



PLANNING COMMITTEE MINUTES

Date: Thursday 12 October 2023

Time: 6:30pm

Place of meeting: Chigwell Council Parish Offices, Hainault Road, Chigwell, IG7 6QZ

Members present:

Cllr Celina Jefcoate(Chair)
Cllr Rashni Chahal Holden
Cllr Rochelle Hodds
Cllr Faiza Rivzi#

Cllr. Elliot Costa (Vice Chair)
Cllr Syed Raza
Cllr Lisa Skingsley Morgan
Cllr Renu Phull

Public present:

17#

Members of the Public and Councillors were asked to note that in accordance with Standing Orders 3 (i) and the Local Government Transparency Code 2015, photographing, recording, broadcasting, transmitting or otherwise reporting the proceeding of a meeting may take place.

Members were asked to **NOTE** that if a planning issue is for discussion at both Parish and District level and Councillors sit on both authorities it should be made clear that the Councillor/s will reconsider the matter at District level, taking into account all relevant evidence and representations at the District level.

Councillors were asked to note that in the exercise of their functions, they must take note of the following: equal opportunities; crime and disorder; human rights; health and safety and biodiversity

PL195/23 APOLOGIES FOR ABSENCE

Apologies were received and accepted from Cllrs Gaffar and Akhtar. No other apologies were received or accepted

PL196/23 DECLARATIONS OF INTEREST

All Councillors declared an interest in items 17 and 18 on the grounds the applicant was a fellow Councillor. Cllr Jefcoate declared an interest in items 7 and 8 on the grounds residents had spoken to her about them in the past.

PL197/23 MINUTES

The minutes of 13, 20 and 28 September 2023 were **AGREED**.

PL198/23 PUBLIC PARTICIPATION

MOP spoke on various applications as detailed with each item

To **CONSIDER** the following applications, received for the weeks ending 22 September (responses due to EFDC by 16 October) and 29 September 2023 (responses due to EFDC by 9 October)

PL199/23 [EPF/1996/23](#) - 78, Hainault Road, Chigwell, IG7 5DH

Two storey front and rear extensions with part single storey rear extension, conversion of side internal access alley to increase internal floor space.

New roof with roof lights.

Chigwell Parish Council Comments:

No Comment

Cllr Rizvi joined the meeting

PL200/23 [EPF/1919/23](#) - Land to the South of Chigwell Rise, IG7 6BN

The CRA made objections and two further members of the public also spoke in objection

The Council **STRONGLY OBJECTS** to the application on the following grounds:

Inappropriate development on Green Belt - whilst the Council appreciates the hard standing has been reduced it considers the car parking to be inappropriate development on Green Belt contrary to policy

The Council does not consider that any special circumstances have been put forward to merit this development on Green Belt

The Council has concerns regarding Flood Risk - the applicant's Flood Risk assessment identifies the land as being in Flood Zone 1 and notes the impermeability of the clay topsoil and the propensity for water logging

The Council does not regard the Flood Risk assessment as viable as it refers to the previously refused design. It is not clear how the mitigation required will be achieved by the revised proposal. The Flood Risk assessment does not address where water that during periods of rain will fill any graves between digging and use will be pumped to.

The Council has concerns how the grassland can be properly maintained in the presence of gravestones set in the ground which would be very susceptible to damage.

The Council has concerns regarding accessibility to gravestones by all visitors including those with restricted mobility, along mown grass paths and the fact there are no facilities for visitors. Furthermore there are no facilities for workers such as gravediggers to wash during or after

completing tasks and no storage for maintenance and safety equipment (e.g. JCB for grave digging and back filling, shoring for grave safety, mowers, strimmers, first aid kits etc) or for spoil

The Council, as the long term operator of an existing cemetery has considerable concerns about the feasibility, practicality and viability of this proposal in terms of proper management. It therefore has the possibility to impact on the amenity of neighbouring properties

Should planning be granted for this, the Council would ask that a planning condition is that any cemetery in this location is required to meet the same operational, H&S and legislative requirements and standards for burials in as any local authority managed cemetery and further that burials without coffins are not permitted.

PL201/23 [EPF/2047/23](#) - 179, Wayback, Lambourne Road, Chigwell, IG7 6JU

The CRA made objections and a further member of the public also spoke in objection

Application for variation of condition 2 'Plan no's on [EPF/2607/21](#) allowed on appeal [APP/J1535/W/22/3299091](#) (Demolition of existing dwelling and erection of replacement dwelling and ancillary garden outbuilding)

Chigwell Parish Council comments:

The Council **STRONGLY OBJECTS** to the application on the following grounds:

The proposal will lead to an unacceptable reduction in the separation distance between the property and the adjacent property (8 Crosby Court) resulting in the significant risk of loss of amenity in terms of overbearing and loss of light of 8 Crosby Court.

PL202/23 [EPF/1390/23](#) - Brownings Farmhouse, Gravel Lane, Chigwell, IG7 6DQ

Proposed subdivision of site and use of existing outbuilding as a self-contained dwelling including installation of solar panels and associated access and parking

The CRA made objections on grounds of inappropriate development and over intensification of the Green Belt

Chigwell Parish Council comments:

The Council **OBJECTS** to the application on the following grounds:

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

The Council **OBJECTS** to applications which may result in inappropriate treatment of a listed building. The Council, therefore, **OBJECTS** to this application. If, however, all relevant Officers deem this application acceptable, whether with amendments or not, then the council is willing to waive this objection

The COuncil considered an additional Dwelling on Green Belt would lead to intensification and no special circumstances were demonstrated. It was noted that the application was unclear as to whether it was the construction of a new building or the conversion of an existing, given the demolition of a barn on site in 2015. The Sustainability Checklist was not completed.

The Council asked that if permission was granted that the uses of any additional dwelling should only be ancillary to the existing building and that all permitted development rights to both should be removed

PL203/23 [EPF/1951/23](#) - 38, Lechmere Avenue, Chigwell, IG7 5ET

Ground floor rear and front extension; Part first floor rear extension

The CRA made objections

Chigwell Parish Council comments:

The Council **OBJECTS** to the application on the following grounds:

The plans contain apparent inaccuracies

It is not possible to establish the proposal will not impact on the amenity of neighbouring properties due to overlooking and mass

PL204/23 [EPF/2075/23](#) - 30A, Manor Road, Chigwell, IG7 5PD

Proposed demolition of a detached single storey garage and the erection of a single storey side extension, single storey rear extension and basement conversion to the property. A hip-to-gable roof extension to the side of the property and the addition of a dormer window to the rear of the property.

The CRA spoke in objection to the application

Chigwell Parish Council comments:

The Council **OBJECTS** to the application on the following grounds:

The loss of a bungalow is contrary to Local Plan policy

The damage caused to protected trees is unacceptable. The Council noted that previously the protected tree area was over 7m but in the most recent tree report the diameter of the protected tree, previously reported as 610mm, was now 400mm, thus reducing the protected root area to the boundary of the construction area. The Council does not consider the existing arboricultural report adequately demonstrates the protected trees will be properly protected.

The Council **OBJECTS** to new development that may not adequately comply with Policy DM9 iii (sustainable design and construction), DM19 (sustainable water) and/or DM20 (the incorporation of low carbon and renewable energy measures) and/or fail to make sufficient contribution to meeting the EFDC objective of net zero by 2030 or 2050. The Council, therefore, **OBJECTS** to this application. If however the sustainability checklist is revised to show in excess of 60% of the 40 possible mitigation measures in the sustainability checklist fall into the amber or green selections

(Net Zero by 2050/20230) and fulfilling these is made a condition of planning being granted, then the council is willing to waive this objection

PL205/23 [EPF/1855/23](#) - 11, Hainault Road, Chigwell, IG7 6QU

Variation of condition 2 'plan numbers' of [EPF/2342/21](#) (Erection of three 3 bed terraced houses (Revised scheme to EPF/0652/20 with the addition of a basement).

The CRA made objections on grounds of overlooking

Chigwell Parish Council comments:

The Council **OBJECTS** to the application on the following grounds:

The additions of second storey roof terraces may impact in the amenity of neighbouring properties due to overlooking contrary to Policy DM9 of the Local Plan

PL206/23 [EPF/2083/23](#) - 42, Lechmere Avenue, Chigwell, IG7 5ET

Chigwell Parish Council comments:

No Objection

PL207/23 [EPF/2089/23](#) - 23, Millwell Crescent, Chigwell, IG7 5HX

Proposed amendments to rear patio

Chigwell Parish Council comments:

The Council **OBJECTS** to the application on the following grounds:

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

PL208/23 [EPF/2064/23](#) - 21, Stradbroke Drive, Chigwell, IG7 5QU

TPO/EPF/12/09

T1-T4: Oaks - Fell and replace, as specified.

The Council **OBJECTS** to applications which may result in inappropriate treatment or felling of a protected tree. The Council, therefore, **OBJECTS** to this application. If, however, all relevant Officers deem this application acceptable, whether with amendments or not, then the council is willing to waive this objection

PL209/23 [EPF/2120/23](#) - The Two Brewers PH, 57 Lambourne Road, Chigwell, IG7 6ET

TPO/EPF/02/92

T1-T6: 6 x Hornbeam - Crown reduce to approx 1m above previous pruning points, as specified.

T9: Hornbeam - Crown lift to 4m above ground level, as specified.

The Council **OBJECTS** to applications which may result in inappropriate treatment or felling of a protected tree. The Council, therefore, **OBJECTS** to this application. If, however, all relevant Officers deem this application acceptable, whether with amendments or not, then the council is willing to waive this objection

To **NOTE** and **COMMENT** if appropriate, the following Lawful Development Applications - Proposed (prospective applications where works have not yet been carried out). If a property owner wants to be certain that the existing or proposed use or development of a building is lawful for planning purposes or that their proposal does not require planning permission, they can apply for a 'Lawful Development Certificate' (LDC)

PL210/23 [EPF/2059/23](#) - 4, Chigwell Park Drive, Chigwell, IG7 5BD

Certificate of lawful development for change of roof profile for loft conversion.

To Note: [EPF/1927/23](#), Certificate of lawful development for a proposed single storey side extension currently under consultation

Chigwell Parish Council response:

No Comment

To **NOTE** and **COMMENT** if appropriate, the following Approval of Details Reserved by A Condition. This type of application is needed where a condition in a planning permission or a listed building consent requires details of a specified aspect of the development which wasn't fully described in the original application. These details need to be submitted for approval before the development can begin

PL211/23 [EPF/2080/23](#) - Former MOD Site, Roding lane, Chigwell

Application for approval of details reserved by condition 3 'Programme of archaeological trail trenching and excavation' on planning permission EPF/0635/20 (Demolition of all buildings & erection of one single storey house, parking and provision of garden space)

Chigwell Parish Council response:

No Comment

PL212/23 [EPF/2141/23](#) - Former MOD Site, Roding lane, Chigwell

Approval of Details Reserved by Condition 6 'Contamination' of EPF/0635/20 - (Demolition of all buildings & erection of one single storey house, parking and provision of garden space).

Chigwell Parish Council response:

No Comment

To **NOTE** and **COMMENT** if appropriate, the following Prior Approval applications. Prior approval is a formal submission to the local planning authority and the purpose of it is to seek confirmation that specified parts of a development are acceptable, before work can commence

PL213/23 [EPF/2066/23](#) - 4 Chigwell Park Drive, Chigwell, IG7 5BD

Prior approval for the enlargement to the dwelling by construction of an additional storey.

The CRA spoke in objection to the application

The Council **OBJECTS** to the application on the following grounds:

Class AA – enlargement of a dwellinghouse by construction of additional storeys states at (12)(b),

The local planning authority must, when determining an application have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application

The proposal fails to comply with the NPPF, as required by Class AA Permitted Development applications namely, the proposal is not well designed and beautiful and is not consistent with the height and form of neighbouring properties. The proposal would lead to the loss of a bungalow, thus reducing the range of homes in the area.

PL214/23 [EPF/2070/23](#) - 75 Tomswood Road, Chigwell, IG7 5QR

Prior approval for enlargement of existing dwelling by the addition of first floor to bungalow to create a two storey dwelling.

The CRA spoke in objection to the application

Chigwell Parish Council response:

The Council **OBJECTS** to the application on the following grounds:

Class AA – enlargement of a dwellinghouse by construction of additional storeys states at (12)(b),

The local planning authority must, when determining an application have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application

The proposal fails to comply with the NPPF, as required by Class AA Permitted Development applications namely, the proposal is not well designed and beautiful and is not consistent with the height and form of neighbouring properties. The proposal would lead to the loss of a bungalow, thus reducing the range of homes in the area.

PL215/23 [EPF/2110/23](#) - 35, Coolgardie Avenue, Chigwell, IG7 5AX

Prior approval for a single-storey rear extension to replace existing conservatory, 3.82m deep, height to eaves 3.50 and maximum height 3.50m.

Chigwell Parish Council response:

No Comment

To **CONSIDER** the position of this Council in light of the adoption of the Local Plan in regard to the following appeals yet to be decided. Although these applications may have been before a previous Council, this Council is not bound by the decisions of any previous Council. The Council's existing comments will be noted by the Inspectorate and this Council may wish to make additional comments on any appeal

PL216/23 APPEALS RECEIVED

None

PL217/23 ITEMS TO BE BROUGHT FORWARD TO THE NEXT MEETING OR ITEMS FOR DISCUSSION THAT DO NOT REQUIRE A DECISION TO BE MADE

The Chair reported on her attendance at Plan South where applications at Grange Farm, Chase Lane and Chigwell Rise were refused. Concerns were raised regarding applications being submitted and recommended for approval that failed to comply with the Local Plan. It was agreed this would be raised with the relevant officers and Councillors at District and County level by the Chair who would report back on any response

PL218/23 DATE OF THE NEXT MEETING

The scheduled date of the next meeting is Wednesday 25 October

The meeting closed at 7.41pm

APPENDIX 2

EFDC Householder & Other Minor Applications Check List

Application Details & Constraints					
Case Ref:	EPF/0302/23		PL No:	012750	
Site Address:	110, Luxborough Lane, Chigwell, IG7 5AA				
Proposal:	A two-storey side extension				
Green Belt	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	TPO (Veteran Trees)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Conservation Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Heritage Asset (Listed)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Flood Zone	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Enforcement	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Representations					
Town/Parish Council Comments, if any:					
Objection	<input type="checkbox"/>	No Objection	<input type="checkbox"/>	Comment	<input type="checkbox"/>
		None Received <input checked="" type="checkbox"/>			
Neighbour Responses, if any:					
Planning Considerations					
<p>Character and Appearance: It is claimed that an identical scheme was granted under EPF/1473/01, though there are no available plans on the Councils Record, other than the decision notice. In any case, the proposed works would not have a material impact to the wider locality, nor the street scene. It is of a simple design which complements the appearance of the existing building.</p>					
Acceptable	<input checked="" type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Neighbouring Amenities: Due to siting of proposal, no harm is envisaged on No. 108.					
Acceptable	<input checked="" type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input type="checkbox"/>
<p>Green Belt: The original un-extended house is 451.2m³ and with the proposed is 738.4m³. This represents a total increase of 287.2m³ which is a 63% increase in volume. On balance, within the wider context, the proposal is not a disproportionate addition over and above the size of the original dwelling and will have a limited impact to its openness.</p>					
Acceptable	<input checked="" type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Highway Safety/Parking:					
Acceptable	<input type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Trees and Landscaping:					
Acceptable	<input type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

EFDC Householder & Other Minor Applications Check List

Comments on Representations, if any:		
Additional Notes: Given the scale of works proposed, it would be necessary to remove any further PD rights for Classes A, AA, B & E.		
Council Drainage Officer has raised no objections to the scheme.		
Officer Recommendation:	Approve <input checked="" type="checkbox"/>	Refuse <input type="checkbox"/>

To: Marie-Claire Tovey, Development Management
From: Melinda Barham, Trees and Landscape
Date: 31st May 2023
Your ref:
Our ref: PL/MB/EPF/2242/22



Epping Forest District Council

Address – 30A, Manor Road, Chigwell

Proposal –Proposed demolition of a detached single storey garage and the erection of a single storey side extension, single storey rear extension and basement conversion to the property. A hip-to-gable roof extension to the side of the property and the addition of a dormer window to the rear of the property.

We OBJECT to this application on the grounds that it is contrary to -

Policy DM5 Epping Forest District Local Plan 2011-2033 (2023) – ‘Development proposals must be accompanied by sufficient evidence to demonstrate that the retention and protection of trees (including veteran trees)...’

Policy DM5 Epping Forest District Local Plan 2011-2033 (2023) – ‘Development proposals must demonstrate that they have been designed to Ai) retain and where possible enhance existing green infrastructureand (B) must be accompanied by sufficient evidence to demonstrate that Bii) the provision of new trees, new landscape and water features....’

Justification

Further information was provided by the applicants Arboricultural Consultant dated 11th April 2023, On receipt of this we provided the following comments to you –

“Thanks for forwarding the Arb Consultants comments. The Consultant has suggested that an air spaded trench is placed along the proposed frontage of the new development. This would establish the extent of the trees rooting systems. Clearly, such an investigation would need to be undertaken prior to the determination of the application, and under direct Arb Supervision. It would need to tie up with a Tree Officer’s availability to visit the site when this work is being undertaken.

I had also requested –

- *existing and proposed levels across the whole site, and*
- *existing and proposed site layouts showing parking proposals, hard and soft landscaping and proposed replacement landscaping.*

Are these available yet ? “

As yet, a date for the proposed air spading has not been provided. The levels and proposed site layout information also remains outstanding. Given the significant changes in level between the existing house and the existing garage / off road parking, and the proximity of TPO’d trees, this information is considered necessary to fully understand the proposal in its context and in relation to the rooting areas of the trees.

m e m o

APPENDIX 3



Existing house, showing levels differences between garage and current house. TPO'd sycamore (T1) on the raised ground. 'Area A' of anoted drawing below.

However since making these comments, a colleague visited the site last week and has advised that the boundary hedge has been removed and substantive concrete strip foundations have been installed in preparation for a new boundary –it is reasonable to assume that this will not be a replacement hedge.



New foundataions on boundary with Manor Road (T1 out of shot to the right)

m e m o



New foundations adjacent to G1 (corner of Manor Road and Turpins Lane)

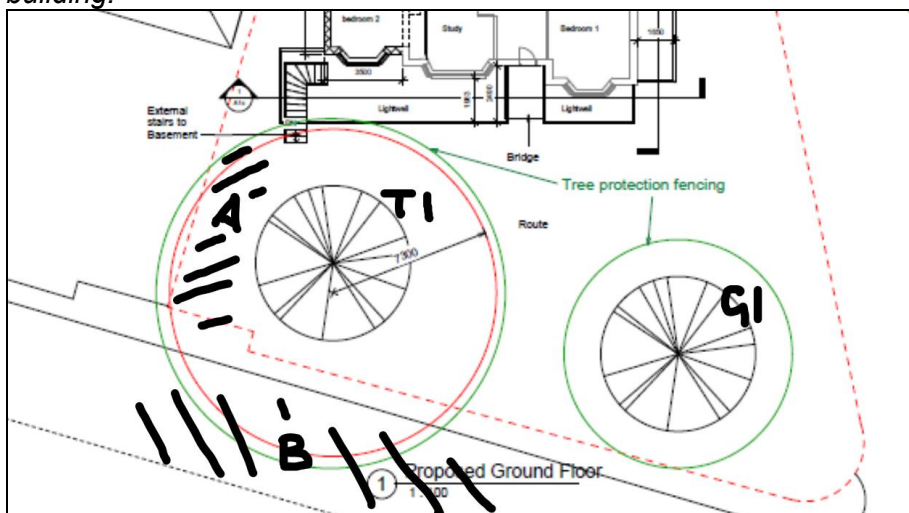
There is a Tree Preservation Order on 2 sycamore trees on the road frontage of Manor Road – T1 and one of the trees from G1. These are mature trees that have a significant presence within the street scene. Even more so now that the hedge has been removed.

The Arb report had suggested that the root protection area for one of these TPO'd trees (T1) could be offset towards the road for the following reasons -

“The proposed footprint of the basement extension does fall slightly within the Root Protection Area (RPA) of one of the trees on the site (T1), however the RPA has been offset to line up with the edge of the paved footpath adjacent to the property on the basis that there is unlikely to be rooting occurring underneath the footpath due to the lack of moisture, caused by the impermeable surface, that would create an unfavorable rooting environment. With this slight adjustment, there will be no excavation occurring within the RPA of T1. This report will detail the necessary precautions and procedures that will be implemented to ensure that the tree is not negatively impacted by the proposed construction.”

However, in our previous memo of 1st December 2022, we commented that –

“We do not agree to the off set of the RPA of T1 (TPO'd sycamore). The existing brick set pathway is unlikely to extend to a sufficient depth to have severed all the roots in this area. Additionally, the potential rooting area for the sycamore towards the roadside would have been compromised by the presence of the mature hedge, probably resulting in less sycamore roots in this area. Also, given the considerable change in levels within the RPA of the tree to the west, there is a higher probability that the roots will in fact spread closer to the existing building.”



Extract of Tree Protection Plan showing offset of rooting area for T1. Area 'A' is the driveway to garage at a lower level. Area 'B' is the road / pavement of Manor Road.

m e m o

APPENDIX 3

We take our guidance on off setting from section 4.6.2 – 4.6.3 of BS5837:2012

4.6.2 The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.

4.6.3 Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:

- a) the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus);
- b) topography and drainage;
- c) the soil type and structure;
- d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management.

We are not of the opinion that the proposed off setting has been based on a soundly based arboricultural assessment, but to fit the proposal. It has not appropriately considered the presence of the road, the (now removed hedge), nor the existing site topography ie where the existing driveway is at a lower level that the TPO'd trees.

The fact that a concrete strip foundation has now been installed along the boundary will have severed any roots in this direction, so there is no justification for the offsetting of the RPA as described by the Arb Consultant. Additionally, given that the basement is proposed within the symmetric calculated RPA, which would result in the permanent loss of rooting area, we object to the proposal as it has not be satisfactorily demonstrated that the proposal could be implemented without a detrimental impact on retained, TPO'd, trees on site.

We do not now consider that it appropriate to air spade as suggested by the Arb Consultant.

Melinda Barham BSc (Hons), Dip Arb L6 (ABC), FGS
Tree and Landscape Officer

m e m o



APPENDIX 4



xii EPF/2761/21 – 404 Fencepiece Road, Chigwell, IG7 5DS

Application for Demolition of existing dwelling and construction of 8 new apartments in 2 blocks with private access to road, amenity and off street car parking.

Applicant: Mr Richard Hart
Planning Officer: Sukhvinder Dhadwar

It was **NOTED** there was one member from the CRA speaking in objection to this item.

OBJECTION – the proposal fails to provide insufficient parking for the number of units and has thus failed to meet the required Essex Parking Standards. The approval of flatted developments sets an unwelcome precedent in the area. The Council considers the density of the proposal will result in an over intensification of the site and is concerned about the lack of amenity space. The proposal does not demonstrate that it will enable EFDC to achieve its policy target of net zero carbon by either 2030 or 2050.

APPENDIX 5

Delegated Report 404 Fencepiece Road, Chigwell EPF/2761/21

Site and Surroundings

The site comprises of a detached dwelling within a built-up area of Chigwell. It is not within a conservation area nor is it listed.

Proposal

The proposal is for the demolition of existing dwelling and construction of 8 new apartments in 2 blocks with private access road, amenity and off-street car parking (Revised application to EPF/2351/19).

Relevant Planning History

EPF/1051/19 - Application for Outline Planning Permission for demolition of existing dwelling and the erection of a building comprising x 10 no. self-contained apartments with associated car parking and amenities - Refused

EPF/2351/19 - Outline application for demolition of existing dwelling and erection of a building comprising of x 8 no. self-contained apartments with associated car parking & amenities. (Revised application to EPF/1051/19) – Refused

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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:

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework 2021 (Framework)

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

- a) approving development proposals that accord with an up-to-date development plan

APPENDIX 5

- without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraphs	126 & 130
Paragraph	180

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, the **highest weight** should be afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

SP2 Spatial Development Strategy 2011-2033

H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

Summary of Representations

Number of neighbours Consulted: 16. No response(s) received
Site notice posted: Yes.

CHIGWELL RESIDENTS ASSOCIATION – Objection - Summarised as;

- Overdevelopment / Out of character
- Setting precedent & urbanisation
- Traffic congestion/Highway safety;
- Parking provision;
- Impact on neighbouring amenities;
- Loss of greenery/garden space; and
- Trees and landscape.

CHIGWELL PARISH COUNCIL - OBJECTION – The proposal fails to meet the required Essex Parking Standards and thus has insufficient parking for the number of units. The approval of flatted developments sets an unwelcome precedent in the area. The Council considers the density of the proposal will result in an over intensification of the site and is concerned about the lack of amenity space. The proposal does not demonstrate that it will enable EFDC to achieve its policy target of net zero carbon by either 2030 or 2050.

Planning Considerations

The main issues for consideration in this case are:

- a. The impact on the character and appearance of the locality;
- b. Highway safety and parking provision;
- c. The impact to the living conditions of neighbours;
- d. Standard of Accommodation for future occupiers;
- e. Trees and landscaping; and
- f. The impact on the Epping Forest Special Area of Conservation.

Character and Appearance

The proposed Georgian design differs from that of the locality, in that the locality consist of traditional building typologies with similar architectural characteristics, form and plot sizes. Therefore, the proposed development in terms of its form, scale and of a modern design will compete with that of the established character and appearance of the locality and appear as harmful overdevelopment of the site.

New buildings need to relate positively to the locality by complementing and enhancing the character and appearance of the area. Having regard to the comments above, this is can be

APPENDIX 5

achieved by having regard to the distinctive local architectural styles, detailing and materials, building heights and the form, scale and massing prevailing around the site.

In light of the above, the scale, bulk and massing of the proposed dwelling including the design fails to relate positively to the locality.

Consequently, the proposal is contrary to policies CP2, CP7 and DBE1 of the LP, policy DM9 of the LPSV and paragraphs 126 and 130 of the Framework.

Highway Safety & Parking Provision

The Highways officer has raised no objections and the proposed parking and cycle provision is acceptable, given the site is within a highly sustainable location, some 0.6m from Grange Hill Underground Station, in accordance with Policy T1 of the LPSV.

Living Conditions of neighbours

The proposal is of a substantial size and despite the separation distance from the common boundary, due to its overall scale, bulk and massing would appear highly prominent and overbearing when viewed from the rear glazing and garden area of 406 Fencepiece Road.

Too add, the proposal would result in an increase in the intensification of the site in terms of noise and general disturbance from comings and goings to and from the site compared with the existing dwelling. The cumulative impact of increased occupiers in terms of noise, comings and goings as well as due to the number of kitchens, bathrooms of the proposed development, is such that it would likely to result in excessive noise and disturbance to residents of both the new flats and neighbouring dwellings.

Therefore, the proposal fails to safeguard the living conditions of neighbouring properties & to some extent future users, contrary to Policy DBE9 of the LP, Policy DM9 of the LPSV and Paragraph 130 (f) of the Framework.

Standard of Accommodation

The proposed development would meet/exceed the National Described Space Standards as set out in Policy DM10, and the units are dual aspect so would receive adequate lighting and with a reasonable outlook. However, whilst some units will have access to a private external amenity space, overall it is considered the proposal fails to provide a good level of external amenity space for future users of the dwellings i.e. a functional one.

Thus, the proposal would fail to provide an acceptable level of accommodation for future users of the dwellings, contrary to Policy DBE8 of the LP, Policy DM9 (h) of the LPSV and Paragraph 130 (f) of the Framework.

Trees and Landscaping

The Councils Tree Officer has raised an objection to the proposal as it has failed to demonstrate that there would be no detrimental impact to the exiting trees on site, and also raised concerns regarding the proposed landscaping.

EFSAC

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having

APPENDIX 5

considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

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

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

Stage 1: Screening Assessment

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

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

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim

APPENDIX 5

Approach. . Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

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

Notwithstanding the above, in the absence of a completed s106, the Council in this instance are unable to secure the required mitigation measures.

Conclusion

The proposal has failed to overcome the previous reasons for refusal. As such for the reasons set out above having regard to all the matters raised, it is recommended that planning permission be refused.

PL-5861_01, PL-5861_02, PL-5861_03A, PL-5861_04A, PL-5861_05, PL-5861_06, PL-5861_07, PL-5861_08, PL-5861_09A, PL-5861_10A, PL-5861_11, and PL-5861_12.

The proposal, by reason of its scale, bulk, massing and design, fails to relate positively to the locality, would appear as harmful overdevelopment of the site, and would result in a greater urbanisation of the site causing harm to the character and appearance of the locality which is predominantly suburban in nature. The proposal is, therefore, contrary to policies CP2, CP7 and DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 and 130 of the NPPF 2021.

By reason of the siting, scale, bulk and massing of the proposed development, it would appear highly prominent and overbearing when viewed from the rear glazing and garden area of 406 Fencepiece Road. Furthermore, due to the proposed intensification of residential activity from the site, it would likely result in excessive noise and disturbance to neighbouring amenities, including that of future users of the proposed dwellings. The proposal also fails to provide any functional external amenity space for future users. Consequently, the proposal does not safeguard the living conditions of neighbouring properties nor provide a good level

of accommodation for future users, contrary to Policies DBE8 & DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 of the LPSV 2017, and Paragraph 130 (f) of the NPPF 2021.

It has not been sufficiently demonstrated that the retention and protection of trees (including veteran trees), will be successfully implemented in accordance with relevant guidance and best practice, contrary to Policy LL10 of the adopted Local Plan 1998 & 2006, Policy DM5 of the Local Plan Submission Version 2017, and Paragraph 180 of the NPPF 2021.

In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.



Planning Services Directorate

Civic Offices,
323 High Street,
Epping,
Essex CM16 4BZ

Telephone: 01992 564000

KMDS Designs
154 Maybank Avenue
Hornchurch
RM12 5SH

2 August 2022

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) Order 2015

REFUSAL TO GRANT PLANNING PERMISSION

Application Type: Full Planning Permission

Application Ref: EPF/2761/21

Site Address: 404 Fencepiece Road Chigwell IG7 5DS

Proposal: Demolition of existing dwelling and construction of 8 new apartments in 2 blocks with private access road, amenity and off street car parking.

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **REFUSE PERMISSION** for the development described above.

Signed

Nigel Richardson
Planning Service Director

Case Officer I Muhammad Rahman I mrahman@eppingforestdc.gov.uk



APPENDIX 6

Refusal Reasons: (4)

- 1 The proposal, by reason of its scale, bulk, massing and design, fails to relate positively to the locality, would appear as a harmful overdevelopment of the site, and would result in a greater urbanisation of the area, causing harm to the character and appearance of the locality which is predominantly suburban in nature. The proposal is, therefore, contrary to policies CP2, CP7 and DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 and 130 of the NPPF 2021.
- 2 By reason of the siting, scale, bulk and massing of the proposed development, it would appear highly prominent and overbearing when viewed from the rear elevation and garden area of 406 Fencepiece Road. Furthermore, due to the proposed intensification of residential activity from the site, it would likely result in excessive noise and disturbance to neighbouring amenities, including that of future users of the proposed dwellings. The proposal also fails to provide any functional external amenity space for future users. Consequently, the proposal does not safeguard the living conditions of neighbouring properties nor provide a good level of accommodation for future users, contrary to Policies DBE8 & DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 of the LPSV 2017, and Paragraph 130 (f) of the NPPF 2021.
- 3 It has not been sufficiently demonstrated that the retention and protection of trees (including veteran trees), will be successfully implemented in accordance with relevant guidance and best practice, contrary to Policy LL10 of the adopted Local Plan 1998 & 2006, Policy DM5 of the Local Plan Submission Version 2017, and Paragraph 180 of the NPPF 2021.
- 4 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

Informatives: (2)

- 5 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development.
- 6 This decision is made with reference to the following plan numbers: PL-5861_01, PL-5861_02, PL-5861_03A, PL-5861_04A, PL-5861_05, PL-5861_06, PL-5861_07, PL-5861_08, PL-5861_09A, PL-5861_10A, PL-5861_11, and PL-5861_12.

It is important that you read and understand all the following:

a Limitation of Permission

This decision is for planning purposes only and for no other purpose including Building Regulations. Separate approval may be required for these works.

b Sustainable Drainage Systems

The Council encourages all developers to follow the principles of Sustainable Drainage Systems (SuDS) in designing facilities for the handling of rainwater run-off. Furthermore, if storm drainage discharges to an existing ditch or watercourse and/or if any works are to take place to, or within 8 metres of, any open or piped watercourse, then Land Drainage Consent is required from the Council under its byelaws.

c Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse to grant permission you may wish to consider making an appeal.

Details of how to appeal can be found at
<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

d Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council of the District or London Borough in which the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990

e Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Act 1990.

**Delegated Report
128 Manor Road, Chigwell
EPF/2454/22**

Site and Surroundings

The site comprises of a detached bungalow within a built-up area of Chigwell. It is not within a conservation area nor is it listed. A protected tree lies to the front of the site.

Proposal

The proposal is for the demolition of an existing detached dwelling and the construction of a new apartment block providing 5no. apartments, including associated amenity, parking, landscaping, and other associated works.

Relevant Planning History

None, although there are some related to Tree Matters.

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023);

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

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

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality
P7	Chigwell

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

On the 06 March 2023 at an Extraordinary Council meeting, it was agreed that 'on adoption of the Epping Forest District Local Plan 2011–2033 and following the end of the six-week period for legal challenge that the following Development Plan Documents and associated Proposals Maps are revoked and should not be used for decision-making:

- a. Those policies of the Epping Forest District Local Plan adopted January 1998 that

APPENDIX 7

- had not previously been replaced; and
b. Epping Forest District Local Plan Alterations adopted July 2006’.

The relevant policies from these documents are listed below:

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
H2A	Previously Developed Land
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework 2021 (Framework)

Paragraph	11
Paragraphs	126 & 130
Paragraph	180

Summary of Representations

Number of neighbours Consulted: 39. 2 response(s) received.
Site notice posted: Yes.

130 & 132 MANOR ROAD – Objections – Summarised as;

- Inaccurate plans re 45-degree line;
- Overbearing/Greater sense of enclosure/Loss of outlook;
- Loss of privacy;
- Loss of sunlight/daylight;
- Noise and general disturbance;
- Poor level of accommodation for future users;
- Principle of the development ;
- Loss of a bungalow;
- impact on the street scene;
- Cramped appearance;
- Overdevelopment; and
- highway safety/parking provision.

CHIGWELL PARISH COUNCIL – None received at the time of writing this report.

Planning Considerations

The main issues for consideration in this case are:

- a. Whether the loss of bungalow is justified;
- b. The impact on the character and appearance of the locality;
- c. Highway safety and parking provision;

- d. Standard of Accommodation;
- e. The impact to the living conditions of neighbours;
- f. The impact on trees and landscaping; and
- g. The impact on the Epping Forest Special Area of Conservation.

Loss of Bungalow

The West Essex and East Hertfordshire Strategic Housing Market Assessment (2015) recognises that there is an ageing profile of the district's population over the Plan period as set out in the preamble to Policy H1 (E) of the LP. Policy H1 (E) of the LP seeks to protect the loss of bungalows. This is so that those with accessibility needs can continue to be supported by bungalow accommodation. The Council considers that bungalows can play an important role in their potential ease of adaptation such that they can provide choice for people with accessibility needs, including current and future needs of older people. The loss of bungalows is therefore not supported by the Council. This is consistent with the Framework's aim of delivering housing of differing sizes and types to meet the needs of different groups in the community, including older people as set out in Para. 62 of the Framework.

The Council accepts that the proposal would be accessible and would probably comply with Part M of the building regulations. However, this is a requirement for all new homes as set out in Policy H1 of the LP. Therefore, this is a general requirement of new development and is not in any way unique to this proposal. Furthermore, the retention of bungalows is not simply about ensuring a supply of accessible homes, but also a mix of different size and types of dwellings. The cumulative loss of bungalows would, over time, harm the Council's objectives of maintaining and increasing the supply of units that are suitable for older residents.

Whilst the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 (GDPO) is acknowledged to provide scope to add an additional storey under Class AA this is subject to a process which requires prior approval as to the matters set out in AA.2(3)(a)(i) to (iv) which includes an assessment as to impact upon the amenity of any adjoining premises as well as external appearance. Such matters should be formally determined in the prior approval route. However, please note that the Council will not accept an academic Prior Approval for Class AA as a fallback position, unless it is fully implemented.

For these reasons, the proposal would adversely affect the supply of housing for older residents. It would therefore conflict with Policy H4A of the Local Plan 1998 & 2006, and Policy H1 of the Epping LP 2023. The scheme would also conflict with the Framework's aim of providing a range of housing to meet the needs of the community as per Para. 62.

Character and Appearance

Whilst the proposal would replace an existing single dwellinghouse with a block of flats, there is no 'in principle' objection to the provision of a flatted development on this site given the nearby, purpose-built flats along Manor Road. Furthermore, the provision of 5 flats in place of a single dwelling, albeit a windfall site, would assist the Council in meeting its five-year land supply (which the Council currently have) and would do so by providing new housing within an existing urban area outside of the designated Green Belt.

Nonetheless, new developments need to relate positively to the locality by complementing

and enhancing the character and appearance of the area, the existing building and street scene. In this regard, the proposed scale of the development is similar to neighbouring dwellings and there is ample spacing to the front and rear of the building. So, on balance it would have a neutral impact to the street scene and character and appearance of the area, and not amount to harmful overdevelopment of the site.

Highway Safety & Parking Provision

The proposal does not provide sufficient parking space for future users as per Policy T1 of the LP. 5x 3 bed units are proposed which requires 10 car parking spaces, or a Parking beat survey to demonstrate that the reduced car parking would not lead to severe parking streets within the local roads. Officers note that the site is within a fairly accessible location some 0.4m from Grange Hill Underground Station and approx. an 8-minute walk. However, as expressed by Members in recent proposals within Chigwell, the Central Line serving Chigwell is situated on the loop line at the end of the Central Line and is served by just three trains an hour. There is also limited bus services serving Chigwell.

The Vision for Chigwell as laid out within the preamble to Policy P7 lists the “key priorities for infrastructure in (Chigwell) village are sustainable transport, health care and education”. The area is well known for being extremely congested with significant on-street parking taking place. It is accepted that the site is within a built-up area and has access to, albeit limited, public transport, however Chigwell is nonetheless a suburban area that has limitations in terms of alternative sustainable transport options and already suffers from a general lack of parking and congestion.

Too add, the Highways Officer has provided the following comments below;

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The development fails to provide an access wide enough to enable a vehicle to enter the site safely and efficiently whilst another vehicle is waiting to egress the site. This would lead to the potential of collisions due to the obstruction of through traffic on Manor Road, a classified road, to the detriment of highway safety.
2. The proposed gates are positioned too close to the carriageway and as such would result in vehicles being unable to clear the carriageway whilst waiting for them to open. This would lead to the potential of collisions due to the obstruction of through traffic on Manor Road, a classified road, to the detriment of highway safety.
3. As far as can be determined from the submitted plans the applicant has failed to provide appropriately dimensioned parking spaces, in accordance with the Parking Standards Sept 2009. Consequently, the application is not providing sufficient parking for the development, which could lead to inappropriate kerb side parking, to the detriment of highway safety.

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

Living Conditions of Neighbouring Properties

The flank windows at first floor level and above would be conditioned to be obscure glazed, so there would be no harmful overlooking to both adjoining neighbours, however, there is concern from the proposed first floor rear terrace, which would lead to an increased level of overlooking. Some harm could be mitigated with the provision of privacy screens on either side, although it is unclear whether this is shown on the proposed rear elevation but is

APPENDIX 7

referenced in the Supporting Statements.

Furthermore, due to the orientation of the host building facing southeast, the visual gap from the common boundaries, the scale and siting of the neighbouring dwellings, there will be a limited impact to their amenities, in terms of loss of light, overbearing and visual impact. Insufficient to warrant a reason for refusal.

Given the scale of the plot, and it being located off Manor Road, which is a busy classified road, it is not considered that the increased residential activity would result in harmful noise and general disturbance to neighbouring amenities that warrants a further reason for refusal.

Overall, it is considered that the proposal would not lead to significant harmful impacts that would lead to unacceptable living conditions for neighbouring dwellings.

Standard of Accommodation

The proposed dwellings would have sufficient internal amenity space for future occupiers of the dwellings in accordance with the National Described Space Standards. However, there is concern regarding the level of external amenity space. The housing mix consists of 5 – 3 bed units which are, in my view, suited to family units. As such the Council would expect each unit to have ample private garden space at least bigger than its floorspace.

On this note, the proposal would result in a poor level of amenity to future residents, contrary to policy DM 9 of the LP and Paragraph 130 (f) of the NPPF 2021.

Trees and Landscaping

The Council's Tree Officer has raised no objections subject to recommended conditions.

EFSAC

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

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

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

Stage 1: Screening Assessment

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

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

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. . Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

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

Notwithstanding the above, in the absence of a completed s106, the Council in this instance are unable to secure the required mitigation measures.

Conclusion

For the reasons set out above having regard to all the matters raised, it is recommended

APPENDIX 7

that planning permission be refused for the reasons below;

1. The proposed development would result in the demolition of the existing bungalow and creation of 5 flats - a 2 two-storey building with roof accommodation. The proposal by reason of the loss of the bungalow fails to comply with the requirements of Policy H1 (e) of the Epping Forest District Local Plan 2011 – 2033 (2023), and Paragraph 62 of the NPPF 2021. These policies seek mixed and balanced communities, which the proposed development would conflict with.
2. The proposed construction of five 3-bed flatted dwellings would result in a poor level of amenity to future occupants due to lack of sufficient private external amenity space and fails to provide adequate on-site parking provision for future users, contrary to Policies DM9 & T1 of the Epping Forest District Local Plan 2011 – 2033 (2023), and the NPPF 2021.
3. The development fails to provide an access wide enough to enable a vehicle to enter the site safely and efficiently whilst another vehicle is waiting to egress the site. This would lead to the potential of collisions due to the obstruction of through traffic on Manor Road, a classified road, to the detriment of highway safety. Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.
4. The proposed gates are positioned too close to the carriageway and as such would result in vehicles being unable to clear the carriageway whilst waiting for them to open. This would lead to the potential of collisions due to the obstruction of through traffic on Manor Road, a classified road, to the detriment of highway safety. Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.
5. The applicant has failed to provide appropriately dimensioned parking spaces, in accordance with the Parking Standards Sept 2009. Consequently, the application is not providing sufficient parking for the development, which could lead to inappropriate kerb side parking and parking stress on nearby streets, to the detriment of highway safety. Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.
6. In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policies DM2 and DM22 of the Epping Forest District Local Plan 2011 – 2033 (2023), Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

Plan Numbers: 6283-PL-001A, 6283-PL-002 B, 6283-PL-002 B (Coloured), 6283-PL-003 B, 6283-PL-004 B, 6283-PL-005 B, 6283-PL-006 B, 6283-PL-007 B, 6283-PL-008 B, 6283-PL-009 B, 6283-PL-010 B, 6283-PL-011 A, 6283-PL-012, 6283-PL-013, 6283-PL-014 B, and Supporting Documents.



Planning Services Directorate

Civic Offices,
323 High Street,
Epping,
Essex CM16 4BZ

Telephone: 01992 564000

Mr Patrick Reedman
Eclipse Park,
Eclipse House,
Sittingbourne Road,
North, Maidstone,
ME14 3EN

6 April 2023

**TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) Order 2015
REFUSAL TO GRANT PLANNING PERMISSION**

Application Type: Full Planning Permission

Application Ref: EPF/2454/22

Site Address: 128, Manor Road, Chigwell, IG7 5PR

Proposal: Demolition of an existing detached dwelling and the construction of a new apartment block providing 5no. apartments, including associated amenity, parking, landscaping and other associated works

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **REFUSE PERMISSION** for the development described above.

Signed

A handwritten signature in black ink, appearing to read 'Nigel Richardson'.

Nigel Richardson
Planning Service Director

Case Officer | Muhammad Rahman | mrahman@eppingforestdc.gov.uk

Refusal Reasons: (6)

- 1 The proposed development would result in the demolition of the existing bungalow and creation of 5 flats - a 2 two-storey building with roof accommodation. The proposal by reason of the loss of the bungalow fails to comply with the requirements of Policy H1 (e) of the Epping Forest District Local Plan 2011 – 2033 (2023), and Paragraph 62 of the NPPF 2021. These policies seek mixed and balanced communities, which the proposed development would conflict with.
- 2 The proposed construction of five 3-bed flatted dwellings would result in a poor level of amenity to future occupants due to lack of sufficient private external amenity space and fails to provide adequate on-site parking provision for future users, contrary to Policies DM9 & T1 of the Epping Forest District Local Plan 2011 – 2033 (2023), and the NPPF 2021.
- 3 The development fails to provide an access wide enough to enable a vehicle to enter the site safely and efficiently whilst another vehicle is waiting to egress the site. This would lead to the potential of collisions due to the obstruction of through traffic on Manor Road, a classified road, to the detriment of highway safety. Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.
- 4 The proposed gates are positioned too close to the carriageway and as such would result in vehicles being unable to clear the carriageway whilst waiting for them to open. This would lead to the potential of collisions due to the obstruction of through traffic on Manor Road, a classified road, to the detriment of highway safety. Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021
- 5 The applicant has failed to provide appropriately dimensioned parking spaces, in accordance with the Parking Standards Sept 2009. Consequently, the application is not providing sufficient parking for the development, which could lead to inappropriate kerb side parking and parking stress on nearby streets, to the detriment of highway safety. Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.
- 6 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policies DM2 and DM22 of the Epping Forest District Local Plan 2011 – 2033 (2023), Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

Informatives: (2)

- 7 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Council's website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 8 This decision is made with reference to the following plan numbers: 6283-PL-001A, 6283-PL-002 B, 6283-PL-002 B (Coloured), 6283-PL-003 B, 6283-PL-004 B, 6283-PL-005 B, 6283-PL-006 B, 6283-PL-007 B, 6283-PL-008 B, 6283-PL-009 B, 6283-PL-010 B, 6283-PL-011 A, 6283-PL-012, 6283-PL-013, 6283-PL-014 B, and Supporting Documents.

It is important that you read and understand all the following:

a **Limitation of Permission**

This decision is for planning purposes only and for no other purpose including Building Regulations. Separate approval may be required for these works.

b **Sustainable Drainage Systems**

The Council encourages all developers to follow the principles of Sustainable Drainage Systems (SuDS) in designing facilities for the handling of rainwater run-off. Furthermore, if storm drainage discharges to an existing ditch or watercourse and/or if any works are to take place to, or within 8 metres of, any open or piped watercourse, then Land Drainage Consent is required from the Council under its byelaws.

c **Appeals to the Secretary of State**

If you are aggrieved by the decision of your Local Planning Authority to refuse to grant permission you may wish to consider making an appeal, which can be done for up to 6 months from the date on the decision letter

Details of how to appeal can be found at <https://www.gov.uk/appeal-planning-decision>

d **Purchase Notices**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council of the District or London Borough in which the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990

e **Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in

APPENDIX 8

Sections 114 and related provisions of the Town and Country Act 1990.

