

## AREA PLANS SUB-COMMITTEE SOUTH

29 May 2019

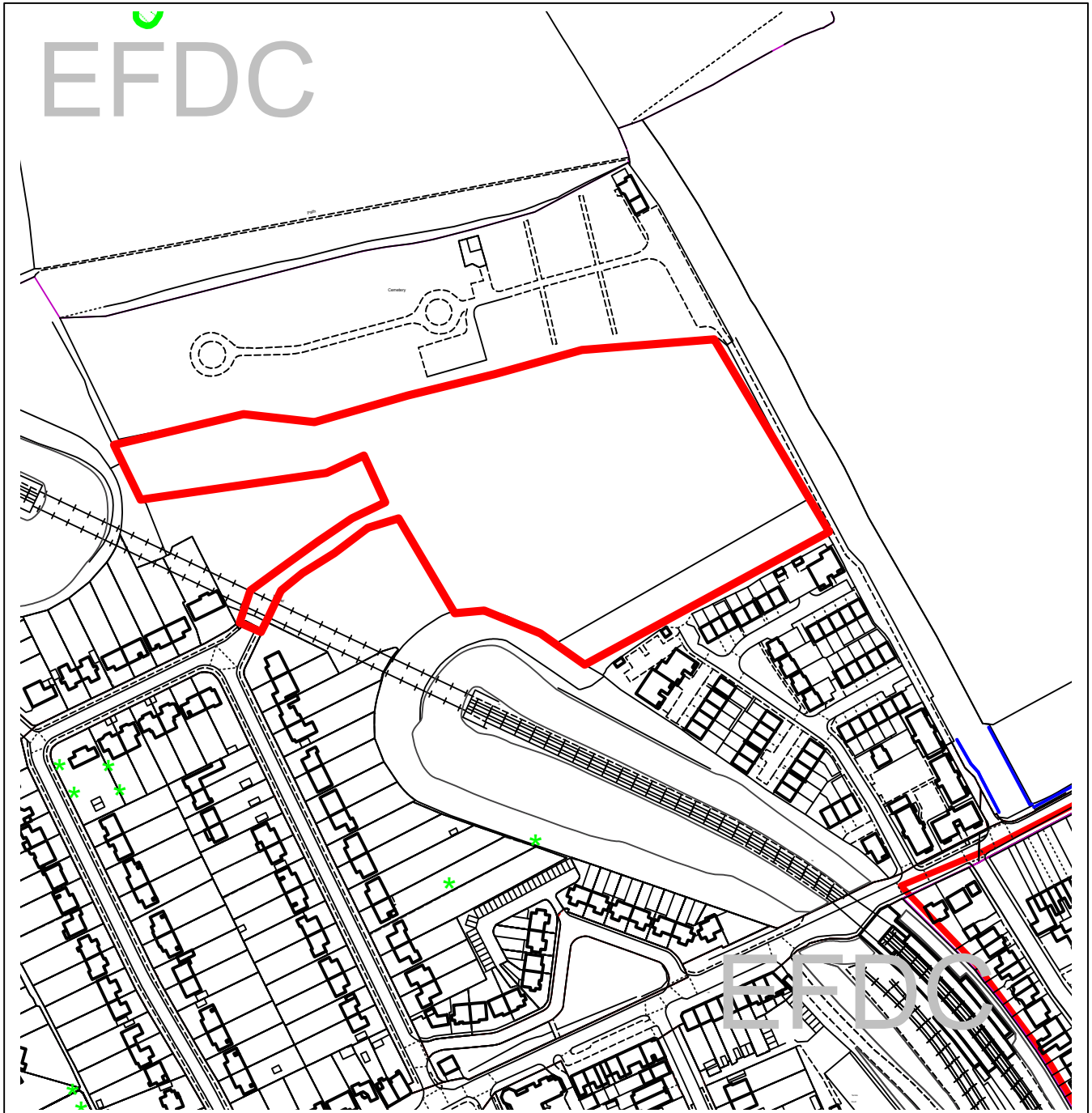
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/1182/18
Site Name:	Land West of Froghall lane Chigwell Essex
Scale of Plot:	1:3000

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1182/18
<b>SITE ADDRESS:</b>	Land west of Froghall Lane Chigwell Essex
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	MPM Limited
<b>DESCRIPTION OF PROPOSAL:</b>	Hybrid application requesting 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 outline planning permission for a 0.45 hectare extension of the cemetery.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=608757](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=608757)

**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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

PL-ST-000 Rev B  
PL-ST-600 Rev C  
PL-ST-601  
SK-124 Rev E  
PL-GA-00 Rev B  
PL-GA-001 Rev B  
PL-GA-100 Rev B  
PL-GA-101 Rev A  
PL-GA-601 Rev D  
PL-GA-602 Rev D  
PL-GA-603 Rev D  
PL-GA-604 Rev C  
PL-GA-605 Rev C  
PL-GA-606 Rev C  
PL-GA-610 Rev B  
PL-GA-611 Rev B  
PL-GA-612 Rev A

PL-GA-613 Rev A  
PL-GA-620 Rev C  
PL-GA-621 Rev B  
PL-GA-622 Rev B  
PL-GA-623 Rev B  
PL-GA-630 Rev B  
PL-GA-631 Rev A  
PL-GA-632 Rev A  
PL-GA-633 Rev A  
PL-GA-640 Rev B  
PL-GA-641 Rev A  
PL-GA-642 Rev A  
PL-GA-643 Rev A  
PL-GA-700 Rev C  
PI-GA-701 Rev B  
PL-GA-810 Rev A  
PL-GA-811 Rev A  
PL-GA-812  
PL-GA-813 Rev A  
PL-GA-820  
PL-GA-821 Rev A  
PL-GA-822 Rev A  
PL-GA-823 Rev A  
PL-GA-830 Rev A  
PL-GA-831 Rev A  
PL-GA-832  
PL-GA-833  
PL-GA-840 Rev A  
PL-GA-841  
PL-GA-842 Rev A  
PL-GA-843

- 3 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  7. Tree protection measures.

- 5 Prior to the first occupation of the development the proposed access from Woodland Road into the site shall be fully implemented and maintained as such in perpetuity.
- 6 There shall be no vehicular access to the proposed development from the existing access off of Mount Pleasant Road, except for Emergency Service Vehicles, unless otherwise agreed in writing with the Local Planning Authority.
- 7 Prior to the first occupation of the proposed 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.
- 8 No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 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. Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- 10 The development be carried out in accordance with the flood risk assessment (Symmetry's 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.
- 11 A sensitive lighting scheme in accordance with Bat Conservation Trusts guild lines will be submitted to EFDC for approval.

- 12 A biodiversity enhancement plan including but not limited to; the location and type of five integrated bat boxes (those which are built into the brickwork or masonry or the development); the location and type of five bird boxes; the location of habitat piles suitable for hedgehogs, reptiles and invertebrates.
- 13 A precautionary approach will be adopted when clearing the site with respect to reptiles. The details of which can be found in the ecological appraisal.
- 14 No removal of hedgerows, trees or shall take place between 1st March and 31st 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.
- 15 The 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:  
Provide details on all structures  
Provide details on the use of tall plant and scaffolding  
Accommodate the location of the existing London Underground structures  
Demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land  
Demonstrate that there will at no time be any potential security risk to our railway, property or structures  
Accommodate ground movement arising from the construction therefore  
Mitigate the effects of noise and vibration arising from the adjoining operations within the structures  
The 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 development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.
- 16 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, 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 site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 17 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.
- 18 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 12/04/2017.
- 19 No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 20 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.
- 21 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.
- 22 The accommodation hereby approved shall only be occupied by a resident who is 60 years or elder at the time of occupation; in the case of partnerships or other relationship at least one of the pairs must be over 60 at the time of occupation.

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

### **Description of Site:**

The 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 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 seeking Outline consent. 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. Thereafter, it would be up to the Parish Council to pursue the detail of the proposed cemetery extension through an application for approval of reserved matters.

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 87 two-bedroom and 18 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 132 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 that 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 be 5.2m wide and, together with all roadways on the site, would be a shared surface.

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 asymmetric gable features, the gables also forming parapets. Ridge heights would vary, typically be between 15.5m 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:

- £1,700,000 contribution towards the provision of affordable housing in the District (an increase from the previous £1,000,000 offer)
- £52,500 contribution towards the running costs of the Chigwell Hoppa Bus scheme.
- £24,909 contribution towards the provision of primary health care services.
- A contribution towards the implementation of measures to mitigate the impact of the development on air quality within the Epping Forest Special Area of Conservation, estimated to be approximately £52,500. (The precise sum required would be settled on adoption of a strategic scheme for mitigating the impact of new development on air quality within the SAC. The scheme is presently being negotiated between the District Council and Natural England. The current estimated date for the Council adopting an agreement is not currently known due to a second objection from Natural England being received in April)

#### **Relevant History:**

EPF/3386/16

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.

*Refused (9 October 2017) on the basis that:*

1. the proposal as a whole is inappropriate development in the Green Belt and that the proposed buildings would be harmful to openness, and
2. the proposal makes insufficient contribution towards the provision of off-site affordable housing the proposal fails to make appropriate provision for affordable housing.

The scheme was due to be considered at Plans South on 20 March 2019 with a Officers recommendation for refusal – it was withdrawn by the applicant for further negotiations to take place.

### **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
NC1	SPA's, SAC's and SSSI's
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

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.

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of 1 February 2019. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

#### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF. The Submission Version of the Plan is presently undergoing independent examination.

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

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

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1	Presumption in Favour of Sustainable Development
SP 2	Spatial Development Strategy 2011-2033
SP 6	Green Belt and District Open Land
SP 7	The Natural Environment, Landscape Character and Green Infrastructure
H 1	Housing Mix and Accommodation Types
H 2	Affordable Housing
T 1	Sustainable Transport Choices
DM 1	Habitat Protection and Improving Biodiversity
DM 2	Epping Forest SAC and the Lee Valley SPA
DM 3	Landscape Character, Ancient Landscapes and Geodiversity
DM 4	Green Belt
DM 5	Green and Blue Infrastructure
DM 9	High Quality Design
DM 10	Housing Design and Quality
DM 11	Waste Recycling Facilities on New Development
DM 15	Managing and Reducing Flood Risk
DM 16	Sustainable Drainage Systems
DM 22	Air Quality
P 7	Chigwell

The SVLP identifies the full application site for development of approximately 105 specialist dwellings, allocation reference CHIG.R4. The Plan does not explicitly define 'specialist dwellings'. It is clearly a form of residential use that is distinct from dwellings within Use Class C3. On that basis a general practical approach taken by Officers is to interpret 'specialist dwellings' as meaning any residential use that is not entirely within Use Class C3. CHIG.R4 is the only site allocation in the plan for specialist dwellings.

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

Number of neighbours consulted: 255.

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

Responses received:

Letters of objection were received from the following 11 addresses:

17 Ash Road, Chigwell  
9 High Elms, Chigwell  
1, 2, 3, 9, 15, 33, 43 & 81 Mount Pleasant Road, Chigwell  
3 Woodland Road, Chigwell

The objections raised are listed below:

1. Insufficient contribution towards affordable housing.
2. Inappropriate development in the Green Belt that is harmful to it's openness. No very special circumstances in favour of the development exist.
3. Loss of a green field.
4. Dramatic and overwhelming visual impact in a largely open valley, appearing as a housing estate. Views across the land will therefore be diminished.
5. The height of the proposed buildings does not fit in with the character of the locality,
6. Does not address 'rights' connected with the public footpath.
7. Generation of an unsustainable increase in traffic that local roads could not cope with.
8. The site would be better accessed from Froghall Lane. It is unclear why that possibility is ruled out.
9. The application does not include any proposal to mitigate obstructive on-street parking on Woodland Road.
10. Planned yellow lines along Woodland Road have not been implemented. If they are not, the development would make access along Woodland Road nigh on impossible.
11. The proposed build should not proceed if the council does not apply waiting restrictions and lighten the congestion along Woodland Road
12. Given the proposed access to the site from Woodland Road, the need for the proposed access off Mount Pleasant Road is questionable while that element of the proposal seems indicative of a preference to access the site from Mount Pleasant Road.
13. Construction traffic access via Mount Pleasant Road would result in contractors parking in that road which, together with construction vehicle movements, will compound the harm caused in the implementation of recent railway works.
14. The movement of construction vehicles may harm properties on Mount Pleasant Road.
15. At present children can safely play in the gardens and pavement but this additional traffic would make this dangerous.
16. Harmful increase in pressure on local health services due to an increase in population from outside of the locality.
17. The environmental impact of the project is substantial. Pollution and CO2 levels will be impaired.
18. Residents of the development will be potential victims of crime and therefore the development is likely to result in an increase in the local crime rate.
19. No need for the form of development proposed.
20. There are better places for this type of development.
21. The provision of an extension to Chigwell Cemetery in exchange for a grant of planning permission is outrageous.
22. The proposed works would be likely to cause harm to the railway tunnel that passes under the route of the accessway proposed off Mount Pleasant Road.
23. It would make more sense to link into the new drains built for Woodland Road than run them to Mount Pleasant Road.
24. Grange Hill cannot take anymore large developments such as this.
25. The local infrastructure will not be able to cope.
26. The area frequently suffers from issues with water pressure and further large scale development may well exacerbate the situation.
27. There has already been large scale development in this area in recent years
28. Local residents have not been fully consulted

ESSEX COUNTY COUNCIL (Education Authority)  
No need for any contribution towards education provision.

ESSEX COUNTY COUNCIL (Highway Authority):

*“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.”*

Conditions and informatises requested

LONDON UNDERGROUND:

No objection subject to conditions to safeguard the railway.

NATURAL ENGLAND:

No specific comments to make. Reference to standing advice.

NHS – West Essex CCG:

No objection subject to a contribution of £24,909 to offset the consequence for primary care services in the locality.

THAMES WATER:

No objection subject to conditions in relation to construction within the vicinity of a water main.

CHIGWELL PARISH COUNCIL:

“The Council **SUPPORTS** this application, this proposed development is a good utilisation of low grade Green Belt land, located in an appropriate setting.”

### **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:**

This application seeks to overcome the reasons for refusal of application EPF/3386/16 and is submitted in response to the allocation of the site for specialist housing in the SVLP. In summary, it maintains the Council's objection to the previous submission is addressed in two ways. Firstly, by maintaining there has been a material change in planning policy in respect of the application site such that the Green Belt balance is in favour of the proposal and, secondly, by submitting information with a view to demonstrating the proposal makes an appropriate level of contribution towards affordable housing.

Aside from the main issues of consequence for the Green Belt and requirement for affordable housing, this report will also consider the matters of design and visual impact together with highway considerations. Those matters will be weighed in the Green Belt balance while other matters including, affordable housing and the consequences for the Epping Forest Special Area of Conservation will be considered separately.

### **Consequence for the Green Belt**

The site is now allocated for development of the type the applicant proposes in the full application, that is, 105 units of specialist housing. That would result in a new Green Belt boundary around that part of the site and the site-specific requirements for allocation CHIG. R4 include using existing landscape features to visually define that boundary and strengthening them as required. In that respect the submission includes landscape proposals that are acceptable to the Council's Tree and Landscape Officer and the proposal evidently seeks to ensure the development has a sylvan setting.

Although allocated for development within the SVLP, the application site, together with adjoining land between it and Mount Pleasant Road and land to the north, including Chigwell Cemetery, remain entirely in the Green Belt. That is because, notwithstanding its very advanced stage, the SVLP is not an adopted plan. The relatively recent development to the south also remains within the Green Belt. On that basis, the proposed development in the full application is inappropriate development in the Green Belt that would result in a significant reduction in its openness. The NPPF makes clear that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

In relation to the outline proposal for an extension to Chigwell cemetery, the provision of appropriate facilities for cemeteries is one of the exceptions to inappropriate development listed in paragraph 145. 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 sometimes substantial structures for marking graves and associated engineering operations including roadways, cemeteries may sometimes appear as urbanising uses that do not preserve the openness of the Green Belt. The current proposal for an extension to Chigwell cemetery, since it is in outline form only, does not include any detail on the layout and design of the extension. That detail would be controlled by way of a condition should Members decide to grant planning permission, giving the Council the scope to ensure any specific proposal does safeguard the openness of the Green Belt. In those circumstances it is concluded the proposed extension to Chigwell Cemetery may be treated as not inappropriate development.

Taken as a whole, therefore, it is concluded the proposal is for a mix of inappropriate and not inappropriate development that, on the greater part of the application site, would result in a reduction in the openness of the Green Belt.

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

#### Need for the development

The SVLP and the Council's Infrastructure Development Plan (December 2017) do not propose any increase in cemetery provision within Chigwell. Indeed, they appear silent on the matter of cemeteries. The application does include evidence of need for the expansion of Chigwell Cemetery in the long term, beyond the period the SVLP covers, and Officers agree that need is demonstrated by the evidence. Officers consider it far preferable to expand the existing cemetery rather than create a new one to meet that need. However, the only way of meeting that need which is presently available is through the grant of consent for the proposal as a whole.

In relation to the need for a specialist housing for the elderly, it is clear that the Council proposes to make such provision by way of site allocation CHIG.R4. Moreover, the site allocation is the only such allocation within the SVLP. 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.

In making site allocation CHIG.R4 the Council has taken a position that in order to meet that need it is necessary to release Green Belt land. The allocation attracted 2 representations at the Regulation 19 stage of the draft Local Plan (consultation on soundness prior to submission of the Plan for examination) only, one from the Applicant's agent and one from Thames Water.

In the circumstances, and given the very advanced stage of the SVLP, it is concluded that significant weight may be given to the site allocation.

#### Design and visual impact

There is no material difference in the design and visual impact of the current proposal compared to the previous proposal, which was found to be acceptable in those terms. Since submission a minor change was made to the alignment of an internal roadway and adjacent parking spaces to pull them away from the southern site boundary and make better provision for soft landscaping adjacent to that boundary. The assessment of this component of the proposal is therefore essentially the same as that for the refused proposal and reproduced with minor modification below. It is emphasised that the Council's position on this matter was set in its decision to refuse application EPF/3386/16, when no design objection was raised.

Since the cemetery component of the proposal 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. Additional landscaping proposed adjacent to the site boundary will soften the appearance of the development further. 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 significant, particularly 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 and what limited harm arose would be mitigated by landscaping within the site and on the site boundary.

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

As with the matter of design, Officer's assessment in relation to access, parking and highway safety is essentially the same as that for the refused application and no highways objection was raised to that scheme in the Council's reasons for refusal of application EPF/3386/16, establishing the Council's position on that matter. An updated assessment of this issue is set out as follows:

The extension to Chigwell Cemetery would be accessed from within Chigwell Cemetery. The Cemetery is accessed off Manor Road via Froghall Lane, a private road that for most of its length is not wide enough for two cars to pass each other. In the very long term that may well result in a need to resolve potential conflict in vehicle movements along Froghall Lane. For the foreseeable future, 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. This can be secured by condition if required.

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 has resolved to introduce parking restrictions along the length of Woodland Road, although the works to do so have not been implemented. 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 set out in the consultation section of this report.

In relation to parking, the submitted site layout plan shows 132 parking spaces would be provided to serve the development, which would take the form of 105 serviced apartments, 87 of which would be two-bedroom dwellings and the remainder one-bedroom. Additional information submitted by the Applicant indicates the development would generate the equivalent of 15 full-time jobs. The consequence for demand for car parking would be reduced by the fact of a number of jobs being part time and arranged on a shift basis.

The Applicant emphasises the proposal is aimed at elderly people and states a planning condition restricting occupation to people aged 60 is acceptable, although no restriction is proposed on occupation by younger partners of residents. 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 at more than one for one within an accessible location is consistent with, 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 31 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. Furthermore, having regard to the SVLP, since all of the proposed blocks are within 400m of an underground station there is a clear planning policy justification for off-street parking provision well below that required by the Essex County Council Vehicle Parking Standards (2009).

The Applicant's offer to make a financial contribution to a local bus service is in accordance with the requirements of the Council's Infrastructure Delivery Plan (December 2017).

### Green Belt Balance

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.

Harm would be caused to the Green Belt by way of the development as a whole being inappropriate, causing a reduction in openness and by conflicting with the purposes of including the land in the Green Belt.

Weighed against the identified harm are the benefits of the proposal in meeting the long term need for expansion of Chigwell Cemetery, the need for specialist housing for the elderly and the provisions of the SVLP for meeting such need through site allocation CHIG.R4, which seeks approximately 105 units of specialist housing on the full application site.

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. 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. There is the possibility that the expansion could be secured through future Local Plan process. However, to forego the opportunity available now is likely to result in a lost opportunity. That is because the offer of land for the cemetery is only available in the context of this application in advance of the adoption of the Local Plan. Given there is no objection to site allocation CHIG.R4, it is likely that would be carried through into the final adopted plan. In those circumstances, and since neither the SVLP or IPD identifies land for cemeteries in Chigwell, a developer would not be likely to consider it necessary to provide any land for the expansion of Chigwell cemetery. It is therefore concluded the provision for expansion of the cemetery in the application is a material consideration of significant weight.

In relation to the need for specialist housing for the elderly, the SVLP identifies other sites for residential development where, in theory, the need for specialist housing could be met. However, given the additional costs for developing such schemes, generated in part by the need for additional communal space within buildings and the need for larger sites, it is unlikely specialist housing could successfully compete with general housing for appropriate sites. In the circumstances, and given that CHIG.R4 is the only site allocation for specialist housing within the SVLP, it is concluded the need for specialist housing may be given significant weight.

The cumulative benefit of both providing land for Chigwell Cemetery expansion and specialist housing for the elderly in the context of an unopposed site allocation for specialist housing within the SVLP is considered to outweigh the harm the proposal would cause to the Green Belt. It is therefore necessary to consider whether those material considerations amount to very special circumstances in favour of the development.

These considerations are unique geographically given the Council proposes to meet the need for specialist housing on this particular site alone. The growing need for specialist housing is acknowledged in general and within the site allocation while it is unclear that similar scale proposals for specialist housing could be delivered elsewhere. The Council has refused planning permission for a proposal for specialist housing for the elderly at 13-15A Alderton Hill (EPF/2499/17) and is defending that decision at appeal. It is evident that only the current application site is deliverable for specialist housing. These considerations are also unique temporally since it is very likely that the land for the full application will be removed from the Green Belt in the short term. On that basis Officers conclude they amount to very special circumstances that outweigh the harm that would be caused to the Green Belt.

Requirement for affordable housing

Adopted planning policy seeks the provision of at least 40% of the total number of dwellings in new residential development as affordable housing in order to meet a shortfall in the provision of such 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. The main consequence of that is it would be impractical to provide 40% of the units as general affordable housing.

The Applicant continues to maintain the proposed development is a residential institution within Use Class C2, however, he no longer maintains the proposal is not a form of development from which planning policy seeks affordable housing. In those circumstances little would seem to turn on what Use Class, if any, the proposal is within. This matter was nonetheless considered in the assessment of the previously refused application and it is worth reproducing that assessment here since it amounts to a position the Council has already taken in respect of the proposal.

In support of their contention that the proposal is within Use Class C2, the Applicant previously provided Counsel's opinion, dated 1 August 2014, on the nature of the type of development proposed. The advice was the use is not within Use Class C3. However, it was ambivalent on whether the use falls within Use Class C2 or is in a class of its own, a 'sui-generis' use.

While Officers agreed on the first point, they were not convinced the use proposed falls within Use Class C2. To settle this, Counsel's opinion was sought. The advice given to the Council was 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 was therefore that the specific proposal before Members is a 'sui-generis' use.

Officers also sought advice from Counsel on whether adopted planning policy allowed for securing a contribution towards affordable housing in connection with this specific proposal. The advice given is that under adopted 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 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.

That position is reinforced by SVLP policy H 2, which requires developments of 11 or more homes or of more than 1000m<sup>2</sup> of residential floorspace to make provision for affordable housing at the same rate that the adopted Local Plan policy does. The Applicant seeks to demonstrate compliance with the policy by demonstrating their offer of a contribution of £1,700,000 towards the provision of off-site affordable housing, (increased after negotiation with officers from an original offer of £488,526, through £1,000,000 and £1,500,00) is in accordance with its requirements.

Initially the Applicant submitted a viability study to demonstrate what an appropriate contribution for affordable housing could be. That report, dated 16th May 2018 by GL Hearne, found that "*the residual land value generated by the proposed development is below the Benchmark Land Value based upon what would be considered as an acceptable return for a development of this nature.*" In other words, no affordable housing contribution could be supported and the initial offer of £488,526 was on a without prejudice basis.

(Members are reminded that the proposal was subsequently amended to also include a contribution of £24,909 towards the provision of primary health care services and a contribution of up to £52,000 towards measures for mitigating the impact of the proposal on air quality within the Epping Forest SAC.)

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 taken by GL Hearne was flawed and therefore KCL would not confirm the validity of the viability assessment. The key difference between GL Hearne and Kift Consulting is the approach to establishing the existing use value of the site for viability assessments.

The establishment of existing use value is a complex matter. In this regard, paragraph 012 of the Planning Practice Guidance issued in 2018, one of a suite of documents supporting the National Planning Policy Framework, states:

*“To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. This approach is often called ‘existing use value plus’ (EUV+).*

*In order to establish benchmark land value, plan makers, landowners, developers, infrastructure and affordable housing providers should engage and provide evidence to inform this iterative and collaborative process.”*

In relation to benchmark value, paragraph 013 states:

*“Benchmark land value should:*

- be based upon existing use value*
- allow for a premium to landowners (including equity resulting from those building their own homes)*
- reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and*
- be informed by market evidence including current uses, costs and values wherever possible....*

*Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan....”*

Further guidance on existing use value is given at paragraph 014, which states:

*“Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types.”*

Existing use value + is addressed in paragraph 015, which states:

*The premium (or the 'plus' in EUV+) is the second component of benchmark land value. It is the amount above existing use value (EUV) that goes to the landowner. The premium should provide a reasonable incentive for a land owner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements.*

Paragraph 016 addresses the matter of whether alternative uses may be used in establishing benchmark land value. It states:

*“For the purpose of viability assessment alternative use value (AUV) refers to the value of land for uses other than its current permitted use, and other than other potential development that requires planning consent, technical consent or unrealistic permitted development with different associated values. AUV of the land may be informative in establishing benchmark land value. If applying alternative uses when establishing benchmark land value these should be limited to those uses which have an existing implementable permission for that use. Where there is no existing implementable permission, plan makers can set out in which circumstances alternative uses can be used. This might include if there is evidence that the alternative use would fully comply with development plan policies, if it can be demonstrated that the alternative use could be implemented on the site in question, if it can be demonstrated there is market demand for that use, and if there is an explanation as to why the alternative use has not been pursued. Where AUV is used this should be supported by evidence of the costs and values of the alternative use to justify the land value. Valuation based on AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted.”*

Following the advice of the PPG (then in draft form), KCL produced a validation report dated 16 July 2018 in which it concluded an EUV+ value of £525,980 should be used to represent the land/site value in the viability appraisal. GL Hearn had proposed a different land value (Residual Land Value rather than EUV+) of £4,216,893 with very different implications for the viability of the development and the potential for the development to contribute to affordable housing. GL Hearn's viability assessment concluded *“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”*, essentially maintaining the proposal is significantly unviable, resulting in a deficit of £6.2m. KCL disagreed, finding it would generate sufficient surplus to enable it to provide a commuted sum of £4,503,358 and remain financially viable with a remaining surplus of £117,880.

GL Hearn subsequently rebutted KCL's findings and these were given consideration by KCL following the present PPG advice. That resulted in KCL agreeing a higher EUV+ of £2,145,000. While that would not allow for a policy compliant scheme delivering a contribution equivalent to support 40% affordable housing, KCL found it would support 18% affordable housing and deliver a small surplus of £46,402 which can be used as an additional financial contribution towards affordable housing. KCL therefore concluded a reduced total commuted sum of £2,533,122 can be supported by the proposed development.

GL Hearn submitted a further rebuttal maintaining its original conclusion that the development is not viable to support a contribution towards affordable housing, but noting that notwithstanding their conclusion, the Applicant still offered a contribution of £488,526. One of the points made by GL Hearn relates to whether site allocation CHIG. R4 would be likely to be developed for general residential housing if it were not developed for specialist housing. On the basis of informal pre-application Officer advice GL Hearn maintained general residential development of the site should be treated as a likely alternative use for the land and therefore the land should be given a higher value. Following subsequent discussion with the Planning Policy Team Officers reconsidered their informal advice on the basis of a reappraisal of the weight to be given to the site allocation and site specific requirements set out in the SVLP. Officers therefore advised KCL that a general residential development of the CHIG.R4 site would be contrary to the SVLP allocation and the

Council would be bound to defend that allocation, especially if it is brought forward into the adopted Local Plan as seems likely. Officers consistently advised KCL it is very unlikely the Council would permit the development of the site for general residential development.

KCL responded to GL Hearn's second rebuttal, concluding it was not persuaded by any of the information contained within it to reconsider their earlier revised conclusion that a reduced total commuted sum of £2,533,122 can be supported by the proposed development. KCL also emphasised that sum would only be equivalent to providing 18% affordable housing rather than the policy requirement for a 40% contribution, but that was all the scheme could viably contribute. On the basis of KCL's advice, Officers continued to seek a total affordable housing contribution of £2,533,122.

The Applicant has carefully considered the position maintained by Officers supported by KCL and responded with a contribution towards affordable housing that is increased from £488,526 to a final offer of £1,700,000. Their original statement is reproduced below setting out the Applicant's final position on the matter of affordable housing and sets out total contributions to be offered in connection with the proposed development (and updated for the new sum):

*"We have been unable to reach agreement on the level of affordable housing contributions that are viable for the scheme. You will recall that our assessment states that no affordable housing contribution is viable on the site, whereas the Kift assessment concludes that a contribution of £2,533,122 is viable.*

*The areas that we have not been able to agree on are as follows:*

- *Inclusion of Ground Rents in the KCL financial appraisal;*
- *Site area / inclusion of cemetery land;*
- *GLH adopted BLV; and*
- *Existing Use Value plus a premium EUV+.*

*We have both concluded that it will not be possible to be able to reach agreement on this matter and your Committee Report will need to reflect this accordingly. Neither our Planning Statement or Viability Appraisal for this application set out any offer for affordable housing, however, we fully recognise that the Council is seeking to avoid setting a precedent of undermining its affordable housing policy and thus in the interests of securing a consent we are prepared to offer a total off-site affordable housing contribution of £1,700,000. This offer is made without prejudice of our established viability position and this sum of money reflects our motivation to secure a planning permission, rather than any fallibility of the viability appraisal or evidence provided so far. It should be noted that no further increase to this contribution can be made.*

*To summarise our total offer of planning contributions is as follows.*

- *Affordable Housing - £1,700,000.*
- *Provision of approximately 1 acre of land to the Parish Council for the extension of Chigwell Cemetery.*
- *Hopper bus contribution - £52,500.*
- *NHS - £24,909.*
- *Epping Forest Air Quality – TBC, but expected to be £52,500."*

It is recognised the Applicant has moved a considerable distance from their original position, which was that of their last refused application. It is also recognised the offer of a contribution of £1,700,000 would achieve the equivalent of about 16% affordable housing, which is very close to the 18% equivalent the scheme is demonstrably capable of supporting. However, whilst the view from Officers is still that the proposed development can make an affordable housing contribution of

£2,329,874 and remain viable, in the current circumstances of disagreement between the two sides on this matter, officers consider that this upgraded offer by the Applicant results in a compromise position between the two parties (who have been unable to agree the viability appraisal for the scheme) and it is one that can be recommended as a way forward. Therefore, these negotiations have overcome the previous reason for refusal by an increase of £700,00 on the previous £1,000,000 sum.

### Special Area of Conservation

The Conservation of Habitats and Species Regulations 2017 has been enacted and the decision made in High Court in the case Wealden District Council vs Secretary of State for Communities and Local Government and Lewes District Council and South Downs National Park and Natural England (2017) EWHC (Admin) has been published. In light of this legislation and judgement Natural England now requires that the determination of planning applications in relation to Epping Forest Special Area of Conservation (SAC) and air quality in the District in general be more stringent. Appendix 2 herewith comprises a copy of the letter from Natural England to the Council which detail their interim advice prior to the publication of the updated Habitats Regulation Assessment

The publication of the Submission Version Local Plan in December 2017 now contains two policies which were not relevant at the time of the determination of the application, but in light of the amendments to legislation and the Court ruling are now considered to be a material consideration in all planning applications for new development. These are Policy DM2 and Policy DM22.

Policy DM2 requires:-

*All outline or detailed planning applications for new homes within the settlements of Loughton, Epping, Waltham Abbey, North Weald Bassett, Theydon Bois, Coopersale, Thornwood, Buckhurst Hill, Chigwell Row will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest SAC, in accordance with Visitor Survey Information which demonstrates this is needed.*

Policy DM22 requires

*Larger proposals, or those that have potential to produce air pollution, to undertake an air quality assessment that identifies the potential impact of the development, together with, where appropriate, contributions towards air quality monitoring. Assessments shall identify mitigation that will address any deterioration in air quality as a result of the development, having taken into account other permitted developments, and these measures shall be incorporated into the development proposals. This will include an assessment of emissions (including from traffic generation) and calculation of the cost of the development to the environment. All assessments for air quality shall be undertaken by competent persons.*

Unlike policy DM2, this policy applies to development of all types and all locations as they all have the potential to result in increased traffic generation which would put pressure on the roads through the Epping Forest.

The application site lies outside of the zone identified by Natural England as being likely to result in harm to the Epping Forest SAC as a result of increased leisure use. However, it is likely to generate an increase in traffic which would have an additional adverse impact on air quality in general. The Council is awaiting instruction from Natural England in collaboration with Conservators of Epping Forest as to what measures an applicant is required to take in order to address the impact on air quality. In the circumstances, notwithstanding the Applicant's offer to make a full contribution to whatever mitigation measures are eventually proposed, it would be premature to grant consent without further clarity on the detail of any mitigation strategy, unless an

appropriate legal agreement is in place to secure the relevant contributions.

Consequently, should Members wish to grant consent subject to a suitable planning obligation it would not be possible to complete that obligation and issue the consent until the Council adopts a detailed mitigation strategy to overcome the effect of the development on air quality in the SAC. On the other hand, should Members wish to refuse planning permission it would necessary to include a reason to the effect that, in the absence of an agreed mitigation strategy the application the Council cannot be satisfied that the development will not cause harm to the integrity of the SAC.

#### 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 site is within Flood Risk Zone 1, the lowest level of flood risk where development is directed. The Council's Land Drainage Team considers the proposal acceptable, supported by a good FRA. The matter of drainage was also considered by Thames Water, who raise no objection subject to conditions to protect their infrastructure. London Underground similarly considers their infrastructure can be adequately protected by suitable conditions.

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 at the application site, Countrycare advises the proposal is acceptable subject to an appropriate condition. Sustainability measures such as the provision of electric vehicle charging points and limitations on water usage can be addressed by way of standard conditions.

Matters raised by local residents are largely addressed above. Safety is a material planning consideration and as a managed development it is not considered the consequence for crime would be greater than any other residential development. It is therefore concluded there is no substance to the concern that the development would be likely to result in an increase in crime in the locality.

The consequence for amenity and safety as a result of construction works and associated vehicle movements is important to address. This can be done by way of suitable conditions restricting working hours and requiring a construction method statement to be approved prior to works and thereafter adhered to.

#### **Conclusion:**

The application seeks to overcome the Council's reasons for refusal of application EPF/3386/16 which proposed a near identical development with an increased contribution for offsite affordable housing. That application was refused on the basis of harm to the Green Belt and failure to make proper provision for affordable housing. A significant material change in circumstances since that application was refused is the allocation of the site for specialist housing in SVLP site allocation CHIG.R4, which seeks approximately 105 specialist housing units.

Since the SVLP is not the adopted Local Plan, notwithstanding the allocation of the site for specialist housing within the SVLP, the application site remains within the Green Belt. The outline proposal for an extension to Chigwell Cemetery is not inappropriate development in the Green Belt and, subject to appropriate conditions, would not cause a significant reduction in its openness.



The detailed proposal for an assisted living development is inappropriate development in the Green Belt and would cause significant harm to its openness. However, it is evident from the above analysis that the cumulative impact of material considerations in favour of the development would outweigh the harm that would be caused to the Green Belt. Those material considerations comprise of:

- The provision of land for the expansion of Chigwell Cemetery;
- The allocation of the site for specialist housing in the Submission Version of the Local Plan (site allocation CHIG.R4);
- The likelihood of site allocation CHIG.R4 being carried forward into the adopted plan;
- The fact that site allocation CHIG.R4 is the only allocation within the SVLP for specialist housing and consequently the primary way in which it is proposed to meet the need for such accommodation.

Those considerations are unique geographically given the Council only identifies this particular site to meet need for specialist housing within the District. The growing need for specialist housing is acknowledged in general and within the site allocation and it is unclear whether similar scale proposals for specialist housing could be delivered elsewhere as windfall developments. These considerations are also unique temporally since it is likely the land for the full application will be removed from the Green Belt in the short term with the consequence that the opportunity to secure an extension to Chigwell Cemetery through a further application is lost. For those reasons it is concluded those material considerations that outweigh the harm the development would cause to the Green Belt amount to very special circumstances.

The proposal is acceptable in all other respects except in respect of the provision it makes for affordable housing. Planning policy seeks an appropriate contribution towards affordable housing in lieu of the provision of 40% of the proposed dwellings as affordable housing, subject to the contribution being viable. Specialist advice to the Council is that the development could support a contribution of £2,533,122 and remain viable. That is at odds with the Applicant's position that the scheme cannot viably support any contribution and with the Applicant's without prejudice offer of a contribution of £1,700,000 towards affordable housing within the District.

As is explained in the main body of this report, both the Applicant and the Council's consultants have undertaken considerable work that has resulted in a shift in the Council's position and an offer from the Applicant that goes a significant way towards the providing the sum the Council maintains would be a viable contribution.

In the circumstances, it is recommended that planning permission be granted for the proposal subject to S106 agreements for Air Quality, Cemetery land, Hopper Bus and NHS contribution.

Furthermore, since there is presently no agreed strategy for mitigating the consequence of the development for air quality within the Epping Forest Special Area of Conservation (SAC), the Council cannot at this time be sure that the proposal would not cause harm to the integrity of the SAC. Therefore, should Members agree with Officers recommendation that planning permission should be granted a Section 106 agreement will be required.

Should Members agree with Officers recommendation and decide to grant planning permission it will be necessary to refer the application to the National Planning Casework Unit (NPCU) under the Town and Country Planning (Consultation) (England) (Direction) 2009 since the proposal is a departure from the Green Belt policies of the adopted Local Plan.

In the event of the NPCU deciding the decision should fall to the Council to make, then no planning permission could be issued until the Council was satisfied the proposal would not cause harm to the SAC. In practice, that would be after the adoption of a strategy for mitigating the

consequence of development in the District for air quality within the SAC. Work on that is on-going but it is not possible to say with any precision when that might be, but it would be subject of a Section 106 Agreement.

***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: Michael Johnson  
Direct Line Telephone Number: 01992 564018***

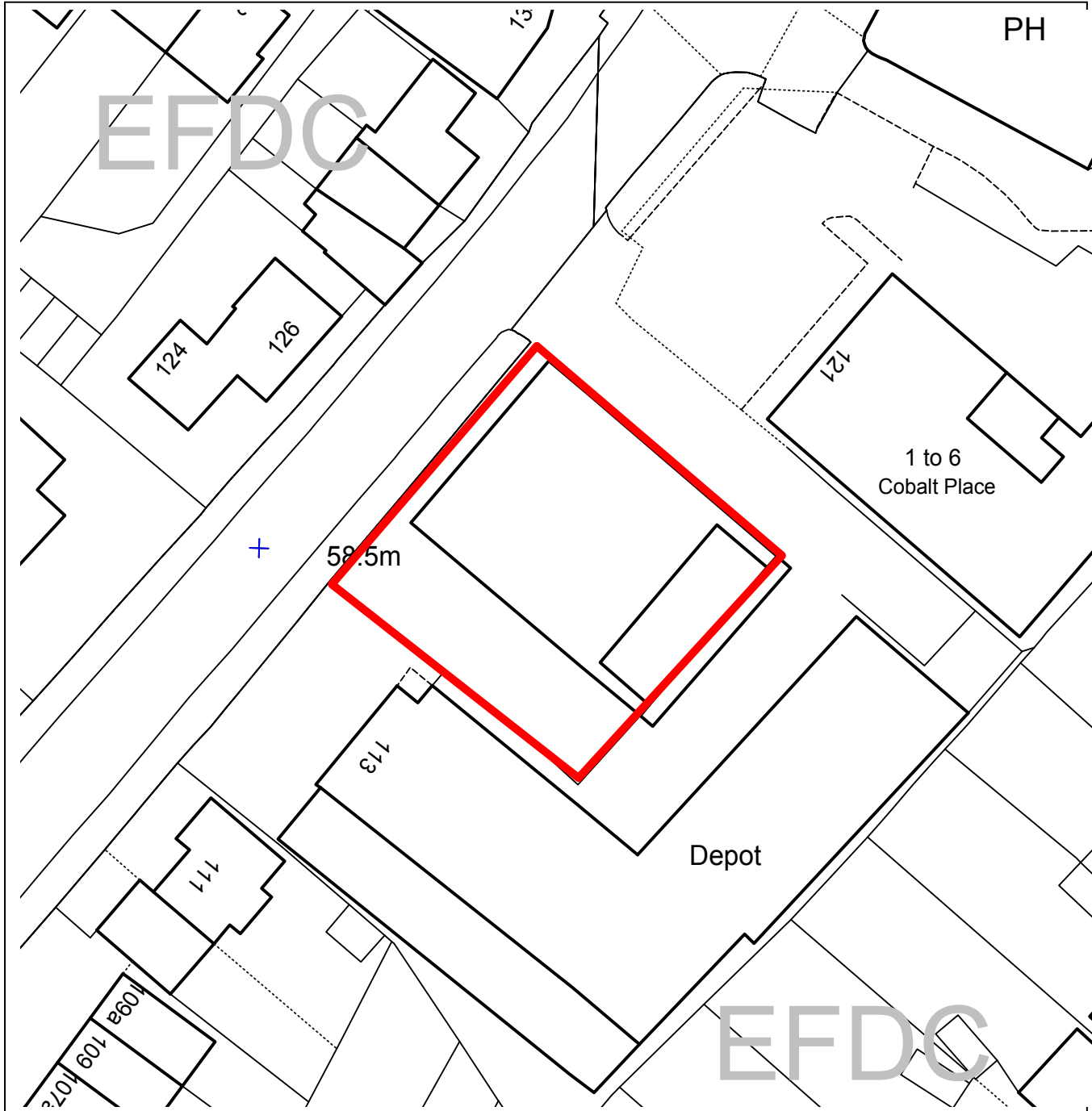
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# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/3413/18
Site Name:	Church Hill Service Station 117 Church Hill Loughton Essex IG10 1QR
Scale of Plot:	1/500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/3413/18
<b>SITE ADDRESS:</b>	Church Hill Service Station 117 Church Hill Loughton Essex IG10 1QR
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	R Ainsworth
<b>DESCRIPTION OF PROPOSAL:</b>	Application for variation of Condition 2 "hours of operation" for EPF 0949/89. (Automatic car wash). Change in Sunday operating hours from 10am to 2pm to 10am to 7pm
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=618798](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=618798)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of five years beginning with the date of this Notice (05/03/1990).
- 2 The development hereby permitted shall not be open to customers / members outside the hours of 8am to 7pm on Monday to Saturday and 10am to 7pm on Sundays.
- 3 The development shall be carried out in accordance with the amended plans received on 16 February 1990 (1970/89 B); Site Location Plan
- 4 Prior to commencement of the extended opening hours hereby approved, mitigation measures to the car wash to reduce the noise level to equal or below the prevailing background noise shall be agreed in writing with the local planning authority. The agreed mitigation measures should be used at all times when the car wash is in use.

The extended opening hours hereby permitted must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from car wash exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than half the number of people consulted have objected on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

**EPF/3413/18**  
**Church Hill Service Station, Loughton**

**Description of Site:**

The application site comprises of a petrol filling station with an associated machine operated car wash ancillary to the Petrol Filling Station. It is within a built-up area of Loughton. It is not within a Conservation area nor is it a Listed building. The application site is on the south eastern side of Church Hill. To the north east is Cobalt Place which is a three-storey building comprising of residential units with an A1 retail unit on the ground floor (Sainsbury's). Sainsbury's operates between 07.00 and 23.00. To the south west was former dairy site which has been demolished following outline planning permission granted under decision reference EPF/ 0862/17 for 10 flats. Land level rise steadily to the north east and fall to the south west of Church Hill. Local Bus Routes run along this street with services to nearby Debden and Walthamstow. Church Hill itself is an A road and is a main road artery leading to Debden and Loughton. It is busy during most times of the day but particularly during the morning and evening rush hour. This stretch of Church Hill street comprises of a variety of uses such as residential dwellings and flats, restaurants, takeaways as well as Shops, such as Home Base and Public Houses i.e. The Plume of Feathers. Its essentials act as a local centre but has no policy designation in the Local Plan (1998) and Submission Version of the Local Plan (2017). It is a busy and vibrant hub of activity with a lot of noise generated from traffic from vehicles in connection with the road and from people using the shops and other amenities as described above.

For confirmation and clarification, the entrance to the car wash is to the south west of the site (side of the former Dairy) and the exit is to the north east adjacent to Cobalt Place (Sainsbury's) side.

**Description of Proposal:**

Application to vary Condition 2 "hours of operation" for EPF/0949/89 (Automatic car wash)

A condition was attached to the grant of this historical planning permission. That was condition 2. *'The proposed car wash shall only be operated between the hours of 8am and 7pm on weekdays including Saturdays and 10am to 2pm on Sundays'*.

The applicant is seeking to vary the condition and for a new condition to be imposed which will allow the car wash to operate between 10am to 7pm on Sunday's i.e. an increase of five hours instead of the existing 10am to 2pm during Sundays.

**Relevant History:**

EPF/0949/89. Automatic car wash. Approved.

**Policies Applied:**

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

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

*Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity

*NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of 19<sup>th</sup> February 2019. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

*Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

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

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in Favour of Sustainable Development
DM9	High Quality Design
DM10	Housing Design and Quality

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

Number of neighbours Consulted: 9

Responses received:

### **6 COBALT PLACE, 121 CHURCH HILL OBJECT**

Our flat is next to the petrol station and carwash and we have 3 windows that open to the side of the petrol station and car wash. When the car wash is operational even with the windows firmly closed and locked we can hear the noise from the water and the washers, we hear the cleaning of every vehicle and to be honest would welcome further reduced hours not longer.

In summer especially when we need to keep our flat ventilated and have the windows open the noise is overwhelming. It drowns out our television and our conversations. In the summer of 2017 we made complaints to the council as the car wash was operating out of its restricted hours. It was not until this complaint was made did the service station adhere to their contracted obligations. Last summer we also welcomed a little baby into our lives and in order to protect his naps and sleep requested the car wash operate times be looked at. Sundays is our much-needed day of rest and family time. We do not want to listen to a car wash in operation all through the day. The 24 hours feature of the petrol station is already an issue and causes bad social behaviour, we fear any further extension to the current agreement would have a huge negative impact on our sanity, where we live and our lives.

Officer comment: The change of hours will not result in a 24-hour operation. A full amenity assessment is carried out in the main body of this report.

**3 COBALT PLACE, COMMENT-** Certain flats in Cobalt Place can hear this car wash at all times. They currently stop at 2pm on a Sunday. Continuing until 7pm is unacceptable re noise

**5 COBALT PLACE OBJECT -** I do not want this to happen as the garage itself it already creates a lot of noise 24/7 from its activities and really don't want to have to hear more noise from having the car wash running longer.

**2 COBALT PLACE STRONG OBJECTION –** The petrol station makes enough noise as does Sainsbury's deliveries as it is due to them delivering first thing in the morning.

Our flats are within direct proximity to the car wash of which makes a lot of noise and causes a disturbance so extending this on a Sunday is unfair.

The 24-hour alcohol license already causes anti social behaviour during all hours of the night on a weekend including fighting and shouting so to now extend this noise pollution on a Sunday day time is totally unacceptable.

**4 COBALT PLACE – STRONG OBJECTION -** As Residents of 4 Cobalt Place, Loughton IG10 1QR we sincerely hope these plans are rejected.

The carwash is located directly outside of second room and hallway window.

This creates a large amount of noise, and constant issues with cars being blocked in and beeping as the tyre pumping station is close to the exit.



If the hours on a Sunday are increased this will have a considerable effect on us being able to rest on a Sunday,

We like to keep the windows open especially in the summer months to allow a breeze, if this car wash runs till late on a Sunday this means this is not possible on our only day of rest due to the noise.

We work 6 days a week so would hope the council would reject these plans in order for us all in this block to have a peaceful Sunday.

It's already bad enough with the Sainsbury's car park constant issues and late-night issue in the petrol garage waking us up - We have called the police a number of times, but they don't attend for noise issues apparently.

Parish Council: NO OBJECTION

### **Main Issues and Considerations:**

The main issue to be considered with this application relates to neighbour living conditions.

#### Living Conditions of neighbours

The Council's Environmental Health Officers were consulted on the proposal and have assessed and reviewed a noise acoustic report that was later submitted as part of this application. They have no objections subject to conditions to be outlined in the Council's Decision Notice. Their comments and suggested conditions are outlined below

*'It is clear from the report provided by Enzygo Ltd on behalf of Rontec Watford Ltd that the noise level would exceed our requirements under BS4142:2014 as shown in table 4-6 and paragraph 5.11, however the report suggests mitigation in the form of a roller shutter on the exit of the car wash which will reduce the levels to comply with our standard requirements. However, I would want the installation of the shutter or other mitigation measures to be conditioned.*

*I would recommend the following conditions are applied to the application to ensure that the nearby residents are not unduly impacted by the operation of the car wash particularly on a Sunday.*

- 1. Mitigation measures to the car wash to reduce the noise level to equal or below the prevailing background noise shall be agreed in writing with the local planning authority before the hereby permitted use commences.*
- 2. The agreed mitigation measures should be used at all times when the car wash is in use.*

*The use hereby permitted must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from car wash exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014'*

The entrance to the car wash is to the south west near the Old Dairy Site, the exit is to the north east near Cobalt Place (Sainsbury's side).

The proposed mitigation measures would include a roller shutter which would be installed at the exit of the car wash i.e. near the flats at Cobalt Place.

The entrance of the car wash will be open to allow vehicles to enter during the operation of the car wash. The roller shutter at the exit (i.e. to the north east) will contain a large proportion of noise that occurs as a result of the operation of the car wash.

There is no roller shutter at the moment and as such the proposed shutter will result in a net reduction in noise throughout the operation of the car wash compared with the existing situation.

The proposed roller shutter would comprise of foam filled lathes which are very light and deliver good acoustic results. The installation of the shutters results in a noise reduction of 22db compared with the existing situation. Environmental Health Officers have no issues with the mitigation measures and reduced levels of noise that would occur as a result of the proposed shutters. As such, the proposal will have a net reduction in noise during ALL times and days the car wash is in operation compared with the existing situation. The proposal would safeguard the amenities enjoyed by inhabitants of Cobalt Place.

The applicant has confirmed that the above noise mitigation measures will be in place throughout the times and days the car wash is in operation and not just on a Sunday.

As mentioned earlier in this report, Church Hill is a main road within the town and is busy throughout the day in terms of road traffic. Buses run along this street, there are many local business and retail units along this street. The petrol filling station, the subject of this application, operates till late into the night and contains a 24 hour off licence. The car wash, which operates from 8am to 7pm Mon-Saturday and from 10am to 2pm during Sundays, is currently unrestricted in terms of noise mitigation. It is generally acknowledged that 7pm is not an anti-social operating time as it is not considered to be a time when most people are in doors and sleeping for example. Moreover, in the context of Sainsbury below the flats, and other retail units being able to trade during Sundays and public houses (of which there is one nearby 'The Plume of Feathers') being able to operate late into the evening, the proposed increase in car wash operating hours, with the mitigation proposed, is not considered to be particularly noisy or unneighbourly to justify refusal of planning approval

Notwithstanding, the council and the applicant appreciate the ambient noise level conditions in the area and agree that a reduction in the overall noise levels of the car wash operation is appropriate generally, but particularly in the context of the proposed extended hours. The proposal as a whole, which involves mitigation throughout the week, and with the mitigation proposed, will reduce the current noise levels and consequent impact on residential amenity compared with the existing situation.

### **Other Car Washes in the locality**

1. BP Petrol Station and Car Wash in Loughton Broadway (Debden). The car wash is operational 7 days a week, Monday to Sunday, 6am to 11pm. This includes the car wash, the on-site jet wash, public air line compressor and vacuum facilities.
2. The jet wash at Shell Petrol Station 24-36 High St, Epping CM16 4AE is operational during 7am to 11pm Sunday to Monday.
3. Hand-car wash at the David Lloyd Leisure Centre off Roding Lane Chigwell is operational 7 days a week, 8am to 6pm
4. Woolston Manor Hand car wash, at Woolston Manor, off Manor Road operates 7 days a week from 7am to 6.30pm
5. Jet car wash at BP Petrol Station at 4 Fyfield Rd, Wantz Roundabout, Chipping Ongar, operates on a 7-day basis and is operational 24 hours.

Car washes which operates on a similar basis are therefore not unusual in the District.

**Conclusion:**

Your Officer's have considered this proposal to be acceptable subject to the conditions required from the Council's Environmental Health Officers who have assessed the noise report submitted by the applicant's consultants. It is recommended that conditional planning permission is granted.

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

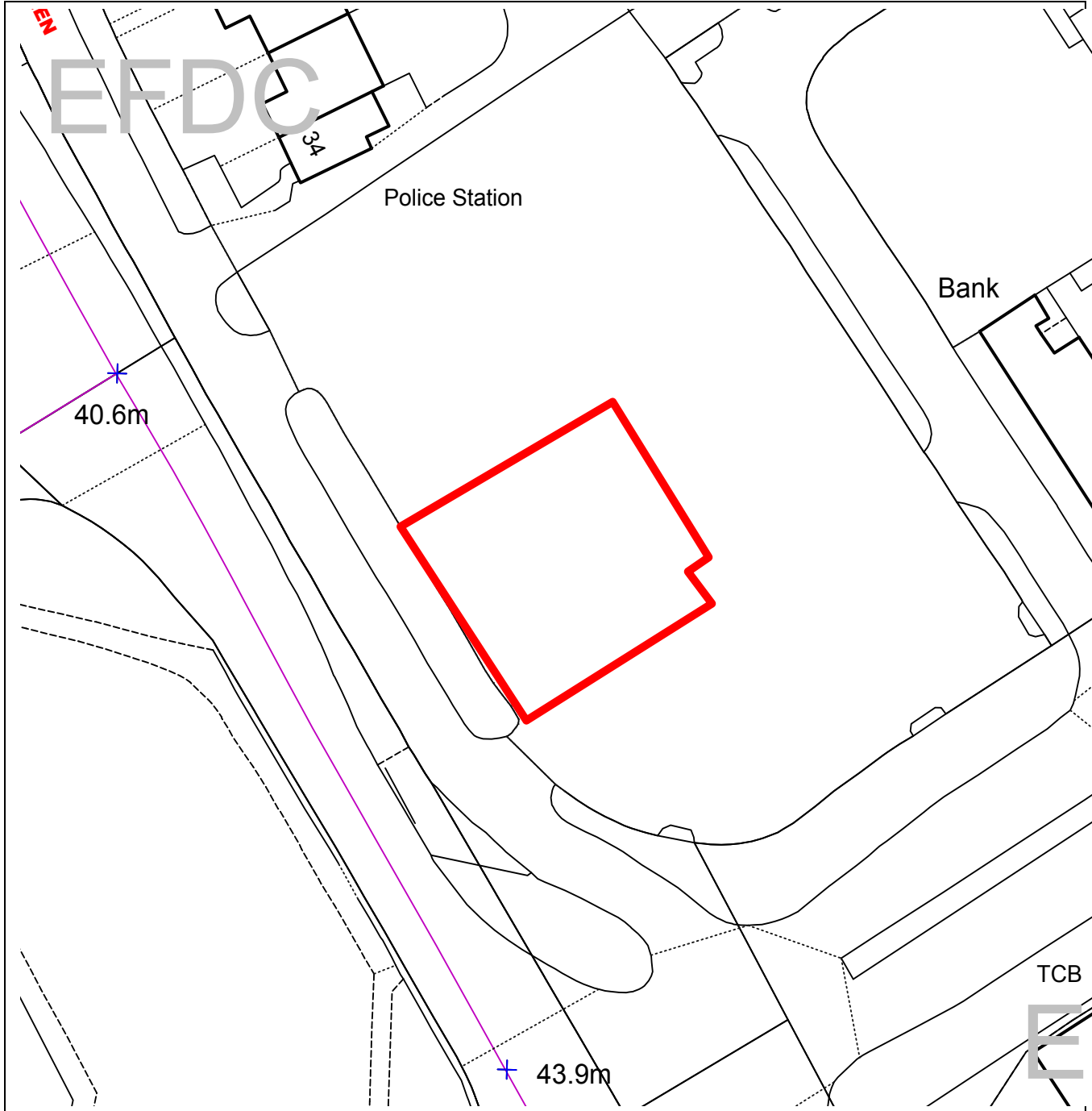
***Planning Application Case Officer: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564298***

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



# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/0119/19
Site Name:	1 Landmark House The Broadway Loughton Essex IG10 2FA
Scale of Plot:	1/500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0119/19
<b>SITE ADDRESS:</b>	1 Landmark House The Broadway Loughton Essex IG10 2FA
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Broadway
<b>APPLICANT:</b>	Mr Cem Yaman
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of x 2 no. air conditioning motors and x 3 no. cold room motors on rear wall placed at 30cm above floor level. *AMENDED PLANS RECEIVED, AIR CON UNITS REDUCED FROM 3 TO 2*
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=619453](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=619453)

**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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
Site location plan  
HAB-11-PL01 A  
HAB-11-PL02 A  
Technical details of condenser by Guntner dated 2018-11-01  
Technical details of Compact Round flow Cassette - Active  
Technical details of Optyma Slim Pack refrigerant sheet 1  
Technical details of Optyma Slim Pack refrigerant sheet 2
- 3 The use hereby permitted must cease during any period that the raring level of noise (as defined by BS4142:2014) emitted from the air conditioning units and registration units, installed pursuant to EPF/0119/19 exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.

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

### **Description of Site:**

This application relates to commercial units on the ground floor of Landmark House, Debden. The units have been given the address of 30 Barrington Green in relation to street numbering. The units have previously been known as units 2, 3 and 4 Landmark House.

Landmark House has an L-shaped footprint. A northern arm has commercial units numbered 1 to 5. A common entrance to the upper floor residential flats is positioned where the northern arm and an eastern arm conjoin. The eastern arm accommodates a commercial unit which was the subject of an application associated with the Co-op supermarket (EPF/2884/17). The northern arm faces onto Barrington Green and Rectory Lane, these roads running parallel where the proposal is sited. The eastern arm faces onto The Broadway.

The application relates to the mid part of the northern arm, the rear elevation which faces east onto a car park and service yard. There are residential flats on upper storeys of Landmark House.

The commercial unit is within the defined Town Centre of Loughton Broadway on an inset map of the adopted Local Plan. The site is within the Small District Centre of Loughton Broadway as defined in the Submission Version of the Local Plan (Map 5.5 refers).

### **Description of Proposal:**

Erection of x 2 no. air conditioning motors and x 3 no. cold room motors on rear wall placed at 30cm above floor level. AMENDED DESCRIPTION

Note: The applicant has reduced the number of air conditioning motors from 3 to 2. Environmental Health Officers have been consulted and agree that 2 air conditioning units are sufficient. As such the total number of units would be 5 as opposed to the original 6 units that were proposed.

Members wanted clarity on whether 5 units were proposed or 6 and this has been clarified. **This planning application is relating to 5 units in total not 6.**

### **Relevant History:**

EPF/2163/13 - Demolition of Public House and garages and replacement with construction of a mixed-use development, comprising retail and food and drink units (within classes A1, A3 and A4) at ground floor level and 64 residential units at upper floor levels (first to sixth floors), together with 64 car parking spaces, service yard, access and car parking. – Granted subject to legal agreement 28/03/2014

Officer comment: The above planning decision relates to the original consent for Landmark House which was formerly occupied by The Winston Churchill public house. As part of this consent, planning permission was granted for the unit to operate in A3 use (restaurant/cafe).

EPF/1691/18 - Change of use of Units 2, 3 and 4 previously permitted to be used for purposes within Use Class A3 (restaurants and cafes) under planning permission EPF/2163/13 to use for a mix of purposes within Use Class A3 (restaurants and cafes) and Use Class A5 (hot food takeaways). Provision of outside seating area of 8 tables for 32 covers. Installation of extractor ventilation system connected to external acoustic aluminium weather louvres to the rear at ground floor level. – Refused 03/10/2018

EPF/2844/18 - Certificate of lawful use for existing A3 use - installation of extraction equipment to allow A3/A5 use to ground floor unit. – Lawful 29/11/2018

## **Policies Applied:**

### Epping Forest Local Plan (1998) and Alterations (2006):

CP2 – Protecting the quality of the rural and built environment  
DBE9 – Loss of amenity  
RP5A – Adverse Environmental Impacts

### The National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been adopted as national policy since 2012, most recently updated in February 2019. Paragraph 213 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.

### Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

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

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Presumption in Favour of Sustainable Development  
SP2 E. (i) and F (i) - Spatial Development Strategy 2011-2033  
DM21 A. and B. (i) and (v) - Local Environmental Impacts, Pollution and Land Contamination

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

Number of neighbours consulted: 73

Site notice posted: No, not required

Responses received:

1 LANDMARK HOUSE – Object, would be directly underneath our property, unwanted hot/cold air by our balcony, noise, smell, problems identified in previous petition applies, these types of installations can only be for a bar/pub with associated unruly/anti-social behaviour and late opening hours.

10 LANDMARK HOUSE – Object, could lead to the construction of a bar/pub, noise pollution would be made much worse, would affect residents sleeping in their own homes, diminish the view and entire look of the building, would appear unpleasant and be prominent from most angles, residents with balconies will no longer enjoy sitting and relaxing on them with the noise, smell and ugliness of the units, terror at the prospect of re-sale of apartments if to be set above a bar/pub, pleasant and quiet balconies is the main reason people have chosen to live in Landmark House.

27 LANDMARK HOUSE – Object, public nuisance, excessive noise, unpleasant odours, adverse impact to the external appearance of the property, a loss in market value which is difficult to quantify, searches conducted by our solicitors contained no notice of external additions to the property, flat occupied by a nurse working unsocial hours and therefore in need of sleeping during the day and at night after a long day shift, would be unable to open windows or sit on the balcony, no information regarding fire or other hazards, not clear why proposed.

37 LANDMARK HOUSE – Object, a pub below a residential building would be disruptive, music, chatter, shouting, smoking, outdoor drinking, incredibly damaging to the happiness we feel in our own home, a pub might encourage drug related activity in the area, I do not wish to start feeling less safe in the neighbourhood I live.

40 LANDMARK HOUSE – Object, a pub will cause lots of noise and trouble near our home.

41 LANDMARK HOUSE – Object, visual pollution, air pollution, noise pollution, potential smell associated, the building should have been originally designed for the intended use so that applications like this would not be needed.

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this application. Whilst appreciating that air conditioning is a requirement for public houses and restaurants, members felt architects would need to look at other solutions that did not affect the residents' enjoyment of their properties and quality of life in relation to noises and smells.

### **Main Issues and Considerations:**

The main issue with this application is whether the air conditioning motors and cold room motors, would cause noise disturbance to occupiers of residential flats to a degree that would be unreasonable.

### **Background**

As stated earlier in this report, planning approval has been granted for the unit to be used as an A3 use. (restaurant/café) A certificate of lawfulness has been granted subsequently for an A3/A5 mixed use with the A3 element being the predominant use and the A5 element (takeaway) being ancillary to the A3 element.

Note: To confirm there have been no planning appeal for this unit/application site.

### **Impact on living conditions of neighbours**

- The hours of operation for the restaurant which has planning approval are Monday to Sunday, 9am to 11pm.
- The alcohol licensing hours for the restaurant are 10am to 11pm. Monday to Saturday and 10am to 10.30pm on Sundays.



- 2 air conditioning units and 3 registration/cold room units are proposed as part of this planning application.
- The proposed units would sit below flats 1 and 2 Landmark House.
- The proposed air conditioning units would be operational Monday to Sunday 9am to 11pm and would only operate during business hours.
- Cold room units would run 24 hours. The cold room units do need to operate at all times for food safety reasons.
- **Environmental Health were consulted on the proposal and have provided the following comments:**

*'Following* some calculations, it has been established that the combined predicted noise levels would be **(for all the units operating at the same time)** 51dbBA at approximately 4m (for the closet flat above) and 39Dba for those who are the other side of the car park (approximately 17.5m away). This is for all 5 units working at the same time under "worse case scenarios".

Assuming a reduction of approximately 15dBA through any open windows, this would provide a predicted noise level of 36Da and 26 dBA within any affected brooms/this is 1dBA above the recommendation of British standard BS8233, which is negligible, for the closet potential bedrooms, and well within the guidance for the further bedrooms

To ensure that the units do not cause any problems in the future, Environmental Health has recommended the following condition to be applied to the application':

*The use hereby permitted must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from the air conditioning units and registration units, installed pursuant to EPF/0119/19 exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.*

*This is to safeguard neighbour living conditions in terms of reducing the noise impact of the proposed development.*

The conditions proposed by Environmental Health will safeguard the living conditions of the flats above the application premises. Indeed, the availability of air conditioning within the unit will facilitate and encourage the restaurant to operate with its doors shut, limiting the escape of normal noise associated with the use. That arrangement would be of some benefit to the living conditions of flats adjacent to the premises.

Planning permission has been granted for a mixed-use development - food and drink units at ground floor level and residential units at upper floor levels – by planning permission EPF/2163/13. It is acknowledged that the area is a busy local shopping area. Buses pass the site and commuters travelling to the underground station contribute to activity outside the site. It is understood that a number of business premises, in a more general vicinity, along The Broadway are open from 6am.

Members are advised an Inspector commented in a recent appeal decision for a nearby unit (APP/J1535/W/18/3203201) that Landmark House is sited at the busy junction of Rectory Lane and The Broadway. The Inspector described the prevailing character of the vicinity as a bustling local centre. The site is in a commercial centre as shown in the Submission Version of the Local Plan.

**Impact of the proposed units on the design and appearance of the application site and immediate locality.**

The condenser motors would have very limited visual impact. They would be set on a rear wall, a wall onto a car parking area and service yard. The five motors would be arranged neatly in line. The top surface of each motor housing would be some 0.8m above ground level of the service yard.

**Conclusion:**

The proposal is modest, located at low level and is appropriately mitigated in terms of noise generation. Planning conditions would ensure that the level of agreed operation is maintained. As such, the proposal is recommended for approval subject to a condition regarding noise as recommended by Environmental Health.

***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: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298***

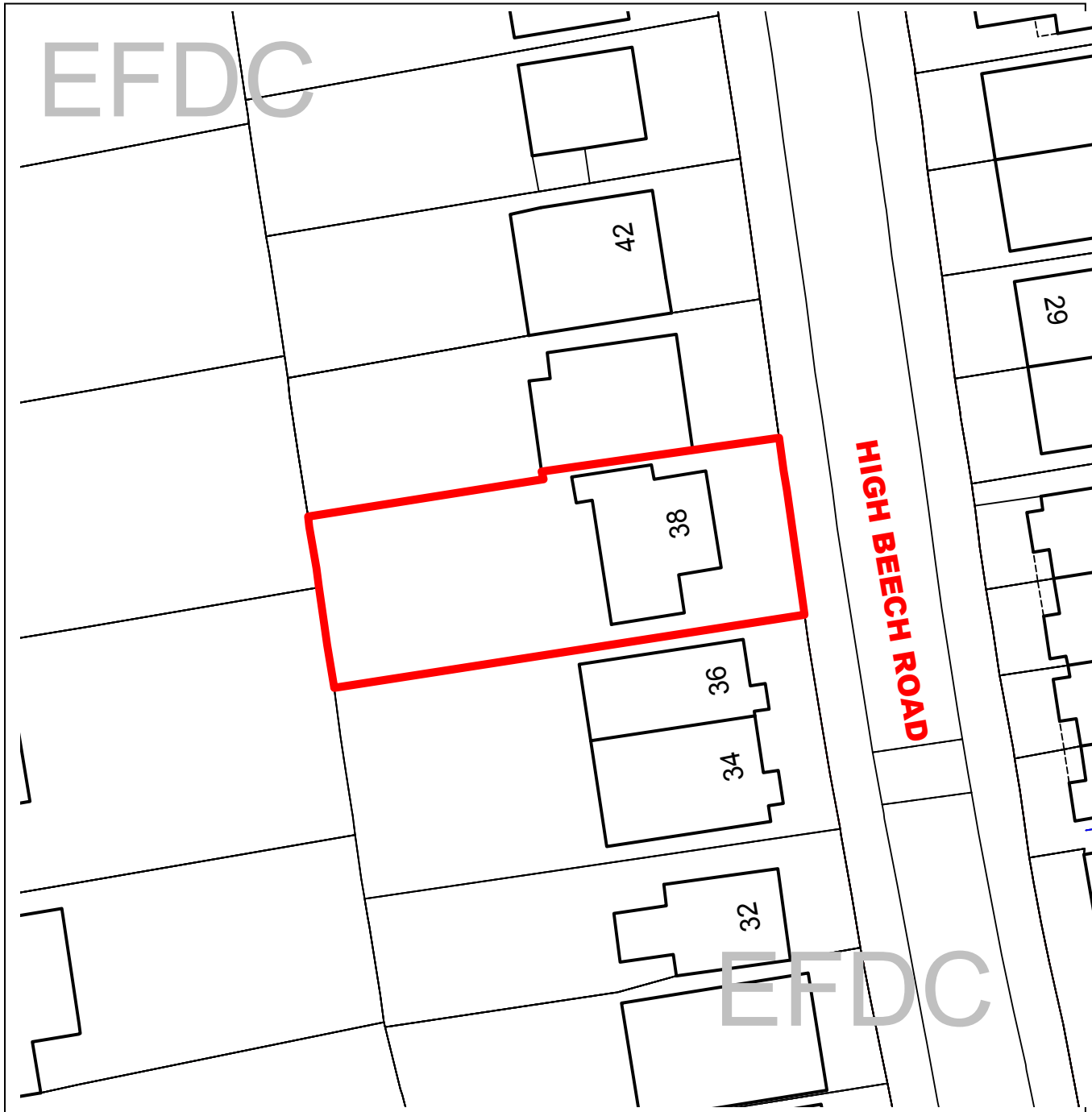
***or if no direct contact can be made please email: [contactplanning@eppingforestdc](mailto:contactplanning@eppingforestdc).***

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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0250/19
Site Name:	38 High Beech Road, Loughton, Essex, IG10 4BL
Scale of Plot:	1/1250

**Report Item No:4**

<b>APPLICATION No:</b>	EPF/0250/19
<b>SITE ADDRESS:</b>	38 High Beech Road Loughton Essex IG10 4BL
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Stanoak
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of two new 4-bedroom dwellings in place of existing single 4-bedroom dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=620093](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=620093)

**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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FVX\_212 B, FVX\_221, FVX\_220, FVX\_203 A, FVX\_201 A, FVX\_202 A, FVX\_200, FVX\_001, Existing Plans, FVX\_100, FVX\_211 C, FVX\_204 B, FVX\_210 C, FVX\_213 C
- 3 No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 6 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 Class A, B and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. 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.
- 8 The turning area shown on the approved plans shall be provided prior to the first occupation of the site and retained thereafter free of obstruction to enable a vehicle to turn and leave in a forward gear.
- 9 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents.
- 10 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling shall be installed and retained thereafter for use by the occupants of the site.
- 11 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.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  7. Tree protection measures.
- 13 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be

planted within 3 months at the same place, 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.

- 14 No development shall commence until 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 have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 15 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 16 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council and objection from neighbours which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site comprises of a two-storey detached dwelling. It is not within a Conservation area nor is it a Listed building.

### **Description of Proposal:**

To replace 1 existing dwelling (detached) with 2 new dwellings (semi-detached).

This will involve demolition of existing house and erection of 2 dwellings. Previous planning approval EPF/2016/18 was relating to the alterations of the existing building into two dwellings.

### **Relevant History:**

1035838 High Beech Road Loughton Essex IG10 4BL Alteration of existing building into two 4-bedroom houses. FINAL DECISION 22-10-2018 Grant Permission (With Conditions) Subject to Legal Agreement

1035838 High Beech Road Loughton Essex IG10 4BL To replace 1 existing dwelling (detached) with 2 new dwellings (semi-detached). APPEAL DECIDED 06-03-2018 Refuse Permission

1035838 HIGH BEECH ROAD, LOUGHTON Side extension to provide garage, study and games room with the inclusion of a rear dormer. FINAL DECISION 29-02-2000 Grant Permission (With Conditions)

EPF/0369/00 Side extension to provide garage, study and games room with the inclusion of a rear dormer. Approved and implemented

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE1	Design of New Buildings
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since February 2019. 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.

#### *Epping Forest District Local Plan (Submission Version) 2017:*

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1	Sustainable Development
DM9	High Quality Design
DM10	Housing design and quality



## **Summary of Representations Received**

12 Neighbours consulted:

### 3 CONNAUGHT HILL OBJECTED

- Proposed dwelling would be too high
- Inadequate parking
- Plans for crown of the roof does not illustrate correct with the gable as illustrated on the plans. (This has been clarified and amended by the planning agent).
- Trees shown on the plans do not exist. They have been felled. (A landscaping/tree condition will be placed requiring planting of trees to the rear along the common boundary of with Connaught Hill).

### LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP

Object - It is clear from the drawing of the existing and proposed street elevations that the proposed building's bulk and height would be out of character with its surroundings. We are also concerned about the loss of trees on the site.

#### **If the District Council is minded to approve the application,**

However, if the District Council is minded to approve the application, we ask for conditions as follows:

- to provide suitable landscaping
- to restrict demolition and building work hours to the Council's usual standard hours
- to require wheel-washing equipment on-site.

29 HIGH BEECH ROAD - COMMENT - Much happier with the planned appearance of the proposed structure compared to the original large rectangular block proposal, I still feel that there is an attempt to cram too much onto this site to the detriment of the look and feel of this part of High Beech Road.

### 5 CONNAUGHT HILL OBJECT

1. The proposed development will be considerably higher (1.5m-2m) than the existing property. It will not be built into the slope of the hill and in our view will cause harm to the character and appearance of the locality. By reason of its bulk height and massing we feel it will be overbearing and out of keeping with the street scene and neighbouring properties (particularly in relation to those opposite).
2. The height of the proposed 3 storey buildings have a bulky and out of character flat roof which will stretch from one boundary to the other. It will dominate surrounding properties in High Beech Road and create considerable loss of privacy.
3. The Arboricultural Report specifies protection and retention of mature trees to the rear of the property in order to safeguard the environment and amenity of the site. Many of these mature trees were felled on 26th March 2019.

25 HIGH BEECH ROAD – OBJECT We are unhappy with the new proposal and the plans submitted. The proposal involves the demolition of the existing building and the erection of a higher and far more bulky structure resembling the first plans which were rejected by the Council on 5 June 2018. The only real difference being that now one house sits slightly higher than the other to reflect the typography of the road. This change does not alleviate the concerns we raised previously (again summarised below).

As we've stressed in our previous objections, due to the gradient of our road, our house (along with our neighbours on either side) sits much lower than the houses opposite. This proposed structure, due to its height, width and mass would overshadow our home entirely and impact the amount of sunlight reaching the front façade of our home. Furthermore, the proposal is to tightly squeeze two identical three-story homes into the current site, with one home oddly sitting higher than the other – in our view, this would be an eyesore on our street.

As stressed previously by ourselves and a number of neighbours, it is also the case that the new proposal is entirely out of keeping with the remainder of this street. We moved to High Beech Road as we were attracted to the distinctive homes and the charm that they bring to the immediate area. The proposed design is not in keeping with the other houses on this road, many of which are period properties and/or large family homes.

LOUGHTON TOWN COUNCIL - OBJECTED to this application on the grounds that:

- i) it was an overdevelopment of the site
- ii) the proposal was too bulky in its width, height and massing, and would be detrimental to the street scene;
- iii) the front dormer windows were out of character
- iv) there was insufficient parking for two 4-bedroom dwellings.

Should permission be granted, that a condition for soft landscaping at the front of the property be added in order to maintain the 'leafy' aspect of High Beech Road.

Officer comment: The condition will be imposed as well as a tree planting condition.

### **Main Issues and Considerations:**

The main issues with this application relate to design, impact on amenity, parking and trees and landscaping

#### Design

The proposed dwellings would have strong gabled roof form with a front gabled projection. They would be two storeys in height with accommodation in the roof slope. The dwellings would be traditional in design and appearance. They would respect the topography at the site and would be of varying heights to reflect land level changes. Whilst the proposal would have a gabled roof form, this would not appear unusual within the locality as there are a variety of roof forms can be witnessed from the general street scene.

The proposed dwellings would be symmetrical and proportionate in their design and features including glazing They would result in a more uniform appearance compared with the existing dwellinghouse and would appear balanced when viewed from different angles along the street scene.

Overall, the proposal represents high quality design and would complement the character of the locality which is primarily residential in nature. There are a variety of dwellings types in the locality and the proposal would not appear out of character when viewed from the general street scene.

#### Living Conditions

Due to the height, width and depth of the proposed dwellings, they would not result in excessive harm to neighbour amenity by way of loss of light, outlook or privacy. This is because the proposed dwellings would have the same building line as neighbouring dwellings and similar building heights. The impact of the proposed would be similar to the existing situation.

The proposal would not result in increase levels of overlooking compared with the existing glazing at the application dwelling.

#### Highways and Parking Matters

One parking spaces are to be provided for each dwelling. This complies with Essex Parking Standards as parking standards do allow for reduced parking in locations which are close to town centres with good transport links and amenities. The site is in close walking distance from Loughton Town centre which is served by Loughton London Underground Station and local bus routes. It is therefore within a sustainable location. The street is not classified, and any vehicle crossovers would not require planning permission from the district council but would require approval from the County Highway Authority.

#### Trees and landscaping

There are no TPO trees on site and a number of trees have been removed at the rear. A planning condition require soft landscaping at the front to protect the character of the locality will be imposed as a well as a tree planting condition for planting of mature trees along the adjacent to the common boundary with dwellings at Connaught Hill to protect their amenities in terms of perceived overlooking from the proposal.

#### Special Area of Conservation

The applicant has agreed to pay a financial contribution towards access management and monitoring of visitors to the Epping Forest in line with Policy DM22 of the Submission Version of the Local Plan (2017). This is to protect the integrity of the Forest for years to come. This financial contribution would achieved through a section 106 legal agreement and is required as the occupants of the net additional dwelling as with all new dwellings planned within 3km of the Forest could potentially result in increased visitors to the Forest. The impact of this is being dealt with by the Corporation of London through measures paid for by developers/applicants of new dwellinghouses granted approval within 3km of the Forest. 3km is chosen as this is where the most pressure on the Forest is i.e. within the built-up areas of the District. All new dwellings have had to pay a sum of £352.00 and this sum was agreed by the Cabinet of District Councillors at EFDC after a detailed report authored by the Planning Policy Team and others explained the rationale behind this particular figure.

As only two parking spaces are required for both dwellings, the air quality impact of the proposal is neutral as the traffic generation/transport movements resulting from the both dwellings would be akin to the amount that would be generated from the existing dwelling.

#### **Conclusion:**

The proposed dwellings would be of a size, design and scale that would complement the locality and the dwellings would safeguard the living conditions of neighbours. The proposal is accordingly recommended for approval subject to a legal agreement to secure a financial contribution towards access management and monitoring of visitors to the Epping Forest.

***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:***

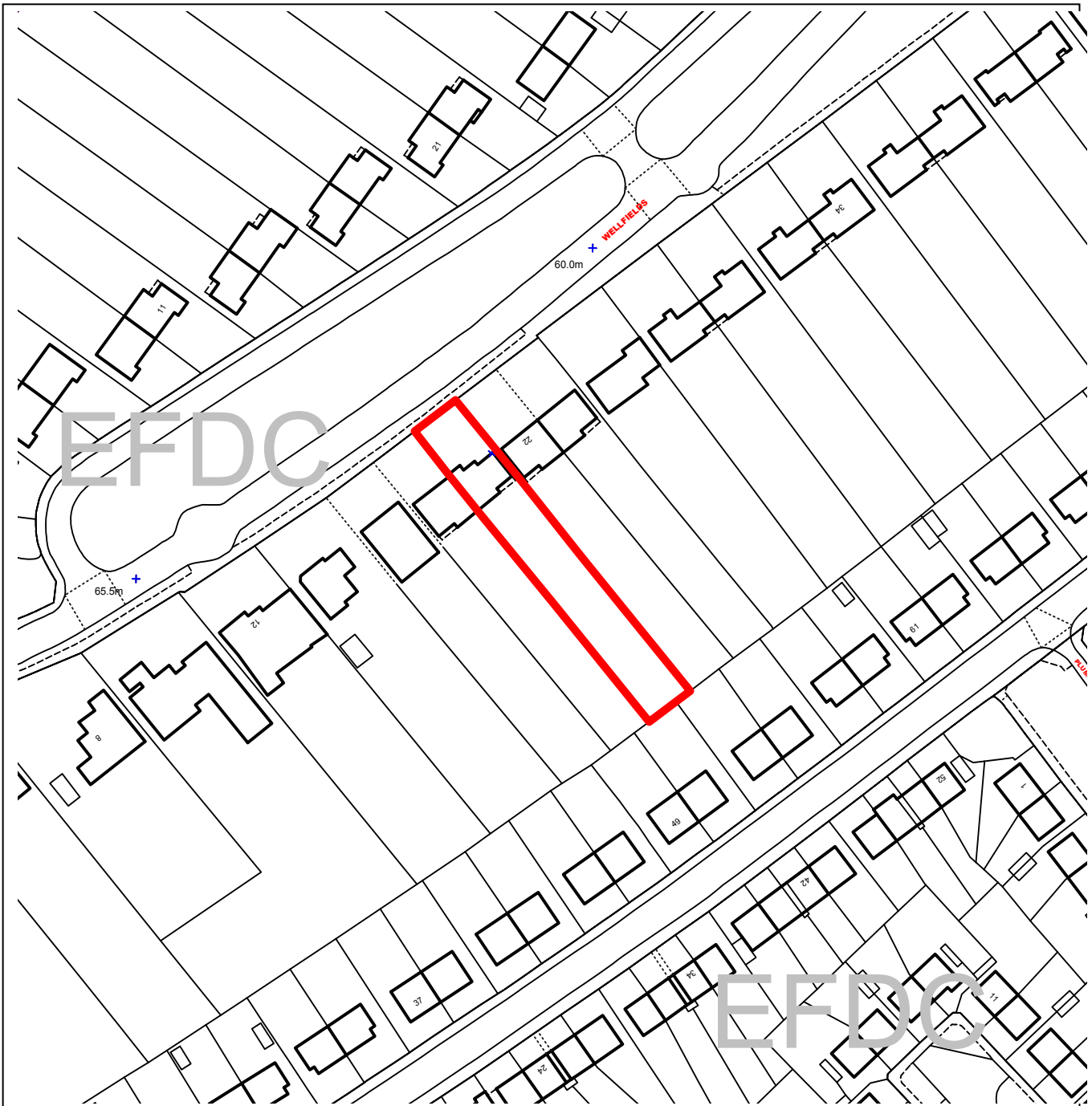
***Planning Application Case Officer: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298***

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



# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/0576/19
Site Name:	20 Wellfields, Loughton, Essex, IG10 1NX
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0576/19
<b>SITE ADDRESS:</b>	20 Wellfields Loughton Essex IG10 1NX
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>APPLICANT:</b>	Mrs Shahnilah Razaq
<b>DESCRIPTION OF PROPOSAL:</b>	Lantern rooflight to extension approved under EPF/0247/18, conversion of garage to habitable room, three dormer windows to front elevation and changes to fenestration.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=621334](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621334)

**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 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: SR1-5, SR-10 K, SR-31 K, SR-30 K, SR-20 K
- 3 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.
- 4 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.
- 5 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.

*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 and more than five objections have been received which are material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix 1.(3c)*

### **Description of Site:**

The application site comprises of a two-storey semi-detached dwelling. It is not within a Conservation Area nor is it a Listed Building. It is situated within the built-up area of Loughton St. Mary's. The site is to the south of the street. To the east is no. 24 Wellfields which is a two-storey semi-detached dwelling. To the west is no. 18 Wellfields which is the attached neighbouring dwelling. This is also a two-storey semi-detached dwellinghouse. The application site benefits from off street parking access. There are a number of visible alterations and extensions that have been implemented and approved along this street. The application site has a good-sized frontage with minimal landscaping. The application dwelling has a brick-built finish. This is common in this locality although some alternative external finishes can be witnessed.

Land levels rise to the west of the street and fall to the east. To the rear land levels are relatively flat and stable. Rear garden area of the site and adjoining sites are deep and generous in size. The rear garden area is south-eastern facing for the purposes of daylight/sunlight.

### **Description of Proposal:**

Lantern rooflight to extension approved under EPF/0247/18, conversion of garage to habitable room, three dormer windows to front elevation and changes to fenestration.

### **Relevant History:**

EPF/2664/18 Proposed alterations to provide 5 bed house with first floor extension, adding 3 new dormers and a change of use from garage to study (revised application to EPF/1717/18). Refused.

Refused for the following three reasons:

1. The proposed first floor rear extension would by reason of its excessive, height; width and depth appear excessively overbearing and cause excessive harm to the outlook of the inhabitants residing at no. 18 Wellfields when viewed from their rear habitable room windows and rear garden area. It would therefore fail to safeguard the living conditions of this adjoining neighbour and, accordingly, fail to comply with policy DBE9 of the adopted Local Plan (1998), policy DM 9 of the Submission Version of the Local Plan (2017) and the NPPF (2018).
2. The proposed first floor rear extension by reason of its excessive bulk would appear over-dominant and incongruous when viewed from the rear garden areas of the application site and those of no's 18 and 22 Wellfields. It would fail to complement the existing dwellinghouse and would not comply with policy DBE10 of the adopted Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).
3. The proposed middle front dormer window by reason of its insufficient set back from the eaves of the existing roof, would appear incongruous and dominant within the front roofslope of the application dwelling. It would fail to complement the existing house when viewed from the general street scene. Accordingly, it would fail to comply with policy DBE10 of the adopted Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).

EPF/1717/18 Part two storey, part single storey rear extension, new dormers to front and garage conversion. Refused

1. *The proposed two-storey rear extension would by reason of its excessive, height, width and depth appear excessively overbearing and cause excessive harm to the outlook of the*

*inhabitants residing at no. 18 Wellfields when viewed from their rear habitable room windows and rear garden area. It would therefore fail to safeguard the living conditions of this adjoining neighbour and, accordingly, fail to comply with policy DBE9 of the adopted Local Plan (1998), policy DM 9 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*

- 2. The proposed two-storey rear extension by reason of its excessive bulk would appear over-dominant and incongruous when viewed from the rear garden areas of the application site and those of no's 18 and 22 Wellfields. It would fail to complement the existing dwellinghouse and would not comply with policy DBE10 of the adopted Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*
- 3. The proposed middle front dormer window by reason of its insufficient set back from the eaves of the existing roof, would appear incongruous and insubordinate within the front roofslope of the application dwelling. It would fail to complement the existing house when viewed from the general street scene. Accordingly, it would fail to comply with policy DBE10 of the adopted Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*

EPF/0247/18 Prior approval application for a proposed 6m deep single storey rear extension, height to eaves 3m and maximum height of 3m      FINAL DECISION      29-01-2018      Prior Approval Not Required  
EPF/1184/05 Single storey extensions to front and rear.      FINAL DECISION      11-08-2005  
Grant Permission (With Conditions)

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2                      Protecting the quality of the rural and built environment  
DBE9                    Loss of Amenity

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of February 2019. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

#### Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

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

NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1 - Achieving sustainable development  
DM 9 – High quality design

### **Consultations and Summary of Representations Received**

Number of Neighbours consulted: 6  
Site Notice: Not required

#### **22 WELLFIELDS OBJECT –**

We are writing to object to an aspect of the planning application EPF/0576/19.

We have no concerns over the proposed development to the front of the property or the changes to the fenestration at the rear of the building.

However, we do object to the proposed lantern rooflight over the rear extension. The rear extension is a substantial addition to the existing building and is already higher than our own property so a further increase in its height is unnecessary and will be intrusive and over-powering and is unacceptable to us.

24 WELLFIELDS OBJECT- We are concerned about the lack of detail of the lantern- what height will it be and what material will it be? I am not aware of any similar structure in the road. The dormer windows at the front are out of keeping with the attached house. The different sizes of the windows are out of keeping.

Loss of light/overshadowing – the scale of the extension would substantially block the light that currently reaches the back of our property and the garden area.

Overlooking/loss of privacy – the double storey nature of the development would reduce the privacy of our property due to the neighbours being able to overlook our property in a way that they cannot do at present.

Scale – we raised no objection to our neighbours' previous planning application (EPF/0247/18) for a single storey rear extension but we considered a second proposal (EPF/1717/18) for a more substantial conversion to be too large and out of keeping with the neighbouring properties. Our concerns have not been alleviated by this revised application which is essentially the same proposal slightly differently packaged.

Structure – there has been some historical movement in the ground in Wellfields and we are concerned that the scale and weight of the extension proposed could create the conditions to cause this to happen unnecessarily in the future.



24 WELLFIELDS OBJECT - We live at number 24 Wellfields.

We note that the plans submitted here are false and misleading in at least two respects;

1) the block plan is wrong in not showing our house at no 24. Note no 26 shown has an enormous extension we do not and as mentioned previously the ordnance survey mapping used by yourselves is incorrect by showing a non-existent extension to no 24.

2) plans show existing front plan but does not show the existing garage.

Looking at the new plans we feel they are intrusive and not in keeping with existing neighbouring properties

18 WELLFIELDS- OBJECT

Application EPF/0576/19 is further to application EPF/0247/18, for which the Planning Officers ruled in March 2018 that prior approval was not required. That application was for a six-metre single-storey rear extension. We submitted comments on EPF/0247/18, but we did not object to it in principle, and building work for that extension is now in progress. Two more recent applications (EPF/1717/18 and EPF/2664/18) were refused permission by the planning officers after we and other neighbours objected to them (Loughton Town Council also objected to EPF/2664/18). These applications were for additional first- and second-floor rear extensions and were refused permission on the grounds that the proposed development by reason of its excessive bulk would appear excessively overbearing, over-dominant, and incongruous, causing excessive harm to the outlook from the house and gardens of Nos. 18 and 22. If similar applications were renewed, we would maintain our objections.

We have noticed inaccuracies in the drawings placed on the website to accompany the new application. The rear of our house is shown as having a second door where in fact it has a bay window. The front elevation shows the fence between the two front drives as running down the middle of the boundary line between the two properties. In fact, the fence (which is ours) runs on our side of the boundary, and we have asserted in writing our right in principle to move it so that it follows the centre of the boundary.

The new application EPF/0576/19 proposes to replace the large picture window on the front elevation of No. 20. We understand that numbers 16, 18, 20, 22, and 24 were built at the same time, and all have these picture windows as distinctive features. If one were replaced by a smaller window, it would disrupt the uniformity and harmony of the streetscape.

At the front of No. 20, it is proposed to add three new dormer windows. We note the planning officers' observation on application EPF/1717/18 that the then proposed middle front dormer window would appear incongruous and dominant within the front roofslope because of its insufficient setback from the eaves of the existing dwelling. In the new plans the proposed middle dormer window is again set further forward than are those located to each side of it. Presumably the same objection would therefore still apply.

Application EPF/0576/19 proposes to add a large four-meter long by two-meter wide lantern rooflight on the roof of the new single-storey rear extension. A slot in the roof of the new rear extension that is currently under construction has already been prepared for this lantern, and when viewed from our upstairs windows it seems enormous in relation to the rest of the roof. The lantern was not mentioned in EPF/0247/18, but first appeared in one of the rejected applications, EPF/1717/18, at which time we objected to it. We maintain that objection. The rear extension is already a considerable height at three metres, and to surmount it with a lantern would significantly increase the obtrusiveness of the new extension when viewed from our house and our garden. At night the lantern would be illuminated and become still more visible, even from far away. The plans do not specify the proposed height (as opposed to the length and width) of the lantern, though we assume it would be at least one meter. We lack information about the height and the appearance of the lantern (for example, whether the glass would be coloured), and when viewing from our

upstairs windows it is difficult to tell exactly where it would be positioned (in particular, how close it would be to the rear wall of the first floor). Further, we do not see why the lantern is needed. The rear wall of the proposed extension faces south-east and receives light for most of the day, and nearly all of it would be glazed. Rather than a lantern, a velux window or a flat glazed panel lying flush with the roof should be sufficient.

In our comments on the first application EPF/0247/18 we requested that the side wall of the new rear extension should be sufficiently distant from our boundary fence for a workman to be able to pass between them in order to carry out maintenance and repairs. Despite the assurances given by No 20's architect prior to the commencement of building work, this has not been done, and the wall is only thirteen inches from the fence. Furthermore, it has been finished with a very rough layer of plaster that does not fully cover the breeze blocks. At present the wall finish remains extremely unsightly and is directly visible from our conservatory. We would add that in the new application EPF/0576/19 we have noticed a '3-metre timber barrier' that is shown in red adjoining our fence at the rear on the ground floor (drawing SR-20K). We are not sure what this barrier is, its purpose, or its exact dimensions, but we would hope it will not remain in situ after building work is completed, and that the extension wall facing our house will be rendered to a satisfactory standard of finish.

It is also proposed in EPF/0576/19 to convert the front garage of No. 20 into an additional ground-floor room. We do not object to this in principle, although we would point out again that the front fence (which is ours) runs on our side of the boundary, and we have asserted in writing our right in principle to move it so that it follows the centre of the boundary.

We expressed our concerns at the 1 April meeting of the Loughton Town Council Planning and Licensing Committee, which agreed to object to application EPF/0576/19. Our neighbours in Nos. 22 and 24 Wellfields are also writing to express their concerns.

LOUGHTON TOWN COUNCIL – OBJECTED to this application on the grounds that the proposal was bulky and overbearing at the upper floor levels and there was concern for overlooking of neighbours at the first floor.

### **Main Issues and Considerations:**

The main issues with this application relate to design and impact on living conditions of neighbours

#### Design

*Lantern rooflight to extension approved under EPF/0247/18.*

*A six-metre-deep mono pitched roof single-storey rear extension has been approved under the Government's Larger Home Extension Scheme. The applicant has an extant permission for this extension which has not been implemented.*

The applicant is now proposed a flat roof 6m deep rear extension rather than a mono pitched roof one approved under the above decision reference. The height of the proposal would be 3m excluding the height of the roof lantern. The roof lantern will not be full width and will be set off from the flank elevations of the extension and will have a height of 0.5m. The roof lantern will sit comfortably and subserviently on top of the roof of the proposed extension. It is clear from aerial imagery of Wellfields that roof lanterns are not commonplace/prevalent in the locality. However, conservatory extensions with pitched/lantern style roofs which are akin in appearance to roof lanterns (more visually obtrusive in some cases due to their larger size and scale) have been implemented and approved along Wellfields and nearby Church Lane. Moreover, no. 18 has a conservatory extension which has a roof not dissimilar to a roof lantern. As the roof lantern is at single storey level and has a low height it would appear subordinate the existing house and not appear over-dominant when viewed from the rear garden area of the application site. It would not be visible from the general street scene and would therefore not cause adverse harm to the character and appearance of the dwelling and wider locality.

The proposed extension itself will be a full-width single storey rear extension that would appear proportionate to the size of the application dwelling and the rear garden area which is substantial in depth. Bi-folding doors will be introduced into the proposed extension and these appear symmetrical and proportionate in their profile and such entities are not unusual for rear extensions in the locality. They are becoming more and more common in the wider District.

#### Changes to existing rear dormer fenestration

The proposed glazing of the rear dormer window would result in the dormer profile having a predominantly glazed appearance/ the glazing will appear proportionate and symmetrical in its design, siting and profile and would match the glazing of the ormer window at no 18.

#### *Front dormer windows*

The principle of front dormer windows is well-established along this stretch of Wellfields as both no. 22 and 18 have benefitted from front dormer proposals. Moreover, four front dormer pitched roof dormers have been implemented and approved at no. 26 Wellfields. This was under decision reference EPF/1422/05. The proposed dormer windows to the front of the application dwelling would be modest in size. They would have a dual pitch roof which would be traditional in design. The proposed front dormer windows would be sufficiently set back from the eaves of the roofslope. The dormer windows proposed would appear symmetrical in design and would not appear visually incongruous when viewed from various angles of the general street scene.

#### *Garage Conversion*

The proposed garage conversion is not a type of development which is not unusual within the immediate locality and in the wider area of Loughton. It would complement the design of the existing house and would be modest in size and form.

#### Living Conditions of neighbours

##### *Proposed garage conversion*

The proposed garage conversion by reason of its nature and size would not be readily visible from neighbouring habitable room windows and would not result in excessive harm to neighbour amenity by way of loss of light, outlook or privacy.

##### *Proposed front dormer windows*

The proposed front dormer windows would not result in increased levels of overlooking to dwellings opposite on Wellfields compared with the existing situation. There is a significant degree of separation from dwellings opposite this main road result in no material increase in overlooking. The siting of the proposal in relation to adjoining dwellings would mean the proposal would not cause harm to neighbour amenity.

##### *Changes to fenestration of rear dormers*

The proposed changes to the glazing of the existing rear dormers would not result in significant increases in the levels of overlooking compared with the existing glazing/situation.

##### *Lantern rooflight to extension approved under EPF/0247/18*

The proposed lantern would be 500mm in height and will be 2.4m set off from common boundary with no. 18 and 3.1m from common boundary with no. 22 Wellfields. The overall height of the

extension would be 3.5m when including the lantern. The proposed extension will be built up to the common boundary with 18 and there will be 1.1m spacing from the flank elevation of the proposed extension and common boundary with no. 22 Wellfields. There is 1.8m timber boarded fencing along the common boundary with no. 22 and with no 18 Wellfields. The proposed extension would be 1.2m higher than this boundary treatment including the height of the proposed lantern and 1.7m higher inclusive of the proposed lantern. This is not considered excessive given the proposed roof lantern is not full width and given the similar land levels with no. 18. Moreover, whilst no 22 is situated on land which is 800mm below that of the application site, given the 2.2m spacing from the proposal and the flank elevation of this dwelling, the proposed height of the extension would not result in an overbearing impact on the amenities enjoyed by the inhabitants of this adjoining dwellinghouse when viewed from their rear garden area and rear habitable room glazing.

The proposed extension would match the rear building line at no. 18 which has a flat roof extension and a rear conservatory beyond this flat roof entity. The proposed extension would extend 1m beyond the rear building line of no. 22. The rear garden areas are south-east facing and would be afforded a significant amount of sunlight and daylight during most of a day notwithstanding the proposed development. Moreover, the 2.2m spacing mentioned above limits the amenity impact of the proposal on the outlook afforded to the owner/occupiers of no. 22 Wellfields. Overall, the proposed extension by reason of its height, width and depth would not result in a severe sense of enclosure, or cause a significant loss of light, outlook or loss of privacy to the inhabitants of no's 18 and 22 Wellfields when viewed from their rear garden areas and habitable room windows. The proposed extension is significantly set away from the rear garden areas and ground floor rear glazing of dwellings situated to the rear along Whitehills Road. As such, the proposal would not result in a significant loss of amenity for the inhabitants of these dwellings.

It is important for members to note that the fall-back option is for the applicant to implement the extant approval under decision reference EPF/0247/18. As mentioned earlier, this was consent for a 6m deep, mono-pitched roof designed single storey rear extension with associated rooflights. The difference with this application is that it will have a flat roof and have a roof lantern.

#### Other Matters

Due to the distance of the proposal in relation to no. 24 Wellfields (not an adjoining neighbour), it would not cause harm to this neighbour's amenity by way of loss of light, outlook or privacy.

Noise nuisance and disturbance is regulated by the Environmental Health Unit and is not a material consideration as part of this planning application. The proposal would remain a single-family house and the extensions proposed would not result in a significant intensification of the application site to warrant of planning permission.

Significant space within the frontage will remain for more than two vehicles (exceeding Essex Parking Standards). Proposal would not result in increased parking stress in the locality due to its nature and size.

Foundation and party wall related matters are covered by civil legislation under the Part Wall Act and are not a material planning consideration.

#### Conclusion:

The proposed development would for reasons outlined above complement the design of the existing house and it safeguard the living conditions of the owner/occupiers of 18 and 22 Wellfields. It would comply with relevant local planning policies DBE9, DBE10 of the Local Plan (1998), DM 9 and DM 10 of the Submission Version of the Local Plan (2017) which seek to ensure

development does not severely comprise the amenities of neighbouring residents and is of a high-quality design that complements the character and appearance of existing buildings and wider locality in which the development is situated in. The NPPF (2019) also requires Local Planning Authorities to assess amenity impact of development on neighbour living conditions and to seek development which is of a high-quality design. The development is accordingly recommended for approval subject to suitably worded conditions regarding the following:

1. Three-year standard condition for commencement of works
2. Development to be implemented strictly in accordance with approved plan numbers in the interest of proper planning.
3. Materials to match existing – to safeguard the character and appearance of the existing dwelling and locality
4. Hours of construction condition – to ensure development is strictly carried out in line with standard hours of construction to protect neighbour amenity from excessive noise nuisance
5. Wheel-washing condition – to ensure there are wheel washing facilities in place to avoid dirt from construction vehicles from damaging the appearance and general state of the public footway and public carriageway at Wellfields.

***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: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298***

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