

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday, 2nd March, 2022**

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, 2nd March, 2022**
at **7.00 pm.**

Georgina Blakemore
Chief Executive

Democratic Services
Officer:

J Leither, Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors J Share-Bernia (Chairman), K Williamson (Vice-Chairman), R Baldwin, D Barlow, P Bhanot, R Brookes, S Heap, R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead, S Murray, S Neville, C Nweke, M Owen, A Patel, Caroline 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. Members are reminded of the need to activate their microphones before speaking.

2. 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 lower 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 move to the upper public gallery.”

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

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 18)

To confirm the minutes of the last meeting of the Sub-Committee held on 2 February 2022.

4. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage <https://eppingforestdc-self.achieveservice.com/service/Member Contact> to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council's website, at the bottom under 'Contact Us'

<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

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 COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

This briefing note, dated October 2021, has been produced by the Planning Policy team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

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 - EPF/2131/19 LAND TO THE SOUTH OF CHIGWELL RISE, IG7 6BN (Pages 19 - 34)

To consider the attached report for permission for use of site as a burial ground with associated landscaping, access improvements and ancillary storage and reception buildings. *** SAC Case now progressing with - New site plan showing changes to parking layout **

10. PLANNING APPLICATION - EPF/2808/20 REAR OF 75, 75A-C,77 QUEENS ROAD, BUCKHURST HILL IG9 5BW (Pages 35 - 46)

To consider the attached report on the demolition of structures to the rear of 75-77 Queens Road and erection of 8 new dwellings (Revised Scheme to EPF/2514/19).

11. PLANNING APPLICATION - EPF/1586/21 FORMERLY LAND TO THE REAR OF 33-37 HILLYFIELDS, LOUGHTON IG10 2PT (Pages 47 - 58)

To consider the attached report on the construction of a 4 bedroom two storey dwelling with associated parking and landscaping.

12. PLANNING APPLICATION - EPF/2083/21 14 BROOKLYN AVENUE, LOUGHTON IG10 1BL (Pages 59 - 64)

To consider the attached report on the application for a proposed dormer windows and loft conversion.

13. PLANNING APPLICATION - EPF/2350/21 1 GRASMERE CLOSE, LOUGHTON IG10 1SL (Pages 65 - 70)

To consider the attached report on the conversion of existing garage into a habitable space involving minor alterations and ground and first floor side extensions.

14. PLANNING APPLICATION - EPF/2990/21 17 HIGH ELMS, CHIGWELL IG7 6NF (Pages 71 - 76)

To consider the attached report for a single storey ground floor rear and side extensions.

15. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

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

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:

				
Chairman	Vice Chairman			
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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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 2 February 2022
South

Place: Council Chamber, Civic Offices, **Time:** 7.00 - 9.20 pm
High Street, Epping

Members Present: J Share-Bernia (Chairman), K Williamson (Vice-Chairman), R Brookes, S Heap, R Jennings, J Jennings, J Jogia, S Murray, S Neville, C Nweke, M Owen, A Patel, Caroline Pond, C C Pond, K Rizvi and D Wixley

Other Councillors: P Bhanot and D Sunger

Apologies: R Baldwin, D Barlow, A Lion, L Mead and S Rackham

Officers Present: R Perrin (Democratic and Electoral Services Officer), A Marx (Development Manager Service Manager (Planning)), J Godden (Heritage, Enforcement & Landscaping Team Manager), J Leither (Democratic Services Officer) and S Mitchell (PR Website Editor)

84. 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.

85. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 5 January 2022 be taken as read and signed by the Chairman as a correct record.

86. DECLARATIONS OF INTEREST

a) Pursuant to the Council's Code of Member Conduct, Councillor Patel declared a non-pecuniary interest in the following item of the agenda by virtue of the objector being known to him. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1573/20 2 Courtland Drive, Chigwell

b) Pursuant to the Council's Code of Member Conduct, Councillor Rizvi declared a non-pecuniary interest in the following item of the agenda by virtue of living on the same road of the application. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1573/20 2 Courtland Drive, Chigwell

c) Pursuant to the Council's Code of Member Conduct, Councillor Sunger declared a pecuniary interest in the following item of the agenda. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/1573/20 2 Courtland Drive, Chigwell

It was requested that members of the Committee receive a copy of the speakers list in either electronic or paper form before the meeting, to assist with any declarations that may be required.

87. ANY OTHER BUSINESS

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

88. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

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

89. SITE VISITS

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

90. PLANNING APPLICATION - EPF/1880/19 PARKING AREA AT SOUTHERN END OF CUL-DE-SAC THATCHERS CLOSE, LOUGHTON IG10 3SP

APPLICATION No:	EPF/1880/19
SITE ADDRESS:	Parking area at southern end of cul-de-sac Thatchers Close Loughton Essex IG10 3SP
PARISH:	Loughton
WARD:	Loughton Fairmead
DESCRIPTION OF PROPOSAL:	Erection of one 2 storey affordable home with 2 parking spaces. *** SAC Case Progressing ***
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=626877

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: 612 | 063 | PL01, 612 | 063 | PL02, 612 | 063 | PL03 Rev A, 612 | 063 | PL04 Rev B, 612 | 063 | PL05 Rev B, 612 | 063 | PL06 Rev A and MWA TPP 001.
- 3

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.
- 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 Prior to preliminary ground works taking place, details of the treatment or alteration to the boundary fences at the rear of numbers 10 to 16 Goldingham Avenue shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with such agreed details and so retained.

- 6 Tree protection shall be installed as shown on MWA Arboriculture Ltd drawing number MWA TPP 001 (dated 11th October 2019) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
- 7 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.
- 8 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.
- 9 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.

- 10 Prior to first occupation of the building hereby permitted the window(s) in the east elevation(s) at first floor level, 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.
- 11 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.
- 12 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.
- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, AA, B, C, D & E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be constructed on the elevation(s),

without the prior written agreement of the Local Planning Authority.

- 19 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling and at no cost to the occupier, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

91. PLANNING APPLICATION - EPF/1573/20 2 COURTLAND DRIVE, CHIGWELL IG7 6PN

APPLICATION No:	EPF/1573/20
SITE ADDRESS:	2 Courtland Drive Chigwell IG7 6PN
PARISH:	Chigwell
WARD:	Chigwell Village
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and replacement with new structure containing 5 units, (2, 1 bed and 3, 2 bed), basement parking with car lift, bin /cycle stores ** SAC Case now Progressing **
DECISION:	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=639716

REASONS

- 1 The proposed development is considered to be out of context, prominent and incongruous within the established pattern of development in Courtland Drive and the surrounding street scene and would set an unacceptable precedent, contrary to policies CP2, CP7, DBE1 DBE3 & DBE9 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 height, bulk and mass and the inclusion of basement with parking served by a car lift is considered of a poor design which results in a cramped and dominant form of development which is harmful to the visual character appearance of the existing properties and surrounding area contrary to policies CP2, CP7 DBE1, DBE3 & DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.

92. PLANNING APPLICATION - EPF/2149/21 38 QUEENS ROAD, BUCKHURST HILL IG9 5BY

APPLICATION No:	EPF/2149/21
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SITE ADDRESS:	38 Queens Road Buckhurst Hill IG9 5BY
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Alterations and extension to create three flats, with amended retail space to the front.
DECISION:	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=655974

REASONS

- 1 The proposed development of the rear residential detached annex would result in cramped and unfavourable living conditions development for the future occupants of the annex and the access is unsuitable for such a use due to the design of the overall application and this is contrary to policies DBE3, DBE9 and DBE 11 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.

Way forward – Remove the annex from the scheme

93. PLANNING APPLICATION - EPF/2358/21 5 THE SHRUBBERIES, CHIGWELL IG7 5DU

APPLICATION No:	EPF/2358/21
SITE ADDRESS:	5 The Shrubberies Chigwell IG7 5DU
PARISH:	Chigwell
WARD:	Grange Hill
DESCRIPTION OF PROPOSAL:	Proposed double storey side and rear extension (amended scheme to EPF/0122/18).
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656881

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: Location Plan, LIVARCH/5TS/101 Rev B, LIVARCH/5TS/102 Rev B, LIVARCH/5TS/103 Rev B, LIVARCH/5TS/104 Rev B, LIVARCH/5TS/105 Rev B, LIVARCH/5TS/106 Rev B, LIVARCH/5TS/107 Rev B, LIVARCH/5TS/108 Rev B, and LIVARCH/5TS/109 Rev A.
- 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.
- 4 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) 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.
- 5 Access to the flat roof over the single storey rear 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.

94. PLANNING APPLICATION - EPF/2440/21 44 BARRINGTON GREEN, LOUGHTON IG10 2BA

APPLICATION No:	EPF/2440/21
SITE ADDRESS:	44 Barrington Green Loughton IG10 2BA
PARISH:	Loughton
WARD:	Loughton Broadway
DESCRIPTION OF PROPOSAL:	Erection of a single storey rear extension & front porch.
DECISION:	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=657321

REASONS

- 1 The proposed development of the rear single storey flat roofed extension has an unacceptable adverse impact on the amenities of the neighbouring property at No 42 Barrington Green resulting in an overbearing impact with a greater sense of enclosure. As such the proposal fails to safeguard the living conditions of neighbouring amenities, contrary to Policies CP7 & DBE9 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.

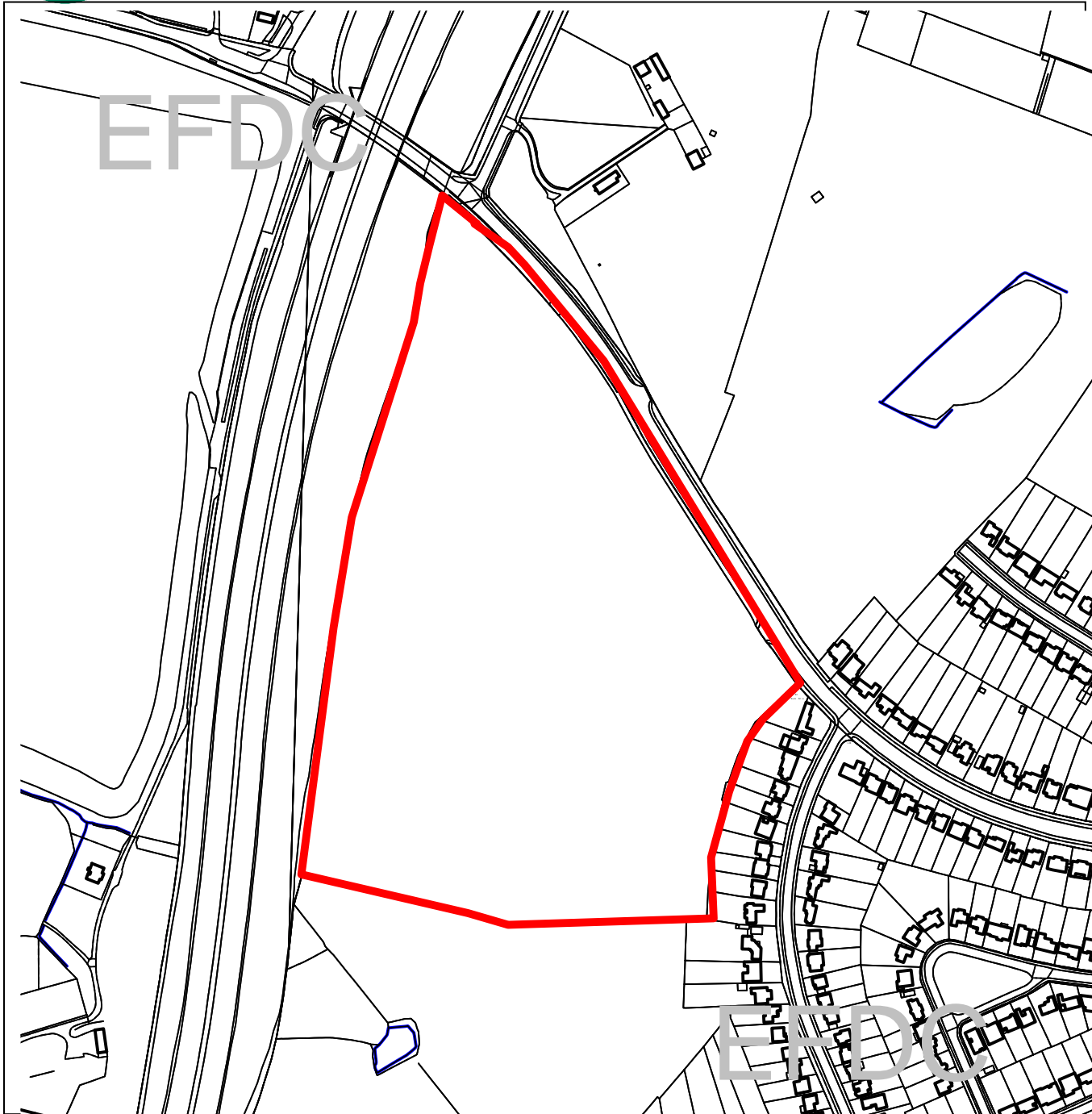
- 2 The proposal, would reduce the level of amenity space currently enjoyed by the occupiers of the host house to their detriment, contrary to policies CP7 & DBE8 of the adopted Local Plan 1998 & 2006, Policy DM9 (h) of the Local Plan Submission Version 2017, and Paragraph 130 (f) of the NPPF 2021.

CHAIRMAN

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Epping Forest District Council



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Application Number:	EPF/2131/19
Site Name:	Land to the South of Chigwell Rise IG7 6BN
Scale of Plot:	1:4000

Report Item No: 9

APPLICATION No:	EPF/2131/19
SITE ADDRESS:	Land to the South of Chigwell Rise IG7 6BN
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr F Cheroomi
DESCRIPTION OF PROPOSAL:	Permission for use of site as a burial ground with associated landscaping, access improvements and ancillary storage and reception buildings. *** SAC Case now progressing with - New site plan showing changes to parking layout **
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=627893

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: PR12225810A Rev A
01/01 - Site Section
01/01 - Site Location
01/02 (revised Jan 2022)
01/03
01/04
01/05
- 3 The development hereby approved shall be undertaken in accordance with the submitted landscape drawings dated 17 September 2020. A two-metre buffer zone shall be maintained between land under the applicant's ownership and Highways England's operational land. This is to ensure Highways England's maintenance contractors can manage and maintain the M11 motorway and its adjacent boundary safely to ensure the Strategic Road Network continues to operate effectively.
- 4 The development hereby approved is required to produce an acceptable drainage strategy that shall be approved by Epping Forest District Council in consultation with Highways England. This condition is recommended to ensure no exceedance flow arising from the proposed development shall enter Highways England's operational asset, in this case the M11 motorway.
- 5 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.

- 6 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - Ensure there is a 1m gap between the base of any infiltration feature and groundwater level
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- 7 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
- 8 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.
Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
- 9 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- 10 No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

- 11 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the planning authority following the completion of this work and prior to any work on site.
- 12 No development or preliminary groundworks can commence on those area containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority.
- 13 The application will submit to the planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.
- 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 15 Prior to any above ground works, details of levels shall 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.
- 16 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.
- 17 Prior to any above groundworks, details and location of the parking spaces equipped with active and/or passive Electric Vehicle Charging Points shall have been submitted to and approved in writing with the Local Planning Authority (LPA). For the avoidance of any doubt 20% of the spaces shall have active charging. 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.

- 18 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of visitor and staff vehicles.
- 19 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 20 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.
- 21 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 22 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.
- 23 The use hereby permitted shall not be open to visitors/members of the public outside the hours of 1st April to 30th September 0900 hrs to 1800 hrs
1st October to 31 March 0900 hrs to 1600 hrs

- 24 Notwithstanding the plans, hereby approved the number of burials permitted per a year shall not exceed 150. A log shall be kept to ensure that the burial numbers does not exceed this amount.
- 25 No construction works above ground level shall have taken place until documentary and photographic details of the proposed cycle store is 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.
- 26 No lighting shall be installed within the burial ground.

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).

Description of Site:

The application site comprises a 10 hectare open agricultural field located to the south of Chigwell Rise, bounded by the M11 to the west and the rear gardens of Chester Road to the east. To the south a hedgerow forms the southern boundary of the site with open field beyond. The site is within the Metropolitan Green Belt and not a Conservation Area. The site is on the edge of the built up area of Chigwell as the properties within Chester Road are not within the Metropolitan Green Belt.

The site has two accesses from Chigwell Rise. The site (and a site to the north) have been used under permitted development for car boot sales for some years.

Description of Proposal:

Consent is being sought for the change of use of the application site to a burial ground with associated landscaping, access improvements and ancillary storage and reception buildings.

To the north west of the site is a memorial garden, with venue building for services and parking for 30 cars using the existing north western vehicular access. The venue building is L shaped, 26m by 24m (at the maximum lengths) and 4.7m in height with a flat roof.

The burial area itself, is located on the western two thirds of the site with access roads to all areas; with a proposed natural grassland area approximately 100m wide bounding the residential properties to the east.

To the south of the site a maintenance building is proposed, 12m wide by 7.4m and 4m in height.

Enhanced boundary planting is proposed and the proposal also closes the existing eastern access.

The proposed burial ground is anticipated to accommodate 150 burials a year.

The plans were revised following first submission to reduce the burial area to that outlined above and reduced the number of parking spaces.

Relevant History:

None – other than the permitted development use for car boot sales.

Policies Applied:

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

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP9 – Sustainable transport
GB2A – Development in the Green Belt
NC4 – Protection of established habitat
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
LL2 – Landscape character
LL10 – Adequacy of provision of landscape retention
LL11 – New landscaping
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
RP3 – Water quality
RP4 – Contaminated land
RP5A – Adverse environmental impacts
U3A – Catchment effects

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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:

SP1 – Presumption in favour of sustainable development
SP5 – Green Belt and district open land

SP6 – The natural environment, landscape character and green infrastructure
T1 – Sustainable transport choices
DM1 – Habitat protection and improving biodiversity
DM2 – Landscape character and ancient landscapes
DM5 – Green and Blue Infrastructure
DM6 – Designated and Undesignated Open Spaces
DM9 – High quality design
DM11 – Waste recycling facilities on new development
DM15 – Managing and reducing flood risk
DM18 – On site management of waste water and water supply
DM21 – Local environment impacts, pollution and land contamination

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.

Consultation Carried Out and Summary of Representations Received:

110 neighbouring residents were consulted, and Site Notices were displayed. Objections were received from the following 101 addresses:

CHIGWELL PARK RISE 1, 2, 4, 14, 16, 18, 22, 23, 24, 25, 26, 27, 31, 32, 33, 35, 38, 40, 41, 43, 44, 47, 49 and 56
CHESTER ROAD 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 15, 17, 18, 19, 20, 21, 23, 24, 26, 27, 30, 39 and 43
25 and 55 CHIGWELL PARK DRIVE
36 LEE GROVE
2, 11, 12, 14, 17 and 18 GREAT OWL ROAD
8 THE SHRUBBERIES
109 GRANGE CRESCENT
29 DACRE GARDENS
11 RODING LANE
22 COURTLAND DRIVE
94 HIGH ROAD
15 DOLPHON COURT, HIGH ROAD
CARETAKERS HOUSE, GGSK COLLEGE, RODING LANE
CHIGWELL RESIDENTS ASSOCIATION
BUCKHURST HILL RESIDENTS SOCIETY
6 and 8 WESTBURY ROAD, B/HILL
8 CASCADE ROAD, B/HILL
10 PUMP HILL, LOUGHTON
38 STATION ROAD, LOUGHTON

TRAIL, POPLAR ROAD, THEYDON BOIS
99 PRIMROSE AVE, CHADWELL HEATH
71 LAING CLOSE, IG6
43 GORDON ROAD, IG1
45 DEVONSHIRE ROAD, IG2
4 CORRINGWAY, W5
2 TRENANCE GARDENS, IG3
15 RAMSGILL DRIVE, IG2
95 CROSSWAYS, RM2
6 LAGONDA AVENUE, IG6
7 SHEILA ROAD
19 additional objections from EMAIL ADRESSES

The objections can be summarised as follows:

Loss of Green Belt, impact on traffic, increase in pollution (affect on air quality), impact on wildlife, detrimental to highway safety, result in noise and disturbance, is there a need, loss of a view, impact on house prices, flooding, insufficient parking, fails to promote alternative transport choices, detrimental to character

CHIGWELL PARISH COUNCIL: The council Strongly Objects to this application, because the proposed burial ground is still excessively close to existing residential housing. There is still an insufficient number of parking bays and the proposed development would reduce openness of the Metropolitan Green Belt and contribute to an undesirable urban sprawl. There are also severe concerns pertaining to the detrimental impact upon the surrounding ecology and natural habitat of this locality. Further, the committee recognises this development would result in an undesired increase in vehicular traffic flow, further the proposed access is unsuitable and poorly sighted.

BUCKHURST HILL PARISH COUNCIL: Strong Objection

There is no demonstrable use for this application in this area.

No development or building on Green belt land.

With the surrounding area currently having a number of facilities, the Committee did not feel there is a need for this at this time.

Concerns over traffic movement and increased traffic load on road infrastructure, specifically the ingress and egress of vehicles at the site.

Detrimental to immediate residential dwellings with close proximity to site

Insufficient parking. Inadequate parking across the site.

The traffic light junction at Palmerston Road, Loughton Way and Roding Lane is currently a bottleneck for vehicular traffic. Funeral processions and visitors to the site will only serve to unduly burden this junction should consent be granted for a cemetery. This will be detrimental to the residents and visitors to Buckhurst Hill.

Issues and Considerations:

The key considerations in this application are the impact on the Green Belt, impact on amenities, design approach, highway safety and parking, and impact on the Epping Forest Special Area of Conservation.

Green Belt:

The proposal can be broken down into two forms of development, these being:

1. The use of the land as a burial ground.
2. The erection of the associated buildings and car parking areas.

Local Plan policy GB2A states:

Planning permission will not be granted for the use of land or the construction of new buildings or the change of use or extension of existing buildings in the Green Belt unless it is appropriate in that it is:

- (ii) for the purposes of outdoor participatory sport and recreation or associated essential small-scale buildings; or*
- (iii) for the purposes of a cemetery; or*
- (iv) for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in the Green Belt.*

SVLP policy stated at DM4 C

iii) Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as any development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

The submission version Green Belt policy does not specifically mention the provision of cemeteries within the exceptions.

However, it is noted that the proposed development of a burial ground (cemetery) and associated buildings are appropriate under Local Plan policy GB2A and more specifically in accordance with the Green Belt chapter of the NPPF (which has been updated since the drafting of the SVLP).

The Green Belt chapter of the NPPF specifically refers to cemeteries within paragraph 149

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry;

*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, **cemeteries** and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; [emphasis added for clarity]*

The NPPF specifically refers to cemeteries again within paragraph 150 stating:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

*e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for **cemeteries** and burial grounds); [emphasis added for clarity]*

Due to the above, the change of use of the land provided it maintains the openness, and the associated buildings are not inappropriate within the Green Belt.

The site will generally remain open apart from the small cluster of development (venue building and parking) to the north west of the site. Although head stones are proposed – this will clearly not be an immediate form of development and will gradually increase in time along with the maturity of any landscaping and tree planting. The design and size of the head stones have been

submitted and this could be conditioned to control any increase in size of these. It is therefore Officer view that the proposed use maintains the openness of the Green Belt and the proposed buildings are considered acceptable due to their small scale nature.

This site is between the built up areas of Chigwell and Buckhurst Hill in an area that is divided by the M11. By permitting the change of use and associated buildings it is not considered that this will result in urban sprawl given that the land will remain 'open' and part of it undeveloped. In addition, the appearance from public vantage points will remain broadly the same as the existing boundary landscaping will be enhanced. It is therefore not considered to result in 'urban sprawl'.

Green Belt policies in relation to cemeteries do not require a needs assessment. It is noted that the evidence for the SVLP includes work on cemetery provision:

This work notes that 'Demand for burial provision is influenced by changing preferences, in particular the increasing proportion of people opting for cremation over the past few decades.' It also states that 'The Open Space Strategy recommends that steps should be taken to create a new cemetery in Loughton to meet the need for future burial space. In addition, a review of available burial space should be undertaken from Waltham Abbey, Chigwell and High Ongar'. These reviews have not been started as of yet.

The Open Space Strategy notes that Chigwell has a high quality cemetery and churchyards. Three sites in total with two 'good' and Chigwell Cemetery 'very good'. Chigwell Cemetery fairly close to the proposed site has sufficient burial space for next 25 years.

Amenity considerations:

Given the location of the application site the immediate neighbours are those backing on to the site on Chester Road. There will be a 100m wide natural grassland strip directly to the rear of these properties and some 240m distance to the parking area and venue building.

Whilst the proposal would introduce additional movements (including vehicle movements), the greatest impact would be as a result of burials/ceremonies whereby there could be significant numbers of people arriving/leaving at the same time. It is anticipated that there could be up to 7 burials a day (with a maximum of 150 a year) so an average of 2.4 a day. The number of burials and opening times can be subject to restricted hours to ensure that these do not cause any disturbance at unsociable hours.

The general use of the site by visitors to burial plots would be more sporadic and would attract significantly fewer vehicle movements and therefore it is not considered that these would cause any undue disturbance to surrounding residents.

In addition, the distances above ensure that the main area of noise and disturbance is located at the furthest point from the residential properties and no vehicle movements will be within the 100m natural grassland buffer area. It is also noted that the car parking and reception venue are located adjacent to the M11 which has a pre-existing background noise.

The proposal will be very clearly visible from the properties, however loss of a view is not a material planning concern. As above, development will be contained within the western part of the site with a 100m buffer before the burial plots begin. Although the view will clearly change, and it may not appeal to residents to overlook a burial ground the amenity concerns are minimal for this development.

Design and overall appearance of the burial area:

The main building will be located to the front of the site and will be partially visible from the road. It has been designed in a contemporary style with a flat roof. It is an 'L' shaped building and the two intersecting elements have differing heights 4.7m and 3.2m which helps to break up the overall bulk and massing of this building as does the 'L' shape. In addition, the building will be finished with a sedum roof and will be part rendered and part vertical timber boarding. It is considered that the material choices proposed are well considered to blend the building with the more natural surroundings, whilst breaking up the overall bulk by utilising contrasting materials. The material choices are considered acceptable and can be conditioned to ensure the proposal meets the expectations of the plans.

The proposal includes a parking area to the north west and access road around the burial area for access to the plots. Although a fair amount of hardstanding is required to facilitate vehicle movements around the site – again the material choices for these areas can be conditioned to ensure a suitable material that will soften the appearance of these areas.

In the supporting text for Policy DM5 (Green and Blue Infrastructure) and DM6 (Designated and Undesignated Open Spaces) of the SVLP specifically note cemeteries within the list of Green and Blue Infrastructure and undesignated open spaces. This is noted here, as a cemetery still can offer an open space and green infrastructure – although partly developed cemeteries by their nature remain open in character and therefore (in addition to the Green Belt commentary above) is a suitable use for this edge of urban area/countryside location.

Highways:

Due to the location of this site in close proximity to the M11 both Essex County Council and Highways England were consulted on this application.

ECC Highways:

The Highways Officer has concluded that the proposal is not contrary to National/Local policy and current safety criteria. The proposed access has good visibility and geometry onto Chigwell Rise. Furthermore, the proposal will generate very little traffic movements in the peak hours so it will not be detrimental to capacity or efficiency at this location. It is noted that any burials will not commence until 9.30am avoiding the morning rush hour. Following consultation on the revised plans the Highways Officer had no further comments to add.

Consequently, the Highway Authority is satisfied that the above proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network. The Highways Officer confirmed he has visited the site.

Highways England:

Extensive discussions took place between the Applicant and Highways England throughout the course of this application, with specific discussion surrounding the drainage from the site. Following these discussions, Highways England have no objections subject to a suitable drainage strategy being agreed with Highways England and that the development is undertaken in accordance with the agreed landscape plan (including a 2m buffer zone adjacent to the M11).

Parking

The Essex County Council Vehicle Parking Standards does not provide a standard for cemeteries. The closest use class would be a place of worship for which the maximum parking standard is 1 space per 10m² of which 3 should be suitable for disabled drivers (or 6%, whichever is greater).

However, a cemetery use does not function in the same manner as a place of worship and therefore it is Officer view that this is not applicable.

The application has evolved since first submission from the originally proposed 7 burials a day, to a cap on the number of burials that can take place in a year set at 150. This would lower the potential daily burial number to an average of 2.4 a day; so vastly reducing the originally proposed daily burial numbers.

In addition, the plans have been revised to lower the parking numbers from 51 to 30 which has been reduced in part due to the potential for impact on the Epping Forest Special Area of Conservation (discussed in further detail below).

The transport statement forecasts that the proposal would attract up to 15 vehicles per burial, plus a small number of other ad-hoc visitors. Even if two burials overlapped the average maximum parking requirement associated with burials would be 30 spaces. The proposed development provides adequate parking for this amount whilst providing some leeway for larger burials and ad-hoc visitors if required.

It is considered that the proposal would provide sufficient off-street parking provision to serve the development, in line with the Vehicle Parking Standards and policy ST6 and T1 of the Local Plan.

20% of the proposed parking spaces will be provided with an electric vehicle charging point. Cycle parking should also be installed, and this can be controlled by condition.

Although it is acknowledged that parking concerns have been raised by neighbours, this is a balanced discussion – minimising parking provision will encourage users to seek alternative travel options, whilst minimising the potential for impact on the EFSAC. In addition, with the lower burial numbers across a year than originally proposed there is less likelihood of any overlapping burials (which was a highlighted original concern).

Epping Forest Special Area of Conservation

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

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

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes 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 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 parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be

assessed in relation to 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.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

1. The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.

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 atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

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 atmospheric pollution 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. 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 the two strategic employment allocations at Dowding Way and North Weald Airfield. The application will, however, be subject to planning conditions to secure site specific measures as identified in the IAPMS.

These conditions have been put forward by the Council's Transport Consultant as follows:

1. The site will operate a maximum number of burials per calendar year of 150.
2. The overall parking provision will not exceed 30 spaces.
3. That a minimum of 20% of the parking spaces will provide EV charging facilities to reduce the predicted impact of vehicle movements on the EFSAC.

Conclusion:

The Council is satisfied that, subject to the imposition of relevant planning conditions, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Other matters:

Land drainage:

The development is of a size where it is necessary to avoid generating additional runoff (hence the concerns of Highways England) and where the opportunity should be taken to improve existing surface water runoff. As the applicant must submit a detailed drainage plan which can be controlled by condition.

In addition, details of foul drainage are required, and again this can be dealt with by condition.

Essex County Council SUDs Team also have no objection to the proposal.

Contamination:

The Environment Agency has been consulted on the application and extensive discussions took place between the Applicant and the EA following an initial objection. Following additional submission of a ground water risk assessment the EA have removed their objection and note the following about the application:

- Groundwater was recorded within the gravels, located in eastern area of the site. However, it has been confirmed that no burials will take place in this location.
- No standing water was encountered within the London Clay.
- The number of burials has been reduced to 150 per annum.
- Foul drainage will be via connection to mains sewage network, which will allow for the appropriate disposal of any 'grey' water.

Given the above the EA consider the proposal poses low risk to controlled waters.

The Council's own Contaminated Land team have suggested conditions to ensure any contamination is dealt with appropriately.

Archaeology:

The proposed burial ground is located in an area of known archaeological deposits. Within the proposed development are several crop marks which have been identified showing the potential for archaeological features. The site is also located south west of the historic settlement of Chigwell and to the west of the Roman road that runs through the settlement. Therefore, Essex County Council Place services has recommended several additional conditions that are considered relevant.

Need

Although need has been raised within neighbour objections, there is no local or national policy to demonstrate 'need' for such a proposal. The only policy comments (as above within the Green Belt section) are part of the submitted evidence base for the Submission Version Local Plan (2017) which looked at a possible need for a cemetery within Loughton in the future. It is stressed again, that there is no policy requirement to demonstrate 'need'. However, a burial ground within Chigwell is not solely for Chigwell resident's and could serve this identified shortfall in Loughton also.

Conclusion:

Given the above discussion, the proposal is on balance recommended for approval.

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

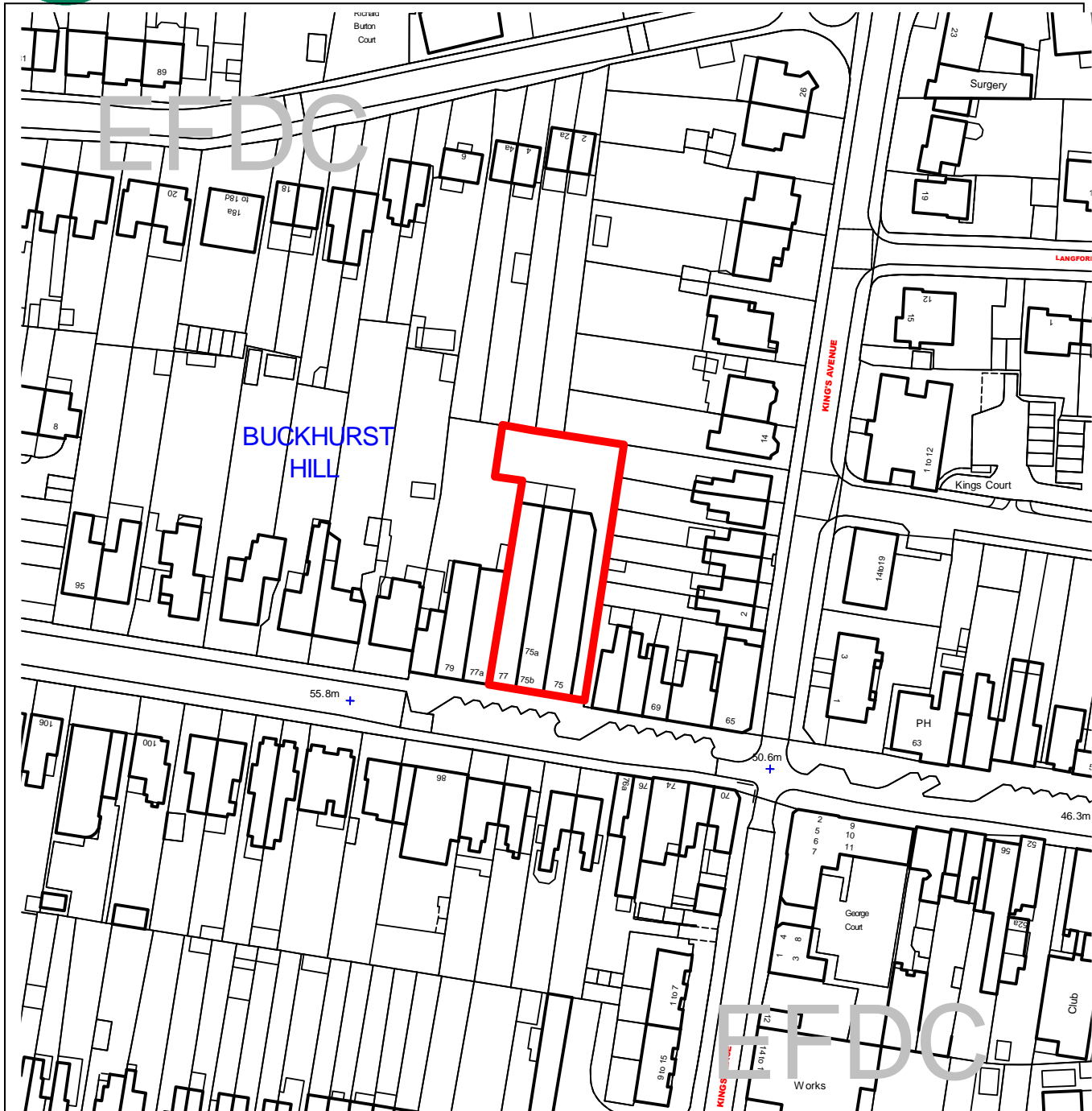
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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

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Epping Forest District Council



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Application Number:	EPF/2808/20
Site Name:	Rear of 75, 75a-c, 77 Queens Road, Buckhurst Hill IG9 5BW
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/2808/20
SITE ADDRESS:	Rear of 75, 75a-c,77 Queens Road Buckhurst Hill IG9 5BW
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr S Moore
DESCRIPTION OF PROPOSAL:	Demolition of structures to the rear of 75-77 Queens Road and erection of 8 new dwellings (Revised Scheme to EPF/2514/19).
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=645353

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: 200 Rev A, 201, 202, 203, 204, 205, 206, 207, 208, 209, and 210.
- 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 No development shall take place until details of the arrangements for internal air extraction, odour control measures, noise levels, and discharge to atmosphere from cooking operations, including the location, appearance and finish of any external ducting and flues have been submitted to and been approved in writing by the Local Planning Authority. The approved details shall be installed before the use hereby permitted commences and so retained. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.
- 5 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.

6 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). 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.

- 8 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9 Prior to first occupation of the buildings hereby permitted the window(s) in the east elevation (facing the rear of Kings Avenue) at first floor level, 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.
- 10 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.
- 11 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.
- 12 The development shall not be occupied until a scheme of sound insulation for all external windows on has been submitted to and approved in writing by the Local Planning Authority. The scheme of sound insulation for the external windows shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 13 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- 14 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 15 The cycle parking facilities, as shown on the approved plan, are to be provided prior to the first occupation of the development and are to be retained as such at all times.
- 16 The refuse storage, as shown on the approved plan, are to be provided prior to the first occupation of the development and are to be retained as such at all times.
- 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.

- 18 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.

...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 lies to the rear of a two-storey parade consisting of commercial units at the ground floor level, with residential accommodation above. Over the years, all the buildings have been extended to approx. 80% of the plot footprint. At the very rear of the site open car parking is accessed via an existing access located between No's 73 and 75 Queens Road.

The site is situated towards the East end of Queens Road, approx. 0.2 miles from Buckhurst Hill underground station. The buildings are not Listed, Locally Listed or set within a Conservation Area. It is not located in a Flood Risk Zone.

Queens Road runs West to East where the West end is characterised by terraced and detached dwellings and where the East end is characterised by mixed uses comprising residential, offices, restaurants, shops and local amenities. The buildings on Queens Road are predominately 2-3 storeys in height.

The character of the buildings varies in style and appearance, predominantly that of a traditional appearance with natural brick, or render walls, timber windows and tile or slate pitched roofs. The application buildings do not form a dominant feature of the street scene. The buildings do not incorporate special or distinctive architectural features that would otherwise make them unique.

Proposal

The proposal is for the demolition of structures to the rear of 75-77 Queens Road and erection of x 8 1-bed dwellings. This is a revised scheme to EPF/2514/19. The main amendments are:

- Reduction of residential units from 15 to 8;
- Retention of two storey parade; and
- Revised parking, cycle and refuse layout.

Relevant Planning History

EPF/2514/19 - Planning Application for the demolition of No. 75, 75a-c, 77 Queens Road and the construction of fifteen new dwellings with a ground floor retail unit - Refused

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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

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

CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
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	126, 130
Paragraph	180

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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

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

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

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

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

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following policies are relevant to the determination of this application;

SP2	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

Summary of Representations

Number of neighbours Consulted: 55. 12 response(s) received
Site notice posted: Yes

MULTIPLE OBJECTIONS RECEIVED – Summarised as:

- Over-development;
- Unsuitable/inappropriate;
- Inadequate parking provision/Parking stress/Highway safety;
- Out of character/Poor design/Bulky;
- Loss of privacy/ overlooking;
- Loss of light; and
- Loss of commercial floor space;
- Noise pollution;
- Biodiversity net gain; and
- Impact on trees.

BUCKHURST HILL PARISH COUNCIL – Strong Objection

- Gross overdevelopment of site
- Severe lack of amenity space
- The flats suffer lack of sunlight and the overhanging balconies exacerbate the issue on the flats below
- The access road is single file and will cause issues for the flats and the retail units
- Concerns with the impact on neighbours in the vicinity with traffic movement
- Detrimental impact on neighbouring properties
- Severe lack of parking for 8 dwellings

A re-consultation exercise was carried out and only a handful of comments were received reiterating the points set out above.

Planning Considerations

The main issues for consideration in this case are:

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

Character and Appearance

The proposed building would be built on the footprint of the existing rear extensions with a limited increase in scale, bulk and massing. As such, it is not considered that the proposal would amount to harmful overdevelopment of the site. Rather the proposal, would enhance the visual amenity of the site, and would also have a neutral impact to the character and appearance of the wider area. It would not be readily visible from the street, so there would be no impact to the street scene.

Highway Safety and Parking Provision

No change is proposed to the existing vehicular access point, and 7 parking spaces are provided to the serve the whole site outlined in red, along with cycle storage. This site is in a highly sustainable location, sited approx. 0.2m from Buckhurst Hill Underground Station or a 5-min walking distance, so the level of parking provision is acceptable.

The Highways Officer has raised no objections and provided the following comments below;

The site is well located in terms of access to other modes of sustainable travel and the location and surrounding area is well secured with parking restrictions to prevent ad-hoc on-street parking becoming a safety issue. Further to this the application is proposing to provide appropriate cycle parking for all the proposed flats. Given the aforementioned, and the reduced parking provision, it is highly likely that the proposal will also reduce the amount of associated vehicle trips in and out of the site to the benefit of all highway users.

Living Conditions of Neighbours

The proposed first floor flats would be looking onto the rear of 2 – 8 Kings Avenue, and the windows are proposed to be obscured glazed, so there would be no material impact to their living conditions, in terms of harmful overlooking. No other concerns are envisaged to neighbouring amenities.

Standard of Accommodation for Future Occupiers

The proposed units would meet the National Described Space Standards for a 1 bed unit and whilst not a requirement, they will have access to their own private amenity space.

The proposed building is orientated toward the North East, so all rooms would receive adequate sunlight and daylight throughout the day. Any outlook for the future occupiers would be at a reasonable level given its location within an urban area, and whilst the rear facing windows are shown to be obscured glazed, this would not be necessary. On the contrary, having clear glazed windows would enhance their outlook.

The application involves amending the existing extraction and ventilation system, and also gives an opportunity to enhance the level of extraction & ventilation required for the existing commercial units. Given the increased residential activity on the site, a high spec system would be appropriate, which would also reduce the impacts to the existing occupiers above the retail units from noise, odour and fumes. As such, a condition requiring details of the amended extraction & ventilation system to be approved prior to commencement of the development has been added.

Impact on the Epping Forest SAC

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

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the

LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

Stage 1: Screening Assessment

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

- 1) The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. In addition, the site lies within the parish of Buckhurst Hill. 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 recreational pressures and atmospheric pollution.

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 and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. 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 and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

The proposed development would result in increased vehicular movements as while the development makes no on-site provision for car parking, it is on the basis that the nearby streets mentioned in paragraph 9.7 and set out in the Transport Statement can accommodate additional on streetcar parking demand. Consequently, consideration will need to be given to appropriate mitigation measures to protect the integrity of the SAC in terms of air quality. The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Other Considerations

With regard to the concerns raised regarding the proposal, most of the issues have been addressed in the assessment above, and in terms of the loss of commercial retail space, it is only the rear extensions to the units that would be lost, so there would still be ample floor space for the units to function properly. There are no concerns regarding the impact on trees or landscaping. Therefore, they have not led officers to a different conclusion as set out below.

Planning Balance & Conclusion

It is considered that the accommodation proposed makes efficient use of the space available in a highly accessible location. This would result in economic benefits derived from the construction and occupation of the homes.

For the reasons set out above and having regard to all the matters raised it is recommended that conditional planning permission be granted subject to a s106 legal agreement to secure mitigations for the EFSAC including monitoring contributions.

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:

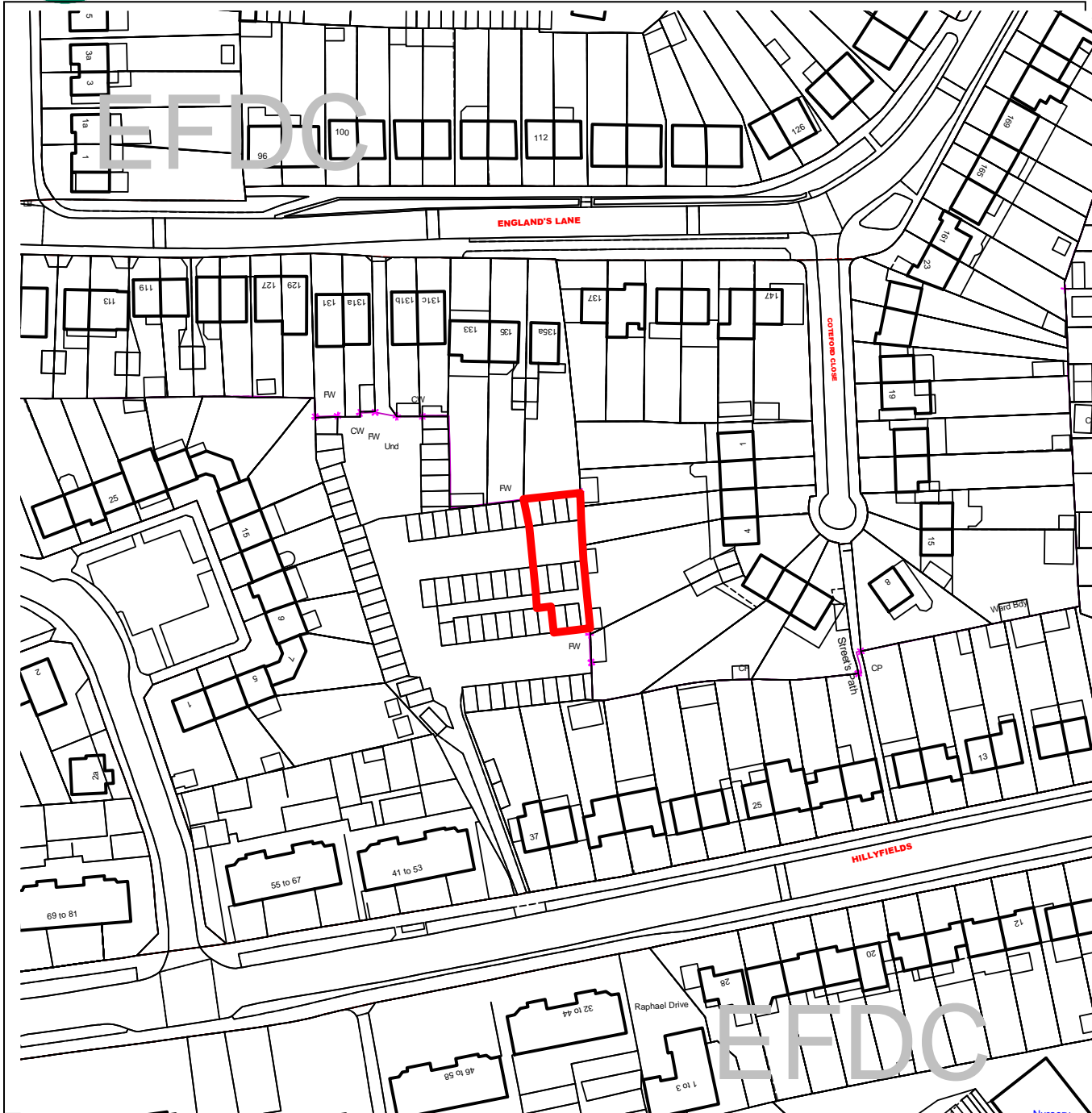
Planning Application Case Officer: Muhammad Rahman
Direct Line Telephone Number: 01992 564415

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

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Epping Forest District Council



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Application Number:	EPF/1586/21
Site Name:	Highgrove Close Formerly land to the rear of 33-37 Hillyfields, Loughton IG10 2PT
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/1586/21
SITE ADDRESS:	Highgrove Close Formerly land to the rear of 33-37 Hillyfields Loughton IG10 2PT
PARISH:	Loughton
WARD:	Loughton Fairmead Loughton St Johns
APPLICANT:	Mr S Tappenden
DESCRIPTION OF PROPOSAL:	Construction of a 4 bedroom two storey dwelling with associated parking and landscaping.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=653453

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: site location plan, site layout plan and building plans and elevation drawing.
- 3 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 Sharon Hosegood Associates drawing number SHA.1103.TPP dated 23rd November 2019.
- 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 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.

6 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.

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

- 8 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.
- 9 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing buildings in Highgrove Close.
- 10 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
- 11 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.
- 12 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.
- 13 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A-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 to secure contributions to mitigate impact on the Epping Forest Special Area of Conservation comprising £352 in relation to recreational impact £335 in relation to air quality impact, plus 5% monitoring fee of £34.35.

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).

Description of Site:

The application site comprises around 0.21 hectares within what is now known as Highgrove Close, to the north of Hillyfields. Redevelopment of the site as a terrace of seven houses is complete and the development is occupied.

The site is primarily surrounded by residential properties and there is a separate block of garages immediately to the north accessed from England's Lane constructed with a significantly higher finished ground level; there is no link between the two areas. Otherwise surrounding properties are a mix of two storey houses and three storey flats, particularly on Hillyfields.

The site entrance lies close to a bus stop. Land at the site and in the surrounding area rises from south to north such that a change of existing built levels is clearly visible.

Description of Proposal:

The application is a resubmission of a scheme for an additional dwelling on land to the east of the built units, comprising of a two storey, double fronted L-shaped 4 bed house with rear garden. Main openings are to the front and rear, a ground floor side door facing east is included to dual aspect rear kitchen. The building includes a hipped roof on the east side, abutting Coteford Close.

Three additional parking spaces are indicated at the eastern end of parking court in front of the dwelling increasing parking overall to 17. No other alterations to external layout are proposed.

Relevant History:

- EPF/0513/16 Proposed demolition of existing garages and erection of 8 no. dwellings (6 x three beds and 2 x two beds), with associated access and parking – Refused due to impact of a detached dwelling on the east site boundary having a disproportionate impact on neighbouring occupiers
- EPF/2913/16 Revised application as above, proposing seven dwellings (5 x three bed and 2 x two bed) - Approved subject to conditions and implemented
- EPF/3512/17 Revised scheme for 9 units (7 no. three bed houses and 2 no. two bed houses) and associated parking refused – appeal dismissed on overshadowing within development.
- EPF/2205/19 Variation of plan numbers approval for revised built form to the terrace, introducing a stepped roof line – approved
- EPF/2561/19 Proposed 4 bedroom two storey dwelling – refused, appeal dismissed on impact on EFSAC (see Main Issues below)

Policies Applied:

Adopted Local Plan:

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

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

- CP1 Achieving sustainable development objectives
- CP2 Quality of rural and built environment
- CP6 Achieving sustainable Durban development patterns
- CP7 Urban form and quality
- RP5A Adverse environmental impacts
- H2A Previously developed land
- DBE1 Design of new buildings
- DBE2 Effect on neighbouring properties
- DBE3 Design in urban areas
- DBE5 Design and layout of new development
- DBE8 Private amenity space
- DBE9 Loss of amenity
- LL11 Landscaping schemes
- ST2 Accessible development
- ST4 Road safety
- ST5 Travel plans
- ST6 Vehicle parking

NPPF (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.

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – 174, 175, 179 - 182, 183, 185, 186

Epping Forest District Local Plan (Submission Version) 2017:

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

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

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

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

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

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

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

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM9	High Quality Design

DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Date of site visit: 06 December 2021
Number of neighbours consulted: 14
Site notice posted: No, not required
Responses received: Responses have been received from 3 neighbours. Residents at 3 and 4 COTEFORD CLOSE object on a range of issues covering:

- over intensive development
- direct amenity impacts – overbearing appearance, sense of enclosure, loss of light to gardens and overlooking
- impact on willow tree in rear garden of no.3
- impact on existing wildlife and protected species

Resident at 4 COTEFORD CLOSE has commented that boundary fences should not be less than 1.8m high (as has been installed) and the additional parking should be constructed to prevent slippage into adjoining gardens.

The LOUGHTON RESIDENTS ASSOCIATION Plans Group have also objected on grounds that the development would adversely affect the EFSAC in terms of recreational pressure and air quality impact from additional vehicle movements.

Parish Council: Loughton Town Council OBJECTED to the application, commenting as under:

The Committee OBJECTED to this application stating it was an overdevelopment of the site which would be overbearing on the amenity of residents in neighbouring properties on both Coteford Close and Highgrove Close.

Members requested that the soft landscaping on the site of this proposal, which was conditioned in the approved application EPF/2193/16 should be enforced.

The Committee drew the attention of the Tree and Landscaping Officer to the Arboricultural Report submitted for this application which it believed was incorrect and that the proposed development would negatively impact the willow tree in the garden of the neighbour at 3 Coteford Close.

Furthermore, the additional property was contrary to the SAC and would result in more car pollution and a subsequent impact on the air quality to the SAC. This proposal 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) in 2025 is not guaranteed to happen and has not yet been approved by the Planning Inspector. In any event the proposal does not stop additional cars associated with new dwellings from polluting the SAC before the CAZ is brought into operation

Main Issues and Considerations:

As set out above, the application amounts to a resubmission of the scheme refused under EPF/2561/19, which was dismissed at appeal. There have been no substantial changes in local conditions since then that would specifically affect the consideration of the application. In broad

policy terms, there have been limited changes to the NPPF and the LPSV has reached a more advanced stage giving greater weight. Thus, the previous reason for refusal and the Inspectors decision must form the starting point of this assessment.

The previous application was refused for the following reason:

The proposed dwelling, by reason of the scale and siting adjacent to the rear garden boundaries of properties in Coteford Close, and the loss of soft landscaping as a result of the increased provision of parking spaces, would appear excessively overbearing and dominant when seen from those gardens, causing an unacceptable degree of harm to the living conditions of adjoining residents. Accordingly, the proposal is contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version (2017), and with the National Planning Policy Framework.

At the appeal, the Council introduced additional grounds relating to the impact of the development on the EFSAC.

The Inspector considered the three key issues to be the impact of development on the integrity of the EFSAC, the effect on the living conditions of adjoining residents, and whether the increase in parking provision would increase reliance on journeys by private motor vehicle.

Impact on EFSAC – The Inspector accepted the submissions in this regard concluding that with no mitigation measures in place, the proposal would adversely affect the EFSAC.

Living conditions of neighbours – The Inspector recognised the change in levels between the site and properties in Coteford Close but considered the building not excessive in scale, had no first floor windows in the east elevation and was set well away from the buildings which had lengthy gardens. The Inspector concluded ‘*I have not therefore identified any significant harm to the living conditions of adjoining residents*’ and that the loss of landscaping to provide additional parking spaces would not conflict with policies as the site was ‘*tucked away to the rear of Hillyfields and not widely publicly visible..*’ The application has been amended from the appeal scheme in that the gable end abutting properties in Coteford Close has been replaced by a hipped end, designed to reduce further the scale adjacent to this boundary.

Vehicle parking – The Inspector found that overall parking levels would be consistent with Essex Parking Standards and would not be an over provision and did not therefore conflict with relevant policies

The Inspector concludes:

While I have not identified any significant harm in relation to the living conditions of adjoining residents and car parking provision, the proposal would be likely to adversely affect the integrity of the Epping Forest Special Area of Conservation. I am required to afford significant weight to this matter. The appeal should therefore be dismissed.

Consultation responses raise similar issues, in particular around the matters relating to the relationship with neighbouring properties. A number of comments relate to potential impact on the willow tree in the adjoining garden, but this was not previously considered a reason to refuse the application. Notwithstanding the Parish Council comments in this regard, the detailed Arboricultural Assessment accompanying the application states that only around 5.5% of the root protection area is impacted by the proposal and that this area was previously occupied by a garage. This is not disputed by the Tree Officer subject to a suitable tree protection condition being included.

This leaves only the issue of the impact on the EFSAC. The site lies within the core area and the developers have accepted that a contribution towards mitigation measures for recreational impacts is appropriate. The application is accompanied by a site specific Habitat Regulations Assessment which acknowledges that the development will have a minor impact on air quality and that mitigation measures are appropriate. On this basis, officers have undertaken an Appropriate Assessment as under:

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

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

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

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

Stage 1: Screening Assessment

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

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. In addition, the site lies within the parish of Loughton/Buckhurst Hill/Theydon Bois (delete as appropriate). 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 recreational pressures and atmospheric pollution.

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 and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. 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 and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

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

Conclusions:

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

A draft unilateral undertaking relating to air pollution mitigation, recreational mitigation and 55 monitoring fee has been submitted and is currently under review.

Conclusion:

The appeal decision is the key consideration in the determination of this application. The Inspector, having regard to all material considerations (including the LPSV considered the development of itself to be acceptable, this is essentially the same proposal.

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

Thus, officers recommend that the application be approved subject to appropriate conditions and a suitably worded legal agreement.

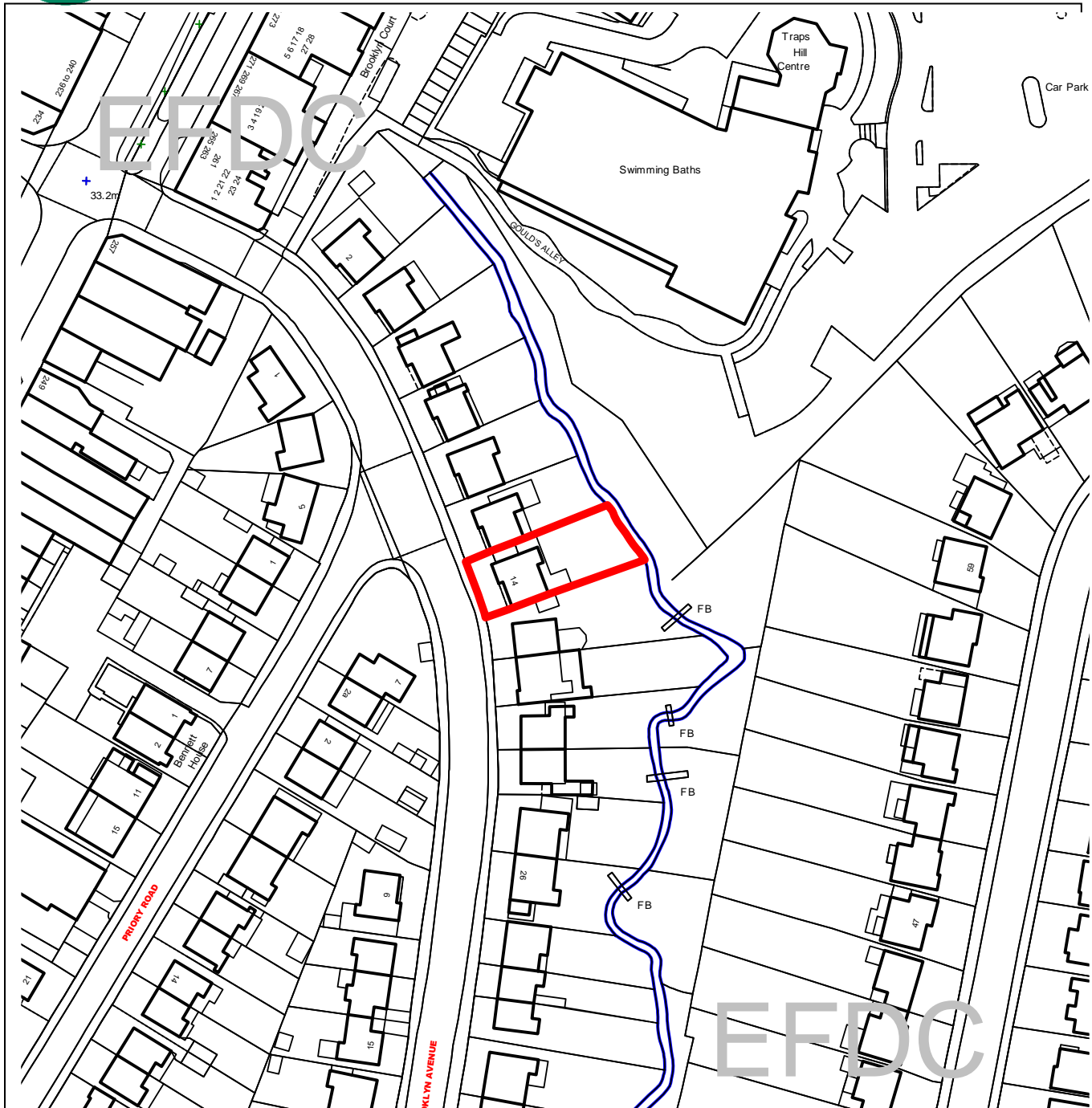
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day preceding the meeting at the latest:

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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



Epping Forest District Council



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Application Number:	EPF/2083/21
Site Name:	14 Brooklyn Avenue Loughton, IG10 1BL
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/2083/21
SITE ADDRESS:	14 Brooklyn Avenue Loughton Essex IG10 1BL
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Ms Atwal
DESCRIPTION OF PROPOSAL:	Application for a proposed dormer windows & loft conversion.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655653

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: 1BGL/219, location plan
- 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.

This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

Description of Site:

The application site is a detached bungalow located on the Eastern side of Brooklyn Avenue in a residential built-up area of Loughton. The dwelling is the last of several bungalows on this side of the street (nos. 2 to 14 (evens) being bungalows) running from North to South, with the dwellings immediately south of 14 Brooklyn Avenue being 2 storey dwellings. There are no Listed Buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt.

Description of Proposal:

Application for a proposed dormer windows and loft conversion. The proposal has been submitted subsequent to receiving pre-application advice.

Relevant Site History:

EPF/0155/06 – Detached house to replace existing (Revised application) – Grant Permission (With Conditions)

EPF/1863/05 – New detached house to replace existing – Refuse Permission

EPF/1899/04 – Conservatory and rear loft dormer – Grant Permission (With Conditions)

EPF/1688/87 – Single storey side extension – Grant Permission

Policies Applied

Local Plan (1998) and Alterations (2006)

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
DBE10	Design of Residential extensions

National Planning Policy Framework (NPPF) (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.

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

Paragraph	124
Paragraph	127

Paragraph 130
Paragraph 131

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. 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 afforded by your officers in this particular case indicated:

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

Summary of Representations:

No. of neighbours consulted: 3, 2 objections received

12 BROOKLYN AVENUE: OBJECTION- concerns regarding loss of light, loss of outlook and loss of privacy, as well as the proposal being detrimental to the character and appearance of the dwelling and wider area.

16 BROOKLYN AVENUE: OBJECTION – concerns regarding loss of light, loss of outlook and loss of privacy, as well as the proposal being detrimental to the character and appearance of the dwelling and wider area.

LRA Plans Group: OBJECTION – The loss of the bungalow would reduce housing choice, the design of the proposal would be detrimental to the visual amenity of the street scene by reason of its mass and bulk, no ground floor plan provided, concerns that the property is being used as an HMO.

TOWN COUNCIL: OBJECTION:

The Committee OBJECTED to this application on the grounds that by reason of its height and bulk, the first floor addition would be detrimental to the visual amenity of this part of the street scene which is characterised by bungalows. The further loss of bungalows would be harmful to the character of the area and is contrary to the council's policy on mixed and balanced communities, reducing the housing choice, particularly for people with disabilities.

The increased size of the new first floor, an overdevelopment of the site, bulky in appearance and overbearing on neighbouring properties, would result in a loss of privacy and sunlight causing overshadowing of 12 and 16 Brooklyn Avenue, blocking sunlight from both neighbouring property's patios and kitchens.

Members expressed concern that there was no proposed ground floor plan; and therefore could not ascertain whether any alterations at this levels were proposed.

Suspicious that this property was being used as an HMO were raised and the Committee asked that the council officers inspect the property to take appropriate enforcement action, if required.

Main Issues and Considerations

The main issues to consider for the assessment of this application are as follows:

Design

Impact on Living Conditions of Neighbours

Design

The Town Council, LRA Plans Group and Neighbours have objected to the proposal stating the design would be out of character with the surrounding area.

The loft conversion seeks to extend the roof over the existing single storey flat roof side extension with one front dormer and two rear dormers. This proposal retains a hipped roof form and a crown roof is proposed to help facilitate the loft conversion. The dormers are well proportioned within the roofscape, adequately set down from the ridge, up from the eaves and in from the sides, the rear dormers are considered an improvement on the existing rear dormer which is quite an unattractive feature. Similar dormers can be found within the streetscene. The roof sets in sharply away from the boundary which does go some way to retaining a visual gap between the properties and as there is no increase in height this scheme may be considered acceptable. It is considered the proposal would not be detrimental to the character of the existing building or wider street scene.

Impact on Living Conditions

Neighbours and the Town Council have objected to the proposal stating that it would cause harm to the living conditions in respect of loss of light, loss of outlook and loss of privacy.

While the proposal would be adjacent to the boundary of 12 Brooklyn Avenue, it is considered that the extensions to the roof would be minor in terms of scale and would not cause excessive harm to the living conditions of neighbours in regard to loss of outlook. The scale of the proposal would also ensure there would not be excessive harm caused to the living conditions of neighbours in relation to loss of light. As the dormer windows face down the rear garden and not directly into neighbouring properties, the proposal would not cause excessive harm in regard to loss of privacy.

Other Considerations

Neighbours, The LRA Plans Group and Town Council also have mentioned the following points:

- The proposal would result in the loss of a bungalow.
- Plans are misleading/omitted
- Concerns regarding the property being used as an HMO
- Concerns regarding maintenance
- Overdevelopment

It is considered that the proposal would not result in the loss of a bungalow and the fact that there is already rooms within the roof space confirms this. The proposal would not increase the height of the dwelling to such a degree that would make it unrecognisable as a bungalow and therefore any contradictions to Policy H1A have not been triggered.

Whilst there is no proposed ground floor plan, the description of development clearly states that the works proposed are to the roof and loft space and are not so inaccurate that a decision cannot be made.

Maintenance of property and party wall agreements are not material planning considerations and any concerns regarding HMOs should be formally submitted via the website to planning enforcement for investigation.

Conclusion

The proposal would not be out of character with the surrounding area, would not cause harm to the living conditions of neighbours and would not result in the loss of a bungalow. It is recommended that planning permission is granted subject to conditions.

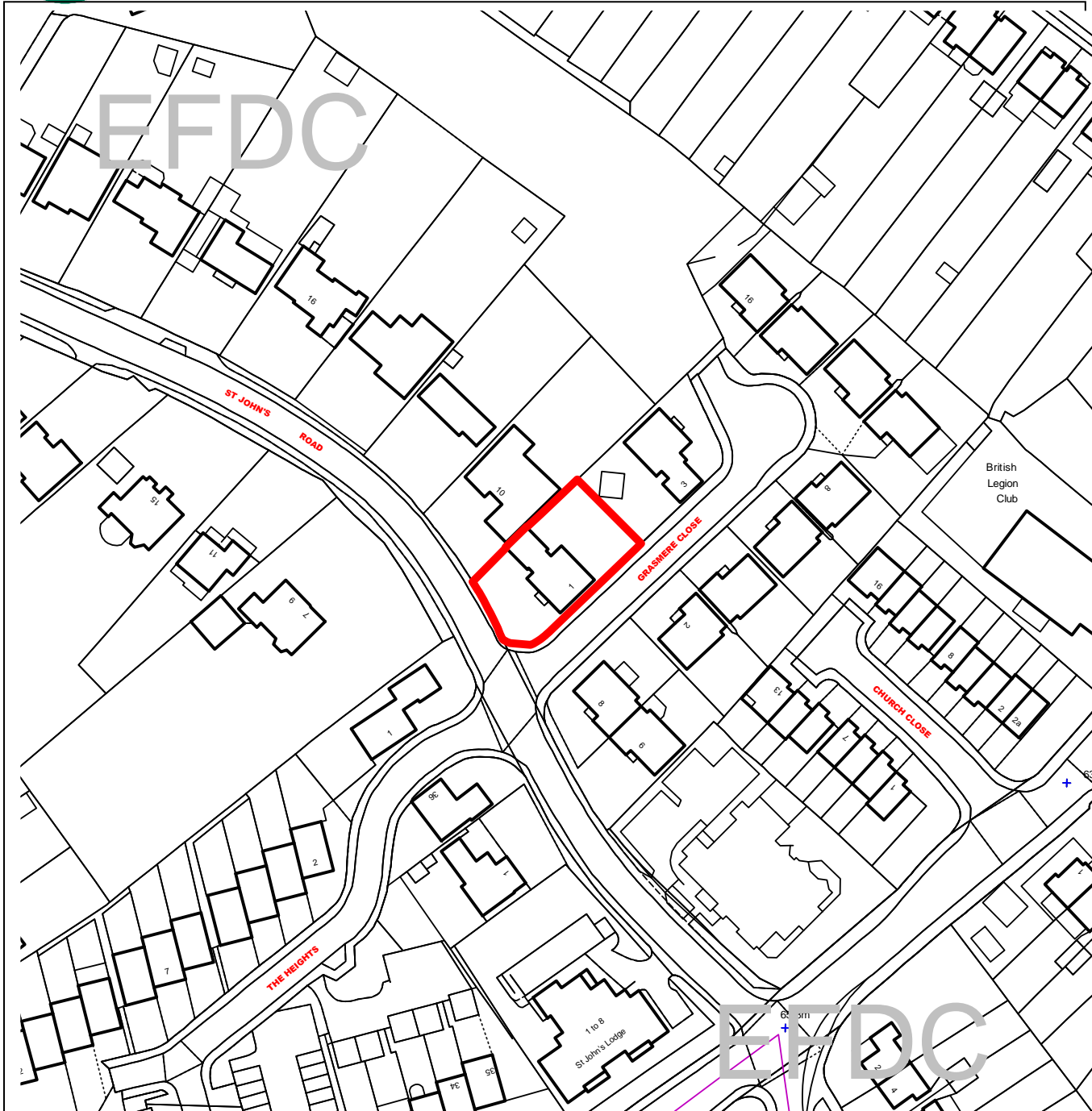
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462***

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



Epping Forest District Council



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Application Number:	EPF/2350/21
Site Name:	1 Grasmere Close Loughton IG10 1SL
Scale of Plot:	1:1250

Report Item No: 13

APPLICATION No:	EPF/2350/21
SITE ADDRESS:	1 Grasmere Close Loughton IG10 1SL
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Sukhbir Birak
DESCRIPTION OF PROPOSAL:	Conversion of existing garage into a habitable space involving minor alterations and ground and first floor side extensions
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656873

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: 2107-GC-DR-A-05-100; 2107-GC-DR-A-03-100;
2107-GC-DR-A-02-100 Site Plan;
2107-GC-DR-A-02-100 Block Plan;
2107-GC-DR-A-05-200 Rev P4;
2107-GC-DR-A-03-200 Rev P4;
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwellinghouse, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to first occupation of the extension hereby permitted the window(s) in the Northwest flank elevation(s) at first floor level, 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.
- 5 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.

The application is also 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

No.1 is a large double fronted 2-storey detached dwellinghouse located to the north of Grasmere Close which is residential in character. The property is sited on a corner adjacent to St Johns Road with the front elevation fronting onto St Johns Road. The property has a flat roof side garage linked to the main dwellinghouse by a side access door.

The properties in St Johns Road are on a higher gradient with No. 10 at a higher-level No. 1 Grasmere Close.

The property lies outside of a conservation area and is not listed.

Proposed Development

The proposal seeks planning consent for the conversion of the existing garage into a habitable space and enlarging it so that it aligns with the front and rear main building lines of the main house and the replacement of the garage door with flat windows and an element of a lean to roof that links the ground four with the proposed first floor side extension.

The construction of a first-floor side extension sited above the existing garage, set in 2.2m (as amended) from the north boundary.

The proposed rear dormer windows have been deleted from the scheme.

Materials are to match the existing property.

Relevant Planning History

None

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) & 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).

CP1- Achieving sustainable development objectives

CP2 Protecting the quality of the rural and built environment

DBE2 Impact on Neighbouring Properties

DBE3 Design in Urban Areas

DBE9 Loss of Amenity

DBE10- Residential Extensions

NPPF, 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.

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

Paragraph 126-7 - Achieving well designed places

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

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

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

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

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

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1 Presumption in Favour of Sustainable Development

DM9 High Quality Design

DM10 Housing Design and Quality.

CONSULTATION CARRIED OUT & SUMMARY OF REPRESENTATIONS RECEIVED:

LOUGHTON TOWN COUNCIL - OBJECTION

- Side extension set further in is an improvement but still too bulky- overdevelopment, terracing effect
- Loss of amenity to adjoining properties in the form of a loss of privacy, noise and visual impact. Loss of garage
- Rear dormer causes overlooking

6 adjoining neighbours were notified, and 3 further objections have been received that raise the following concerns:

- The bulk, siting character and appearance of the extensions is still an issue
- Relatively new development architecturally designed to a high standard
- Over development, an unwelcome precedent
- parking congestion

Loughton Residents Association -

- Whilst the changes are an improvement to the original submission we continue to object on the following grounds: The extension is still too close to No 10 St Johns Road. The windows on the boundary to 10 St Johns Road are too large and too close the neighbour.
- They will be particularly noticeable for the neighbour in the evening when lights are turned on particularly the bathroom window which is very close to the office of No 10. dormer is too large

Main Issues & Considerations:

- Design and siting of the development in relation to the character and appearance of the property and surrounding area.
- Impact on neighbour's amenity
- Parking and highway

Impact on the character and appearance of the property and the surrounding area

The original plans have been amended with the proposed first floor being set in 2.2m from the north boundary thereby reducing its scale and bulk and preventing any terracing effect retaining

the spacing and visual character and appearance of the street scene. The roof of the proposed first floor side extension is also to be set down from the main ridge and is considered an acceptable proportional addition, appropriate in design, scale and siting and not detrimental to the visual appearance of the property or the street scene.

The design and form the development is considered sympathetic and comparable in context with the spatial design and pattern of development in the surrounding area and complies satisfactorily with policies CP2, DBE3 and DBE10 of the adopted Local Plan and policies of the Local Plan (1998) and Alterations (2006) and policy, DM9 and DM10 of the Local Plan Submission Version, 2017 and does not conflict with the design objectives of the National Planning Policy Framework., 2021 that seeks to ensure, amongst other things, that new development is of a high quality design that respects its setting and the character and environment of the locality.

Impact on Neighbours' Amenities

In terms of amenity, the proposed first floor side extension is to be set in 2.2m from the shared boundary with No.10 St Johns Road. The separation distance and variation in height, where no. 10 St Johns Road is on a significantly higher level to the application property would ensure that the proposed development would not result in any undue harmful amenity implications subject to the first floor side elevation windows being conditioned as obscure glazed to prevent overlooking and a loss of privacy. It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

In response to the objections received and where some of the concerns have been addressed in the report, the proposal is not considered as resulting in an overdevelopment of the site or result in any 'terracing' effect being created. The property has parking in the front forecourt of the property. Adequate drainage pipework is shown on the drawings and The Environmental Protection and Drainage Team were notified and have no comments to make on the proposal.

Parking & Highway Considerations

The proposed extension would result in the loss of a garage space and an increase in the number of bedrooms to 5+. The property has a large front hardstanding area providing more than 2 car spaces which meets the minimum standards required by the Essex Parking Standards and policies ST4 and ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Conclusion

The proposed development is considered appropriate in terms of its design and appearance, maintaining the established spatial pattern of development in Grasmere Close and St Johns Road. The extensions are not deemed as resulting in any amenity implications to neighbouring properties and other aspects in relation to parking/highway safety and drainage are considered satisfactory. The application is considered to be in accordance with the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and with the relevant parts of the National Planning Policy Framework. In the light of the above considerations it is recommended that planning permission is approved subject to conditions.

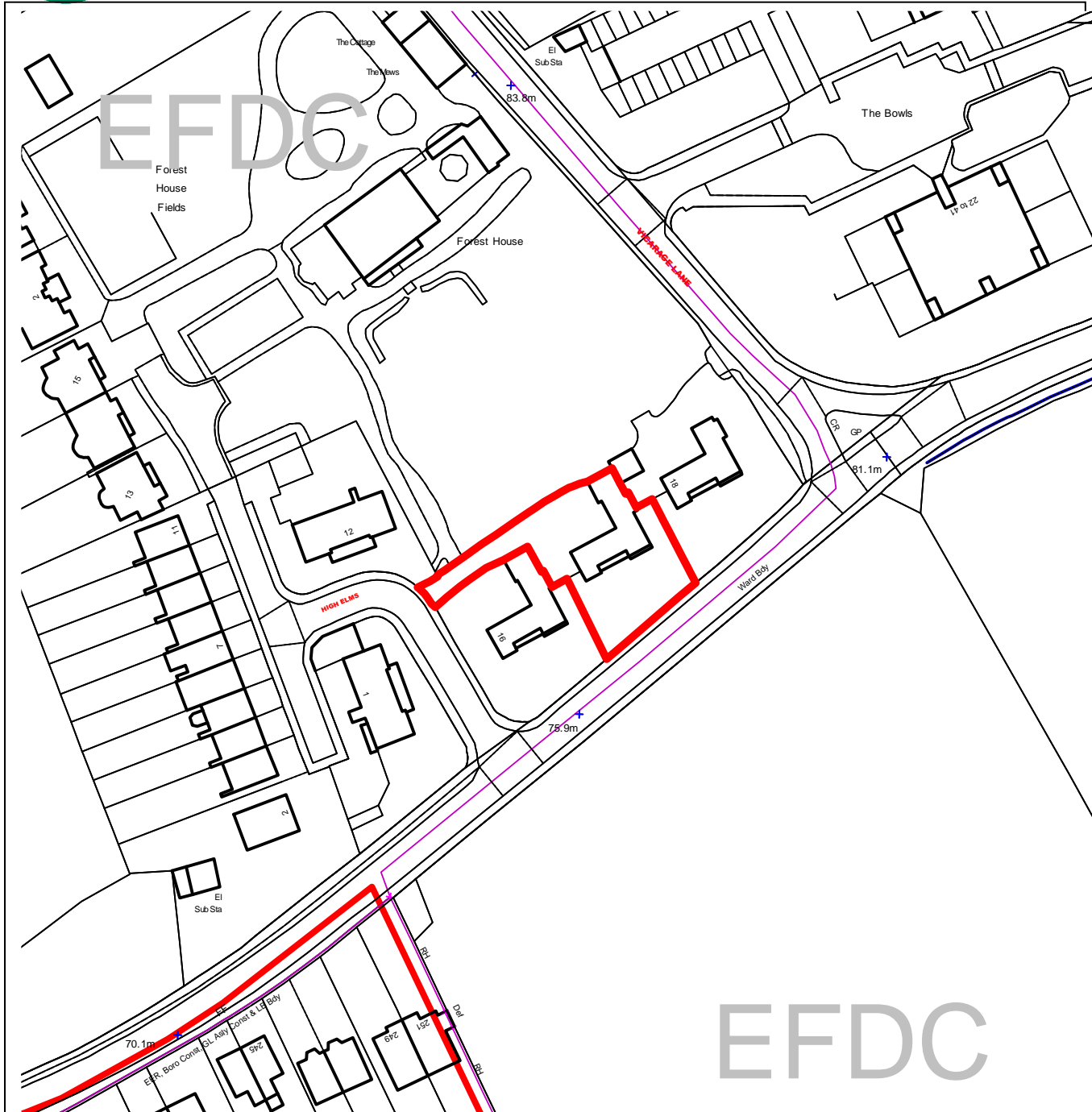
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Caroline Brown
Direct Line Telephone Number: 01992 564182***

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



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Application Number:	EPF/2990/21
Site Name:	17 High Elms, Chigwell IG7 6NF
Scale of Plot:	1:1250

Report Item No: 14

APPLICATION No:	EPF/2990/21
SITE ADDRESS:	17 High Elms Chigwell IG7 6NF
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mrs. U. Chaudhary
DESCRIPTION OF PROPOSAL:	Single storey ground floor rear and side extensions.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=659936

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 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 specified on the approved plans, or those specified in the submitted application form.
- 3 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
Existing Ground Floor Plan 17HE-STR01
Existing Elevations D05
Existing Elevations D06
Existing Roof Plan D04
Proposed Ground Floor Plan Showing Structure Above 17HE-STR02
Proposed Ground Floor Plan Showing Ground Beams and Piles 17HE-STR03
Proposed Sections 17HE-STR04
Proposed Elevations D07 REV1
Proposed Elevations D08
Proposed Roof Plan D03
Proposed Details 01 17HE-STR05
Proposed Details 02 17HE-STR06
Proposed Details 03 17HE-STR07
Site Location Plan D12
Tree Protection Plan MWA TPP 01
Soft Landscaping Plan MWA SLP 01
- 4 Soft landscaping shall be implemented as shown on MWA Arboriculture 'Soft landscaping scheme' drawing reference MWA SLP 01 (dated 8th November 2021); and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. 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.

- 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. 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 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.
- 7 No preliminary ground works shall take place until foundation details have been submitted to the Local Planning Authority and approved in writing. The foundations shall consist of piles and an above ground beam design. Drawings submitted shall include cross sectional detail of pile and beam join and the location of piles in plan form. The development shall be carried out only in accordance with the approved documents.

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).

Description of Site:

The application site consists of a two storey detached 'L' shaped dwelling located on the north side of Manor Road, within the built up area of Chigwell Row. The property is accessed from High Elms but a gated driveway. Due to its unusual positioning it is not readily visible from public vantage points. The site is just outside of the Metropolitan Green Belt but not within a Conservation Area. There are two protected trees within the rear garden. To the north of the site is the gardens and grade II listed building known as Forest House.

Description of Proposal:

The application seeks consent for the construction of a single storey rear and side extensions. The east side extension measures 3m wide wrapping around the side of the building extending to the rear by 2.5m. The east extension is dog legged around the existing boundary, and is 5m wide at the widest point, narrowing to 2m wide and extending to the rear by 2.5m. Both extensions have a flat roof to a height of 3m.

Relevant History:

EPF/2922/20 - Single storey ground floor rear and side extensions – Refused
Reason for Refusal:

The submitted tree information and plans have not satisfactorily demonstrated that the proposed extensions will not harm the protected trees on the site that contribute to the visual amenities of the locality. In addition, if permitted the proposals are likely to result in future pressure for the removal or excessive pruning of these trees given the proximity to the development. Accordingly, the proposal is contrary to Local Plan and Alterations policy LL10, policy DM3 and DM5 of the Epping Forest Local Plan (Submission Version) 2017 which is consistent with the policies of the National Planning Policy Framework.

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
GB2A	Green Belt
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions
LL10	Landscaping
HC12	Development Affecting the Setting of Listed Buildings

Epping Forest District Local Plan (Submission Version) 2017

DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM7	Heritage Assets
DM9	High Quality Design

Consultation Carried Out and Summary of Representations Received

CHIGWELL PARISH COUNCIL: The Council OBJECTS to this application, because the proposed extensions would constitute an over-development of the existing building and would likely cause inappropriate treatment being carried out on protected trees

Number of neighbours consulted: 4

Neighbour responses:

FOREST HOUSE: Objection – Consideration of impact on adjacent Listed property and impact on the TPO trees.

Main Issues and Considerations:

Design

The proposed flat roof additions although large are an acceptable way to extend this property, avoiding pitched roofs cutting into the fenestration above. The proposal includes flat roof additions to the side which will be visible from the front, however, given the dwellings existing 'L' shaped footprint the southern element will be obscured by the adjacent property and therefore in this case the flat roofs are acceptable.

The extensions will match the brick work to the lower part of the property.

Amenity

The proposal is set in from both adjacent boundaries by 1.5m and given the low height and given the low height of 3m no amenity concerns are raised.

Impact on Trees

The Tree Officer has no objection as the revised application has provided the Tree Officer with the reassurance that the proposal can be built without harm to the protected Trees.

Impact on Setting of the adjacent Listed Building

The application property is not curtilage listed, although it has been built on what would have been part of the original curtilage of Forest House. The Conservation Officer has been consulted and assessed the application and the proposal will not have an impact on the listed Forest House as it will not be seen in the context of the listed building.

Conclusion:

The proposal is considered to comply with relevant planning policy and it is recommended that 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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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

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