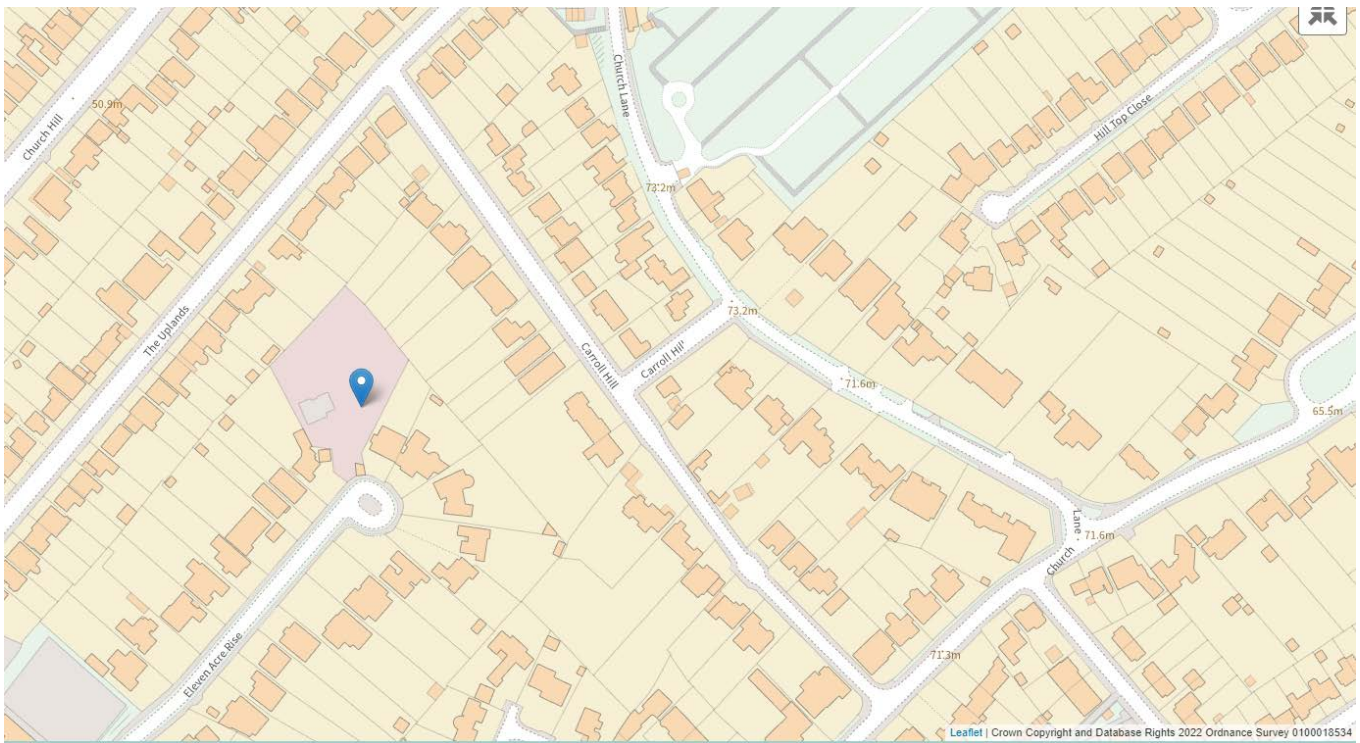


OFFICER REPORT

Application Ref: EPF/1033/23
Application Type: Removal/variation of conditions
Applicant: Declan O'Driscoll
Case Officer: Muhammad Rahman
Site Address: 16, Eleven Acre Rise, Loughton, IG10 1AN
Proposal: Variation of condition 2 'Plan numbers' attached to EPF/1508/18 (Demolish existing house. Replace with 2 detached houses).
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001WDQX>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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The application was deferred from the 11 October 2023 meeting for a Members site visit, which was arranged for the 25th October 2023.

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

Site and Surroundings

The site comprises of 2 recently constructed detached dwellings (House A & B). They are sited within a built-up area of Loughton situated on a hill. There are multiple preserved trees within the site. It is not listed nor within a conservation area or a flood zone.

Proposal

The proposal is for the variation of condition 2 'Plan numbers' attached to EPF/1508/18 (Demolish existing house. Replace with 2 detached houses).

The changes proposed are internal and external alterations as set out in the cover letter, namely;

- External finishes for House A & B – Brick finish instead of render
- Stone Detailing for House A & B
- Porch Detail for House A
- Fenestration for House A & B
- Increase in Overall Height to House A by approx. 200mm from approx. 11.5m to 11.7m
- Step Free access to House A; and
- Glass balustrade to approved balcony for House A.

Relevant Planning History

Multiple histories with most relevant below;

EPF/3155/15 - Demolition of existing dwelling and erection of two dwelling houses - Approved with Conditions

EPF/1508/18 - Demolish existing house. Replace with 2 detached houses - Approved with Conditions

EPF/1127/19 - Application for approval of details reserved by conditions 7 and 8 of EPF/1508/18 'Planting and maintenance schedules' (Demolish existing house. Replace with 2 detached houses) – Approved

EPF/1668/19 - Application for Approval of Details Reserved by Condition 12 "flood risk assessment, management and maintenance plan" for EPF/1508/18. (Demolish existing house and replace with x 2 no. detached houses) - Approved

EPF/0931/20 - Approval of Details Reserved by Condition on EPF/1508/18 'materials' (Demolish existing house. Replace with 2 detached houses) - Withdrawn

EPF/1928/20 - Erection of detached dwelling - Disposed

EPF/2465/21 - Application for Approval of Details reserved by conditions 3"Tree Protection Plan", 4"surface materials", 5"types & colours of external finishes", 17"facilitate super-fast broadband" & 18"details and location of the parking spaces" for EPF/1508/18 – Split

EPF/2828/21 - Application for a Non- Material Amendment for EPF/1508/18 (Demolish existing house. Replace with 2 detached houses.) - Approved

EPF/1140/22 - Retaining wall to rear gardens area - Withdrawn

EPF/1154/22 - Application for approval of details reserved by condition 3 'Tree Protections Measures' and condition 8 'Ecological Measures' on EPF/1508/18 (Erection of two dwellings) - Refused

EPF/0203/23 - Retrospective application to alter the ground levels and create a retaining wall to the rear of the new homes granted under EPF/1508/18 - Refused

EPF/0204/23 - Application for a Non-Material Amendment for EPF/1508/18 (elevation to show a cast stone portico). (Demolish existing house. Replace with 2 detached houses.) - Refused

EPF/0205/23 - Application for Approval of Details reserved by condition 3 "Tree Protection Plan" for EPF/1508/18. (Demolish existing house. Replace with 2 detached houses) - Refused

EPF/0206/23 - Application for Approval of Details reserved by conditions 17 "superfast broadband" & 18 "Electric Vehicle Charging Point(s) for EPF/1508/18. (Demolish existing house. Replace with 2 detached houses) – Approved

EPF/0452/23 - Removal/variation of condition 3 'Tree Protection Measures' on planning consent EPF/1508/18 (Demolish existing house. Replace with 2 detached houses) – Refused

EPF/1852/23 - Installation of air conditioning condenser units (6 in total - 3 per house) to the pair of new houses - Concurrent

Planning Enforcement History

ENF/0115/19 - Works without planning permission - Conditions not discharged on EPF/3155/15 – Closed

ENF/0046/20 - Works without planning permission - Demolition of house and building new properties - Closed

ENF/0391/21 - Breach of Condition - In Progress

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

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

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

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems

DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

National Planning Policy Framework 2023 (Framework)

Paragraph 11
Paragraphs 126 & 130
Paragraph 180

Summary of Representations

Number of neighbours Consulted: 41. 5 response(s) received
Site notice posted: No, not required.

4 THE GREENS CLOSE, 29 & 37 THE UPLANDS, 17 & 23 ELEVEN ACRE RISE, LRA PLANS
GROUP – Objections – Summarised as:

- Out of character;
- Overlooking/Loss of Privacy;
- Overbearing Impact;
- Loss of Outlook; and
- Not built in accordance with approved plans.

LOUGHTON TOWN COUNCIL – The Committee NOTED the Contents of two letters of objection. A member of the public with an interest in this application addressed the meeting.

Members deplored the retrospective nature of this application.

The Committee OBJECTED to this application on the following grounds:

There has been far too much unauthorised works on this site. It was noted that the items covered in this application had previously been included in EPF/0204/23, which had already, rightly, been refused.

The increase in the height of the buildings, that were too high anyway, dominate the whole road, which was evident when approaching them along Eleven Acre Rise, and from the neighbouring properties. This had also led to the subsequent change in the level of windows, which was responsible for the overlooking and loss of amenity of neighbours at no.17. The change of glass in the balcony also resulted in loss of privacy for these neighbours.

There would be no need for increasing the height for insulation between floors unless the underfloor heating was considered subsequently. Electrics do not require extra floor thickness either. Therefore, no further increase in height should be tolerated.

Members were concerned about substituting the approved drawings for the new ones, as the local planning authority may unintentionally grant the unauthorised ground levels. They should stick with the original plans and spell out what amendments are being permitted to them rather than reissue the planning condition with the substituted drawings.

None of the proposed variations should be allowed. The dwellings should be built as per the original approved plans.

Planning Considerations

Officers have visited the site numerous times and considered the proposed changes.

With regards to the proposed alterations:

External finishes for House A & B – Brick finish instead of render

The two dwellings were originally going to be rendered, however they have subsequently been finished in brick. Eleven Acre Rise contains a mix of rendered and various brick finished buildings, so this change would not be out of keeping with the area.

It is considered that the brick finish softens the overall appearance of the two dwellings as opposed to render which, given the neighbours concerns about their overbearing appearance, would stand out more.

Stone Detailing for House A & B

The proposed stone detailing adds visual interest to the dwellings and would not appear out of keeping with the character or appearance of the area.

Porch Detail for House A

The porch on House A has been enlarged slightly with columns added. Whilst this creates a more defined feature, such porch detailing is not uncommon and can be seen within the wider area.

Fenestration for House A & B

The only additional window proposed is a small rooflight on House B. The number, size and location of the fenestration is largely unchanged from the approved scheme, however the detailing is considered to be less 'fussy'. Overall, the proposed fenestration changes would not be harmful to the overall appearance of the dwellings or wider locality.

Increase in Overall Height to House A by approx. 200mm from approx. 11.5m to 11.7m

Officers note the concerns re the overall height for house A. For clarity the dimensions shown on the approved plans are not taken to right up to the pinnacle of the house, just above where it specifies slate roof on top of the topmost window. When measured from this point to the lowest point, it is some 11.5m. With the additional increase of some 200mm, this takes it to an overall height of 11.7m. Thus, the slight increase in the overall height to House A by approx. 200mm will not have any additional impact to neighbouring amenities, in terms of overbearing and visual impact.

Any increase in height is going to increase prominence of a building, however given the topography of the street and its relationship with House B, it is not considered that this increase in height would cause any excessive harm to the street scene.

Step Free access to House A

Providing step free access is something that should be encouraged on all dwellings, even on sites as topographically constrained as this. Therefore, this amendment is considered beneficial.

Notwithstanding this however, it should be noted that this application is not seeking any consent for the wider topographical changes across the site, and in particular the raising of land levels to the rear. These were subject to a separate application (refused), and Enforcement investigation.

Glass balustrade to approved balcony for House A.

The provision of a glass balustrade in place of the railings that formed part of the approved balcony would not result in any additional overlooking.

In light of the above, the proposed changes when considered either individually or together as a whole, would not cause any significant additional harm to the amenities of neighbouring residents or on the character and appearance of the street scene and wider locality.

Conclusion

As this will result in a new planning permission a new s106 legal agreement to secure the required mitigation measures towards the EFSAC will need to be completed.

For the reasons set out above, having regard to all the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal agreement to secure contributions towards the EFSAC including monitoring fees.

The relevant conditions from the parent application have been added and modified where required.

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest, or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Case Officer: Muhammad Rahman |
mrahman@eppignforestdc.gov.uk

Conditions: (19)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Site Location Plan, Site Plan - 1 Rev A, House A - 2 Rev B, and House B - 3 Rev C.

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

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

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

- 3 The agreed surfacing for the driveway and parking areas as approved under EPF/2465/21 shall be made of porous materials and retained thereafter or provision shall be made and retained

thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

Reason: To ensure that a satisfactory surface treatment is provided in the interests of highway safety, visual amenity and to reduce the risk of flooding and pollution, in accordance with Policies T1, DM9, DM15, DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 The development shall be carried out in accordance with the external finishes as specified in the submitted cover letter dated 10th May 2023.

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

- 5 The refuse storage as shown on the approved plans shall be complete and available for use prior to first occupation of the residential units and thereafter maintained in accordance with the agreed details.

Reason: To ensure adequate provision is made in a suitable location, in accordance with Policies DM11 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

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

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

- 8 There shall be no discharge of surface water into the highway.

Reason - In the interest of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

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

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

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

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

- 13 No gates shall be provided at the vehicular access without the prior written approval of the Local Planning Authority.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

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

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

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

- 16 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service as per the approved details under EPF/0206/23.

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

- 17 The installation of EVCP shall be completed in accordance with the approved details under EPF/0206/23 and made operational prior to first occupation. The details must include details as follows:

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

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

- 18 The development shall be implemented in accordance with the approved drainage details under EPF/1668/19 and shall be provided on site prior to the first occupation, and shall be retained for the lifetime of the development.

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

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

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

Informatives: (1)

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