

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee South Wednesday, 23rd November, 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, 23rd November, 2022
at 7.00 pm.**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer:**

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

Members:

Councillors K Williamson (Chairman), S Patel, I Allgood, R Baldwin, D Barlow, P Bhanot, R Brookes, E Gabbett, S Heap, R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead, S Murray, C Nweke, M Owen, A Patel, Caroline Pond, C C Pond, S Rackham, K Rizvi, 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 lower 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 sit in the upper council chamber public gallery area 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

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

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

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

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

Members are reminded to activate their microphones before speaking”.

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

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage 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/>

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 9 - 18)

To confirm the minutes of the last meeting of the Sub-Committee held on 26 October 2022.

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

Any member who wishes a site visit to be undertaken for any of the applications listed in this agenda should seek agreement from at least one other member of the Committee and then inform both Planning and Democratic Services **prior to the day of the meeting**.

9. PLANNING APPLICATION - EPF/3294/21 295-309 HIGH ROAD, LOUGHTON IG10 1AL (Pages 19 - 28)

To consider the attached report for a roof extension to provide an additional floor of residential accommodation comprising 4 flats, and associated amenity space and including a new extension of existing staircase and additional escape staircase.

10. PLANNING APPLICATION - EPF/1266/22 121 RODING ROAD, LOUGHTON IG10 3BS (Pages 29 - 44)

To consider the attached report on the extensions and alterations to provide 1x new retail premises on the ground floor and 5x new residential apartments over with associated amenity space.

11. PLANNING APPLICATION - EPF/1330/22 DAVENANT FOUNDATION SCHOOL, CHESTER ROAD, LOUGHTON IG10 2LD (Pages 45 - 50)

To consider the attached report on the retrospective application for air conditioning unit to building granted under EPF/1465/20.

12. PLANNING APPLICATION - EPF/1478/22 16 STATION ROAD, LOUGHTON IG10 4NX (Pages 51 - 62)

To consider the attached report on a proposed replacement dwelling.

13. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of

business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

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 2022-23
Members of the Committee and Wards Represented:

				
Chairman	Vice Chairman			
Cllr K Williamson	Cllr S Patel	Cllr Heap	Cllr Gabbett	Cllr Patel
Buckhurst Hill West	Buckhurst Hill West	Buckhurst East	Buckhurst Hill East	Buckhurst Hill West
				
Cllr Bhanot	Cllr Rizvi	Cllr Sunger	Cllr Barlow	Cllr Lion
Chigwell Row	Chigwell Village	Chigwell Village	Grange Hill	Grange Hill
				
Cllr Rackham	Cllr Nweke	Cllr I Allgood	Cllr Owen	Cllr C C Pond
Grange Hill	Loughton Alderton	Loughton Alderton	Loughton Broadway	Loughton Broadway
				
Cllr Mead	Cllr Wixley	Cllr Baldwin	Cllr Jogia	Cllr Brookes
Loughton Fairmead	Loughton Fairmead	Loughton Forest	Loughton Forest	Loughton Roding
				
Cllr Murray	Cllr B Jennings	Cllr C P Pond	Cllr J Jennings	Cllr Kauffman
Loughton Roding	Loughton St John's	Loughton St John's	Loughton St Mary's	Loughton St Mary's

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** Wednesday, 26 October 2022
South

Place: Council Chamber, Civic Offices, **Time:** 7.00 - 8.05 pm
High Street, Epping

Members Present: Councillors K Williamson (Chairman), S Patel, I Allgood, R Baldwin, R Brookes, A Lion, S Murray, C Nweke, M Owen, Caroline Pond, C C Pond and D Wixley

Members Present (Virtually): Councillors L Mead

Apologies: P Bhanot, S Heap, R Jennings, J Jennings, J Jogia, H Kauffman, A Patel, K Rizvi and D Sunger

Officers Present: G Courtney (Planning Applications and Appeals Manager (Development Management)), L Kirman (Democratic Services Officer) and A Buckley (Higher Level Apprentice (Internal Communications))

Officers Present (Virtually): A Hendry (Democratic Services Officer)

68. 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.

69. DECLARATIONS OF INTEREST

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

- EFP/0878/22 - 32 Lushes Road, Loughton IG103 QB

b) Pursuant to the Council's Members' Code of Conduct, Councillor Brookes declared a non-pecuniary interest in the following item of the agenda by virtue of meeting the family when visiting the premises. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:

- EFP/0878/22 - 32 Lushes Road, Loughton IG103 QB

70. MINUTES

For Planning Application - EPF/0885/22 51 Algiers Road, Loughton IG10 4NF, the word 'small' should be deleted from Reason 1.

RESOLVED:

That the minutes of the Sub-Committee held on 28 September 2022 be taken as read and signed by the Chairman as a correct record, subject to the above amendment.

71. ANY OTHER BUSINESS

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

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

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

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

73. SITE VISITS

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

74. PLANNING APPLICATION - EPF/0654/22 231 HIGH ROAD, LOUGHTON IG10 1AD

Application Ref: EPF/0654/22
Application Type: Full planning permission
Case Officer: Alastair Prince
Site Address: 231 High Road Loughton IG10 1AD
Proposal: Installation of 1no. outdoor AC Condensing unit, to flat roof of the property (Revised application to EPF/0100/22)
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyxF>
Decision: Approve with Conditions

Conditions: (3)

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.
- 3 The use hereby permitted must cease during any period that the rating level of noise (as defined by BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound") emitted from the air conditioning unit installed as shown on plan no. 1958/BP exceeds the prevailing background

noise level, and the air conditioning unit shall not be operated outside of 08:00 and 20:00. The measurement position and assessment shall be made according to BS4142:2014 + A1:2019.

Reason: To protect the amenity of noise sensitive premises from noise from mechanical plant.

Informatives: (1)

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

75. PLANNING APPLICATION - EPF/0878/22 32 LUSHES ROAD, LOUGHTON IG10 3QB

Application Ref: EPF/0878/22
Application Type: Full planning permission
Case Officer: Alastair Prince
Site Address: 32 Lushes Road Loughton Essex IG10 3QB
Proposal: Proposed 4 metres single storey rear extension & an outbuilding.
Ward: Loughton Alderton
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzAd>
Decision: Approve with Conditions

Conditions: (6)

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 32LUSHRD; Block Plan, ExistElevs, ExistElevs/A, ExistPlans, Location Plan, PropElevs, PropElevs/A, PropPlans, Roof Plans

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Reason: To ensure a satisfactory appearance in the interests of visual amenity

of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

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

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 6 The outbuilding hereby permitted shall not be occupied for any residential overnight accommodation and shall not be used at any time other than for purposes incidental to the residential use of the dwelling known as 32 Lushes Road, Loughton, IG10 3QB.

Reason: The development does not satisfy the standards considered acceptable by the Local Planning Authority for a separate unit of accommodation, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, Policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

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

76. PLANNING APPLICATION - EPF/1414/22 40 WESTBURY LANE, BUCKHURST HILL IG9 5PL

Application Ref: EPF/1414/22
Application Type: Householder planning permission
Case Officer: Muhammad Rahman

Site Address:	40 Westbury Lane, Buckhurst Hill, IG9 5PL
Proposal:	Retention of flat roof rear dormer, new pitched roof to front porch, additional roof lights, and external alterations including new materials & fenestration (Revised scheme to approved consent EPF/0166/21).
Ward:	Buckhurst Hill West
Parish:	Buckhurst Hill
View Plans:	https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O4dw
Decision:	Approve with Conditions

Conditions: (8)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: MDP.WL/01, MDP.WL/022 Rev B, and MDP.WL/33 Rev B.

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

- 2 Within 3 months of the date of this decision notice, details of the proposed landscaping of the site, including retained landscaping (trees/hedges) and other natural features and the proposed times of planting (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 3 Prior to first occupation of the extensions 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Access to the flat roofs over the single storey extensions shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 6 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 7 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 8 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 of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with policies CP2, CP7, DBE9 & DBE10 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission

Version 2017, and the NPPF.

Informatives: (3)

- 9 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 10 The applicant is advised to note that in certain soil conditions, particularly in areas with known springs, subterranean development can impact on groundwater flows and levels. This form of development has been known to block or redirect natural groundwater flows, causing subsidence, instability, saturation and/or flooding where this was not previously occurring. If your proposed development leads to these effects on neighbouring properties and structures, you could be liable for civil litigation. You are advised to thoroughly investigate the hydrological and flooding implications of your proposed development.
- 11 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/ near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

77. PLANNING APPLICATION - EPF/1606/22 7 NAFFERTON RISE, LOUGHTON IG10 1UB

Application Ref: EPF/1606/22
Application Type: Householder planning permission
Case Officer: Alastair Prince

Site Address: 7, Nafferton Rise, Loughton, IG10 1UB
Proposal: Proposed part single storey/part two storey side extension to existing dwelling.
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OG6C>
Decision: Approve with Conditions

Conditions: (8)

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 2353; 01, 02/A, 03, 04/H, 05/J, 06/B

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.
- 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Tree protection shall be installed as shown on Hallwood Associates 'Tree Protection Plan' drawing number HWA10763_TPP (dated 21st January 2022) 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 7 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 8 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 northern flank elevation, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with policy DBE2 of the adopted Local Plan 1998 & 2006, Policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

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

CHAIRMAN



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Application Number:	EPF/3294/21
Site Name:	295-309 High Road Loughton IG10 1AL

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OFFICER REPORT

Application Ref: EPF/3294/21
Application Type: Full planning permission
Applicant: Metropolitan & City Properties (Ltd)
Case Officer: Marie-Claire Tovey
Site Address: 295-309 High Road
Loughton
IG10 1AL

Proposal: Roof extension to provide an additional floor of residential accommodation comprising 4 flats, and associated amenity space and including a new extension of existing staircase and additional escape staircase.

Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000Nxx>
Recommendation: Approve with Conditions

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 forms part of a block of commercial units with residential above located on the east side of the High Road. Although still part of the High Road, the site is set behind an access road which runs parallel to the High Road and a grassed and tree area separates this access from the main High Road. The application site is currently three stories, whereas the rest of this block is 4 stories in height. The application site appears as three blocks with the central block slightly forward and the most southern block is slightly lower. There is access to the rear of the site with a parking and refuse area. The site is not within the Green Belt or a Conservation Area. It is within the built up area of Loughton, opposite a supermarket and close to all the shops, services and transport links within Loughton.

Description of Proposal:

The application seeks consent for a roof extension to provide an additional floor of residential accommodation comprising 4 flats, and associated amenity space and including a new extension of existing staircase and additional escape staircase.

Relevant History:

None relevant

Policies Applied:

Local Plan (1998) and Alterations (2006)

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

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

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

Epping Forest District Local Plan (Submission Version) 2017

Policy		Weight
SP2	Spatial Development Strategy	Significant
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and quality	Significant
DM11	Waste recycling facilities on new development	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
T1	Sustainable Transport Choices	Significant
P2	Loughton	Significant
D1	Delivery of Infrastructure	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 57

4 Objections received from the following addresses:

297B, 309A, HIDDEN HEARING (299) HIGH ROAD and LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – Noise issues from construction, Existing parking issues, loss of flat sale, noise from stairwell, refuse size, sewer issues, impact on the SAC, top heavy,

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this application stating that by reason of its height and bulk the building would become overbearing and dominate the streetscene, destroying the overall outlook of the High Street. The increase amount of glass in the building would result in heating up of the building, and no forethought had been given to the possible future need for increase air conditioning units, which if approved, would be detrimental.

The creation of four new dwelling would mean increase car pollution and a subsequent impact on the air quality to the SAC, which would be unacceptable.

Natural England and Loughton Town Council have both advised in their main modifications responses to the Inspector (autumn 2021) that the LPSV cannot yet be considered justified, effective or consistent with national policy in relation to detriment to the SAC. Therefore, we object to this application because of the urbanisation effect, burden on recreational pressure, and damage to air quality in the SAC that the application, alone or with other projects will engender.

Main Issues and Considerations:

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

Principle of Development

The application site is located on previously developed land within the urban area of Loughton, this location is in compliance with the ethos of SVLP policy SP2 which encourages this form of development outside of the Green Belt. The site is located above a parade of shops and on top of the shops, services and transport connections within Loughton. Due to its location it is considered a very sustainable site.

Design

The proposal results in a flat roof addition to the existing building. The proposal will follow the roofline of the existing with the southern part of the extension lower than the northern part. The proposal will be quite contemporary in appearance with clean, sharp lines and full length windows.

The proposal will sit directly above the main front wall of the below floors, but will not extend to the rear to allow for a private amenity space for each flat.

This proposal will level up with the rest of this parade which is already 4 stories. The increase in height is considered acceptable given it will be no higher than the existing situation at the other side of the block. In addition the increase height is considered suitable for this 'gateway' building into the commercial area of Loughton High Road. The proposal is therefore considered to be an acceptable addition within the streetscene and the wider area.

Impact on Amenity

Existing Neighbours

The proposal will cause some disturbance to existing occupiers during construction, this will be unavoidable but any disturbance can be controlled to a degree by condition for example by limiting working hours and ensuring a construction management plan is submitted.

Although the additional floor will allow for further views, this is not considered to be excessive above that of the existing situation from the floor below to justify a refusal. Although the nearest property is just across the accessway to the rear, it is not considered overlooking to this property as given the height of the proposal any views will be far reaching rather than directly down to this property.

A daylight and sunlight report was also submitted with particular reference to No. 3 Traps Hill (the property directly to the rear) and this has concluded that the proposal is unlikely to adversely affect the daylight and sunlight amenity of this property.

Amenity of Future Occupiers

All the flats meet the Nationally Described Space Standards and are dual aspect. In addition, each flat has access and amenity area providing some 84m² across the four additional flats. A privacy screen will have to be provided between the terraces that adjoin but this can be reasonably conditioned as such.

Highways and Parking

The proposal does not provide any additional parking spaces for the proposed dwelling but given the application site within the Town Centre of Loughton, the proposal is in line with the ethos of SVLP policy T1 which encourages reduced/car free development in sustainable locations.

A Transport Survey with parking survey was submitted with the application and Essex County Council have been consulted on the survey and this proposal. The Highways Officer found that the: *site is well located in terms of accessibility, with good access to other modes of sustainable travel. Further to this, the surrounding roads are well secured with parking restrictions to prevent ad-hoc on-street parking becoming a safety issue. Consequently, there are no highway safety or efficiency issues associated with the proposal.*

The Highways Officer therefore has no objection subject to condition ensuring the proposed cycle facilities are provided prior to first occupation and that a travel information pack is provided.

SAC and Air Quality

RESIDENTIAL APPLICATIONS: Lies in 3km of the EFSAC as defined by the Zone of Influence and would result in a net increase in Average Annual Daily Traffic on roads through the 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 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

Stage 1: Screening Assessment

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

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

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

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

Atmospheric Pollution

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

Conclusions:

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

Other Matters

The Drainage Team have no objection or conditions to request relating to this application.

Air conditioning units would require planning permission if required in the future and ventilation is controlled by Building Regulations.

Conclusion:

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

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

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

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

Conditions: (11)

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 170_PL_00_99, 170_PL_00_100, 170_PL_00_101, 170_PL_00_102, 170_PL_00_103, 170_PL_01_100, 170_PL_01_101, 170_PL_01_102, 170_PL_01_103, 170_PL_01_104, 170_PL_01_110, 170_PL_01_111, 170_PL_01_112,

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

- 3 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 4 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies

RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

5 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. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. Tree protection measures.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policies DM21 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

6 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

7 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

8 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 9 Prior to any above groundworks of the development hereby permitted, details of provision for adequate storage for waste and recycling for the residential units hereby permitted shall be submitted to and approved by the Local Planning Authority. The measures as agreed shall be complete and available for use prior to first occupation of the residential units and thereafter maintained in accordance with the agreed details.

Reason: To ensure adequate provision is made in a suitable location in accordance with Policy DBE3 of the adopted Local Plan 1998 & 2006, Policy DM11 of the Local Plan Submission Version 2017, and the NPPF.

- 10 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. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and accessibility. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017, and the NPPF.

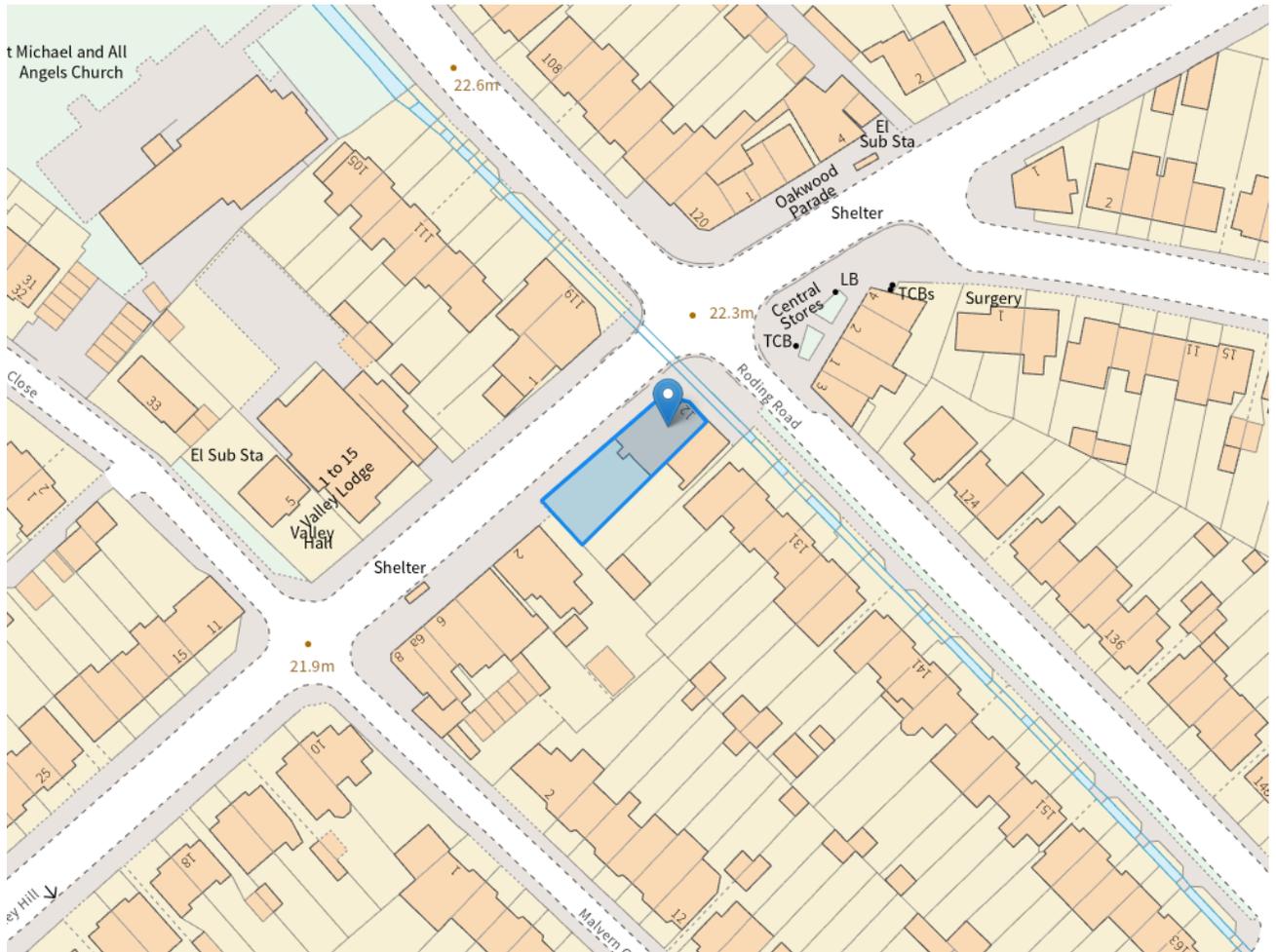
- 11 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017, and the NPPF.

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Application Number:	EPF/1266/22
Site Name:	121 Roding Road Loughton IG10 3BS

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OFFICER REPORT

Application Ref: EPF/1266/22
Application Type: Full planning permission
Applicant: RGB Hi-F & Video Ltd
Case Officer: Muhammad Rahman
Site Address: 121 Roding Road, Loughton IG10 3BS
Proposal: Extensions and alterations to provide 1x new retail premises on the ground floor and 5x new residential apartments over with associated amenity space.
Ward: Loughton Roding
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000001Cy>
Recommendation: Approve with Conditions

This application is before this Committee since it has been 'called in' by Councillor Stephen Murray and 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 on the corner junction with Roding Road and Valley Hill in Loughton. It consists of a two-storey building with commercial units at the ground floor and residential above with rear yard.

The site is designated as a local town centre within the adopted local plan Town Centre Hierarchy; however, it is not part of the hierarchy within the LPSV.

The building is not Listed, Locally Listed or set within a Conservation Area. It is partially located in Flood Zone 2. A protected tree lies adjacent to the site located on Valley Hill.

Proposal

The proposal is for extensions and alterations to provide 1x new retail (Class E a) premises on the ground floor and 5x new residential apartments over with associated amenity space.

The proposed retail unit would create an additional 110 sqm of floor space and the proposed opening hours are: 9am – 6pm on Mondays to Saturdays.

5 FTE employees are projected to be employed here.

The site would have a total of 7 residential units, 2 of which are existing (Flats 1 & 2). The proposed 5 units would be as follows:

1. Flat 3 = 1 bed – 2-person unit @ 50 sqm
2. Flat 4 = 1 bed – 2-person unit @ 50 sqm
3. Flat 5 = 2 bed – 3-person unit @ 63 sqm
4. Flat 6 = 2 bed – 3-person unit @ 61 sqm
5. Flat 7 = 1 bed – 2-person unit @ 50 sqm

All the above units including flat 1 will have access to their own private amenity space and flat 2 will have access to the common space.

An enclosed refuse and cycle storage is also proposed.

Relevant Planning History

EF\2021\ENQ\01082 – Pre-application for extensions and alterations to provide 6 x new one bed apartments with associated amenity space and 1 x new retail premises - Advice Given

EPF/1791/06 - Change of use from A1 to A2 - Refused

EPF/2235/05 - Change of use from class A1 to class A3 (Restaurant) - Refused

EPF/1796/99 - Two storey side extension to enlarge ground floor shop and first floor flat, rebuild single storey rear extension with parking and enlarged access at rear. (Revised application) - Approved with Conditions

EPF/1676/97 - Two storey side extension to provide addition to shop with two bedroom flat above and six car parking spaces to the rear - Refused

EPF/1070/98 - Two storey side extension to provide an addition to shop with a one bedroom flat above and 6 car parking spaces to the rear (amended application) - Approved with Conditions

EPF/1769/89 - Change of use of shop premises to veterinary surgery - 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

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

TC1 Town Centre Hierarchy

TC3 Town Centre Function

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 108 & 109
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;

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
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
E2 Centre Hierarchy/Retail Policy

Summary of Representations

Number of neighbours Consulted: 51. 12 response(s) received
Site notice posted: Yes

A re-consultation exercise was carried out on amended plans and only a handful of comments were received re-iterating the points set out below.

MULTIPLE OBJECTIONS RECEIVED inc. LRA Plans Group – Summarised as:

- Inadequate parking provision/Parking stress/Highway safety;
- Impact on EFSAC;
- Out of character;
- Overdevelopment;
- Drainage concerns;
- Loss of privacy/overlooking;
- Loss of light;
- Loss of outlook;
- Noise pollution; and
- Impact on trees.

LOUGHTON TOWN COUNCIL – In the absence of any resident comments to these amendments members expressed concern, as to whether neighbours had received their notifications, in light of the current postal strikes.

The Committee OBJECTED to this application, considering the amended plans failed to address its previous objections.

The Committee reiterated its previous comments which were:

“The Committee NOTED the contents of 12 letters of objection.

A member of the public with an interest in this application addressed the meeting.

The Committee OBJECTED to this application stating the proposal was for five additional dwellings which would place extra stress on the EF SAC. Natural England and Loughton Town Council have both advised in their main modifications responses to the Inspector (autumn 2021) that the LPSV cannot yet be considered justified, effective or consistent with national policy in relation to detriment to the

SAC. Therefore, we object to this application because of the urbanisation effect, burden on recreational pressure, and damage to air quality in the SAC that the application, alone or with other projects, will engender.

Members also commented on the close proximity of the site to the Roding Road Nature Reserve, and the negative impact the extra pollution would have on that.

The application would set a precedent for additional floors being erected on buildings in this area. This site was a regular array of small local shops set in double storey buildings within close proximity to neighbouring double storey residential properties – not the High Road. The effect of this proposal would be detrimental to the amenity and outlook of neighbours, in particular the occupants of nos 123 – 133 Roding Road, and possibly beyond, who would suffer a sense of enclosure and loss of outlook to their rear gardens.

The proposal may be a car free development but that does not stop the occupants from having cars. The site is located at a very busy junction, where illegal double parking regularly occurs from both private and commercial vehicles. Buses were often unable to turn right into Valley Hill causing severe congestion and highway safety issues at this busy junction, which has resulted in several collisions. Although double yellow lines are in situ no apparent enforcement is taken in this area. The additional residences would exacerbate this problem. No consideration had been given either to allow safe waste removal from the site.

Members believed that any proposal needed to provide suitable parking for visitors and delivery vehicles to ameliorate these issues.”

Planning Considerations

The main issues for consideration in this case are:

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

Character and Appearance

The scheme has evolved following concerns raised by the Councils Urban Design officer both at pre-app and application stage.

The proposed building would occupy a prominent corner plot at the junction of Roding Road and Valley Hill and be set in a varied street scene with a modern design that is considered to contribute positively to the character and appearance of the area, and the existing building. 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, by making an effective use of an under-used yard.

In terms of scale, bulk and massing the proposed development is considered to be of a high-quality design and well thought out, with a clear distinction between the old building and new which helps maintain openness on Valley Hill, acting as a visual break between the proposed and existing building elements.

Whilst the additional storey (Mansard Roof) makes the scheme taller than the neighbouring context, the set back of the mansard roof has helped to reduce the overall dominance of the scheme on the street

scene. The introduction of the new build element along Valley Hill helps to complete the street edge. Therefore, it is considered that the overall detailed design of the building and use of materials would be in keeping with the character and appearance of the area.

Accordingly, this development conforms to policies CP2, CP7 and DBE1 of the LP, and policy DM9 of the LPSV.

Vitality and Viability

The proposed retail unit is a welcome addition to the local parade making effective use of an under-used yard and would contribute to the vitality and viability of the local Town Centre.

Highway Safety and Parking Provision

Whilst there is no on-site car parking proposed, the site is nonetheless close to good public transport services and on-site cycle storage is proposed. It is approx. some 0.4 miles – 8-minute walk from Loughton Underground Station which runs approx. 10 trains per hour to Central London.

It is noted that the site is not distant from public open space, in the form of the Roding Valley Playing Fields, and that part of the commercial centre of Loughton High Road is within a reasonable walking distance. It is therefore concluded the site is in a relatively sustainable location.

Members should note that a comprehensive Parking Beat Survey was submitted along with this application to ascertain whether additional cars would add to the parking stress within this locality. Members will be very familiar with Parking Beat Surveys as they have been used for all the EFDC owned garage courts to housing.

From the highway officer's point of view, it demonstrates that there will be no detriment to highway safety if the development resulted in additional on-street parking in the vicinity, and that it will not result in an excessive level of parking stress (More than 90%) on the surrounding streets - namely Avondale Drive, Broomfield Avenue, Catherine Close, Cranleigh Gardens, Kenilworth Gardens, Malvern Gardens, Oakwood Hill, River Way, Roding Gardens, Roding Road, Southview Road, Southern Drive, Stonards Hill, Valley Close & Valley Hill.

Accordingly, it conforms to policy ST1, ST2, and ST4 from the LP, and policy T1 from the LPSV.

Moreover, the evidence of the survey and the Parking Standards themselves, which allow reductions in sustainable locations, are a strong case in favour of the proposal, and there is no contrary evidence to show that the development would create any detrimental harm as a result of on-street parking.

Living Conditions of Neighbours

The rear windows to the proposed first/second floor flats would be obscured glazed and privacy screens are proposed to the terraces and balconies to prevent any harmful overlooking to the rear gardens of No's 116, 114, 112, 110, 108 Roding Road.

The proposed building would be orientated towards the northwest, so there would be no material loss of daylight/sunlight to the amenities of No's 116, 114, 112, 110, 108 Roding Road.

The new building forms a u-shape to the rear elevation which breaks up the bulk and together with the visual gap from the rear gardens of No's 116, 114, 112, 110, 108 Roding Road there would be no harmful overbearing or visual impact that warrants a reason for refusal.

No other concerns are envisaged to neighbouring amenities.

Standard of Accommodation

The proposed units would meet the National Described Space Standards with access to their own private amenity space.

The proposed building is orientated toward the northwest, and the flats are dual aspect, 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.

A condition requiring the windows to meet the British Standards for sound insulation has been included to further protect any future users from harmful noise from neighbouring businesses and traffic.

Trees and Landscaping

The Council's Tree Officer has raised no objections to the proposal.

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 Loughton. 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. 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 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 drainage. A pre-commencement condition requiring further details has been added. So, this element would be assessed post-application via an approval of condition application.

In terms of sustainability, the agent has set out the following;

In the attached roof plan, there is an indicative solar array. We are working towards incorporating electric radiators/underfloor heating (which can be supplemented by the PVs) and internal heat pump

boilers to each new build flat as a more suitable alternative to ASHP. This would be an electrical only and energy efficient approach that avoids the need for external plant.

The above has been secured via a condition, i.e. further details will need to be submitted prior to any above groundworks.

Planning Balance & Conclusion

It is considered that the proposal makes efficient use of the space available in a highly accessible location. The proposal would add 5 units to the Councils housing supply which would also result in economic benefits derived from the construction and occupation of the homes and the use of the retail unit.

For the reasons set out above 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.

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest.

Case Officer: Muhammad Rahman | mrahman@eppingforestdc.gov.uk. If no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (22)

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 1049.000, 1049.001, 1049.002, 1049.003, 1049.010, 1049.011, 1049.013, 1049.014, 1049.101B, 1049.102D, 1049.103E, 1049.104B, 1049.110E, 1049.111E, 1049.112A, 1049.113, and 1049.114.

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

- 3 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. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policies DM21 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy

RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 5 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependent upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

Reason: The development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off, in accordance with policy U2B of the adopted Local Plan and Alterations 1998 & 2006, and policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Prior to any above groundworks, details of the solar array for the building and electric radiators/underfloor heating and internal heat pump boilers for the proposed residential units shall have been submitted to and approved by the Local Planning Authority, in writing. The development shall be carried out in accordance with the approved details and so retained.

Reason: To ensure the development contributes to supporting the District to be carbon neutral by 2030, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10, DM21 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 8 Prior to the first use of the balconies/terraces on the rear elevation, privacy screens as indicated on the approved plans no lower than 1.65 metres high shall have been installed and so retained.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 9 Prior to first occupation of the building/extension hereby permitted the window(s) in the rear elevation 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 10 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, and/or Oyster Cards, for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 11 Prior to the first occupation of the development the cycle parking as indicated on the approved plans shall be fully implemented and shall be retained as such for the life of the development.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and accessibility. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 12 Prior to the first occupation of the development the existing vehicular dropped kerb crossing for the site, on Valley Hill, shall be fully reinstated, including footway construction and full height kerbing as necessary.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety, in accordance with policies ST2 and ST7 of the adopted Local Plan and Alterations 1998 & 2006, policies T1 and DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 13 Prior to the first occupation of the development the refuse storage as indicated on the approved plans shall be fully implemented and shall be retained as such for the life of the development.

Reason: To ensure adequate provision is made in a suitable location in accordance with Policy DBE3 of the adopted Local Plan 1998 & 2006, Policy DM11 of the Local Plan Submission Version 2017, and the NPPF.

- 14 Prior to first occupation of the development, all external windows serving the habitable rooms of the residential units shall meet the British Standard BS 8233:2014 - Guidance on Sound Insulation and Noise Reduction for buildings - Code of Practice (or such other standard which may supersede it from time to time), and be retained in that condition in perpetuity.

Reason: To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policies RP5A and DBE9 of the adopted Local Plan and

Alterations and policies DM9 and DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 15 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 16 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 17 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 & design & access statement.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 18 The proposed dwellings hereby permitted shall be built in accordance with Part M4 (2) of the Building Regulations.

Reason To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households in accordance with Policy H1 of the Local Plan Submission Version 2017, and the NPPF.

- 19 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 20 The premises shall be used solely for Class E (a) and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987

(as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order, unless agreed with the LPA via a planning application.

Reason: To ensure that full consideration is given by the Local Planning Authority to any alternative in the interests of safeguarding neighbouring amenities, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 21 The use hereby permitted shall only be open to customers between the hours of 9am to 6pm on Monday to Saturday and at no times on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 22 No deliveries shall be taken at or despatched from the site during the hours of 6pm - 8am on Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, Policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (3)

- 23 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 24 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
- 25 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.

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Application Number:	EPF/1330/22
Site Name:	Davenant Foundation School Chester Road Loughton IG10 2LD

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OFFICER REPORT

Application Ref: EPF/1330/22
Application Type: Full planning permission
Applicant: Mr Chris Morris
Case Officer: Ian Ansell
Site Address: Davenant Foundation School, Chester Road, Loughton, IG10 2LD
Proposal: Retrospective application for air conditioning unit to building granted under EPF/1465/20.
Ward: Loughton Broadway
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d0000001LH>
Recommendation: Approve with Conditions

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:

Davenant School is accessed from the north-eastern end of Chester Road where the entrance forms a crossroads with Grosvenor Drive and Willingale Road. Pedestrian access is also available from the northern site boundary from Debden Lane. School buildings and parking areas are concentrated on the northern part of the site with extensive playing fields to the south. Other than the access road, the site lies wholly within the Green Belt.

Other than residential neighbours in Grosvenor Drive and Willingale Road, the site is surrounded by open ground, including wooded areas to the north and west.

Description of Proposal:

Permission is sought for the retention of an external air conditioning plant on the west side of the single storey building located north of the site access. The ground mounted structure is 1.7m high, 1.2m wide and projects around 0.5m from the building. Since submission of the application a hit and miss timber screen fence has been erected on the west and south sides of the structure 1.8m high.

The application confirms the unit is only used when the building is in use.

Relevant History:

The air conditioning unit serves a single storey building erected following grant of planning permission under application EPF/1465/20. Conditions attached to the permission include restrictions on the use of the building to between 08.00 and 17.00 hrs. Mondays to Fridays only.

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:

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity

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
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169

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
SP6	Green Belt and District Open Land
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM21	Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Date of site visit: 03 October 2022
Number of neighbours consulted: Ten
Site notice posted: No, not required

Responses received: One response received from neighbour at 151 GROSVENOR DRIVE which backs onto the building. The objector comments broadly on matters relating to the works to erect the building, and the siting of the plant on the side abutting the neighbouring houses. Primary concerns are around the potential noise and operation outside of school hours.

The LRA Plans Group have also commented on the need for the unit arising from the poor design of the original building and that such provision should have been designed in. The comments also refer to the appearance of the structure and potential for noise disturbance.

Parish Council: Loughton Town Council objected to the application, supporting the comments of the LRA Plans Group

Main Issues and Considerations:

Consultation responses were made before the addition of the screen fence. The unit is of a functional utilitarian appearance of no particular design merit. It is however located at ground level and has limited visual impact in its own right. The addition of the screen fence to the two sides closest to the neighbouring residential properties has removed any minor concerns about its appearance and visual impact. Subject to a condition that the fence is retained, the appearance is acceptable.

Equipment of this type does give off noise, but given the limited capacity of this unit, such noise is barely above ambient sound levels. Officers have visited the site and seen the plant in operation, and while it could be heard at the open northern end, when standing on the open ground to the west, the screening was effective, and the unit was inaudible. The plant is only required to operate when the building is in use and the hours of such use are controlled by the condition referred to above. A similar condition can be included for added safeguarding.

Conclusion:

Notwithstanding any comments in the representations about the history of the site, the applications must be considered on its merits. The screening of the equipment addresses any concerns about noise and appearance, such that no amenity issues arise from what has been built.

Accordingly, the application should be 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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

Conditions: (2)

- 1 The air conditioning unit hereby permitted shall only be operated between 08.00 and 17.00hrs Mondays to Fridays and at no other times.

Reason: In order to protect adjoining residents from potential noise disturbance, in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

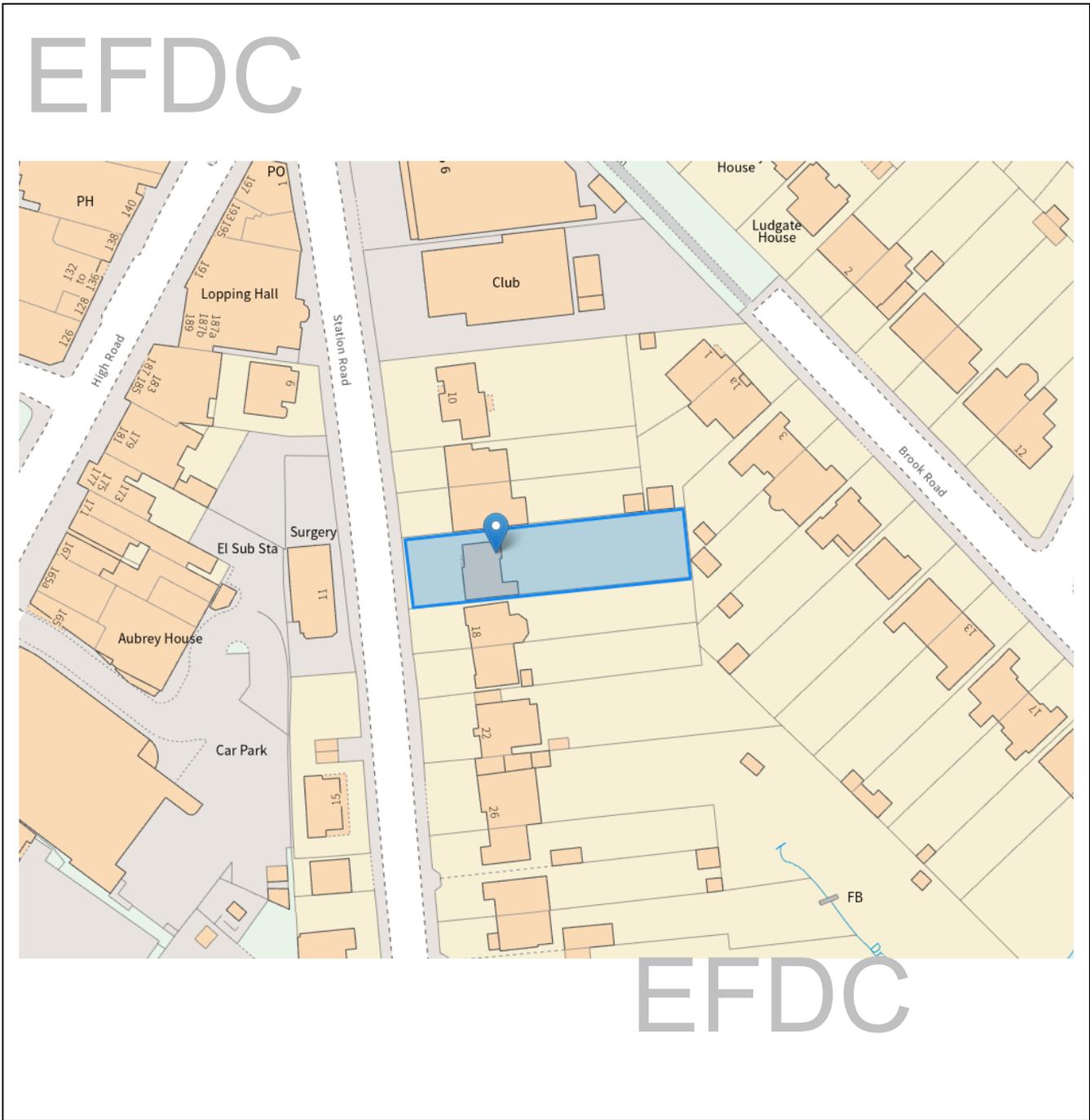
- 2 The screen fence shown on drawing DAVEN-IWD-XX-XX-DR-A-2200 Rev P2 shall be permanently retained for the duration of the operation of the air conditioning unit. Should any part of the fence become damaged or be removed, it shall be replaced on a like for like basis within 28 days of being damaged or removed.

Reason: In the interest of general visual amenity and in order to protect adjoining residents from potential noise disturbance, in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatives: (2)

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

- 4 This decision is made with reference to the following plan numbers: DAVEN-IWD-XX-XX-DR-A-2000 Rev P1, 2200 Rev P2 and 2400 Rev P2



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Application Number:	EPF/1478/22
Site Name:	16 Station Road Loughton IG10 4NX

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OFFICER REPORT

Application Ref: EPF/1478/22
Application Type: Full planning permission
Applicant: John Collins
Case Officer: Ian Ansell
Site Address: 16, Station Road, Loughton, IG10 4NX
Proposal: Proposed replacement dwelling.
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O8zP>
Recommendation: Approve with Conditions

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 site lies on the east side of Station Road and previously comprised of a two storey dwelling with attached garage. The building has been demolished following previous permission for a replacement. Trees and mature shrubs at the front and rear have at this time been retained.

The site lies in a predominantly residential location, but some other uses have been introduced reflecting the location close to High Road and Station, including a surgery opposite. Parking restrictions for the station apply along the road.

Description of Proposal:

The application proposes a replacement dwelling. The application amounts to a revision to the previously approved development.

The building is two storeys with a half hip roof which includes accommodation served by a rear dormer and rooflights front and rear. The front elevation includes an off-centre gable with cat slide roof over the entrance porch. At the rear, lies a single storey projection across half the width, and a gable roof to the rear bedroom above. Overall, the house has 5 bedrooms.

A raised patio extends across the rear of the property, set off the northern boundary where a below ground heat pump is located with access from a descending staircase.

A garage is included at the front for a small car, and the frontage is available for parking. No details of external materials are included, although the elevations suggest a render finish and roof tiles.

Relevant History:

EPF/2970/16 – replacement dwelling refused – loss of non-designated heritage asset, design, overbearing impact on no.18, impact of a first floor rear terrace

EPF/0110/17 – extensions to existing – approved

EPF/2615/20 – resubmission of 2017 application – approved

EPF/1656/21 – prior approval for demolition of existing dwelling – prior approval not required

EPF/0265/22 – replacement dwelling – approved subject to conditions.

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:

CP2	Protecting the quality of the rural and built environment
NC1	SPA's, SAC's and SSSI's
RP4	Contaminated land
U3B	Sustainable drainage systems
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of Amenity
LL10	Adequacy of provision for landscape protection
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 – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

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
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: 03 October 2022

Number of neighbours consulted: Seven

Site notice posted: No, not required

Responses received: Responses received from neighbours at 14 and 18 STATION ROAD commenting on:

- Scale of building excessive and out of character
- Increased roof height causes overshadowing
- Loss of outlook of Lopping Hall
- Overlooking from rear dormer and first floor windows
- Potential noise disturbance from plant room

Loughton Residents Association Plans Group have objected commenting on the loss of the original building on the site and object stating that the building is excessively bulky and would sit uncomfortably on its plot and be out of character with this part of Station Road. If minded to approve, conditions are requested around reuse of elements from the old building.

Parish Council: Loughton Town Council have objected on the grounds that by nature of its excessive height and bulk the proposed dwelling will sit uncomfortably on the plot, be out of character with this part of Station Road, dominating and being overbearing to the neighbouring properties. It should be set well back from both side boundaries.

Main Issues and Considerations:

Planning permission has already been granted for a replacement dwelling on the site. While the application falls to be determined on its own merits, comparison between the two schemes is relevant in the context of considering whether the changes are so significant as to have a materially greater impact on local character and neighbour amenity.

The building subject of the current application has the same ridge height as the previous approved scheme and is set in from the flank boundaries by the same distance. The gable end roof with a reduce gable element on the southern end has been replaced by a single roof scape with half hipped ends. Two dormers in the front roof slope have been removed. The off centre gable and cat slide flank remains but has been moved across the frontage.

The rear elevation has been simplified, including one gable and a small dormer rather than two gabled elements. The building is deeper however, projecting around 3m on the south side at two storeys and with a single storey element on the north side the same depth as an extension (also single storey) at no.14.

In light of the comparisons around the scale and elevational treatments, it is evident that the building is not excessively tall or bulky. The street elevations confirm this, the proposal fits in between the noticeably taller building to the north and the much lower, more modern building to the south. Both neighbouring properties are two storeys with accommodation in the roof space including rear dormer additions. While the proposal includes a limited crown element, this does not add substantially to the

scale or bulk in the broader setting. The elevational treatment is proportionate and varied, indicative of good design principles in an area of mixed built form and finishes,

Neighbours raise concerns about direct impacts, particularly overlooking from the rear dormer window. Such rooms in the roof are common in this location, including at both neighbouring properties and the principle of rear facing dormers is established. The building does not project forward of neighbours and does not block existing established views of nearby buildings of local interest. The building projects beyond the rear of no 18 by around 3 metres, but the development lies to the north side and no.18 is set off the boundary with a single storey garage / store adjacent to the flank. Habitable room windows are therefore set off the boundary and direct impact is therefore limited. The neighbour to the north has a substantial ground floor extension built up to the boundary projecting to the same depth as the proposed ground floor. At first floor, the new building projects around 2.5m beyond the first floor of no.14, but both 14 and the new build have single storey elements between such that the projection would not breach a 45 degree angle from any rear facing window. No 14 does have secondary windows in the side roof of the ground floor extension and in the flank of the main house above ground floor, but such windows are of secondary character.

Residents comment on the proposed plantroom, which is located below the patio level. This will serve a small domestic heat pump reducing the carbon imprint of the development overall. Such a small scale feature would not be expected to generate noise audible from adjoining residential properties. A condition can be added to that effect, with wider powers available under control of noise pollution legislation also available.

The site lies in the core EFSAC area, but as a replacement dwelling, it is recognised that off-site mitigation is not required, appropriate conditions can be included to improve on-site resilience in terms of sustainable water use and electric vehicle charging provision.

Consultations raise a number of detailed matters in relation to tree retention and protection, drainage and contamination which can be dealt with by condition.

Conclusion:

Notwithstanding any comments on the building that once stood on the site, a replacement is clearly appropriate in the current circumstances. The previous approval establishes an acceptable scale of the development which the current proposals are consistent with; the height and general form fit into the gap between the existing neighbouring buildings to create a graduated roof profile. Variety in scale, mass and height is entirely consistent with the prevailing character in Station Road.

The building follows good design principles, and in officers view does not have a significant harmful effect on the amenities of the immediate neighbours.

Accordingly, the application is recommended for approval subject to conditions.

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

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

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

Conditions: (17)

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

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

2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 2021.079.PA.01, 02, 03, 04, 05, 06, 07A, 08A, 09A, 10A, 11A, 12A, 13A and 14A

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

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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 5 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Prior to the commencement of development other than groundworks, a Whole Life Carbon Assessment for the development shall be submitted to and approved by the Local Planning Authority. Measures recommended by the Assessment shall be incorporated into the development prior to first occupation.

Reason: In order to reduce the impact on development on the wider environment in accordance with policies CP1 and CP5 of the adopted Local Plan and Alterations, policies SP1 and DM20 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 7 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 8 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development,

whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 9 Prior to the first use of the patio area, details of a privacy screens at both edges of the patio no lower than 1.7 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 12 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 13 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

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

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 15 Prior to first occupation of the building hereby permitted the windows in the flank elevations 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, and no additional windows shall be installed into the flank elevations of the building without prior consent from the Local Planning Authority through an appropriate application.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 16 The heat pump plant room hereby approved shall be maintained and operated so as to be inaudible from within any adjoining residential property.

Reason: To safeguard the amenities of adjacent properties, in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 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, B and E of Part 1 to Schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties in accordance with policies DBE2 and DBE9 of the adopted Local Plan 1998 & 2006, PolicyDM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatives: (3)

- 18 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 20 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.
- 21 The site is at risk of surface water flooding and it is recommended that the applicant refers to the EA's flood risk standing advice. If the applicant wishes to discuss this in more detail please contact the Environmental Protection and Drainage Team.

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