1)

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