

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE SOUTH** **Wednesday, 11th August, 2021**

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, 11th August, 2021**  
at **7.00 pm.**

**Georgina Blakemore**  
Chief Executive

**Democratic Services  
Officer**

Democratic Services Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors J Share-Bernia (Chairman), K Williamson (Vice-Chairman), R Baldwin, D Barlow, P Bhanot, R Brookes, S Heap, R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead, S Murray, S Neville, C Nweke, M Owen, A Patel, C P Pond, C C Pond, S Rackham, K Rizvi, C Roberts, D Sunger and D Wixley

#### **WEBCASTING/FILMING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**Therefore by entering the Chamber and using the public seating area or by attending virtually, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should speak to the webcasting officer or otherwise indicate to the Chairman before the start of the meeting.**

**If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast;
2. Members are reminded of the need to activate their microphones before speaking; and
3. the Chairman will read the following announcement:

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

If you are seated in the public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should speak the webcasting officer.”

**2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 18)**

To confirm the minutes of the last meeting of the Sub-Committee held on 14 July 2021.

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**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. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing

Note is available at:

[http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

## 8. SITE VISITS

Members are reminded that for the duration of the coronavirus pandemic, as decided at the Group Leaders' Meeting of 24 June 2020, **no member site visits will be conducted.**

Therefore, any planning application deferred for a site visit at an Area Planning Sub-Committee will be automatically referred to the District Development Management Committee for determination.

## 9. PLANNING APPLICATION - EFP/0403/21 46 STRADBROKE DRIVE, CHIGWELL IG7 5QZ (Pages 19 - 34)

To consider the attached report for the 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.

## 10. PLANNING APPLICATION - EPF/1209/21 35 UPPER PARK, LOUGHTON IG10 4EQ (Pages 35 - 40)

To consider the attached report for a proposed loft conversion with increase of roof ridge level by 500mm with rear dormer.

## 11. PLANNING APPLICATION - EPF/1648/21 2 LUCTON MEWS, LOUGHTON IG10 3PE (Pages 41 - 46)

To consider the attached report for the proposed demolition of rear conservatory with a replacement rear and side ground floor single storey extension with rooflights and decking/patio area. Loft conversion with rear dormer and x2 no. front rooflights. (Amended application to EPF/0345/20).

## 12. 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 Paragraph Number	Information
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.

## **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 at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> 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 Zoom 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 Zoom. Speakers must NOT forward the Zoom 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](mailto: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 can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk/> 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.

Area Planning Sub-Committee South 2021-22  
 Members of the Committee and Wards Represented:

				
<b>Chairman</b>	<b>Vice Chairman</b>			
Cllr Share-Bernia Buckhurst Hill West	Cllr Williamson Buckhurst Hill West	Cllr Heap Buckhurst East	Cllr Neville Buckhurst Hill East	Cllr Patel Buckhurst Hill West
				
Cllr Bhanot Chigwell Row	Cllr Rizvi Chigwell Village	Cllr Sunger Chigwell Village	Cllr Barlow Grange Hill	Cllr Lion Grange Hill
				
Cllr Rackham Grange Hill	Cllr Nweke Loughton Alderton	Cllr Roberts Loughton Alderton	Cllr Owen Loughton Broadway	Cllr C C Pond Loughton Broadway
				
Cllr Mead Loughton Fairmead	Cllr Wixley Loughton Fairmead	Cllr Baldwin Loughton Forest	Cllr Jogia Loughton Forest	Cllr Brookes Loughton Roding
				
Cllr Murray Loughton Roding	Cllr B Jennings Loughton St John's	Cllr C P Pond Loughton St John's	Cllr J Jennings Loughton St Mary's	Cllr Kauffman Loughton St Mary's

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 14 July 2021  
South

**Place:** Conference Suite - Civic Offices **Time:** 7.00 - 9.30 pm

**Members Present:** K Williamson (Vice-Chairman, in the Chair), R Baldwin, D Barlow, P Bhanot, R Brookes, S Heap, R Jennings, J Jogia, H Kauffman, A Lion, S Murray, S Neville, C Nweke, M Owen, C P Pond, C C Pond, S Rackham (Vice-Chairman), K Rizvi, C Roberts, D Sunger and D Wixley

**Other Councillors:**

**Apologies:** J Share-Bernia, J Jennings, L Mead and A Patel

**Officers Present:** G Courtney (Planning Applications and Appeals Manager (Development Management)), A Hendry (Democratic Services Officer), T Carne (Corporate Communications Team Manager), L Kirman (Democratic Services Officer), S Mitchell (PR Website Editor), P Seager (Chairman's Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)

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### 9. 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.

### 10. APPOINTMENT OF VICE CHAIRMAN

With the Vice Chairman acting as Chairman for this meeting, the Sub-Committee appointed Councillor Rackham as Vice Chairman for the duration of the meeting.

### 11. MINUTES

#### RESOLVED:

That the minutes of the last meeting of the Sub-Committee held on 16 June 2021 be taken as read and signed by the Chairman as a correct record subject to the addition of Councillor Rackham's apologies for that meeting.

### 12. DECLARATIONS OF INTEREST

- (a) Pursuant to the Council's Members' Code of Conduct, Councillor P Bhanot declared a non-pecuniary interest in the following item by virtue of being a Parish Councillor on the planning Committee and that he lived opposite the

development. The Councillor had determined that he would remain in the meeting for the consideration of the application:

- EPF/2868/21 – 177 High Road, Chigwell IG7 6NX

(b) Pursuant to the Council's Members' Code of Conduct, Councillor A Lion declared a non-pecuniary interest in the following item by virtue of being a previous member of the Chigwell Resident's Association. The Councillor had determined that he would remain in the meeting for the consideration of the application:

- EPF/2868/21 – 177 High Road, Chigwell IG7 6NX

(c) Pursuant to the Council's Members' Code of Conduct, Councillor D Barlow declared a non-pecuniary interest in the following item by virtue of being a member of the Chigwell Resident's Association and currently the Chair of the Resident's Association. The Councillor had determined that she would remain in the meeting for the consideration of the application:

- EPF/2868/21 – 177 High Road, Chigwell IG7 6NX

(d) Pursuant to the Council's Members' Code of Conduct, Councillor D Sunger declared a non-pecuniary interest in the following item by virtue of being a member of the Chigwell Resident's Association. The Councillor had determined that he would remain in the meeting for the consideration of the application:

- EPF/2868/21 – 177 High Road, Chigwell IG7 6NX

### **13. ANY OTHER BUSINESS**

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

### **14. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

[http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

### **15. SITE VISITS**

The Sub-Committee Members noted that for the duration of the coronavirus pandemic, any planning applications deferred for a site visit at an Area Planning Sub-Committee would be automatically referred to the District Development Management Committee (or Council) for determination.

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

Councillor Murray would like to have this rule revisited now that we were near to having the social distancing rules lifted.

#### 16. PLANNING APPLICATION - EFP/2868/20 177 HIGH ROAD, CHIGWELL IG7 6NX

**Report Item No:**

<b>APPLICATION No:</b>	EPF/2868/20
<b>SITE ADDRESS:</b>	177 High Road Chigwell IG7 6NX
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed mixed-use development to provide 35 residential dwellings (Use Class C3) and 512 sqm of commercial floorspace (Use Class E) together with cycle and car parking, landscaping, provision of new pavement and loading bay on Brook Mews and associated infrastructure.
<b>DECISION:</b>	Deferred

**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=645633](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=645633)

#### DEFERRED

This item was deferred to enable the publication of the Viability Appraisal work and re-consultation with neighbours regarding this, to update the report to provide further information regarding viability, and to see whether a viability expert and the Urban Design Officer can attend the meeting to answer any questions raised by Members.

#### 17. PLANNING APPLICATION - EPF/3043/20 2 PRINCES ROAD, BUCKHURST HILL IG9 5EG

**Report Item No:**

<b>APPLICATION No:</b>	EPF/3043/20
<b>SITE ADDRESS:</b>	2 Princes Road Buckhurst Hill IG9 5EG
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>DESCRIPTION OF</b>	Proposed replacement of a single dwelling with a new

<b>PROPOSAL:</b>	building consisting of 2 commercial units and 7 fully accessible apartments. (Amended application to EPF/2378/19).
<b>DECISION:</b>	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=646414](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=646414)

## 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 and retained strictly in accordance with the approved drawings numbers: 349-EX-01-A Existing Ground Floor Plan  
349-EX-02 Existing First Floor Plan  
349-EX-03 Existing Roof Plan  
349-EX-04 Existing Elevations  
349-PL-01-C Proposed Location Block Plan  
349-PL-02-C Proposed Ground Floor Plan  
349-PL-03-C Proposed First Floor Plan  
349-PL-04-C Proposed Second Floor Plan  
349-PL-05-C Proposed Roof Plan  
349-PL-07-C Proposed Elevations  
349-PL-08-C Proposed Street Scenes
- 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. For the avoidance of any doubt render shall not be used as a material option. The development shall be implemented in accordance with such approved details.
- 4 Notwithstanding the approved plans, timber shall be used for the proposed windows and doors, unless otherwise agreed in writing by the Local Planning Authority.
- 5 The window opening(s) in the south west elevation (marked as elevation D on plan number 349-PL-07 Rev C) shall be fitted with obscured glass with a minimum Level 3 obscurity to the extent as outlined on the same plan 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.
- 6 The ground floor units shall only be used as Class A1/A2 and A3 (known as Class E from 1st September 2020) as shown on the approved ground floor plan 349-PL-02 and for no other purpose (including any other purpose of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. 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.
- 8 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.
- 9 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.
- 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 Additional drawings that show details of proposed new windows, doors, eaves, verges, fascias, cills and shopfronts by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
- 16 Details of privacy screens (with a minimum height of 1.7m) to the south side of the balconies serving flats 2 and 5 shall be submitted and agreed in writing by the Local Planning Authority prior to first

- occupation. The agreed screens shall be installed prior to first occupation and shall be permanently retained in that agreed position and form.
- 17 The E c use hereby permitted shall not be open to customers / members or for deliveries outside the hours of 8am to 6.30pm on Monday to Saturday and 10am to 4pm on Sundays and Bank Holidays.
  - 18 The E b use hereby permitted shall not be open to customers / members or for deliveries outside the hours of 8am to 10.30pm on Monday to Saturday and 10am to 8pm on Sundays and Bank Holidays.
  - 19 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.
  - 20 The cycle store hereby approved shall be retained so that it is capable of allowing the storage of bikes, and shall at no time be converted into a room or used for any other purpose.
  - 21 No air conditioning units or extraction systems shall be installed without the prior written approval of the Local Planning Authority.
  - 22 Prior to any above ground works a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. This shall include an agreed timescale for implementation and the approved scheme shall be implemented in accordance with the approved timescale.
  - 23 Prior to the commencement of development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

**18. PLANNING APPLICATION - EPF/0418/21 13-17 HIGH BEECH ROAD, LOUGHTON IG10 4BN**

**Report Item No:**

<b>APPLICATION No:</b>	EPF/0418/21
<b>SITE ADDRESS:</b>	13-17 High Beech Road Loughton IG10 4BN
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a third floor to provide two flats involving the raising of the existing parapet of the building
<b>DECISION:</b>	Refused

**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=648435](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=648435)

**REFUSED**

1. The proposed development, by reason of its height and bulk, would result in a loss of visual amenity to residents of surrounding properties, including those in Smarts Lane, contrary to policy DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Submission Version Local Plan (2017), and the NPPF.

An elected Member suggested that if any permission were to be approved in the future then the Council would suggest to the Local Parking Authority that no residential parking permits should be granted for any future occupants of this site.

**Suggested Way forward:**

Build out the previous consent.

**19. PLANNING APPLICATION - EPF/0550/21 - 8 STANMORE WAY, LOUGHTON IG10 2SA****Report Item No:**

<b>APPLICATION No:</b>	EPF/0550/21
<b>SITE ADDRESS:</b>	8 Stanmore Way Loughton IG10 2SA
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns

<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of an existing bungalow and replacement with two chalet bungalows.
<b>DECISION:</b>	Refused

**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=648919](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=648919)

## REFUSED

- 1 The proposed development falls within 200 metres of the Epping Forest Special Area of Conservation and fails to demonstrate nil detriment to the EFSAC as required under the Habitats Regulations 2017 and the Holohan judgement and this cannot at present be adequately demonstrated, contrary to Policy NC1 of the adopted Local Plan; DM2 and DM22 of the Local Plan Submission Version 2017 and the requirements of the Habitat Regulations 2017 and the NPPF.
- 2 The proposed development will result in the demolition of the existing bungalow and creation of two no. two-storey dwellings. The proposed development by reason of the loss of the bungalow fails to comply with the requirements of Policy H4A of the adopted Local Plan 1998 & 2006, Policy H1 (f) of the Local Plan Submission Version 2017, and Paragraph 61 of the NPPF 2019. These policies seek mixed and balanced communities, which the proposed development would conflict with.
- 3 The proposed loss of existing tree cover to make way for the development would be detrimental to the character and appearance of the site and its setting within the wider streetscene and fails to enhance the quantity and quality of landscaped areas, contrary to policies LL10 and LL11 of the adopted Local Plan 1998 & 2006, policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2019.
- 4 The proposed development, due to its increased bulk, height and positioning within the site, would result in a detrimental impact on the amenities of the immediate neighbouring residents through its visual impact, contrary to Policy DBE9 of the adopted Local Plan 1998 & 2006, Policy DM 9 of the Local Plan Submission Version 2017, and the NPPF 2019.

### Suggested Way Forward:

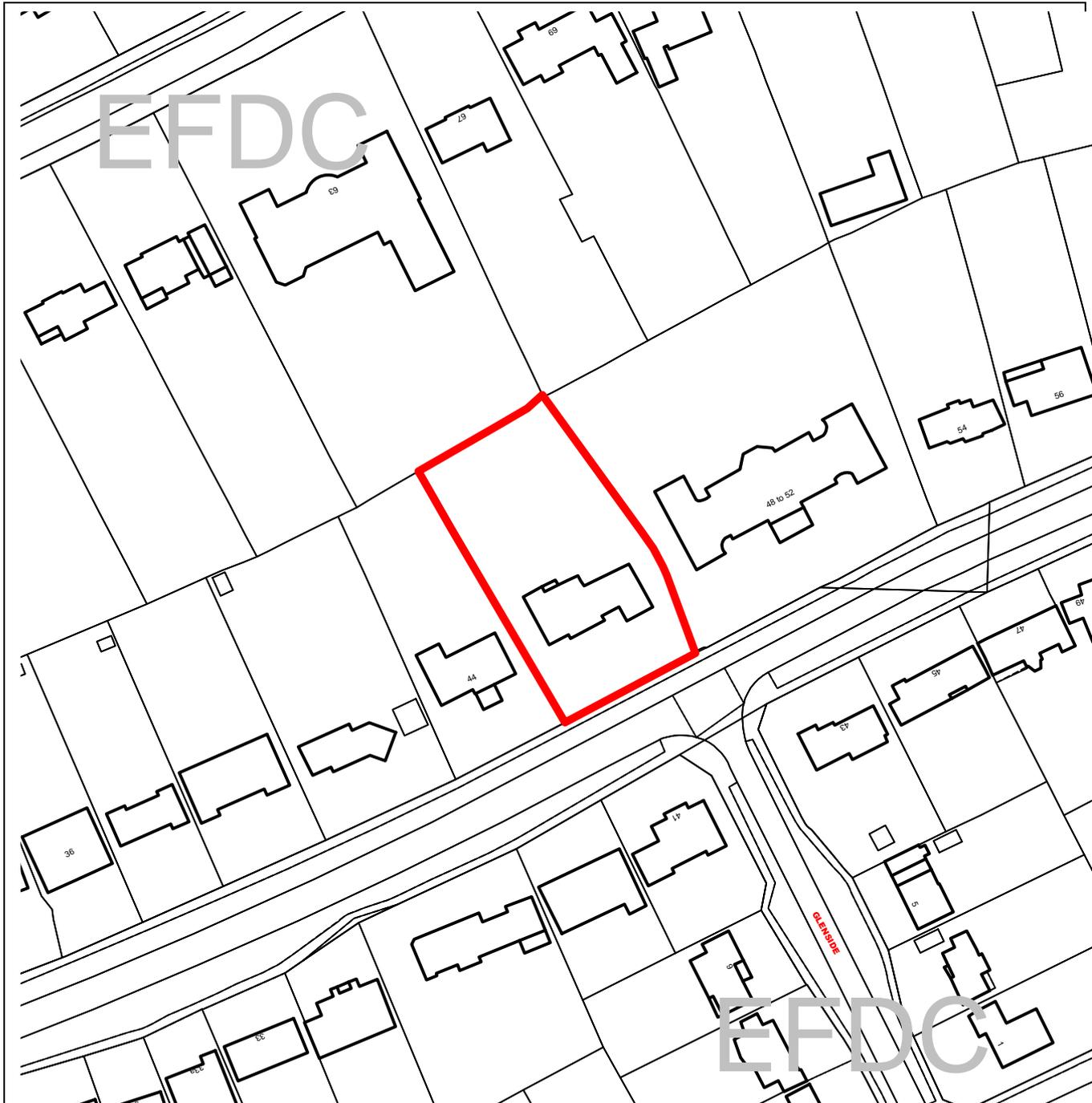
Redevelop the site with a bungalow.

**CHAIRMAN**

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# Epping Forest District Council



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Application Number:	EPF/0403/21
Site Name:	46 Stradbroke Drive Chigwell IG7 5QZ
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0403/21
<b>SITE ADDRESS:</b>	46 Stradbroke Drive Chigwell IG7 5QZ
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr Robert Davis
<b>DESCRIPTION OF PROPOSAL:</b>	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.
<b>RECOMMENDED DECISION:</b>	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=648374](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=648374)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 17-120-01, 17-120-05 Rev A and 17-120-SK16 Rev E.
- 3 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 4 Prior to commencement of any works to implement the permission hereby granted, details and location of the parking spaces equipped with active and/or passive Electric Vehicle Charging Points to serve the flats hereby approved shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
  - Location of active and passive charging infrastructure;
  - Specification of charging equipment; and
  - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
    - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
    - b) How charging point usage will be charged amongst users;

- c) The process and the triggers for identifying when additional passive charging points will become activated; and
- d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

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.

**And subject to the applicant first entering into a legal agreement within three months of this decision under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to recreational use and air quality.**

*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:**

The application site lies on the north west side of Stradbroke Drive opposite its junction with Glenside and comprises around 0.19ha. The original detached dwelling has been demolished and work is progressing with construction of the replacement three storey flatted block with basement parking and storage.

The site lies within the built up area of Chigwell. Tree Preservation Orders cover a number of adjoining properties, but no such designation affects the application site.

**Description of Proposal:**

The application proposes the conversion of the second floor from the approved single unit comprising a 3 / 4 bedroom unit into 2 x 2 bedroom units. The layout, previously considered under application EPF/1025/19, follows the broad layout of the approved scheme and of the lower floors providing bedrooms to the front and living areas to the rear. No alterations are proposed to the external appearance of the building as a result.

At ground floor level, the frontage layout has been amended to include three parking spaces designed to current standards, replacing four narrower spaces previously indicated – this issue is discussed further below.

The applicants have confirmed that they are willing to complete a suitable legal agreement to provide contributions in accordance with the Interim Air Quality Mitigation Strategy and recreational impact on the EFSAC (respectively £335 and £352, plus 5% monitoring and legal costs).

**Relevant History:**

EPF/1893/15 – Demolition of house at 46 Stradbroke Drive and the erection of a new building with five flats. – Dismissed on appeal.

EPF/2987/15 – Demolition of existing house and erection of new building comprising five flats. The application was refused and subsequently allowed on appeal.

EPF/0973/17 – Demolition of existing and erection of new building comprising five flats approved – this was in effect a revised design only  
EPF/1025/19 – Proposed sub-division of the second floor flat to 2 flats, revised layout of basement and revised parking layout refused and appeal dismissed – this appeal decision forms the main consideration in this case and is discussed below.

A number of minor applications for non-material amendments and approval of details relating to the conditions on the original approvals have also been considered.

**Policies Applied:**

*Adopted Local 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	Protecting the quality of the rural and built environment
CP7	Urban form and quality
DBE1	Design of New Buildings
DBE2	Effect of Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscape Schemes
ST4	Road Safety
ST6	Vehicle Parking

*NPPF (February 2109):*

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 paragraphs of the NPPF are considered to be of relevance to this application:

- 5 Delivering sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

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

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following 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:

<b>POLICY</b>	<b>WEIGHT AFFORDED</b>
SP1 Presumption in favour of sustainable development	Significant
SP7 The Natural Environment, landscape character and green infrastructure	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM9 High Quality Design	Significant
DM10 Housing design and quality	Significant
DM15 Managing and reducing flood risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM19 Sustainable water use	Significant
DM21 Local environmental impacts, pollution and land contamination	Significant
DM22 Air quality	Significant

### **Consultation Carried Out and Summary of Representations Received**

Date of site visit: 26 March 2021  
 Number of neighbours consulted: 36  
 Site notice posted: No, not required

Responses received: Objections have been received from 27 properties as under:  
 STRADBROKE DRIVE – 3, 4, 6, 8, 9, 12, 13, 14, 24, 28, 29, 31, 33a, 34, 35, 38, 39, 40, 44, 45, 49, 51, 54, 56 and 58  
 BRACKEN DRIVE – 60  
 COURTLAND AVENUE – 32

Objections cover a range of issues as below:

- Impact on traffic and highway safety – issues include increased vehicular movements and potential on street parking. A number of objectors comment that parking spaces are below locally prescribed minimum widths.
- Noise and disturbance arising from the additional unit and the increased intensity of the development proposed
- Impact on local character – the area is predominantly larger family houses and the development is of a significantly materially different character
- Precedent for similar developments
- Impact on air quality – some objectors argue the offer of a contribution in line with the Interim Air Quality Mitigation Strategy is inadequate
- Authority to determine – some objectors are querying the Council’s ability to determine the application, suggesting it must be returned to the Inspectorate for determination.

Parish Council: Chigwell Parish Council raised no objection, on the condition that the proposed vehicle parking arrangements achieve the requisite standards required by Essex County Council Highways.

## **Main Issues and Considerations:**

As set out above, the application amounts to a resubmission of the scheme refused under EPF/1025/19. The appeal against refusal was dismissed, and the appellants claim for costs refused. There have been no substantial changes in local conditions since then that would specifically affect the consideration of the application. In broad policy terms, there have been limited changes to the NPPF and the LPSV has reached a more advanced stage giving greater weight. Thus, the previous reasons for refusal and the Inspectors decision must form the starting point of this assessment.

The previous application was refused for two reasons as under:

1. The proposal, by increasing the number of units from an approved 5 to 6, would, by reason of increased activity in the form of pedestrian comings and goings and vehicle usage, have a detrimental impact on the character and appearance of the area and living conditions and amenities to nearby properties through noise and disturbance. The proposal would therefore be contrary to policies DEB2 of the Adopted Local Plan 1998/2006, and Policy DM9 of the Local Plan Submission version 2017.
2. The proposed parking bays falls below the minimum standards for Vehicle Parking Bay sized contained within the Essex County Council Parking Standards (Design and Good Practice) 2009. The proposal is therefore contrary to the aforementioned document, and Policy T14 of the Adopted Local Plan 1998/2006.

At the appeal, the Council introduced a further ground relating to the impact of the development on the Epping Forest SAC in terms of both recreational pressure and air quality impact.

The appeal was accompanied by an application for costs which was refused.

A copy of the appeal decision is attached. The Inspector identifies three main issues at paragraph 9 – the effect on living conditions of neighbouring occupiers, whether adequate provision was being made for parking, and the effect of development on the integrity of the EFSAC.

On the first issue, the Inspector concludes at paragraph 14 *'I am satisfied that the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers through noise or disturbance. I am similarly not persuaded that activity likely to be associated with 6 flats on the site rather than 5 would be fundamentally different so as to cause harm to the character or appearance of the area.'*

Further in terms of overlooking – *'I accept that the development would provide for one additional dwelling at second floor level and there would be changes to the rooms served by the windows at this level. However, given the relationship of the site with nearby buildings I am satisfied that this would not cause harmful overlooking or a loss of privacy for occupiers of neighbouring dwellings'*.

The Inspector concluded the development would not cause unacceptable harm to living conditions

On the second issue, the Inspector noted the adopted parking standards would generate a requirement for 14 spaces to serve the 6 units, and that 15 spaces were proposed. The 11 spaces in the basement were acknowledged as being 2.5m wide, below the preferred width in the parking standards but meeting the minimum bay size. The four external spaces comprised three closest to 44 Stradbroke Drive and one located centrally, again measuring 2.5m wide. The Inspector noted at paragraph 21 *'There would be no obstruction to the outer edges of the bank of spaces or to their front, although I acknowledge that the central space would be more constrained and overall I consider it is unlikely that it would be possible to comfortably accommodate parking for 3 larger vehicles within this area. Nevertheless, I am satisfied that there would be capacity for at least 2 vehicles here'*.

The Inspector therefore accepted that there were 14 usable spaces which met the requirements. As to concerns around overspill parking, the Inspector commented '*While I note that there are no parking restrictions on Stradbroke Drive, Glenside or Bracken Drive, I therefore have no cause to find that the development would result in displacement parking within the surrounding area. Furthermore, although I note the width of Stradbroke Drive and the location of the appeal site close to the junction with Glenside, there is little evidence as to how parking on the street could have a harmful effect on the character or appearance of the area, the living conditions of neighbouring occupiers, highway safety or the flow of traffic and at my visit I did not see high levels of on-street parking or other indications of a clear parking problem*'.

On the issue relating to the EFSAC, the Inspector was satisfied with the Council's arguments that it would be premature to determine the appeal in the appellants favour until it could be established that the development would not lead to significant harm to the EFSAC.

Finally, the Inspector commented on the issue of local character raised by objectors stating '*I have had regard to matters raised by third parties including the effect of the proposal on the character of the street, the capacity of local services and impacts during the construction period. However, none of the matters raised either individually or collectively alter my conclusions on the main issues*'.

In response to the Inspectors comments, the frontage layout has been amended to show three parking spaces instead of 4 and these now meet the 2.9m preferred width. This reflects the Inspectors view that 14 spaces meets the required standard.

As referenced above, the application is now accompanied by a commitment to meet the obligations now identified by the Interim Air Quality Strategy and it is possible to complete an appropriate assessment for the purposes of determining the application.

#### **Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)**

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

### **Stage 1: Screening Assessment**

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

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

### **Stage 2: 'Appropriate Assessment'**

#### Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

#### Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

### **Conclusions:**

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Objectors comments do not raise any new issues not previously considered in relation to the planning merits of the case. On the question of this Committee's authority to determine the application, it is evident that this arises from a misunderstanding of the planning process and it is entirely for the Council to determine this application

**Conclusion:**

The appeal decision is the key consideration in the determination of this application. The Inspector, having regard to all material considerations (including the LPSV) that on the site specific planning merits, the proposal does not affect the amenities of surrounding residents, and provides adequate parking to meet relevant adopted standards. Other than minor changes to the site frontage, this is essentially the same proposal.

The applicants have confirmed their willingness to enter a suitable legal agreement to address contributions towards mitigating impacts on the EFSAC in terms of recreational pressure and air quality and those contributions are fully in line with current requirements.

Thus, officers consider there to be little choice but to approve the application subject to appropriate conditions as set out on completion of a suitably worded legal agreement.

***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: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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



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## Appeal Decision

Site visit made on 7 January 2020

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> March 2020**

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**Appeal Ref: APP/J1535/W/19/3238567**

**46 Stradbroke Drive, Chigwell IG7 5QZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Robert Davis, Imperial Developments against the decision of Epping Forest District Council.
  - The application Ref EPF/1025/19, dated 11 April 2019, was refused by notice dated 31 July 2019.
  - The development proposed is described as 'sub-division of the second floor flat to 2 flats of extant decision application ref: EPF/0973/17 raising number of flats from 5 to 6'.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Robert Davis, Imperial Developments against Epping Forest District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. Planning permission has previously been given under application reference EPF/0973/17 for development described as 'demolition of house at 46 Stradbroke Drive and the erection of a new building accommodating five flats in accordance with conditions of planning permission EPF/2987/15'.
4. A subsequent application (reference EPF/0044/19) was made to vary this permission and was described as 'application for Non-Material Amendment to EPF/0973/17 for changes to openings & reduction in projection of the front entrance portico with subtle changes to brick & stone'. However, the appellant indicates that there were also changes to the layout of the basement level and has provided a copy of drawing reference 17.120.02 dated 22 January 2018 illustrating these changes and which is listed on the decision approving the application.
5. The Council altered the description of development given on the application form and which I have used in the banner heading above to '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\* [sic]. The appellant's evidence confirms that a change is proposed to the basement layout from that approved under application reference EPF/0973/17

and amended by application reference EPF/0044/19 relating to the relocation of bin storage, and I have determined the appeal on that basis.

6. As part of the appeal submission, the appellant has provided an amended site layout plan which would alter the layout of parking spaces to the front of the proposed development. The alteration would result in a reduction in the number of spaces shown. If I were to determine the appeal on the basis of this plan, it is possible that the interests of parties who might wish to comment on this change would be prejudiced. I have therefore determined the appeal according to the plans on which the Council based its decision.
7. Finally, the effect of the proposed development on the Epping Forest Special Area of Conservation (SAC) did not form a reason for the Council's refusal of the application. However, the Council's evidence refers to policies DM2 and DM22 within the emerging Local Plan Submission Version 2017 (LPSV) and advises that these policies were not relevant at the time of the determination of the application but are now deemed to be a consideration and indicate that permission should be refused.
8. I note that the LPSV is yet to be adopted, and in their evidence, the Council advise that there are unresolved objections to the plan. It is therefore subject to change and while I have not been made aware of the specific nature of unresolved objections, this limits the weight that I afford these policies. Notwithstanding this, Epping Forest SAC is protected as a European Site of Nature Conservation Importance. It is therefore subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 which confer a duty to consider whether a proposed development may have a significant effect on the conservation objectives of such protected sites. The appellant has had an opportunity to respond to the Council's evidence on the effect of the proposal on the SAC, and I am therefore satisfied that no prejudice would occur as a result of me taking this matter into account within my decision.

### **Main Issues**

9. Having considered all of the evidence before me, including the representations of third parties, I consider that the main issues in this appeal are:
  - i) the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and disturbance;
  - ii) whether or not the proposed development would make adequate provision for parking; and
  - iii) the effect of the proposed development on the integrity of the Epping Forest SAC.

### **Reasons**

#### *Living Conditions*

10. The proposed development would increase the number of flats within the building previously permitted on the site<sup>1</sup> from 5 to 6. This would be through a change to the second floor level where the proposal would alter the number of flats from one to 2 and would increase the total number of bedrooms at this level from 3 to 4.

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<sup>1</sup> Application reference EPF/0973/17 and amended by application reference EPF/0044/19

11. As approved, the layout of the second floor flat included 2 large bedrooms, a third 'live-in bedroom', and generous living space. The proposal would create an additional dwelling, but each of the 2 flats now proposed would be smaller with 2 bedrooms and so I am not convinced there would be a substantial increase overall in the intensity of activity associated with this change.
12. In any event, beyond general assertions of an uplift in comings and goings, parking and visitors to the site, no substantive evidence has been provided to show how an increase in activity would cause harm to neighbouring occupiers through noise or disturbance.
13. Provision for parking within the frontage of the appeal site would be limited in scale and set away from the boundaries with neighbours. Although the access to the basement level parking would be close to the boundary with 48-52 Stradbroke Drive, there would be fewer spaces within the basement level than originally approved<sup>2</sup>, reducing likely movements here. Furthermore, the site would remain a residential use in a residential area and noting the spacious plots which are typical to dwellings on Stradbroke Drive with properties set back from the street, even if there were an increase in comings and goings to the site, on-street parking, or occupation and use of the site including the garden area and refuse store, this would not result in any significant difference to the impact of the development.
14. Taking all of these factors into account, I am satisfied that the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers through noise or disturbance. I am similarly not persuaded that activity likely to be associated with 6 flats on the site rather than 5 would be fundamentally different so as to cause harm to the character or appearance of the area.
15. Interested parties have raised additional concerns regarding the increased scale of the building and overlooking but there would be no external changes to the building from that previously approved. I accept that the development would provide for one additional dwelling at second floor level and there would be changes to the rooms served by the windows at this level. However, given the relationship of the site with nearby buildings I am satisfied that this would not cause harmful overlooking or a loss of privacy for occupiers of neighbouring dwellings.
16. I therefore conclude on this main issue that the development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings, including with regard to noise and disturbance. Accordingly, I find no conflict with Policy DBE2 of the Local Plan with Alterations 2006 (LP). This policy seeks to avoid detrimental effects on neighbouring properties and in this regard is consistent with paragraph 127 of the National Planning Policy Framework (the Framework). I also find no conflict with Policy DM 9 of the emerging LPSV which includes, amongst other things, a requirement that development takes account of the privacy and amenity of neighbours, but as the LPSV is not an adopted part of the development plan and is subject to change, I afford this policy less weight.

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<sup>2</sup> Application reference EPF/0973/17 prior to amendment by application reference EPF/0044/19

### *Parking Provision*

17. Policy T14 of the LP seeks to ensure adequate and appropriate car parking for development. The main parties have referred to guidance within the 'Essex County Council's 'Parking Standards Design and Good Practice 2009' (PSDGP) which indicates a minimum requirement of 2 parking spaces per dwelling with 2 or more bedrooms plus 0.25 visitor/unallocated spaces per dwelling to be rounded up to the nearest whole number. This would generate a requirement for 14 spaces to serve the 6 two-bedroom dwellings now proposed on the site.
18. The development includes 15 spaces on the site; 11 spaces within the basement level and 4 to the front of the building. This would exceed the minimum requirement within PSDGP, but the Council state that parking bays would fall below size standards within the PSDGP and refer to desired dimensions for spaces of 5.5m by 2.9m. However, it is not clear from the Council's evidence whether this concern relates to some or to all of the proposed spaces.
19. The appellant has advised that the 11 spaces within the basement level are a minimum of 5m by 2.5m and that this meets the minimum bay size for cars within the PSDGP. I acknowledge that this would be below the preferred dimensions outlined by the PSDGP and concerns have been raised by interested parties over the use of these spaces. However, the appellant's evidence indicates that the arrangement of the parking spaces within the basement level has previously been approved under application EPF/0044/19. The Council have not disputed that this layout could be implemented on the site, and from the information before me there is no reason to find that there has been any change which means that these spaces would no longer be usable or would not continue to contribute towards meeting the requirement for parking.
20. The parking proposed to the front of the building comprises 3 spaces to the side of the building entrance closest to 44 Stradbroke Drive and a single space to the other side of the entrance. Given the layout of the frontage and lack of any obstruction to 3 of the sides of the single space, I see no reason that this bay would be unusable or would fail to contribute towards meeting the requirement for parking on the site.
21. The appellant states that the 3 spaces closest to 44 Stradbroke Drive would measure 2.4m by 5m. This would be below the minimum dimensions sought by the PSDGP. There would be no obstruction to the outer edges of the bank of spaces or to their front, although I acknowledge that the central space would be more constrained and overall I consider it is unlikely that it would be possible to comfortably accommodate parking for 3 larger vehicles within this area. Nevertheless, I am satisfied that there would be capacity for at least 2 vehicles here.
22. Together with the single space to the other side of the entrance and the 11 basement level spaces there would therefore be at least 14 spaces on the site which would meet the number of spaces required by the PSDGP. While I note that there are no parking restrictions on Stradbroke Drive, Glenside or Bracken Drive, I therefore have no cause to find that the development would result in displacement parking within the surrounding area. Furthermore, although I note the width of Stradbroke Drive and the location of the appeal site close to the junction with Glenside, there is little evidence as to how parking on the street could have a harmful effect on the character or appearance of the area,

the living conditions of neighbouring occupiers, highway safety or the flow of traffic and at my visit I did not see high levels of on-street parking or other indications of a clear parking problem.

23. For all of these reasons, I conclude on this main issue that the proposed development would provide adequate parking and I find no conflict with Policy T14 of the LP.

#### *Epping Forest SAC*

24. As highlighted within the Procedural Matters above, Epping Forest SAC is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations impose a duty on the competent authority to consider whether a proposed development may have a significant effect on the conservation objectives of such sites either alone, or in combination with other plans and projects within the framework of an Appropriate Assessment (AA). This responsibility would fall to me as the competent authority, and I note the advice within the Planning Practice Guidance that an AA must contain complete, precise and definitive findings and conclusions to ensure that there is no reasonable scientific doubt as to the effects of the proposed plan or project.
25. The designation of Epping Forest SAC reflects the presence of 3 qualifying habitats (Atlantic Beech forests on acid soils, European dry heaths and Northern Atlantic wet heaths with cross-leaved heath) as well as one qualifying species (Stag beetle). The conservation objectives of the SAC are to ensure that the integrity of the site is maintained or restored and that the site contributes to achieving the favourable conservation status of its qualifying features by maintaining or restoring the extent, distribution, structure and function of the qualifying habitats and the habitats of qualifying species; the supporting processes on which these rely; and the population and distribution of the qualifying species.
26. From the information before me, the SAC is vulnerable to pressure from increased levels of visitors using the Forest for recreation, as well as from air pollution generated by increased motor vehicle use affecting the health of habitats and flora species. The appellant does not dispute that the proposed development would have a recreational impact on the SAC, but disagrees that there would be an impact on air quality. In support of this, the appellant suggests that the appeal proposal would result in similar vehicle movements over the development already permitted on the site.
27. I have found that activity associated with an additional dwelling on the site would not cause harm to the living conditions of neighbouring occupiers, but the development would nevertheless result in a gain of one dwelling on the site with some additional vehicular movements and recreational demand likely to be associated with its occupation by an additional, independent, household. Although I have also found that parking provision would be adequate in accordance with standards, this would not prevent either additional ownership or use of motor vehicles by future occupiers of the development.
28. Although the proposal would only create one additional dwelling, on the basis of the evidence before me, I cannot be certain that there would not be associated additional vehicle movements, or increased recreational activity arising from the development with a resulting pressure on the SAC, particularly

in combination with other plans and projects within the area. While any increases may be small, in exercising my duty to protect the European Site, I must adopt a precautionary approach. In this context, I find that the development would be likely to result in significant adverse effects on the flora and fauna within the SAC and its overall integrity.

29. The appellant does not dispute the need to mitigate the effect of the proposal on the SAC through recreation impacts and has provided a Unilateral Undertaking which provides for a financial contribution towards measures set out within the Council's adopted 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation'. This is an approach agreed between the Council and Natural England. However, there is currently no agreed approach to mitigate or avoid harm to the SAC through air quality impacts.
30. In the absence of appropriate mitigation for air quality impacts arising from the proposal, I can only conclude that the proposed development would result in significant adverse effects to the Epping Forest SAC that would harm its integrity. This would conflict with the requirements of the Regulations and the Framework's objectives for the protection of biodiversity and the conservation of the natural environment. While I also note that the Council have referred to Policies DM 2 and DM 22 of the emerging LPSV which seek to ensure that adverse impacts on the SAC do not occur as a consequence of recreational impacts or air pollution, the LPSV is not yet an adopted part of the development plan and is subject to change. This limits the weight that I afford these policies.

### **Other Matters**

31. I acknowledge the strength of feeling of local residents and I have had regard to matters raised by third parties including the effect of the proposal on the character of the street, the capacity of local services and impacts during the construction period. However, none of the matters raised either individually or collectively alter my conclusions on the main issues.

### **Conclusion**

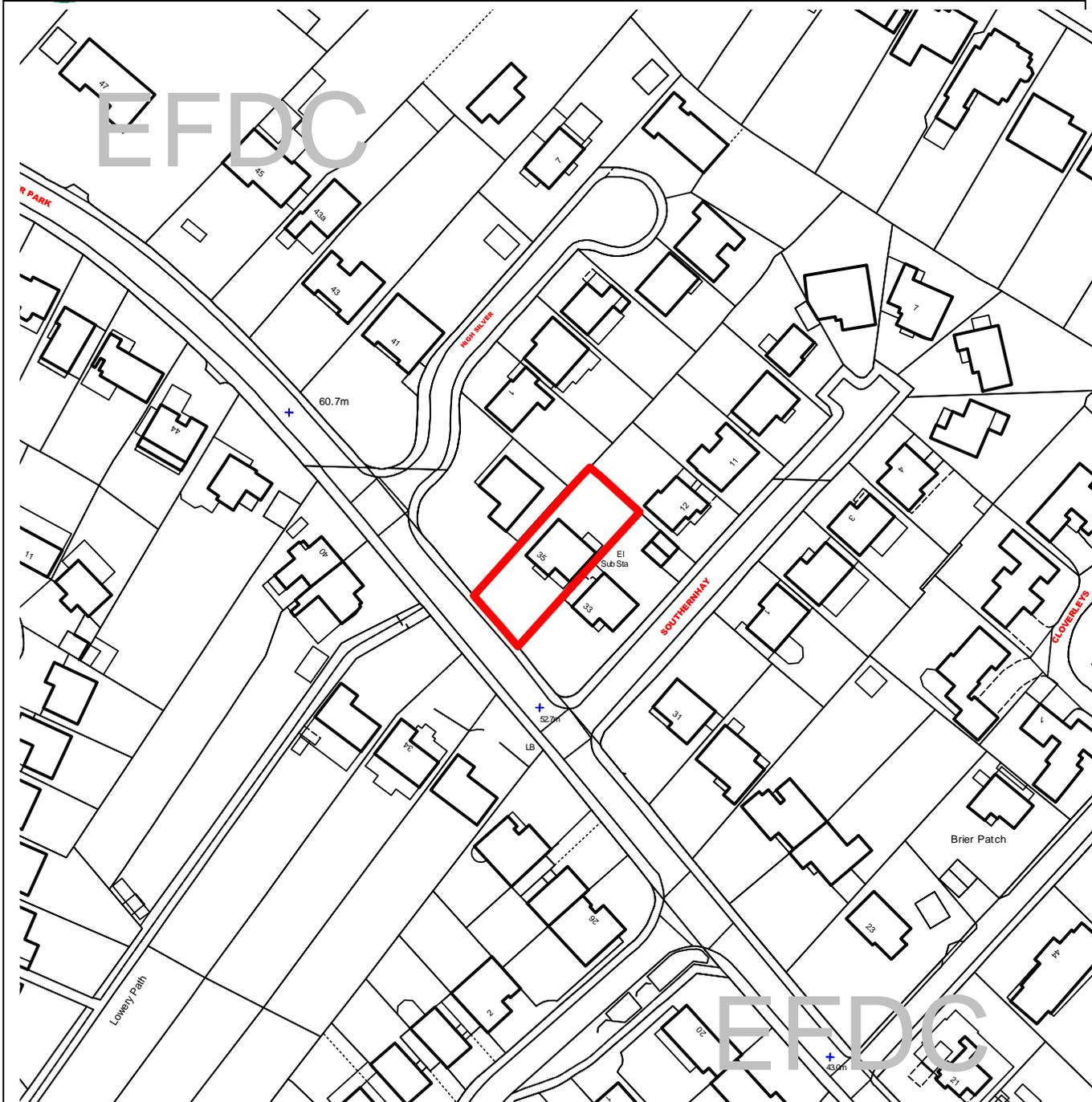
32. Notwithstanding my findings that the development would not cause harm to the living conditions of neighbouring occupiers and that parking provision would be adequate, I conclude that the proposal would lead to significant harm to the integrity of the Epping Forest SAC. This is a matter of overriding concern and for the reasons given above I conclude that the appeal should be dismissed.

*J Bowyer*

INSPECTOR



# Epping Forest District Council



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Application Number:	EPF/1209/21
Site Name:	35 Upper Park Loughton IG10 4EQ
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1209/21
<b>SITE ADDRESS:</b>	35 Upper Park Loughton IG10 4EQ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Ms Maria Poullos
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed loft conversion with increase of roof ridge level by 500mm with rear dormer.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=651861](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=651861)

**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 shall be carried out and retained strictly in accordance with the following approved plans:  
  
2021.028.DD01; 2021.028.DD02; 2021.028.DD03; 2021.028.DD04;  
2021.028.DD05; 2021.028.DD06;  
2021.028.DD07; 2021.028.DD08; 2021.028.DD09; 2021.028.DD10;  
2021.028.DD11; 2021.028.DD12;  
2021.028.DD13; 2021.028.DD14A; 2021.028.DD15A; 2021.028.DD16A;  
2021.028.DD17A; 2021.028.DD18; 2021.028.DD19A; 2021.028.DD20;  
2021.028.DD21.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, 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 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**

35 Upper Park is a two-storey detached property with an integral garage, situated in a built-up area in Loughton. The road Upper Park runs off the High Road and up a relatively steep hill, with number 35 situated towards the apex of the hill on the northerly side of the street. The property has a first-floor balcony to the primary elevation (currently being renovated), a garden and driveway to the front, and a garden to rear. The houses in the street and surrounding area are of

varied character and appearance. 35 Upper Park is not a listed building, it does not lie in a conservation area, and it is not in the Metropolitan Green Belt.

### **Proposal**

The applicants propose to raise the ridge of the roof by 50 centimetres, in order to accommodate a rear dormer to contain two bedrooms and an en-suite bathroom.

Following objections from neighbours and Loughton Town Council, the applicants amended their original plans, substantially reducing the amount of glazing to the rear of the proposed dormer and also removing the previously proposed Juliet balcony.

The rear dormer now proposed would have a width of 8.3 metres, height of 2.6 metres and depth from ridge of 3.46 metres, with a total volume of 37.33 cubic metres (8.3 x 2.6 x 3.46 / 2). It would have three windows to the rear, two with double panes and one with a single pane. The dormer would be set in by over a metre at each side, so it would not extend the full width of the roof. The windows would then be set in circa 1 metre from each side of the dormer. The dormer would not have a Juliet balcony. A single roof light is also proposed to the front elevation. The submitted drawings indicate that a grey tiled roof is proposed, with the dormer clad in grey tiles to match.

### **Relevant Planning History**

CHI/0111/60 – Erection of detached house and garage – Grant permission.

EPF/0217/84 – Erection of ground floor extension – Grant permission (with conditions)

### **Development Plan Context**

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

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

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

CP2	Protecting the Quality of The Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

*National Planning Policy Framework 2019 (Framework)*

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

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

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

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

Paragraphs 124, 127.

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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

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

**Summary of Representations**

Site visit: 15/07/21

Number of neighbours consulted and re-consulted: Seven. Two objections received from neighbours.

37 Upper Park object to the application as they are concerned about loss of light to rooms on the side of their house. They also believe that they would have the view from their top floor window obstructed by a dormer. They state that they like their neighbours and that they can understand their need to expand their home, but that they are opposed to the proposal to raise the ridge of the roof. They comment, 'On the first floor of our house, there are two rooms that would also be

*impacted by a higher roof. Our house is very close in distance to next door and the bedroom and bathroom on the first floor of our house are already quite dark, due to the proximity of our neighbour's house. A higher roof height will only compound that issue and plunge those rooms further into darkness.'*

1 High Silver objected to the initial and amended plans. In relation to the amended plans, they object to the raising of the ridge of the roof because, in their view, it would set a precedent and it would break the line of roofs on Upper Park, front and back, and 'look ugly'. They comment that the *'measurements of the increase of the roof ridge as shown on the plans appear to be over 500mm. There seems to be an error in the plans as the measurements given for the height of the proposed loft (2595mm) less the measurement of the existing loft (1962mm) amounts to a difference of 633mm and not 500mm as per the proposal'*. They state that the dormer would overlook their property, and that it would look into their terrace and dining room, creating loss of privacy and affecting their quality of life. They comment, *'The fact that the windows are now smaller, does not change the issue.'* They also comment that the proposed dormer is top heavy and that the windows are out of character with the rest of the house and with the local character for dormer windows. In their view, *'other neighbours have found ways of building dormers in a much more sensitive way'*.

They state, *'We would like to add that we have in the past not been allowed to build a balcony on the rear of our building as this would have affected the privacy of some of our neighbours.'*

Loughton Town Council objected to the initial and amended plans. In relation to the amended plans, they state:

*'Although it was a slight improvement on the previous proposal, it was still out of keeping with the character of the building. The Committee believed that the proposed increase of two further bedrooms in this development was contrary to the SAC and would result in more car pollution and subsequent impact on the air quality to the SAC. This proposal would also result in more pressure for the overstretched recreational services and subsequent damage to the SAC. The current proposed solution to bring in a Clean Air Zone (CAZ) in 2025 is not guaranteed to happen and in any event does not stop additional cars associated with new dwellings from polluting the SAC before the CAZ is brought into operation.'*

### **Planning Considerations**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality; and
- b) The impact on the living conditions of neighbouring properties.

As no additional units of housing are proposed, the Epping Forest SAC is not a relevant planning consideration in this case.

### **Character and appearance**

35 Upper Park lies towards the apex of a hill. 37 Upper Park lies further up the hill and therefore its roof sits higher than its neighbour. There is an approximate 1.4m drop in level between 37 Upper Park and the application site, and around 900mm between the application site and 33 Upper Park.

The proposal to add 50cm to the height of the ridge of the roof to the detached property 35 Upper Park, would mean that the increased ridge height is still slightly lower than roof ridge height at 37 Upper Park. The higher roof ridge would be significantly lower than the top of the front gable end at number 37. Based on the submitted street scene plan, officers measure the top of the front gable end at number 37 to be circa 1.8 metres higher than the ridge of the roof proposed at number 35. The slightly increased roof ridge at number 35 would not fundamentally change the

local pattern of development, which is already varied. The raised roof ridge would not fundamentally alter the character of the building and it would not be detrimental to the street scene. According to the submitted section drawing, the existing loft has a maximum internal height of 1.96 metres, whereas at least 2.2 metres would usually be required for a loft conversion, taking space for insulation and internal ceilings into account. The proposal to add 50cm to the height of the roof is reasonable in order to create an internal floor-to-ceiling height of 2.2 metres (external height of dormer 2.6 metres). The volume of the proposed dormer would be permitted development, were the increased roof ridge not required.

The applicants have set-in their proposed dormer significantly at the sides, so it does not span the full width of the roof. The windows and materials proposed are very conventional and the previously proposed Juliet balcony has been removed. The proposal is not overbearing in relation to number 33. There are many dormers in the locality, for example at numbers 1, 2, 3 and 10 Southernhay, which is the cul-de-sac just behind and to the north of 35 Upper Park.

Overall, the proposal is of an acceptable character and appearance. It relates sufficiently positively to the existing building and to its locality. As a result, it complies with policy DBE10 of the adopted Local Plan, with policies DM9 and DM10 of the Local Plan Submission Version, and with the NPPF.

#### *Living conditions of neighbours and existing occupiers*

There is a significant gap between the houses at 35 and 37 Upper Park. Based on the submitted plans, this measures over two metres. The proposal does not reduce this gap at the side. A 50cm increase in the ridge height of the roof at number 35 will not lead to significantly reduced daylight / sunlight levels to the side windows at number 37 and the remaining daylight / sunlight would be adequate. Officers do not consider that the proposal will result in the loss of any significant view, however the loss of a view is not a material planning consideration.

No balcony is proposed. The submitted block plan shows that there is a substantial distance of circa 24 metres from the back of 35 Upper Park, to the back of the building at 1 High Silver. The dormer windows are set in at the side, they are not particularly large, and they do not particularly face towards 1 High Silver. As a result, the proposal will not result in overlooking that will be detrimental to the privacy and living conditions of neighbours at 1 High Silver. The rear garden at 33 Upper Park may be slightly overlooked from the dormer, in comparison with other neighbours. However, the extent of any overlooking would not be detrimental to the privacy and living conditions of these neighbours.

Overall, the proposal acceptably safeguards the amenity and living conditions of neighbours. As a result, it is in accordance with policy DBE9 of the adopted Local Plan, with policy DM9 of the Local Plan Submission Version, and with the NPPF.

#### **Conclusion**

The proposal is of acceptable character and appearance in this locality and it would not be harmful to amenity and living conditions of neighbours. It is recommended that planning permission is granted, subject to a 'matching materials' condition.

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

***Planning Application Case Officer: David Macguire  
Direct Line Telephone Number: 01992 564 166 (ext. 2375)***

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



# Epping Forest District Council



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Application Number:	EPF/1648/21
Site Name:	2 Lucton Mews Loughton IG10 3PE
Scale of Plot:	1:500

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/1648/21
<b>SITE ADDRESS:</b>	2 Lucton Mews Loughton IG10 3PE
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Alderton
<b>APPLICANT:</b>	Mr Alex David
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed demolition of rear conservatory with a replacement rear & side ground floor single storey extension with rooflights and decking/patio area. Loft conversion with rear dormer and x2 no. front rooflights. (Amended application to EPF/0345/20).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=653741](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=653741)

**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 shall be carried out and retained strictly in accordance with the following approved plans: E100, E101, E102, E103, E201, E202, E301, A101, A102, A103, A201, A202, and A301.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, 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 and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

**Site and Surroundings**

The site comprises of an end of terrace, located within a built-up area of Loughton. It is not listed nor in a conservation area.

**Proposal**

The proposal is for the demolition of rear conservatory with a replacement rear & side ground floor single storey extension with rooflights and decking/patio area. Loft conversion with rear dormer and x2 no. front rooflights. This is an Amended application to EPF/0345/20. The main amendments are:

1. Rear extension to extend by a further 1m (Total 4m depth) with a dual pitched roof; &
2. Overall height of side/rear extension reduced from 3.7m to 3.1m.

### **Relevant Planning History**

EPF/0345/20 – Proposed demolition of rear conservatory with a replacement rear & side ground floor single storey extension with rooflights and decking/patio area. Loft conversion with rear dormer and x2 no. front rooflights – Approved by Area Plans South (01/07/2020).

EPF/1277/21 - Application for a non-material amendment to EPF/0345/20 - Amendment to rear extension depth and roof changes - Refused

### **Development Plan Context**

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

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

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

CP2	Protecting the Quality of The Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

#### *National Planning Policy Framework 2021 (Framework)*

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

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

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

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

Paragraphs 126, 130

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications (MM), to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan, and the consultation will run for 10 weeks from noon on Thursday 15 July 2021 to 5pm on Thursday 23 September 2021.

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

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

### **Summary of Representations**

Number of neighbours consulted: 8. 1 response(s) received

1 LUCTON MEWS – Objection – Summarised as;

- Light pollution; and
- Loss of privacy.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application on the grounds that it was an overdevelopment of the site. The proposal was out of proportion and would provide no amenity space. The application would be overbearing on the neighbours.

## **Planning Considerations**

The main issues for consideration in this case are:

- a) The previous approved consent EPF/0345/20;
- b) The impact on the character and appearance of the locality; and
- c) The impact on the living conditions of neighbouring properties.

### **Character and Appearance**

The proposed works are considered to be of a size, scale and design that is acceptable and complements the appearance of the existing building and that of the street scene. Whilst the proposal would be visible from the street, it would not appear incongruous to it. There is sufficient space to the rear and front of the garden, so the proposed wraparound extension would not amount to harmful overdevelopment of the site.

Accordingly, the proposal is considered to comply with Policies CP2 and DBE10 of the LP, Policies DM9 (D) and DM10 of the LPSV, and Paragraphs 126 and 130 of the Framework.

### ***Living conditions of neighbours and existing occupiers***

The host house is set forward of the attached neighbours, and the proposed development does not extend beyond their rear building line, so there would be no impact to their living conditions in terms of overbearing and visual impact.

In terms of the impact to the adjacent neighbours, namely 1 Lucton Mews and 17 Schoolhouse Gardens, they are sited approx. 9 metres away from the host site, and the proposed wraparound extension is of a limited size and scale to have any material impact to their living conditions in terms of loss of privacy, overlooking, overbearing and visual impact that warrants a reason for refusal. The concerns regarding the light pollution are noted, however such levels of light are common within urban areas.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with policies CP7 and DBE9 of the LP, Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

With regards to the loss of amenity space as raised by the Town Council. In the interest of clarity, the existing site has approx. 67m<sup>2</sup> of rear amenity space; the previous approved scheme some 46m<sup>2</sup> and the proposed scheme some 41m<sup>2</sup>. As such, the remaining rear amenity space for the existing occupiers is small but adequate and functional as it can be used for recreational purposes, drying and hanging the clothes etc, so this would not amount to a reason for refusal, and one that would be upheld at appeal.

## **Conclusion**

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

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

**Planning Application Case Officer: Muhammad Rahman**  
**Direct Line Telephone Number: 01992 564415**

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

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