

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee South Wednesday, 25th January, 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, 25th January, 2023
at 7.00 pm.**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer:**

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

Members:

Councillors 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 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 21 December 2022.

6. ANY OTHER BUSINESS

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

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

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

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

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

8. SITE VISITS

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/2255/22 25 TRAPS HILL, LOUGHTON IG10 1SZ (Pages 15 - 24)

To consider the attached report for a proposed additional floor extension to existing building to add consulting rooms and associated ancillary facilities.

10. PLANNING APPLICATION - EPF/2635/22 GLENMEAD, PALMERSTON ROAD, BUCKHURST HILL IG9 5NL (Pages 25 - 36)

To consider the attached report on an application for Prior Approval (dwellinghouses on detached blocks of flats) for a proposed single storey extension over part of the flat roof of the existing 3 storey building, to provide 5 additional one and two bed flats.

11. 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 South	Date:	Wednesday, 21 December 2022
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.00 - 8.10 pm
Members Present:	Councillors K Williamson (Chairman), I Allgood, R Baldwin, R Brookes, R Jennings, J Jennings, H Kauffman, S Murray, A Patel, Caroline Pond, C C Pond, K Rizvi, D Sunger and D Wixley		
Members Present (Virtually):	Councillors P Bhanot		
Apologies:	S Heap, A Lion, L Mead, C Nweke and M Owen		
Officers Present:	G Courtney (Planning Applications and Appeals Manager (Development Management)), R Moreton (Corporate Communications Officer) and R Perrin (Democratic and Electoral Services Officer)		
Officers Present (Virtually):	L Kirman (Democratic Services Officer) and M Rahman (Planning Officer)		

88. 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.

89. DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillor Williamson declared a non-pecuniary interest in the following item of the agenda by virtue of meeting the applicant although had not discussed the application. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
 - EPF/1266/22 12 Roding Road, Loughton
- b) Pursuant to the Council's Members' Code of Conduct, Councillor Bhanot declared a non-pecuniary interest in the following item of the agenda by virtue of possible knowing the applicant although as he was present virtually, and therefore could not vote on the application. The Councillor had determined that he would remain in the meeting for the consideration of the application:
 - EPF/1266/22 12 Roding Road, Loughton
- c) Pursuant to the Council's Members' Code of Conduct, Councillor D Sunger declared a personal interest in the following item of the agenda. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/1266/22 12 Roding Road, Loughton

90. MINUTES**RESOLVED:**

That the minutes of the Sub-Committee held on 23 November 2022 be taken as read and signed by the Chairman as a correct record.

91. ANY OTHER BUSINESS

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

92. 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>

93. SITE VISITS

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

94. CHANGE OF ORDER

The Chairman advised the Committee that items 9 & 10 would be swapped around due the consideration of only two items this evening and a member having to leave the chamber for the first item.

95. PLANNING APPLICATION - EPF/1416/22 57 VALLEY HILL, LOUGHTON IG10 3AL**Application Ref:**

EPF/1416/22

Application Type: Householder planning permission

Case Officer: Mohinder Bagry

Site Address: 57 Valley Hill, Loughton, IG10 3AL

Proposal: First floor rear extension. Single storey rear extension. Alterations to entrance porch.

Ward: Loughton Roding Ward

Parish: Loughton

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000004my>

Decision: Approve with Conditions

Conditions: (9)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 01 and 02 Rev E.

Reason: For the avoidance of doubt and to ensure the proposal is built in

accordance with the approved plans.

- 2 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).

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

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

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

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

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

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

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

- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site

boundary, shall take place on the site other than between the hours of 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 Local Plan Submission Version.

- 8 On or before the expiration of 28 days from the date of substantial completion of the development hereby approved, the outbuildings shown to be demolished on drawing number 02 Rev: E shall be removed and the land shall thereafter be reinstated.

Reason: To ensure that the two outbuildings are removed to avoid overdevelopment of the site and the unacceptable reduction in amenity space, in accordance with policy DBE3 and DBE8 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 9 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 outbuildings permitted by virtue of Class E of Part 1 to schedule 2 shall be erected without the prior written agreement of the Local Planning Authority.

Reason: To ensure that the two outbuildings to be removed are not replaced, to avoid overdevelopment of the site and the unacceptable reduction in amenity space, in accordance with policy DBE3 and DBE8 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

Edit Description

Informative: (1)

- 10 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.

96. PLANNING APPLICATION - EPF/1266/22 121 RODING ROAD, LOUGHTON IG10 3BS

Application Ref: EPF/1266/22
Application Type: Full planning permission
Case Officer: Muhammad Rahman
Site Address: 121 Roding Road, Loughton IG10 3BS
Proposal: Extensions and alterations to provide 1x new retail premises on the ground floor and 5x new residential apartments over with associated

amenity space.
Ward: Loughton Roding
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d0000001Cy>
Decision: Refused

Reasons (3)

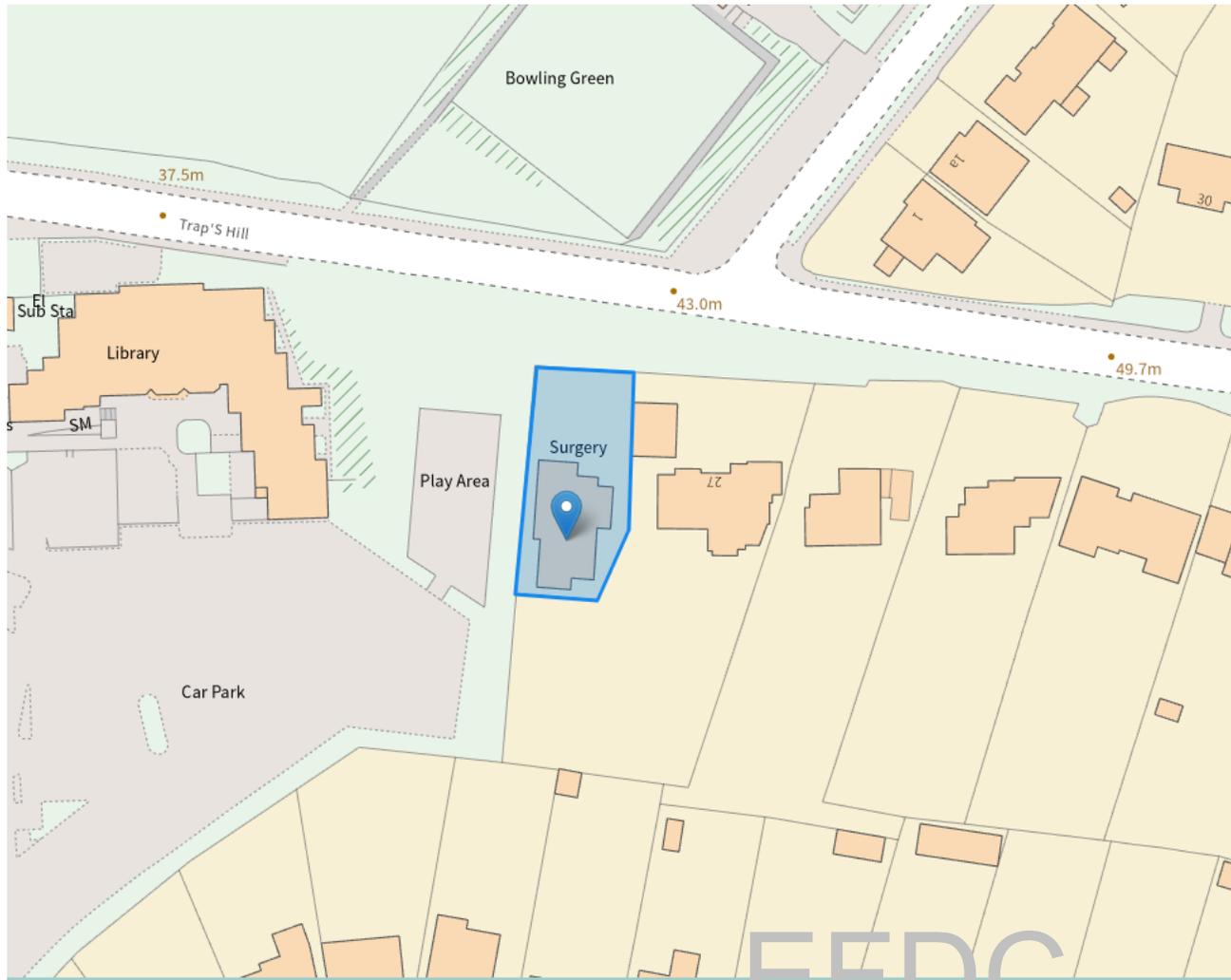
1. The proposal, by reason of its form, scale, bulk and massing fails to relate positively to the locality and would appear incongruous with the street scene. Also, due to increased density it will result in a greater urbanising impact than present. Consequently, it would have a harmful effect to the established character and appearance of the area, which predominantly consists of two storey buildings. Therefore, the proposal is contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.
2. The proposal, by reason of its scale, bulk and massing together with the differing ground levels of the rear gardens of No's 125 – 133, will result in a material loss of light, loss of outlook and a greater sense of enclosure to the rear gardens of No's 125 - 133 to their detriment. As such, the proposal fails to safeguard the living conditions of neighbouring amenities, contrary to Policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 (h) of the Local Plan Submission Version 2017, and Paragraphs 130 (f) of the NPPF 2021.
3. In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

Informatives (2)

4. The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
5. This decision is made with reference to the following plan numbers: 1049.000, 1049.001, 1049.002, 1049.003, 1049.010, 1049.011, 1049.013, 1049.014, 1049.101B, 1049.102D, 1049.103E, 1049.104B, 1049.110E, 1049.111E, 1049.112A, 1049.113, and 1049.1

CHAIRMAN

EFDC



EFDC

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Application Number:	EPF/2255/22
Site Name:	25, Traps Hill, Loughton, IG10 1SZ

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OFFICER REPORT

Application Ref: EPF/2255/22
Application Type: Full planning permission
Applicant: Dr L Larh
Case Officer: Sukhvinder Dhadwar
Site Address: 25, Traps Hill, Loughton, IG10 1SZ
Proposal: Proposed additional floor extension to existing building to add consulting rooms and associated ancillary facilities
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000P70T>
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 comprises a large, detached building which is used as a doctor's surgery. It is located on the southern side of Traps Hill. To the west is the Loughton Library, car park and leisure centre. To its north is open land used for recreational purposes and to the east and northeast are large detached residential properties.

The application site immediately adjoins the western boundary of the Loughton Town Centre and is in a use which is considered suitable for this location.

Description of Proposal:

Permission is sought for an additional floor extension to existing building to add consulting rooms and associated ancillary facilities.

The additional 212 sq. m created will provide 8 no. consulting rooms, with associated waiting area and toilets. The extended building will have a maximum height of 11.18m.

Materials will match those of the existing building.

Relevant History:

Reference	Description	Decision
EPF/1818/79	Erection of a car port.	Grant Permission
EPF/1689/89	O/A for doctor's surgery.	Grant Permission
EPF/1689A/89	Details of doctor's surgery	Grant Permission
EPF/0880/94	Single storey side extension.	Grant Permission
EPF/0921/15	Proposed two storey front extension and reconfiguration and raising of existing roof at rear.	Grant Permission

EPF/1391/17	Resurface footpath with concrete interlocking pavers, pedestrian paved access and replacement of existing fencing with close boarded timber fence with access gate along the western boundary of the site.	Grant permission
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DEVELOPMENT PLAN

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

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

- CP2 Protecting the quality of the rural and built environment
- CP3 New Development
- CP4 Energy Conservation
- CP5 Sustainable Building
- CF1 Traps Hill Loughton
- CF2 Health Care Facilities
- RST1 Recreational, Sporting and Tourist Facilities
- ST1 Location of Development
- ST4 Road Safety
- ST6 Parking Provision
- DBE1 New Buildings
- DBE3 Design in Urban Areas
- DBE9 Loss of Amenity
- U3B Sustainable Drainage Systems

NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

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

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

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

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

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

Representations were invited on the Main Modifications and supporting documents only, and the consultation ran for 10 weeks from Thursday 15 July 2021 to 5pm on Thursday 23 September 2021.

The most recent update dated 16 June 2022 (ED141) outlines that changes are required to the text of the submitted Plan and the Main Modifications (consulted upon in 2021) in order to meet the tests of soundness as set out in the National Planning Policy Framework. The note sets out a number of Actions for the Council and requires a new schedule of Main Modifications to be produced and consulted upon. The Council is immediately directing resources to be able to respond on all of the Inspector's Actions as swiftly as possible and, upon agreement to a new schedule of Main Modifications, to undertake the required consultation in order to be able to move towards the conclusion of the Examination and the final adoption of the Plan as quickly as possible'. It is therefore at an advanced stage of preparation. The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP2 - Spatial Development Strategy 2011-2033	Significant
T1 - Sustainable Transport Choices	Significant
DM5 - Green and Blue Infrastructure	Significant
DM9 - High Quality Design	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM16 - Sustainable Drainage Systems	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted:

Site notice posted: No, not required

Responses received:

27 TRAPS HILL: OBJECTION The building has already been extended several times. The Architects drawings doesn't show how far the rear of the building extends beyond the line of our house. Its extends 12 metres beyond the line of our house and then to add an extra story to the full length of the building as proposed, will be very overbearing and cause a sense of enclosure.

PARISH COUNCIL: The Committee OBJECTED to this application on the grounds that it was an overdevelopment by reason of its bulk and height. The proposal resembled a block of flats which would result in a negative impact on the street scene and neighbours; and would set an unwelcome precedent.

Agent's response:- the Applicant would reiterate that the proposals have been developed in response to the demonstrable existing and impending demand for a diverse range of medical services in this locality.

The bulk and height of the building have been scrutinised by both the design team and the Local Planning Authority (LPA) and, as a result, the proposals have been revised and moderated in scale to take into consideration the physical relationship between the application and neighbouring sites based on actual measured surveys.

In terms of appearance, the proposed building takes its cues from the aesthetic of the existing building which it seeks to replicate and extend, whilst being sympathetic to the palette of materials and the prevailing aesthetic of the surrounding buildings.

The Applicant considers that the proposed development represents an organic response to both increased demand and lack of medical space, as well as being an appropriate form of development with respect to its context and continued use and will be of significant benefit to the local community.

Main Issues and Considerations:

Chapter 8 of the NPPF requires that planning decisions should ensure that "facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community".

Policy CF2 -Health Care Facilities requires that planning permission will be granted for proposals to develop or extend existing health care facilities to meet the needs of the residents of the district subject to the development not causing excessive environmental or amenity problems, the site is readily accessible by car and public transport and the site is not in the Green Belt.

The proposal is located within an area protected for community purposes. The submitted Design and Access Statement indicates that approval of this application will allow for the following benefits:-

- Practice will have additional capacity to accommodate the increasing list size
- Better patient experience and fit-for-purpose premises
- Provision of a wider range of service
- Facilitate integration and collaborative working with other health and social care organisations and agencies in the third sector
- Expand training plan for undergraduate students, GP trainees, student nurses
- Will aid recruitment and retention of staff and resources

The site is situated within a highly sustainable location close to public transport links and there are 11 car parking spaces on the site along with a public car park in close proximity to the site. The proposal will also not cause excessive environmental or amenity harm. (See design and neighbouring amenity sections below).

It is therefore considered that approval of this application will ensure that the local community get better access to health facilities which will contribute towards better health outcomes for the local community the proposal therefore complies with the requirements of chapter 8 of the NPPF together with policy CF2 of the Local Plan. Accordingly, the principle of the proposal is acceptable.

Design

The current design is as a result of pre -application discussions where a larger scheme was amended to take into consideration the impact of the proposal on the neighbour and to allow the site to adequately meet the need to accommodate the increasing patient list size.

Whilst the addition of a third storey does not reflect the design of neighbouring residential properties, given that the site acts as a transitional location between the town centre and the residential part of Traps Hill; along with the community character and use of the building as surgery being distinct from that of neighbouring residential dwellings and of a type where additional stories can be expected; the natural ground levels of the application site being approximately 1.25m lower than those at 27 Traps Hill; it is considered that there is more scope to diverge from strict adherence to maintaining the residential character and appearance of the wider street than would ordinarily be the case.

The front hipped roof would be approximately 38 cm higher than the ridge height of no 27 Traps Hill this section is part of the northwestern section part of the building, which would be furthest away from residential dwellings and nearest to the Town Centre. The majority building would remain approximately 0.7m lower than the ridge of no 27 Traps Hill and as such would not appear unduly incongruous to the heights of neighbouring properties.

The external appearance of the building would be in keeping with it Tudor pastiche

There are no changes proposed to the footprint of the building

It is for these reasons considered that the proposal will have a neutral impact on the character appearance of Traps Hill in accordance with policy DBE1 of the Adopted Local Plan and DM9 (D) of the Local Plan

A system of PV panels is proposed on the flat roof of the proposed extensions. Along with this a battery pack system is proposed to be installed for energy storage. This can also act as a back-up energy source and as a means to reduce the use of mains electricity.

The design accords with the June 2022 update of Approved Document Part L of the Building Regulation. (Floors, walls, roofs, doors, and windows will be specified to have high thermal performance to minimise heat loss/gain.)

It is for these reasons considered that the proposal will improve the energy efficiency of the building in accordance with CP5 of the Adopted Local Plan and DM9 (A) and DM20 of the Submission Version Local Plan.

Impact on the living conditions of the occupiers of neighbouring residential properties

The existing surgery already extends 10.6m beyond the rear elevation of number 27 Traps Hill. All upper floor windows facing this property are obscure glazed. The first-floor side flank wall of this neighbour is 11.2m away from the proposed extension. It contains two windows, the first serves a bathroom and the second is a blocked up secondary bedroom window. It is therefore considered that the proposal will not result in any significant loss of light or privacy.

The tallest part of the extension is located within the northern corner of the building. The distance between the application building and the dwelling at 27 Traps Hill is at least the total height of the

proposal and there are no habitable room windows facing the proposal. The proposal therefore accords with the Essex Design Guide in regard to avoiding overshadowing to the main garden area.

All other neighbouring residential properties are sufficiently distant to ensure that they are not materially affected. It is on this basis considered that the proposal complies with the requirements of policy DBE 9 of the Adopted Local Plan and DM 9(h) of the Submission Version Local Plan.

Parking

There will be no increase in the current level of 11 car parking spaces on the site. A Public ' Pay and Display' car park is within a 3-minute walk of the site.

In addition three cycle hoops where bicycles can be secured adjacent to the entrance of the surgery will also be provided for staff. Given the sustainable location of the site, this provision is considered to accord with the requirements of ST6 of the Local Plan and T1 of the SVLP.

Conclusion:

In conclusion, the proposal will allow the surgery to increase its patient list and provide other medical services to the community in an accessible and sustainable location. It has an acceptable appearance and will not have an adverse impact on highway safety or congestion. Furthermore the impact on the living conditions of neighbouring residential occupiers will not be excessively greater than the existing situation. It is for these reasons that the proposal complies with relevant planning policy and is recommended that planning permission be granted.

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

***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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

Conditions: (7)

- 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:

Design and Access Statement, 854-200-L-X01, 854-200-L-X02, 854-200-L-X03, 854-200-L-X04, Arboricultural Report by Tim Moya Associates dated September 2022.

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

- 3 The solar panels shall be installed in accordance with the details shown on plan number 854-200-L-301 and shall be built in accordance with the Approved Document Part L (Conservation of Fuel and Power) of the Building Regulations 2010.

Reason: To promote sustainable building design in accordance with CP5 of the Adopted Local Plan and Alterations and Policies SP3, DM 9 and DM20 of the Epping Forest District Council Local Plan Submission Version 2017.

- 4 Tree protection shall be installed as shown on Tim Moya Associates 'Tree Protection Plan' drawing number 170540-P-32 dated 21st September 2022 prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

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

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

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

- 6 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 DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (or any Order revoking and/or re-enacting that

Order) the premises shall only be used as a medical surgery as specified in the application and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the GPDO are not acceptable to the Local Planning Authority in this location because other uses may have an adverse impact on the character and appearance of this locality , in accordance with Policies CP7 and DBE1 of the adopted Local Plan 1998 & 2006, Policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

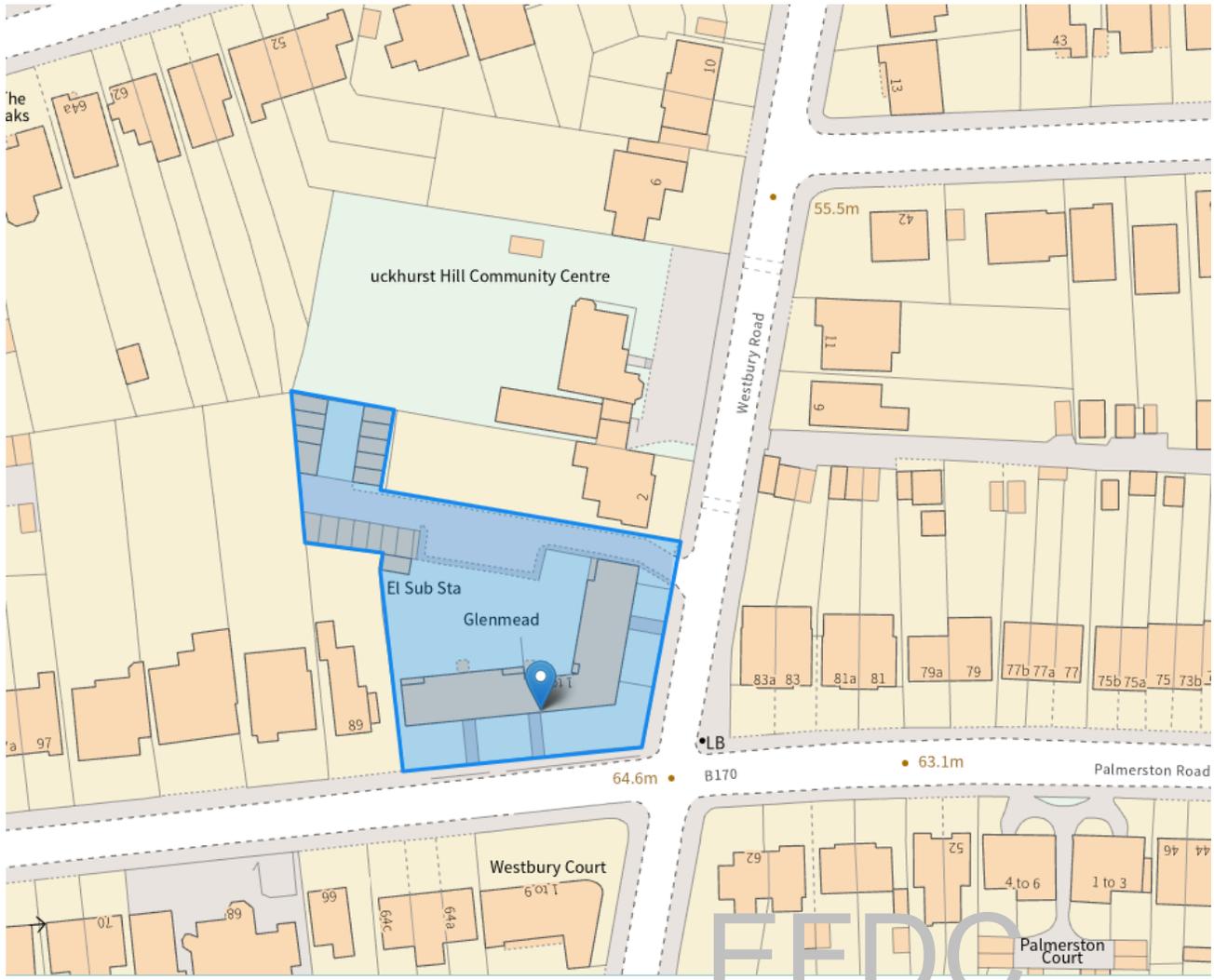
Informatives: (1)

- 8 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.

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EFDC



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Application Number:	EPF/2635/22
Site Name:	Glenmead, Palmerston Road, Buckhurst Hill, IG9 5NL

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OFFICER REPORT

Application Ref: EPF/2635/22
Application Type: Prior approval Part 20 Class A: New dwellinghouses on detached block of flats
Applicant: Eldnam Limited
Case Officer: Ian Ansell
Site Address: Glenmead, Palmerston Road, Buckhurst Hill, IG9 5NL
Proposal: Application for Prior Approval (dwellinghouses on detached blocks of flats) for a proposed single storey extension over part of the flat roof of the existing 3 storey building, to provide 5 additional one and two bed flats.
Ward: Buckhurst Hill West
Parish: Buckhurst Hill
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UiFh>
Recommendation: Approve with Conditions

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

Description of Site:

The site occupies a corner plot on the north side of Palmerston Road, with a return frontage to the west side of Westbury Road. The L-shaped block comprises 3 floors and 15 flats served by 3 entrances on the road frontages. The frontage comprises well maintained and mature grounds and a further landscaped area to the rear, with access to a small parking court accessed from a single point on Westbury Lane.

The surrounding area is predominantly residential comprising mix of houses and flats, generally up to 3 storey and taking a variety of built forms. Non-residential uses are of similar scale.

Description of Proposal:

The application seeks prior approval under the provisions of Schedule 2 Part 20 Class A of the General Permitted Development Order as amended.

The works proposed comprise the construction of an additional floor above much of the building to provide 5 additional flats – 3 x 2 bedroom and 2 x 1 bedroom. The extension is built up from the existing front and rear walls and follows the shape of the building, being set in from the end walls by around 3.5m. The roof layout replicates the existing stepped levels, and the internal ceiling heights match the existing to maintain proportions. The elevational treatment has a similar vertical emphasis, but uses more glazing.

The rear courtyard is reconfigured, a new parking area for 10 vehicles including 6 with charging points is indicated on an area of disused garages in the north east corner of the site, and new bin and cycle stores buildings are proposed adjacent to the existing parking areas.

Relevant History:

EPF/2429/21 This earlier application for prior approval proposed two additional floors on the building comprising 10 flats was refused on its impact on immediate neighbours, the scale and bulk impacting on the street scene, and the impact on the EFSAC.

Policies Applied:

Adopted Local Plan:

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

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

CP1	Achieving Sustainable Development objectives
CP2	Protecting the quality of the rural and built environment
CP6	Achieving sustainable urban development patterns
CP7	Urban Form and Quality
NC1	SPA's, SAC's and SSSI's
DBE2	Effect on neighbouring properties
DBE3	Design in urban area
DBE6	Car parking in new development
DBE9	Loss of Amenity
ST1	Location of development
ST2	Accessibility of development
ST5	Travel plans
ST6	Vehicle parking

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

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

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

Epping Forest District Local Plan (Submission Version) 2017:

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

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

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

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

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

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

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

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

No.	POLICY
SP1	Presumption in favour of sustainable development
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM9	High Quality Design
DM10	Housing design and quality

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

Consultation Carried Out and Summary of Representations Received

Date of site visit: 11 October 2021 (previous application)
Number of neighbours consulted: 52
Site notice posted: No, not required
Responses received: Responses have been received from 11 residents as under:

Glenmead – 2, 6, 8, 10, 11, 12, 13, 15 and one response from ‘Glenmead resident’
Westbury Road - 6
Westbury Court – 7

Objections cover following issues:

- Scale and mass of building in the local context
- Parking and traffic issues
- Direct impact on neighbours, overlooking, overbearing, loss of light
- Air quality issues, particularly around EFSAC
- Potential contamination if building contains asbestos
- Local flooding issues
- Adequacy of local infrastructure and services
- Structural integrity of the existing building
- Construction issues.

Parish Council: Buckhurst Hill PC objected on the following grounds:

- Overbearing on 2 Westbury Road and properties on Palmerston Road
- Bulky and intrusive addition same as previous refusal EPF/2429/21
- Out of character with local vernacular
- Overlooking of adjacent amenity areas and impression of enclosure for property on Westbury Road

Main Issues and Considerations:

The application seeks to establish that the development meets the criteria laid out in the GPDO as amended under Schedule 20, Class A. Class A covers construction of up to two floors over existing purpose built flats to provide additional units. As such, there is a two stage process for consideration of the application.

The first stage is a factual assessment as to whether the development meets the tests in A1 which set out circumstances where development would not be permitted. If any of the tests are failed, the works cannot be approved under this process. Officers have assessed these as under:

- a. The building comprises a purpose built block of flats, not one approved under Schedule 2, Part 3 of GPDO
- b. The building comprises at least 3 storeys above ground
- c. The building was constructed between 1948 and 2018
- d. The works are above principle part of building
- e. Floor to ceiling heights are consistent with existing

- f. All proposed units are flats
- g. The overall height of the building is not increased by more than 7m
- h. The overall height of the building as extended would not be over 30m
- i. No visible support structures are proposed on the exterior of the building
- j. No works to strengthen the existing building are indicated, the applicants confirm they have a preliminary report that confirms a lightweight structure could be added.
- k. There is existing plant on the roof
- l. Replacement plant is not indicated as higher than existing
- m. Works do not extend beyond existing built curtilage
- n. Waste and cycle storage do not extend beyond the original curtilage, nor forward of principal elevation, nor beyond a side wall fronting a highway
- o. The building is not located on article 2(3) land, within a SSSI, within the curtilage of a listed building or scheduled monument, a safety hazard area, a military explosives storage area or within 3km of an aerodrome.

As such, the development meets the restrictions under section A1, and consideration of the specific planning issues under section A2 should be used to determine the application.

1. Transport and highways impacts – The application proposes 10 parking spaces on an area previously used for garaging, and provision for cycle storage on site. Notwithstanding any historic reasons for the garages being closed off, members must consider only the provision in the context of the proposed development. In this regard, the proposal makes ample provision for the number of units proposed. The site also lies in a highly accessible location served by train and bus. Noting that Essex Highways did not object to the previous application for 10 units, the proposal has little impact on highway safety, traffic flow or local transport.
2. Air traffic and defence asset impact – no such issues arise from adding one floor to the building.
3. Contamination – no ground works are proposed which may raise contamination issues, the cycle and bin store lie within existing garden areas.
4. Flood risk – the site does not lie in a flood risk area, and no additional hard surface are introduced which may raise flood risk issues to lower ground.
5. External appearance – The site lies on a corner within an area of mixed built form with substantial variations in form, materials and height. These include elements of four storey buildings on Palmerston Road including at 32 Palmerston Road to the south, and at St James Gate and The Green to the north. The proposal adheres to a number of good design principles in that the corner location lends itself to a ‘landmark’ element as a streetscape focal point, and sets the additional storey in from either end to introduce a graduated increase in the overall height. The additional floor is of similar floor to ceiling height to the existing, and retains horizontal and vertical elements that will reflect the existing form without being a pastiche in modern materials. Thus, in design terms the extension is considered appropriate to the setting.
6. Natural light to habitable rooms – all habitable rooms are served by windows in the external facades of the development.
7. Impact on amenity – A daylight / sunlight report accompanies the application which argues that any impact would be minimal and would not impact habitable rooms significantly. The siting of the existing building, the orientation, and the setting in on the flanks all support this conclusion. The amenity area to the rear of the building is overshadowed by the existing building, and the additional floor will not significantly change this relationship.

The setting in of the building from the outer flanks, and the reduction to only one additional floor addresses concerns about the physical impact on the immediate neighbours, while balconies are being introduced on the ends, these include sufficient screening to deal with overlooking of garden areas.

Other issues raised in representations relate to construction disturbance and disruption which, while they are of relevance to residents, are not matters on which planning decisions can be made.

- Impact on Protected Vistas – the site does not lie within a protected vista defined by the relevant Directions.
- Fire safety of exterior – not applicable, as building less than 18m high.
- Fire safety impacts – the proposed flats will be served by the existing stair cores which already provide fire protection in accordance with Building Regulations. No additional measures are necessary.

The provisions of the Order also require that development should have regard to the provisions of the NPPF, which in turn refers to the need to consider the impact of development on 'habitat sites'. The site lies within 3km of the Epping Forest SAC and a Habitat Regulation Assessment accompanies the application which acknowledges the development will have an impact in both recreational use and increased air pollution. On site mitigation is included in terms of provision of electric vehicle charging points and increased cycle stand provision. The report also accepts financial contributions are required. Recent appeal decisions have confirmed that in the case of prior approval applications, mitigation can be secured through condition at application stage. As a result an appropriate assessment can be completed.

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

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

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

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

Stage 1: Screening Assessment

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

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

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

Atmospheric Pollution

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

Means to Secure Suitable Mitigation

Since it is not possible to allow permitted development subject to a legal agreement in and of itself, Regulation 75 of the Conservation of Habitat and Species Regulations (2017 as amended) requires

that any Prior Approval application where HRA is undertaken and mitigation for impacts is found to be required must include the following Planning Condition:

“Development must not be begun until the developer has received written notification of the approval of the local planning authority”

The subsequent approval of details application can secure a Unilateral Undertaking to ensure that adequate mitigation measures are secured.

Conclusions:

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

Conclusion:

Taking account of the issues which fall to be determined under the prior approval process, most are either not applicable or are met, as set out above.

On the more subjective matters, the proposal has responded to the previous refusal in reducing the proposal to a single additional floor and setting the building in from the outer flanks, both of which decisions reduce the impact on neighbours and existing occupiers of the building and produce a more appropriate built form for the setting. Four storey buildings already exist in the area and locating such development on a corner site meets good design principles which would not exist within other street frontages.

In the absence of evidence of serious harm to existing residents, officers conclude that prior approval should be granted, subject to appropriate conditions.

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

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

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

Conditions: (11)

- 1 The development to which this permission relates must be completed within a period of three years starting with the date prior approval is granted.

Reason: To comply with the requirements of Part 20, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 2102_L_005 Rev B, 010 Rev B, 011 Rev B, 013 Rev B, 020 Rev C, 030 Rev C, 031 Rev C, 032 Rev C, 055 Rev C, 060 Rev B, 061 Rev C, 063 Rev C, 066 Rev C, 070 Rev E, 080 Rev E, 081 Rev E, 082 Rev E and 083.

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

- 3 The development shall not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Reason - In order to mitigate impact of the development on the Epping Forest Special Area of Conservation in accordance with policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

- 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 Local Plan Submission Version 2017, and the NPPF.

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

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

- 6 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plan 2102_L_083

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 [or DBE1 if structure is not a residential extension] of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

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

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

- 8 Prior to first occupation of the development hereby permitted the balcony screens shall have been fitted with obscure glass with a minimum privacy level 3 obscurity. Once installed the obscure glass shall be retained thereafter.

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

- 9 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.

Reason: In the interests of highway safety, in accordance with policies ST4 and ST6 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 10 The parking area, including electric vehicle charging points, refuse and cycle stores shown on the approved plan shall be provided in accordance with the details on the approved plans prior to the first occupation of the development and shall be retained free of obstruction for the intended purposes in perpetuity.

Reason: In the interests of highway safety, in accordance with policies DBE9, ST4 and ST6 of the adopted Local Plan and Alterations 1998 & 2006, policies T1, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 11 All roof mounted plant shall be designed to not exceed the height above the new roof of any existing roof mounted plant above the existing building.

Reason: In the interests of general visual amenity and to accord 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.

Informatives: (1)

- 12 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.

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