

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee South Wednesday, 29th March, 2023

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, 29th March, 2023
at 7.00 pm.**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer:**

L Kirman, 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 564542.

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 - 24)

To confirm the minutes of the last meeting of the Sub-Committee held on 22 February 2023.

6. ANY OTHER BUSINESS

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

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

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

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

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

8. SITE VISITS

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

9. PLANNING APPLICATION - EPF/0563/22 95 TYCEHURST HILL, LOUGHTON IG10 1BZ (Pages 25 - 28)

To consider the attached report for a first floor extension over existing garage including second gable feature.

10. PLANNING APPLICATION - EPF/1905/22 142 MANOR ROAD, CHIGWELL IG7 5PR (Pages 29 - 40)

To consider the attached report on the demolition of 1 x detached dwelling and an erection of two buildings to accommodate 9 x 2 bed flats, along with parking amenity and landscaping at 142 Manor Road, Chigwell, Essex, IG7 5PR.

11. PLANNING APPLICATION - EPF/2453/22 47 HILLCREST ROAD, LOUGHTON IG10 4QH (Pages 41 - 46)

To consider the attached report on TPO/EPF/10/21 - T1: Oak - Fell, as specified.

12. PLANNING APPLICATION - EPF/0144/23 7 BROOKLYN AVENUE, LOUGHTON IG10 1BL (Pages 47 - 66)

To consider the attached report for a proposed detached 3 bedroom dwelling in an existing side garden (Re-submission of EPF/1306/21 dismissed on Appeal on EFSAC grounds only).

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, 22 February 2023
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.00 - 8.10 pm
Members Present:	Councillors K Williamson (Chairman), I Allgood, R Baldwin, P Bhanot, R Brookes, J Jogia, H Kauffman, L Mead, S Murray, M Owen, A Patel, Caroline Pond, C C Pond, K Rizvi, D Sunger and D Wixley		
Members Present (Virtually):	Councillors		
Other Councillors:	Councillors		
Other Councillors (Virtual):	Councillors		
Apologies:	S Patel, E Gabbett, S Heap, R Jennings, J Jennings and A Lion		
Officers Present:	A Hendry (Democratic Services Officer), R Moreton (Corporate Communications Officer) and J Rogers (Principal Planning Officer)		
Officers Present (Virtually):	V Messenger (Democratic Services Officer)		

105. 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.

106. DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillor D Sunger declared a non-pecuniary interest in the following item of the agenda by virtue that the applicant's son was known to him. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/2278/22 - 8, Alderton Hall Lane, Loughton

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

- EPF/2278/22 - 8, Alderton Hall Lane, Loughton
- c) Pursuant to the Council's Members' Code of Conduct, Councillor D Wixley declared a non-pecuniary interest in the following item of the agenda by virtue that he knew one of the objectors. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/2849/22 - 27, Highland Avenue, Loughton

107. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 25 January 2023 be taken as read and signed by the Chairman as a correct record.

108. ANY OTHER BUSINESS

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

109. 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>

110. SITE VISITS

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

111. DECISIONS

Details of all decisions made at the meeting are shown the appendix to the minutes.

112. PLANNING APPLICATION - EPF/2278/22 8 ALDERTON HALL LANE, LOUGHTON IG10 3HJ

113. PLANNING APPLICATION - EPF/2478/22 1 TOMSWOOD ROAD, CHIGWELL IG7 5QP

114. PLANNING APPLICATION - EPF/2640/22 3 LINKSIDE, CHIGWELL IG7 5DN

115. PLANNING APPLICATION - EPF/2849/22 27 HIGHLAND AVENUE, LOUGHTON,
IG10 3AH

CHAIRMAN

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Application Ref: EPF/2278/22
Application Type: Householder planning permission
Case Officer: Kie Farrell
Site Address: 8, Alderton Hall Lane, Loughton, IG10 3HJ
Proposal: Construction of new boundary fencing
Ward: Loughton Alderton
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000P8Jr>
Decision: Approved with Conditions

Conditions: (4)

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Drawing 28-06-22_P01 – Boundary Treatment Photographs of Existing
Drawing 28-06-22_P02 Rev A – Boundary Treatment As Existing
Drawing 28-06-22_P03 Rev B – Boundary Treatment As Proposed
Design Statement, November 2022.

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

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

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 Prior to any above ground works, details of the proposed landscaping of the site, including retention of trees 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 approved landscaping shall be carried out in accordance with the approved details and at the agreed times.

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, so as to safeguard and enhance the visual amenities of the area 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, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

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

Application Ref: EPF/2478/22
Application Type: Removal/variation of conditions
Case Officer: Ian Ansell
Site Address: 1, Tomswood Road, Chigwell, IG7 5QP
Proposal: Application for Variation of Condition 2 of EPF/0840/18 (Proposed apartme block (seven flats)).
Ward: Grange Hill
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UV2Q>
Decision: Approved with Conditions

Conditions: (24)

- 1 Commencement of development – no longer required
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1793.001.00, 200B, 202B, 203A, 208.B, 301.02, 304.02, 305.00 ; 308.B

Reason: To ensure the proposal is built in accordance with the approved drawings.

- 3 All works shall be undertaken in accordance with the Construction Method Statement approved under application reference EPF/2808/21, unless an alternative scheme is approved by way of a further application.

Reason:- To limit the impact of the construction work on the living conditions of residents in close proximity to the site, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017 , and the NPPF 2021.

- 4 All site levels, including ground floor slab levels, roadways and accessways, shall accord with the details approved under application reference EPF/2808/21

Reason:- To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2, DBE1 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017 the NPPF 2021.

- 5 The disposal of surface water measures approved under application reference EPF/2808/21 shall be implemented fully in accordance with the agreed details.

Reason:- To ensure satisfactory provision and disposal of surface water in the interests of public health, in accordance with the guidance contained within the National Planning

Policy Framework and policy RP3 and U3B of the adopted Local Plan and Alterations, policies DM15 and DM16 of the Local Plan Submission Version 2017 , and the NPPF 2021.

- 6 Tree protection measures in relation to the oak tree on the highway verge (TPO/EPF/08/09 T2) shall be retained for the duration of building works in accordance with details approved under application reference EPF/2808/21.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to preserve the amenity value of the tree(s) and to preserve its / health, in accordance with the guidance contained within the National Planning Policy Framework and policy LL08 of the adopted Local Plan and Alterations, policies DM3 and DM5 of the Local Plan Submission Version 2017 , and the NPPF 2021

- 7 Measures for general tree protection across the site shall be retained for the duration of building works in accordance with details approved under application reference EPF/2808/21.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded, in accordance with the guidance contained within the National Planning Policy Framework and policy LL08 of the adopted Local Plan and Alterations, policy DM3 of the Local Plan Submission Version 2017 and the NPPF 2021 .

- 8 Hard and soft landscaping works shall be undertaken in full accordance with the details approved under application reference EPF/2808/21. 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 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 the guidance contained within the National Planning Policy Framework and policies CP2 and LL11 of the adopted Local Plan and Alterations, policies DM3 and DM5 of the Local Plan Submission Version 2017 , and the NPPF 2021.

- 9 External materials used in the construction of the development shall fully accord with details approved under application reference EPF/2808/21.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policy DBE1 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017 , and the NPPF 2021.

- 10 Fencing and means of access for service vehicles to the refuse storage area shall be installed in accordance with details approved under application reference EPF/2808/21

and be available for use prior to the first occupation of any of the residential units hereby approved.

Reason: To ensure adequate provision for refuse and recycling is provided in a suitable enclosure in the interests of general and visual amenity, in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017 , and the NPPF 2021

- 11 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

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 policy LL10 of the adopted Local Plan and Alterations, policies DM3 and DM5 of the Local Plan Submission Version 2017 , and the NPPF 2021.

- 12 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works. Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that unexpected contamination was encountered.

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 the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations and policy DM21 of the Local Plan Submission Version 2017.

- 13 All construction/demolition works and ancillary operations, including vehicle movement

on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason- In the interests of the amenities of noise sensitive properties, in accordance with guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations, and policies DM9 and DM21 of the Local Plan Submission Version 2017.

- 14 No development shall take place without wheel washing or other cleaning facilities for vehicles leaving the site during construction works having been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with the guidance contained within the National Planning Policy Framework and policy ST4 of the adopted Local Plan and Alterations, and policies DM9 and DM21 of the Local Plan Submission Version 2017.

- 15 Prior to the first occupation of the development the access arrangements, vehicle parking turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, parking and turning is provided in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the adopted Local Plan and Alterations, policies T1, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF

- 16 Prior to the first occupation of the development the existing vehicular accesses off of Tomswood Road shall be fully reinstated to include full height kerb, footway construction and any amendments to the road lining as considered necessary.

Reason: To ensure that appropriate access, parking and turning is provided in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the adopted Local Plan and Alterations, policies T1, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF

- 17 Prior to first occupation of the proposed development, the Developer shall be responsible provision and implementation, per dwelling, 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.

Reason: To ensure that appropriate access, parking and turning is provided in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the adopted Local Plan and Alterations, policies T1, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF

- 18 The cycle store indicated on the approved plan shall be fully installed in accordance with the details shown on the approved plans prior to first occupation of any of the residential hereby permitted, and shall thereafter be retained and maintained for the storage of residents cycles.

Reason: In order to promote sustainable development objectives to reduce reliance on car travel, in accordance with policies CP1, CP9 and ST2 of the adopted Local Plan and Alterations, policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 19 Any gates provided at the vehicular access shall be inward opening only and shall be set minimum of 6 metres from the back edge of the carriageway.

To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the adopted Local Plan and Alterations, policies T1 and T2 of the Local Plan Submission Version 2017 , and the 2021.

- 20 Windows above ground floor level in the south facing side elevation of the building hereby permitted (abutting 3 Tomswood Road) shall be fixed and completed in obscure glass below 1.8m above floor levels in the rooms they serve. The said windows shall thereafter be retained in that form, and no additional windows shall be inserted above ground floor in the said side elevation without prior consent from the Local Planning Authority.

Reason To protect the amenities of adjoining occupiers in accordance with policy DBE 9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017 and the NPPF.

- 21 Other than as set out in the application hereby approved, no part of any flat roof area to the building shall be used as a balcony, roof terrace or other amenity area without prior consent from the Local Planning Authority.

Reason: To protect the amenities of adjoining occupiers in accordance with policy DBE 9 adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017 and the NPPF.

- 22 Electric vehicle charging points shall be installed fully in accordance with the details approved under application reference EPF/0034/22 fully operational and available for use to first occupation of any dwelling in the building.

Reason: To help support improvements to air quality in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies SP1, T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 23 Superfast broadband connections approved under application reference EPF/0034/22 shall be fully installed, operational and available to residents from first occupation of any dwelling in the building.

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 SP1, D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the 2019.

- 24 The acoustic barrier shown on the plans hereby approved, along with a 2m screen to the elevation of the balcony hereby approved, shall be installed in full accordance with the submitted details prior to the first occupation of any residential unit.

Reason: To protect the amenities of adjoining residents in accordance with policies DBE2 DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatives: (1)

- 25 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.

Application Ref: EPF/2640/22
Application Type: Householder planning permission
Case Officer: Muhammad Rahman
Site Address: 3, Linkside, Chigwell, IG7 5DN
Proposal: Single-storey (rear/side/front) extensions, roof alterations with rear box dormer, Juliet balcony, and a further Juliet balcony at first floor level.
Ward: Chigwell Village;Grange Hill
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UiXV>
Decision: Refused

Reasons:(2)

1. The proposal would result in significant and harmful overlooking to neighbouring dwellings, in particular No's 2 & 4 Linkside & 101 Hainault Road. As, such the proposal fails to safeguard the living conditions of the neighbours, contrary to Policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 (h) of the Local Plan Submission Version 2017, and Paragraph 130 (f) of the NPPF 2021.
2. The proposal, is of a poor design and amounts to a harmful overdevelopment of the site. It would also result in a material loss of useable amenity space of the occupiers of the host house. Consequently, the proposal would have a harmful effect to the established character and appearance of the area and result in a poor level of accommodation for existing/future users, contrary to Policies CP2, CP7, DBE8, DBE10 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021

Application Ref: EPF/2849/22
Application Type: Householder planning permission
Case Officer: Alastair Prince
Site Address: 27, Highland Avenue, Loughton, IG10 3AH
Proposal: Single storey entrance porch plus two storey rear and side extensions
Ward: Loughton Roding
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UwcS>
Decision: Approved with Conditions

Conditions: (4)

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

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

2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 19836-13; B – GA/1A, E-GA/2, MDL/SK; 01/A, 03, 04

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified 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 adopted Local Plan Submission Version 2017, and the NPPF.

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

Reason: To ensure that the proposed construction work does not cause undue nuisance or 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 adopted Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

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



Epping Forest District Council

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Application Number:	EPF/0563/22
Site Name:	95 Tycehurst Hill Loughton Ig10 1BZ

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OFFICER REPORT

Application Ref: EPF/0563/22
Application Type: Full planning permission
Applicant: Mr Bala Balendra
Case Officer: Marie-Claire Tovey
Site Address: 95 Tycehurst Hill
Loughton
IG10 1BZ
Proposal: First floor extension over existing garage including second gable feature.
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NymL>
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 consists of a single dwelling house located on the north side of Tycehurst Hill within the built up area of Loughton. The property has been extended in the past. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

The application seeks consent for a first floor side extension above the existing garage.

The proposal will create a hipped roof from the main roof set down by 0.4m and extend across the garage but set in from the side boundary by 1m. The proposal has a gable to the front elevation.

The proposal has been revised since first submission to remove a 'double gable' appearance to the front.

Relevant History:

EPF/1097/19 - Proposed 1.1 metre deep, single storey front extension to the existing garage to align with existing kitchen extension with a pitched roof - Approved
EPF/0574/16 - First floor side extension and front dormer window - Approved 27.4.16. Not implemented. Expired.
EPF/3037/15 - Proposed first floor side extension and front dormer - Refused 10.2.16.

Reasons for refusal:

1. The proposed first floor side extension by reason of its bulk and siting in close proximity to the common shared boundary with No. 97 Tycehurst Hill, would reduce the open spacious visual gap between these detached properties, which would potentially result in an undesirable future terracing effect out of keeping with, and detrimental to the character and appearance of the locality, contrary to Policies DBE10 and CP2 (iv) of the adopted Local Plan (1998) and Alterations (2006) and guidance in the NPPF (2012).

2. The proposed first floor side extension, by reason of its excessive depth, bulk and height in close proximity to the common boundary with adjoining neighbouring property no.97 Tycehurst Hill, would

represent an overly dominant and obtrusive form of development, detrimental to the living conditions enjoyed by the occupiers of neighbouring property no.97 Tycehurst Hill by way of significant loss of outlook from the front dormer window, loss of light/sunlight to the habitable room, increased sense of enclosure, and loss of privacy to the rear garden areas from overlooking, contrary to Policies DBE9 of the adopted Local Plan (1998) and Alterations (2006) and guidance in the NPPF (2012).

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*
DBE9 *Loss of Amenity*
DBE10 *Design of Residential Extensions*

Local Plan Submission Version (2017)

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

DM9 *High Quality Design*

Consultation Carried Out and Summary of Representations Received

LOUGHTON TOWN COUNCIL: *The Committee considered the amended plans, but reiterated its original comments to this proposal which were: "The Committee NOTED the contents of two letters of objection. The Committee OBJECTED to this application on the grounds that the proposed extension by reason of its height, bulk and massing is too close to the boundary to number 97. As such it closes the gap with its neighbour and represents an overdevelopment of the site."*

Number of neighbours consulted: 7

Neighbour responses:

97 TYCEHURST HILL – Objection – reduce gap between properties, terracing effect, loss of privacy, plans not accurate

Main Issues and Considerations:

Design

The proposal results in a first floor side extension with gable to the front. The proposal is subservient to the main house with the set down from the main ridge by 0.4m. In addition the proposal is set in from the side boundary with No. 97 by 1m which reduces any possibility of a terracing effect. The proposal is considered to complement the streetscene and existing dwelling.

The proposal is similar in size, height and proximity to the boundary as the 2016 approved but not implemented proposal.

Impact on Neighbouring Amenity

The proposal is set in from the side boundary by 1m and although forward of the neighbouring property by just under 2m, given that the height has been kept to a minimum and the set in from the boundary it is not considered to result in any excessive loss of light to the nearest adjacent neighbouring window.

To the rear a new first floor window is proposed, however this is not considered to give rise to such a significant increase in overlooking above that of the existing windows to the rear. A Juliet balcony is proposed to the rear, but again this does not give rise to any additional overlooking above that of a 'normal' window.

Conclusion:

The proposal is considered on balance to comply with relevant planning policy and it is recommended that planning permission with conditions be granted.

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

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

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

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: MDP BB/011, MDP BB/012 Rev C* and MDP BB/013

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

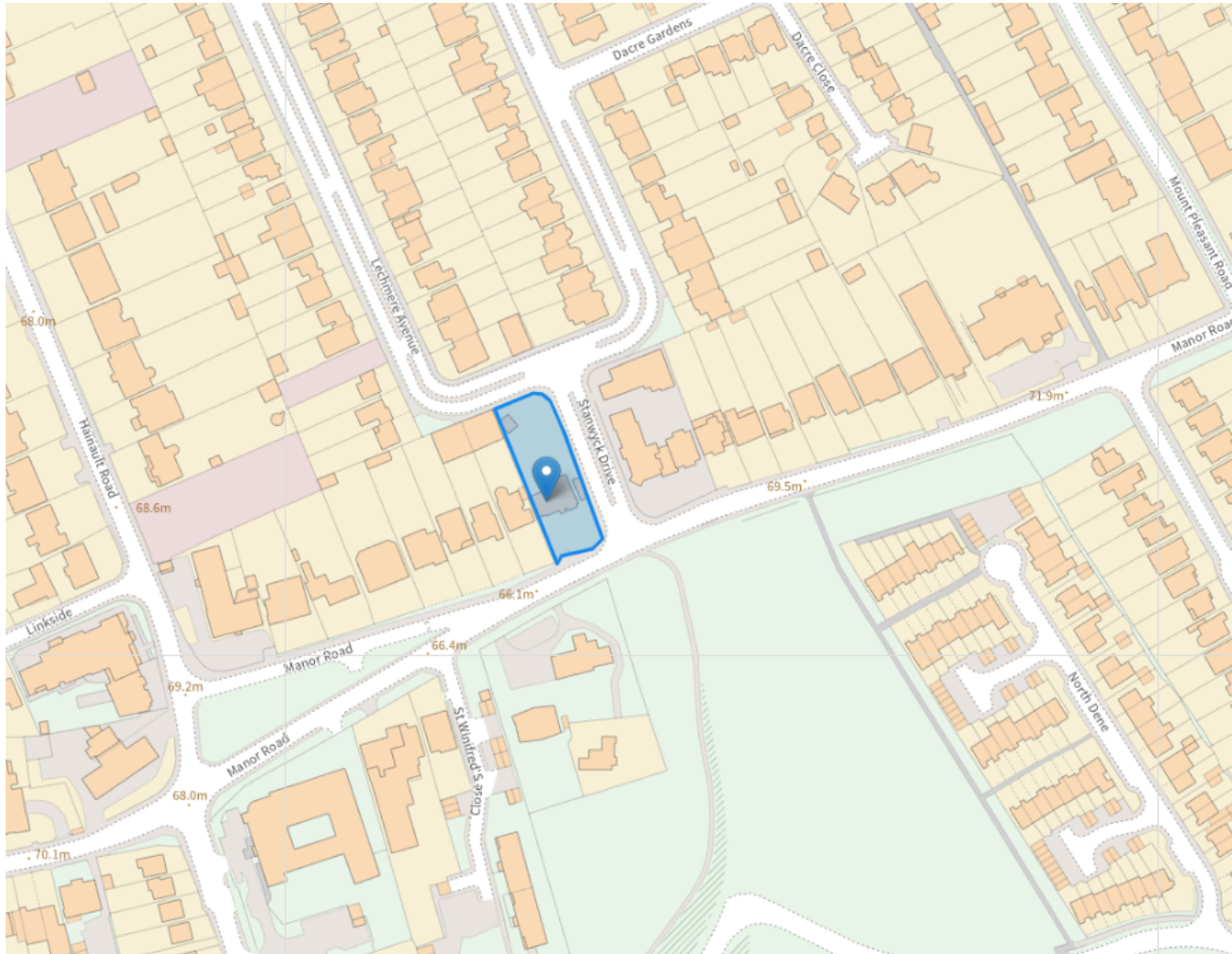
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

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.



Epping Forest District Council

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Application Number:	EPF/1905/22
Site Name:	142 Manor Road Chigwell Ig7 5PR

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OFFICER REPORT

Application Ref: EPF/1905/22
Application Type: Full planning permission
Applicant: Mr Dalian Gill
Case Officer: Marie-Claire Tovey
Site Address: 142, Manor Road, Chigwell, IG7 5PR
Proposal: Demolition of 1 x detached dwelling and an erection of two buildings to accommodate 9 x 2 bed flats, along with parking amenity and landscaping at 142 Manor Road, Chigwell, Essex, IG7 5PR.
Ward: Grange Hill
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OdGp>
Recommendation: Approve with Conditions (Subject to s106 Legal Agreement)

Subject to the satisfactory completion of a Section 106 planning obligation for Air Pollution Mitigation/Monitoring contributions, Recreational Pressure/Monitoring contributions, and the relevant monitoring fee. Delegated authority is also sought to refuse the scheme should a legal agreement not be completed within 6 months from the date of the Members decision.

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

Description of Site:

The application site contains a two storey double fronted detached dwelling situated on the north side of Manor Road within a corner plot at the junction with Stanwyck Drive. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

The proposal seeks consent for the demolition of the detached dwelling and the erection of two buildings to accommodate 9 x 2 bed flats, along with parking and amenity areas. The parking will be contained within a proposed basement with vehicular access from Stanwyck Drive.

Relevant History:

The application below refers to this application site and the adjacent dwelling:

EPF/2598/16 - Demolition of 2 x no. existing dwelling houses and associated outbuildings at Nos. 140 & 142 Manor Road to be replaced with 14 x no. residential units with associated parking, cycle storage, refuse and amenity space – Refused but allowed at appeal, not implemented

Policies Applied:

Adopted Local Plan:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings
DBE2 – Amenity Issues
DBE3 – Development Layout
DBE8 – Private Amenity Space

DBE9 – Loss of Amenity
ST6 – Car parking

Submission Version Local Plan (2017)

SP3-Place Shaping

H1 – Housing Mix and Accommodation Types

T1 – Sustainable Transport Choices

DM2 – Epping Forest SAC and the Lee Valley SPA

DM9 – High quality design

DM10 – Housing design and quality

DM11 – Waste recycling facilities on new development

DM18 – On site management of waste water and water supply

DM22 – Air Quality

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 25

Responses received:

2 FONTAYNE AVENUE – Objection more residents in small spaces, greater stress on infrastructure, increase noise and disturbance, land movement from the basement, insufficient parking,

CHIGWELL PARISH COUNCIL – Concerns

– over development

-loss of green space/garden space

- increase in traffic

- demand for parking spaces (only 11 basement parking spaces for 9 flats provided, when inhabitants of a flat might own two cars)

Main Issues and Considerations:

Principle of Development

This application follows a previous appeal decision that permitted the redevelopment of both the application site and the neighbouring property into 14 flats. However this development now only proposes the redevelopment of 142 Manor Road for 9 flats. Whilst this appeal decision dates from July 2017 and therefore pre-dates the adopted Local Plan policies, and the permission was not implemented and has now expired, it is nonetheless a material planning consideration and many of the conclusions reached may still be relevant to this proposal.

The site is within the urban area of Chigwell, within a fairly sustainable location and within 600m of Grange Hill Underground Station. There are frequent bus services passing in close proximity to the application site. Within the previous appeal decision the Inspector recognised that:

13. There is a bus stop near to the appeal site on Manor Road that provides frequent services. Grange Hill Underground Station and a parade of local shops are a relatively short walk to the north-east. As such, the location is not heavily reliant on the private car for travel.

Development is encouraged on sites such as these to make best use of available land outside of the Green Belt within the District. There is no planning policy that seeks to retain family homes and flatted developments can be acceptable provided any scheme complies with adopted policy. Therefore the principle of additional flats on this site is considered acceptable.

Character and appearance

The design is a change to the existing detached dwelling on the site. However, the scheme has been designed to a domestic scale and will appear as a large wide detached property.

It is a more contemporary design than the neighbouring single dwellings, but does mirror the scale of the neighbouring dwellings. It is a diminutive proposal compared to that of Manor Hall on the opposite side of Stanwyck Drive, and that previously approved across both sites, but the bulk and scale has been well considered in comparison to the domestic streetscene. In addition, the chamfered bay feature to both the front and rear block reduces both the overall width and bulk of these blocks allowing them to better infiltrate into the streetscene.

The proposal is set off the side boundary with No. 140 Manor Road. Whilst slightly less than our standard 1m requirement, it would be separated by 0.75m and this would avoid any possible terracing effect.

To the rear, the block appears very similar to the front block. The rear block is viewed slightly more in isolation as this is to the rear of other residential gardens fronting Manor Road. However, given this is a corner plot to the rear also, it is not considered out of character since Manor Hall is two storey to the rear in a similar position.

The side elevation on to Stanwyck Drive, is considered again acceptable creating an attractive streetscene and roofscape, with an active frontage.

The Inspector concluded previously on the far larger scheme that:

4. The proposed development would result in a greater amount of built development than the existing two detached dwellings and their outbuildings, but it would reflect the footprint and layout of Manor Hall opposite. When seen in the context of existing flatted development on Manor Road, the scale and form of the proposal would not be harmful. Much of the external space within the site would be devoted to car parking, but at the front this would be little different to most properties on Manor Road, while at the rear it would reflect the hard surfacing between the two blocks at Manor Hall. Moreover, boundary walls, railings and planting would help to obscure the hard surfacing from the adjoining roads and pavements. As a consequence, the development would not be visually dominant or represent an overdevelopment of the site.

The whole site will be enclosed by a dwarf wall with railings above and planting behind, which is similar to the existing site and several other sites within the locality.

Amenity

The proposal is directly adjacent to No. 140 Manor Road and will be located within 1m of the shared boundary for both the front and rear blocks. The front block does not extend past the rear of No. 140 and therefore it is not considered that the proposal will result in any loss of light or outlook to this property.

The front block (Block A) does have rear facing windows but due to the set back from the rear of No. 140, it is not considered that this element will cause any excessive loss of privacy to No. 140. The part of front block furthest away from the shared boundary does have windows facing the shared boundary but these are only at ground floor and the first floor windows are positioned to overlook Stanwyck Drive so the design of Block A is considered sufficient to avoid any excessive overlooking.

The rear block (Block B) has been designed so that the nearest windows to the shared boundary, that face into the site are angled away from the boundary to again avoid any excessive overlooking.

Block B will be very visible from within the rear garden and from within No. 140 (and adjacent properties), however it is positioned adjacent to a large single storey outbuilding within the rear garden of No. 140 (and No. 138) and this provides some screening to the proposal.

Additionally, given the distance from the back of the properties (some 15.5m) and the fairly modest two storey height, it is not considered that the proposal is excessively overbearing to these occupiers.

To the rear, the nearest properties are located at 1 Lechmere Avenue and 2 Fontayne Avenue (Stanwyck Drive splits into these two roads to the rear of the site). There will be rear facing windows on Block B which will serve habitable rooms (bedrooms) and these will face the side of these properties and the rear gardens of these properties (and beyond). However, the proposal will be separated from these properties by the road/pavement and a minimum distance of some 16m and although some views may be possible these will be far reaching and not considered to give rise to such an excessive loss of privacy or light to these properties given this separation. This was previously considered to be the case by the Planning Inspector, who concluded that:

7. The first floor windows on the rear elevation of the rear block would look towards the flank elevation of 1 Lechmere Avenue and its rear garden as well as rear gardens further along Lechmere Avenue and Fontayne Avenue. The windows would be much nearer than the first floor rear windows of the existing houses at 140 and 142 Manor Road. However, the road in-between the proposed rear block and the properties and gardens is almost double the width of Manor Road with an island of planting in the middle. As such, the separation distance would be sufficient to avoid a negative effect on the living conditions of occupiers of Lechmere Avenue and Fontayne Avenue in terms of overlooking and privacy.

Across Stanwyck Drive, Manor Hall also has windows facing into Stanwyck Drive, however there is a separation distance of some 19m and this window to window distance is also considered acceptable.

Amenity of Future and current Occupiers

The scheme meets the nationally described space standards and therefore provides an acceptable amount of internal amenity for each flat.

Externally some 290m² of communal amenity space has been provided, and a large amount of this is between the two blocks (so more private and useable). In addition, 6 of the proposed 9 flats have direct access to a private terrace or balcony.

The proposal is also opposite the large open space adjacent to St. Winifred's so amenity space is easily obtainable.

Parking

The proposal includes 11 spaces, within a basement parking area, accessed via slope. This results in a parking space for each flat with 2 additional spaces. Although located on the Central Line 'loop', the site is within a sustainable location where a view can be taken with regards to parking provision. Within the recent appeal decision for 177 High Road, Chigwell the Inspector stated:

33. The proposal is situated within 50m of Chigwell Underground Station which is situated on the Hainault Loop of the Central Line. The line provides a service of three trains per hour in each direction to a variety of destinations, including access to Central London. There is also a bus stop in proximity with high frequency bus services. Whilst there is no supermarket, there is a good variety of local shops in Brook Parade and supermarkets in nearby settlements can be reached by bus or by cycle. Overall, I consider that the appeal site is situated within an accessible location and a reduction in parking standards is, therefore, justified in principle.

In this case, the site is further from Grange Hill station and has less accessibility to local shops, however it is considered that one parking space per flat is acceptable.

Previously the Inspector for EPF/2598/16, stated that visitors have good alternative public transport options, so the demand for visitor parking is unlikely to be high.

Ample cycle parking has been provided within the basement area.

Drainage

The Land Drainage Officer has no objection to the scheme, however has requested conditions relating to foul and surface water drainage provision.

Trees and Landscape

The Tree and Landscape Officer has no objection to the proposal subject to conditions to ensure the removal of excavated material and soft landscaping implemented in accordance with the submitted documents.

EFSAC and air quality

RESIDENTIAL APPLICATIONS: Lies in the 3km - 6.2 km 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 Impact Pathways to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

Stage 1: Screening Assessment

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

1. The site lies within the 3km - 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

2. The development has the potential to result in a net increase in traffic using roads through the EFSAC. Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact. Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC. As the application proposal lies more than 3km from the boundary of the EFSAC there is no requirement to make a financial contribution. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. 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.

Air Pollution Mitigation/Monitoring – £335 per net dwelling

Recreational Pressure/Monitoring - £343.02 per net dwelling

Notes on Comments Received

A Basement Impact Assessment has been submitted that concludes 'Overall, it is our opinion that the proposed basement will not have a significant adverse impact on the site or environment'. An informative can be attached to ensure that the Applicant is aware of potential issues surrounding subterranean development.

Conclusion:

The proposal results in new dwellings in an urban part of the District, it proposes an acceptable design, with limited harm to amenity. Therefore given the above assessment and subject to a legal agreement the application is recommended for approval.

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

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

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

Conditions: (15)

- 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:

002A
003A
004A
005A
006A
008A

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

- 3 Prior to any above ground works, 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 Adopted Local Plan 2011-2033 (2023), 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 08:00 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 Adopted Local Plan 2011-2033 (2023), 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 Adopted Local Plan 2011-2033 (2023), and the NPPF.

6 Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with policies CP2, DBE1 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM12 of the Adopted Local Plan 2011-2033 (2023), and the NPPF.

7 All material excavated from the below ground works hereby approved shall be removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies CP2, DBE1 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 & DM21 of the Adopted Local Plan 2011-2033 (2023), and the NPPF.

8 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 Adopted Local Plan 2011-2033 (2023), and the NPPF.

- 9 Prior to preliminary ground works taking place, details of surface water and foul 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 and foul 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 Adopted Local Plan 2011-2033 (2023), and the NPPF.

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

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 Adopted Local Plan 2011-2033 (2023), 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 Adopted Local Plan 2011-2033 (2023), and the NPPF.

- 12 The proposed dwelling 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 Adopted Local Plan 2011-2033 (2023), and the NPPF.

- 13 Prior to any above groundworks, details of
- Location of active charging infrastructure; and
- Specification of charging equipment to be used
shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of Electric Vehicle Charging Points shall be completed in accordance with the approved details and made operational prior to first occupation. For the avoidance of any doubt all spaces shall have access to active Electric Vehicle Charging Points.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Adopted Local Plan 2011-2033 (2023), and the NPPF.

- 14 Soft landscaping shall be implemented as shown on Oakmore Green 'soft/tree landscape plan' drawing number '14201 (dated 15th August 2022); and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

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 Adopted Local Plan 2011-2033 (2023), and the NPPF 2021.

- 15 Prior to the first occupation of the development the access arrangements and other associated works, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, vehicle parking and turning is provided. 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, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies ST4 & ST6 of the adopted Local Plan and Alterations 1998 & 2006.

Informatives: (2)

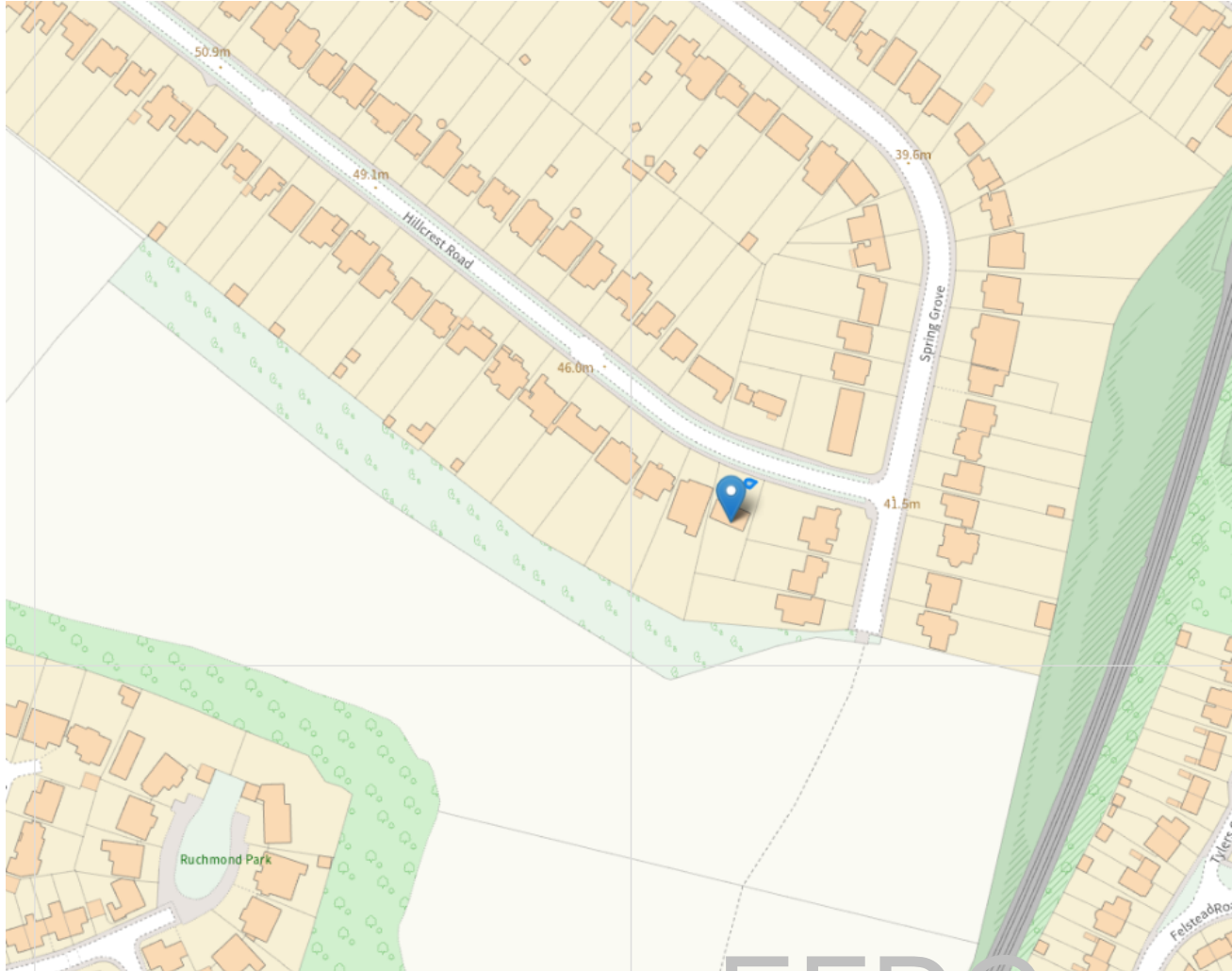
- 16 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission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

- 17 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.

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Application Number:	EPF/2453/22
Site Name:	47 Hillcrest Road Loughton IG10 4QH

OFFICER REPORT

Application Ref: EPF/2453/22
Application Type: Consent under Tree Preservation Orders
Applicant: Mrs Janet Barton
Case Officer: Robin Hellier
Site Address: 47, Hillcrest Road, Loughton, IG10 4QH
Proposal: TPO/EPF/10/21
T1: Oak - Fell, as specified.
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001USvR>
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).

Delegated report : TRE/EPF/2453/22

Description of Proposal:

T1. Oak. Fell and replace.

Description of Site:

The tree stands at the front boundary of a mid-twentieth century detached dwelling. It is a highly visible veteran tree and the most prominent feature in this hilltop location. This large tree stands about 12 metres in height and a similar distance from the front elevation of the property.

Relevant History:

TPO/EPF/10/21 was served on the tree following calls to the Council planning team to enquire if the tree was preserved. There appeared to be a clear intention to fell it and many other trees in order to clear the site of natural constraints to maximise the site's development potential. This threat and the tree's amenity both visual and historical, justified the service of the order.

Policies Applied:

Epping Forest District Local Plan 2011-2033:

DM3 Landscape Character, Ancient Landscapes and Geodiversity

A. Development proposals will be permitted where applicants are able to demonstrate that the proposal will not, directly, indirectly or cumulatively, cause significant harm to landscape character, the nature and physical appearance of ancient landscapes, or geological sites of importance.

DM5 Green and Blue Infrastructure.

A. Development proposals must demonstrate that they have been designed to:

(i) retain and where possible enhance existing green and blue infrastructure assets, including trees, hedgerows, woods and meadows, green lanes, wetlands, ponds and watercourses and improve connectivity of habitats;

B. Development proposals must be accompanied by sufficient evidence to demonstrate that:

(i) the retention and protection of trees (including Veteran Trees), landscape features or habitats will be successfully secured in accordance with relevant guidance and best practice;

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.

'the Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the tree'.

SUMMARY OF REPRESENTATIONS:

Loughton Town Council objected to the loss of this important tree and believed it should be appropriately maintained and retained.

Following case officer requests to the agent for technical information in respect of discounting other trees that had been removed, an updated set of monitoring readings was provided and the evidence-based interpretation was passed to the Town Council who responded with the following comment, made on 6th February:

"The Committee considered the update provided; however, it was not willing to waive its objection to this application, believing that everything possible to maintain and retain the oak tree should be done."

Issues and Considerations:

Background

The applicant has applied to fell the tree for the following reason:

Issues

1. Subsidence damage to the house.

Technical investigations in support of the claim include:

Soil assessments for structure and desiccation.

Crack and level monitoring across the building and over a year of readings.

Root samples to identify tree species.

Drain investigations to assess leaks.

Assessment of the reason and planning considerations and requirements

1 Evidence Assessment

The Oak stands at approximately 12 metres from the front elevation of the property. The house is in a generally poor and dilapidated state of repair.

The crack and level monitoring results show that there has been considerable building movement in the form of downward rotation and recovery during the months that correspond to root activity and dormancy, at depths that could only be accessed by tree roots, as identified in the samples drawn from trial pits around the building.

The shrinkable nature of the clay found beneath the foundations of the house is very high. The soil at depths that only roots can reach is noticeably dried and the degree of movement shown both in cracks and the building's level changes is, in some parts, over 30 mm of movement and more than enough to cause structural damage.

Discussion

Following the receipt of the Town Council's objections and in line with the Council landscape policy above, a request was made to the agent to ascertain the future plans for the house in light of its current

vacant and derelict condition. The size of the plot and salubrious location is attractive to developers, who would maximise their return on the plot by demolishing the existing house to replace it with a modern scheme, using modern foundation designs that account for existing and recently removed vegetation. A new scheme would negate the justification for felling the tree.

The following response was provided by the agent acting on behalf of the owner on 27th February 2023:

“Until the new year it had been [owner’s name] desire and intent to return to her house once the subsidence issue had been addressed and sufficient repairs had been done to return the property to a habitable condition. However due to a number of factors including [owner’s name] age and health, the length of time taken to deal with the subsidence, and the continued deterioration to the condition of the house [owner’s name] has had to face the conclusion that the only course of action is to put the property up for sale. The cost of repairs would be way beyond [owner’s name] current means and the property would need considerable adaptations to be suitable for [owner’s name] needs. This is a very recent change to the aims everyone has been pursuing on [owner’s name] behalf, so the property has yet to be placed on the market. Initial discussions with an estate agent suggest that the condition of the property makes it more likely to be of interest to a developer than someone buying to renovate and live in the house. So, although [owner’s name] has no plans to demolish the house, whoever buys the property will naturally have their own plans and agenda. Obviously, this new development will probably have an effect on the works your company is currently undertaking and planning for the future including the issue of the protected oak tree. I will of course keep you updated as the new situation develops. If you need any further information or need to update me with regard to your company’s plans then please do not hesitate to get in touch.”

The Town Council objection must accept the possibility that the above statement is only a speculative view and that liability might yet fall onto the Planning Authority for not addressing the damage issue, if an appeal is lodged and the geotechnical data provides compelling evidence of the tree’s influence on the house. The Council’s Insurance Team have been notified of the potential claim and await confirmation of cover from their insurer for this type of financial risk.

3 Replacement options

No specific suggestions have been offered for the replacement of this fine tree. It has been suggested that a new, semi mature Beech be planted at an appropriate location to provide a legacy replacement and landscape value.

Conclusion:

The proposal, based on the technical evidence that the tree is contributing to structural damage, would justify its removal. Despite the stated aim to offer the property for sale and the inevitable redevelopment of the site that would demolish the existing house, allowing the retention of the tree, the planning case must consider a claim against the Council for refusing to allow the tree to be felled. It is therefore recommended to grant permission for the removal of the tree, subject to the replanting of a suitable replacement specimen. The proposal, based on the submitted evidence, accords to Local Plan Landscape Policy LL9.

Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546

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

Conditions: (2)

- 1 A replacement Beech tree at 16-18cm stem diameter at 1 metre above ground level, in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the existing tree or trees is maintained by the provision of adequate replacement, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL11 of the adopted Local Plan and Alterations 1998 & 2006.

- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990, so as to ensure that the Local Planning Authority is made aware in advance of the intention to carry out works in accordance with this permission, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL9 of the adopted Local Plan and Alterations 1998 & 2006.

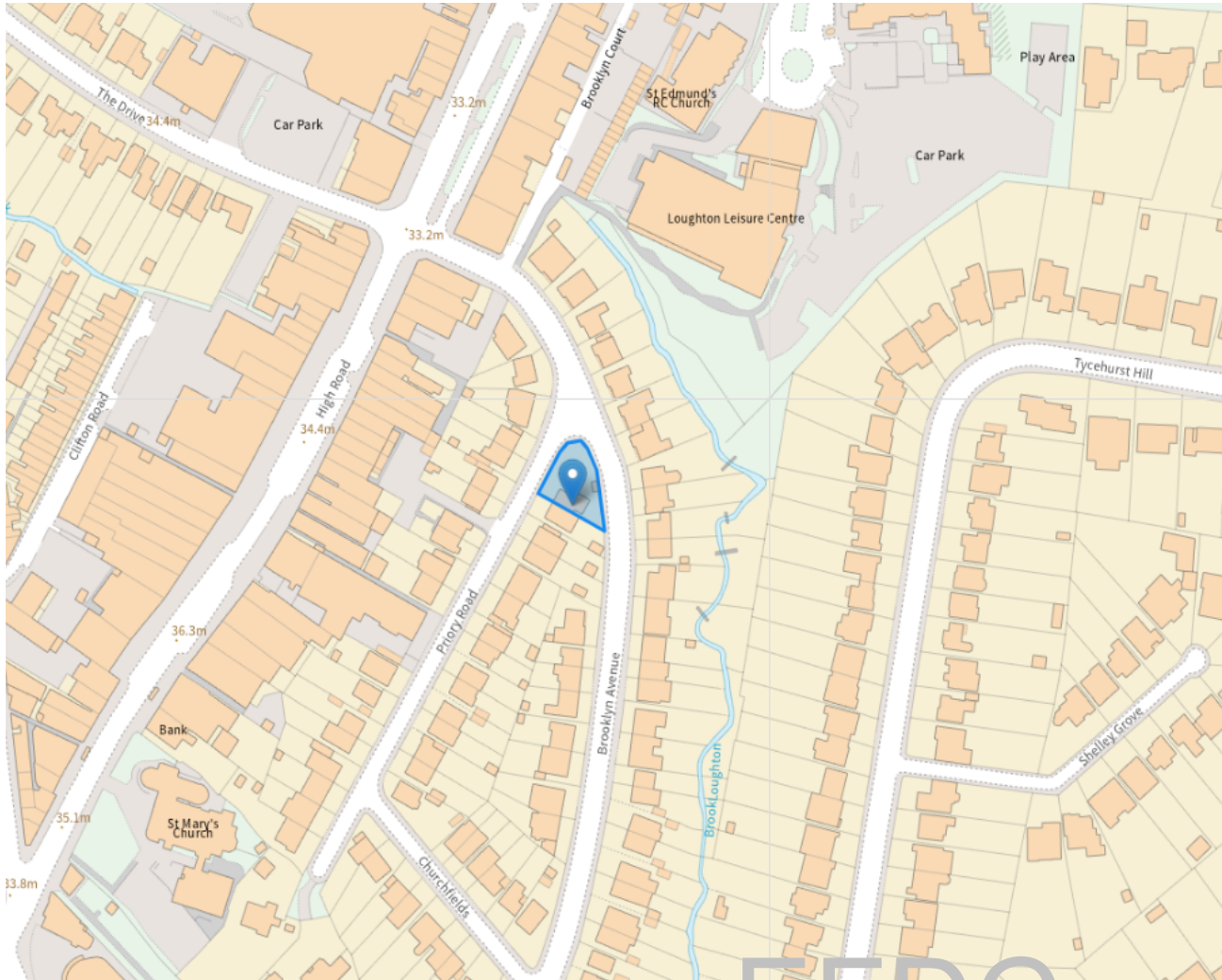
Informatives: (1)

- 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.

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Application Number:	EPF/0144/23
Site Name:	7 Brooklyn Avenue Loughton IG10 1BL

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OFFICER REPORT

Application Ref: EPF/0144/23
Application Type: Full planning permission
Applicant: Mr and Mrs Nooitgedacht
Case Officer: Muhammad Rahman
Site Address: 7, Brooklyn Avenue, Loughton, IG10 1BL
Proposal: Proposed detached 3 bedroom dwelling in an existing side garden (Re-submission of EPF/1306/21 dismissed on Appeal on EFSAC grounds only).
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VDAC>
Recommendation: Approve with Conditions (Subject to s106 Legal Agreement)

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

Site and Surroundings

The site comprises of a semi-detached house situated on the corner of Priory Road and Brooklyn Avenue. It is not listed nor in a conservation area or a flood zone. There are no protected trees on site. The site also lies some 550m away from the Epping Forest.

Proposal

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

This is an identical scheme to EPF/1306/21 which was before Members at the 6th October 2021 meeting.

Relevant Planning History

EF\2020\ENQ\01044 - Proposed Infill detached dwelling.

EPF/1306/21 - Proposed detached 3-bedroom dwelling in an existing side garden – Refused & Dismissed on EFSAC grounds only (Please refer to Appendix 1 for Appeal Decision).

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023);

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

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

SP1 Spatial Development Strategy 2011-2033
H1 Housing Mix and Accommodation Types
T1 Sustainable Transport Choices
DM2 Epping Forest SAC and the Lee Valley SPA
DM3 Landscape Character, Ancient Landscapes and Geodiversity
DM5 Green and Blue Infrastructure
DM9 High Quality Design
DM10 Housing Design and Quality
DM11 Waste Recycling Facilities on New Development
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM17 Protecting and Enhancing Watercourses and Flood Defences
DM18 On Site Management of Wastewater and Water Supply
DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

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

On the 06 March 2023 at an Extraordinary Council meeting, it was agreed that 'on adoption of the Epping Forest District Local Plan 2011–2033 and following the end of the six-week period for legal challenge that the following Development Plan Documents and associated Proposals Maps are revoked and should not be used for decision-making:

- a) Those policies of the Epping Forest District Local Plan adopted January 1998 that had not previously been replaced; and
- b) Epping Forest District Local Plan Alterations adopted July 2006'.

The relevant policies from these documents are listed below:

CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
CP6 Achieving Sustainable Urban Development Patterns
CP7 Urban Form and Quality
H2A Previously Developed Land
H4A Dwelling Mix
U3B Sustainable Drainage Systems
DBE1 Design of New Buildings
DBE8 Private Amenity Space
DBE9 Loss of Amenity
LL10 Adequacy of Provision for Landscape Retention
LL11 Landscaping Schemes
ST4 Road Safety
ST6 Vehicle Parking

National Planning Policy Framework 2021 (Framework)

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

Paragraphs 110 - 112
Paragraph 119

Paragraphs 126, 130
Paragraph 180

Summary of Representations

Number of neighbours Consulted: 14. 8 response(s) received.
Site notice posted: Yes.

MULTIPLE OBJECTIONS RECEIVED – Summarised as;

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

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of six letters of objection.

A neighbour registered to speak against this item sent apologies following their spouse being taken unwell. Written comments were sent for consideration by the Committee.

The agent for the applicant of this proposal addressed the meeting.

The Committee OBJECTED to this application stating the proposal was the same as the previous application considered, under EPF/1306/21.

The Committee supported the refusal reasons of the local planning authority and reiterated its previous comments, which were (Min no PL7.1):

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

Members disputed the findings of the Inspector, regarding the parking stress in this road, and noted that his visit coincided with parking restrictions being in place during that time.

Planning Considerations

The main issues for consideration in this case are whether the previous reasons for refusal have been overcome. Members refused the previous application on the following grounds;

1. The Council cannot be certain beyond reasonable scientific doubt that the proposed development either alone or in combination with other developments within the district will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. Also, in the absence of an appropriate legal agreement to mitigate such adverse impacts, the proposed development is therefore contrary to Policies DM2 & DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

2. The proposal will appear as a cramped form of development and will also result in the loss of importance green infrastructure to the detriment of the established character and appearance of the locality, contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

3. The proposed development would result in the loss of on-street parking provision to the detriment of highway safety, contrary to Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021

Reason for Refusal 1 – Epping Forest Special Area of Conservation (EFSAC)

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

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

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

Stage 1: Screening Assessment

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

- 1) The site lies within the 0-6.2km zone of Influence as identified in the adopted Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach). 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 would result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to recreational pressures and air quality.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to the above.

Stage 2: 'Appropriate Assessment'

Recreational Pressure

The 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 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.

For clarity, the recent appeal was dismissed as the submitted s106 legal agreement did not account for the revised financial contributions in regard to the EFSAC which were updated in August 2022 as set out in Appendix 1 Para 27.

On this note, the Applicant has completed the s106 legal agreement and the relevant financial contributions have been paid.

Therefore, based on the above assessment, there would be insufficient grounds to refuse in this regard.

Reason for Refusal 2 – Character & Appearance

The previous officer assessment is set out below.

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

Members will note that this issue was not upheld by the Planning Inspectorate as set out in Appendix 1 Paragraphs 4 – 13. As such there are no reasonable grounds to pursue this ground any further.

Reason for Refusal 3 – On street parking provision

The previous officer assessment is below.

With regards to the parking arrangements for the proposed dwelling, 2 car parking spaces are required for a 2 bed+ dwelling in line with the Councils adopted parking standards (Essex Parking Standards 2009), which the proposal would meet. It is also noted that no objection has been received from the highways officer, so it is considered that there would be no detrimental impact to the safety operation of the highway network. Accordingly, the proposal complies with Policies ST4 and ST6 of the LP, Policy T1 of the LPSV, and Paragraphs 110 and 111 of the Framework.

Too add, following the committee meeting where the previous application was determined, the ECC Highways Officer provided the following comments below to the Agent (dated November 2021);

I have reviewed the Area Planning Sub-Committee South webcast, dated 06 October 2021, for application EPF/1306/21, and can confirm that Cllr Pond does not actually refer to any Essex County Council (ECC) or Epping Forest District Council (EFDC) policy/information/documentation, but references the North Essex Parking Partnership (NEPP), and a proposal for a parking review in the location of the application site. I can confirm that at this time no public consultation on this scheme has taken place, and therefore there are no guarantees that any scheme will ever be implemented. Consequently, from my point of view, I cannot see that this possible parking scheme has any bearing on the planning application. Especially as this is an unclassified road, and the applicant could simply apply to ECC for a Vehicle Crossover application and implement it without having to obtain any planning permission. It should be noted though that EFDC, as part of the NEPP, are the Parking Authority for the District.

Further to the above, I can confirm that there have been no changes to EFDC Policies ST4, ST6 or T1, or any relevant ECC Highway policies, that does not allow for the loss of on-street parking whilst creating access for off-street parking. Consequently, as per my recommendation for this application, I would reiterate that, from a highway point of view, the proposal is not considered to be contrary to any of the aforementioned policies.

Following on from the above, the work by the North Essex Parking Partnership (NEPP) who were conducting a parking review in this location at the time of the previous application has concluded and resulted in the red lines for no stopping around the corner of the road. A plan is attached in Appendix 3 showing the location of the new red lines currently in place.

Members attention is also drawn to the existing access on Brooklyn Avenue which will be closed up and the kerb reinstated. This has also been secured via a condition. This will mitigate for the loss of on-street carparking on Priory Avenue where the new access serving the existing house is located.

Too add, Members will note that this issue was also not upheld by the Planning Inspectorate as set out in Appendix 1 Paragraphs 14 – 19.

Thus, based on the above, officers are of the view that the proposal is acceptable in this regard, and there are no reasonable grounds to pursue this issue any further.

Other Considerations

Standard of Accommodation

The proposal would exceed the National Described Space Standards for a 3 bed-6-person dwelling (102m²) at some 120m² and have a functional external amenity space of some 124m² with a

reasonable outlook for future users of the dwelling, and the host house would retain some 100m2 of amenity space.

Living Conditions

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

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

Trees and Landscaping

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

Conclusion

Members may be aware that the Council recently lost a costs appeal to 11 Crossfields in Loughton, where planning permission was previously refused on several grounds and the decision was dismissed on appeal purely on SAC grounds. In the subsequent resubmitted application, the reasons for refusal from the original application were pursued again despite the Inspector previously concluding that everything but the SAC impacts were acceptable, and these were not upheld by the Appeals Inspector and an award of costs was granted against the Council. This decision can be found in Appendix 2.

To conclude the for the reasons set out above, having regard to the matters raised, the proposal has overcome the previous reasons for refusal, and it is recommended that conditional planning permission be granted subject to a s106 Legal Agreement to secure contributions for the EFSAC, including monitoring fees.

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

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

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

Appeal Decision

Site visit made on 28 November 2022

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/J1535/W/22/3292682

7 Brooklyn Avenue, Loughton IG10 1BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Nooitgedacht against the decision of Epping Forest District Council.
- The application Ref EPF/1306/21, dated 6 May 2021, was refused by notice dated 6 October 2021.
- The development proposed is a detached 3 bedroom dwelling in an existing side garden.

Decision

1. The appeal is dismissed.

Preliminary Matters

1. The Council's officer report listed a number of documents in relation to the Epping Forest Special Area of Conservation (SAC), which were not included in the Council's evidence. Consequently, I contacted the Council and asked them to provide copies, or updated copies, of these documents; to provide information about the designation of the Epping Forest SAC; and, to provide any views on these from Natural England.
2. Copies of various documents were provided, together with information regarding current mitigation measures for developments where adverse effects on the integrity of the SAC cannot be excluded. This was copied to the appellant for their information.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - Parking provision and highway safety; and,
 - The Epping Forest SAC.

Reasons

Character and appearance

4. The appeal site is located at the intersection of Brooklyn Avenue and Priory Road within a suburban residential area, very close to the centre of Loughton. There are a range of dwelling types and sizes in this area, although predominantly traditional, 2-storey, gable fronted semi-detached houses and single storey bungalows, with front and rear gardens. Many of the front gardens include driveways for off-street car parking.

5. The appeal site is located in the garden of 7 Brooklyn Avenue, an extended semi-detached dwelling that faces towards Priory Road, but which is accessed from Brooklyn Avenue; the other semi-detached dwelling (2A Priory Road) faces onto and is accessed from Priory Road in a conventional manner, with its rear garden extending to Brooklyn Avenue. The garden of 7 Brooklyn Avenue is largely to the side of the building and is enclosed by timber-panel fencing which extends around the property, above which a number of trees and bushes are visible.
6. This is an unusual arrangement, with two joined, semi-detached homes functionally facing in opposite directions. Whilst the pair are by no means identical, there is some symmetry to the buildings, with both having projecting 2-storey gables to the Priory Road elevation.
7. The orientation of 7 Brooklyn Avenue, and the timber panel fencing to the Priory Road 'frontage' of the property, are visually awkward in the streetscene; detracting from the visual coherence of the semi-detached houses. The existing open vehicular access to Brooklyn Avenue and the substantial 2-storey extension to No 7 are also somewhat incongruous in the streetscene.
8. The proposed development would entail various works to 7 Brooklyn Avenue, including changing the 'rear' vehicular access to a garden, with fencing to separate it from Brooklyn Avenue; the provision of two off-street car parking spaces to the 'front' of the building by Priory Road; and, the blocking up and re-orientation of various windows and doors.
9. In the side garden of No 7, a new 2-storey, gable fronted detached dwelling would be erected facing towards Priory Road, with two off-street car parking spaces provided. The proposed dwelling, the host building and 2A Priory Road would all face towards Priory Road as a result of the proposal. The remainder of the curtilage of the proposed dwelling would be enclosed by timber fencing, of a similar scale and appearance to the existing fencing.
10. There would be some reduction in spaciousness at the corner as a result of the proposed dwelling. However, the broad open junction with footpaths, together with the 124 sqm garden space of the proposed dwelling, means that this would not significantly detract from the character and appearance of the area. Views of the fencing and side elevation of the proposed dwelling would not be dissimilar to the existing views towards the side of No 7.
11. The Council is concerned at the loss of several trees from the garden, which make a positive contribution to the character and appearance of the area. However, the trees do not benefit from any statutory protections and could be removed by the appellant without further recourse. I also note that several trees are assessed to be diseased. In any event, I am satisfied that the retained trees, a Laburnum, an Apple tree and a Purple Plum tree, together with further planting, would mean that their loss would not be harmful to the character and appearance of the area.
12. The design, scale, massing, materials and orientation of the proposed dwelling would not be out of keeping with the host building or the wider streetscene, at this prominent location. Furthermore, the proposed development would resolve some of the existing issues that detract from the character and appearance of the area, including how 7 Brooklyn Avenue addresses the adjoining streets.

13. For these reasons the proposed development would not adversely affect the character and appearance of the area. Consequently, it would not conflict with policies CP2 (protecting the quality of the rural and built environment), CP7 (urban form and quality) and DBE1, which concerns the erection of new buildings, of the Epping Forest Local Plan 1998 and Alterations 2006 (EFLPA); with draft policy DM9 (high quality design) of the Submission Draft Epping Forest Local Plan 2017 (SDEFLP); and, with the National Planning Policy Framework 2021 (the Framework), in this regard.

Parking provision and highway safety

14. The proposed development would entail the creation of two new vehicular accesses to Priory Road, together with the stopping up of a vehicular access on Brooklyn Avenue.
15. There would be no change in the quantum of off-street parking provision at the host building, 7 Brooklyn Avenue, although the location would change so as to be off Priory Road. Whilst a new vehicular access would be created on Priory Road, the access on Brooklyn Avenue would be closed, resulting in no quantitative change to the existing situation.
16. The proposed detached dwelling would also have two off-street car parking spaces, which would accord with the Council's parking requirements, and these would be accessed via a new dropped crossing on Priory Road.
17. The new vehicular access would result in the loss of some on-street car parking capacity. However, there is no compelling evidence to demonstrate that this is an area of parking stress, or that the limited reduction in on-street parking capacity would be detrimental to the area.
18. At the time of my visit, mid-afternoon, there was little on-street parking activity on Priory Road or Brooklyn Avenue. I also note that the Council received no objection to the proposal from the Local Highway Authority, Essex County Council.
19. For these reasons the proposal would have an acceptable impact on parking provision and highway safety. Consequently, it would not conflict with policies ST4 (road safety) and ST6 (vehicle parking) of the EFLPA; with draft policy T1 (sustainable transport choices) of the SDEFLP; or with the Framework, in this regard.

Epping Forest SAC

20. The appeal site lies within a zone of influence for the Epping Forest SAC, whose qualifying features include Beech forests on acid soils with *Ilex* and *Taxus* in the shrub-layer; wet heathland with cross-leaved heath; and dry heath (Annex I habitats). Stag Beetles (Annex II species) are also widespread in the SAC.
21. In its Local Plan Habitats Regulations Assessment (HRA) the Council has identified two pathways from residential development that may lead to significant adverse effects on the SAC. The pathways are Air Quality, as a result of more people driving within and in the vicinity of the SAC; and, Recreational Pressures, as a result of more people using the SAC for recreational purposes such as walking.
22. The Council has provided me with a Cabinet report and Minutes from 11 April 2022 regarding the Partnership Agreement for Strategic Access Management

and Monitoring (SAMM) measures. The report sets out the current mitigation measures for likely significant effects on the SAC from Recreational Pressures and the updated financial contributions that are required for the SAMM measures¹, as well as financial contributions required for the provision of Suitable Alternative Natural Greenspace (SANG) in the area².

23. Financial contributions from developers are also required towards the implementation of the Interim Air Pollution Mitigation Strategy 2020. Natural England, the Appropriate Nature Conservation Body (ANCB) was involved in this process and is satisfied with the approach to mitigation. I am satisfied that the proposed development would adversely affect the integrity of the SAC but that with appropriate mitigation, this matter can be satisfactorily addressed.
24. The appellant is aware of the need to mitigate adverse effects on the SAC from the proposed development and has provided a signed Unilateral Undertaking Planning Obligation under S106 of the Town and Country Planning Act 1990 (as amended), dated 11 July 2022.
25. For Planning Obligations, details of each person's title to the land are needed and in written representations appeals like this one, the appellant will need to provide evidence of title to the Inspector. Normally this is in the form of an up to date copy entry or entries from the Land Registry³. However, in this case, no such evidence has been provided, and I am not, therefore, satisfied that the planning obligation is legally sound in this regard.
26. I note from the email correspondence of 11 July 2022 that the Council has received payment of the fees. However, it is not clear whether the financial contributions specified have also been paid.
27. In any event, the Recreational Pressures financial contributions specified in the submitted Unilateral Undertaking, and which presumably are the ones the appellant claims to have paid to the Council, are out of date. Amongst other things, the Cabinet report dated 11 April 2022 states that in addition to the increased SAMM contribution of £1852.63 per dwelling, a SANG contribution of £716 per dwelling is also required. This means that the mitigation payments agreed by the Council and Natural England have not been secured.
28. For these reasons I am not satisfied that the proposed development would not harm the integrity of the Epping Forest SAC. It would therefore conflict with draft policies DM2 (Epping Forest SAC and the Lee Valley SPA) and DM22 (air quality) of the SDEFLP, and with the Framework in this regard.

Conclusion

29. The proposed development would have an acceptable impact upon the character and appearance of the area and on parking provision and highway safety. However, the harm to the Epping Forest SAC outweighs this.
30. For the reasons given above, and taking into account all relevant matters, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR

¹ Paragraph 20 of the Cabinet report

² Paragraph 19 of the Cabinet report

³ Paragraph N.5.2 of the Procedural Guide: Planning Appeals – England, April 2022



Costs Decision

Site visit made on 28 September 2022

by **M Russell BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Costs application in relation to Appeal Ref: APP/J1535/W/21/3289165 11 Crossfields, Loughton IG10 3PY

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Oleg Kovalenko for a full award of costs against Epping Forest District Council.
 - The appeal was against a refusal to grant planning permission for 'erection of single storey extension and erection of new attached dwelling, following demolition of existing garage'.
-

Decision

1. A full award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG provides that local planning authorities (LPAs) are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Examples of this include where an LPA persists in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
3. The application for costs is made solely in respect of the second reason for refusal on the Council's decision notice. I accept that the Council's planning committee members are not under an obligation to accept an officer recommendation.
4. However, the report to the Council's planning committee is unequivocal that the proposed dwelling is the same scheme that was previously dismissed at appeal¹. The report also makes it clear that the previous Inspector found that there would be no harm resulting from the proposed dwelling on the character and appearance of the area. There is nothing within the Council's case to suggest that there were any material changes in circumstance to justify persisting in objections to elements of the scheme that an Inspector has previously indicated to be acceptable.

¹ Appeal Ref APP/J1535/W/18/3208248

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated in respect of the second reason for refusal on the Council's decision notice. For that reason, a full award of costs is justified in respect of this matter.

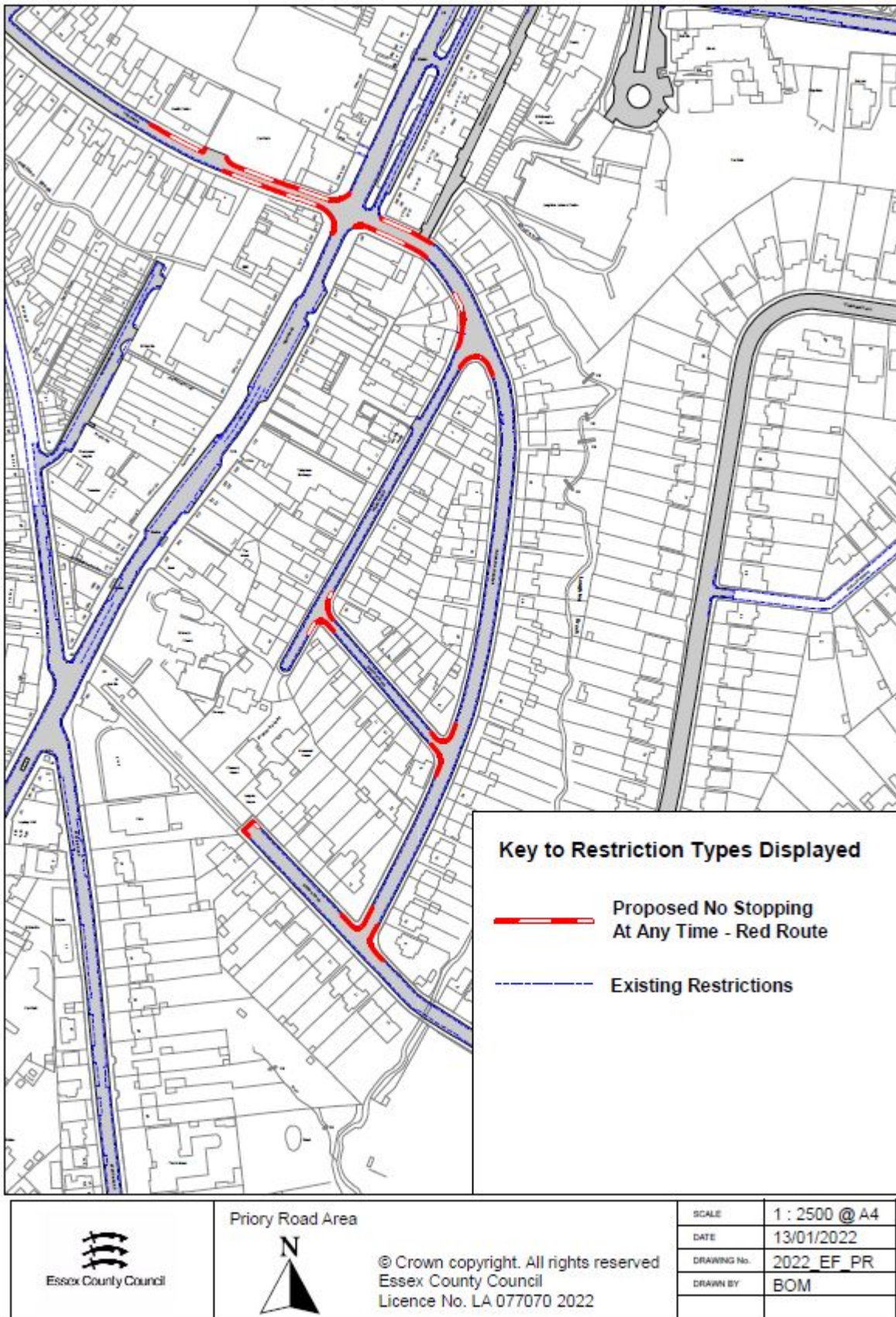
Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Epping Forest District Council shall pay to Mr Oleg Kovalenko, the full costs in respect of the second reason for refusal on the Council's decision notice in the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicant is now invited to submit to Epping Forest District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

M Russell

INSPECTOR

Appendix 3 - NEPP Parking Restriction Plan



Conditions: (18)

- 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: 100, 101 Rev A, 102, 103, 200, 201, 202, 203, 210, and 220.

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 Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy RP3 of the adopted Local Plan and Alterations 1998 & 2006.

- 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP4 of the adopted Local Plan and Alterations 1998 & 2006.

- 5 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Arborterra Ltd drawing number 720 - 03 dated April 2021, unless the Local Planning Authority gives its prior written approval to any alterations.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

- 6 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 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 Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006.

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

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, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Prior to first occupation of the development the existing vehicular access on Brooklyn Avenue shall be fully reinstated, including footway construction and full height kerbing.

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 Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies ST2 & ST7 of the adopted Local Plan and Alterations 1998 & 2006.

- 12 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form & design & access statement.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP2 & DBE1 of the adopted Local Plan 1998 & 2006.

- 13 Hard and soft landscaping shall be implemented as shown on Tententen 'proposed landscaping plan' drawing number 103; and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

- 14 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. 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 requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

- 15 Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP2, DEB1 & DBE9 of the adopted Local Plan 1998 & 2006.

- 16 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy ST4 of the adopted Local Plan and Alterations 1998 & 2006.

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 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

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

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP2, CP7, DBE1 & DBE9 of the adopted Local Plan 1998 & 2006.

Informatives: (2)

- 19 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 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.