



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday 27th March 2024**

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 27th March 2024 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

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

Members:

Councillors K Rizvi (Chairman), R Baldwin (Vice-Chairman),
I Allgood, D Barlow, P Bhanot, R Brookes, E Gabbett, S Heap,
R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead,
L Morgan, S Murray, C Nweke, M Owen, A Patel, S Patel,
Caroline Pond, C C Pond, D Sunger, K Williamson and D Wixley

This meeting will be broadcast live and recorded for repeated viewing.

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 MS Teams 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 4 - 5)

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](#) 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'.

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 6 - 7)

To confirm the minutes of the last meeting of the Sub-Committee held on 28 February 2024.

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. 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.

8. EPF/1770/23 191, THE FIRS, HIGH ROAD, CHIGWELL, IG7 5AS (Pages 8 - 19)

To consider the attached report for the change of use of existing vacant residential property to a day nursery within Class E along with creation of new central vehicular access following closure of existing accesses and associated car, cycle, buggy and scooter parking provision.

9. EPF/2089/23 23, MILLWELL CRESCENT, CHIGWELL, IG7 5HX (Pages 20 - 23)

To consider the attached report for the proposed amendments to rear patio.

10. EPF/2688/23 6, TEWKESBURY CLOSE, LOUGHTON, IG10 3NT (Pages 24 - 29)

To consider the attached report for the change of use from waste land to garden.

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.

Agenda Item 2

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. 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 MS Teams 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 MS Teams. Speakers must NOT forward the MS Teams 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 are available on [our website](#). 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, email democraticservices@eppingforestdc.gov.uk

Agenda Item 5

EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE SOUTH MEETING MINUTES

Wednesday 28 February 2024, 7.00 pm - 7.50 pm

Council Chamber - Civic Offices

Members Present: Councillors K Rizvi (Chairman), , I Allgood, R Brookes, S Heap, R Jennings, J Jennings, H Kauffman, A Lion, L Mead, S Murray, C Nweke, A Patel, Caroline Pond, C C Pond, D Sunger, K Williamson and D Wixley

Apologies: Councillor(s) R Baldwin, D Barlow, P Bhanot, J Jogia, L Morgan, M Owen and S Patel

Officers In Attendance: J Rogers (Principal Planning Officer), T Larsen (Democratic Services Officer) and R Moreton (Corporate Communications Officer)

Officers In Attendance (Virtually): M Picking (Democracy & Elections Apprentice)

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

81 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.

82 DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillor Murray declared a non-pecuniary interest in the following item of the agenda, by virtue of having been approached by the residents in the area as a Ward Councillor and having had in depth conversations and given advice. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:
- EPF – 2688 /23 - 6 Tewkesbury Close, Loughton, IG10 3NT
- b) Pursuant to the Council's Members' Code of Conduct, Councillor Brookes declared a non-pecuniary interest in the following item of the agenda by virtue of having been in contact with both residents and the applicant. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF – 2688 /23 - 6 Tewkesbury Close, Loughton, IG10 3NT
- c) Pursuant to the Council's Members' Code of Conduct, Councillor R Jennings declared a personal interest in the following item of the agenda, by virtue of the applicant is a personal friend. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:
- EPF – 2688 /23 - 6 Tewkesbury Close, Loughton, IG10 3NT

d) Pursuant to the Council's Members' Code of Conduct, Councillor J Jennings declared a personal interest in the following item of the agenda, by virtue of the applicant is a personal friend. The Councillor had determined that she would leave the meeting for the consideration of the application and voting thereon:

- EPF – 2688 /23 - 6 Tewkesbury Close, Loughton, IG10 3NT

e) Pursuant to the Council's Members' Code of Conduct, Councillor Allgood declared a non-pecuniary interest in the following item of the agenda by virtue of having been in contact with both residents and the applicant, and the main objectors' is known to him. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF – 2688 /23 - 6 Tewkesbury Close, Loughton, IG10 3NT

83 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 31 January 2024 be taken as read and signed by the Chairman as a correct record.

84 ANY OTHER BUSINESS

Cllr Heap brought it to the Sub-Committees attention that in the future it would be useful to have oversight on the use of S70C Mechanism to Refuse the determined applications.

85 SITE VISITS

Councillor C Pond proposed a site visit for agenda item 10, EPF - 2688 /23
6 Tewkesbury Close, Loughton, IG10 3NT, which was seconded by Councillor Brookes, so this item was deferred to the next meeting.

86 PLANNING APPLICATION - EPF- 2193 / 23 - 155, FOREST ROAD, LOUGHTON, IG10 1EF

Decision: [Approved](#)

87 PLANNING APPLICATION - EPF- 2469 / 23 - CORNER GARTH, NURSERY ROAD, LOUGHTON, IG10 4EF

Decision: [Approved](#)

88 PLANNING APPLICATION - EPF- 2688 / 23 - 6 TEWKESBURY CLOSE, LOUGHTON, IG10 3NT

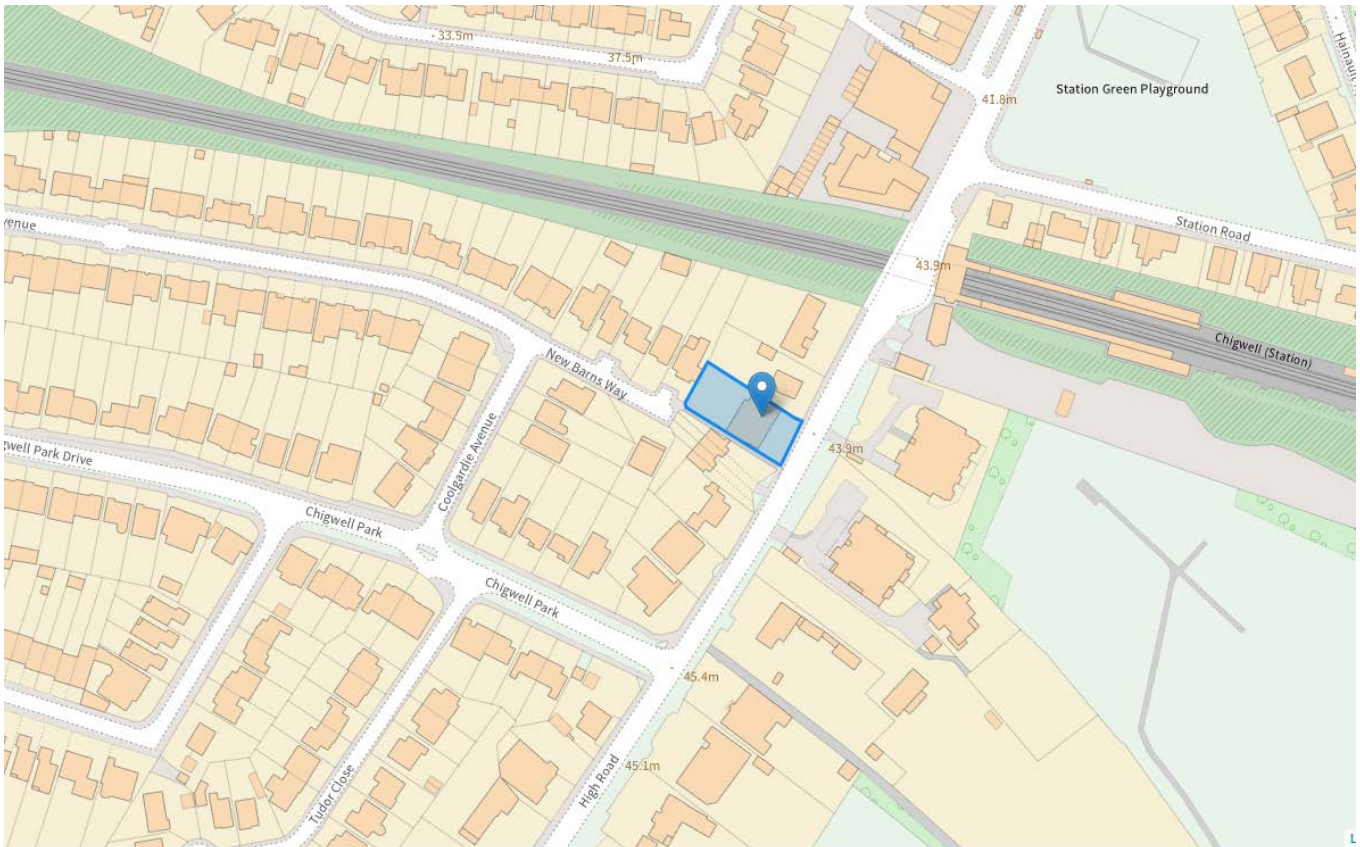
Decision: [Referred for a site visit.](#)

CHAIRMAN

Agenda Item 8

OFFICER REPORT

Application Ref: EPF/1770/23
Application Type: Full planning permission
Applicant: Ms Amy Davis
Case Officer: Sukhvinder Dhadwar
Site Address: 191, The Firs, High Road, Chigwell, IG7 5AS
Proposal: Change of use of existing vacant residential property to a day nursery within Class E along with creation of new central vehicular access following closure of existing accesses and associated car, cycle, buggy and scooter parking provision.
Ward: Chigwell Village
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001X3ZF>
Recommendation: Approve with Conditions



*Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Crown Copyright and Database Rights 2022 Ordnance Survey 0100018534*

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site measures 822 sqm and comprises a single storey bungalow within a residential curtilage. The rear garden is on a split level due to the fall in land in a south to north direction.

It is located the southwest of Chigwell High Road. It is not within a Conservation area and is not Listed. To the north of the site is 189 Chigwell High Road which is a two-storey Grade II Listed Building used for residential use. It has a gambrel roof with living accommodation within the roof. It is set forward of the application site by 2.5m. It has a similar rear building line to the application site.

Opposite the application site is a two-storey apartment block comprising 12 dwellings at 120 High Road.

To the southwest is a two-storey dwelling at no. 4 the Lanterns. This dwelling is set significantly back from the front of the application dwelling.

There is a lit public footpath separating the application site from no. 4 The Lanterns, High Road.

To the rear of the application site is the property No. 5 New Barns Way which contains a two-storey detached house.

The site is less than 100m from Chigwell station.

Description of Proposal:

Permission is sought for the change of use of the existing vacant residential property to a day nursery within Class E along with creation of new central vehicular access following closure of existing accesses and associated car, cycle, buggy and scooter parking provision.

The proposed nursery would operate during the daytime i.e. 7am - 7pm Monday to Friday.

It is proposed to have a capacity of up to 60 children and up to 17-20 staff. A buggy store will allow parents to drop buggies off before travelling to work. A cycle store is proposed to be located in rear garden and will be accessible via an existing side gate off the pedestrian footpath which will be controlled by an intercom system.

Relevant History:

EPF/0165/05 Retention of single storey extension to side. Granted

EPF/0999/18 Demolition of the existing bungalow and erection a of building to provide four flats. Refused and dismissed at appeal under reference APP/J1535/W/19/3222929

EPF/2674/18 Demolition of the existing bungalow and erection of a new 5-bedroom dwelling house. Granted

EPF/0580/22 the replacement of the existing bungalow with a more sustainable new house of a modular construction. Allowed on appeal

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.

Epping Forest Local Plan 2011-2033 (2023):

On the 06 March 2023 at an Extraordinary Council meeting the Submission Version Local Plan was adopted by Epping Forest District Council. The now adopted Local Plan will be referred to as the Epping Forest District Local Plan 2011-2033.

The relevant policies are listed below:

Policy

SP1 - Spatial Development Strategy 2011-2033

SP2 - Place Shaping

H1 - Housing Mix and Accommodation Types

T1 - Sustainable Transport Choices

DM1 - Habitat Protection and Improving Biodiversity

DM2 - Epping Forest SAC and the Lee Valley SPA

DM5 - Green and Blue Infrastructure

DM6 - Designated and Undesignated Open Spaces

DM7 - Heritage Assets

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 Waste Water and Water Supply

DM19 - Sustainable Water Use

DM20 - Low Carbon and Renewable Energy

DM21 - Local Environmental Impacts, Pollution and Land Contamination

DM22 - Air Quality

NATIONAL PLANNING POLICY FRAMEWORK (September 2023)

The revised NPPF is a material consideration in determining planning applications.

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

(a) approving development proposals that accord with an up-to-date development plan without delay; or
(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted:

Site notice posted: No, not required.

Responses received:

2 New Barns Way, 3 New Barns Way, 6 New Barns Way, 4 Key West Court, 120 High Road, 5 Key West court 120 High Road 8 Key West court 120 High Road, 10 Key West court 120 High Road, 120 High Road, 3 Coolgardie Avenue, Coolgardie Avenue, ,5 Coolgardie Avenue, 6 Coolgardie Avenue, 7 Charlesworth Court, 96 Manor Road, 3 The Lanterns, High Road, 118 High Road, 185 High Road, 12 Chigwell Park Drive and 1 email OBJECT to the application on the following grounds:-

- Will cause traffic congestion
- Will increase parking pressure
- House too small to accommodate use.
- Danger to road safety
- Location unsuitable for a children's nursery
- Increase in air and noise pollution
- Will increase accidents
- Will devalue property (not a planning consideration)
- Out of keeping with residential character of the area.
- No need for another nursery in Chigwell (there are some several in the immediate area – St Mary's nursery, , Bright Horizons on Chigwell Rise/David Lloyd, Chigwell Day care and Pre-school nursery on Luxborough Lane.
- This raises the potential of cars being 'backed out' into the High Road
- The plans state that parents will use prams or pushchairs to get to the nursery, but not if it's raining and no doubt, they will try and park in the local area, i.e. New Barns Way, Coolgardie Avenue and Chigwell Park Drive and potentially use Chigwell Station to commute. The opening hours of the nursery would surely encourage commuting parents.
- We understand there are no facilities for the storage and collection of food waste from the kitchen.
- A lack of young children in the area due to lack of affordable housing.
- Since the Ardent transport report was submitted there have been 2 serious accidents on the High Road involving children being hit by cars with 1 requiring the Air Ambulance service.

21 Ely Place; Grangewood House 43 Oakwood Hill, 25 Clarence Gate, 9 Impact House and 26 emails with no address given. SUPPORT the application on the following grounds:-

- I work in Chigwell daily and have no childcare in the area.
- Will save me a lot of time having a local nursery to my workplace
- I sit in traffic nearly every day wasting over an hour of valuable time taking my son to a nursery located in High Beech, not very environmentally friendly for our beloved forest. But this is because there is a lack of nursery's inside Chigwell village, and those on the outskirts of our village are at full capacity.
- Chigwell also has more family homes coming - where are families that occupy these properties expected to send their children?
- There is a lack of nurseries in the area
- As a local business owner having a local nursery in our village is a huge bonus for our employees too.
- I work 100 metres from the site with my own parking space and would walk my children to and from the site.
- Allows local parents to walk to the Nursery
- The property itself has been left to rot and is in awful state of repair, this will also help bring it back to life.
- Convenient location near the station
- Facility needed as no provision in the town centre.
- With all the new housing planned for and under construction in Chigwell village, there will be a greater need for a day nursery

Response from agent to objections raised by neighbours:-

- Vacant for 4 years
- Proposal will have positive impact on character of area
- Hours 7am-7pm
- Single storey building therefore no overlooking.
- The external play area to the rear of the building would only be used between 9am and 6pm Monday to Friday, with approximately 20 children using the upper terrace play area (immediately to the rear of the bungalow) and approximately 20 children using the lower terrace area at any one time. The groups of children would be supervised at all times by members of staff to ensure that external activity/play is carefully managed and appropriate consideration is given to neighbours.
- The existing perimeter of the rear garden is already enclosed by a mix of walling and fencing. This would be enhanced by the erection of a continuous 2-metre high solid fence around the existing upper terrace play area. The existing and proposed screening would provide both a visual and acoustic barrier to the neighbouring properties. Overlooking from both the existing upper and lower terraced areas onto neighbouring properties would be avoided.
- The detailed noise report, by Sound Licensing Limited, submitted with the application also confirms “the proposed use is capable of operating without causing loss of amenity to the residential occupiers at the nearest sensitive properties and the predicted internal and external noise levels, from the external operations of the day nursery, will comply with the BS8233:2014/WHO internal & external noise guidelines.”
- Nursery in an accessible location, thereby facilitating parents to drop off and pick up by sustainable modes rather than a reliance on the private car –Secure buggy and scooter parking along with a separate cycle store would be provided to further encourage sustainable travel by parents and staff.
- Essex County Highways who confirm that they would have no objection to a reduction in the level of on-site parking due to the site’s high accessibility to non-car modes of transport, with the ECC adopted parking standards seeking reduced parking for sites within 400m of a London Underground station.
- Based on the predicated low level of trip generation to the site and the average duration of stay by parents dropping off and picking up their children, the level of parking proposed is entirely reasonable for this sustainable site.
- Adequate on-site refuse and recycling storage provision.
- There is considerable interest from nursery providers who confirm that there is significant demand locally for nursery places as there are no other comparable nurseries within the built-up area of Chigwell Village. The nearest day nurseries at Chigwell Day Nursery in Roding Lane, Flying Start Nursery in Limes Avenue and Chigwell Day Care in Luxborough Lane are approximately a mile or more away from the application site. St Mary’s Church of England Nursery only offers morning sessions during term time with three afternoon sessions per week in the Spring and Summer terms (to prepare the older children for school) and is therefore not directly comparable.

PARISH COUNCIL: No objection

Main Issues and Considerations:

Principle of the use

Policy H1 of the adopted Local Plan, requires that the loss of bungalows should be resisted, however planning permission was granted for the loss of the bungalow on this particular site under reference EPF/2674/18 and allowed on appeal under EPF/0580/22. Refusal on these grounds could therefore not be justified.

The Infrastructure Delivery Plan (2020) Part B Report: Infrastructure Delivery Schedule indicates that there is an essential need for 48 early years places to meet the needs of the new residents generated by the new development on allocated sites within the Chigwell area. Approval of this application will allow this provision to be met; and as a result allowing S106 monies from allocated residential sites to be earmarked for other priorities within Chigwell in accordance with this document.

Furthermore, given that the location of the site is less than 200m meters from public transport links and amenities and would provide a facility which would be useful to the local community, it is considered that the principle of the use is acceptable.

Character and appearance

The operational hours of the nursery and activity generated by the proposal are reflective of a busy classified road such as the A113 (High Road).

No extensions are proposed, and approval would allow the property to be renovated and tidied up. This would have a positive impact on the character and appearance of the area. The proposal is therefore reflective of the surrounding character of the area and will have a positive impact on the site's appearance. In accordance with policy DM9A of the adopted Local Plan.

Impact on neighbouring residential amenity

The rear garden of the property will be divided into two separate external play areas comprising of the immediate rear terrace and the lower garden area beyond. The existing terrace will be enclosed by a continuous 2 metre high fence with solid gates providing access to the lower garden area, which itself is enclosed by existing perimeter wall and fencing.

It is proposed to have approximately 20 children using each external play area at any one time.

The Environmental Enforcement Officer has reviewed the submitted noise assessment and found the proposal to be acceptable subject to the recommendations this report contains being conditioned as part of any permission.

It should also be noted that the children will be supervised at all times and therefore subject to the above suggested condition, it is not considered that the nuisance generated by the proposal will be excessive.

Furthermore, the hours of operation will result in no activity during the evenings and weekends unlike the previous residential use, therefore minimising the overall impact likely felt.

The proposal is therefore considered to comply with the requirements of policy DM9 (I) of the Local Plan.

Epping Forest Special Area of Conservation

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

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

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

Recreation activities arising from new residents (recreational pressures); and

Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

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

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

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

Stage 2: 'Appropriate Assessment'

The submitted HRA was reviewed by the Council's Transport Consultants and found that the existing site could generate 5 AADT movements (all vehicles). The maximum expected net change within the EFSAC and 200m buffer would be 4 additional AADT movements (all vehicles). It also accepted that HGV would be negligible.

It was on this basis that the Transport Consultant concluded that there was sufficient robust empirical evidence that the proposal would result in around 4 additional AADT vehicle movements and a negligible change in HGV AADT movements within the EFSAC and 200m buffer over and above the existing use.

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating atmospheric pollution impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities.

A condition is also recommended that requires further details of how children will be taken to nursery to ensure that they are encouraged to use sustainable modes of transport in order to minimise further the impact on the EFSAC.

Consequently, this application can be assessed within the context of the IAPMS. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and

currently only seeks these from the two strategic employment allocations at Dowding Way and North Weald Airfield. The application will, however, be subject to planning conditions to secure site-specific measures as identified in the IAMPS.

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

Trees

The Tree Officer advises that subject to conditions which include the requirement for the submission of a revised Arboricultural report to cover tree protection during the alterations, including a method statement that specifically covers the removal of the existing ground surfacing and the installation of the new planting area and no dig driveway; that she is satisfied that the proposal will not have an adverse impact on the health and stability of the nearby protected Horse Chestnut tree. It is on this basis that the proposal complies with policy DM9 (F) of the Local Plan.

Highways

3 car parking spaces are proposed. The Planning Statement indicates that the start times for pupils will be staggered to minimise any disruption to the free flow of traffic in this area.

The Highway Authority considers the location to be accessible for other modes of transport other than the private car and there are appropriate parking restrictions on the High Road at this location to limit on street parking, Consequently the Highway Authority is satisfied that the proposal will not be detrimental to highway safety or efficiency.

The Authority advise that the front parking area is only utilised by parents and not staff, who should be required to use sustainable modes of transport to travel to and from the site.

It is therefore recommended that conditions be imposed on any permission requiring the provision of cycle storage spaces and the approval and implementation of a green travel plan. It is on this basis that the proposal complies with policy T1 of the Local Plan.

Refuse and Recycling

A dedicated internal bin store in the southern corner of the building will be provided which will be accessed by a side entrance door, as shown on the proposed layout plan. Collection will be as existing. The proposal therefore complies with DM11 of the Local Plan.

Conclusion:

The proposal will provide childcare provision within an accessible location where there is demonstrated need for this facility.

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

Furthermore, subject to conditions the proposal will not have an excessive adverse impact on neighbouring amenity or parking congestion.

Approval subject to conditions is recommended.

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

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

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:
Location Plan, BAS268-01, BAS268 – 02, BAS268-03, BAS268-04 rev B, , BAS268-05, BAS268-06, 2303650-D001 rev E, Site Photos, Transport Statement by Ardent reference 2303650-R01 dated July 2023, Noise Impact Assessment Report by Sound Licensing Limited dated 31/7/23, Arboricultural Report by The Mayhew Consultancy Ltd reference AR/79819 dated July 2023, Planning and Heritage Statement and Sustainability Statement.

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

Reason: To comply with 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.

- 4 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

Reason: To comply with 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.

- 5 Prior to the first occupation of the development the access, vehicle parking and turning areas as indicated on the approved plans shall be provided and retained as such for the life of the development.

Reason: To ensure that safe and appropriate access, parking and turning is provided in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 6 Prior to the first occupation of the development the existing vehicular accesses shall be fully reinstated, including footway construction and full height kerbing as necessary.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 7 The cycle and buggy parking facilities, as shown on the approved plan, are to be provided prior to the first occupation of the development and are to be retained as such for the life of the development.

Reason: To ensure appropriate bicycle and buggy parking is provided in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 8 The premises shall be used as a children's nursery only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of the amenity of the area and neighbouring residents, highway safety and to ensure that effective planning control is retained by the Local Planning Authority in accordance with Policies policy DM9 and T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 9 The children's nursery hereby permitted shall be occupied by a maximum of 60 children and up to 20 members of staff.

Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with policy DM9 and T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 10 The use hereby permitted shall only be open to customers between the hours of 07:00 to 19:00 on Monday to Friday and not all on weekends.

Reason: In order to minimise disturbance to local residents, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 No deliveries shall be taken at or despatched from the site outside the hours of of 07:00 to 19:00 on Monday to Fridays and not all on weekends.

Reason: In order to minimise disturbance to local residents, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 No staff member of the nursery use hereby approved, shall park in the front forecourt of the property. This area shall be for customers only. The development shall be carried out in accordance with the measures stipulated within paragraph 3.8 of the Transport Statement by Ardent reference 2303650-R01 dated July 2023.

Reasons to promote sustainable modes of transport and prevent congestion in accordance with policy T1 of the Adopted Local Plan 2011-2033 (2023).

- 13 No more than 20 children shall use each external play area at any one time.

Reason: In the interests of the amenity of the area and neighbouring residents, in accordance with policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 14 The proposed development shall be undertaken in accordance with the recommendations made in section 7 of the Noise Impact Assessment Report by Sound Licensing Limited dated 31/7/23.

Reason:- In order to ensure satisfactory living conditions for future occupiers in accordance with policies DM9 and DM21 of the Epping Forest District Local Plan 2011-2033 (2023).

- 15 Prior to first occupation of the development, a travel plan which shall include clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the particulars contained within the approved development, shall be submitted to and approved in writing by the local planning authority and thereafter operated in accordance with the agreed details.

Prior to first occupation of the development, a travel plan which shall include clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the particulars contained within the approved development, shall be submitted to and approved in writing by the local planning authority and thereafter operated in accordance with the agreed details.

Reason: To prevent displacement parking and promote a modal shift towards more sustainable methods of travel in accordance with Policies DM2 and T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023

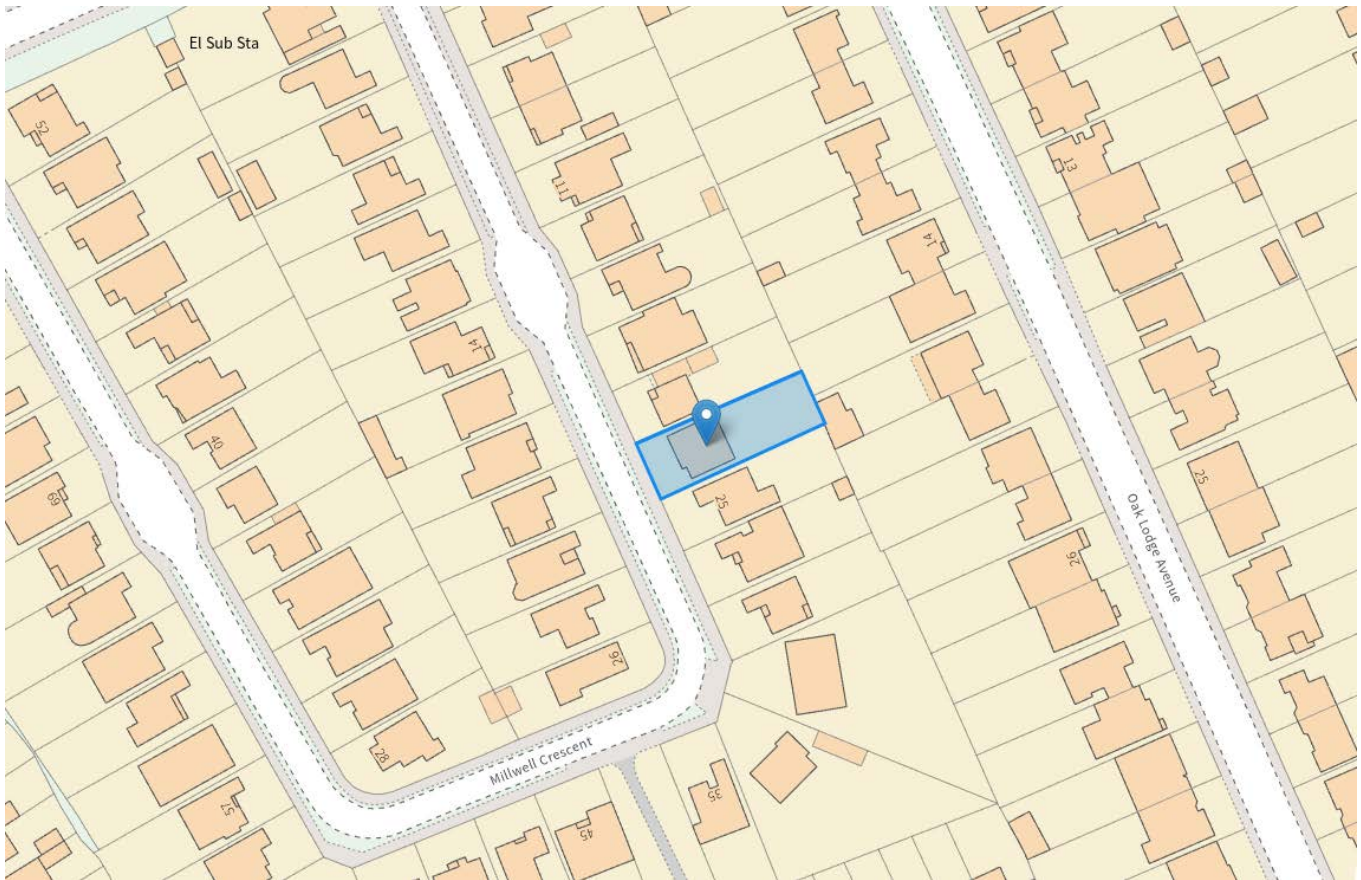
Informatives: (1)

- 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.

Agenda Item 9

OFFICER REPORT

Application Ref: EPF/2089/23
Application Type: Householder planning permission
Applicant: Mr Amar Patel
Case Officer: Mohinder Bagry
Site Address: 23, Millwell Crescent, Chigwell, IG7 5HX
Proposal: Proposed amendments to rear patio
Ward: Grange Hill
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001XQ2I>
Recommendation: Approve with Conditions



*Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Crown Copyright and Database Rights 2022 Ordnance Survey 0100018534*

This application is before this Committee since objections have been received by two adjoining neighbours and by Chigwell Parish Council.

Site and Surroundings

The site comprises a two-storey detached dwellinghouse located within a built-up area of Grange Hill. Millwell Crescent leads off and rejoins Manor Road, Chigwell. The application site is located on the

eastern side of the Crescent sloping to the rear resulting in significantly lower ground levels. It is not a Listed Building nor in a Conservation Area or in a flood zone. There are no protected trees on site.

Proposal

Retrospective planning application for proposed amendments to a rear patio.

Relevant Planning History

PRE/0137/23 - Proposed amendments to rear patio - following appeal refusal. 11/05/2023. Advice Given.

APP/J1535/D/22/3309484 - Variation of Condition 2 'Plan no's on EPF/1110/20 (Proposed single storey side & rear extension with associated internal alterations). Appeal Dismissed.

EPF/1149/22 - Variation of Condition 2 'Plan no's on EPF/1110/20 (Proposed single storey side & rear extension with associated internal alterations). 17/05/2022. Refuse.

EPF/1110/20 - Proposed single storey side & rear extension with associated internal alterations. 27/05/2020. Approve with Conditions.

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
DM9	High Quality Design
DM10	Housing Design and Quality

National Planning Policy Framework 2023 (Framework)

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

Paragraphs 131 & 135

Summary of Representations

Number of neighbours Consulted: 6. Response(s) received 2.
Site notice posted: No.

NEIGHBOUR CONSULTATION RESPONSES summarised as:

- Loss of privacy
- Overlooking

- Feeling of encroachment

CHIGWELL PARISH COUNCIL – ‘The proposal fails to address the reasons for refusal at appeal. The proposal may impact in the amenity of neighbouring properties due to overlooking contrary to Policy DM9 of the Local Plan.’

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality
- b) The impact to the living conditions of neighbours

Character & Appearance

Site topography comprises a sloping position of dwellings on the eastern side of Millwell Crescent (subject side) and those on the west in elevated positions. To the rear garden, ground levels are significantly lower than the dwelling to all buildings along this stretch of road.

The proposal is for an amended patio height and positioning, set lower than the approved plans EPF/1110/20 and in equal height to what existed prior to development. Reducing the height of the patio will remove the two steps constructed leading onto the patio from the side alley (northside). Two steps are introduced (above the patio) for access into the rear extension aiding the overall reduction in height of the patio area. Considering these steps are not for prolonged use, this will not have a significant impact on neighbour amenity outside the more pertinent issue of the impact of the raised patio. The patio has also been reduced in width, so it does not span across the full width of the dwelling as constructed. Revised design steps in approximately 3.3m from the shared boundary to the south - a greater reduction than the approved scheme.

Another alteration from the plans is the repositioning of the steps leading onto the lawn changing from facing the garden to one facing southeast. This results in minimal harm to the character considering the new positioning remains to the centre of the rear elevation as per the approved plans. Most of the neighbouring dwellings have similar height patio areas or raised platforms built to the shared boundaries albeit using different slabbing material. Lawned areas are lower set for all dwellings along this stretch of road where acute levels of overlooking already exist to some degree.

The proposal reduces the height and width from the unacceptable form as built to lower than approved scheme levels. Additional depth of 0.5m as built is to be retained. The retention of the depth will not result in significant greater usable space as this will house a balustrade across the width of the patio. The proposal is therefore considered to have overcome its previous reasons for refusal with an improved integration with the character and appearance of the setting.

Living Conditions

In ordinary use, the steps below the patio doors are not required for prolonged use other than to step onto the patio, it is considered will result in negligible harm to neighbour amenity in terms of overlooking or loss of privacy. The approved single storey rear extension projects further into the garden than the neighbouring dwellings. Mutual overlooking that existed prior to development have been reduced with partial obscurity of neighbouring patio areas at similar heights as the proposed.

Following a recent site visit, it was clear the current built form was at unacceptable height. The proposal significantly reduces the height and width allaying the justified overlooking concerns of the neighbours.

It is considered the proposal will not result in significant loss of privacy due to overlooking over and above the approved scheme and the scheme is considered to have overcome harm identified by the Appeal Inspector.

Conclusion

For the reasons set out above, having regard to the matters raised, it is recommended that planning permission be granted subject to conditions.

Conditions: (3)

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: RSD2428 100 Rev C; RSD2428 002 Rev A; RSD2428 SK01.

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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

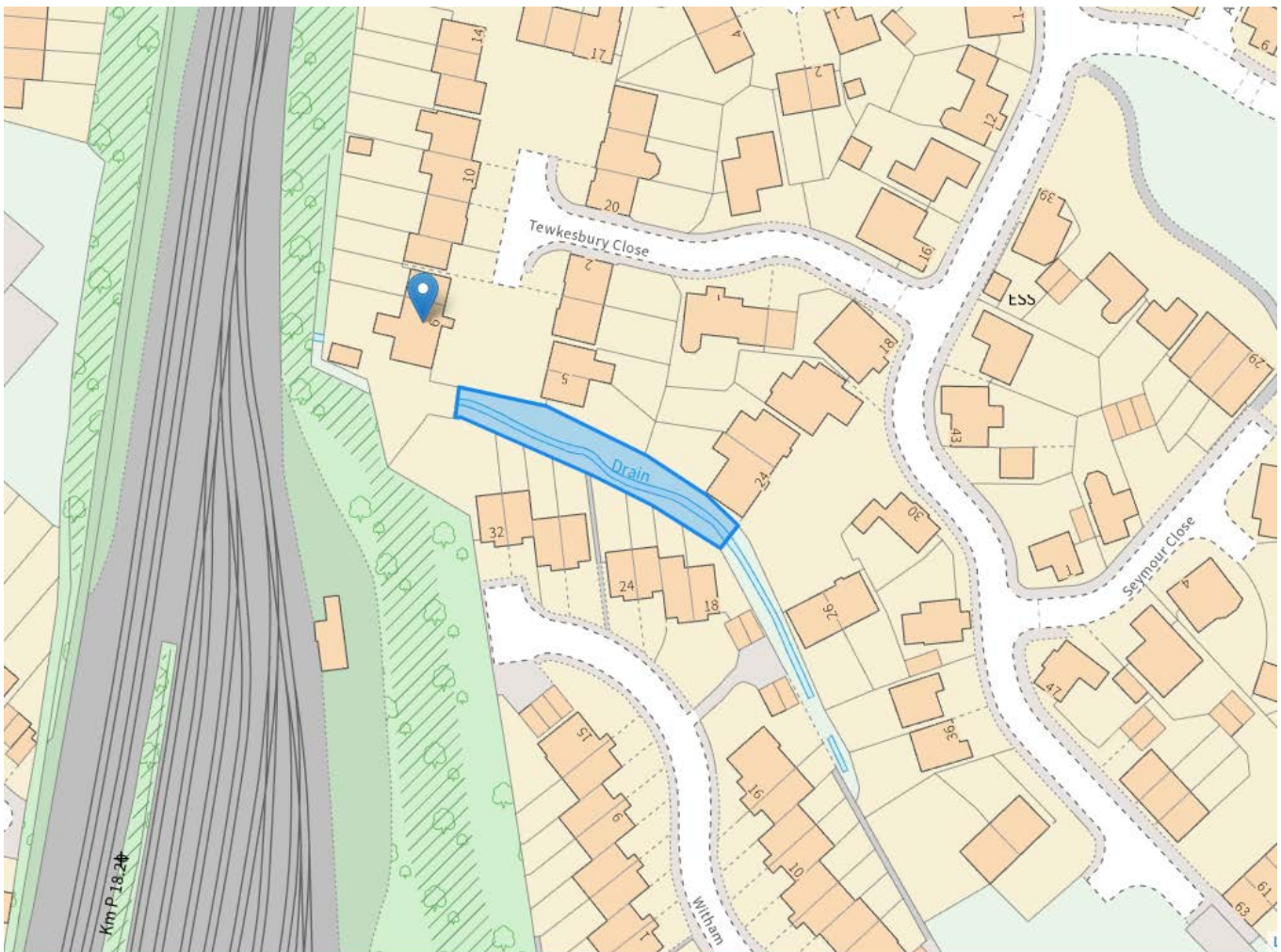
Informatives: (1)

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

Agenda Item 10

OFFICER REPORT

Application Ref: EPF/2688/23
Application Type: Full planning permission
Applicant: Mrs Marsh
Case Officer: Mohinder Bagry
Site Address: 6, Tewkesbury Close, Loughton, IG10 3NT
Proposal: Change of use from waste land to garden
Ward: Loughton Roding
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000000ROP>
Recommendation: Approve with Conditions



*Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Crown Copyright and Database Rights 2022 Ordnance Survey 0100018534*

This application was deferred from the previous Area Planning Sub-Committee South so that a Member site visit could be undertaken.

This application is before this Committee since the application is objected to by five adjoining neighbours and by Loughton Town Council.

Site and Surroundings

The site comprises a linear stretch of wasteland attached to the side garden of no.6 Tewkesbury Close between the boundaries to the rear gardens of dwellings along Tewkesbury Close and Witham Close. A culvert/water drainage course runs along the length of the site facilitating drainage to the railway line to the rear of the applicant site. Site clearance of trees has already taken place. Surrounding area is largely relatively modern residential. It lies within a built-up area of Loughton. It is not a Listed Building nor in a Conservation Area It does not lie within the boundaries of the Metropolitan Green Belt.

Proposal

Change of use from waste land to garden.

Relevant Planning History

EPF/2678/23 Certificate of lawful development for a proposed garden shed, 05/12/2023, Lawful.

EPF/1317/23 Erection of garden office. 08/06/2023, Refuse.

EPF/2005/22 Certificate of Lawful Development for proposed outbuilding. 01/09/2022, Not Lawful.

EPF/1033/22 Certificate of lawful development for a proposed large garden shed. 04/05/2022, Not Lawful.

EPF/0591/18 Continued use of land at rear and side as domestic garden and erection of a summerhouse in rear garden. 27/02/2018. Approve with Conditions.

PRE/0144/22 Pre application for a proposed erection of outbuilding. 18/11/2022, Advice Given.

EPF/0840/21 Application for a Non-Material amendment for EPF/2399/19. (Part first floor rear extension and loft conversion with rear dormers, continuation of front roof slope over recessed area of front wall.(Amended application to EPF/1975/17). 25/03/2021, Approve.

EPF/1975/17 Part first floor side extension and loft conversion with rear dormers. 19/07/2017, Approve with Conditions

EPF/0415/21 Installation of Solar Panels on approved extension. EPF/2399/19, 15/02/2021

EPF/2399/19 Part first floor rear extension and loft conversion with rear dormers, continuation of front roof slope over recessed area of front wall.(Amended application to EPF/1975/17).07/10/2019. Approve with Conditions.

EPF/1234/18 Amendments to planning approval EPF/1975/17 (Part first floor rear extension and loft conversion with rear dormers). Addition of 2 pitched roof dormers and roof light to front roof slope. 02/05/2018. Approve with Conditions.

EPF/2038/08 Demolition of existing and erection of new rear conservatory. 20/10/2008. Approve with Conditions.

EPF/0097/09 Demolition and replacement two storey side extension.16/01/2009. Approve with Conditions.

EPF/0051/03 Erection of front porch. 09/01/2003. Approve with Conditions.

EPF/1988/02 Erection of rear conservatory. 18/10/2002. Approve with Conditions.

EPF/1140/99 Two storey side extension. 28/07/1999. Approve with Conditions.

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
SP2	Place Shaping
SP6	The Natural Environment, Landscape Character and Green and Blue Infrastructure
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM17	Protecting and Enhancing Watercourses and Flood Defences
DM22	Air Quality

National Planning Policy Framework 2023 (Framework)

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

Paragraph 135

Summary of Representations

Number of neighbours Consulted: 19. Response(s) received 6.

Site notice posted: No.

NEIGHBOUR CONSULTATION RESPONSES:

5 neighbours from 4 households OBJECT to the proposal. Summarised as:

1. Disputes the description of wasteland instead categorises the site as wildlife habitat.
2. Loss of greenery impacting residents' mental wellbeing.
3. Loss of privacy.
4. Impact on water drainage.
5. Land ownership issue. *
6. Neighbours are sharing care for the land (cutting grass etc).

7. Promotes further loss of wildlife habitat. Loss of trees impacting privacy for residents of Witham Close.
8. Devaluation of nearby homes. *
9. Loss of sun time in the garden.
10. Fears further loss of remaining trees.
11. Loss of outlook.
12. Implications with land drainage due to presence of culvert.
13. Disagrees with characterisation as wasteland instead refers to area of biodiversity that requires protection from further loss of wildlife.
14. Highlights the anomaly with the application description and information contained in the public notice.
15. Impacts the privacy and outlook of at least 5 neighbours adjoining the proposal site.

LOUGHTON TOWN COUNCIL – OBJECTION

The Committee OBJECTED to this application supporting the comments of the LRA Plans Group, namely:

“The applicant has signed Certificate A and claims they are the sole owner of the land. Yet they have put an advert in the paper certifying they do not own the land. Notwithstanding this, the advert refers to the erection of a garden building, not to convert waste land to garden. It is an offence under the planning acts to sign the wrong certificate of ownership knowingly or recklessly. As such we consider the application should be invalidated and the applicant clarify what they are applying for.”

LOUGHTON RESIDENT’S ASSOCIATION PLANS GROUP

We object to this application.

‘The applicant has signed Certificate A and claims they are the sole owner of the land. Yet they have put an advert in the paper certifying they do not own the land. Notwithstanding this, the advert refers to the erection of a garden building, not to convert waste land to garden. It is an offence under the planning acts to sign the wrong certificate of ownership knowingly or recklessly. As such we consider the application should be invalidated and the applicant clarify what they are applying for.’

EFDC Environmental Protection and Land Drainage

No comments to make on the proposed development however requires informative stating any works to or within eight metres of an open or piped watercourse will require Land Drainage Consent.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality
- b) The impact to the living conditions of neighbours

Character & Appearance

The site comprises a linear stretch of undeveloped land attached to the side garden of no.6 Tewkesbury Close between the boundaries to the rear gardens of dwellings along Tewkesbury Close and Witham Close. A culvert/water drainage course runs along the length of the site facilitating drainage to the railway line to the rear of the applicant site. Site clearance of trees has already taken place. Surrounding area is largely relatively modern residential. It lies within a built-up area of Loughton.

The application for change of use from wasteland to garden space is considered acceptable. The proposal provides stewardship for and improves the existing undeveloped area of land. Change of use to a residential garden retains the character and appearance of its setting and is therefore supported.

Living Conditions

Several objections have been received stating the area is not wasteland instead a place of wildlife and biodiversity. Those marked with an asterix were not material considerations, therefore did not feature in the planning balance.

Most neighbour objections related to the loss of existing biodiversity and wildlife. The change of use will not result in significant change to the general biodiversity which is present in domestic gardens therefore, the change of use is not considered to result in significant loss of neighbour amenity.

Further built environment within the garden space can be overcome by way of restriction to permitted development which will reduce loss of outlook to neighbouring dwellings.

Conclusion

For the reasons set out above, having regard to the matters raised, it is recommended that planning permission be granted subject to conditions.

This application was deferred from the 28th February 2024 meeting for a Members site visit, which was arranged to take place on the 23rd March 2024.

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 in accordance with the following approved plans: Location Plan and Newspaper Public Notice.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, AA, B, C, D and 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 [] of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (1)

- 4 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and

any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.