



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday 7th August 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 7th August 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 A Lion (Chairman), C Nweke (Vice-Chairman), I Allgood, A Ardakani, R Baldwin, R Brookes, R Chahal Holden, B Cohen, E Gabbett, H Kauffman, W Kauffman, C McCann, L Mead, L Morgan, S Murray, M Owen, S Patel, C C Pond, S Rackham, K Rizvi, D Sunger, K Williamson and G Wiskin

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 that this meeting will be filmed live or recorded, and uploaded to the internet and will be capable of repeated viewing.

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings.

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.

Members and public speakers are reminded to turn on their microphones before speaking and turn them off when they have finished.”

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)

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 7 - 8)

To confirm the minutes of the last meeting of the Sub-Committee held on 10 July 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/0549/24 - 34, BROAD OAKS, HIGH ROAD, CHIGWELL, IG7 6DW (Pages 9 - 15)

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)).

A new entrance gate and walls, with a delivery hut and an administration office hut attached, and a separate small security hut situated midway between the new gates and the main house. To serve the new dwelling house granted planning permission, Ref EPF/2719/21 on 02/12/2022.

9. EPF/0898/24 - LAND BETWEEN 25 AND 32 WESTBURY LANE, WESTBURY LANE, BUCKHURST HILL, IG9 5NF (Pages 16 - 28)

To consider the application for: Demolition of existing vacant outbuildings and the erection of five houses with associated access, parking and amenity space.

10. EPF/0921/24 - 14, TYCEHURST HILL, LOUGHTON, IG10 1BU (Pages 29 - 33)

To consider the attached report for Retention of dwelling as substantially reconstructed and extended.

11. EPF/1014/24 - 69, CHURCH HILL, LOUGHTON, IG10 1QP (Pages 34 - 49)

To consider the report for 4 new 3 bedroom houses in total, in a terrace configuration.

12. EPF/183/24 - FOUR SEASONS, 6 GARDEN WAY, LOUGHTON, IG10 2SF (Pages 50 - 55)

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).

One and a half storey rear extension. Raising of existing roof with the additional of rear dormer. New pitched roof to front. Render and cladding external of property.

13. EPF/2756/23 - 35, WELLFIELDS, LOUGHTON, IG10 1PA (Pages 56 - 62)

To consider the report for TPO/EPF/26/01 (Ref: T1) T3: Oak - Fell and replace, as specified.

14. 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. 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

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

Wednesday 10 July 2024, 7.00 pm - 9.45 pm

Council Chamber, Civic Offices, High Street, Epping

Members Present:	Councillors A Lion (Chairman), C Nweke (Vice-Chairman), I Allgood, A Ardakani, R Baldwin, R Brookes, B Cohen, H Kauffman, W Kauffman, C McCann, L Mead, S Murray, M Owen, C C Pond, K Rizvi, D Sunger and K Williamson
Members Present (Virtually):	Councillors S Rackham
Apologies:	Councillor(s) S Patel
Officers In Attendance:	S Dhadwar (Senior Planning Officer), L Kirman (Democratic Services Officer) and P Seager (Chairman's Officer)
Officers In Attendance (Virtually):	M Picking (Democracy & Elections Apprentice) and M Rahman (Planning Officer)

A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING

12 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.

13 DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillor Wiskin declared a non-pecuniary interest in the following item of the agenda by virtue of being known to the applicant's agent.
 - EPF/0754/24 43 ALDERTON HILL LOUGHTON IG10 3JD
- b) Pursuant to the Council's Members' Code of Conduct, Councillors Allgood, Brookes and Owen declared a non-pecuniary interest in the following item of the agenda by virtue of visiting the premises earlier in the day.
 - EPF/0867/24 - 126 HIGH ROAD LOUGHTON IG10 4BE.

14 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 12 June 2024 be taken as read and signed by the Chairman as a correct record.

15 ANY OTHER BUSINESS

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

16 SITE VISITS

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

17 EPF/0754/24 43 ALDERTON HILL LOUGHTON IG10 3JD

Members of the Committee received a presentation from the Planning Officer and representation from the applicant's agent. The Committee discussed the planning merits of the application. The committee voted for the officer recommendation.

Resolved:

The Committee voted to approve the application.

18 EPF/0867/24 126 HIGH ROAD LOUGHTON IG10 4BE

Members of the Committee received a presentation from the Planning Officer and representation from the applicant's agent. The Committee discussed the planning merits of the application.

Modified conditions relating to the restriction of amplified sound, the terrace to be used for dining purpose only and restricted to 10 tables and 26 chairs, were proposed, seconded, and voted for by the Committee.

Resolved:

The Committee voted to approve the application, with additional conditions.

CHAIRMAN

OFFICER REPORT

Application Ref: EPF/0549/24
Application Type: Full planning permission
Applicant: Mr and Mrs Subaskaran
Case Officer: Mohinder Bagry
Site Address: 34, Broad Oaks, High Road, Chigwell, IG7 6DW
Proposal: A new entrance gate and walls, with a delivery hut and an administration office hut attached, and a separate small security hut situated midway between the new gates and the main house. To serve the new dwelling house granted planning permission, Ref EPF/2719/21 on 02/12/2022.

Ward: Chigwell Village
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000003y9J>

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

Site and Surroundings

The site comprises permission for a new dwelling house EPF/2719/21 on a 65-hectare estate. The site lies on the east side of High Road outside of the main village of Chigwell. Surrounding area is characterised by its larger detached estates surrounded by mature trees to boundaries. The site is not located within the boundaries of a Conservation Area. It lies on designated Green Belt land and there are multiple Tree Protection Orders on the site.

Proposal

A new entrance gate and walls, with a delivery hut and an administration office hut attached, and a separate small security hut situated midway between the new gates and the main house. To serve the new dwelling house granted planning permission, Ref EPF/2719/21 on 02/12/2022.

Relevant Planning History

This application is a resubmission following the refusal of EPF/1864/23 for a revised scheme removing windows and doors to the front elevation of the proposed wall. Grounds for refusal were due to the impact to trees.

The proposal site has extensive planning history dating back to 2018. The most relevant history to this application has been detailed above.

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:

DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM7	Heritage Assets
DM9	High Quality Design
SP5	Green Belt and Local Greenspace
SP6	The Natural Environment, Landscape Character and Green and Blue Infrastructure

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 & 186

Summary of Representations

Number of neighbours Consulted: 7. 2 responses received.

Site notice posted: No

NEIGHBOUR RESPONSES:

1 neighbour returned No Objection with the following comment: *‘...every great house in the past always had a gate house so what’s the difference here.’*

1 neighbour strongly **Objects**. Objection summarised as:

- i) Loss of privacy, security risk.
- ii) Affects the character and appearance of Epping Forest
- iii) More akin to a country club rather than a dwellinghouse. *

CHIGWELL PARISH COUNCIL – *‘The Council **OBJECTS** to applications which may result in inappropriate development in Green Belt whether with or without special circumstances. The Council, therefore, **OBJECTS** to this application. If, however, all relevant Officers deem this application acceptable, whether with amendments or not, then the council is willing to waive this objection*

*The Council further **OBJECTS** on the following grounds: The entrance gate and walls and CCTV will adversely impact on the setting of Tailours a Grade II listed building adjacent to the proposed site, leading to a loss of privacy. The proposal will adversely impact on the openness of the Green Belt.*

Due to the extensive incursion and volume already granted, the Parish ask that if permission is given, permitted development rights are removed from the entire site.’

CHIGWELL RESIDENT’S ASSOCIATION – **Objection** summarised as:

- Loss of greenspace on Green Belt
- Changes the green landscape character
- Loss of privacy of neighbours
- Situated adjacent to a Listed Building.
- Questions future use not as a residential dwelling. *

EFDC Conservation and Listed Buildings – **‘OBJECT** to the proposed scheme due to the harm it would cause the significance of the designated heritage assets (Tailours group), including that of their setting.

This is supported by Policies DM7 and DM9 of the Epping Forest District Local Plan 2011-2033 (2023); and paragraphs 195, 200, 201, 203, 205, 206, 208 and 212 of the NPPF (2023).’

HISTORIC ENGLAND – T&CP (Development Management Procedure) (England) Order 2015 & Planning (Listed Buildings & Conservation Areas) Regulations 1990

‘Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.'

EFDC Environmental Protection and Land Drainage – No objection subject to conditions.

EDFC Trees and Landscaping – No objection subject to conditions.

Items highlighted with an asterisk are not considered material planning concerns and are not addressed in the report.

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
- c) The impact on trees and landscaping
- d) The impact on heritage assets
- e) The impact on Green Belt.
- f) The ecological impact.

Character & Appearance

Housing along this locality is largely self-contained detached dwellings typically gated walled/railing entrances, sweeping driveways, mature trees, and extensive landscaping. The application site is an exceptionally large area of approximately 65-hectare former estate comprising woodland, ponds, private parkland, pathways, outbuildings, and private leisure facilities. Sparsely located neighbouring estates have similar features. Multiple heritage assets are located opposite the front entrance of the application site including Tailours a Grade II Listed Building (Listing No. 1111235) and Grade II, Forecourt Gateway, Railings and Wall of Tailours Listing No.1111236).

Set back from the public highway on the entrance driveway, the application site currently has a red brick walled entrance and set of solid timber inward opening gates. The proposed 3.10m high (3.75m pillar and finial height), curved, self-coloured rendered walls with inset feature iron railings, inward opening metal gates are acceptable to the character and appearance of the setting and are not considered uncommon within similar detached estates in Chigwell Village. The flat-topped delivery hut and administration hut sit behind the wall not visible to the general streetscene. The small security hut set further along the driveway of the estate is also acceptable in terms of scale and appearance.

Windows and doors facing into the semi circled entrance have been removed with an amended design which now comprises a plain stucco wall. The inset railing feature breaks up the massing of the wall and allows for some intravisibility within the site. Metal railings gate replaces the existing solid timber doors allows for further visibility and creates a sense of openness into the site.

Height of the existing walls and pillars have been increased by approximately 0.35m and 1m respectively. However, the walls are largely to the sides of the entrance and there are examples of similar sized walled boundaries in the locality. Overall, the proposal is consistent with the general character and appearance of the setting.

Living Conditions

New security gates are located approximately 20m from the roadside kerb compared with the existing at approximately 8.5m. Administration office and delivery hut sit behind the front entrance walls and are not

visible to the streetscene. A dedicated security hut is located approximately 35m further into the site and does not directly impact neighbouring properties.

The final design does not incorporate windows or doors to the front entrance. As such, there is minimal harm to the living conditions of neighbours in terms of loss of privacy or overlooking resulting from the proposal.

The proposal accords with policy DM9 of the Council's adopted Local Plan which seeks to ensure that development is not harmful to neighbour amenity.

Trees and Landscaping

The proposal has overcome its previous reasons for refusal in terms of preservation of trees with the proposal being acceptable subject to conditions.

Heritage Assets

Consultation with Historic England (due to the proposal being adjacent to a Grade II* building (Tailours)) refers the applicant to the local conservation/archaeological team for advice and did not comment on the merits of the case. Considering the nature of the proposed development set back from the public highway and sufficient distance from heritage assets, (approximately 38m from a Listed Gateway, Railings and Wall and 48m from a Listed Building - Tailours) together with the amended design removing the street facing windows, the proposal is not considered to result in adverse harm to heritage assets or their setting. As such, low weight is given to the issue in the planning balance.

Green Belt

The application demonstrates a reduction in volume of 24 cubic metres following the demolition of existing outbuildings to compensate for the new development.

Outbuildings to be demolished include Shed 4 and the Cottage Garage. Both are set well within the site boundary closer to the main dwelling. The proposed huts, set behind the proposed entrance walls, are massed to the front of the site adding to the bulk of the wall from inside the boundary. The removal of two outbuildings in disparate locations does not compensate for the additional massing that is proposed. However, the proposal does not have a detrimental visual impact to the street scene but due to the additional bulk and massing concentrated to the front, does affect the openness of the Green Belt. As such, the proposal constitutes inappropriate development in the Metropolitan Green Belt and very special circumstances will be required.

Failing to meet the visual/spatial assessment, consideration is given to any Very Special Circumstances that may exist outweighing any harm by reason of inappropriateness. Very special circumstances can be secured by way of condition to remove the outbuildings detailed in the demolition site plan prior to groundworks commencing. The site already has permitted development rights restricted under Class E of the GPDO. In securing these conditions, the proposal is not considered inappropriate development on Green Belt.

Ecological impact

Both Shed 4 and Cottage Garages proposed for demolition to mitigate against harm to openness of Green Belt are listed as being of negligible value to roosting bats due to the current condition of the buildings including age, built form, materials, and use. As such, there is a low likelihood that there are roosting bats in the buildings and there is no impact on the impacts of roosting bats resulting from demolition of these buildings.

Conclusion

Having regard to all material planning considerations, and as outlined in the report, the proposal is recommended for approval subject to conditions.

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

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

Conditions: (8)

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 402-TD-7440; 402-TD-7420; 402-TD-7410; 402-TD-7421; 402-TD-7430; TAE-4000 Rev C; TAE-4001 Rev C; TAE-4002 Rev C; TAE-4003 Rev C; TAE-4011 Rev C; TAE-4012 Rev C and Location Plan.

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 application form on the approved plans TAE-4012 Rev C .

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.

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

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Access to the flat roof(s) 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

- 7 Tree protection shall be installed as shown on Andrew Day Arboricultural Consultancy Ltd 'Tree Protection Plan- Entrance' drawing dated 23rd February 2023 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 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.

- 8 Hard and soft landscaping shall be implemented as shown on Scape plan numbers 402-TD-7410 ; 402-TD-7420 ; 402-TD-7421 ; 402-TD-7430 ; 402-TD-7431 ; 402-TD-7440 dated January 2024 ; and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with 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.

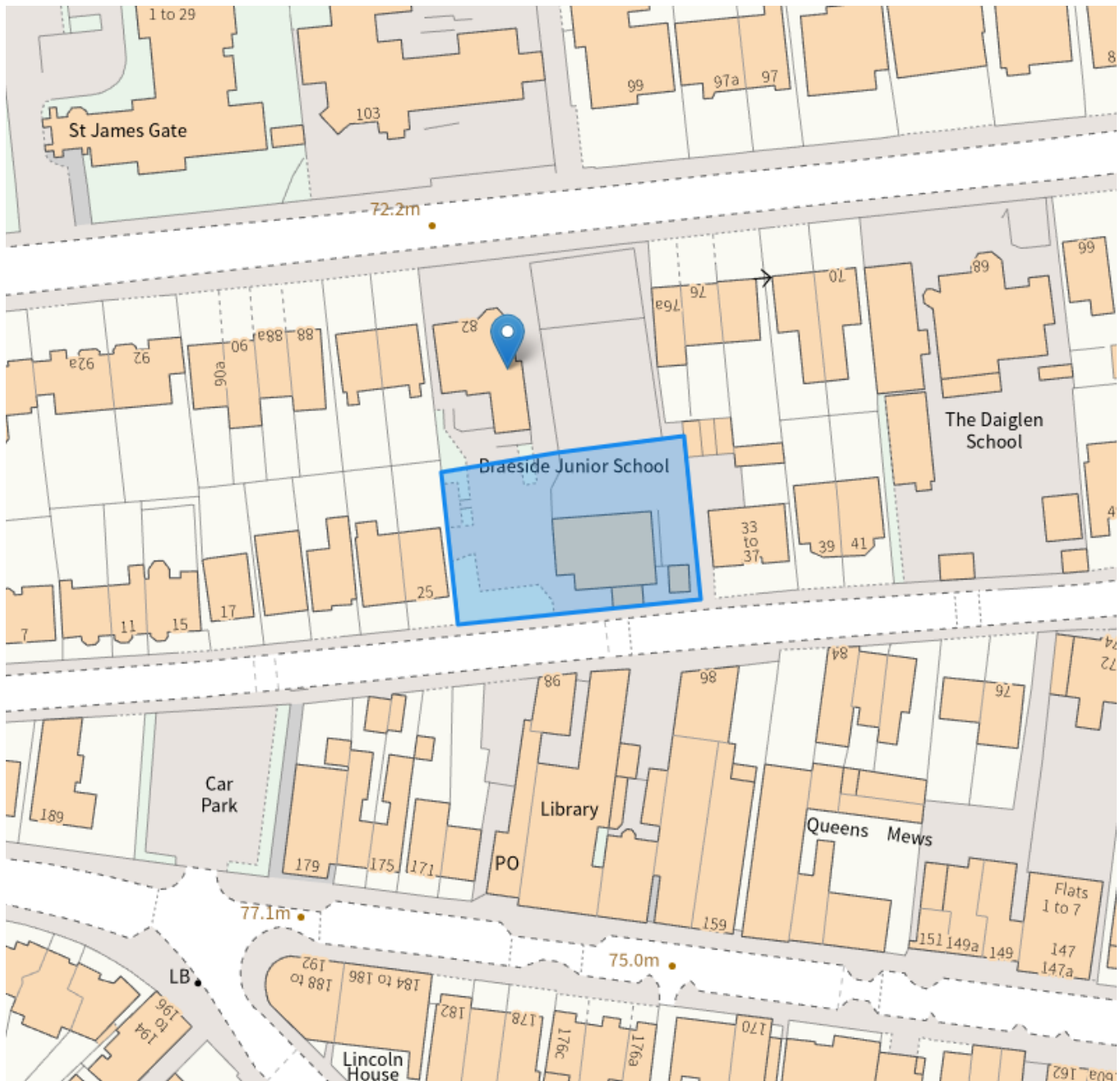
Informatives: (1)

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

Agenda Item 9

OFFICER REPORT

Application Ref: EPF/0898/24
Application Type: Full planning permission
Applicant: Tanya Jordan
Case Officer: Marie-Claire Tovey
Site Address: Land between 25 and 32 Westbury Lane, Westbury Lane, Buckhurst Hill, IG9 5NF
Proposal: Demolition of existing vacant outbuildings and the erection of five houses with associated access, parking and amenity space.
Ward: Buckhurst Hill West
Parish: Buckhurst Hill
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv00000099NR>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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 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 fronts onto Westbury Lane and contains modular type buildings and sheds which were part of the now relocated Braeside School (which fronts onto Palmerston Road). The site is enclosed by close boarded fencing to the streetscene and is located adjacent to two storey residential properties on both sides. The site slope up from east to west. The site is not within the Metropolitan Green Belt or a Conservation Area.

The main building of the former school fronting Palmerston Road has been converted to a children's nursery, the former playground fronting Palmerston Road was granted planning approval under EPF/0623/23 for two dwellings and this is well under construction.

The main building fronting Palmerston Road (now a nursery) is locally listed.

Description of Proposal:

The proposal seeks consent for the demolition of the existing vacant outbuildings and the erection of five houses with associated access, parking and amenity space.

The dwellings will be link detached and contemporary in style with gable ends and side dormers. The dwellings have 3 bedrooms (two at first floor and 1 at second floor). One parking space is provided for each unit with refuse and cycle stores located to the front boundary. Private amenity space is provided for each unit.

This application is a revised submission following a previous withdrawn application which was withdrawn for further negotiations with Essex County Council Highways.

Relevant History:

EPF/2603/23 - Demolition of existing vacant outbuildings and the erection of five houses with associated access, parking and amenity space – Withdrawn

EPF/0623/23 - The erection of two houses with associated access, parking, amenity space and landscaping – Approved

EPF/2964/21 - Change of use of vacant school building (Class F1) to a day nursery and pre-school within Class E along with provision of detached bin store, buggy store and cycle parking facilities – Approved

Policies Applied:

Adopted Local Plan:

H1 – Housing Mix and Accommodation Types
T1 – Sustainable Transport Choices
DM2 – Epping Forest SAC and the Lee Valley SPA

DM9 – High quality design
DM10 – Housing design and quality
DM11 – Waste recycling facilities on new development
DM18 – On site management of waste water and water supply
DM21 – Local Environmental Impacts, Pollution and Land Contamination
DM22 – Air Quality

NPPF 2023

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 48

Responses received from 4 neighbours who have objected on the following grounds:

19, 25, 35, 41 Westbury Lane - Insufficient parking, loss of light, overcrowded area, cramped, overbearing loss of outlook, too small gardens, highway safety implications.

BUCKHURST HILL PARISH COUNCIL – Objection;

- Overdevelopment of site
- Out of keeping with the neighbours next door and the whole of the area
- Very cramped development
- Living amenity space is insufficient
- Insufficient parking
- Proposed development area could cause issues with parking in an already congested road with already insufficient parking
- The outside amenity space garden is very small

Main Issues and Considerations:

Principle of Development

This site is within the built-up area of Buckhurst Hill a sustainable, urban area where development is encouraged as any development is making best use of available non-Green Belt land within the District. The site is approximately 850m from Buckhurst Hill Underground Station and 200m from the shops and services provided on Queens Road.

Character and appearance

The proposal results in the demolition and removal of modular type buildings and domestic scale wooden outbuildings which add little to the appearance of the streetscene. These and the current close boarded fence definitely appear as the rear of a site.

The proposal will be a contemporary development, that takes cues from the prominent gables within the area. The main material choice will be a brown brick, with brick stretcher detailing and perforated brick detailing which adds depth to the design with large window frames and zinc clad dormer.

The design, although contemporary to the neighbouring residential properties is considered to relate positively to the surrounding context, and it is considered that this has been achieved, along with the design and material choices with the differing roof heights, respecting the slope of the road and taking cues on eaves and ridge heights from neighbouring properties. It is considered that the proposal makes a positive contribution to the streetscene and complements, if not enhances this varied streetscene.

Although the Conservation Officer has raised concerns with regards to the overall height in relation to the Westbury Lane streetscene, (which as above Officer's consider acceptable and inline with the slope of the road). Other than this concern, the Conservation Officer has not highlighted any concerns with regards to any impact to the locally listed building (the heritage asset) or it's setting.

As above the design is considered acceptable.

Neighbouring Amenity

The proposal is set 1m from the neighbouring boundaries at 33 Westbury Lane (part of a block of 3 maisonettes) and 25 Westbury Lane. Due to the single storey element as part of the design the proposal is some 2.6m from the shared boundary with number 33 and this distance is considered to avoid any undue sense of enclosure or overbearing nature to the occupants of No. 33 – 37.

Although extending 2.8m beyond the rear of Nos 33-37 the 45 degree rule is adhered too so outlook is maintained.

With regards to No. 25 the proposal will extend some 3m beyond the main rear wall of this property, however the nearest first floor window serves a bathroom and therefore outlook and light are maintained to first floor windows.

No side windows at first floor or above are proposed other than a secondary window to the second floor bedroom and a bathroom and these can be obscured glazed to avoid any overlooking out of the site or between the new proposed dwellings.

In terms of overlooking there will be 20m between the back of the Children's nursery and the approved development fronting Palmerston Road and this is a sufficient distance to avoid excessive views from either site.

Amenity of Future Occupiers

The proposal meets the nationally described space standards providing the required internal space for the number of occupants.

The rear private amenity spaces are smaller than the directly neighbouring properties at around 50m² – 60m². However, they are in keeping with the general mixed sizes of gardens in the wider area. In addition, in this built-up area with direct access to Forest land within easy walking distance the sizes are considered appropriate. The adopted Local Plan does not state minimum amenity sizes and it is considered on the basis of the above, that the amenity space is acceptable.

Highways and Parking

This proposal is for 5 dwellings with each dwelling having a single parking space. This is considered acceptable in this highly sustainable location.

To the front of the site are off road parking spaces, outlined on the road, but not individually marked as spaces. There is slight room for discussion as to the number of cars that could be parked in this area, as the length is large enough for 5 design standard parking spaces but in reality it is larger enough for six vehicles to fit.

The Agent has had discussions with Essex County Council Highways as to how best to retain on road parking spaces (if any). The current scheme allows for 3 on street parking spaces to retained directly to the front of the site. In addition, at the top end of Westbury Lane (close to the junction with Queens Road, the Applicant has proposed the extension of an existing bay, to allow two more cars to park and the

creation of a new bay for a further car. This way there would be no decrease in the parking currently available on Westbury Lane.

The changes to the parking spaces have to be achieved by way of a Traffic Regulation Order (TRO), which is outside the scope of Planning Legislation. However, a condition can be added to ensure that the proposed changes are implemented as shown so that the Applicant arranges the TRO.

EFSAC and air quality

RESIDENTIAL APPLICATIONS: Lies in 3km of the EFSAC as defined by the Zone of Influence and would result in a net increase in Average Annual Daily Traffic on roads through the Epping Forest Special Area of Conservation Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

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

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

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

Stage 1: Screening Assessment

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

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

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

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

Atmospheric Pollution

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

Planning Balance & Conclusions:

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

- Contributions for managing/monitoring recreation/visitor pressures: 5 x £1852.63 = £9,263.15
- Contributions for managing/monitoring air pollution mitigation: 5 x £335 = £1,675
- Contributions for the implementation of the Roding Valley Recreation Ground/Public Rights of Way infrastructure enhancement projects: 5 x £716 = £3,580

Biodiversity Net Gain

The application has been accompanied by a Biodiversity Net Gain (BNG) Assessment which has concluded that the net change will be -81.07%. Given that there is a deficit, the Applicant has suggested that to meet BNG obligations there is the possibility to buy off site biodiversity credits.

The Applicant has made clear, that although landscaping is proposed within the site, it will be located on private land (i.e. owned by the prospective buyers) and therefore biodiversity cannot be secured for a minimum of 30 years as per the requirements. Therefore, offsite credits are an acceptable way forward and can be conditioned to ensure that this is actioned.

The proposal results in new dwellings within an urban part of the District, it proposes a well-conceived design drawing on the surrounding detailing, does not have excessive harm to surrounding neighbours and it is located in a sustainable part of the District. Therefore, given the above assessment and subject to a legal agreement the application is recommended for approval.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk***

Conditions: (18)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
23001-GHA-XX-XX-DR-A-0020 P01 Site Location Plan
23001-GHA-XX-XX-DR-A-0021 P01 Block Plan
23001-GHA-XX-XX-DR-A-0010 P01 Site Plan Existing
23001-GHA-XX-XX-DR-A-0011 P02 Site Plan Proposed
23001-GHA-XX-XX-DR-A-0201 P01 Level 00, Existing
23001-GHA-XX-XX-DR-A-0202 P01 Roof Level, Existing
23001-GHA-XX-XX-DR-A-0210 P01 South Elevation, Existing
23001-GHA-XX-XX-DR-A-0211 P01 East Elevation, Existing
23001-GHA-XX-XX-DR-A-0212 P01 North Elevation, Existing
23001-GHA-XX-XX-DR-A-0213 P01 West Elevation, Existing
23001-GHA-XX-XX-DR-A-0214 P01 Context Elevation, Existing, North and South
23001-GHA-XX-XX-DR-A-0215 P01 Context Elevation, Existing, East and West
23001-GHA-XX-XX-DR-A-0301 P01 Level 00, Existing, Demolition
23001-GHA-XX-XX-DR-A-0310 P01 South Elevation, Existing, Demolition
23001-GHA-XX-XX-DR-A-0311 P01 East Elevation, Existing, Demolition
23001-GHA-XX-XX-DR-A-0312 P01 North Elevation, Existing, Demolition
23001-GHA-XX-XX-DR-A-0313 P01 West Elevation, Existing, Demolition
23001-GHA-XX-XX-DR-A-2001 P03 Level 00, Proposed
23001-GHA-XX-XX-DR-A-2002 P03 Level 01, Proposed
23001-GHA-XX-XX-DR-A-2003 P03 Level 02, Proposed
23001-GHA-XX-XX-DR-A-2004 P03 Roof Level, Proposed
23001-GHA-XX-XX-DR-A-2005 P02 Single Unit Plans, Proposed
23001-GHA-XX-XX-DR-A-2010 P02 South Elevation, Proposed
23001-GHA-XX-XX-DR-A-2011 P02 East Elevation, Proposed
23001-GHA-XX-XX-DR-A-2012 P02 North Elevation, Proposed
23001-GHA-XX-XX-DR-A-2013 P02 West Elevation, Proposed
23001-GHA-XX-XX-DR-A-2014 P02 Proposed Typical House, South Elevation
23001-GHA-XX-XX-DR-A-2015 P02 Proposed Typical House, North Elevation
23001-GHA-XX-XX-DR-A-2016 P02 Context Elevation, Proposed, North and South
23001-GHA-XX-XX-DR-A-2017 P02 Context Elevation, Proposed East and West
23001-GHA-XX-XX-DR-A-2018 P01 Context Elevation, Proposed, Street Scene
23001-GHA-XX-XX-DR-A-2020 P02 Section A-A

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, 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: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be constructed on the flank elevations, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

- 7 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by

the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act

1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

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

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

- 14 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.

- 15 Prior to the commencement of development, a biodiversity net gain scheme (BNGS) demonstrating how the creation or enhancement of habitat for the provision of a minimum 10% biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The BNGS shall include the following:
- a) Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments).
 - b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments).
 - c) Aims and objectives for the proposed works.
 - d) Site specific and wider ecological trends and constraints that might influence works.
 - e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication.
 - f) Details of the legal and funding mechanism(s) by which the implementation of the BNGS will be secured by the developer with those responsible for its delivery.
 - g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works.
 - h) Works Schedule, aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period.
 - i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met
 - j) Details for on-going monitoring in years 2, 5, 10, 15, 20, 25 and 30, including:
 - Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured
 - Methods for data gathering and analysis.
 - Location, timing and duration of monitoring
 - Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority
 - How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

The BNGS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.

Reason: In the interests of ensuring measurable net gains to biodiversity, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 The development shall be carried out in accordance with the drainage strategy (RSA Drainage Assessment, Revision P3) and Drainage Layout (2230309, 10000, P3) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 17 Tree protection shall be installed as shown on Tim Moya Associates Tree Protection Plan, Drawing No: 220443-P-42 Rev b dated 23/04/2024, prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2021.

- 18 Prior to the commencement of development, a biodiversity net gain scheme (BNGS) demonstrating how the creation or enhancement of habitat for the provision of a minimum 10% biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The BNGS shall include the following:

- a) Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments).
- b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments).
- c) Aims and objectives for the proposed works.
- d) Site specific and wider ecological trends and constraints that might influence works.
- e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication.
- f) Details of the legal and funding mechanism(s) by which the implementation of the BNGS will be secured by the developer with those responsible for its delivery.
- g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works.
- h) Works Schedule, aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period.

- i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met
- j) Details for on-going monitoring in years 2, 5, 10, 15, 20, 25 and 30, including:
 - Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured
 - Methods for data gathering and analysis.
 - Location, timing and duration of monitoring
 - Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority
 - How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

The BNGS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.

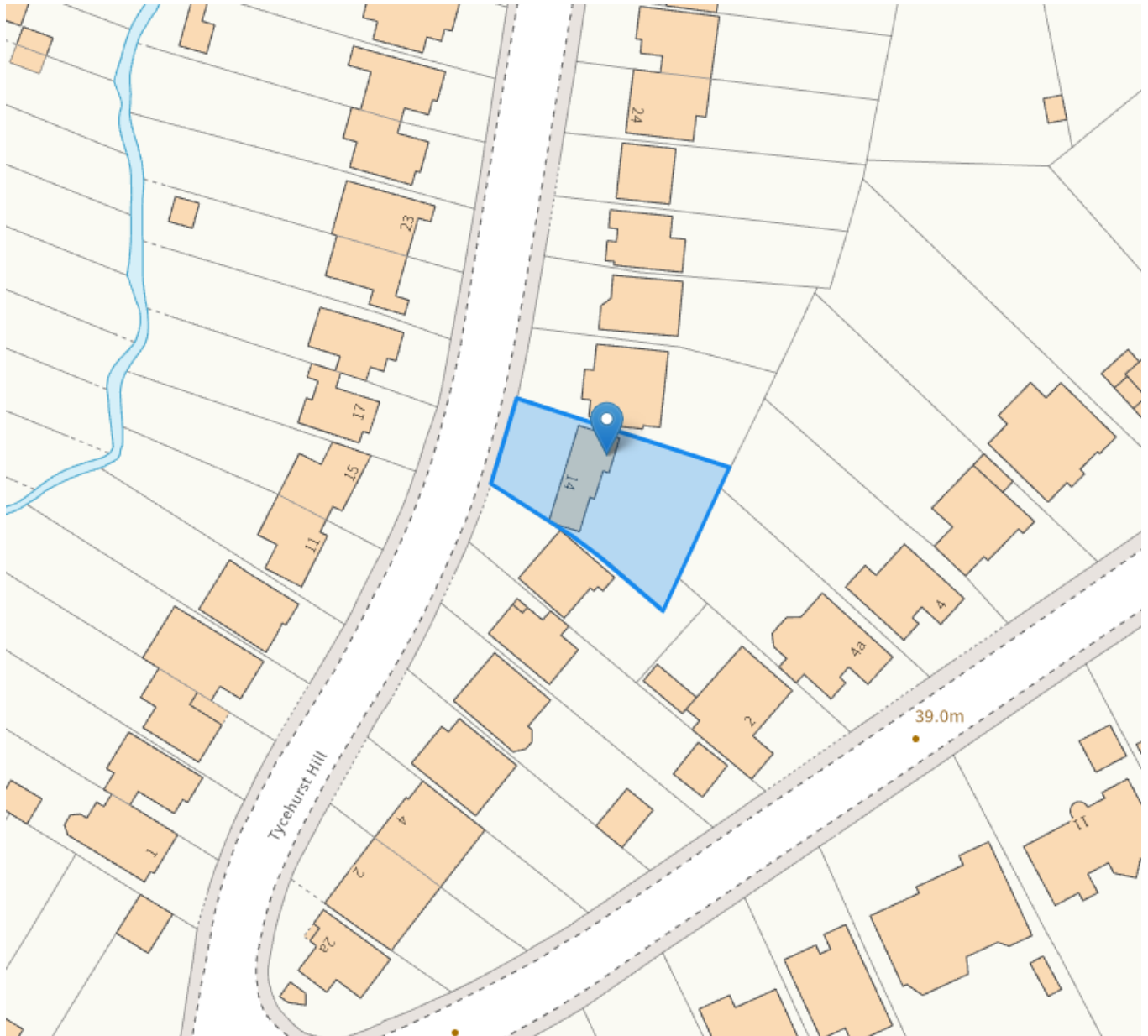
Reason: In the interests of ensuring measurable net gains to biodiversity, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (1)

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

OFFICER REPORT

Application Ref: EPF/0921/24
Application Type: Full planning permission
Applicant: Mr Bala Balendra
Case Officer: Muhammad Rahman
Site Address: 14, Tycehurst Hill, Loughton, IG10 1BU
Proposal: Retention of dwelling as substantially reconstructed and extended.
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000009V1N>
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 the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a substantially completed new dwelling within a built-up area of Loughton. It is not listed nor in a conservation area. No protected trees lie within the site.

Proposal

The proposal is for replacement dwelling.

Plans are near identical to the scheme allowed on appeal with some minor variations to the windows/doors and removal of chimney block.

Relevant Planning History

EPF/0599/23 - Part demolition of existing building. Two storey side and rear extension with internal alterations. Second floor within roof space - Allowed at Appeal

EPF/0224/24 - Variation to condition 2 (Plan numbers) on EPF/0599/23 allowed on appeal (Part demolition of existing building. Two storey side and rear extension with internal alterations. Second floor within roof space) – Refused & Appeal in Progress

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

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

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

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure

DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM17	Protecting and Enhancing Watercourses and Flood Defences
DM18	On Site Management of Wastewater and Water Supply
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

National Planning Policy Framework 2023 (Framework)

Paragraph	11
Paragraphs	131 & 135
Paragraph	186

Summary of Representations

Number of neighbours Consulted: 11.
 Site notice posted: No, not required.

MULTIPLE OBJECTIONS RECEIVED INC LRA PLANS GROUP – Summarised as;

- Overdevelopment/Overbearing;
- Out of keeping;
- Not Built in Accordance with Previous Consent; and
- Carbon Footprint.

LOUGHTON TOWN COUNCIL – The Committee reiterated its previous comments for this proposal, which were:

The Committee OBJECTED to this application on the grounds, that having stated in the original application approved by inspector on appeal, that the application was for part demolition only, the applicant had failed to supply a carbon assessment and justification for the demolition of the original dwelling in this new application – even if full demolition was “not intended”.

If full planning guidance was not complied with for this application, it would set a dangerous precedent.”

Members stated that the applicant should be forced to comply with the Planning Inspector’s original conditions, in particular relating to the materials.

Planning Considerations

As highlighted above this application is near identical to the scheme allowed on appeal in terms of its overall height and scale and design, with some minor variations to the window/door sizes and positions.

Under the recent refused s73 application (EPF/0224/24) which is currently at appeal, Officers concluded below as set out in the decision notice;

Following recent enforcement investigations, it was established that much of the building has been demolished beyond what was previously assessed and found acceptable. As such, it is officer opinion that the previous permission is no longer valid and the replacement dwelling currently built has no planning permission. Therefore, the proposal cannot be determined via this s73 application and a Full Planning Application for a replacement dwelling will need to be submitted.

As the scheme is near identical and was allowed on appeal there are no planning grounds to refuse this scheme that could be defended at appeal on both design and impact on neighbouring amenities.

Officers note the concerns raised about process including the carbon assessment, however there are no substantive reasons to refuse in this regard. Plus, there is no policy requirement for a carbon assessment to be submitted nor had the existing building still been in place any mechanism to prevent its demolition (One only needs to apply for prior approval for how they intend to demolish the building).

Conclusion

For the reasons set out above having regard to all the matters raised, it is recommended that conditional 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:
or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk***

Conditions: (7)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 201 Rev A and 202 Rev A. Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.
- 2 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.
- 3 The first and second floor windows to the en-suite bathrooms in the rear and flank elevations and the rooflights of the development hereby permitted shall at all times be glazed with obscured glass and no part of that window that is less than 1.7 metres above the floor shall be capable of being opened. Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
- 4 Prior to the occupation of the building or completion of the development hereby permitted, whichever is the earliest, 4 replacement trees of 12-14cm girth and of a species and in a position as agreed in writing by the Local Planning Authority shall be planted and if within a period of five years from the date of the planting or establishment of these trees they are removed, uprooted,

destroyed, die or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted in the same position. 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 first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site. Reason: To help support improvements to air quality in accordance with Policies T1, DM2 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
- 6 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained. Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, AA, B, E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority. Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

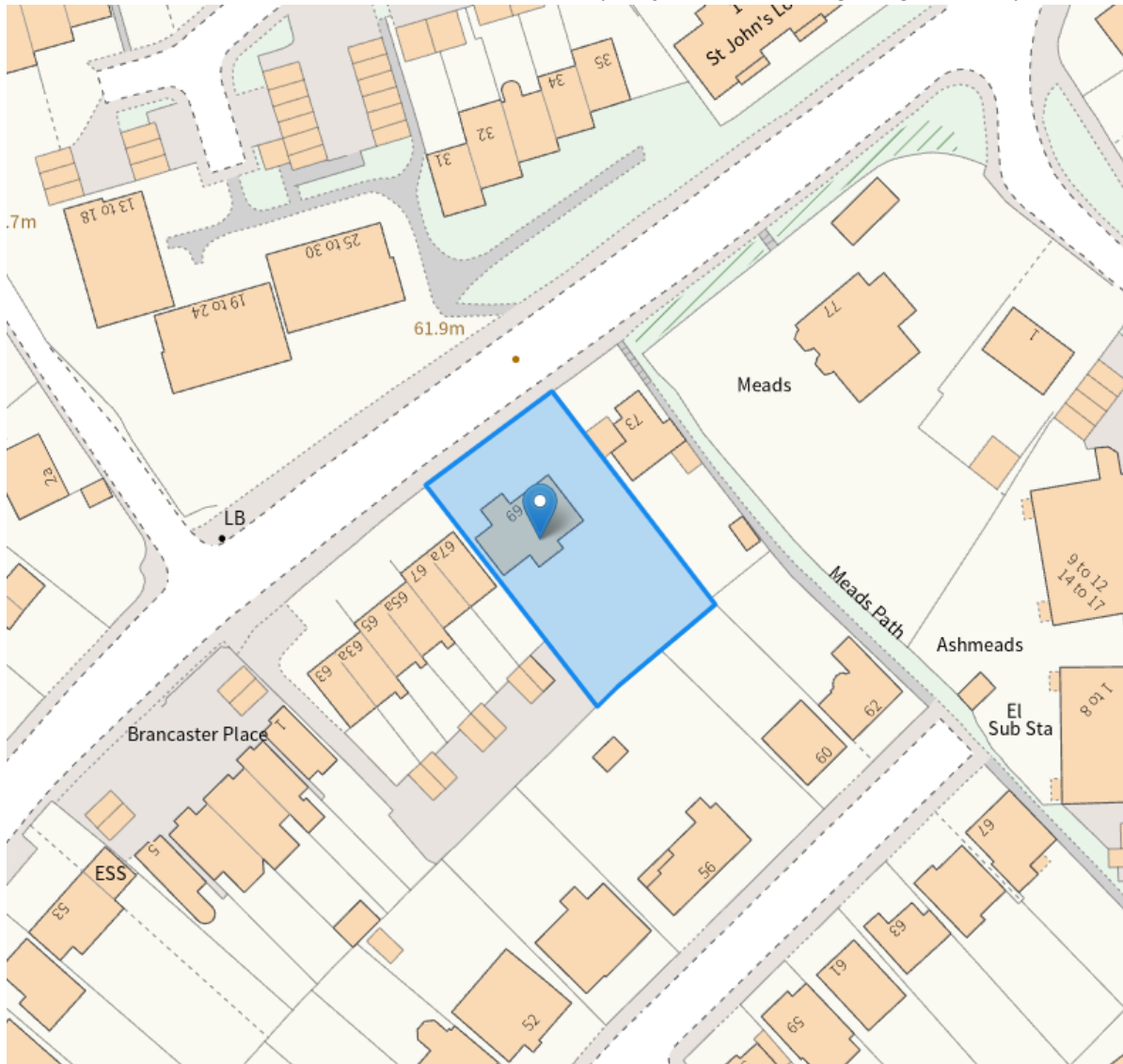
Informatives: (1)

- 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.

Agenda Item 11

OFFICER REPORT

Application Ref: EPF/1014/24
Application Type: Full planning permission
Applicant: Reformer Ltd
Case Officer: Sukhvinder Dhadwar
Site Address: 69, Church Hill, Loughton, IG10 1QP
Proposal: 4no 3 bedroom houses in total, in a terrace configuration
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv000000B9cl>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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 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 rectangular piece of land covering an area of 999 sqm. It contains a detached one and half storey bungalow and curtilage. Land rises sharply on the site in a north easterly direction.

The proposal site is towards the crest of the hill of Church Hill. Adjoining the site on its eastern boundary is the property 73 Church Hill which is a larger detached house, to the east (higher end of the sloped site), adjoining the western boundary are the properties at 63-67a Church Hill, which are a group of mid twentieth century stepped terraced houses. To the north is a block residential flats and to the south are the rear gardens of two storey residential properties at 56 and 60 Uplands Road.

The wider area consists of a variety semi-detached, detached, terraced housing, and small apartment blocks.

The site is located within the urban area of Loughton. The site has no heritage designation.

Description of Proposal:

Permission is sought for the demolition of the existing bungalow and construction of 4no, three bedroomed houses in a terrace configuration.

Each house measures 5.5m wide by 14.7m deep and 5.9m high to the parapet its flat roof. The internal area of each house is around 113 sqm.

Materials include brickwork for the walls, aluminium framed windows and a sedum covered flat 'green' roof.

2 car parking spaces are provided for each house.

Relevant History:

EPF/1547/23 Extension Refused

Reason: The poor design of the extension will have an adversely incongruent impact on the character and appearance of the host dwelling and wider streetscene of Church Hill, and as a result will undermine the distinctive local character and appearance of this area along with the amenities of number 73 Church Hill. The proposal is therefore contrary to the requirements of Chapter 12 of the NPPF and policy DM9 of the adopted Local Plan 2023.

EPF/1068/23 Proposed extension Approved

EPF/0521/23 Proposed extension Approved

EPF/0014/23 Proposed extension Approved

EPF/2053/22 the demolition of the existing bungalow and construction of 2no semidetached houses and 1no detached house. Refused

Reason: the number, bulk, height and position of the proposed houses results in the overdevelopment of the site. The proposal is incongruous to the established pattern of development within this part of Church Hill and as a result fails to make a positive contribution to the distinctive character and amenity of this local area.

EPF/0041/18 Demolition of the bungalow and replacement with 10 flats Withdrawn

EPF/2040/18 The demolition of existing chalet bungalow and replacement with a new building consisting of 10 flats Refused

1 By reason of its bulk and height and detailed design including balconies and significant glazing to the front elevation, the proposed development would fail to respect its setting appearing incongruous within the established pattern of development on the eastern side of Church Hill, which predominantly comprises of houses with gardens. As a consequence, the proposal would cause significant harm to the character and appearance of the locality, contrary to Local Plan and Alterations policy DBE1 and to Local Plan (Submission Version 2017) policy DM 9 (paragraphs A and D), which are consistent with the National Planning Policy Framework.

2 By reason of its failure to provide sufficient private amenity space, the proposal would not provide adequate living conditions for its occupants, contrary to Local Plan and Alterations policy DBE8 and to Local Plan (Submission Version 2017) policy DM 10 (paragraph B), which are consistent with the National Planning Policy Framework.

3 By reason of its bulk, height and siting in relation to 73 Church Hill, the proposed development would cause a loss of light to windows in the flank elevation such that it's living conditions would be adversely affected, contrary to Local Plan and Alterations policy DBE9 and to Local Plan (Submission Version 2017) policy DM 9 (paragraph H(i)), which are consistent with the National Planning Policy Framework.

4 By reason of the size and location of the proposed parking area in relation to the rear gardens and rear elevations of neighbouring properties, activity arising from its ordinary use by motor vehicles is likely to give rise to a degree of noise and pollution that would detract to the enjoyment of adjacent rear gardens, 67a and 73 Church Hill and 56, 60 and 62 The Uplands, causing harm to the living conditions of those neighbouring dwellings. The proposal is therefore contrary to Local Plan and Alterations policy DBE9 and to Local Plan (Submission Version 2017) policy DM 9 (paragraph H(iv)), which are consistent with the National Planning Policy Framework.

A subsequent appeal was dismissed in support of reasons 1 and 2.

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:

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

DM4 - Green Belt

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 (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

Responses received:

67a Church Hill OBJECTION: The proposal is a massive over development of the existing site both in terms of footprint, with four proposed houses based on two building plots currently with just one detached bungalow there already. With the number of likely residents with an example of possibly 3 or 4 per property making a total of twelve to sixteen persons on a plot that would expect to accommodate two properties with six to eight persons

The car parking proposals for some 8 cars whose only exit will be reversing onto the main A121 on the brow of a hill with the increased inherit risks with such an arrangement. The increase with other vehicle movements ie Visitors and deliveries. This footway is used heavily by pedestrians a bus stop within a short distance and school children, mothers with prams etc. Their safety would be put at risk
I suspect there will be a review of the proposal taking into account the current air pollution strategy as it relates to the Epping forest Special conservation strategy

Consideration should also be given in light of recent rainfall to sub surface water flows and their effects on my property as I am below this property. A commitment should be made by the applicant to install or improve ground retention walls between the properties and suitable fences.

The Large leylandii trees that border my property are in very poor shape due to lack of attention and some are so poor affected by the recent winds that they look like they are about to fall into my property.

73 Church Hill: OBJECTION: The proposal represents a gross over development of the existing site, both in terms of footprint, with four proposed dwellings being based on two building plots, currently hosting one detached property, and in terms of the number of likely residents, say three or four per property, giving a total of twelve to sixteen persons on a site that would expect to host two properties accommodating some six to eight individuals.

The car parking proposals for some eight cars whose only exit will be reversing onto the main A121 with the increased risks inherit in such an arrangement, together with the increase in vehicle movements and parking hazards represented by visitors, deliveries ocado etc. all contained between the brow of the hill and the turning junction at Pump Hill, need serious review by the relevant authorities. In this context the heavy usage of the footway by school children and mothers with prams etc. whose safety will be impinged should also be considered.

I presume there will be further review of the proposal in the light of the current Air Pollution Strategy as it relates to the Epping Forest Special Area of Conservation.

Given the large rainfall experienced in recent times and the likelihood of the same pattern in terms of volume and violence continuing, careful consideration should be given to surface and sub surface water flows and their effects on adjacent properties. In view of the difference in ground levels between number 69 and 73 and 69 and 67a commitment be made by the Applicant to install or improve ground retention walls between the properties together with suitable fences.

62 The Uplands: OBJECTION: The only direct impact remains on issues relating to water levels drainage and subsidence for which the area has suffered a lot.
As a resident/neighbour the wider impact is I feel as follows.

This remains an overdevelopment of the site from a one family dwelling to 4 dwellings with potential occupancy of 20 plus people with no consequent improvement to local education or much stretched medical facilities.

The site becomes much more heavily developed. The possibility of 8 cars trying to reverse off or on to the site from a very busy main road seems like an accident waiting to happen putting both other road users and pedestrians at greater risk of harm.

TOWN COUNCIL: The Committee **OBJECTED** to this application stating it was an over-intensification and overdevelopment of the site. The proposal was attempting to squeeze four properties up to the boundary edge of the neighbours, creating a terracing effect, and resulting in a negative impact on the amenity of the neighbours.

The application would have a detrimental impact on the street scene and would not enhance it. The architecture is not acceptable. The front elevation attempts to mimic the neighbouring ugly terraces. The vertical brick protrusions were necessary in the past to segregate to boarding (preventing fire spread) but they are not necessary on the proposed. The vertical features make the elevation ugly. No information or samples of materials have been provided.

The plans provide no street view to show the crossovers, parking bays, bin enclosures and access to the entrance in relation to the incline of the road.

The number of proposed parking spaces on site compromises highway safety, it would result in users having to reverse out onto the very busy A121 creating a serious highway safety issue.

The application offers no biodiversity gains, it only removes the existing biodiversity, which is contrary to the Local Plan. Furthermore, the application site is close to the Forest and would have a deleterious effect on the SAC, contrary to the Local Plan. Any additional dwelling that leads to more traffic in the SAC is unacceptable. The additional dwellings will also result in more pressure for the overstressed recreational services and subsequent damage to the SAC.

Members noted this was yet another proposal from this applicant, who had made eight applications over the last six years, attempting to place far too many dwellings on this site.

Agent COMMENT:

- The proposal seeks to optimise the development potential of the site and provide much needed new homes through the use of a brownfield site within an urban location - in line with adopted policy and National Planning Policy Framework - NPPF Para: 65, 70a, 123, 124c, 125, 146a The client asked us to submit the current application for sun lounge/garden room.
- The proposed building is lower than the existing building and is set in from the boundary on all sides. The separation to the boundary adjacent to 67a Church Hill remains the same as existing building position. The new building is not closer to 67a Church Hill and no terracing arises.
 - The proposal directly reflects the prevailing style of development, including the adjacent terrace of 8 no flat roof houses.
 - The application specifies brick walls with aluminium windows and timber doors. – Materials can be subject of planning conditions if required.
 - The proposal contains full details of 1) Parking, 2) Waste Storage, 3) Recycling Storage, 4) Development in relation to road incline.

We have not discussed their intentions for any other refurbishment works but it is an old house that is certainly in need of upgrading/refurbishment.

Main Issues and Considerations:

Principle

Policy SP 1 of the LP indicates that Loughton has a growth requirement of 1021 homes over the plan period. This target will be achieved through sites allocated under policy P 2 (Loughton), of which the application site is not one.

Additional 'windfall' sites will be permissible under Part B of Policy SP 1, within defined settlement boundaries, where they comply with all other relevant policies of the Local Plan.

The proposal is on previously developed land which falls within flood zone 1 and is outside of the Green Belt. The principle of the development therefore accords with the requirements of policy SP1 of the ALP.

Epping Forest Special Area of Conservation

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

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

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

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

Stage 1: Screening Assessment

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

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

The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. The Applicant has agreed to make a financial contribution in accordance with the Council's Interim Approach and the Green Infrastructure Strategy.

Contributions required include: - £5,557.89 due the site being within 3km of the EFSAC and £ 2,148 towards the implementation of the Roding Valley Recreation Ground/Public Rights of Way infrastructure enhancement projects and a 5%

Monitoring obligation

It is agreed that the Proposed Development would not have an adverse effect on the integrity of the EFSAC in relation to recreational pressure, subject to the satisfactory agreement of an appropriately worded Section 106 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. £1,005 towards EFSAC air pollution mitigation and monitoring and a 5% Monitoring obligation.

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.

Loss of a bungalow:

Policy H1 criterion (E) of the Local Plan seeks to prevent the loss of bungalows to meet the needs of less mobile people within the District. This policy accords with the requirements of the NPPF which requires that developments provide housing which meets the needs of different groups within the community.

Whilst weight is being given to this emerging Local Plan policy, it should be noted that the inspector for the dismissed appeal under reference EPF/2040/18 (PINS reference APP/J1535/W/19/3224739) was satisfied that the replacement of a part single and part two storey bungalow with a greater number units.

Sustainable Location

The application site is in an urban area which is in close proximity to public transport and amenities. This means that future occupiers will have a more limited need to use the car. The location of the site is therefore considered sustainable in accordance with the NPPF, policies SP1, SP2 and T1 of the Adopted Local Plan.

Place Shaping and Design

The design is a positive contemporary interpretation of the 1960's flat roofed terrace at 63-67a Church Hill, the site adjoins. The quality of the development will be improved through its composition, i.e. the use of quality materials such as brick and aluminium framed windows and the brick detailing on the front elevation.

Its overall height will be lower than the ridge height of the existing bungalow on the site and it will not extend beyond the existing building line. It will therefore remain subordinate in appearance to 73 Church Hill and will blend in with the appearance of the wider street.

The proposal will therefore have positive impact on the character and appearance of the surrounding area in accordance with policy DM9 (A) and (D).

Quality of resulting residential accommodation

The proposed self - contained units have an adequate internal size outlook, layout and ventilation in accordance with principles laid out in the National Technical Housing Standards (2015) and the Essex Design Guide.

The amenity space provided is also acceptable.

Neighbouring residential amenity

The first-floor flank walls of both end terrace houses contain windows. The ground floor serves a bathroom and the first floor window serves a staircase, since these windows are not for habitable rooms; a condition is recommended which requires that these windows be obscure glazed is recommended to ensure that the privacy of neighbouring occupiers is protected.

There is a gap 2.2m between the side flank of 67a Church Hill and the side flank of the first dwelling within plot 01.

The gap between the nearest side flank of 73 Church Hill and the side flank of unit 04 is 2.6m. This neighbour is also on higher land.

Plans also indicate that 45-degree guidelines have not been breached. The submitted Daylight and Sunlight Report (neighbouring properties) by Right to light Consulting also found the proposal would not have an excessive adverse impact on day and sunlight received by neighbouring occupiers. It is therefore considered that this neighbour will not be excessively affected in terms of loss of light, outlook dominance or privacy.

All other neighbours are sufficiently distant to ensure that they will not be materially affected. The proposal therefore complies with the requirements of policy DM9 (I) of the Local Plan.

Trees

The application was reviewed by the Trees Officer, who found that that subject to conditions, the development would be acceptable in terms of its impact on Green Infrastructure on the site in accordance with policies DM5 and DM9 (F).

Highways and parking

The proposal provides sufficient parking to meet the requirements of Policy T1 of the Local. The Highway Authority are also satisfied that the proposal will not have an adverse impact on highway safety. The proposal therefore accords with the requirements of T1 of the ALP.

Ecology / Biodiversity

A Preliminary Ecological Appraisal Incorporating Bat Survey Inspection by Open Spaces (April 2024) was submitted with the application, it found no protected species and recommended that due diligence be carried out in regard to nesting birds and made suggestions for ecological enhancements.

The submitted Biodiversity Net Gain Metric indicates that there is the potential to increase biodiversity on the site by 23%, this will be achieved by the green roofs and soft landscape planting suggested in the Preliminary Ecological Appraisal.

Subject to both these recommendations being conditioned as part of any permission, it is considered that the proposal would accord with the requirements of DM1 of the ALP.

Land Drainage:

The Land Drainage team were satisfied that subject to conditions the proposal will not increase the risk of flooding on or around the site. The proposal therefore accords with the requirements of DM15 and DM16 of the ALP.

Contaminated Land

The Contaminated Land team consider the risk of the site being contaminated as being low and therefore only request that a condition be imposed relating to unexpected contamination in accordance with DM21 of the Local Plan.

Conclusion:

The proposal efficiently redevelopment brownfield land outside of the green belt. It will also have a positive impact on the character and appearance of the application property and wider street and there will not be any excessive harmful impact on the living conditions of neighbouring occupiers. The proposal therefore subject to conditions and the completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and a contribution towards measures to mitigate air quality as set out in this report.

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

Conditions: (20)

- 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:

2297-100.12, 2297-101.12, 2297-200.12, 2297-201.12, 2297-202.12, 2297-203.12, 2297-204.12, 2297-205.12, 2297-206.12, 2297-207.12, (2297-208.5,) 2297-209.12, , 2297-500.12, 2297-501.12, Design and Access Statement, and Sustainability Appraisal, Herts and Essex Site Investigations dated 25 March 2018,
Daylight and sunlight report (neighbouring properties) by Right to light Consulting dated 1 March 2024, Biodiversity Metric Calculation Tool, Preliminary Ecological Appraisal Incorporating Bat Survey Inspection ref OS 2831 24 – Doc1 RvsA |April 2024, HRA Assessment Technical Note 03 by Waterman March 2024, Flood Risk Assessment dated 28.02.2024, Specification for Soft Landscape Works and 5 year Management Plan April 2024 by Opens Spaces, OS 2831-24.1 Soft Landscape Plan , OS 2831-24.2 Hard Landscape Plan, Highways Appraisal by Waterman dated March 2024, Arboricultural Impact Assessment dated December 2024, OS 1514-24.Doc 1 Rev: RvsB April 2024.

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

- 3 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British

Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 The development shall be carried out in accordance with the flood risk assessment (28.04.2024 – Flood Risk Assessment – 69 Church Hill – DK) submitted with the application

Reason To prevent flooding on site and elsewhere by ensuring that compensatory storage of flood water is provided in line with policies DM15 and DM 16 of the Local Plan.

- 6 Tree protection shall be installed as shown on Open Spaces Landscape Architects 'Tree Protection Plan' drawing number 'OS 1514-17.1 Rev C' (updated 12/04/2024) prior to the commencement of development activities (including any demolition).
The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2023.

- 7 Hard and soft landscaping shall be implemented as shown on Open Spaces Landscape Architects 'Soft Landscape Plan' drawing number 'OS 2831-24.1' and 'Hard Landscaping Plan' drawing number 'OS 2831-24.2' (dated 30/04/2024); and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2023.

- 8 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 9 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials, and type of boundary treatment to be erected, shall have been submitted to an approved by the Local Planning Authority, in writing. The approved boundary treatment shall be implemented prior to first occupation of the development and so retained.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1, DM2 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 The proposed development should be undertaken in accordance with the recommendations made in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection by Open Spaces (April 2024).

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with the NPPF, policy DM1 of the Adopted Local Plan.

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

appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

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

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 16 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2023.

- 17 Prior to first occupation of the dwellings hereby permitted the windows in the eastern and western flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained at these specifications thereafter.

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

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

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties [+Green Belt], in accordance with Policy [] of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 20 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. Tree protection measures.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (1)

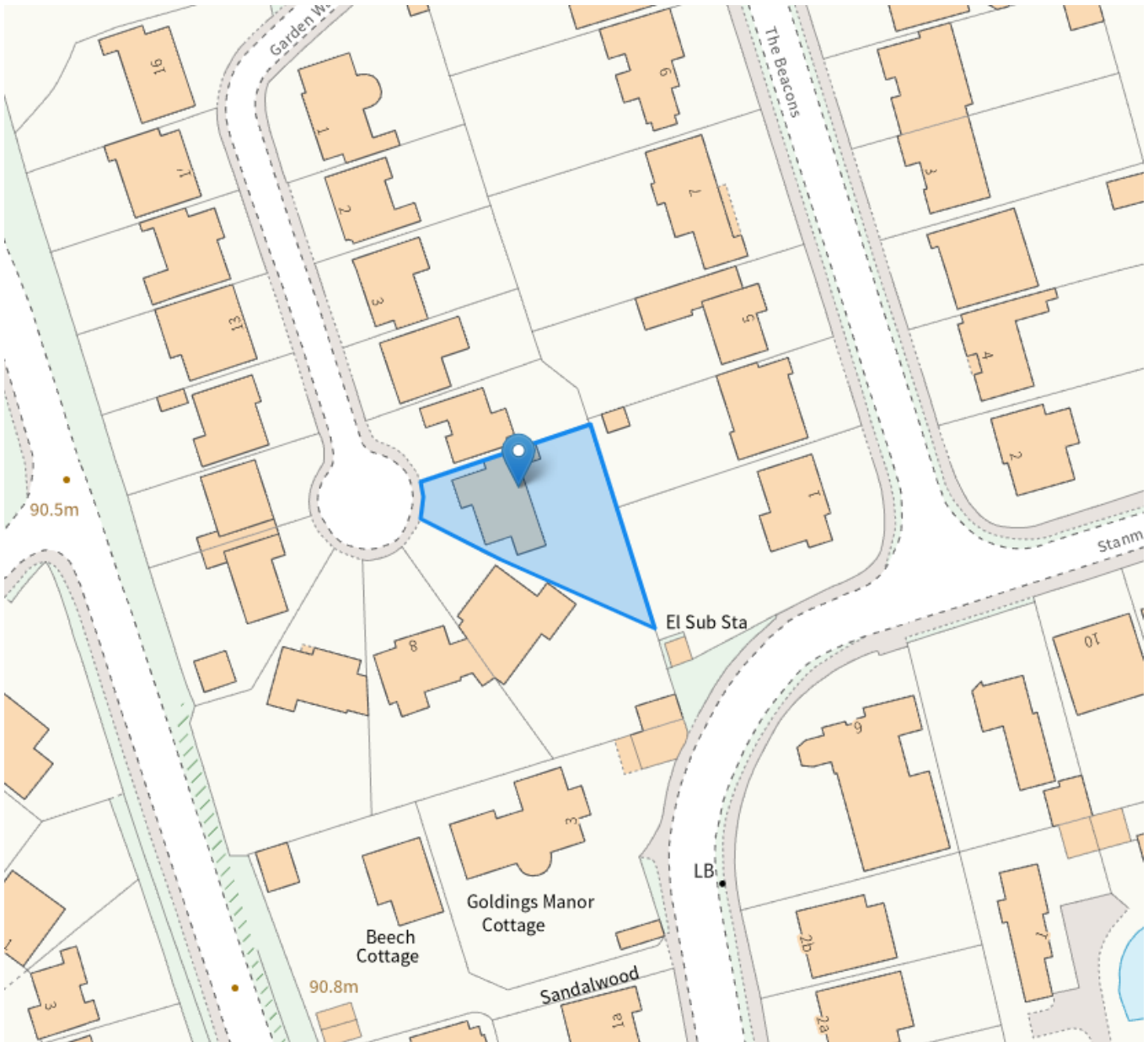
- 21 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission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

Agenda Item 12

OFFICER REPORT

Application Ref: EPF/0183/24
Application Type: Householder planning permission
Applicant: Mr Cooper
Case Officer: Rhian Thorley
Site Address: Four Seasons, 6 Garden Way, Loughton, IG10 2SF
Proposal: One and a half storey rear extension. Raising of existing roof with the additional of rear dormer. New pitched roof to front. Render and cladding external of property.
Ward: Loughton St. John's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv000001ZQL>

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).

Site and Surroundings

The site comprises a detached two-storey house which sits at the end of Garden Way, on the cul-de-sacs turning circle. It is not listed nor in a conservation area or a flood zone. There are no protected trees on site and it does not sit within the boundaries of the Metropolitan Green Belt.

Proposal

One and a half storey rear extension. Raising of existing roof with the additional of 2 rear dormers. New pitched roof to front. Render and cladding external of property.

The existing utility room sited on the northern boundary of the site would be demolished.

The scheme has been amended following receipt of Loughton Town Council's objection dated 29.04.2024; the previously proposed two-storey side extension and 2no. front dormers have been removed as a result.

Relevant Planning History

EPF/0552/79 - Erection of a first floor side extension – Approve with Conditions.

CHI/0142/73 - FRONT EXTN TO GARAGE – Approve with Conditions.

CHI/0243/69 - EXTN TO GARAGE - Approve with Conditions.

CHI/0110/65 - DETACHED HSE AND GARAGE – Approve.

CHI/0404/64 - DETACHED HSE AND GARAGE – Approve.

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:

DM9	High Quality Design
DM10	Housing Design and Quality

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

Paragraph 186

Summary of Representations

Number of neighbours Consulted: 9. 2 response(s) received.

Site notice posted: No.

3 The Beacons – OBJECTION summarised as:

- *“the proposed extension would significantly compromise the privacy of our second-floor bedroom and bathroom. As the extension is planned to be at the bottom of our garden, it would directly overlook these areas, invading our privacy and diminishing our quality of life. This intrusion would be particularly distressing during times when we seek relaxation and privacy within our own home.”*
- *“the design of the extension raises serious aesthetic concerns. Its proximity to our property means that we would be subjected to an unsightly view from our second-floor windows. This not only detracts from the visual appeal of our property but also undermines the character and ambiance of the surrounding neighborhood.”*

5 The Beacons – OBJECTION summarised as:

- *“the dormer to the rear of the of the will have an imposing impact and allow full view into No.5 The Beacons.”*

Loughton Town Council – OBJECTION: *“The Committee OBJECTED to this re-consultation believing that not enough changes to the plans had been made, the raising of the roof line would impact on the street scene and neighbours amenity and the Committee reiterated its previous comments for this proposal, which were:*

[20.05.2024] The Committee NOTED the contents of a letter of objection.

The Committee considered the proposed amendments but felt they failed to address its previous objections which were:

[29.04.2024] The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to this application on the grounds that this was an overdevelopment and would result in a detrimental effect on the street scene. The extension would create a negative impact on the amenity of the neighbours at no.7 due to a loss of light and an increased sense of enclosure.

Members also noted that the plans did not accurately represent the relationship of the host site with 7 Garden Way and requested that officers check this.”

EFDC Trees & Landscape - no observations to make on this application.

EFDC Land Drainage – *“I am satisfied that the proposal will not significantly impact on the current surface water drainage arrangements nor will it materially increase flood risk to the surrounding area, therefore I have no comments to make on behalf of the Environmental Protection and Drainage Team.”*

Planning Considerations

The main issues for consideration in this case are:

- a) Character & Appearance

- b) Neighbour Amenity
- c) Highway Safety & Parking

Character & Appearance

The proposed one and a half storey rear extension would be 3.6m deep and would not protrude further than the existing utility room (to be demolished). It would expand part of the rear elevation; 5.3m wide at two storeys with a crown roof, and 4.7m wide at single storey with a flat roof. A dormer is also proposed at the rear, whilst this element is relatively large at near full-width, it is considered that the existing dwelling and application site can accommodate both the two-storey extension and dormer.

It is noted that the relationship between the proposed dormer and the crown roof of the two-storey extension appears somewhat harsh when viewed together. However, this is not considered incongruous so as to detrimentally harm the appearance of the dwelling. Further, given that this element of the proposal would only be visible from the rear, it would not impact the street scene or the character and appearance of the surrounding area.

The existing roof ridge would be raised by 1m. Whilst this would result in a slightly higher roof than those of the adjacent dwellings, the application dwelling does not form part of a uniform row of houses; it sits back from the building line present due to its location on the turning circle. The relatively modest increase together with the dwelling's siting and the varying scales and forms of surrounding properties/the character and appearance of the street scene, reduces the impact of the increased roof ridge and it is not therefore considered to be at odds with the street scene.

The existing garage would be converted to a living room, and a pitched roof would replace the existing flat roof. This part of the proposal is considered complementary to the design of the existing dwelling and, given the mix of dwelling designs in the surrounding area, it is considered to have an acceptable impact upon the street scene. A canopy porch is also proposed at the front door which is considered acceptable.

The proposed roof lights at the front, white render and grey cladding are considered acceptable.

Neighbour Amenity

The main properties to consider as part of this amended application are:

- 5 Garden Way

Whilst the rear extension would be two storeys high on the northern boundary with this adjacent property, it would sit 1.5m from the shared boundary and 2.5m from the adjacent dwelling; at a depth of 3.6m this is not considered to have a detrimental impact upon neighbouring amenities particularly given the eaves and total height of the extension would sit well below that of the original dwelling.

- 3 The Beacons

An objection was received from the occupant of this property, which sits directly to the rear of the application dwelling. The objection was made on the following grounds: Overlooking & loss of privacy; and character & appearance. Having carried out a site visit on 4 June 2024, it was found that the northern boundary between the application dwelling and No.3 The Beacons is entirely lined by established evergreen trees reaching an estimated 5-6m high. Whilst small parts of the proposal may be visible through branches or potentially at the very top of the trees, this is not considered to create excessive overlooking or loss of privacy, or be detrimental in terms visual amenity, particularly given the distance between the proposed extension and the dwelling at No.3 The Beacons (approx. 30m). It is also noted that the proposed dormer and the rear two-storey extension (at a slightly reduced depth) would be permitted under Classes A and B of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 5 The Beacons

An objection was received from the occupant of this dwelling, which sits to the rear/north-east side of the application dwelling. The objection was made on the following grounds: Loss of privacy (rear dormer). Given the siting of No.5 The Beacons (to the north-east), neither the application dwelling nor the proposed dormer directly faces this dwelling. This, together with the above-mentioned evergreen trees, and the distance between the two dwellings reduces any impact of the proposed dormer to an acceptable level and the proposal is not therefore considered detrimental to either of the occupants. It is also noted that the proposed dormer and the rear two-storey extension (at a slightly reduced depth) would be permitted under Classes A and B of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Highway Safety & Parking

The proposal would result in a loss of garage, however there is sufficient parking available on the application site's driveway. The proposal is not therefore considered to have a detrimental impact upon highway safety or parking.

Comments on Representations

Neighbour representations have been addressed in the above Neighbour Amenity section. Loughton Town Council representations are addressed by the officer below:

"The Committee OBJECTED to this re-consultation believing that not enough changes to the plans had been made, the raising of the roof line would impact on the street scene and neighbours amenity..."

- There is no uniformity between the dwellings present on Garden Way, the dwellings present vary in scale, form and designs. Further, the site sits on the turning circle of this cul-de-sac, meaning it sits back from the building line of the properties to its north (nos.1-5) and at a different angle to the properties to its south-west and beyond (nos.7-9). An increase of 1m is not therefore considered to have a detrimental impact upon the street scene or neighbour's amenity.

"...and the Committee reiterated its previous comments for this proposal, which were:

[20.05.2024] The Committee NOTED the contents of a letter of objection.

The Committee considered the proposed amendments but felt they failed to address its previous objections which were:

[29.04.2024] The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to this application on the grounds that this was an overdevelopment and would result in a detrimental effect on the street scene..."

- Officers agree that the initial scheme (including two-storey side extension and front dormers) represented an overdevelopment of the site which would negatively impact the street scene. These additions have since been removed from the scheme. The only remaining addition proposed (rear extension) would not be visible from the public highway thus diminishing any risk of appearing overdeveloped particularly when viewed as part of the street scene.

"...The extension would create a negative impact on the amenity of the neighbours at no.7 due to a loss of light and an increased sense of enclosure."

- The two-storey side extension which would have impacted No.7 Garden Way has now been removed from the scheme.

“Members also noted that the plans did not accurately represent the relationship of the host site with 7 Garden Way and requested that officers check this.”

- Having attended the site there were no issues identified by the Planning Officer.

Conclusion

For the reasons set out above, having regard to the matters raised, it is recommended that planning permission be approved with planning 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:
or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk***

Conditions: (4)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 888/23/001; 002 Rev.B; 003 Rev.B; 005 Rev.B. Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans and specified in the submitted application form. 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.
- 4 Access to the flat roof 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

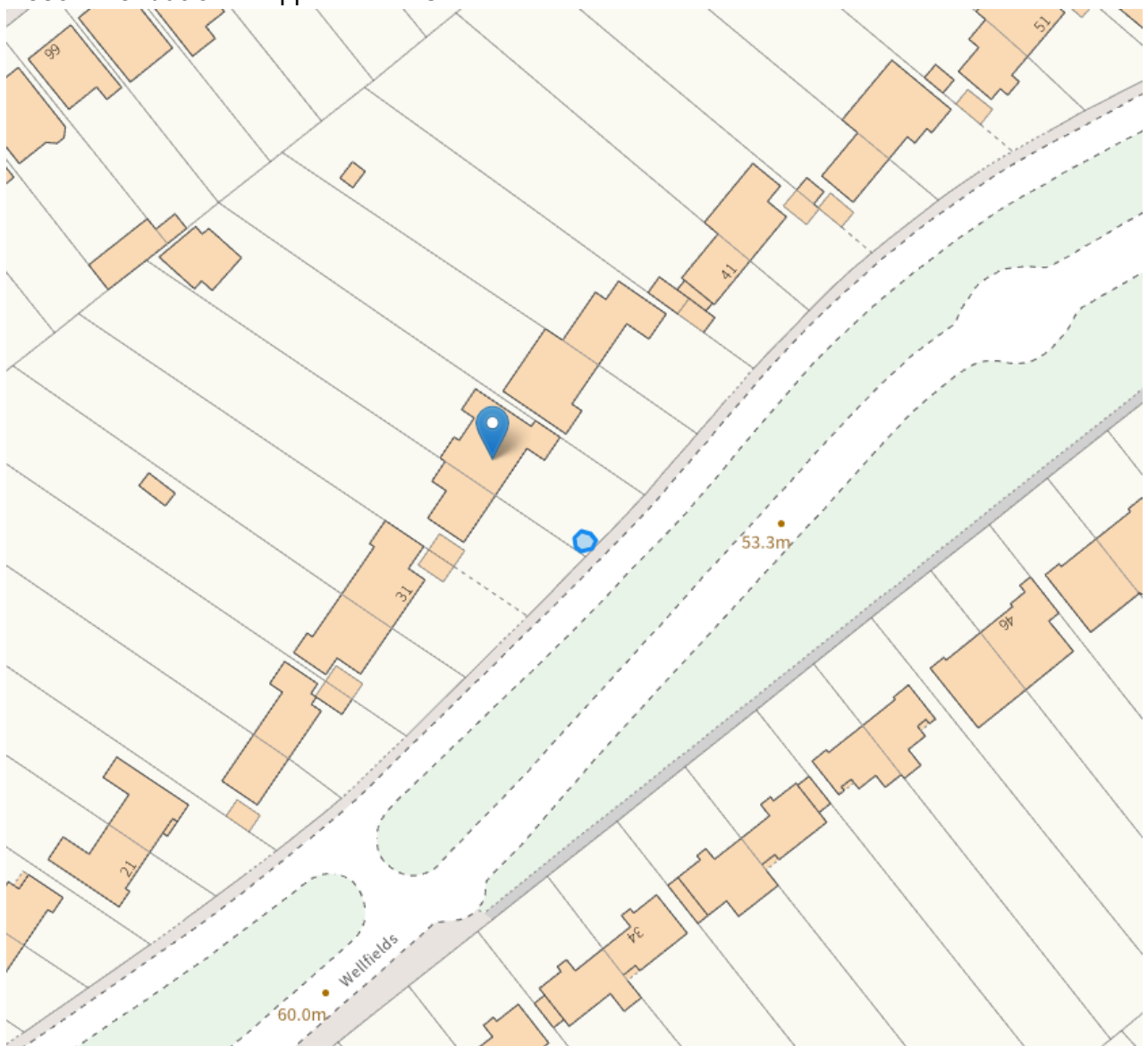
Informatives: (1)

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

Agenda Item 13

OFFICER REPORT

Application Ref: EPF/2756/23
Application Type: Consent under Tree Preservation Orders
Applicant: Chan
Case Officer: Robin Hellier
Site Address: 35, Wellfields, Loughton, IG10 1PA
Proposal: TPO/EPF/26/01 (Ref: T1)
T3: Oak - Fell and replace, as specified.
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000000Z4D>
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 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 Proposal:

T1. Oak. Fell and replace.

Description of Site:

The tree stands at the front boundary of a mid-twentieth century semi-detached dwelling. It is a highly visible veteran tree and the most prominent feature in this slip road location. This large tree stands about 15 metres in height and about 10 metres from the front elevation of the tree owner's property.

Relevant History:

In May 2023, following a change of ownership at 33 Wellfields, unlawful works to lop the tree where it overhung the front garden, were carried out. This resulted in enforcement action requiring the new owner to employ a competent tree firm to tidy up ripped and badly cut stubs back to branch unions and shaping other lower extended lateral boughs in other parts of the tree to improve the form of the tree.

Policies Applied:

Epping Forest District Local Plan:

To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033,

DM5 Felling of preserved trees.

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

DM3 Landscape Character, Ancient Landscapes & Geodiversity

NPPF 2023.

Chapter 15. Conserving and enhancing the natural environment.

Paragraph 180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and

other benefits of the best and most versatile agricultural land, and of trees and woodland.

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Habitats and biodiversity

185. *To protect and enhance biodiversity and geodiversity, plans should:*

(a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity ⁶⁵; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation ⁶⁶; and

(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity

186. *When determining planning applications, local planning authorities should apply the following principles:*

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons ⁶⁷ and a suitable compensation strategy exists; and

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

SUMMARY OF REPRESENTATIONS:

Loughton Town Council objected to the loss of this important tree and listed the reasons have been summarised, as follows:

1. There is a fine oak tree 2-3 metres closer to the area of damage.
2. Point 1 is moving the most and only 3 readings are provided since July 2023.
3. Heave potential has not been assessed
4. No alternatives have been offered such as Geobear or pruning to both T3 and T4.
5. Footings of 580mm with only 8cm founded in consolidated clay puts this house at high risk of movement.
6. Possible water tables or water courses exist in the area and have not been considered.
7. The property is built on a slope which might be contributing to movements, especially in only 8cm of foundation depth.
8. The tree should be saved believing the most likely cause of subsidence to be the inadequate depth of footings.

Response to representations

1. The tree labelled on the submitted plan as T4 is an Elm. No roots were identified as Elm and therefore the tree cannot be considered as a potential contributor to the patterns of ground movements to the house.
2. The sizeable movement at Point 1 was raised with the agent and appears to indicate another cause other than the subject oak but this contra indicator does not exclude the possibility of T1 oak being linked to the roots found near Point 4 on the level monitoring diagram which is moving in an upward direction since September 2023 following a short period from July where a downward movement of about 2mm was recorded. Following requests for further monitoring details there have been 7 sets of readings. The latest of which do not show any downward movement which would be expected. The pruning work undertaken in the summer of 2023 may have reduced the effect of the tree's root spread and the effective water uptake under the footings of 31 Wellfields.
3. A request was made to provide a heave assessment in respect of the two properties 33 and 35 Wellfields at around 10 metres from the tree. This request was refused but a heave assessment was conducted for the subject house, which showed that there was potential for 69mm of ground recovery was possible. The report concluded and the Council appointed expert considered the likelihood to be sufficiently low as to not be a serious risk.
4. The absence of any offers of alternative solutions prompted the appointment of an independent expert who did offer both resin injection, at Council's expense or a pruning option subject to the owner submitting a proposal to the Council to be reasonable remedial alternative measures to felling.
5. It is accepted both by the case officer and the expert that the footings are inadequate by modern standards, but this does not exempt the nuisance the tree is causing and that the tree remains a likely contributory cause of the cyclical movement to the right hand corner of the subject house.
6. Suggestions were put to the agent regarding the possible influence of the slope and water courses as the name of the road suggests on the house and the fact that a swimming pool in the rear garden of 31 was responsible for a chronic leak and subsequent damage to the boundary wall between 31 and 33 wellfields. No direct response or opinion was provided from the applicant's agent in these factors.
7. I refer to the answer given above at 6.
8. I refer to the answer given above at 6.

Issues and Considerations:

Background

The agent for the claimant applicant has applied to fell the tree for the following reasons:

Evidence

Subsidence damage to the corner house.

Technical investigations in support of the claim include:

Soil assessments for structure and desiccation.

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

Root samples to identify tree species.

Drain survey to check for leaking pipework.

Assessment of the reason and planning considerations and requirements

Evidence Assessment

The Oak stands at approximately 25 metres from the front corner elevation of the damaged property. The house has signs of historic horizontal cracking of 22mm to this part of the building.

The crack and level monitoring results show that there has been 14.8 mm of building movement in the form upward recovery during the period of monitoring. The latest figures show a sustained period of stability when root water uptake activity would be at its highest, during leaf emergence and new shoot growth and the restoration of starch and hydration levels. The level and crack readings do not directly correspond to those periods of root activity and dormancy.

Roots identified as oak were found beneath the foundations, as identified in the samples drawn from trial pit at the corner of the building.

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

A root barrier is an alternative remedy to felling the tree but estimated to cost £35,000.

The engineering alternative to stabilise the house would be traditional underpinning at an estimate cost of £20,000 + VAT.

Discussion

Following the receipt of the Town Council's objections and in line with the Council landscape policy above, a request was made to the agent to withdraw the application due to the potential for heave damage to the two houses closer to the tree at 33 and 35 Wellfields. A resin injection ground stabilization procedure or conventional underpinning would negate the need to fell the tree and all the amenity it provides to the locality.

It was decided that, in view of the strength of objections and the highly valued veteran status of the tree which demands the highest level of scrutiny to justify its removal, a specialist arboricultural consultant with expertise in tree related subsidence cases should be commissioned to assess the data and provide recommendations including alternative solutions to the felling of this landmark feature.

While his conclusion did accept that there was evidence to suggest that the tree was likely to be a contributory factor in the damage occurring to 31 Wellfields, there was an option to prune the tree and remove its root influence by reducing its crown significantly (40% linear branch reduction). While this would diminish the tree's natural form and effectively 'veteranize' the tree with such heavy pruning, this would, none the less, retain this landmark tree intact to be pruned on a regular cycle. It has already been noted that a significant foliage reduction to lower and mid crown branches was conducted in the summer of 2023, amounting to almost a 20% linear crown reduction. The tree has responded favourably to this treatment, which is contrary to the opinion of the claimant's arborist, who dismissed the option to reduce as impractical.

The report was explained to the tree owner, who is very attached to the tree and unwilling to fell it. The pruning option would require him to apply to prune it.

Ultimately, this strategy will rely on the owner acting on the expert's recommendation.

Councillors must accept that liability might fall onto the Planning Authority for not addressing the damage nuisance issue.

The option of amending the application to granting a pruning specification is not possible without the agreement of the applicant, who has stated their desire to fell the tree only

3 Replacement options

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

Conclusion:

The proposal, based on the technical evidence that the tree is contributing to structural damage, would justify its removal.

The possibility a pruning solution offers to the subsidence remains a reasonable strategy but falls to the tree owner to apply for the works.

It is therefore recommended to grant permission for the removal of the tree, subject to the replanting of a suitable replacement specimen. The proposal, based on the submitted evidence, is a disproportionate response running contrary to Planning

Policy and the listed NPPF guidelines. The loss of historic, visual and wildlife amenity is environmentally greater than the underpinning engineering solution.

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

Conditions: (2)

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

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

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

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