

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE SOUTH** **Wednesday, 6th October, 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, 6th October, 2021**  
at **7.00 pm**.

**Georgina Blakemore**  
Chief Executive

**Democratic Services  
Officer**

R Perrin  
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 Jorgia, 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, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting 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 - 14)**

To confirm the minutes of the last meeting of the Sub-Committee held on 8 September 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**

An updated Planning Policy Briefing Note is being prepared to include reference to the current status of the Plan, the consultation on the Main Modifications and other relevant matters. A link to the updated Briefing Note will be published as soon as possible in advance of the meeting.

**8. SITE VISITS**

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

**9. PLANNING APPLICATION - EFP/1182/18 LAND WEST OF FROGHALL LANE, CHIGWELL, ESSEX (Pages 15 - 44)**

To consider the attached report for a hybrid application requesting full planning permission for an assisted living development comprising of apartments and integrated communal and support facilities; landscaped residents' gardens; staff areas; refuse storage; construction of a new site access; a sustainable urban drainage system; a new sub-station and associated infrastructure and services, and outline planning permission for a 0.45 hectare extension of the cemetery. (AMENDMENT: The abovementioned development proposals have been revised involving the reduction in proposed residents car parking. The proposals reduce residents parking provision from 105 spaces to 66 spaces. A further 19 additional spaces are proposed for staff and visitor use resulting in a total parking provision of 85 spaces).

**10. PLANNING APPLICATION - EFP/2868/20 177 HIGH ROAD, CHIGWELL IG7 6NX (Pages 45 - 62)**

To consider the attached report for the 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. (NB: New information added to website).

**11. PLANNING APPLICATION - EFP/1306/21 7 BROOKLYN AVENUE, LOUGHTON IG10 1BL (Pages 63 - 72)**

To consider the attached report for a proposed detached 3 bedroom dwelling in an existing side garden.

**12. PLANNING APPLICATION - EFP/2243/21 46 RUSSELL ROAD, BUCKHURST HILL IG9 5QE (Pages 73 - 78)**

To consider the attached report for the retention of first floor side/front and roof extension with x3 front rooflights, alteration to existing rear box dormer (set in by 800mm from outside edge), and alterations to existing two storey rear extension (comprising a 3m ground floor with balcony, and 4m lower ground floor) (Revised scheme to EPF/0339/21).

**13. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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:** 8 September 2021  
South

**Place:** Council Chamber, Civic Offices, **Time:** 7.00 - 9.16 pm  
High Street, Epping

**Members Present:** J Share-Bernia (Chairman), K Williamson (Vice-Chairman), R Baldwin, R Brookes, R Jennings, J Jennings, H Kauffman, L Mead, S Neville, M Owen, A Patel, C P Pond, C C Pond, K Rizvi and D Wixley

**Apologies:** P Bhanot, S Heap, J Jogia, A Lion, S Murray, C Nweke and S Rackham

**Officers Present:** T Carne (Corporate Communications Team Manager), G Courtney (Planning Applications and Appeals Manager (Development Management)), A Hendry (Democratic Services Officer), A Marx (Development Manager Service Manager (Planning)), V Messenger (Democratic Services Officer) and R Moreton (Corporate Communications Officer)

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### 29. 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.

### 30. MINUTES

#### RESOLVED:

That the minutes of the Sub-Committee held on 11 August 2021 be taken as read and signed by the Chairman as a correct record.

### 31. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Members' Code of Conduct, Councillor R Brookes declared a non-pecuniary interest in the following item of the agenda by virtue of living in Lower Park Road but, as this was sufficiently far away, the Councillor determined that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0861/21 – 76 Algiers Road, Loughton IG10 4NF

### 32. ANY OTHER BUSINESS

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

### 33. 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)

However, Councillor C C Pond was concerned that the briefing note dated March 2018 was out of date. It did not take into account progress of the LPSV since the public hearings by the Planning Inspector in 2019, which had led to the Main Modifications (MMs) consultation currently underway in the public domain. Councillor C C Pond was of the opinion that the MMs consultation should be read in conjunction with this Planning Policy Briefing Note, which needed to be updated for inclusion in the planning committees' agendas. The Sub-Committee noted this concern and that the Planning Policy Team would be informed of this after the meeting.

### 34. SITE VISITS

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

### 35. PLANNING APPLICATION - EFP/0296/21 37 FOREST VIEW ROAD, LOUGHTON IG10 4DX

<b>APPLICATION No:</b>	EFP/0296/21
<b>SITE ADDRESS:</b>	37 Forest View Road Loughton IG10 4DX
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>DESCRIPTION OF PROPOSAL:</b>	Part single storey part two storey rear extension and loft conversion including ridge raise.(Revised application to EFP/1376/20).
<b>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=647918](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=647918)

### 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: PL-5865\_21, PL-5865\_22, PL-5865\_23, PL-5865\_24A, PL-5865\_25D, PL-5865\_26D, PL-5865\_27E, PL-5865\_28D, PL-5865\_29, PL-5865\_30B.

- 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 [or those shown on plan number: PL-5865\_21, PL-5865\_22, PL-5865\_23, PL-5865\_24A, PL-5865\_25D, PL-5865\_26D, PL-5865\_27E, PL-5865\_28D, PL-5865\_29, PL-5865\_30B, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 6 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown

on Open Spaces drawing number OS 2043-20.1th (Tree protection plan) dated 5 August 2020.

- 8 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.
- 9 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

**36. PLANNING APPLICATION - EPF/0861/21 76 ALGERS ROAD, LOUGHTON IG10 4NF**

<b>APPLICATION No:</b>	EPF/0861/21
<b>SITE ADDRESS:</b>	76 Algers Road Loughton IG10 4NF
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and replacement with new building consisting of six Flats (Revised application to EPF/2881/18).
<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=650354](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=650354)

**REFUSED**

1. Due to the six fold increase in the number of dwellings proposed, the Council as Competent Authority cannot be certain that harm will not be caused to the Epping Forest Special Area of Conservation, contrary to policy NC1 of the adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan (2017), the Habitats Regulations 2017, and the Holohan Judgment.

Possible Way Forward:

Councillor Pond considered that a potential way forward could be the provision of on-street charging points and/or covenants on future occupants owning cars.

37. **PLANNING APPLICATION - EPF/1169/21 152 CHURCH HILL, LOUGHTON IG10 1LJ**

<b>APPLICATION No:</b>	EPF/1169/21
<b>SITE ADDRESS:</b>	152 Church Hill Loughton IG10 1LJ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed rear extensions to ground floor retail unit with internal alterations and new shopfront. New first floor rear extension and alterations to form a 1 bedroom self-contained flat.
<b>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=651733](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=651733)

**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: 2562; 1, 2, 3.
- 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.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 5 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.
- 6 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.

38. **PLANNING APPLICATION - EPF/1272/21 67 LOWER QUEENS ROAD, BUCKHURST HILL IG9 6DS**

<b>APPLICATION No:</b>	EPF/1272/21
<b>SITE ADDRESS:</b>	67 Lower Queens Road Buckhurst Hill IG9 6DS
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill East
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed new 2 bedroom dwellinghouse.
<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=652176](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=652176)

### REFUSED

- 1 The proposed development by reason of its design, size and bulk is considered to be out of keeping with the area, particularly The Windsors, contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.
- 2 The proposed development by reason of its siting would appear as a form of cramped backland development, contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.
- 3 The proposed development fails to provide adequate usable external amenity space for future occupiers of the new dwelling, contrary to Policies CP7 & DBE8 of the adopted Local Plan 1998 & 2006, Policy DM9 (h) of the Local Plan Submission Version 2017, and Paragraph 130(f) of the NPPF 2021.
- 4 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

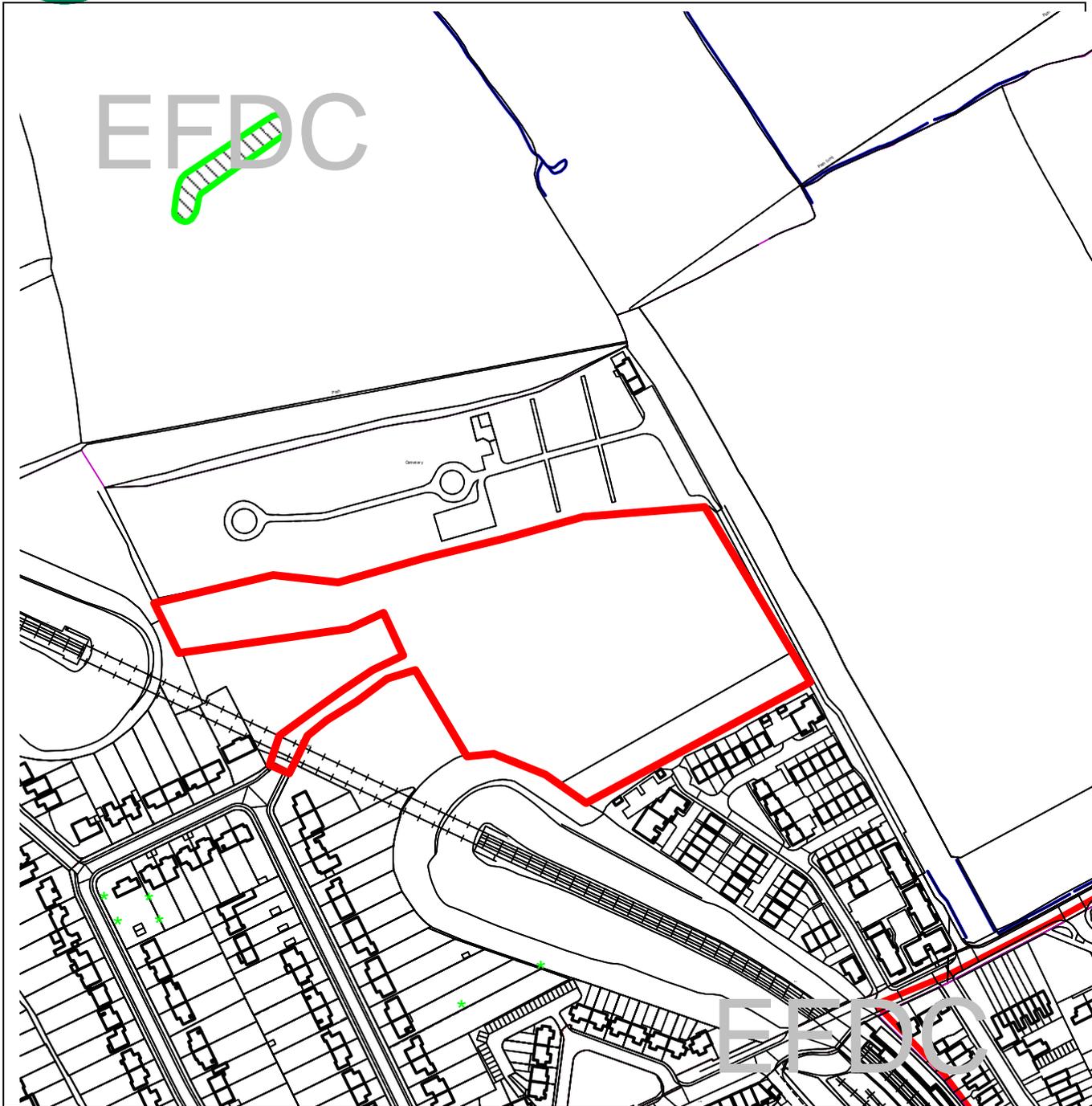
### Way Forward:

Members considered that there was no way forward on this application.

**CHAIRMAN**



# Epping Forest District Council



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Application Number:	EPF/1182/18
Site Name:	Land west of Froghall Lane Chigwell Essex
Scale of Plot:	1:3200

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1182/18
<b>SITE ADDRESS:</b>	Land west of Froghall Lane Chigwell Essex
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	MPM Limited
<b>DESCRIPTION OF PROPOSAL:</b>	Hybrid application requesting full planning permission for an assisted living development comprising of apartments and integrated communal and support facilities; landscaped residents' gardens; staff areas; refuse storage; construction of a new site access; a sustainable urban drainage system; a new sub-station and associated infrastructure and services, and outline planning permission for a 0.45 hectare extension of the cemetery. *** AMENDMENT: THE ABOVEMENTIONED DEVELOPMENT PROPOSALS HAVE BEEN REVISED INVOLVING THE REDUCTION IN PROPOSED RESIDENTS CAR PARKING. THE PROPOSALS REDUCE RESIDENTS PARKING PROVISION FROM 105 SPACES TO 66 SPACES. A FURTHER 19 ADDITIONAL SPACES ARE PROPOSED FOR STAFF AND VISITOR USE RESULTING IN A TOTAL PARKING PROVISION OF 85 SPACES. ***
<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=608757](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=608757)

**CONDITIONS CONDITIONS AND REASONS RELATING TO THE FULL PLANNING PERMISSION**

1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

PL-ST-000 Rev D; PL-ST-600 Rev F; PL-ST-601; SK-124 Rev E; PL-GA-00 Rev B; PL-GA-001 Rev B; PL-GA-100 Rev B; PL-GA-101 Rev A; PL-GA-601 Rev F; PL-GA-602 Rev F; PL-GA-603 Rev F; PL-GA-604 Rev C; PL-GA-605 Rev C; PL-GA-606 Rev C; PL-GA-610 Rev B; PL-GA-611 Rev B; PL-GA-612 Rev A; PL-GA-613 Rev A; PL-GA-620 Rev C; PL-GA-621 Rev B; PL-GA-622 Rev B; PL-GA-623 Rev B; PL-GA-630 Rev B; PL-GA-631 Rev A; PL-GA-632 Rev A; PL-GA-633 Rev A; PL-GA-640 Rev B; PL-GA-641 Rev A; PL-GA-642 Rev A; PL-GA-643 Rev A; PL-GA-700 Rev C; PL-GA-

701 Rev B; PL-GA-810 Rev A; PL-GA-811 Rev A; PL-GA-812; PL-GA-813 Rev A; PL-GA-820; PL-GA-821 Rev A; PL-GA-822 Rev A; PL-GA-823 Rev A; PL-GA-830 Rev A; PL-GA-831 Rev A; PL-GA-832; PL-GA-833; PL-GA-840 Rev A; PL-GA-841; PL-GA-842 Rev A; and PL-GA-843

- 3 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) 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.
- 4 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.
- 5 Prior to the first occupation of the development the proposed access from Woodland Road into the site shall be fully implemented and maintained as such in perpetuity.
- 6 There shall be no vehicular access to the proposed development from the existing access off of Mount Pleasant Road, except for Emergency Service Vehicles, unless otherwise agreed in writing with the Local planning Authority.

- 7 Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 8 No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 9 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 10 The development be carried out in accordance with the flood risk assessment (Symmetrys Limited - Land to the West of Froghall Lane, Essex, Ref 2015121-AH, 12th April 2017) and drainage strategy (Drawing number 2015121-100-P7) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 11 A sensitive lighting scheme in accordance with Bat Conservation Trusts guidelines will be submitted to EFDC for approval.

- 12 A biodiversity enhancement plan including but not limited to; the location and type of five integrated bat boxes (those which are built into the brickwork or masonry or the development); the location and type of five bird boxes; the location of habitat piles suitable for hedgehogs, reptiles and invertebrates.
- 13 A precautionary approach will be adopted when clearing the site with respect to reptiles. The details of which can be found in the ecological appraisal.
- 14 No removal of hedgerows, trees or shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 15 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:  
Provide details on all structures Provide details on the use of tall plant and scaffolding Accommodate the location of the existing London Underground structures Demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land Demonstrate that there will at no time be any potential security risk to our railway, property or structures Accommodate ground movement arising from the construction therefore Mitigate the effects of noise and vibration arising from the adjoining operations within the structures .The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.
- 16 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.
- Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 17 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been 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.
- 18 Tree protection shall be implemented prior to the commencement of development activities (including demolition) in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Arbor Cultural drawing number TPP-01 rev A dated 12/04/2017.
- 19 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 20 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.
- 21 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

22 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). 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 LPA 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 LPA.

**CONDITIONS RELATING TO THE OUTLINE PLANNING PERMISSION**

23 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 24 below, whichever is the later.

24 Prior to commencement of the development, details of the layout, scale and appearance of any building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority for approval before the expiration of three years from the date of this permission, and the development shall be carried out in accordance with the details so approved.

25 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: PL-ST-000 Rev D

26 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

27 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.

*This application is before this Committee since it is an application that is considered by the Service Director (Planning Services) as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Foreword**

**Members should note that this application was withdrawn from the 29<sup>th</sup> May 2019 meeting agenda pending the conclusion of matters relating to the ‘Chigwell allocated sites’ at the local plan examination and, at the time, the unresolved effects of air pollution on the EFSAC.**

**With regard to the first point, the local plan examination concluded that the site allocation defined in Policy P 7(B)(iv) as CHIG.R4 (also shown in Map 5.13) would remain ‘in principle’ unaltered, save for modifications to related explanatory supporting text.**

**In terms of addressing the effects of air pollution on the EFSAC, an interim strategy was adopted by the Council in February 2021 that will allow for appropriate mitigations to be secured in the event a development scheme is resolved to grant planning permission.**

### **Description of Site**

The application site comprises approximately 2.8 hectares of land situated west of Froghall Lane, between Chigwell Cemetery to the north and recent residential development to the south. The northern part of the site extends up to land that is part of the Central Line railway and over approximately 30m of a public footpath that heads north beyond the cemetery from Mount Pleasant Road (PROW 302\_125). The remainder of the site, other than a section for a proposed access road off Mount Pleasant Road, is set approximately 100m east of the existing turning head between 33 and 35 Mount Pleasant Road.

Land levels fall significantly from the main eastern site boundary to Froghall Lane. The change in levels is 9m across a distance of 175m. Levels in the north west corner of the site fall to the north, dropping approximately 1.5m over a distance of 30m.

The application site is entirely within the Green Belt. It is not in a conservation area and there are no preserved trees at or adjacent to the site. The entire site and adjacent land is in Flood Risk Zone 1.

Presently, the land is unused, appearing as scrubland.

## **Description of Proposal**

Hybrid application requesting:

1. Full planning permission for an assisted living development comprising of apartments and integrated communal and support facilities; landscaped residents gardens; staff areas; refuse storage; construction of a new site access; a sustainable urban drainage system; a new sub-station and associated infrastructure and services, and;
2. Outline planning permission for a 0.45 hectare extension to Chigwell Cemetery.

The land the Outline component of the proposal only relates to the northern part of the site, west of a point approximately 70m west of Froghall Lane. The applicant does not propose to develop that part of the proposal beyond this seeking Outline consent. Rather, it is proposed to transfer ownership of the land to Chigwell Parish Council who own and manage the existing cemetery. The Applicant offers to do this in a S106 agreement. Thereafter, it would be up to the Parish Council to pursue the detail of the proposed cemetery extension through an application for approval of reserved matters.

The remainder of the site, some 2.34 hectares, relates to the full planning application component.

The site would be laid out as 5 buildings, identified as blocks A, B, C, D and E. They would have 4 floors containing a mix of one and two bedroom apartments. The development would include a total of 105 apartments comprised of 87 two-bedroom and 18 one-bedroom apartments. The buildings would be arranged around a central landscaped area and linked by footpaths which also connect to parking areas. Car parking would be provided towards the edges of the site within a landscaped setting. Following discussions with officers, the original quantum of car parking (and layout) has been amended comprising a reduction from 135 parking spaces to 85 parking spaces in total. The rationale underpinning this is discussed further in the relevant section of this report.

Access to the site would be via Woodland Road to the south. It is also proposed to access the site from Mount Pleasant Road. To facilitate that the application proposes the construction of a 100m long access road from the turning head at Mount Pleasant Road to the western part of the site. It would be 5.2m wide and, together with all roadways on the site, would be a shared surface.

Blocks B, D and E would stand alone in the central and eastern part of the full application site. In addition to the apartments, a disability buggy/cycle store, plant room and small communal lounge would be provided in the ground floor.

Blocks A and C would be sited on higher land at the western part of the site. They would also have 4 floors but are called lower ground floor, upper ground floor, first and second floors rather than ground, first, second and third as in the other three blocks. The lower ground floor would contain two apartments in addition to a disability buggy/cycle store, plant room and small communal lounge. More extensive communal facilities would also be provided at lower and upper ground floor in both buildings. They are indicated on the submitted plans as larders and Wellness rooms. The submitted planning statement states the community facilities provided would also comprise of a library, restaurant, gym and cinema.

The community facilities rooms would extend beyond each building on both ground floor levels such that they form a two-storey link between the blocks. The link building would also

contain a reception/office area. The reception would face towards the central landscaped area, but also be accessed through the link building from a parking area west of it.

Each Block would be designed to have steeply pitched roofs with prominent asymmetric gable features, the gables also forming parapets. Ridge heights would vary, typically be between 15.5m and 17.5m above ground level. They would be finished in a mix of materials, indicated as follows: block masonry at ground/lower ground floor levels; brick and render at upper floors; zinc as a roof covering.

### Planning Obligations

In addition to the transfer of land to Chigwell Parish Council for an extension to Chigwell cemetery, the Applicant has committed to provide the following financial contributions to be secured by way of a S106 agreement:

1. £1,700,000 contribution towards the provision of affordable housing in the District (an increase from the previous £1,000,000 offer);
2. £52,500 contribution towards the running costs of the Chigwell Hoppa Bus scheme;
3. £24,909 contribution towards the provision of primary health care services; and
4. A contribution towards the implementation of measures to mitigate the impact of the development on air quality within the Epping Forest Special Area of Conservation amounting to £35,175 (105 units x £335).

In addition to the above, the following non-financial related planning obligations to be included are:

1. Restriction of residential occupation to persons of 60 years of age and above only; and
2. Restriction of onsite recreation/leisure and dining facilities for use by resident occupiers only.

### Relevant History

EPF/3386/16 - Hybrid application requesting:

1. Full planning permission for an assisted living development comprising of apartments and integrated communal and support facilities; landscaped residents gardens; staff areas; refuse storage; construction of a new site access; a sustainable urban drainage system; a new sub-station and associated infrastructure and services, and;
2. Outline planning permission for a 0.45 hectare extension to Chigwell Cemetery.

*Refused (9 October 2017) on the basis that:*

1. the proposal as a whole is inappropriate development in the Green Belt and that the proposed buildings would be harmful to openness; and
2. the proposal makes insufficient contribution towards the provision of off-site affordable housing the proposal fails to make appropriate provision for affordable housing.

The scheme was due to be considered at Plans South on 20 March 2019 with an Officers recommendation for refusal – it was withdrawn by the applicant for further negotiations to take place.

## **Development Plan**

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
H4A	Dwelling Mix
H5A	Provision for Affordable Housing
H6A	Site Thresholds for Affordable Housing
H7A	Levels of Affordable Housing
H8A	Availability of Affordable Housing in Perpetuity
H9A	Lifetime Homes
NC1	SPA's, SAC's and SSSI's
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE4	Design in the Green Belt
DBE5	Design and Layout of New Development
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL3	Edge of Settlement
L11	Landscaping Schemes
ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed

inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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

<b>POLICY</b>	<b>WEIGHT AFFORDED</b>
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Significant
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure	Significant
H1 - Housing Mix and Accommodation Types	Significant
H2 - Affordable Housing	Significant
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM3 - Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 - Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant
P 7 - Chigwell	Significant

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

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.

The LPSV identifies the full application site for development of approximately 105 specialist dwellings, allocation reference CHIG.R4. The Plan does not explicitly define 'specialist dwellings'. It is clearly a form of residential use that is distinct from dwellings within Use Class C3. On that basis a general practical approach taken by Officers is to interpret 'specialist dwellings' as meaning any residential use that is not entirely within Use Class C3. CHIG.R4 is the only site allocation in the plan for specialist dwellings.

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

The application has been the subject of 2 separate public consultations.

The first consultation was carried out in May 2018 which included letters to 255 neighbours, site notices and a local press advertisement. On this occasion 11 objections to the development was received from the following addresses:

17 Ash Road, Chigwell  
9 High Elms, Chigwell  
1, 2, 3, 9, 15, 33, 43 & 81 Mount Pleasant Road, Chigwell  
3 Woodland Road, Chigwell

The second consultation followed was carried out to notify the public of amendments to the proposed parking level and associated arrangements. Letters were sent to members of the public that originally expressed their interest in writing including 5 site notices posted in prominent locations surrounding the application site. At the time of writing this report, 6 objections have been received from the following addresses:

9, 11, 15, 33, 61 Mount Pleasant Road Chigwell  
High Elms, Chigwell

The objections raised on both occasions are listed below:

1. Insufficient contribution towards affordable housing.
2. Inappropriate development in the Green Belt that is harmful to its openness. No very special circumstances in favour of the development exist.
3. Loss of a green field.
4. Dramatic and overwhelming visual impact in a largely open valley, appearing as a housing estate. Views across the land will therefore be diminished.
5. The height of the proposed buildings does not fit in with the character of the locality,
6. Does not address 'rights' connected with the public footpath.
7. Generation of an unsustainable increase in traffic that local roads could not cope with.
8. The site would be better accessed from Froghall Lane. It is unclear why that possibility is ruled out.
9. The application does not include any proposal to mitigate obstructive on-street parking on Woodland Road.
10. Planned yellow lines along Woodland Road have not been implemented. If they are not, the development would make access along Woodland Road nigh on impossible.

11. The proposed build should not proceed if the council does not apply waiting restrictions and lighten the congestion along Woodland Road
12. Given the proposed access to the site from Woodland Road, the need for the proposed access off Mount Pleasant Road is questionable while that element of the proposal seems indicative of a preference to access the site from Mount Pleasant Road.
13. Construction traffic access via Mount Pleasant Road would result in contractors parking in that road which, together with construction vehicle movements, will compound the harm caused in the implementation of recent railway works.
14. The movement of construction vehicles may harm properties on Mount Pleasant Road.
15. At present children can safely play in the gardens and pavement but this additional traffic would make this dangerous.
16. Harmful increase in pressure on local health services due to an increase in population from outside of the locality.
17. The environmental impact of the project is substantial. Pollution and CO2 levels will be impaired.
18. Residents of the development will be potential victims of crime and therefore the development is likely to result in an increase in the local crime rate.
19. No need for the form of development proposed. There is sufficient supply of retirement homes in area.
20. There are better places for this type of development.
21. The provision of an extension to Chigwell Cemetery in exchange for a grant of planning permission is outrageous.
22. The proposed works would be likely to cause harm to the railway tunnel that passes under the route of the accessway proposed off Mount Pleasant Road.
23. It would make more sense to link into the new drains built for Woodland Road than run them to Mount Pleasant Road.
24. Grange Hill cannot take anymore large developments such as this.
25. The local infrastructure will not be able to cope.
26. The area frequently suffers from issues with water pressure and further large scale development may well exacerbate the situation.
27. There has already been large scale development in this area in recent years
28. Local residents have not been fully consulted

ESSEX COUNTY COUNCIL (Education Authority)

No objection. No need for any contribution towards education provision.

ESSEX COUNTY COUNCIL (Highway Authority):

The Highway Authority has not objected to the amended reduced parking levels onsite and maintains its previous comments as follows:

*“The Highway Authority has considered the above planning application, visited the site and thoroughly assessed the submitted transport information, including the reduced parking levels, and has concluded that the proposal is not contrary to current National/Local policy and safety criteria.*

*The applicant has submitted a robust Transport Assessment for the proposal and has demonstrated that the impact on the Woodland Rd/Manor Rd junction will be negligible. This is mainly because the future occupiers are highly unlikely to travel during the network peak hours. The parking is considered to be more than sufficient for the development given the location and the good access to other modes of sustainable travel available.*

*Consequently, the Highway Authority is satisfied that the development will not be detrimental to highway safety, capacity or efficiency within Chigwell or on the wider highway network.”*

Conditions and informatises requested.

LONDON UNDERGROUND:

No objection subject to conditions to safeguard the railway.

NATURAL ENGLAND:

No specific comments to make. Reference to standing advice.

NHS – West Essex CCG:

No objection subject to a contribution of £24,909 to offset the consequence for primary care services in the locality.

THAMES WATER:

No objection subject to conditions in relation to construction within the vicinity of a water main.

CHIGWELL PARISH COUNCIL:

**Original consultation response:**

“The Council **SUPPORTS** this application, this proposed development is a good utilisation of low grade Green Belt land, located in an appropriate setting.”

### **Screening Opinion**

The following is an Officers screening opinion under Regulation 7(2) of the Town and country Planning (Environmental Impact Assessment.) Regulations 1999. Such opinions are given where an application that appears to be either a Schedule 1 or Schedule 2 application is submitted that has not been the subject of a prior screening opinion and is not accompanied by an environmental statement for the purposes of the Regulations.

This development is not of a type that falls within Schedule 1 of the Regulations. However, since it amounts to an urban development project on a site that exceeds 0.5 hectares in area it falls within Schedule 2 of the Regulations. Officers therefore have to decide whether an environmental statement is required. Schedule 3 of the Regulations sets out criteria for carrying out that assessment. Having applied the criteria Officers conclude an environmental statement for the purposes of the Regulations is not required for this application.

Notwithstanding that conclusion, Members are advised the Applicant included comprehensive information with the application that assesses the environmental impact of the proposed development. That has been scrutinised by specialist advisors and their conclusions on those matters are set out as appropriate in the issues and considerations section of this report.

## **Main Issues and Considerations**

This application seeks to overcome the reasons for refusal of application EPF/3386/16 and is submitted in response to the allocation of the site for specialist housing in the LPSV.

In summary, it maintains the Council's objection to the previous submission is addressed in two ways. Firstly, by maintaining there has been a material change in planning policy in respect of the application site such that the Green Belt balance is in favour of the proposal; and, secondly, by submitting information with a view to demonstrating the proposal makes an appropriate level of contribution towards affordable housing.

Aside from the main issues of consequence for the Green Belt and requirement for affordable housing, this report will also consider the matters of design and visual impact together with highway considerations. Those matters will be weighed in the Green Belt balance while other matters including, affordable housing and the consequences for the Epping Forest Special Area of Conservation will be considered separately.

### **Consequence for the Green Belt**

The site remains allocated for development of the type the applicant proposes in the full application, that is, 105 units of specialist housing. That would result in a new Green Belt boundary around that part of the site and the site-specific requirements for allocation CHIG. R4 include using existing landscape features to visually define that boundary and strengthening them as required. In that respect the submission includes landscape proposals that are acceptable to the Council's Tree and Landscape Officer and the proposal evidently seeks to ensure the development has a sylvan setting.

Although allocated for development within the LPSV, the application site, together with adjoining land between it and Mount Pleasant Road and land to the north, including Chigwell Cemetery, remain entirely in the Green Belt. That is because, notwithstanding its very advanced stage, the LPSV is not an adopted plan. The relatively recent development to the south also remains within the Green Belt. On that basis, the proposed development in the full application is inappropriate development in the Green Belt that would result in a significant reduction in its openness. The NPPF makes clear that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

In relation to the outline proposal for an extension to Chigwell cemetery, the provision of appropriate facilities for cemeteries is one of the exceptions to inappropriate development listed in paragraph 149. That is not to say the cemeteries of themselves are not inappropriate development in the Green Belt. Due to the amount of small scale development, including sometimes substantial structures for marking graves and associated engineering operations including roadways, cemeteries may sometimes appear as urbanising uses that do not preserve the openness of the Green Belt. The current proposal for an extension to Chigwell cemetery, since it is in outline form only, does not include any detail on the layout and design of the extension. That detail would be controlled by way of a condition should Members decide to grant planning permission, giving the Council the scope to ensure any specific proposal does safeguard the openness of the Green Belt. In those circumstances it is concluded the proposed extension to Chigwell Cemetery may be treated as not inappropriate development.

Taken as a whole, therefore, it is concluded the proposal is for a mix of inappropriate and not inappropriate development that, on the greater part of the application site, would be result in a reduction in the openness of the Green Belt.

Such development may only be permitted in **very special circumstances**. Whether such circumstances have been demonstrated is explored below.

### Need for the development

The LPSV and the Council's Infrastructure Development Plan (December 2017) do not propose any increase in cemetery provision within Chigwell. Indeed, they appear silent on the matter of cemeteries. The application does include evidence of need for the expansion of Chigwell Cemetery in the long term, beyond the period the LPSV covers, and Officers agree that need is demonstrated by the evidence. Officers consider it far preferable to expand the existing cemetery rather than create a new one to meet that need. However, the only way of meeting that need which is presently available is through the grant of consent for the proposal as a whole.

In relation to the need for a specialist housing for the elderly, it is clear that the Council proposes to make such provision by way of site allocation CHIG.R4. Moreover, the site allocation is the only such allocation within the LPSV. The Applicant has submitted evidence of the need and Officers do not disagree there is a need and that the need within Epping Forest District is somewhat higher than elsewhere. Census data supports that view.

In making site allocation CHIG.R4 the Council has taken a position that in order to meet that need it is necessary to release Green Belt land. The local plan examination hearing in May 2019 has confirmed the site allocation is justified for inclusion in the LPSV and accordingly does not recommend any further modification to Policy P7 as being prescribed.

In the above circumstances, and given the very advanced stage of the LPSV, it is concluded that significant weight may be given to the site allocation.

### Design and visual impact

There is no material difference in the design and visual impact of the current proposal compared to the previous proposals, which was found to be acceptable in those terms. Following the submission of this application, a minor change was made to the alignment of an internal roadway and adjacent parking spaces to pull them away from the southern site boundary and make better provision for soft landscaping adjacent to that boundary. The assessment of this component of the proposal is therefore essentially the same as that for the refused proposals and reproduced with minor modification below. It is emphasised that the Council's position on this matter was set in its decision to refuse application EPF/3386/16, when no design objection was raised.

Since the cemetery component of the proposal in outline form only, the matter of its design and visual impact cannot be fully assessed at this stage of the planning process. Should consent be given for the proposal that would be considered as part of a submission for approval of reserved matters. In general terms, however, the cemetery would be a low-lying development that would not clearly be seen from any built up area. It would, of course, appear highly visible from PROW 302\_125 since the footpath passes through the western end of the proposed extension to Chigwell Cemetery. However, it is likely a detailed design and layout for the proposal would successfully integrate the footpath therefore its route does not impact on the feasibility of the current proposals.

As a built form, the proposed assisted living development would be well designed and laid out. The proposal is a bold modern design that is focused on a central green space with landscaped parking areas towards the edges of the site. The design of the buildings breaks

up what could otherwise appear excessively bulky by way of an irregular footprint and steeply pitched gabled roofs with eaves at varying heights. A good mix of indicative materials would also assist in breaking up the bulk of the buildings. The buildings would nonetheless have coherent and relatively simple forms. The result would be a bold design in a landscaped setting that would relate well in scale and form to the recent development to the south, the built form most closely associated with it in terms of distance and land level.

The development would appear prominent from the north elevations of buildings to the south, however, given a minimum 30m separation distance that would not cause excessive harm to the visual amenities of the occupants of those buildings. Additional landscaping proposed adjacent to the site boundary will soften the appearance of the development further. No excessive loss of privacy would arise.

The proposal would contrast with the older housing at Mount Pleasant Road. That contrast is appropriate given the distance separating the older housing from the nearest buildings, Blocks A and C, and the drop in levels from Mount Pleasant Road to the buildings, some 6m. The drop in levels is such that the lower third of the buildings would not be seen from ground level at Mount Pleasant Road. No excessive harm would be caused to the visual amenities of houses in Mount Pleasant Road and no loss of privacy would arise.

Visually, the proposed access road linking Mount Pleasant Road to the site would direct the eye to the western entrance to the main reception area and communal facilities of the development as one descends from Mount Pleasant Road to Blocks A and C. The access road would be the natural primary route into the site and in urban design terms is preferable to the proposed primary route off Woodland Road. However, the fact it is not does not make the proposal unacceptable in design terms.

The development would be apparent in long views from the east but the degree of impact is limited. Existing trees would substantially screen views of it from Froghall Lane and particularly from Chigwell Cemetery.

In conclusion, the proposal is acceptable in design terms and would appear as a high quality development. The main visual impact would be on outlook from buildings to the south and their associated gardens/parking areas on the north side of those buildings. The impact on outlook would be significant, particularly to the east where Block E would be sited 30m from the rear elevations of the buildings. However, the degree of harm would not amount to excessive harm to amenity and what limited harm arose would be mitigated by landscaping within the site and on the site boundary.

Clearly, the proposal would cause harm by way of seriously reducing the openness of the site, amounting to an encroachment of the urban area into the countryside. That matter has been considered above in terms of consequence for the Green Belt.

#### Access, parking and highway safety

As with the matter of design, Officer's assessment in relation to access, parking and highway safety is essentially the same as that for the refused application and no highways objection was raised to that scheme in the Council's reasons for refusal of application EPF/3386/16, establishing the Council's position on that matter. An updated assessment of this issue is set out as follows:

The extension to Chigwell Cemetery would be accessed from within Chigwell Cemetery. The Cemetery is accessed off Manor Road via Froghall Lane, a private road that for most of its length is not wide enough for two cars to pass each other. In the very long term that may well

result in a need to resolve potential conflict in vehicle movements along Froghall Lane. For the foreseeable future, however, the proposal would not be likely to generate significant conflict. Since such conflict may arise in the very long term, and may not arise at all, it is unnecessary to deal with that matter now.

The applicant's transport assessment identifies that the primary entrance into the site will be from Woodland Road with a second access from Mount Pleasant road. It anticipates that all trips to/from the site will use the access from Woodland Road although does not provide any further evidence to justify or demonstrate this will be the case. In connection to this, ECC Highways maintains that any grant of planning permission should include planning conditions that restrict the access on Woodlands Road for future residents and their visitors only and the access from Mount Pleasant Road for emergency vehicles. There is planning merit to including these conditions particularly as it would better manage highway safety concerns and the effects on amenity of existing residents from the associated traffic that the development would generate

In relation to parking provision, the applicant originally proposed to provide 132 parking spaces. Officers have since scrutinised this level of provision, particularly in view of the site's accessible location and the environmental related effects of overprovision and requested for this number to be reduced. The applicant has subsequently agreed to providing a lower level of parking equating to 85 parking spaces in total of which 65 spaces would be provided for residents only and the remaining 20 spaces for visitor/staff purposes. Whilst officers (and the applicant) have acknowledged that there are no adopted parking standards applicable to this type of development, it is considered that the reduced level of parking being proposed would strike an equitable balance between the perceived needs of the development and its accessible location. In addition, it is considered that a reduced level of parking would assist in enhancing the open character of the site and aiding efforts of the Council to reduce air pollution effects on both human health and the EFSAC.

Officers have also acknowledged the continued concerns from local residents where even a reduced parking level would not prevent parking in nearby roads. Whilst in theory the effect of reducing car parking provision onsite could result in greater parking in the surrounding roads, this prospect is considered to be made more difficult (and unlikely) given the introduction of resident only parking restrictions in Woodland Road. With regard to parking in Mount Pleasant Road, any potential parking arising as a result of the development (residents and/or visitors) would likely be limited given that the nearest secondary access point is proposed to be controlled for use by emergency vehicles only. Overall, it is considered that a reduced parking level is justified in respect of the aims of current and emerging planning policies.

#### Green Belt Balance

Inappropriate development in the Green Belt may only be approved where it is demonstrated material planning considerations outweigh the harm caused by the development and that those considerations are very special. The question of whether material considerations in favour of development are very special therefore only need be assessed following a conclusion that they outweigh the identified harm. Simply outweighing the identified harm is not equivalent to amounting to very special circumstances.

Harm would be caused to the Green Belt by way of the development as a whole being inappropriate, causing a reduction in openness and by conflicting with the purposes of including the land in the Green Belt. At this point it is worth clarifying that despite the local plan examination not raising any in principle objections to the allocation for specialist housing (CHIG.R4) as currently prescribed, the LPSV has not been formally adopted at the time of

writing this report. Therefore on this basis, officers consider that it remains prudent to apply the most stringent assessment of the development's harm on the Green Belt.

Weighed against the identified harm are the benefits of the proposal in meeting the long term need for expansion of Chigwell Cemetery, the need for specialist housing for the elderly and the provisions of the LPSV for meeting such need through site allocation CHIG.R4, which seeks approximately 105 units of specialist housing on the full application site.

In relation to the cemetery point, the need for cemetery expansion in Chigwell is a long-term need, beyond the life of the Local Plan currently being progressed. The proposed cemetery extension would add approximately 80 years additional capacity to Chigwell Cemetery. In the meantime, the existing cemetery has capacity for approximately 25 years of burials before the extension is required. There is the possibility that the expansion could be secured through a future Local Plan process. However, to forego the opportunity available now is likely to result in a lost opportunity. That is because the offer of land for the cemetery is only available in the context of this application in advance of the adoption of the LPSV. As confirmed, given there is no objection to site allocation CHIG.R4, it is likely that it would be carried through into the final adopted version of the plan. In those circumstances, and since neither the LPSV or IPD identifies land for cemeteries in Chigwell, a developer would not be likely to consider it necessary to provide any land for the expansion of Chigwell cemetery. It is therefore concluded the provision for expansion of the cemetery in the application is a material consideration of significant weight.

In relation to the need for specialist housing for the elderly, the LPSV identifies other sites for residential development where, in theory, the need for specialist housing could be met. However, given the additional costs for developing such schemes, generated in part by the need for additional communal space within buildings and the need for larger sites, it is unlikely specialist housing could successfully compete with general housing for appropriate sites. In the circumstances, and given that CHIG.R4 is the only site allocation for specialist housing within the LPSV, it is concluded the need for specialist housing may be given significant weight.

The cumulative benefit of both providing land for Chigwell Cemetery expansion and specialist housing for the elderly in the context of an unopposed site allocation for specialist housing within the LPSV is considered to outweigh the harm the proposal would cause to the Green Belt.

It is therefore necessary to consider whether those material considerations amount to very special circumstances in favour of the development.

These considerations are unique geographically given the Council proposes to meet the need for specialist housing on this particular site alone. The growing need for specialist housing is acknowledged in general and within the site allocation while it is unclear that similar scale proposals for specialist housing could be delivered elsewhere. These considerations are also unique temporally since it is very likely that the land for the full application will be removed from the Green Belt in the short term. On that basis Officer's conclude they amount to very special circumstances that outweigh the harm that would be caused to the Green Belt.

#### Requirement for affordable housing

Adopted planning policy seeks the provision of at least 40% of the total number of dwellings in new residential development as affordable housing in order to meet a shortfall in the provision of such housing in the District. Where it is not appropriate to provide affordable housing on the development site a contribution towards off site provision is an acceptable

alternative. The level of contribution would be determined by an assessment of the viability of the development and the amount of subsidy required for a social housing provider to provide 40% of the number of proposed units as affordable homes.

In this case, notwithstanding that the internal arrangement of the proposed buildings is for apartments, the development would be managed as a whole. The main consequence of that is it would be impractical to provide 40% of the units as general affordable housing.

The Applicant continues to maintain the proposed development is a residential institution within Use Class C2, however, he no longer maintains the proposal is not a form of development from which planning policy seeks affordable housing. In those circumstances little would seem to turn on what Use Class, if any, the proposal is within. This matter was nonetheless considered in the assessment of the previously refused application and it is worth reproducing that assessment here since it amounts to a position the Council has already taken in respect of the proposal.

In support of their contention that the proposal is within Use Class C2, the Applicant previously provided Counsel's opinion, dated 1 August 2014, on the nature of the type of development proposed. The advice was the use is not within Use Class C3. However, it was ambivalent on whether the use falls within Use Class C2 or is in a class of its own, a 'sui-generis' use.

While Officers agreed on the first point, they were not convinced the use proposed falls within Use Class C2. To settle this, Counsel's opinion was sought. The advice given to the Council was that while the proposal does not fall within Use Class C3, it is neither a use within Use Class C2 nor a mixed use comprising of Use Classes C2 and C3 on the basis that none of the apartments would be a Class C3 dwellinghouse. Counsel's advice was therefore that the specific proposal before Members is a 'sui-generis' use.

Officers also sought advice from Counsel on whether adopted planning policy allowed for securing a contribution towards affordable housing in connection with this specific proposal. The advice given is that under adopted policy the apartments could be treated as "housing" and "dwellings" and the application could be treated as one for "residential use" as referred to in the policies.

Counsel pointed out adopted policies do not refer to the C3 Use Class nor do they tie contributions to only C3 dwellinghouses. Furthermore, the adopted policies appear to generally conform to advice in NPPF. Accordingly, there is a reasonable basis for seeking a contribution towards affordable housing in connection with the development proposed.

That position is reinforced by LPSV policy H 2, which requires developments of 11 or more homes or of more than 1000m<sup>2</sup> of residential floorspace to make provision for affordable housing at the same rate that the adopted Local Plan policy does. The Applicant seeks to demonstrate compliance with the policy by demonstrating their offer of a contribution of £1,700,000 towards the provision of off-site affordable housing, (increased after negotiation with officers from an original offer of £488,526, through £1,000,000 and £1,500,00) is in accordance with its requirements. Members are requested to note that despite the original negotiations taking place in 2018, the commentary below still remains relevant and factual to the considerations made at the time and now.

Initially the Applicant submitted a viability study to demonstrate what an appropriate contribution for affordable housing could be. That report, dated 16th May 2018 by GL Hearne, found that *"the residual land value generated by the proposed development is below*

*the Benchmark Land Value based upon what would be considered as an acceptable return for a development of this nature.”* In other words, no affordable housing contribution could be supported and the initial offer of £488,526 was on a without prejudice basis.

(Members are reminded that the proposal was subsequently amended to also include a contribution of £24,909 towards the provision of primary health care services and a contribution of up to £52,000 towards measures for mitigating the impact of the proposal on air quality within the Epping Forest SAC.)

In order to properly advise planning officers on the matter of an appropriate contribution for affordable housing the Director of Communities put the GL Hearn viability assessment to the Council’s viability consultant, Kift Consulting Limited (KCL), for validation. Following their analysis KCL concluded the approach taken by GL Hearn was flawed and therefore KCL would not confirm the validity of the viability assessment. The key difference between GL Hearn and Kift Consulting is the approach to establishing the existing use value of the site for viability assessments.

The establishment of existing use value is a complex matter. In this regard, paragraph 013 of the Planning Practice Guidance issued in 2019, one of a suite of documents supporting the National Planning Policy Framework, states:

***“To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. This approach is often called ‘existing use value plus’ (EUV+).*”**

***In order to establish benchmark land value, plan makers, landowners, developers, infrastructure and affordable housing providers should engage and provide evidence to inform this iterative and collaborative process.”***

In relation to benchmark value, paragraph 014 states:

***“Benchmark land value should:***

- ***be based upon existing use value***
- ***allow for a premium to landowners (including equity resulting from those building their own homes)***
- ***reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and be informed by market evidence including current uses, costs and values wherever possible....***

***Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan....”***

Further guidance on existing use value is given at paragraph 015, which states:

***“Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including***

***realistic deemed consents, but without regard to alternative uses. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types.”***

Existing use value + is addressed in paragraph 016, which states:

***The premium (or the ‘plus’ in EUV+) is the second component of benchmark land value. It is the amount above existing use value (EUV) that goes to the landowner. The premium should provide a reasonable incentive for a land owner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements.***

Paragraph 017 addresses the matter of whether alternative uses may be used in establishing benchmark land value. It states:

***“For the purpose of viability assessment alternative use value (AUV) refers to the value of land for uses other than its current permitted use, and other than other potential development that requires planning consent, technical consent or unrealistic permitted development with different associated values. AUV of the land may be informative in establishing benchmark land value. If applying alternative uses when establishing benchmark land value these should be limited to those uses which have an existing implementable permission for that use. Where there is no existing implementable permission, plan makers can set out in which circumstances alternative uses can be used. This might include if there is evidence that the alternative use would fully comply with development plan policies, if it can be demonstrated that the alternative use could be implemented on the site in question, if it can be demonstrated there is market demand for that use, and if there is an explanation as to why the alternative use has not been pursued. Where AUV is used this should be supported by evidence of the costs and values of the alternative use to justify the land value. Valuation based on AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted.”***

Following the advice of the PPG (then in draft form), KCL produced a validation report dated 16 July 2018 in which it concluded an EUV+ value of £525,980 should be used to represent the land/site value in the viability appraisal. GL Hearn had proposed a different land value (Residual Land Value rather than EUV+) of £4,216,893 with very different implications for the viability of the development and the potential for the development to contribute to affordable housing. GL Hearn’s viability assessment concluded *“the proposed scheme contained within the application produces a Residual Land Value below what is considered an appropriate Benchmark Land Value for this type of development”*, essentially maintaining the proposal is significantly unviable, resulting in a deficit of £6.2m. KCL disagreed, finding it would generate sufficient surplus to enable it to provide a commuted sum of £4,503,358 and remain financially viable with a remaining surplus of £117,880.

GL Hearn subsequently rebutted KCL’s findings and these were given consideration by KCL following the present PPG advice. That resulted in KCL agreeing a higher EUV+ of £2,145,000. While that would not allow for a policy compliant scheme delivering a contribution equivalent to support 40% affordable housing, KCL found it would support 18% affordable housing and deliver a small surplus of £46,402 which can be used as an additional financial contribution towards affordable housing. KCL therefore concluded a reduced total commuted sum of £2,533,122 can be supported by the proposed development.

GL Hearn submitted a further rebuttal maintaining its original conclusion that the development is not viable to support a contribution towards affordable housing, but noting that notwithstanding their conclusion, the Applicant still offered a contribution of £488,526. One of the points made by GL Hearn relates to whether site allocation CHIG. R4 would be likely to be developed for general residential housing if it were not developed for specialist housing. on the basis of informal pre-application officer advice. GL Hearn maintained general residential development of the site should be treated as a likely alternative use for the land and therefore the land should be given a higher value. Following subsequent discussions with the Planning Policy Team Officers, they reconsidered their informal advice on the basis of a reappraisal of the weight to be given to the site allocation and site specific requirements set out in the LPSV. Officers therefore advised KCL that a general residential development of the CHIG.R4 site would be contrary to the LPSV allocation and the Council would be bound to defend that allocation, especially if it is brought forward into the adopted Local Plan as seems likely. Officers consistently advised KCL it is very unlikely the Council would permit the development of the site for general residential development.

KCL responded to GL Hearn's second rebuttal, concluding it was not persuaded by any of the information contained within it to reconsider their earlier revised conclusion that a reduced total commuted sum of £2,533,122 can be supported by the proposed development. KCL also emphasised that sum would only be equivalent to providing 18% affordable housing rather than the policy requirement for a 40% contribution, but that was all the scheme could viably contribute. On the basis of KCL's advice, Officers continued to seek a total affordable housing contribution of £2,533,122.

The Applicant has carefully considered the position maintained by Officers supported by KCL and responded with a contribution towards affordable housing that is increased from £488,526 to a final offer of £1,700,000. Their original statement is reproduced below setting out the Applicant's final position on the matter of affordable housing and sets out total contributions to be offered in connection with the proposed development (and updated for the new sum):

*"We have been unable to reach agreement on the level of affordable housing contributions that are viable for the scheme. You will recall that our assessment states that no affordable housing contribution is viable on the site, whereas the Kift assessment concludes that a contribution of £2,533,122 is viable.*

*The areas that we have not been able to agree on are as follows:*

- *Inclusion of Ground Rents in the KCL financial appraisal; Site area / inclusion of cemetery land;*
- *GLH adopted BLV; and*
- *Existing Use Value plus a premium EUV+.*

*We have both concluded that it will not possible to be able to reach agreement on this matter and your Committee Report will need to reflect this accordingly. Neither our Planning Statement or Viability Appraisal for this application set out any offer for affordable housing, however, we fully recognise that the Council is seeking to avoid setting a precedent of undermining its affordable housing policy and thus in the interests of securing a consent we are prepared to offer a total off-site affordable housing contribution of £1,700,000. This offer is made without prejudice of our established viability position and this sum of money reflects our motivation to secure a planning permission, rather than any fallibility of the viability appraisal or evidence provided so far. It should be noted that no further increase to this contribution can be made.*

*To summarise our total offer of planning contributions is as follows.*

- *Affordable Housing - £1,700,000.*
- *Provision of approximately 1 acre of land to the Parish Council for the extension of Chigwell Cemetery.*
- *Hopper bus contribution - £52,500. NHS - £24,909.*
- *Epping Forest Air Quality – TBC, but expected to be £52,500.”*

It is recognised the Applicant has moved a considerable distance from their original position, which was that of their last refused application. It is also recognised the offer of a contribution of £1,700,000 would achieve the equivalent of about 16% affordable housing, which is very close to the 18% equivalent the scheme is demonstrably capable of supporting. However, whilst the view from Officers is still that the proposed development can make an affordable housing contribution of £2,329,874 and remain viable, in the current circumstances of disagreement between the two sides on this matter, officers consider that this upgraded offer by the Applicant results in a compromise position between the two parties (who have been unable to agree the viability appraisal for the scheme) and it is one that can be recommended as a way forward. Therefore, these negotiations have overcome the previous reason for refusal by an increase of £700,000 on the previous £1,000,000 sum.

#### Epping Forest Special Area of Conservation

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 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 Impact Pathways 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 3km - 6.2 km 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 the application proposal lies more than 3km from the boundary of the EFSAC there is no requirement to make a financial contribution. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC.

#### 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, and is indicated under 'Planning Obligations' section of the report. In addition the application will be subject to planning conditions to secure provision for electric car charging infrastructure for all parking spaces including super-fast broadband to support home based working. Consequently, officers are 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.

In summary, officers are 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 proposals would not have an adverse effect on the integrity of the EFSAC.

## Other matters

The proposal would offset the consequence for local healthcare provision by way of an appropriate contribution towards the provision of primary health care services.

The site is within Flood Risk Zone 1, the lowest level of flood risk where development is directed. The Council's Land Drainage Team considers the proposal acceptable, supported by a good FRA. The matter of drainage was also considered by Thames Water, who raise no objection subject to conditions to protect their infrastructure. London Underground similarly considers their infrastructure can be adequately protected by suitable conditions.

There would be adequate provision for the storage and collection of waste.

There is no known archaeology on the proposed development site, or in the immediate vicinity.

In relation to biodiversity at the application site, Countrycare advises the proposal is acceptable subject to an appropriate condition. Sustainability measures such as the provision of electric vehicle charging points (as stated above) and limitations on water usage can be addressed by way of standard conditions once again.

Matters raised by local residents are largely addressed above. Safety is a material planning consideration and as a managed development it is not considered the consequence for crime would be greater than any other residential development. It is therefore concluded there is no substance to the concern that the development would be likely to result in an increase in crime in the locality.

The consequence for amenity and safety as a result of construction works and associated vehicle movements is important to address. This can be done by way of suitable conditions restricting working hours and requiring a construction method statement to be approved prior to works and thereafter adhered to.

## Conclusion

The application seeks to overcome the Council's reasons for refusal of application EPF/3386/16 which proposed a near identical development with an increased contribution for offsite affordable housing. That application was refused on the basis of harm to the Green Belt and failure to make proper provision for affordable housing. A significant material change in circumstances since that application was refused is the allocation of the site for specialist housing in LPSV site allocation CHIG.R4, which seeks approximately 105 specialist housing units.

Since the LPSV is not the adopted Local Plan, notwithstanding the allocation of the site for specialist housing within the LPSV, the application site remains within the Green Belt. The outline proposal for an extension to Chigwell Cemetery is not inappropriate development in the Green Belt and, subject to appropriate conditions, would not cause a significant reduction in its openness.

The detailed proposal for an assisted living development is inappropriate development in the Green Belt and would cause significant harm to its openness. However, it is evident from the above analysis that the cumulative impact of material considerations in favour of the development would outweigh the harm that would be caused to the Green Belt. Those material considerations comprise of:

- The provision land for the expansion of Chigwell Cemetery;
- The allocation of the site for specialist housing in the Submission Version of the Local Plan (site allocation CHIG.R4);
- The likelihood of site allocation CHIG.R4 being carried forward into the adopted plan; and
- The fact that the site allocation CHIG.R4 is the only allocation within the LPSV for specialist housing and consequently the primary way in which it is proposed to meet the need for such accommodation.

Those considerations are unique geographically given the Council only identifies this particular site to meet need for specialist housing within the District. The growing need for specialist housing is acknowledged in general and within the site allocation and it is unclear whether similar scale proposals for specialist housing could be delivered elsewhere as windfall developments. These considerations are also unique temporally since it is likely the land for the full application will be removed from the Green Belt in the short term with the consequence that the opportunity to secure an extension to Chigwell Cemetery through a further application is lost. For those reasons it is concluded those material considerations that outweigh the harm the development would cause to the Green Belt amount to very special circumstances.

The proposal is acceptable in all other respects except in respect of the provision it makes for affordable housing. Planning policy seeks an appropriate contribution towards affordable housing in lieu of the provision of 40% of the proposed dwellings as affordable housing, subject to the contribution being viable. Specialist advice to the Council is that the development could support a contribution of £2,533,122 and remain viable. That is at odds with the Applicant's position that the scheme cannot viably support any contribution and with the Applicant's without prejudice offer of a contribution of £1,700,000 towards affordable housing within the District. As is explained in the main body of this report, both the Applicant and the Council's consultants have undertaken considerable work that has resulted in a shift in the Council's position and an offer from the Applicant that goes a significant way towards the providing the sum the Council maintains would be a viable contribution.

In the circumstances, it is recommended that planning permission be granted for the proposal subject to securing the following planning obligations via S106:

- Cemetery land;
- Off-site affordable housing contributions;
- Hopper Bus and NHS contributions;
- Air pollution mitigations towards EFSAC;
- Restriction of residential occupation to persons of 60 years of age; and
- Restriction of use of onsite recreation/leisure and dining facilities for resident occupiers and their visitors only.

Should Members agree with Officers recommendation and decide to grant planning permission it will be necessary to refer the application to the National Planning Casework Unit (NPCU) under the Town and Country Planning (Consultation) (England) (Direction) 2021 since the proposal is a departure from the Green Belt policies of the adopted Local Plan. In the event the NPCU determines that the decision should fall to the Council to make, planning permission shall only be issued subject to the completion of the S106 Agreement as referred above.

***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:***

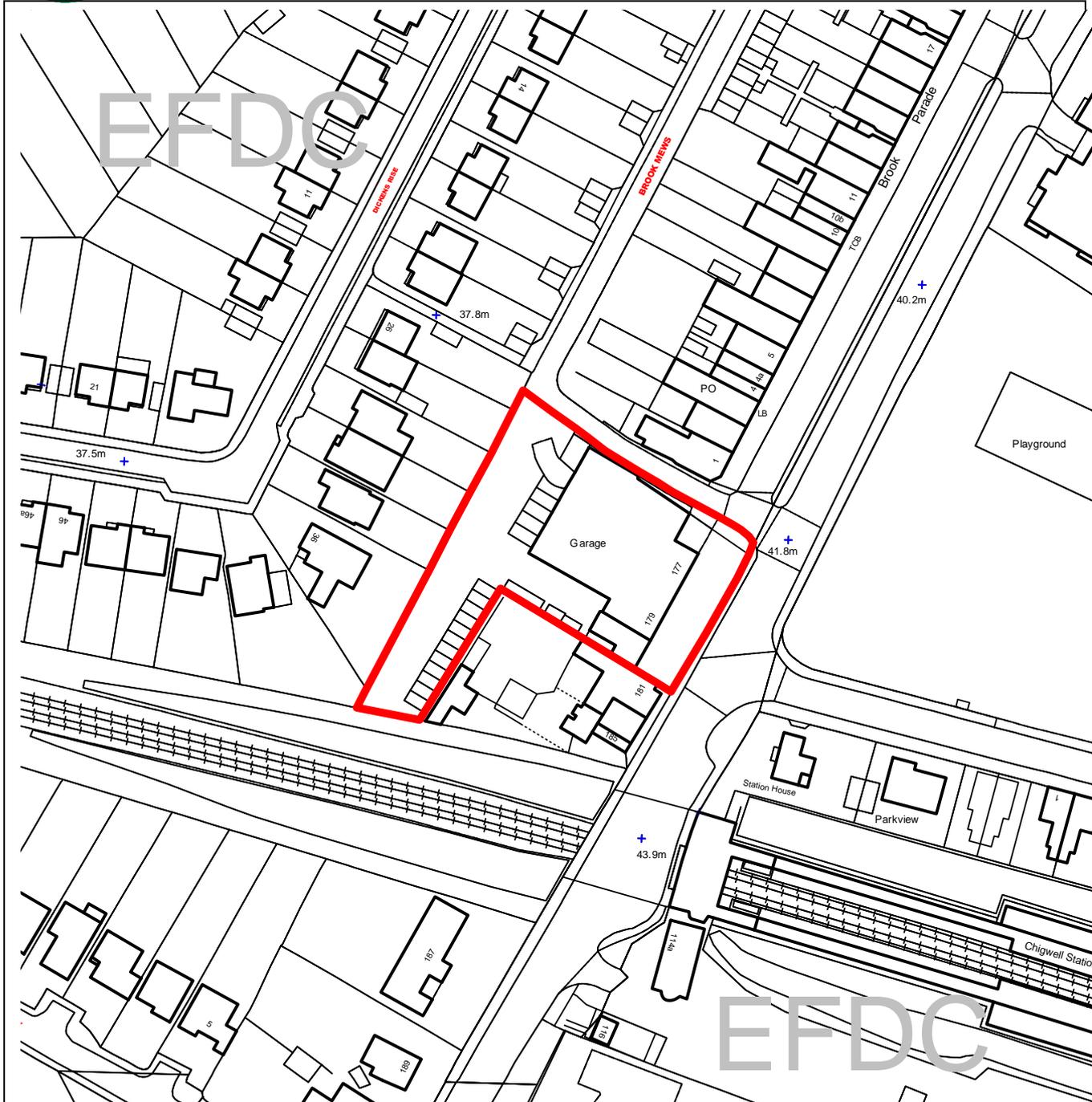
***Planning Application Case Officer: Cuma Ahmet***

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

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# Epping Forest District Council



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Application Number:	EPF/2868/20
Site Name:	177 High Road Chigwell IG7 6NX
Scale of Plot:	1:1250

**Report Item No: 10**

<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>APPLICANT:</b>	White Square Investments
<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. ** New information added to website **
<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=645633](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=645633)

**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:  
220054/PP/001  
220054/PP/002 P0  
220054/PP/010  
220054/PP/020 B  
220054/PP/030 (Existing)  
220054/PP/031 (Existing)  
220054/PP/032 (Existing)  
220054/PP/110 B  
220054/PP/120 B  
220054/PP/121 B  
220054/PP/122 B  
220054/PP/123 B  
220054/PP/124 B  
220054/PP/125 B  
220054/PP/130 B  
220054/PP/131 B  
220054/PP/132 B  
220054/PP/133 B  
220054/PP/134 B  
220054/PP/135 B  
220054/PP/140

- 3 No development shall commence above slab level until details and a schedule of materials and products of all external facing materials to be used in the construction of the building hereby approved, have been submitted to and approved in writing by the Local Planning Authority and approved in writing by the Local Planning Authority. The development shall not be occupied/used until it has been carried out in accordance with the approved details. The development shall thereafter be retained as such.

Detailed drawings including drawings of:

- Principal features on the facades e.g. bay studies (1:50 @ appropriate paper size)
- Details of each envelope / roof type (1:20 @A3)
- Detailed brick elements including mortar joint profile and brick texture panels (1:20 @A3)
- Details of glazing systems including any manifestation (1:20 @A3)
- Key junctions/bonds between materials/finishes (1:20 @A3)
- Parapets, roof edges, rooftop plant screening, lift over runs etc (1:20 @A3)
- Elevational location of all joints e.g. structural, movement, panels (1:100 @ appropriate paper size)
- Elevational location of all openings in envelope e.g. ventilation grilles, bird & bat boxes (1:100 @ appropriate paper size)
- Elevational location of all items which are fixed to the façade eg fins/louvres, signage, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100 @ appropriate paper size)
- Head, jamb and sill details, including profiles, for typical openings and all ground floor entrances and doors to balconies / terraces (1:20 @A3)
- Details of balconies and terraces including floor finishes (1:20 @A3)
- Balustrade details (1:20 @A3)
- Details of soffits and canopies (1:20 @A3)
- Details of materials and products, including finishes, of:
  - Façade and roof cladding materials
  - Brick and mortar type including mortar joint profile
  - Window / door types (including finishes, glass types and any manifestation)
  - Facing metalwork (e.g. balustrades, service doors, screens, gates)
  - All items which are fixed / integrated to the façade (eg fins/louvres, vent grilles, rainwater pipes, signage, bird/bat boxes)
  - Soffit and canopy materials
  - Balcony and terrace floor finishes

A list of façade types and junctions shall be agreed with the Local Planning Authority in advance.

- 4 The ground floor units shall only be used as Class E 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.

- 5 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. 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.

- 6 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.
- 7 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 8 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.
  8. Measures to control noise to nearby sensitive receptors.
- 9 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.
- 10 Details of privacy screens (with a minimum height of 1.7m) between all connected balconies, the podium and between flats 1.02 and 1.03, 1.06 and 1.07, 2.02 and 2.03 and 2.05 and 2.06 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.
- 11 The E use hereby permitted shall not be open to customers / members outside the hours of 7am to 10pm on Monday to Saturday and 8am to 10pm on Sundays and Bank Holidays.
- 12 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

- 13 The 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.
- 14 No air conditioning units or extraction systems shall be installed without the prior written approval of the Local Planning Authority.
- 15 The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment by TMA dated November 2020. The development shall be carried out only in accordance with the approved AIA unless the Local Planning Authority gives its written consent to any variation.
- 16 Details and location of all parking spaces equipped with active EVCP must be submitted prior to above ground works commencing on site, including details which shall demonstrate that the development will deliver active EVCPs from occupation. The details shall include:

1. Location of active and passive charging infrastructure;
2. Specification of charging equipment; and
3. Operation/management strategy.

The council will expect that a management plan for the charging points is set out clearly. This will address:

1. Which parking bays will have active and/or passive charging provision, including disabled parking bays;
2. How charging point usage will be charged amongst users;
3. The process and the triggers for identifying when additional passive charging points will become activated; and
4. 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.

The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation.

- 17 Prior to the works above slab level, 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 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

- 19 No development (other than demolition, site clearance and enabling works) shall commence until a Phase II Geoenvironmental Ground Investigation is undertaken in accordance with the submitted Phase I Geoenvironmental Desk Study dated 2 December 2020. . 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.
- 20 Prior to the first occupation of the development the access arrangements, including the footway and service bay, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 21 Prior to the first occupation of the development the redundant dropped kerb along the frontage and side of the site shall be fully reinstated, including full footway construction and with full height kerbing.
- 22 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, and/or Oyster Cards, for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- 23 The acoustic performance of the design and construction of the development shall be carried out strictly in accordance with those set out in the submitted Noise and Vibration Assessment by Ardent dated December 2020.
- 24 All rooms within the development hereby approved shall be provided with sufficient double glazing and acoustically treated trickle ventilators, or other means of ventilation that will provide adequate ventilation with the windows closed, to ensure that the occupiers are provided with reasonable resting/sleeping conditions with reference to British Standard BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for buildings - Code of practice (or such other standard which may supersede it from time to time) in accordance with the submitted Noise and Vibration Assessment by Ardent dated December 2020.
- 25 Details of the double glazing and acoustically treated trickle ventilators, or other means of ventilation, referred to within the above condition shall be submitted to and agreed in writing by the Local Planning Authority and installed in accordance with the agreed details before any of the proposed residential development is occupied.
- 26 The cumulative rating level of any mechanical plant installed on the site (as defined by BS4142:2014) shall not exceed the prevailing background noise level. If the background noise level is exceeded, the use of the mechanical plant shall cease until it is brought below this level. The measurement position and assessment shall be made according to BS4142:2014.

- 27 Prior to the occupation of the Class E commercial units a management plan outlining the frequency and timing of deliveries, refuse collection and servicing shall be submitted to and agreed in writing by the Local Planning Authority.
- 28 All mechanical plant (save for fridges/freezers/chillers) used within the E commercial units shall be turned off 30 minutes after food preparation and cooking ceases.
- 29 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for works on top of the cutting for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
- provide foundation and groundwork details for all structures close to the top of London Underground cutting
  - provide details on the use of tall plant/scaffolding
  - demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
  - demonstrate that there will at no time be any potential security risk to our railway, property or structures
  - accommodate ground movement arising from the construction thereof
- The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.
- 30 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.
- 31 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.

*This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and 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).*

This item was deferred to enable the publication of the Viability Appraisal work and for 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.

Additional commentary on the viability and design issues follows, with the original Committee report reproduced below.

### **Viability**

The Applicant submitted full viability information which was assessed by the Council's external viability consultants. The viability information both submitted and the subsequent consultant responses have been made available for public viewing online and a re-consultation took place.

Following initial assessment by the Council's consultant, further information was sought from the Applicant with regards to benchmark land value, private residential values, car parking values, construction costs, a reduction in developer's profit allowance, and the adoption of a 40% presales assumption.

Additional information was submitted by the Applicant's consultant including evidence with regards to profit, rent-free periods and they provided additional costs information. The Applicant's consultant also made fair observations around car parking values and how these relate to the value of the private units (i.e. increase value). As a result of the changes made, the Council's Viability Consultant confirmed that the appraisal provided shows a deficit and therefore affordable housing regrettably cannot be provided on site.

Despite the deficit illustrated, the proposed contribution of £600,000 towards off-site affordable housing along with the contributions for education and libraries remains offered.

The viability and financial appraisal submitted is transparent and complies with the respective guidance (planning policy and RICS guidance) and therefore is compliant with policy H2 of the SVLP 2017.

### **Other Matters**

As an aside, the full comments from the Urban Design Officer are now available online (at the July meeting only the earliest comments were publicly viewable) and further discussion has taken place between the Applicant and the Council's Urban Design Officer. Following these discussions the Urban Design Officer concedes that the only main outstanding concern is regarding the frontage line of the top floor set-back storey, which is forward of the set-back storey on the adjacent Cube development and will therefore be more visible and prominent, particularly from the Green opposite. However it is noted that 'The Cube' building has a very large protruding canopy. It is considered, as stated previously in the Officer report, that overall the design is acceptable regardless of this one outstanding area of discussion.

### **Re-consultation responses**

CHIGWELL PARISH COUNCIL: The Council **STRONGLY OBJECTS** to applications because of the lack of affordable housing; the requirement of the Planning authority for a minimum quota of 40% affordable housing has not been achieved by this proposal. The published financial viability statement and supporting documentation of the proposal fails to demonstrate that the proposed contribution or supply is sufficient. The absence of any allocated parking for the proposed four commercial units will lead to increased on street parking. No considerations or contributions have been included in this proposal towards alternative transport infrastructure such as public electric vehicle charging points or cycle routes. The Committee also noted that although the number of units had been reduced from 40 to 35, the total gross internal area had only been reduced by 23 square metres and considered the development to still be too large and over intensification. The Committee noted that the Urban Design Officer remained unable support this application. The Committee feel this application fails to meet the objectives of Chigwell Parish's Climate Change

pledge in that only two of the 35 units are looking to substantially reduce carbon emissions by achieving Passive Haus standards. The Committee feels the proposal fails to meet all three of the overarching objectives as laid out in paragraph 8 of the NPPF (2021). This proposal, by lack of adequate affordable housing, fails to meet the community's needs. This proposal, by lack of adequate mitigation in 33 of the 35 proposed dwellings, fails to use natural resources prudently, fails to minimise waste and pollution, and fails to mitigate and adapt to climate change, including moving to a low carbon economy.

Neighbour Re-consultation:

13 neighbours responded to the re-consultation objection to the scheme beyond that outlined below within the original report queries were raised with regards to the costs put forward by the applicant.

1 neighbour supported the scheme following the re-consultation

## **ORIGINAL REPORT**

### **Description of Site:**

The application site is a corner site located at the junction of the High Road and the access to Brook Mews currently operating as a car dealership and maintenance garage. The existing buildings are one and two storey and span the width of the site. The site is directly adjacent to the new development known as 'The Cube'. The site is 'L' shaped extending behind the adjacent development so that it is bounded in part by the underground line and backs onto the residential properties located on Dickens Rise. The site slopes up to the south. The site is not located within the Green Belt or a Conservation Area.

### **Description of Proposal:**

The application seeks consent for the demolition of the existing buildings and replacement with a mixed use development to provide 35 residential dwellings and 512m<sup>2</sup> of commercial floor space (Use Class E) together with cycle and car parking and associated landscaping. The proposal also includes a new pavement along Brook Mews. The proposal was revised following first submission altering the design and reducing the number of units from 40.

This proposal is for a 'L' shaped main building fronting onto the High Road and Brook Mews. This building will be 2 and a half stories to the rear (Dickens Rise) raising to 4 stories towards the front (High Road). To the rear, backing onto the railway line will be a separate two storey block (Block B) with 2 additional flats.

The proposal will have a central raised amenity space with parking under, and surface level parking with vehicle access through a gated access with flats over. 29 car parking spaces are proposed with cycle parking for all flats.

4 commercial units are proposed at ground floor fronting onto the High Road.

The proposal also includes a pavement and loading bay along Brook Mews.

### **Relevant History:**

None relevant

## **Policies Applied:**

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

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

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

CP2 – Protecting the quality of the Rural and Built Environment  
DBE1 – Design of new buildings  
DBE2 - Effect on neighbouring properties  
DBE5 – Design and Layout of new development  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST01 – Location of Development  
ST06 – Vehicle Parking  
LL10 – Adequacy of provision for landscape retention  
TC6 – Local Centres

### *NPPF:*

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

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

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

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

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

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. 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.

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</b>
SP2	Spatial Development Strategy	Significant
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and quality	Significant
DM11	Waste recycling facilities on new development	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
E2	Centre Hierarchy/Retail Policy	Significant
T1	Sustainable Transport Choices	Significant
H1	Housing Mix and Accommodation	Significant
H2	Affordable Housing	Significant
P7	Chigwell	Significant
D1	Delivery of Infrastructure	Significant

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

Number of neighbours consulted: 76  
 36 objections received from the following addresses:  
 13, 15, 22, 24, 28, 38, 66 DICKENS RISE  
 CHIGWELL RESIDENTS ASSOCIATION  
 22 DACRE GARDENS  
 1 OAK LODGE AVENUE  
 28 MEADOW WAY  
 31 CHIGWELL PARK DRIVE  
 219 HIGH ROAD  
 5 EMMAUS WAY  
 12 REGENCY CLOSE  
 15 LEE GROVE  
 6 COOLGARDIE AVENUE  
 40B HAINAULT ROAD  
 15 CHESTER ROAD

## 17 OBJECTIONS WHERE NO ADDRESS WAS SUPPLIED

The Objections can be summarised as follows

Too High, too high a density, not in character, increased in traffic, proximity to Dickens Rise – loss of light and privacy, Brook Mews is too narrow, overdevelopment, increased noise and disturbance, insufficient parking when parking issues exist, construction issues, impact on utilities, loss of employment, no affordable housing, covenants on land.

2 supports received from the following addresses:

24 BROOK WAY, CHIGWELL

14 BRIDGE HILL, EPPING

No longer suitable for a garage and good design

CHIGWELL PARISH COUNCIL: No objection to this application, on the condition that the accordant viability assessments for affordable housing are conducted by the appointed housing officers.

### **Main Issues and Considerations:**

The main issues are considered to be the principle of the development, design and amenity, highways and parking, affordable housing and impact on the EFSAC.

### **Principle of Development**

The application site is located on previously developed land within the village of Chigwell, this location is in compliance with the ethos of SVLP policy SP2 which encourages this form of development outside of the Green Belt. The site is located adjacent to a small parade of shops and opposite Chigwell Underground Station. Due to its location it is considered a fairly sustainable site, (albeit the regularity of this part of the 'loop' are acknowledged).

The existing use of the site as a car showroom and workshop has 17 full-time employees. The applicants have provided evidence that the proposed development (given the amount of commercial floorspace) has the capacity for 23-30 full-time employees. This would provide an increase in employment opportunities of between 6-13 full time employees.

In addition to increasing the employment capacity of the application site, the proposal is considered to have a positive impact on the vitality and viability of Brook Parade. The addition of the proposed four commercial units will complement the existing local services provided by Brook Parade.

With regards to the existing use, it is understood that the lease is expiring and the size and layout of the site is not suitable for a modern car dealership due to the compromised vehicle access arrangements and the small forecourt area.

### **Design**

The proposal was presented to the Council as a pre-application scheme and has been altered through the course of the pre/actual application following comments from Officers, including the Council's Urban Design Officer.

The application site is occupied by the former Volvo garage and car showroom that are situated on the High Road and corner of Brook Mews. The car showroom is a modest one to one and a half storey building that is set back from the highways and pavement edge. The area at the front of the site was formerly used as parking related to the car showroom.

To the south of the site is the 'Cube' residential development that is three storeys in height with an inset fourth storey. The northern boundary of the site is bounded by Brook Mews which leads to

the rear of and Brook Parade. Brook Parade is a restrained 1930s three storey terrace of retail/commercial units with residential at first and second floor. Brooks Mews provides service access to Brook Parade and the rear of adjacent Dickens Rise, a residential development of two storey, predominately semi-detached dwellings. Across the road from the site is Chigwell London Underground Station.

The High Road, where the site is situated, faces onto Station Green which is a triangular area of open space bound by Station Road and Hainault Road. The streets bordering Station Green are occupied by predominately low-rise residential development, with the exception of development to the north of Brook Parade which extends to four storeys but like other development in the vicinity have generous set-backs from the main High Road.

The Urban Design Officer has provided comments on the scheme including:

*The completion of the block adjoining the Cube developments is positive and through considered and high-quality elevations will contribute positively to the public realm. There is also a significant benefit in the provision of 35 new homes with private and communal amenity in a highly sustainable location*

Although the Officer has raised some concerns with aspects of the scheme including the outlook to LG01 and Building B, the access route to Building B, the absence of a lift, the forward projection of the top floor compared to that at 'The Cube' and the use of glass screens for the balconies (lack of privacy); positive comments have been received also.

**Layout and access:**

- It is noted that the principle of a commercial use fronting onto the High Road is supported and the residential typology on Brook Mews is also acceptable. Whilst there are extents of inactive frontage on Brook Mews, the applicant has introduced a further core entrance (following Officer advice) and proposed green walls to activate and soften this frontage.
- The residential core entrances appear legible and well resolved.
- There is a concern regarding the accessibility of the communal courtyard for those dwellings served by the second residential core. It is noted, however that there is an access point via the under-croft car park so that residents would not need to enter the main residential core to gain access unless they needed to use a lift.
- The orientation of the dwellings is supported, with almost all dwellings either dual-aspect or with an east-west aspect. The exceptions are flat 1.12 and corresponding flats above, however, given the orientation of the site and the need to provide robust frontage to the two street-facing perimeters, this is acceptable.

**Bulk, massing, scale:**

- The completion of the block, started by 'The Cube' development is positive and the massing is generally acceptable, with positive features to respond to the surrounding context, including the chamfer to the corner of Brook Mews/ High Road and the stepping down of the ground floor plinth on the High Road to respond to the topography of the site, the scale of Brook Parade and the proportions relative to the full height of the building.
- Whilst the proposal will be prominent from long views along the High road and from the Green opposite, particularly in the context of the open character and generous set-backs of the surroundings, the chamfer and articulation of the main massing make this acceptable.

**Residential Design Quality:**

- The layouts appear generally well considered, with private amenity to each and meeting overall Nationally Described Space Standard minimum areas.

### **Appearance and Materials:**

- The elevational approach, high quality material palette and detailing is generally supported and detailed elements such as brick specification and patterns for brick detailing/ sample panels should be secured through Conditions. These should be in line with the quality of detailing in the precedent images provided on p26 of the DAS. Similarly, the Conditions should require the approval of details such as window frame materials, door materials, rainwater goods materials, positions of any vents or services on the elevations as these will have a significant impact on the quality of the building.

### **Landscape:**

- The courtyard amenity is well considered with high-quality landscape proposals. Conditions should require detail regarding the maturity of trees being proposed, in line with illustrations/ sections within the Landscape Design Statement.

It is noted that the following response was received from the Crime Prevention Tactical Advisor and Designing Out Crime Officer:

*Essex Police is content the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed adequately. Essex Police are confident the development will meet POLICY ST2 – ACCESSIBILITY OF DEVELOPMENT (v), design and layout which will reduce the potential for crime and fear of crime.*

Although the Urban Design Officer has not fully supported the scheme, it is considered that the proposal is a positive addition to the streetscene and the majority of design comments provided during pre-application and during the application process have been incorporated into the design.

### **Impact on Amenity**

#### **Existing Neighbours**

The proposal will back onto properties on Dickens Rise and at the closest point will be 1m from the rear boundary closest to No.26 and 28 Dickens Rise. This will be the flank wall to the 2 and a half storey block, but despite the application site being located on higher ground given the 20m+ rear gardens this is considered sufficient to avoid this element appearing overbearing to the occupants of these properties. There are no side facing windows on this element and therefore loss of privacy is not considered an issue. In addition, due to the sloped roof, the roof pitches away from the rear boundary of the site minimising the overall impact.

With regards to the main block fronting the High Road, this is a minimum of 35m from the rear boundary of properties in Dickens Rise. Given this distance it is not considered to give rise to any excessive loss of amenity in terms of loss of light, privacy or outlook. Although the proposal will be visible to the properties, (particularly due to the higher ground) it is not considered to be overbearing given the distance.

The first floor podium garden/amenity space will be within 19m of the shared boundary to the properties on Dickens Rise. Given the distance and the slope down to Dickens Rise views will be limited.

To the south of the application site is the two storey Block B which is located 1.5m with the shared boundary with No.36 Dickens Rise. Again, given the 12m + to the boundary and this case that the building will have a flat roof it is again not considered so overbearing to justify a refusal. There are no flank windows proposed so privacy will be retained. This building may actually, by default, screen 'The Cube' development from this side of Dickens Rise.

It is noted that 'The Cube' building extends closer to the Dickens Rise properties than this proposal in terms of direct overlooking.

## **Future occupiers of The Cube**

There are no side windows proposed on the flank of 'The Cube' that is adjacent to the development and therefore there are no overlooking issues out of the adjacent development. The application proposal retains light/access to the light well mid-way down the flank of 'The Cube' and the nearest window on the proposed development is angled to avoid any loss of privacy into or from 'The Cube'.

Again no side windows are proposed on Block B which will avoid any loss of privacy to 'The Cube'. Block B is set at a much lower level than 'The Cube' and there will be a distance of 4.2m to the outer railing of the first floor rear facing balcony at 'The Cube'. Although a relatively short distance given the otherwise open aspect to these balconies coupled with the low height of Block B the impact on these new flats are not considered excessive.

## **Amenity of Future Occupiers**

All of the flats meet the Nationally Described Space Standards. Through the course of the pre and application process the number of single aspect units have been decreased, and as above this is now acceptable.

In addition to the amenity space provided, both individually and communal space, the proposal is across the road from a large green area and play area provided by Station Green.

Environmental Health have raised the proximity of the Underground line with regards to noise impacts on future residents and have recommended double glazing and trickle vents as a solution and this can be conditioned to ensure ventilation without excessive noise is possible.

Conditions can be added with regards to opening times of the commercial units so that early/late noise is controlled for all new and existing residents.

Details of any air conditioning/extraction units etc which may cause any noise or nuisance can also be conditioned so that the Council has control over what may be installed in the future.

## **Affordable Housing and Infrastructure Delivery**

Policy H2 in the LPSV requires that on development sites which provide for 11 or more homes, or residential floor space of more than 1000m<sup>2</sup> (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site. The type, design and mix of housing should also reflect that classified as market housing. This proposal should therefore provide 14 units as affordable.

Policy D1 of the LPSV provides that new development must be served and supported by appropriate on and off-site infrastructure and the contributions are as below and requests from ECC Education have been received requesting the following contributions:

Early Years and Childcare: £20,204

Primary Education: £67,345

Libraries: £2567.40

Both policies H 2 and D 1 of the LPSV require that proposals that do not accord with these policies must be accompanied by a financial and viability appraisal (with supporting evidence), which is transparent and complies with relevant national or local guidance applicable at the time.

This proposal offers no affordable housing and the application was accompanied by a viability appraisal that has been assessed by the Council's Consultants. The Consultants have confirmed that the viability of the scheme does not allow for on site affordable housing.

However, following negotiations with the Applicant and Agent it was agreed that a surplus of £85,000 could be contributed towards offsite affordable housing (in addition to the Education and SAC payments which were accounted for within the viability). This was agreed on the proviso that a viability review took place following completion of the development in case additional contributions were made available. Following further negotiations in liaison with the Council's Housing Team, the requirement for the late stage viability review has been dropped in exchange for a payment of £600,000 (as opposed to the initial £85,000) for off site affordable housing. This has been agreed by the Applicant and as above the S106 has been drafted on this basis.

### **Highways and Parking**

The proposal provides 29 car parking spaces for 35 dwellings resulting in 0.8 spaces per a dwelling. This is an under provision if the Essex Parking Standards are strictly applied. However, policy T1 of the SVLP actively promotes sustainable travel and T1 F (iv) is clear in that *'Reduced car parking, including car free, development in sustainable locations will be supported'*. In addition the supporting text for T1 states: *'Where practicable and within 400m of a railway station, the Council will seek reduced car parking, including car free, development.'*

This development is within 50m of the underground station and given the ethos of policy T1, in this case perhaps too much parking is provided. However, given the neighbour comments regarding parking stress and although within a close distance to the station there is no supermarket/doctor/other necessary services within walking distance it is considered an acceptable compromise that parking is reduced but not to a 'car free' level.

Suitably located and appropriate provision of cycle storage is provided to encourage alternative sustainable transport.

The Highway Authority has assessed the application and submitted information, visited the site, and has concluded that in highway terms it is not contrary to national and local highway and transportation policy and current safety criteria. The applicant has submitted a robust Transport Statement (TS) which demonstrates to the satisfaction of the Highway Authority that there will be a reduction in vehicle movements associated with the site. Therefore, no further junction or capacity assessment is required. Furthermore, the development is removing all vehicular access from the High Rd which will be beneficial to general highway safety.

The parking provision would be considered acceptable in highway safety terms, although given the proximity and easy access to other modes of sustainable transport in the vicinity, it could be reduced further to help facilitate a push towards more sustainable travel.

It is noted that the proposed service/loading bay would be sited behind the highway boundary and would therefore have to be managed directly by the developer, to prohibit ad-hoc parking in it, as the existing Traffic Regulation Order would not extend beyond the highway boundary.

Consequently, the Highway Authority is satisfied that the development will not be detrimental to highway safety, capacity and efficiency at this location or on the wider highway network.

### **SAC and Air Quality**

The site is within the 3.2km buffer around the Epping Forest Special Area of Conservation (SAC). Due to the proximity to the SAC, a contribution towards recreational mitigation is required for any

new dwelling (set at £352) and the applicant is in agreement to enter into a legal agreement for this contribution.

In addition to the requirement for a contribution towards mitigating against recreational pressures, all new developments within the District that result in additional car movements require mitigation to alleviate the air quality issues within the SAC. However, in this case sufficient information has been provided to prove that the proposed scheme will have fewer car movements than the existing use. A Transport Statement and EFSAC Technical Note accompanied the application and has been assessed by the Council's Transport Planner and has suggested the following measures need to be secured:

- The per-dwelling financial contribution of £335 towards air pollution must be paid
- New car parking spaces must have access to an EV charging point. Because of the change of use, I would suggest this applies to all new residential parking spaces.
- Initiatives to support walking, cycling and public transport use - cycle parking is proposed

Given the above, it is considered that the proposed scheme complies with SVLP policy DM22.

The applicant is in agreement with the contribution and for both aspects the S106 is being worked on to have at least a draft by the Committee meeting.

**Conclusion:**

Given the above discussion, approval subject to a legal agreement is recommended.

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

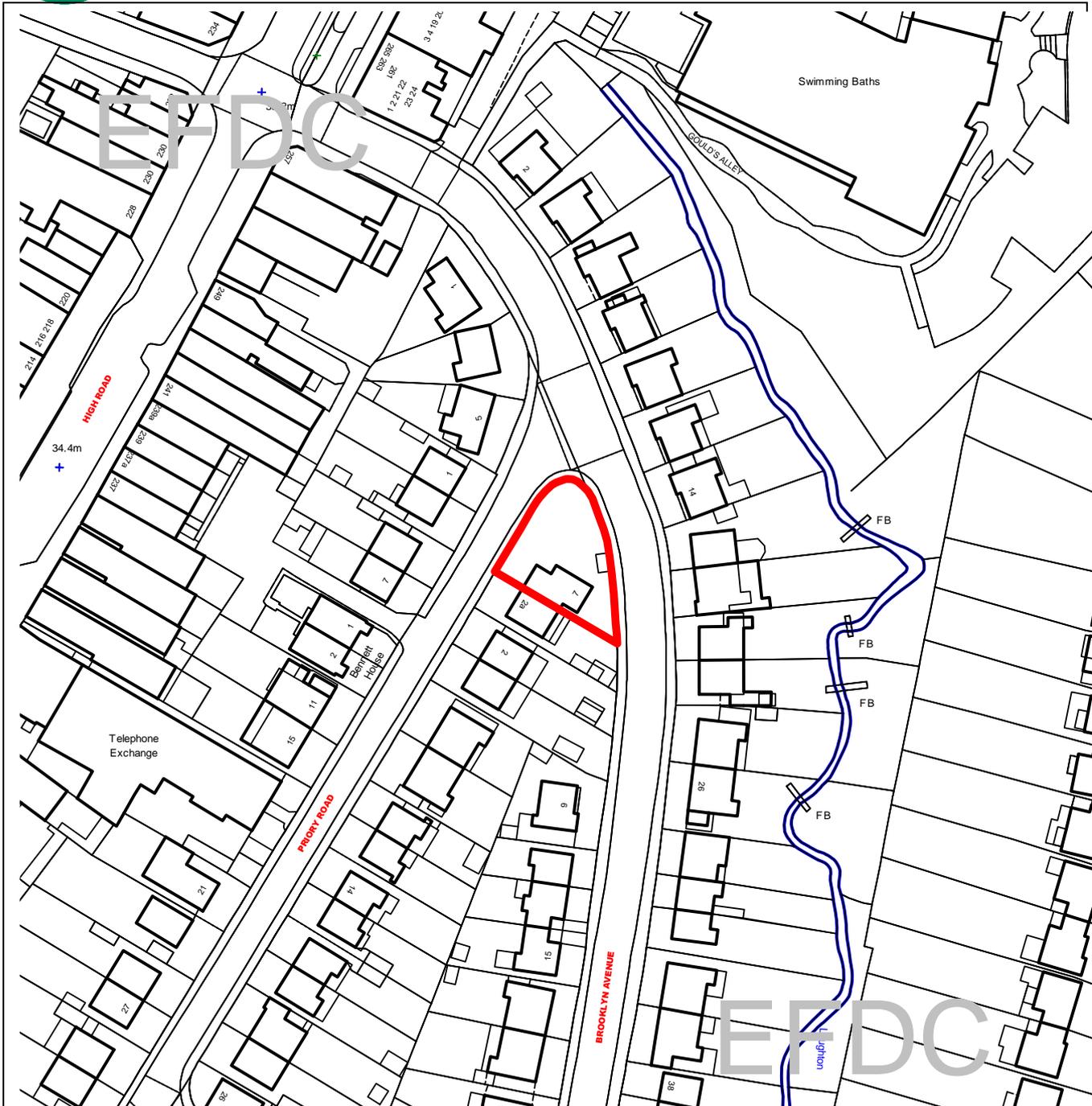
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

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

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# Epping Forest District Council



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Application Number:	EPF/1306/21
Site Name:	7 Brooklyn Avenue, Loughton IG10 1BL
Scale of Plot:	1:1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/1306/21
<b>SITE ADDRESS:</b>	7 Brooklyn Avenue Loughton IG10 1BL
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>APPLICANT:</b>	Mr and Mrs Nooitgedacht
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed detached 3 bedroom dwelling in an existing side garden.
<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=652278](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=652278)

**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: 100, 101 Rev A, 102, 103, 200, 201, 202, 203, 210, and 220.
- 3 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 4 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority

- 5 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Arborterra Ltd drawing number 720- 03 dated April 2021, unless the Local Planning Authority gives its prior written approval to any alterations.
- 6 Prior to any above groundworks, details and location of the parking spaces equipped with active and/or passive Electric Vehicle Charging Point(s) 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.
- 7 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). 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 LPA 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 LPA.

- 8 Prior to first occupation of the building hereby permitted the window(s) in the flank elevation(s) facing the host house at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 9 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 10 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.
- 11 Prior to first occupation of the development the existing vehicular access on Brooklyn Avenue shall be fully reinstated, including footway construction and full height kerbing.
- 12 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 13 Hard and soft landscaping shall be implemented as shown on Tententen 'proposed landscaping plan' drawing number 103; and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. If any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 14 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 15 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 16 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

- 17 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.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) o development permitted by virtue of Classes A, AA, B & E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

***...and Subject to the Completion of a s106 Legal Agreement.***

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

**Site and Surroundings**

The site comprises of a semi-detached house situated on the corner of Priory Road and Brooklyn Avenue. It is not listed nor in a conservation area or a flood zone. There are no protected trees on site.

**Proposal**

The proposal is for a detached 3-bedroom dwelling in an existing side garden.

**Relevant Planning History**

EF\2020\ENQ\01044 – Pre-application for a proposed Infill detached dwelling.

**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
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity

LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

*National Planning Policy Framework 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	110 - 112
Paragraph	119
Paragraphs	126, 130
Paragraph	180

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 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**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional 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.

Policy	Weight afforded
SP2 Spatial Development Strategy 2011-2033	Significant
H1 Housing Mix and Accommodation Types	Significant
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Wastewater and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

### **Summary of Representations**

Number of neighbours Consulted: 14. 13 response(s) received  
 Site notice posted: No, not required

MULTIPLE OBJECTIONS RECEIVED – Summarised as;

- Out of character/Bulky/Overdevelopment;
- Garden Grabbing;
- Lack of amenity space;
- Loss of privacy/overlooking;
- Parking/Traffic Highways safety concerns;
- Loss of light;
- Flooding concerns;
- Trees and landscaping; and
- Impact on EFSAC.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application on the grounds that it was garden grabbing and an overdevelopment of the site, leaving both properties with insufficient amenity space. Members commented that this corner added to the visual amenity of the street. The Committee opposes any loss of trees and noted that the proposal would result in the loss of four trees on the site.

The additional dwelling would result in more car pollution and a subsequent impact on the air quality to the SAC. Any additional dwelling that leads to more traffic in the SAC is unacceptable. The flats would also result in more pressure for the overstressed recreational services and subsequent damage to the SAC. The current proposed solution to bring in a Clean Air Zone (CAZ) is not guaranteed to occur and would not stop additional cars associated with new dwellings from polluting the SAC before it was brought in.

### **Planning Considerations**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the area;
- b) Standard of accommodation;
- c) The impact on the living conditions of neighbouring amenities;
- d) Highway safety and parking provision;
- e) Trees and landscaping; and
- f) The impact on the Epping Forest Special Area of Conservation (EFSAC).

#### *Character and Appearance*

The proposed development is considered to have a neutral impact to the street scene and wider area and would follow the pattern of development within the locality. It would not amount to harmful overdevelopment of the site as there would be (1) sufficient spacing around the dwelling; 2) ample amenity space retained for the host house, and (3) functional amenity space provided for future users of the dwelling.

To conclude, development on this site would be considered to be making an effective use of land and will have a neutral impact to the character and appearance of the area.

#### *Standard of Accommodation*

The proposal would exceed the National Described Space Standards for a 3 bed-6-person dwelling (102m<sup>2</sup>) at some 120m<sup>2</sup> and have a functional external amenity space of some 124m<sup>2</sup> with a reasonable outlook for future users of the dwelling, and the host house would retain some 100m<sup>2</sup> of amenity space.

As such there are insufficient grounds to refuse this scheme on this matter.

#### *Living Conditions*

The proposed development has addressed the concerns raised under the recent pre-application. As such, it is considered that the proposed dwelling would have no material impact to the living conditions of the host house, in terms of loss of privacy, loss of light, overshadowing, overbearing and visual impact.

There are no material impacts to the other surrounding properties on Priory Road to the front & Brooklyn Avenue to the rear/side, in terms of loss of privacy from harmful overlooking that would warrant a reason for refusal.

### *Highway Safety*

With regards to the parking arrangements for the proposed dwelling, 2 car parking spaces are required for a 2 bed+ dwelling in line with the Councils adopted parking standards (Essex Parking Standards 2009), which the proposal would meet. It is also noted that no objection has been received from the highways officer, so it is considered that there would be no detrimental impact to the safety operation of the highway network.

Accordingly, the proposal complies with Policies ST4 and ST6 of the LP, Policy T1 of the LPSV, and Paragraphs 110 and 111 of the Framework.

### *Trees and Landscaping*

The Councils Tree officer has raised no objection subject to the imposition of conditions as part of the consent, as the proposed landscaping scheme is considered to be adequate, and as mentioned above the existing trees on site have no legal protection so they can be removed without any consent. This consent will secure the protection of the existing trees to be retained and those proposed.

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

A significant proportion of 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 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 Impact Pathways whereby development within the Epping Forest District is likely to result in significant effects on the EFSAC. The Impact Pathways 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 Impact Pathways identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Impact Pathways 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 (air quality).

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

This application has been screened in relation to both the recreational pressures and air quality Impact Pathways 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 would 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 recreational pressures and air quality.

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 the above.

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

### Recreational Pressure

The 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.

### Air Quality

The proposal falls within the definition of 'windfall development.' The application has been supported by sufficient information to support the assessment of the application in relation to the creation of additional Annual Average Daily Traffic on roads within 200m of the Epping Forest Special Area of Conservation. An allowance for windfall development across the District up to 2033 has been included within the air quality modelling used to inform the development of the Council's Interim Air Pollution Mitigation Strategy (APMS), and the identification of the required mitigation measures within it. Therefore, subject to the imposition of planning conditions and completion of a Section 106 Planning Obligation to secure the delivery of the relevant required mitigation measures identified within the APMS, the application is acceptable in relation to the consideration of the Air Pollution Pathway of Impact.

In addition to the per-dwelling financial contribution, the relevant mitigation measures include ensuring all new car parking spaces having physical access to an EV charging point, and provision of digital communications infrastructure to support home working.

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.

## **Conclusion**

For the reasons set out above, having regard to the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal Agreement to secure contributions for the EFSAC.

***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)***



# Epping Forest District Council



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Application Number:	EPF/2243/21
Site Name:	46 Russell Road Buckhurst Hill IG9 5QE
Scale of Plot:	1:1250

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/2243/21
<b>SITE ADDRESS:</b>	46 Russell Road Buckhurst Hill IG9 5QE
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr Paul Halama
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of first floor side/front and roof extension with x3 front rooflights, alteration to existing rear box dormer (set in by 800mm from outside edge), and alterations to existing two storey rear extension (comprising a 3m ground floor with balcony, and 4m lower ground floor) (Revised scheme to EPF/0339/21).
<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=656417](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656417)

**CONDITIONS**

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: PH/RD001, PH/RD002, PH/RD003, PH/RD004, PH/RD005, PH/RD007, PH/RD008, PH/RD009, PH/RD010, PH/RD011, PH/RD012.
- 2 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.
- 3 Prior to the first use of the balcony, privacy screens no less than 1.7 metres high shall be installed at both edges of the balcony and shall be permanently retained in that condition.
- 4 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.
- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, C & E of Part 1 to schedule 2 shall be undertaken without the prior written agreement of the Local Planning Authority.

*This application is before this Committee since it has been 'called in' by Councillor Heap (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).*

### **Site and Surroundings**

The site comprises of a semi-detached house, located within a built-up area of Buckhurst Hill. It is not listed nor in a conservation area. Land levels drop to the North-east and South of the site.

### **Proposal**

*Retention of first floor side/front and roof extension with x3 front rooflights, alteration to existing rear box dormer (set in by 800mm from outside edge), and alterations to existing two storey rear extension (comprising a 3m ground floor with balcony, and 4m lower ground floor)*

This is a revised scheme to EPF/0339/21 and the main amendment is alterations to the existing two storey rear extension now comprising of a 3m deep ground floor with 1m balcony, and a 4m deep lower ground floor.

It should be noted that planning consent has been granted for the retention and alteration of the two storey side extension and roof extension under EPF/0339/21. Therefore, whilst these elements form part of this application, since they already have planning consent the assessment focuses on the rear extension only.

### **Relevant Planning History**

EPF/2016/15 - Hip to gable roof extension with 1no.rear dormer window, Juliet balcony and 2no. front facing roof lights to facilitate a loft conversion. Single storey rear extension. Relocation of existing external steps from the south east to the south west of the site – Approved

EPF/1974/18 - New rear extension to lower ground floor, ground floor and side extension to side first floor and second floor (loft) – Refused

ENF/0556/18 - Works started, not as approved – Enforcement notice served & upheld by the Planning Inspectorate.

EPF/0339/21 - Retention of first floor side/front and roof extension with x3 front rooflights, and alteration to existing rear box dormer (set in by 800mm from outside edge) – Approved by Area Plans South Planning Committee on 22/04/2021.

EPF/1267/21 - Application for approval of details reserved by condition 1 'Building Operations' on EPF/0339/21 – Details Approved

### **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
CP7	Urban Form and Quality
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**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional 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>
DM9 High Quality Design	Significant

### **Summary of Representations**

Number of neighbours consulted: 19. 2 response(s) received

44 RUSSELL ROAD – Support

38 RUSSELL ROAD – Objection – Summarised as;

- Loss of light;
- Out of character;
- Overbearing; and
- Over dominant.

BUCKHURST HILL PARISH COUNCIL – No objection

### **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.

#### *Character and Appearance*

The extension works as currently viewed on site/started are subject to an extant enforcement notice. This notice was appealed and dismissed by the Planning Inspectorate due to the combined harm from the extensions. It is for this reason that later planning applications to retain the development 'as built' have been refused or rejected.

In April 2021 planning consent was granted for the retention of the two storey side extension and the reduction, but otherwise retention, of the rear box dormer and other roof works.

These proposed works are not seeking to retain the rear extension as previously proposed or as built but rather are a reduced addition measuring 4m at lower ground floor and 3m at ground floor.

The proposed works to the rear are similar to that recently approved by Members for 44 Russell Road under EPF/1563/20 and given that much of the bulk and massing of the existing two storey rear extension has been reduced, and with the changes to the rear box dormer, it is now considered that the cumulative extensions are of a size, scale and design that, on balance, is

considered acceptable. Thus, the proposal has overcome the previous concerns raised by the Council and the Planning Inspectorate.

Accordingly, the proposal is considered to comply with policies CP2 and DBE10 of the LP, Policy DM9 of the LPSV, and Paragraphs 126 and 130 of the Framework.

### *Living Conditions*

The proposed development will have no material impact to the occupiers of both No's 44 and 48 Russell Road, in terms of loss of light, loss of privacy, overbearing and visual impact that warrants a reason for refusal.

With regards to the impacts on numbers 6, 8 & 10 Westbury Road. The common boundary with No. 6 is sited some 20 metres away from the rear elevation of the host house, and some 30 metres away to the rear elevation of No. 6. No's 8 & 10 although they are not physically attached to the site boundary, their rear elevations are sited some 30metres away. So, there is no impact to No's 6, 8 & 10 Westbury Road, in terms of loss of privacy from harmful overlooking that would justify a reason for refusal.

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

### **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)