



***District Development Management Committee  
Wednesday, 4th October, 2017***

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 4th October, 2017  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Gary Woodhall  
(Governance Directorate)  
Tel: 01992 564470  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

**Members:**

Councillors B Sandler (Chairman), B Rolfe (Vice-Chairman), H Brady, R Jennings, G Chambers, S Heap, S Jones, H Kauffman, J Knapman, S Kane, R Morgan, C C Pond, G Shiell, D Stellan and J M Whitehouse

**SUBSTITUTE NOMINATION DEADLINE:**

**18:30**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Democratic Services Officer will read the following announcement:

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

*If you are seated in the lower public seating area then it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.*

*This may infringe your human and data protection rights and if you wish to avoid this*

*then you should move to the upper public gallery.*

*Could I please also remind Members to activate their microphones before speaking.”*

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

(Director of Governance) General advice to people attending the meeting is attached.

**3. APOLOGIES FOR ABSENCE**

(Director of Governance) To be announced at the meeting.

**4. SUBSTITUTE MEMBERS**

(Director of Governance) To report the appointment of any substitute members for the meeting in accordance with Council Rule S1 in the Constitution (Part 4 “The Rules” refers).

**5. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests in any item on the agenda.

**6. MINUTES**

To confirm the minutes of the last meeting of the Committee held on 10 July 2017.

[Click here for District Development Management Committee Minutes 10 July 2017](#)

**7. EPF/3386/16 - LAND WEST OF FROGHALL LANE, SOUTH OF CHIGWELL CEMETERY, CHIGWELL (Pages 7 - 36)**

(Director of Governance) To consider the attached report for a hybrid application requesting:

(i) Full planning permission for an assisted living development comprising of apartments and integrated communal and support facilities; landscaped residents gardens; staff areas; refuse storage; construction of a new site access; a sustainable urban drainage system; a new sub-station and associated infrastructure and services, and;

(ii) outline planning permission for a 0.45 hectare extension to Chigwell Cemetery.

**8. EPF/1216/17 - 15 CURTIS MILL LANE, STAPLEFORD ABBOTTS (Pages 37 - 42)**

(Director of Governance) To consider the attached report for the retrospective application for the retention of the existing 3-bedroom bungalow dwelling.

**9. EPF/1400/17 - 41 BOWES DRIVE, ONGAR (Pages 43 - 48)**

(Director of Governance) To consider the attached report for a rear extension, garage and loft conversion.

**10. 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.

**11. EXCLUSION OF PUBLIC AND PRESS**Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	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) of the Constitution defines 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 one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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## Advice to Public and Speakers at Council Planning 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.

### 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 Sub-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**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

### 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 three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Sub-Committee will determine the application in your absence.

### Can I give the Councillors more information about my application or my objection?

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### How are the applications considered?

The Sub-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 Sub-Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Sub-Committee. Should the Sub-Committee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee are 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?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

## **Report to the District Development Management Committee**

**Report Reference: EPF/3386/16**  
**Date of meeting: 4 October 2017**



**Epping Forest  
District Council**

**Address:** Land West of Froghall Lane, South of Chigwell Cemetery,  
Chigwell

**Subject:** Hybrid application requesting:

(i) Full planning permission for an assisted living development comprising of apartments and integrated communal and support facilities; landscaped residents gardens; staff areas; refuse storage; construction of a new site access; a sustainable urban drainage system; a new sub-station and associated infrastructure and services, and;

(ii) outline planning permission for a 0.45 hectare extension to Chigwell Cemetery.

**Responsible Officer:** Stephan Solon (01992 564018).

**Democratic Services:** Gary Woodhall (01992 564470).

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**Recommendation(s):**

(1) That planning application EPF/3386/16 at Land West of Froghall Lane, South of Chigwell Cemetery in Chigwell be refused permission for the following reasons:

1. The proposal as a whole is inappropriate development in the Green Belt, that is by definition harmful to it. Furthermore, by reason of the scale, bulk and height of the proposed buildings together with associated works, the proposal would cause considerable harm to the openness of the Green Belt. The proposed development amounts to a substantial intrusion of built form into the countryside and therefore conflicts with two of the purposes of including the land within the Green Belt: to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. The benefits of the proposal are insufficient to overcome the harm it would cause to the Green Belt therefore the application does not demonstrate very special circumstances in favour of granting planning permission. Accordingly, the proposal is contrary to Local Plan and Alterations policies GB2A and GB7A, which are consistent with the policies of the National Planning Policy Framework.
2. By reason of making an insufficient contribution towards the

**provision of off-site affordable housing and by restricting that contribution towards provision for older people only the proposal fails to make appropriate provision for affordable housing. It is therefore contrary to Local Plan and Alterations policies H5A, H6A, H7A and H8A of the Local Plan and Alterations, which are consistent with the National Planning Policy Framework.**

**Report:**

1. This application was considered by the Area Plans South Sub-Committee on 23 August when it was decided to refuse planning permission in accordance with Officer's recommendation. Following the vote to refuse planning permission the application was referred to the District Development Management Committee by way of a minority reference.

2. The Officer's report to the Sub-Committee is reproduced below with minor alteration to show the contribution for affordable housing offered by the Applicant is no longer restricted to the provision of affordable housing for elderly people, and to add additional addresses of residents who have raised objection to the proposal.

3. If, following consideration of the application this Committee decides to grant planning permission, it will be necessary to refer the application to the National Planning Casework Unit in order that the Secretary of State can consider whether to exercise his call-in powers. That is because the proposal amounts to a significant departure from the adopted Local Plan. Members are advised the proposed development is also a significant departure from the Draft Local Plan.

4. In the event of this committee deciding to grant planning permission, Officers suggest the granting of permission be subject to the completion, within 6 months or an extended period agreed by the Local Planning Authority, of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of:

(a) the transfer of land proposed to be used as an extension of Chigwell Cemetery to Chigwell Parish Council prior to the commencement of the development;

(b) £488,526 contribution towards the provision of affordable housing in the District, to be paid prior to the commencement of the development;

(c) £105,000 contribution towards the running costs of the Chigwell Hoppa Bus scheme over a 10 year period to be paid in ten equal annual instalments, the first paid prior to the first occupation of the development;

(d) £24,909 contribution towards the provision of primary health care services in Chigwell, to be paid prior to the first occupation of the development; and

(e) Prohibiting the occupation of any unit within the assisted care development as a primary residence by persons less than 60 years of age, other than partners of an occupant of the unit who meets that criteria and surviving partners after the date of their first occupation of the unit.

5. And, subject to the following conditions:

1. The assisted living development hereby permitted must be begun not



later than the expiration of three years beginning with the date of this notice.

2. The assisted living development hereby permitted will be completed strictly in accordance with the approved drawings nos:

1427-PL-GA-000 Site plan, as Existing - REV A  
1427-PL-GA-001 Site Topography, as Existing - REV A  
1427-PL-GA-100 Site Section AA, as Existing - REV A  
1427-PL-GA-101 Site Section BB, as Existing- REV A  
1427-PL-GA-601 Site Plan 56-59m, as Proposed - REV A  
1427-PL-GA-101 Site Section BB, as Existing - REV C  
1427-PL-GA-601 Site Plan 56-59m, as Proposed - REV C  
1427-PL-GA-602 Site Plan 59-62m, as Proposed REV C  
1427-PL-GA-603 Site Plan 62-65m, as Proposed REV C  
1427-PL-GA-604 Site Plan 65-68m, as Proposed REV C  
1427-PL-GA-605 Site Plan 68-71m, as Proposed REV C  
1427-PL-GA-606 Roof plan, as Proposed REV C  
1427-PL-GA-610 Villas A&C, Lower Ground Floor Plan, as Proposed - REV A  
1427-PL-GA-611 Villas A&C, Upper Ground Floor Plan, as Proposed - REV A  
1427-PL-GA-612 Villas A&C, First Floor Plan, as Proposed  
1427-PL-GA-613 Villas A&C, Second Floor Plan, as Proposed - REV A  
1427-PL-GA-620 Villa B, Ground Floor Plan, as Proposed REV B  
1427-PL-GA-621 Villa B, First Floor Plan, as Proposed REV B  
1427-PL-GA-622 Villa B, Second Floor Plan, as Proposed REV B  
1427-PL-GA-623 Villa B, Third Floor Plan, as Proposed REV B  
1427-PL-GA-630 Villa D, Ground Floor Plan - REV A  
1427-PL-GA-631 Villa D, First Floor Plan - REV A  
1427-PL-GA-632 Villa D, Second Floor Plan - REV A  
1427-PL-GA-633 Villa D, Third Floor Plan - REV A  
1427-PL-GA-640 Villa E, Ground Floor Plan - REV A  
1427-PL-GA-641 Villa E, First Floor Plan - REV A  
1427-PL-GA-642 Villa E, Second Floor Plan - REV A  
1427-PL-GA-643 Villa E, Third Floor Plan - REV A  
1427-PL-GA-700 Site Section AA REV B - REV B  
1427-PL-GA-701 Site Section BB, as Proposed - REV A  
1427-PL-GA-811 Villas A&C, Elevation RR, as Proposed - REV A  
1427-PL-GA-813 Villas A&C, Elevation TT, as Proposed - REV A  
1427-PL-GA-821 Villa B, Elevation RR, as Proposed - REV A  
1427-PL-GA-822 Villa B, Elevation SS, as Proposed - REV A  
1427-PL-GA-823 Villa B, Elevation TT, as Proposed - REV A  
1427-PL-GA-830 Villa D, Elevation QQ, as Proposed - REV A  
1427-PL-GA-831 Villa D, Elevation RR, as Proposed - REV A  
1427-PL-GA-840 Villa E, Elevation QQ, as Proposed - REV A  
1427-PL-GA-842 Villa E, Elevation SS, as Proposed - REV A  
1427-PL-ST-600 14 Jan 2016 Block Plan, as Proposed - REV B

3. The development of land for an extension to Chigwell Cemetery hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 4 below, whichever is the later.

4. (a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - (i) layout;
  - (ii) scale;
  - (iii) appearance;
  - (iv) access; and
  - (v) landscaping.
- (b) The reserved matters shall be carried out as approved.
- (c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
5. No unit of accommodation within assisted living development hereby approved shall be occupied as a primary residence by persons less than 60 years of age, other than partners of an occupant of the unit who meets that criteria and surviving partners after the date of their first occupation of the unit.
6. No construction works above ground level for the assisted living development hereby approved shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
7. The development be carried out in accordance with the flood risk assessment (Symmetrys Limited – Land to the West of Froghall Lane, Essex, Ref 2015121-AH, 12th April 2017) and drainage strategy (Drawing number 2015121-100-P7) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
8. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
9. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
10. No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1 March and 31 August inclusive, unless a competent

ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority prior to the commencement of such works at the relevant part of the development site.

11. No works shall be carried out at the development site until a precautionary working method statement to ensure no reptiles are injured or killed during clearance of suitable habitat. The method statement shall be submitted to and approved by the Local Planning Authority prior to commencement of works on the relevant part of the development site. All works carried out shall proceed in accordance with the approved strategy unless otherwise previously agreed in writing by the Local Planning Authority.

12. Prior to the first occupation of the assisted living development hereby approved, a lighting design strategy for biodiversity for bats shall be submitted to and approved in writing by the local planning authority. The strategy shall:

(i) Identify those areas/features on site that are particularly sensitive for bats e.g. along important routes for foraging; and

(ii) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

Lighting at the assisted living development shall be in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

13. The assisted living development hereby approved shall not be commenced until biodiversity enhancement statement for the entire development site has been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement statement should include:

(i) provision of native species-rich grassland meadow and wet grassland habitats.

(ii) new native hedgerow and tree planting with bolster planting of gaps in retained treelines.

(iii) the installation of 3 bat boxes, suitable for a range of species, to be installed on suitable retained trees.

(iv) the erection of 3 bird boxes.

The development shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

14. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked

to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. 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, unless the Local Planning Authority gives its written consent to any variation.

15. If any tree, shrub or hedge shown to be retained within the submitted Arboricultural report is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
16. Tree protection shall be implemented prior to the commencement of development activities (including demolition) in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on 'Arbor Cultural' drawing number TPP- 01 rev A dated 30/11//2016.
17. No development shall take place until details of levels 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.
18. All material excavated from the development site shall be removed from the site and none shall be deposited on adjacent land.
19. No development shall take place, including any ground clearance, 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:

- (i) safe access into the site;
  - (ii) the parking of vehicles of site operatives and visitors;
  - (iii) loading and unloading of plant and materials;
  - (iv) storage of plant and materials used in constructing the development;
  - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (vi) measures to control the emission of dust and dirt during construction;
  - (vii) wheel and underbody washing facilities; and
  - (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
20. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
21. Prior to the first occupation of the assisted living development the proposed access from Woodland Road into the site shall be fully implemented and thereafter maintained as the primary access to the site in perpetuity.
22. Vehicular access to the assisted living development from Mount Pleasant Road shall only be by Emergency Service Vehicles, unless otherwise agreed in writing with the Local planning Authority.
23. Prior to the first occupation of the assisted living development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
24. The assisted living development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:
- (i) provide details on all structures;
  - (ii) provide details on the use of tall plant and scaffolding;
  - (iii) accommodate the location of the existing London Underground structures;
  - (iv) demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London Underground land;
  - (v) demonstrate that there will at no time be any potential security risk to the railway and associated property or structures;
  - (vi) accommodate ground movement arising from the construction thereof; and
  - (vii) mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

The assisted living development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the assisted living development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in this condition shall be completed, in their entirety, before any part of the assisted living development hereby permitted is occupied.

25. The proposed use of part of this site for residential purposes has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this part of the site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the assisted living development, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

## **REPORT TO AREA PLANS SOUTH SUB-COMMITTEE (with minor amendment)**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3). It is also before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application site comprises approximately 2.8 hectares of land situated west of Froghall Lane, between Chigwell Cemetery to the north and recent residential development to the south. The northern part of the site extends up to land that is part of the Central Line railway and over approximately 30m of a public footpath that heads north beyond the cemetery from Mount Pleasant Road (PROW 302\_125). The remainder of the site, other than a section for a proposed access road off Mount Pleasant Road, is set approximately 100m east of the existing turning head between 33 and 35 Mount Pleasant Road.

Land levels fall significantly from the main eastern site boundary to Froghall Lane. The change in levels is 9m across a distance of 175m. Levels in the north west corner of the site fall to the north, dropping approximately 1.5m over a distance of 30m.

The application site is entirely within the Green Belt. It is not in a conservation area and there are no preserved trees at or adjacent to the site. The entire site and adjacent land is in Flood Risk Zone 1.

Presently, the land is unused, appearing as scrubland.

### **Description of Proposal:**

Hybrid application requesting:

1. Full planning permission for an assisted living development comprising of apartments and integrated communal and support facilities; landscaped residents gardens; staff areas; refuse storage; construction of a new site access; a sustainable urban drainage system; a new sub-station and associated infrastructure and services, and;
2. Outline planning permission for a 0.45 hectare extension to Chigwell Cemetery.

The land the Outline component of the proposal only relates to comprises of the northern part of the site, west of a point approximately 70m west of Froghall Lane. The applicant does not propose to develop that part of the proposal beyond this application. Rather, it is proposed to transfer ownership of the land to Chigwell Parish Council, who own and manage the existing cemetery. The Applicant offers to do this in a S106 agreement.

The remainder of the site, some 2.34 hectares, relates to the full planning application

component.

The site would be laid out as 5 buildings, identified as blocks A, B, C, D and E. They would have 4 floors containing a mix of one and two bedroom apartments. The development would include a total of 105 apartments comprised of 94 two-bedroom and 11 one bedroom apartments. The buildings would be arranged around a central landscaped area and linked by footpaths which also connect to parking areas. Car parking would be provided towards the edges of the site within a landscaped setting. The submitted layout plan shows 113 parking spaces would be provided.

Access to the site would be via Woodland Road to the south. It is also proposed to access the site from Mount Pleasant Road. To facilitate this the application proposes the construction of a 100m long access road from the turning head at Mount Pleasant Road to the western part of the site. It would have a 5m wide carriageway with 1.8m wide footway on either side. Within the site all roadways would be shared surfaces.

Blocks B, D and E would stand alone in the central and eastern part of the full application site. In addition to the apartments, a disability buggy/cycle store, plant room and small communal lounge would be provided in the ground floor.

Blocks A and C would be sited on higher land at the western part of the site. They would also have 4 floors but are called lower ground floor, upper ground floor, first and second floors rather than ground, first, second and third as in the other three blocks. The lower ground floor would contain two apartments in addition to a disability buggy/cycle store, plant room and small communal lounge. More extensive communal facilities would also be provided at lower and upper ground floor in both buildings. They are indicated on the submitted plans as larders and Wellness rooms. The submitted planning statement states the community facilities provided would also comprise of a library, restaurant, gym and cinema.

The community facilities rooms would extend beyond each building on both ground floor levels such that they form a two-storey link between the blocks. The link building would also contain a reception/office area. The reception would face towards the central landscaped area, but also be accessed through the link building from a parking area west of it.

Each Block would be designed to have steeply pitched roofs with prominent gable features, the gables also forming parapets. Ridge heights would typically be between 16.5m and 17.5m above ground level. They would be finished in a mix of materials, indicated as follows: block masonry at ground/lower ground floor levels; brick and render at upper floors; zinc as a roof covering.

#### Planning Obligation Offered

In addition to the transfer of land to Chigwell Parish Council for an extension to Chigwell cemetery, the Applicant also offers the following financial contributions to be secured by way of a S106 agreement:

- £488,526 contribution towards the provision of affordable housing in the District.
- £105,000 contribution towards the running costs of the Chigwell Hoppa Bus scheme over a 10 year period.
- £24,909 contribution towards the provision of primary health care services.

#### Relevant History:



None

**Policies Applied:**

*Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
H5A	Provision for Affordable Housing
H6A	Site thresholds for Affordable Housing
H7A	Levels of Affordable Housing
H8A	Availability of Affordable Housing in Perpetuity
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE4	Design in the Green Belt
DBE6	Car Parking in New Development
DBE9	Loss of Amenity
LL3	Edge of Settlement
LL11	Landscaping Schemes
ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

*NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

*Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1	Presumption in Favour of Sustainable Development
SP5	Green Belt and District Open Land
SP6	The Natural Environment, Landscape Character and Green Infrastructure
H1	Housing Mix and Accommodation Types
H2	Affordable Housing
T1	Sustainable Transport Choices
DM2	Landscape Character and Ancient Landscapes
DM5	green Infrastructure: design of Development
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM16	Sustainable Drainage Systems

## **Consultation Carried Out and Summary of Representations Received**

Two consultation exercises were carried out on the application since it was significantly revised following the first consultation, primarily to include the Outline component of the proposal.

Number of neighbours consulted: 248 addresses consulted in each consultation.

Site notice posted: Yes. In addition the application was advertised in the local press.

Responses received:

In response to both consultation exercises a total of 266 responses from 139 addresses were received raising objection to the proposal. The list of addresses is appended to this report. The responses were primarily to the initial consultation but since the Full Application component of the proposal did not change significantly when the proposal was revised the responses are treated as applying equally to the revised proposal. The responses are almost entirely in the form of an identical letter. The objections raised as a whole are summarised below.

1. The proposal is contrary to Green belt policy, eroding the purpose of the Green Belt.
2. New buildings are inappropriate development in the Green Belt.
3. The use of land as a cemetery is inappropriate development in the Green Belt.
4. The land is part of a strategic Green Belt gap that is essential to prevent the unrestricted sprawl of urban areas.
5. A review of the green Belt in connection with the preparation of the Draft Local Plan concluded the land should not be identified for development due to its importance as part of the Green Belt.
6. The Draft Local Plan demonstrates the Council's housing requirement can be met without releasing this site from the Green Belt.
7. There is no proposal to release the land for development. The Draft Local Plan proposes retaining the land in the Green Belt.
8. Very special circumstances for allowing a development that amounts to luxury flats within the Green Belt are not demonstrated.
9. There is no need to release Green Belt Land for housing. Government advice is unmet housing need is unlikely to outweigh the harm to the Green Belt and constitute very special circumstances justifying inappropriate development on a site within the Green Belt.
10. Assisted living accommodation is already in existence in numerous locations throughout Grange Hill, therefore it obviously not exceptional circumstances and should not be built on Green Belt.
11. The properties are supposed to be for elderly care but are too high as 3 floors is impractical for them to get out in an emergency without a lift.
12. If this application is truly to benefit the locality then its residents should be restricted to those who currently live in Chigwell. That will free up family homes for residents.
13. Since emergency access is not required, the proposed emergency access to Mount Pleasant Road is only required to make way for a further development of luxury houses. There are plans to develop 9 on the access road off Mount Pleasant Road.
14. At a public meeting with Pegasus, we were told that there was going to be another 9 houses or so built on this site by another developer. Why has this not been mentioned in any paperwork, or are they waiting for this to be approved and then they will submit there plan, yet more and more cars?
15. The intensity of development proposed is excessive. In the Parish Councils

- alterative local plan they say the maximum number of dwellings on this plot should not exceed 70, this development is for 105 + the 9 yet to be applied for making 114.
16. What is the point of the Parish Council putting forward an alternative local plan and then ignoring their own decision.
  17. Screening proposed is inadequate to cover multiple 4 storey buildings. These are also likely to obscure the views we have across Chigwell towards the church and beyond.
  18. There should be no access to the site from Mount Pleasant Road since that will result in an increase in traffic along it that is unsustainable and harmful to the amenities of residents.
  19. Access to the site is insufficient. Mount Pleasant Road is a heavily parked small crescent along which it is difficult for vehicles to pass.
  20. Both companies involved have declared to residents of Mount Pleasant Road that access to the proposed development will not be through Mount Pleasant Road. For this to be meaningful the land needs to be adjusted to contain a covenant in favour of Mount Pleasant residents to be provided for reasonable compensation should this covenant be breached. This should be a condition of planning.
  21. The proposal will generate significant traffic exacerbating congestion on Manor Road that has already been increased by the development at Grange Manor. The application misrepresents the position by stating Manor Road is a quiet road.
  22. Given the number of parking spaces proposed within the development it is clear the developer expects each flat to have at least 1 car. The number of vehicle movements that would be generated by the proposal would add to existing congestion and pollution.
  23. Woodland Road (and Mount Pleasant Road) is currently heavily parked by commuters. The application misrepresents the position at Woodland Road when it states Woodland Road is only 33.9% occupied at any time of the day.
  24. Due to parking along it, Woodland Road is not a suitable access for the development. Indeed, it is not fit to provide access to the existing development due to the amount of car parking along it.
  25. The access proposed via Woodland Road cannot be used until the road is adopted, therefore the application should be refused.
  26. The proposed access road crosses the Central Line Tunnel but the proposal does not demonstrate it is safe to build any form of road over the structure.
  27. The proposal would result in a loss of the countryside and its natural beauty adjacent to existing houses, removing the enjoyment of this from those residents.
  28. This development cannot be allowed to proceed and destroy areas of natural beauty and land that is home to so much wildlife.
  29. Light pollution created from a development of this size is significant at night especially as street lighting is turned off in Chigwell at night.
  30. The proposal would significantly increase the demand for local healthcare services, exacerbating the pressure they are already under.
  31. The proposal will be a massive drain on all utilities and services that are already at breaking point in the area.
  32. I object to the water main coming through a connection to Mount Pleasant Road when the connection could be made via Woodland Road.
  33. Construction activity, including accessing the site by large vehicles, would cause noise and inconvenience.
  34. The development would devalue neighbouring properties.
  35. Should planning permission be granted it would serve as a precedent for permitting similar development elsewhere, particularly in Chigwell.

36. The applicant has declared they own the land. This does not appear to be true either in terms of the land to be built on or the access they now intend to use. On this basis the application should be rejected.
37. The Parish Council's draft neighbourhood plan indicated Chigwell Cemetery would be enlarged by 1.5 hectares, however the developer is offering far less in this application.
38. The contribution to the Chigwell Hoppa Bus has currently no benefit to either the proposed plan or local residents as no bus or route has been agreed. This should not be considered as part of the Planning Application but the company could still make a donation to the council.
39. Figures for the number of dwellings built over the last ten years in the Grange Hill area compared to the number of dwellings built in the Chigwell Village area far exceeds the Chigwell Village number, WHY? It seems that the Council is allowing NIMBYISM to take precedence in the Chigwell Area.
40. The developer has secured the support of Chigwell Parish Council by blatant inducement in the form of offering it the transfer of land for Chigwell Cemetery.

NHS: No objection subject to an appropriate contribution to offset the consequence for primary care services in the locality.

LONDON UNDERGROUND: No objection subject to conditions to safeguard the railway.

THAMES WATER: No objection subject to conditions in relation to drainage

CHIGWELL PARISH COUNCIL: While objection was raised to the proposal as submitted, support is expressed for the revised proposal.

"The Council **SUPPORTS** this application because there is a significant requirement for this type of residential accommodation and all the previous concerns have now been addressed by the implementation of appropriate solutions."

### **Screening Opinion**

The following is Officers screening opinion under Regulation 7(2) of the Town and country Planning (Environmental Impact etc.) Regulations 1999. Such opinions are given where an application that appears to be either a Schedule 1 or Schedule 2 application is submitted that has not been the subject of a prior screening opinion and is not accompanied by an environmental statement for the purposes of the Regulations.

This development is not of a type that falls within Schedule 1 of the Regulations. However, since it amounts to an urban development project on a site that exceeds 0.5 hectares in area it falls within Schedule 2 of the Regulations. Officers therefore have to decide whether an environmental statement is required. Schedule 3 of the Regulations sets out criteria for carrying out that assessment. Having applied the criteria Officers conclude an environmental statement for the purposes of the Regulations is not required for this application.

Notwithstanding that conclusion, Members are advised the Applicant included comprehensive information with the application that assesses the environmental impact of the proposed development. That has been scrutinised by specialist consultees and conclusions on those matters are set out as appropriate in the issues and considerations section of this report.

## **Main Issues and Considerations:**

The main issues raised by the proposal are:

Consequence for the Green Belt  
Design and visual impact  
Access, parking and highway safety  
Requirement for affordable housing  
Need for the development  
Whether very special circumstances exist in favour of the development

Other matters include drainage and consequence for habitat.

### Consequence for the Green Belt

The application site, together with adjoining land between it and Mount Pleasant Road and land to the north, including Chigwell Cemetery, is entirely in the Green Belt. The recent development to the south is also within the Green Belt.

The application site was assessed as part of a larger site in the call for sites exercise in connection with the production of the Draft Local Plan. The outcome of that exercise was that the site scored highly as part of the Green Belt and that its release for development is not justifiable due to the harm that would be caused to it. Members are advised that the current application site, which is significantly smaller than the site considered in the call for sites exercise, will be assessed separately together with a number of other sites throughout the District. The results of that exercise will not be available until early 2018. In the circumstances the submission is premature since this application must be assessed before that work is completed. Informal discussion with the Applicant's agent about the option of withdrawing this application and resubmitting it later has taken place. The Applicant decided to press on with the application, in part because the outcome of that work is uncertain.

The NPPF does not specify appropriate uses of land within the Green Belt. Rather, it focuses on buildings, the preservation of openness of the Green Belt and ensuring development does not conflict with the purposes of including land within it. The construction of new buildings is inappropriate in the Green Belt. The NPPF sets out exceptions to that in paragraph 89. It also makes clear that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

The provision of appropriate facilities for cemeteries is one of the exceptions listed in paragraph 89. That is not to say the cemeteries of themselves are not inappropriate development in the Green Belt. Due to the amount of small scale development, including headstones, other structures for marking graves and associated engineering operations including roadways, together with often formal landscaping, cemeteries are an urbanising use that fails to preserve the openness of the Green Belt. Consequently, the proposed extension to Chigwell Cemetery is inappropriate development.

In relation to the proposed assisted living development, it is clearly inappropriate development in the Green Belt that, by reason of the scale, bulk and height of the proposed buildings, together with associated works, would cause considerable harm to the openness of the Green Belt.

Members are reminded of a recent decision of the Council to grant planning permission for a development at Woodview, Lambourne Road, Chigwell, a short distance from the application site (application reference EPF/2473/16).. In that case the proposed development includes one three storey block containing 25 retirement living apartments. The application was reported to the District Development Management Committee on 5 April 2017 when it was resolved to grant planning permission subject to the completion of a S106 agreement securing contributions towards early years child care provision and the provision of affordable housing. A significant distinction between that proposal and this one is the fact that Woodview is previously developed land, whereas the current application site is undeveloped open land. That decision does not therefore weigh in favour of granting permission in this case.

Taken as a whole, therefore, it is concluded the proposal is for inappropriate development that would be highly damaging to the openness of the Green Belt. Moreover, it amounts to a substantial intrusion of built form into the countryside and therefore conflicts with two of the purposes of including the land within the Green Belt: to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment.

Such development may only be permitted in very special circumstances. Whether such circumstances have been demonstrated is discussed below.

#### Design and visual impact

Since the cemetery component of the proposal is in outline form only, the matter of its design and visual impact cannot be fully assessed at this stage of the planning process. Should consent be given for the proposal that would be considered as part of a submission for approval of reserved matters. In general terms, however, the cemetery would be a low lying development that would not clearly be seen from any built up area. It would, of course, appear highly visible from PROW 302\_125 since the footpath passes through the western end of the proposed extension to Chigwell Cemetery. However, it is likely a detailed design and layout for the proposal would successfully integrate the footpath therefore its route does not impact on the feasibility of the proposal.

As a built form, the proposed assisted living development would be well designed and laid out. The proposal is a bold modern design that is focused on a central green space with landscaped parking areas towards the edges of the site. The design of the buildings breaks up what could otherwise appear excessively bulky by way of an irregular footprint and steeply pitched gabled roofs with eaves at varying heights. A good mix of indicative materials would also assist in breaking up the bulk of the buildings. The buildings would nonetheless have coherent and relatively simple forms. The result would be a bold design in a landscaped setting that would relate well in scale and form to the recent development to the south, the built form most closely associated with it in terms of distance and land level.

The development would appear prominent from the north elevations of buildings to the south, however, given a minimum 30m separation distance that would not cause excessive harm to the visual amenities of the occupants of those buildings. Furthermore, no excessive loss of privacy would arise.

The proposal would contrast with the older housing at Mount Pleasant Road. That contrast is appropriate given the distance separating the older housing from the nearest buildings, Blocks A and C, and the drop in levels from Mount Pleasant Road

to the buildings, some 6m. The drop in levels is such that the lower third of the buildings would not be seen from ground level at Mount Pleasant Road. No excessive harm would be caused to the visual amenities of houses in Mount Pleasant Road and no loss of privacy would arise.

Visually, the proposed access road linking Mount Pleasant Road to the site would direct the eye to the western entrance to the main reception area and communal facilities of the development as one descends from Mount Pleasant Road to Blocks A and C. The access road would be the natural primary route into the site and in urban design terms is preferable to the proposed primary route off Woodland Road. However, the fact it is not does not make the proposal unacceptable in design terms.

The development would be apparent in long views from the east but the degree of impact is limited. Existing trees would substantially screen views of it from Froghall Lane and particularly from Chigwell Cemetery.

In conclusion, the proposal is acceptable in design terms and would appear as a high quality development. The main visual impact would be on outlook from buildings to the south and their associated gardens/parking areas on the north side of those buildings. The impact on outlook would be very significant, most severe to the east where Block E would be sited 30m from the rear elevations of the buildings. However, the degree of harm would not amount to excessive harm to amenity.

Clearly, the proposal would cause harm by way of seriously reducing the openness of the site, amounting to an encroachment of the urban area into the countryside. That matter has been considered above in terms of consequence for the Green Belt.

#### Access, parking and highway safety

The extension to Chigwell Cemetery would be accessed from within Chigwell Cemetery. The Cemetery is accessed off manor road by Froghall Lane, a private road that for most of its length is not wide enough for two cars to pass each other. The proposed cemetery extension would add approximately 80 years additional capacity to Chigwell Cemetery. In the meantime, the existing cemetery has capacity for approximately 25 years of burials before the extension is required. In the very long term that may well result in a need to resolve potential conflict in vehicle movements along Froghall Lane. In the short, medium and long term however, the proposal would not be likely to generate significant conflict. Since such conflict may arise in the very long term, and may not arise at all, it is unnecessary to deal with that matter now.

The access to the proposed assisted living development from Mount Pleasant Road would only be used for utilities and emergency services. A locked access gate at the Mount Pleasant Road junction is proposed to ensure that. That underscores the proposal to access the site from Woodland Road only.

Presently Woodland Road has no parking restrictions and is heavily parked to the extent that vehicle movements along it can often be restricted when two cars attempt to pass each other. That situation is unsatisfactory and to resolve it Essex County Council are in the process of introducing parking restrictions along the length of Woodland Road. That process is at an advanced stage and an update will be provided verbally to Members. In the circumstances it is highly likely parking restrictions will be introduced along Woodland Road some years advance of the proposed development being completed, should planning permission be granted. Consequently, the present restricted movement of vehicles along Woodland Road is

very unlikely to impact on access to the proposed assisted living development.

Essex County Council, as Highway Authority, has given consideration to the consequences of the proposed access arrangements and likely traffic levels the development would generate. It advises that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the imposition of a number of conditions in the interests of highway safety and efficiency and to promote sustainable transport. The detailed advice of the Highway Authority is reproduced below:

*The Highway Authority has considered the above planning application, visited the site and thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to current National/Local policy and safety criteria.*

*The applicant has submitted a robust Transport Assessment for the proposal and has demonstrated that the impact on the Woodland Rd/Manor Rd junction will be negligible. This is mainly because the future occupiers are highly unlikely to travel during the network peak hours. The parking is considered to be more than sufficient for the development given the location and the good access to other modes of sustainable travel available.*

*Consequently the Highway Authority is satisfied that the development will not be detrimental to highway safety, capacity or efficiency within Chigwell or on the wider highway network.*

In relation to parking, the submitted site layout plan shows 113 parking spaces would be provided to serve the development, which would take the form of 105 serviced apartments, 94 of which would be two-bedroom dwellings. The submitted application forms state 132 parking spaces would be provided, but since only 113 are shown on the site layout plan it is concluded there is an error in the form. The proposal is therefore assessed on the basis of providing 113 parking spaces for residents, visitors and staff. The submitted forms state the number of staff who would be employed in the development is unknown.

The Applicant emphasises the proposal is aimed at elderly people and states a planning condition restricting occupation to people aged 60 is acceptable. However, the Applicant also says, no restriction is proposed on occupation by younger partners of residents. That could be refined in a S106 agreement should Members wish to grant planning permission. This is relevant since there is evidence to show car ownership reduces amongst elderly people. While that is recognised in the adopted parking standards, they do not specify a parking standard for uses such as that proposed. They are a form of interim residential development between a dwellinghouse and a care home which is not covered by the standards. However, the level of parking proposed is consistent if not higher than that provided at other similar developments approved elsewhere in the District.

Evidence submitted in support of the planning application demonstrates, on the basis of car ownership rates for over 65's, is the total expected number of cars owned by residents of the proposed development is 101. That theoretically allows for 12 spaces for staff and visitors. Similar developments by other providers have had a lower level of parking provision. In this case, the application site is very close to an Underground station and arguably more accessible therefore there is a reasonable prospect that the development would have a lower level of car ownership than anticipated. In any event, there is space within the proposed site layout to provide additional parking spaces without losing its landscaped appearance should they be



required.

#### Requirement for affordable housing

Adopted planning policy seeks the provision of at least 40% of the total number of dwellings in new residential development to be affordable in order to meet a shortfall in the provision of affordable housing in the District. Where it is not appropriate to provide affordable housing on the development site a contribution towards off site provision is an acceptable alternative. The level of contribution would be determined by an assessment of the viability of the development and the amount of subsidy required for a social housing provider to provide 40% of the number of proposed units as affordable homes.

In this case, notwithstanding that the internal arrangement of the proposed buildings is for apartments, the development would be managed as a whole. That has two consequences. First, it would be impractical to provide 40% of the units as general affordable housing, and; second, the Applicant maintains the proposed development is a residential institution within Use Class C2 and consequently not a form of development from which planning policy seeks affordable housing. In support of the second point the Applicant has provided Counsel's opinion, dated 1 August 2014, on the nature of the type of development proposed. The advice is the use is not within Use Class C3, dwellinghouses. However, it is ambivalent on whether the use falls within Use Class C2 or is in a class of its own, a 'sui-generis' use.

While Officers agree on the first point, they are not convinced the use proposed falls within Use Class C2. To settle this, Counsel's opinion was sought in relation to this specific proposal. The advice given is that while the proposal does not fall within Use Class C3, it is neither a use within Use Class C2 nor a mixed use comprising of Use Classes C2 and C3 on the basis that none of the apartments would be a Class C3 dwellinghouse. Counsel's advice is the specific proposal before Members is a 'sui-generis' use.

Officers also sought advice from Counsel on whether planning policy allowed for securing a contribution towards affordable housing in connection with this specific proposal. The advice given is that under current policy the apartments could be treated as "housing" and "dwellings" and the application could be treated as one for "residential use" as referred to in the policies. Counsel pointed out the adopted policies do not refer to the C3 use class nor do they tie contributions to only C3 dwellinghouses. Furthermore, the adopted policies appear to generally conform to advice in NPPF. Accordingly, there is a reasonable basis for seeking a contribution towards affordable housing in connection with the development proposed.

The Applicant's firmly maintain their position that the proposed use falls within Use Class C2 and therefore no policy basis for securing any contribution for affordable housing exists. They have nonetheless submitted a viability study on a without prejudice basis to demonstrate what an appropriate contribution for affordable housing could be. That report, dated 13 February 2017 by GL Hearne, concluded:

*Based upon the findings herein the proposed scheme contained within the application produces a Residual Land Value below what is considered an appropriate Benchmark Land Value for this type of development whilst adopting an appropriate developer's return in accordance with published guidance on the financial viability in planning process.*

*Any requirement for further planning benefits may make the scheme undeliverable at*

*the current time.*

That was based on an assumption of a Hopper bus contribution of £52,500 and the provision of approximately 0.34 hectares (0.84 acres) to the Parish Council for the extension of Chigwell Cemetery. Subsequently, as reported above, the developer has increased the level of contribution to £105,000 and the area of land transferred to 0.45 hectares as well as agreeing to make a £24,909 contribution towards the provision of primary health care services and offering a £488,526 contribution towards the provision of affordable housing for older people only.

In order to properly advise planning officers on the matter of an appropriate contribution for affordable housing the Director of Communities put the GL Hearne viability assessment to the Council's viability consultant, Kift Consulting Limited (KCL), for validation. Following their analysis KCL concluded the approach take by GL Hearne was deeply flawed and therefore KCL would not confirm the validity of the viability assessment.

A critical point in the GL Hearne viability assessment is an assumption of what amounts to a residential land value for the application site. KCL is aware the site is undeveloped land in the Green Belt. It is also aware the assessment of the land in connection with the preparation of the Draft Local Plan found the site was not suitable for release from the Green Belt, which is reflected in the Plan finally consulted on. Consequently, there is no evidence to support a residential existing use value for the land. A more realistic existing use value would be on the basis of use for grazing in connection with agriculture.

In addition to the disagreement on existing use value, KCL took issue with a number of other assumptions. KCL reported its findings to the Director of Communities, who advises planning officers as follows:

*“KCL has concluded that, based on the submitted information, the national guidance that supports the approach to financial viability and assumptions KCL has made, KCL is of the opinion that the scheme, as submitted, would generate a sufficient surplus to enable the applicant to make a financial contribution of £8,755,981 in lieu of the provision of on-site affordable housing and the proposed development would still remain viable. KCL have assessed this level of the financial contribution on the basis that it should reflect the subsidy that the developer would have to provide, if the affordable housing were to be provided on-site. KCL have concluded that the scheme can provide 39% of the dwellings as affordable housing, which is slightly below the Council's requirement for the provision of 40% affordable housing.*

*Therefore, in view of the large surplus that has been identified by KCL and because the applicant is not proposing to make any provision for affordable housing either through a financial contribution or on site, **it is my recommendation that planning permission for the submitted scheme be refused on the grounds of an insufficient affordable housing contribution, when it is considered by the Council that it would be viable to do so.***

*However, if the applicant were to amend the application to provided a financial contribution of £8,755,981, I would be able to recommend the application from an affordable housing point of view.”*

That advice, together with KCL's report, was provided to the Applicant. Following further consideration of their position the without prejudice offer of a £488,526 contribution towards the provision of affordable housing was made. The Applicant

has also stated they are only content to make that contribution if it were spent on affordable housing for older people rather than put towards meeting the general need for affordable housing. The latter point is also unacceptable to Officers. Given the degree of difference between Officers and the Applicant on the appropriate level of contribution for affordable housing, Officers did not approach the Applicant to discuss whether the contribution offered should be restricted to spending on older people.

The positions of Officers and the Applicant on the matters of the principle of making a contribution towards affordable housing, the appropriate level of contribution and whether that contribution should be restricted to meeting the need in respect of older people only are poles apart. Having regard to the professional advice provided to the Council by Counsel and KCL, and to the advice of the Director of Communities, it is concluded the proposal fails to comply with adopted planning policy in relation to the provision of affordable housing. Such policy is consistent with the NPPF, and Members are advised the relevant policy of the Draft Local Plan is consistent with adopted policy therefore it is unlikely policy will shift significantly on this matter through the continuing progress of the Local Plan.

The only possible change could be if, following a further assessment of the site as part of the extended call for sites exercise, the Draft Local Plan is revised to identify the site as one for residential development. The implications of that for existing use value of the site would have to be assessed at that time. Whether that situation arises or not will not be known until early 2018. Since this application is put forward for decision now, the decision must be made on the basis of what is presently known and the evidence for that.

The Council's recent decision to grant planning permission for a development at Woodview, Lambourne Road, Chigwell, (application reference EPF/2473/16) that includes 25 assisted living apartments is also relevant to the matter of affordable housing. In that case, following validation of a viability appraisal, the developer has offered to make a financial contribution of £443,855 towards off-site provision of affordable housing. The Council resolved to grant permission subject to a S106 agreement that secured that contribution in addition to a contribution for early years child care provision. The S106 agreement has not been concluded at the time of writing this report. Officer's approach towards the matter of affordable housing provision in this case is consistent with the approach taken in relation to the proposed development at Woodview.

#### Need for the development

The application includes evidence of need for the expansion of Chigwell Cemetery. That evidence is for need in the long term and Officers agree with that. Officers consider it far preferable to expand the existing cemetery rather than create a new one to meet that need. Since that need could only be met on land adjacent to Chigwell Cemetery the long term need for the expansion of the cemetery as proposed is accepted and could be planned for. The Local Plan process offers a way of securing land for that need. While the current Draft Plan does not identify land for the expansion of cemeteries, since the long term need for expansion is accepted there is no obvious reason why, following the extended call for sites exercise, land could not be identified in the Draft Plan.

In relation to the need for a wide range of specialist housing for the elderly, this was accepted by Officers in the Woodview application and there is no evidence to support any change in that position. The Applicant has submitted evidence of the need and Officers do not disagree there is a need and that the need within Epping Forest

District is somewhat higher than elsewhere. Census data supports that view.

The applicant's go further, however, in stating that in order to meet that need it is necessary to release Green Belt land. That situation is no different to that for general housing need. Indeed, it is appropriate to understand the need for specialist housing for the elderly as a component of general housing need. That is the approach taken in preparation of the Draft Local Plan.

The Applicant maintains failure to meet this need will have very significant impacts on the residents of Chigwell in need of care, forcing them to remain in unsuitable accommodation. The Applicant further maintains this will have a range of negative social and economic impacts, including reducing the quality of life and health of those in need.

Perhaps the difference between the general need and the specialist need is the size of site required to provide a viable development that meets the specialist need, a point drawn out by the Applicant who has carried out a search for sites suitable for the proposed development. The Applicant's site search was carried out on the basis that a site should meet need within Chigwell, Buckhurst Hill and Loughton since the catchment area was confined to those parishes. The search concluded the application site was only viable site having regard to planning constraints and availability. Four potential sites of suitable size for providing specialist housing for the elderly, which are identified as potential housing sites in the Draft Local Plan, were dismissed on the basis that there is uncertainty the site would be carried forward into the final plan.

The Applicant's approach and conclusion appears to discount both the consequence and robustness of the Council's Local Plan process. The Council's approach to meeting the need is to aggregate it with all housing need and then identify sites of varying size, including large sites where it would be viable to meet the specialist need. The sites identified within the Draft Local Plan are demonstrably sufficient to meet the Council's full range of objectively assessed housing need within the strategic housing market. Moreover, the Council will consider the application site separate from the area of a larger originally assessed site as part of its extended call for sites exercise, due to report in early 2018. On that basis it is concluded:

- Evidence demonstrates the identified need could be met elsewhere within the local Plan period.
- The proposal is premature, in advance of the outcome of the extended call for sites exercise through which the case for releasing the site for residential development will be objectively assessed.

#### Whether very special circumstances exist in favour of the development

Inappropriate development in the Green Belt may only be approved where it is demonstrated material planning considerations outweigh the harm caused by the development and that those considerations are very special. The question of whether material considerations in favour of development are very special therefore only need be assessed following a conclusion that they outweigh the identified harm. Simply outweighing the identified harm is not equivalent to amounting to very special circumstances.

#### *Do material planning considerations outweigh the harm caused by the development?*

The harm the proposed development would cause is considerable. Harm would be

caused to the Green Belt by way of the development as a whole being inappropriate, causing a severe reduction in openness and by conflicting with the purposes of including the land in the Green Belt. Moreover, the proposal fails to make adequate provision for affordable housing.

Weighed against the identified harm are the benefits of the proposal in meeting the long term need for expansion of Chigwell Cemetery and the need for specialist housing for the elderly.

In relation to the cemetery point the need for cemetery expansion in Chigwell is a long term need, beyond the life of the Local Plan currently being progressed. There is the possibility that the expansion could be secured through the Local Plan process and the extended call for sites exercise may deliver this. Even if it does not, the land adjacent to Chigwell Cemetery would be safeguarded from development by way of Green belt policy and therefore can reasonably be expected to be available. It is therefore concluded the provision for expansion of the cemetery in the application does not outweigh the harm that would be caused by the proposal as a whole.

In relation to the need for specialist housing for the elderly, there are demonstrably adequate sites to meet that need identified in the Draft Local plan. Moreover, it is not accepted that the need generated by Chigwell, Buckhurst Hill and Loughton need only be met in those parishes even if it may be preferable to do so. It is also not accepted that the development proposed should be restricted to occupation by people last resident within those parishes, since that would be unreasonable. Consequently, the degree to which the local need would be met by the development is unclear. Indeed, ability to afford the purchase price for residing in the proposed development is likely to be a very significant factor in determining occupation and that ability extends to people who live outside of the three parishes.

Furthermore, the suitability of the application site for residential development will be assessed as part of the extended call for sites exercise, due to report in early 2018. Giving a planning permission now would prejudge that assessment, undermining the Local Plan process.

It is therefore concluded the benefit of providing specialist housing for the elderly does not outweigh the harm that would be caused by the proposal as a whole.

The cumulative benefit of both providing land for Chigwell Cemetery expansion and specialist housing for the elderly is also insufficient to overcome the very considerable harm the proposed development would cause to the Green Belt. Given the additional harm of failing to make adequate provision for affordable housing, it is clear the harm caused considerably outweighs the benefits of the proposal.

The Applicant's have also offered to make a £105,000 contribution towards the running costs of the Chigwell Hoppa Bus scheme over a 10 year period and £24,909 contribution towards the provision of primary health care services. The former has no planning policy basis and, while it is a good thing, it does not address a need alone or cumulatively that outweighs the harm the development would cause. The latter is required to off-set a specific consequence of the proposal and no more.

Since the material considerations in favour of the development do not outweigh the harm it would cause there is no need to assess whether those considerations amount to very special circumstances. Given that conclusion they cannot possibly amount to very special circumstances.

### Other matters

The proposal would offset the consequence for local healthcare provision by way of an appropriate contribution towards the provision of primary health care services.

The Council's Land Drainage Team consider the proposal acceptable, supported by a good FRA. Although the Lead Flood Authority has outstanding issues with the development, they are not insurmountable and conditions dealing with that matter could be varied. Given Officer's recommendation no additional work in relation to this matter was requested.

There would be adequate provision for the storage and collection of waste.

There is no known archaeology on the proposed development site, or in the immediate vicinity.

In relation to biodiversity, Countrycare advises the proposal is acceptable subject to an appropriate condition.

Matters raised by local residents are largely addressed above. The matter of consequence for property values is not a material planning consideration.

### **Conclusion:**

The proposal would cause considerable harm to the Green Belt by way of the development as a whole being inappropriate, causing a severe reduction in openness and by conflicting with the purposes of including the land in the Green Belt. Moreover, the proposal fails to make adequate provision for affordable housing. The benefit of the proposal in providing land for Chigwell Cemetery expansion and specialist housing for the elderly are insufficient to overcome the harm the proposed development would cause to the Green Belt. Given the additional harm of failing to make adequate provision for affordable housing, the harm that would be caused by the proposal considerably outweighs its benefits. Accordingly, the application does not demonstrate very special circumstances in favour of granting planning permission. It is therefore recommended that planning permission be refused.

As stated in the body of this report, the application site will be considered in the extended call for sites exercise, reporting in early 2018. A decision to grant planning permission now would undermine that process, which is part of the further preparation of the Local Plan. To that extent the proposal is also premature.

Should Members disagree with Officers recommendation to refuse planning permission and decide to grant planning permission it will be necessary to refer the application to the Council's District Development Management Committee. That is due to the degree of conflict with adopted planning policy in relation to the Green Belt and the provision for affordable housing and the consequences for the Local Plan process.

Should the District Development Management Committee decide to grant planning permission the application will then have to be referred to the National Planning Casework Unit under the Town and Country Planning (Consultation) (England) (Direction) 2009 since the proposal is a departure from the Green Belt policies of the Local Plan.

*Way Forward:*

In the event of planning permission being refused, the Applicant is advised to engage further with the Local Plan process and take a view on how to proceed following the conclusion of the Councils extended call for sites exercise.

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

***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

**List of addresses of residents objecting:**

1 Great Oaks, Chigwell  
1 Hawthorn Way, Chigwell  
1 Mount Pleasant Road, Chigwell  
1 Oak Lodge Avenue  
1 Willow Road  
1A Mount Pleasant Road  
10 Grange Crescent  
10 Maple Drive  
10 Mount Pleasant Road  
10 Woodland Road  
11 Ash Road  
11 Grange Crescent  
11 Great Oaks  
11 Maple Drive  
11 Mount Pleasant Road  
12 Great Oaks  
12 Mount Pleasant Road  
13 High Elms  
14 High Elms  
14 Mount Pleasant Road  
15 High Elms  
15 Mount Pleasant Road  
15 Oak Lodge Avenue  
16 Mount Pleasant Road  
17 Ash Road  
17 Daleside Gardens  
17 Mount Pleasant Road  
18 Oak Lodge Avenue  
19 Ash Road  
1a Mount Pleasant Road  
2 Ash Road  
2 Forest Housefields  
2 Great Oaks  
2 Hawthorn Way  
2 High Elms  
2 Mount Pleasant Road  
2 Warren Court  
20 Meadow Way

20 Mount Pleasant Road  
205 Manor Road  
21 Warren Court  
22 Mount Pleasant Road  
22 Warren Court  
23 Mount Pleasant Road  
23 Mount Pleasant Road  
25 Mount Pleasant Road  
26 Mount Pleasant Road  
27 Ash Road  
27 Mount Pleasant Road  
28 Mount Pleasant Road  
29 Mount Pleasant Road  
3 Great Oaks  
3 Hawthorn Way  
3 Maple Drive  
3 Mount Pleasant Road  
3 Willow Road  
31 Mount Pleasant Rd  
32 Mount Pleasant Road  
33 Mount Pleasant Road  
34 Mount Pleasant Road  
36 Grange Crescent  
36 Mount Pleasant Road  
37 Mount Pleasant Road  
38 Mount Pleasant Road  
38 Grange Crescent  
4 Great Oaks  
4 Hawthorn Way  
4 High Elms  
4 Mount Pleasant Road  
40 Mount Pleasant Road  
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45 Mount Pleasant Road  
46 Mount Pleasant Road  
47 Mount Pleasant Road  
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48 Hycliffe Gardens  
49 Mount Pleasant Road  
5 Ash Road  
5 High Elms  
5 Maple Drive  
5 Mount Pleasant Road  
50 Mount Pleasant Road  
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56 Mount Pleasant Road  
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57 Grange Crescent



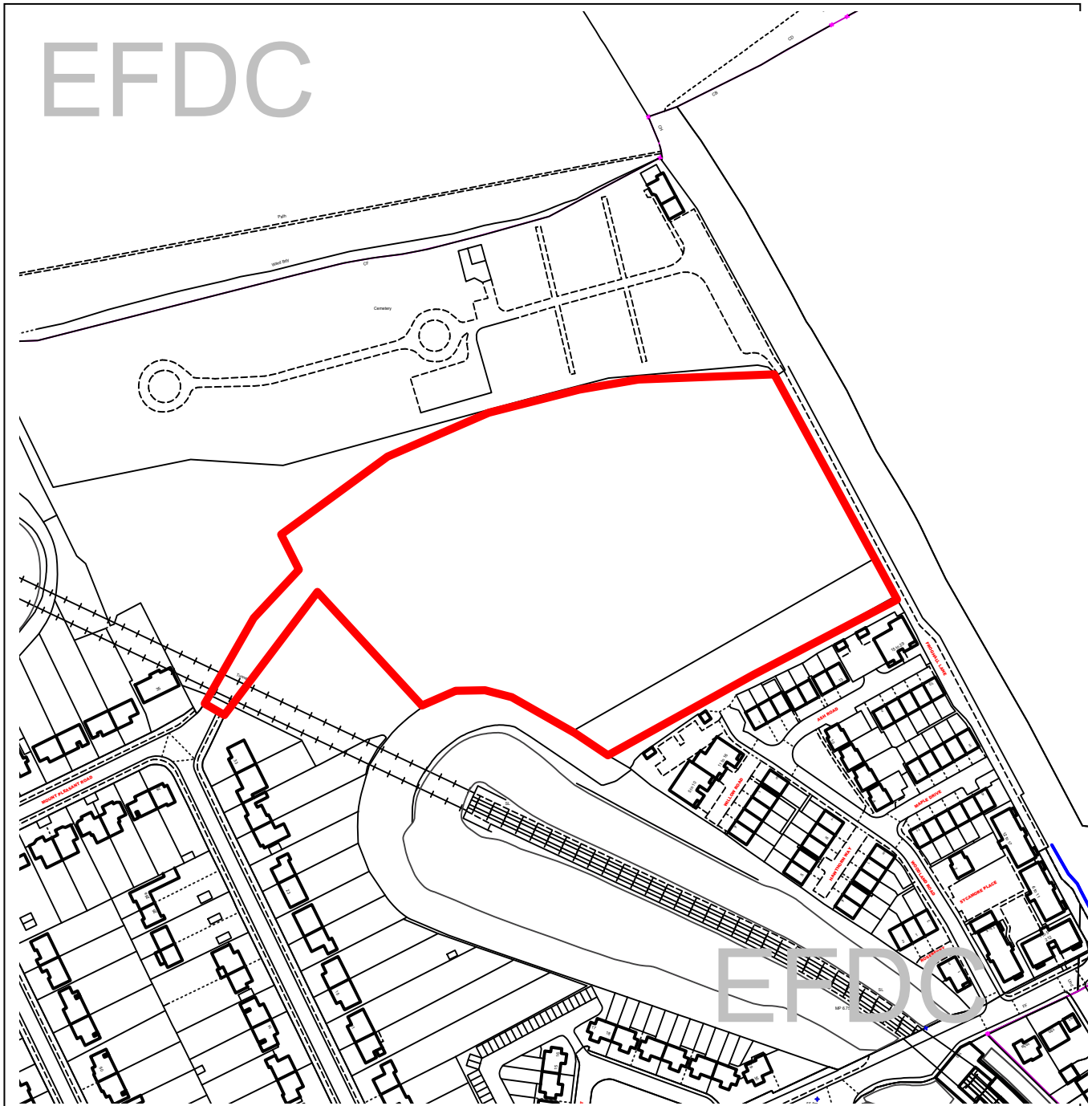
57 Oak Lodge Avenue  
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7 Great Oaks  
7 Hawthorn Way  
7 High Elms  
7 Maple Drive  
7 Mount Pleasant Road  
7 Oak Lodge Avenue  
71 Mount Pleasant Road  
73 Mount Pleasant Road  
73 Grange Crescent  
75 Grange Crescent  
75 Mount Pleasant Road  
77 Grange Crescent  
77 Mount Pleasant Road  
79 Mount Pleasant Road  
8 Ash Road  
8 Great Oaks  
8 Hawthorn Way  
8 Mount Pleasant Road  
8 Oak Lodge Avenue  
81 Mount Pleasant Road  
84 Grange Crescent  
9 Ash Road  
9 Grange Crescent  
9 Great Oaks  
9 Mount Pleasant Road  
9 Warren Court  
9 Woodland Road

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# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/3386/16
Site Name:	Land at Froghall Lane Chigwell Essex IG7
Scale of Plot:	1:2500

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## **Report to the District Development Management Committee**



**Epping Forest  
District Council**

**Report Reference: EPF/1216/17**  
**Date of meeting: 4 October 2017**

**Address: 15, Curtis Mill Lane, Stapleford Abbots, Essex RM4 1HS**

**Subject: Retrospective application for retention of existing 3 bed bungalow dwelling.**

**Responsible Officer: David Baker (01992 564514).**

**Democratic Services: Gary Woodhall (01992 564470).**

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### **Recommendations:**

**(1) That planning application EPF/1216/17 at 15 Curtis Mill Lane in Stapleford Abbots be granted permission, subject to the following conditions:**

- 1. Details of a) the types and colours of the external finishes to be used on the new bungalow and b) a new front boundary enclosure, shall be submitted to the Local Planning Authority, in writing, within 4 months of the date of this decision. One approved these details shall be fully implemented on site within a 6 months period.**
- 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.**
- 3. The development hereby permitted will be completed strictly in accordance with 4 approved drawings numbered 2087.1 to 2087.4.**

### **Report**

1. This application was submitted to the Area Plans Sub Committee East on 6 September 2017 with a recommendation for approval. The Committee decided that conditional planning permission should be granted. However 4 Committee members then 'stood up' and requested the application be referred to the District Development Management Committee for a decision.

2. The report submitted to Area Planning Sub Committee East on 6 September 2017 is re produced below.

### **Description of Site:**

One of some 30 plots on which stand mainly single storey buildings used as dwellings. The plots lie close to the eastern boundary of the district in a fairly isolated and discreet rural location to the east of Stapleford Abbots. These buildings lie in the Green Belt but they are not listed nor do they lie in a conservation area.

### **Relevant History:**

EPF/1744/13 – Certificate of Lawful Development issued for use of existing building as a dwelling.

### **Policies Applied:**

#### *Adopted Local Plan:*

GB2A – Development in the Green Belt

GB15A – Replacement dwellings

DBE1 - Design of new buildings

DBE9 – Loss of amenity.

CP2 – Protecting the quality of the rural and built environment

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Draft Local Plan*

At the current time, only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

- SP5 – Green Belt and District Open Land
- DM9 - High Quality Design

### **Summary of Representations:**

STAPLEFORD ABBOTTS PARISH COUNCIL – object on the following grounds – this is a brick building not in keeping with the other wood chalets in the vicinity. It is higher than and not in keeping with the other buildings in the vicinity which are bungalows. We are concerned that this is a holiday home only meant to be occupied for 6 months of the year. The lane is very narrow and should occasion arise, the emergency services would not be able to access the end houses. This is a new build and not the retention of a 3-bed bungalow

NEIGHBOURS – 3 properties consulted and 1 reply received:-.

14 CURTIS MILL LANE – Regarding the new building at no 15 I would like to advise that we have no objections to this property. We were riddled with rats which were living under and within the original dilapidated property and since the site has been cleared of all old buildings, and a new building built, the rats have disappeared. The property has been in our opinion built sympathetically to the area surrounding and

looks very nice much better than the original portable buildings that were put together.

### **Issues and Considerations:**

This application follows on from enforcement investigations. The replacement dwelling has been 80% built but works have ceased pending the determination of this application.

There are some 30 other bungalow dwellings in this section of Curtis Mill Lane. Originally in the 1950's timber leisure chalets were built on these plots to be used for recreational and holiday purposes between April and October of any year. However, over several decades these chalets have gradually been used as permanent dwellings, and at the same time they have also been extended or rebuilt for all year round residential occupation. In order to regularise the planning position many householders were invited to apply for certificates of lawful development for permanent homes in the 2013-2015 period, or indeed to apply for retention of dwellings on their plots. Consequently this section of Curtis Mill Lane is now not characterised by timber leisure holiday chalets but by bungalow dwellings occupied on a permanent basis.

A lawful dwelling existed on this plot before being demolished to make way for this new bungalow. It is estimated that this new bungalow is some 60 to 70% larger in volume than the dwelling it replaced, and hence it is materially greater which is of concern to the Parish Council. However, it lies within this built up enclave of 30 other permanent dwellings, and hence its impact on openness is reduced. In addition, while there is a bedroom in the loft space, this is lit by windows in the roof slope and not by dormer windows which would have created a more prominent and 'out of keeping' chalet bungalow profile. While the proposed bungalow is sizeable there are others in the locality of a commensurate size, and many bungalows on the site have been rebuilt using blockwork or brickwork. While the concerns of the Parish Council are acknowledged the planning nature of this 'estate' has markedly changed with timber leisure chalets being replaced by bungalows, and in this context the principle and size of the replacement dwelling on the site is considered to be acceptable.

A new front boundary wall built at the front of the property was considered to be obtrusive and out of character in the locality, and has in the last two months been removed by the applicant.

### **Conclusions:**

This and other bungalows in the locality do provide a more affordable form of home than can be generally found elsewhere in the District. While the building of this replacement dwelling without planning permission can in no way be condoned it is considered that the proposal is acceptable for the reasons outlined above. It is therefore recommended that conditional planning permission be granted subject to conditions, including submission of details of materials to be used on external surfaces, details of a new front boundary enclosure, and removal of permitted development rights.

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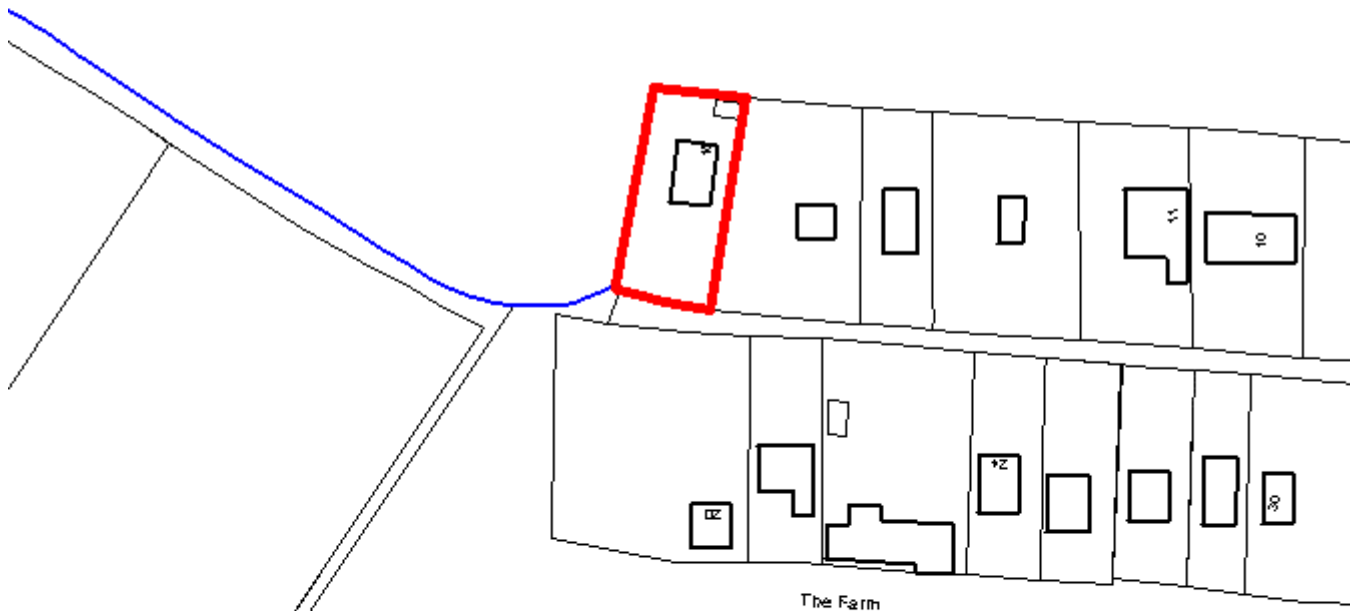




# Epping Forest District Council

## Agenda Item Number 8

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Application Number:	EPF/1216/17
Site Name:	15 Curtis Mill Lane, Stapleford Abbots, RM4 1HS
Scale of Plot:	1/1250

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## **Report to the District Development Management Committee**

**Report Reference: EPF/1400/17**  
**Date of meeting: 4 October 2017**



**Epping Forest  
District Council**

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**Address: 41 Bowes Drive, Ongar, CM5 9AX**

**Subject: Rear extension, garage and loft conversion.**

**Responsible Officer: Corey Isolda (01992 564380).**

**Democratic Services: Gary Woodhall (01992 564470).**

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### **Recommendation:**

**(1) That planning application EPF/1400/17 at 41 Bowes Drive in Ongar be granted permission, subject to the following conditions:**

- 1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.**
- 2. Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.**

### **Report.**

1. This application was put to the Area Plans Sub Committee East on 9 August 2017; however, it was deferred for a members site visit. Following the site visit the application was discussed again at Area Plans Sub Committee East on 6 September 2017. Members then referred the application to District Development Management Committee with no recommendation.

2. The Officer recommendation to approve the application, subject to conditions, remains unchanged and the report to the Area Plans Sub-Committee East on 6 September 2017 is reproduced below.

## Planning Report to Area Plans Sub-Committee on 6 September 2017

### Description of Site:

The application site is a single storey semi detached dwelling, within the built up area of Ongar. The site is not within the Metropolitan Green Belt or within a conservation area.

### Description of Proposal:

Hip to gable roof extension with box dormer to rear, measuring 6 metres wide x 4.7 metres deep and 2.1 metres in height, finished in matching tile hanging. Single storey rear extension of 3 metres deep, 7 metres wide and 3.1 metres high, finished in matching brickwork with a small link to the existing single garage.

### Relevant History:

None

### Policies Applied:

CP2 – Protecting the quality of the rural and built environment  
DBE9 – Loss of amenity  
DBE10 – Residential extensions

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### Draft Local Plan

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9 - High Quality Design  
DM10 – Housing Design and Quality

### Consultation Carried Out and Summary of Representations Received:

3 NEIGHBOURS CONSULTED – 1 COMMENT RECEIVED – 43 BOWES DRIVE – Summarised Below – Impact on light, loss of privacy, overbearing, would cause noise disturbance.

ONGAR TOWN COUNCIL – OBJECT – Due to loss of light and privacy for neighbours.

### Main Issues and Considerations:

The main issues to be considered relate to the impact on the character and appearance of development and neighbour's amenities.

### Design:

The proposed extensions would increase the overall bulk and scale of the dwelling. Gable ends are not unusual within the street scene and some properties already benefit from box dormers to the rear. The works proposed are very similar to what could be carried out under permitted development and it is only because of small factors, such as the rear extensions link to the garage, that the application needs planning permission. Due to the mixed character of the street scene it will be able to contain the hip to gable conversion without causing excessive harm, whilst the box dormer will not be visible from the street scene, and whilst not attractive is not considered harmful to the character of the area given that it is not readily visible from any public area.

### Amenities:

The proposed single storey rear extension spans the width of the property, with a height of 3.1 metres and a depth of 3 metres. The proposal will extend about 4m beyond the rear of number 43 which lies to the west of the application site. In addition the side of the dormer window proposed will also have some impact on that property. Whilst this may result in some loss of morning light it is not considered that this will cause excessive harm to residential amenity beyond that which would be caused by the fallback of permitted development. Due to the separation of the property from number 39 it is not considered that there would be significant harm to the amenity of the occupants of that dwelling.

The box dormer will have 2 'picture' windows, these will not look directly into rear windows as the site faces towards the railway line to the rear and whilst it will afford views over the rear of neighbouring gardens, which are not currently overlooked, this kind of rear facing view towards the rear of gardens is the norm within urban areas and can not be regarded as causing excessive loss of residential amenity. In addition the impact would be no different to the situation allowed under permitted development. Whilst the officer appreciates the personal circumstances put forward by no. 43, noise disturbance from building works cannot be taken as a material planning consideration and would only take place for a temporary period, although it is appreciated this may be stressful for the occupants of no. 43.

### Conclusion:

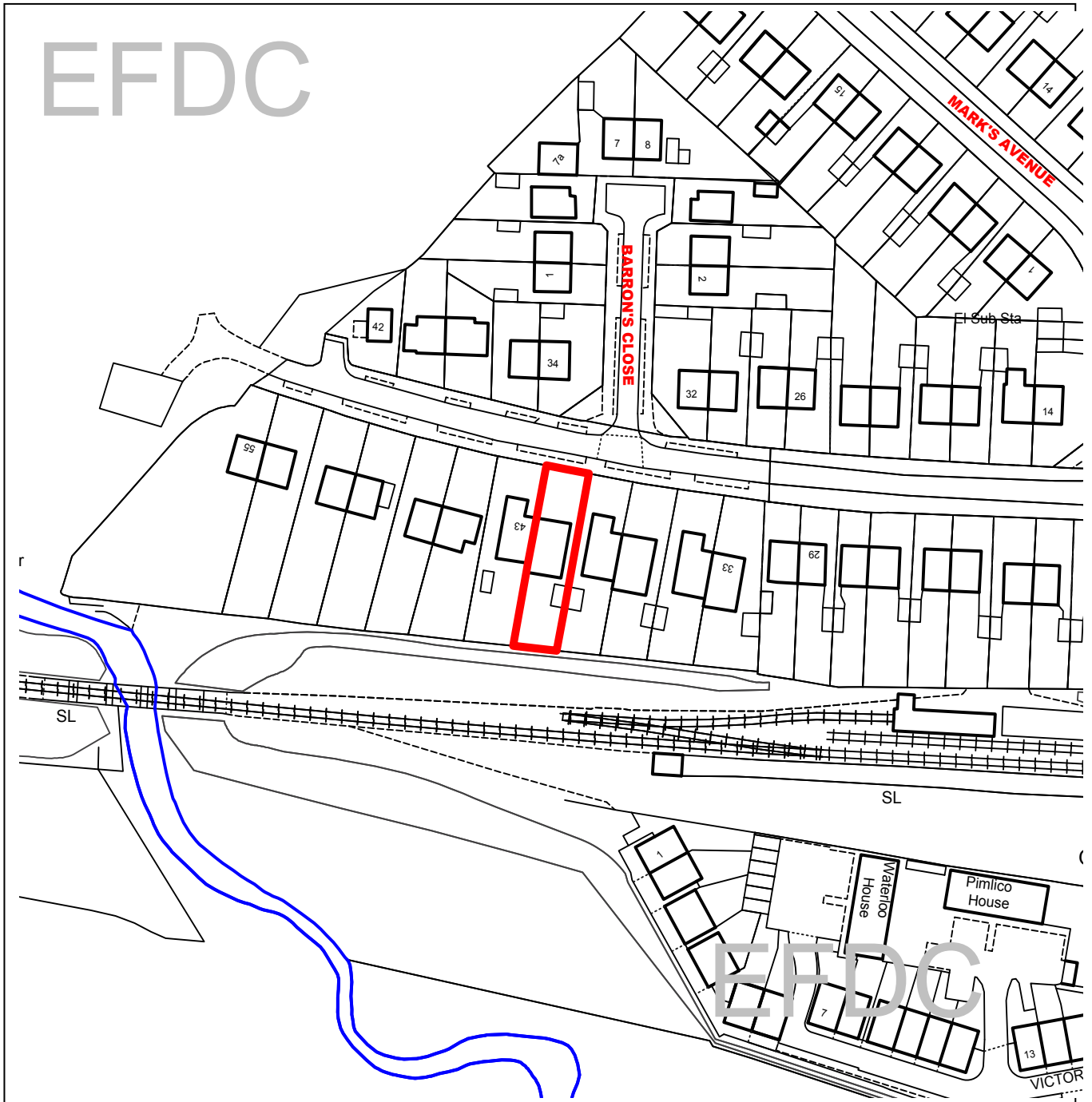
The proposed development will not be unduly detrimental to the character and appearance of the area or the amenities of the neighbouring residents and is very similar to that which could be completed under permitted development. As such it complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies. Therefore the application is recommended for approval.

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# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/1400/17
Site Name:	41 Bowes Drive, Ongar, CM5 9AX
Scale of Plot:	1/1250

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