

# Committee Agenda



## Epping Forest District Council

### ***Area Planning Sub-Committee East Wednesday, 12th April, 2017***

You are invited to attend the next meeting of **Area Planning Sub-Committee East**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 12th April, 2017  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

A. Hendry Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors S Jones (Chairman), P Keska (Vice-Chairman), N Avey, N Bedford, A Boyce, H Brady, W Breare-Hall, A Grigg, M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, B Surtees, G Waller, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

#### **WEBCASTING/FILMING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.**

**If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.**

**1. WEBCASTING INTRODUCTION**

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

2. The Chairman will read the following announcement:

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

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

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

**2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 20)**

To confirm the minutes of the last meeting of the Sub-Committee held on 15 March 2017.

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

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

**6. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

**7. DEVELOPMENT CONTROL (Pages 21 - 86)**

(Director of Governance) To consider planning applications as set out in the attached schedule

Background Papers:

(i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

**8. EXCLUSION OF PUBLIC AND PRESS**

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

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Background Papers:** Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

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## Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

### Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Meetings of the District Development Management Committee, Area Plans Sub-Committee East and Area Plans Sub-Committee West are held at the Civic Offices in Epping. Meetings of Area Plans Sub-Committee South are held at Roding Valley High School in Loughton.

### Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by ringing the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### Who can speak?

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

### What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East or Area Plans Sub-Committee West, you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

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

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

### How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of

officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or
  - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

#### **Further Information?**

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

Area Planning Subcommittee East 2016-17  
Members of the Committee and Wards Represented:



**Chairman**  
**Cllr Jones**  
Theydon Bois

**Vice-Chairman**  
**Cllr Keska**  
Chipping Ongar,  
Greensted and  
Marden Ash

**Cllr Avey**  
Epping  
Hemnal

**Cllr Bedford**  
Shelley

**Cllr Boyce**  
Moreton and  
Fyfield



**Cllr Brady**  
Passingford

**Cllr Breare-Hall**  
Epping  
Lindsey and  
Thornwood  
Common

**Cllr Grigg**  
North Weald  
Bassett

**Cllr McEwen**  
High Ongar,  
Willingale and  
the Rodings

**Cllr Morgan**  
Hastingwood,  
Matching and  
Sheering  
Village



**Cllr Philip**  
Theydon Bois

**Cllr Rolfe**  
Lambourne

**Cllr Stallan**  
North Weald  
Bassett

**Cllr Surtees**  
Chipping Ongar,  
Greensted and  
Marden Ash

**Cllr Waller**  
Lower  
Sheering



**Cllr C**  
**Whitbread**  
Epping Lindsey  
and Thornwood  
Common

**Cllr H**  
**Whitbread**  
Epping Lindsey  
and Thornwood  
Common

**Cllr J M**  
**Whitehouse**  
Epping  
Hemnal

**Cllr J M**  
**Whitehouse**  
Epping  
Hemnal

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 15 March 2017  
East

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 9.25 pm  
High Street, Epping

**Members Present:** P Keska (Chairman), D Stallan (Vice-Chairman), N Bedford, H Brady, W Breare-Hall, A Grigg, M McEwen, B Surtees, G Waller, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** S Jones, N Avey, A Boyce, R Morgan, J Philip and B Rolfe

**Officers Present:** J Shingler (Principal Planning Officer), A Rose (Marketing & Digital Content Officer) and R Perrin (Democratic Services Officer)

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### 79. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### 80. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

### 81. APPOINTMENT OF VICE CHAIRMAN

In the absence of the Chairman, who had sent her apologies, the Vice Chairman chaired the meeting and requested nominations for the role of Vice-Chairman.

#### **RESOLVED:**

That Councillor D Stallan be elected as Vice-Chairman for the duration of the meeting.

### 82. MINUTES

#### **RESOLVED:**

That the minutes of the meeting held on 15 February 2017 be taken as read and signed by the Chairman as a correct record.

**83. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a non pecuniary interest in the following item of the agenda by virtue of being a consultee of the application. The Councillor had determined that his interest was non-pecuniary and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0079/17 – Harvester Bassett Petrol Station, 215 High Road, North Weald.

(b) Pursuant to the Council's Code of Member Conduct, Councillor N Bedford declared a non pecuniary interest in the following item of the agenda by virtue of being a customer of the application site. The Councillor had determined that his interest was non-pecuniary and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0079/17 – Harvester Bassett Petrol Station, 215 High Road, North Weald.

**84. ANY OTHER BUSINESS**

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

**85. DEVELOPMENT CONTROL**

**RESOLVED:**

That the planning applications numbered 1 – 7 be determined as set out in the schedule attached to these minutes.

**CHAIRMAN**

## Report Item No: 1

<b>APPLICATION No:</b>	EPF/2710/16
<b>SITE ADDRESS:</b>	The Retreat Market Place Abridge Essex RM4 1UA
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed erection of five 2 bed apartments with unit at ground floor used for flexible purposes within Use Class A1 (shops) and Use Class A2 (Financial and Professional Services)
<b>DECISION:</b>	Refuse Permission

**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=588455](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588455)

## REASONS FOR REFUSAL

- 1 Inadequate parking space is provided within the development to meet current parking standards and the proposed parking bays are too small. Additionally insufficient space is available within the site to enable vehicles to turn and approach the highway in a forward gear. This proposal will therefore likely lead to vehicles reversing on to the busy carriageway (main distributor road) resulting in an unacceptable degree of hazard to emerging and approaching vehicles to the detriment of general highway safety. In addition this conflict and interference would disrupt the free flow of traffic. The development is therefore contrary to policies ST4 and ST6 of the Adopted Local Plan and Alterations.

## Way Forward.

Members discussed whether there was a way forward, and advised that any scheme should meet the adopted car parking standards in terms of the required number and size and that adequate space for turning within the site should be provided. They advised that this would likely mean a reduction in the number of units that can be accommodated within the site. It was suggested that some form of entry and exit management could be required at the entry to the site to ensure that there is no conflict between vehicles and that they can each exit in a forward gear.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2994/16
<b>SITE ADDRESS:</b>	37 Woodland Way Theydon Bois Essex CM16 7DY
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement of a flat roof with a gable roof form over existing two storey side extension, and construction of 2 rear dormer windows to facilitate a loft conversion.
<b>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=589320](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589320)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 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.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/3202/16
<b>SITE ADDRESS:</b>	21 James Street Epping Essex CM16 6RR
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey front and side extension (REVISED DESCRIPTION)
<b>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=589855](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589855)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

The Planning officer advised members that the objections of numbers 23 and 24 James Street, reported in the agenda had now been withdrawn.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/3287/16
<b>SITE ADDRESS:</b>	Epping House Epping Road North Weald Epping Essex CM16 6BJ
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Installation of two dormer windows.
<b>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=590153](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590153)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed dormer window opening in the northern roofslope facing Leader Lodge shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/3295/16
<b>SITE ADDRESS:</b>	Rear of 33 Piercing Hill Theydon Bois Essex CM16 7JW
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Renovation of existing former coach house with extension to form a single family dwelling (Amended application to EPF/2037/16)
<b>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=590196](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590196)

**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: FMS\_100, FM\_101 Rev A, FMS\_001 and FMS\_002
- 3 Materials to be used for the external finishes of the proposed development shall match those as outlined on the planning application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 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.

- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 9 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, 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.
- 10 Prior to first occupation of the development hereby approved, the proposed window openings in the east facing elevation (facing No. 34 Piercing Hill) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.



- 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 Full details of a scheme for the eradication and/or control programme of Japanese Knotweed, suitable for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the substantial completion of the development hereby approved.
- 13 No development shall commence until a scheme to enhance the nature conservation interest of the site, including tree and shrub planting, grassland planting, bird and bat boxes and log piles has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 14 Prior to any preparatory demolition or construction works commence on site, a great crested newt survey shall be undertaken of pond 1 at a suitable time of year with the survey submitted to the Local Planning Authority for approval. If great crested newts are present a mitigation strategy shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on this protected species. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 15 Vegetation removal shall take place outside the bird breeding season (March to August) unless agreed in writing with the Local Planning Authority and checked by a suitably experienced ecologist.
- 16 An external lighting plan shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Any external lighting shall be installed in accordance with such agreed details.
- 17 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, C and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

The Planning Officer reported the objection of Ward Cllr John Phillip to this proposal.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/3403/16
<b>SITE ADDRESS:</b>	Cornerways The Green Theydon Bois Essex CM16 7JH
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement of existing dwelling house with new single family dwelling house and new pavement crossover
<b>DECISION:</b>	Refuse Permission

**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=590534](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590534)

**REASON FOR REFUSAL**

- 1 Due to the design, detailing, size, bulk and proximity to the side boundary of the plot with Avenue Road and the non vernacular materials proposed, (in particular the zinc roof), the replacement dwelling fails to respect its setting and will be overly visually prominent, out of keeping with the street scene and harmful to the character and visual amenity of this sensitive location overlooking The Green. The development is therefore contrary to policies, CP2, CP7, and DBE1 of the Adopted Local Plan and Alterations and Paragraph 64 of the National Planning Policy Framework.

The Planning Officer reported the Objections of Ward Councillor John Phillip to this proposal.

Way Forward

From Members discussion a revised proposal, which utilises vernacular materials and high quality design, and is set away from the boundary with Avenue Road to fit better within the street scene, would be more likely to be considered favourably.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0079/17
<b>SITE ADDRESS:</b>	Harvest Bassett Petrol Station 215 High Road North Weald Essex CM16 6ED
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Raise canopy to garage forecourt.
<b>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=590853](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590853)

**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 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 No construction works above ground level shall take place until details of the locations of lighting have been submitted to and approved by the Local Planning Authority, in writing. All lighting shall be angled to minimise light spillage towards neighbouring residential properties. The development shall be implemented in accordance with such approved details.
- 4 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.
- 5 Lights within the canopy shall not be illuminated when the shop unit is closed.

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## AREA PLANS SUB-COMMITTEE 'EAST'

Date 12 April 2017

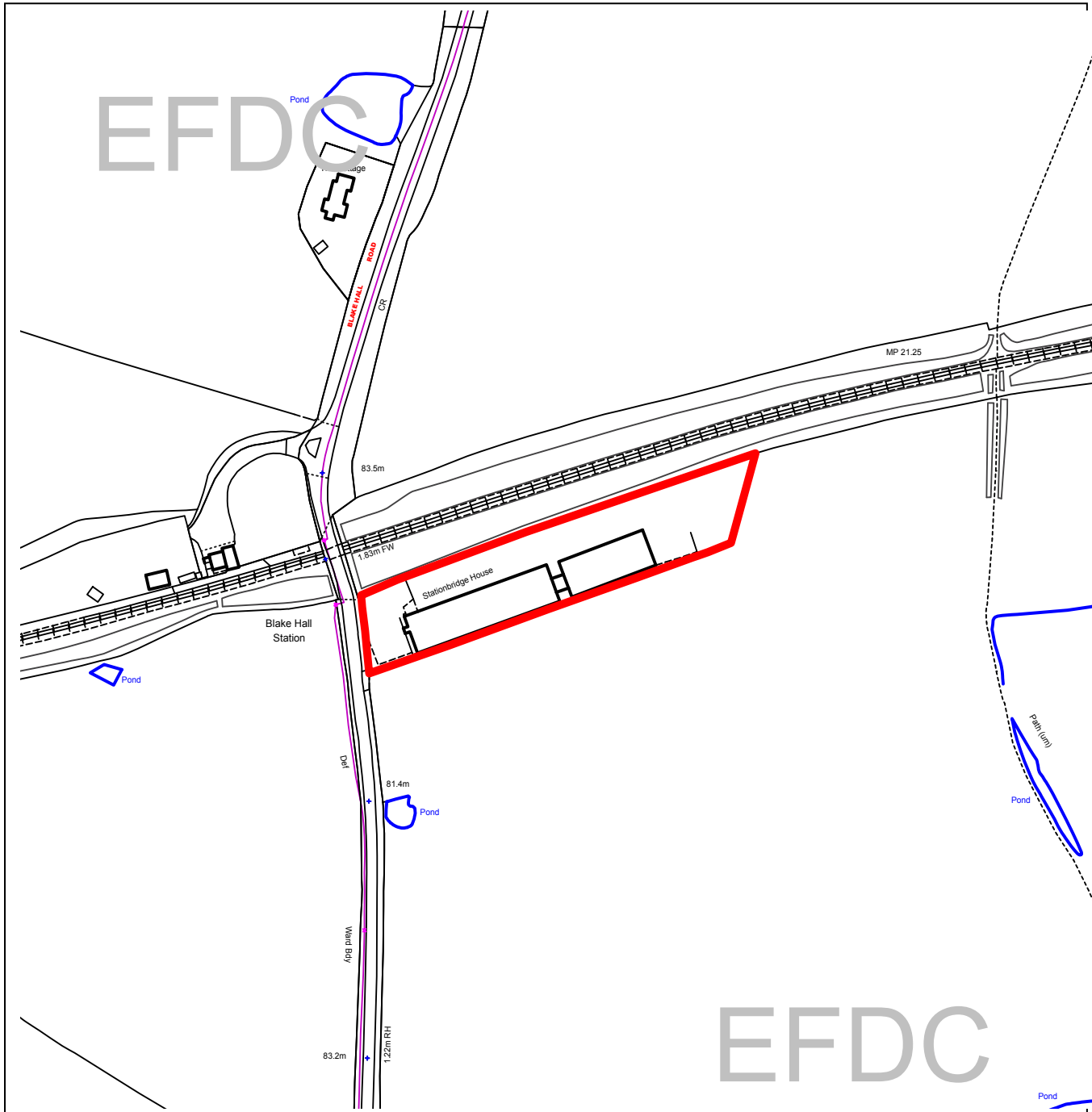
### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/2432/16	Stationbridge House Blake Hall Road Chipping Ongar Essex CM5 9LW	Grant Permission (Subject to Legal Agreement)	22
2	EPF/2616/16	Bare Leys The Street Willingale Essex CM5 0SJ	Grant Permission (With Conditions)	32
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/2432/16
Site Name:	Stationbridge House, Blake Hall Road, Chipping Ongar, CM5 9LW
Scale of Plot:	1/2500

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2432/16
<b>SITE ADDRESS:</b>	Stationbridge House Blake Hall Road Chipping Ongar Essex CM5 9LW
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Lewis Montague
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing warehouses and construction of 10 no. dwellings
<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=587693](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587693)

**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: 1212\_P001\_10, 1212\_P002\_10, 1212\_P003\_10, 1212\_P004\_10, 1212\_P005\_10, 1212\_P006\_10, 1212\_P007\_10, 1212\_P008\_10, 1212\_P009\_10, 1212\_P010\_10, 1212\_P011\_10, 1212\_P012\_10, 1212\_P013\_10, SK001
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 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 an 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.

- 5 The soft landscaping to the east, west and south boundaries of the site shall consist of a planting strip of a minimum width of 3metres with garden fences on the inside edge. The landscaping shall consist of trees / hedges of native species. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule (in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out and shall be retained as such in perpetuity.
- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 9 There shall be no discharge of surface water onto the Highway.
- 10 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 11 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.



- 12 No development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 13 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 14 Following completion of 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.
- 15 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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 16 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.

**And the completion by the 24<sup>th</sup> May 2017 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement to secure a financial contribution of £100,000 towards affordable housing. In the event that the developer/applicant fails to complete a Legal Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing.**

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site consists of a commercial site containing two large warehouse buildings along with associated hardstanding, parking, etc. used for B8 (Storage and Distribution). The site is located on the eastern side of Blake Hall Road immediately south of the Epping Ongar railway line.

The site is located within the Metropolitan Green Belt and an EFDC flood risk assessment zone.

**Description of Proposal**

Consent is being sought for the demolition of the existing warehouses and construction of 10 no. four bed dwellings consisting of six semi-detached and four detached two storey properties. The proposed development would include a single estate road served by the existing crossover along with two detached double garages, off-street parking provision and associated amenity space.

**Relevant History:**

There are a number of previous planning applications relating to the existing commercial use on the site however none are directly relevant to this proposal.

**Policies Applied:**

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP5 – Sustainable building  
CP6 – Achieving sustainable urban development patterns  
CP8 – Sustainable economic development  
CP9 – Sustainable transport  
GB2A – Development in the Green Belt

GB7A – Conspicuous development  
 H2A – Previously developed land  
 H3A – Housing density  
 H5A – Provision for affordable housing  
 H6A – Site thresholds for affordable housing  
 H7A – Levels of affordable housing  
 DBE1 – Design of new buildings  
 DBE2 – Effect on neighbouring properties  
 DBE8 – Private amenity space  
 DBE9 – Loss of amenity  
 LL10 – Provision for landscape retention  
 LL11 – Landscaping schemes  
 ST4 – Road safety  
 ST6 – Vehicle parking  
 U2B – Flood risk assessment zones  
 U3A – Catchment effects  
 RP3 – Water quality  
 RP4 – Contaminated land

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.

#### Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development  
 SP5 – Green Belt and district open land  
 SP6 – The natural environment, landscape character and green infrastructure  
 H1 – Housing mix and accommodation types  
 H2 – Affordable housing  
 E1 – Employment sites  
 T1 – Sustainable transport choices  
 DM1 – Habitat protection and improving biodiversity  
 DM2 – Landscape character and ancient landscapes  
 DM9 – High quality design  
 DM10 – Housing design and quality  
 DM11 – Waste recycling facilities on new development  
 DM15 – Managing and reducing flood risk  
 DM18 – On site management of waste water and water supply  
 DM21 – Local environment impacts, pollution and land contamination

#### **Summary of Representations:**

15 neighbouring properties were consulted and a Site Notice was displayed.

PARISH COUNCIL – No objection. After taking into consideration the specifics of the site, including the sustainability factor and that this area would be classified as a Brownfield site in the Green Belt, the Parish Council has No Objection to this application.

BLAKE HALL STATION, BLAKE HALL ROAD – Object due to the loss of industry/employment and since the proposed ten dwellings is inappropriate to the area which is characterised by traditional properties.

SPRINGBANK, BLAKE HALL ROAD – No objection but concerned about the access and feel that a 30mph speed limit would be better for this road.

EPPING ONGAR RAILWAY – Object due to the loss of employment and this existing commercial use is ideally suited to this site and its redevelopment would not strengthen the rural economy, since the proposal would introduce ten new homes that may be disturbed by the Epping Ongar Railway, as the site is in an isolated location not suited for new housing, and since the design of the proposal would be out of character with the area.

### **Issues and Considerations:**

The key considerations in this application are the impact on the Green Belt, the general location of the site, the loss of the employment site, the design of the development, amenity considerations and regarding highway safety.

#### **Green Belt:**

The application site is located within the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework states that “*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*”, with a list of exceptions. Amongst these exceptions is:

- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The definition of previously developed land, as laid out within Annex 2 of the NPPF, reads:

***Previously developed land:*** *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*

The application site is a commercial site containing large warehouses and is predominantly laid to hardstanding. It is clear that the site meets the definition of previously developed land and as such is suitable for redevelopment in principle provided the new development “*would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*”.

The site is currently occupied by two large industrial buildings that have a total footprint of 1624m<sup>2</sup> and are double height structures. The proposed ten new dwellings would have a combined floor area 1246m<sup>2</sup>, which would result in a 23% reduction in built form on the site. Furthermore the proposed development would result in the reduction in the level of hardstanding covering the site and would enable the provision of additional landscaping. As such the proposed development would not have any greater impact on the openness and character of the Green Belt and therefore meets the above exception to inappropriate development.

#### **Sustainability:**

Whilst the application site is not considered to be within a sustainable location it has been shown in several recent appeal decisions both within and outside of the district that in areas with a lack of a demonstrable five year supply of housing the issue of sustainability alone is not sufficient to outweigh the provision of additional housing.

Although the Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Given this it is not considered that the impact on sustainability would be such to warrant refusal of the application on this issue.

#### Loss of employment:

The proposed redevelopment of this site would involve the loss of a commercial employment site. Whilst the National Planning Policy Framework seeks to secure economic growth the above stated exception to inappropriate development regarding redevelopment of previously developed land states “*whether redundant or in continuing use*” (my emphasis) and makes no requirement to provide alternative sites for those lost through such redevelopment. Also recent changes to the General Permitted Development Order have introduced the right to convert various commercial and business premises to a variety of alternative uses (including residential use) however has no caveat that the existing business use must no longer be required on the site or be relocated elsewhere. Therefore despite the clear push from Central Government to promote and encourage economic growth the same Government are continuing to allow for existing and well established commercial sites to be redeveloped or changed to alternative uses without any concern for the loss of these employment uses. As such the loss of the existing employment use is only given limited weight.

#### Design:

The site is located within a very rural setting adjacent to Blake Hall Station and the Landscape Character Assessment places this site within ‘G6 – Stapleford Tawney and Stanford Rivers’. The area is characterized as “*small scale settlement patterns, encompassing isolated farmsteads and the small, nucleated villages of Stapleford Tawney and Stanford Rivers*” and comments that “*open and framed views across gently undulating farmland are characteristic of this area*”. It concludes that the area is considered to have a moderate to high sensitivity to change. The suggested landscape planning guidelines are that “*any new development within the farmland is small scale, responding to historic settlement pattern, landscape setting and locally building styles*”.

The density of the proposed development would be 20 houses per hectare, which is below the recommended 30-50 dwellings per hectare as stated within policy H3A. However given the rural nature of the site a lower density scheme would be more appropriate.

The proposed development would remove the existing unsightly warehouse buildings and introduce dwellings that have been designed to reflect the traditional buildings seen within the district with some more contemporary detailing (such as in the fenestration). Variation would be provided through the use of different house types combined with alterations in the external materials. Whilst the linear layout of the dwellings is somewhat suburban in form this reflects the constraints on the size and shape of the site and would reflect the linear built form of the existing warehouses. The impact of this row of dwellings would be softened and screened through the use of appropriate landscaping, which would include a 3m wide landscape buffer along the southern and eastern edge of the site. As such it is considered that the proposed redevelopment would be an improvement to the overall character and appearance of the area.

The site is visible when viewed from the south and whilst the proposed dwellings would be no higher than the existing warehouses on site the east, west and south boundaries would require suitably landscaping to ensure that the development is not overly visually intrusive within this very

rural setting. There is a strong tree line to the north of the site on the railway embankment. This limits views of the site when looking from the north. Although these trees are off site, and the site already has hardstanding, it is appropriate to include a tree protection condition to ensure that any overhang is not impacted on by development activities and that any new surfacing is porous and takes into account the presence of tree roots.

#### Amenity considerations:

Given the location of the site distant from any surrounding neighbours the proposed redevelopment of the site would have no physical impact on the amenities of nearby residents.

Each of the proposed houses should be served by private amenity space in excess of 100m<sup>2</sup>, which is in line with the recommendations contained within the Essex Design Guide.

Concern has been raised by the operator of the Epping Ongar Railway that the introduction of ten new households will lead to complaints of noise and disturbance from the operational railway, primarily since the train drivers are obliged to sound their horn at this stretch of railway due to the presence of a pedestrian crossing. Any future occupant purchasing a property on this site would be fully aware of the existing railway line and therefore any such matters are 'buyer beware'. The presence of a railway line does not preclude residential development, as can be seen throughout the district (and the Country) and therefore this matter is only given limited weight. In addition the application site is separated from the railway line by a dense band of trees that would assist in mitigating noise nuisance from the railway line.

#### Highways:

The proposed residential development would be served by the existing access road to the commercial site. Whilst the visibility to the north of the access is restricted due to the presence of the bridge the development would reduce vehicle movements below the current use and would remove any associated HGV traffic as well, to the benefit of all highways users. It is due to this that Essex County Council Highways raise no objection to the proposal.

Each of the proposed dwellings would be served by at least two off-street parking spaces and there are four visitor parking spaces proposed at the entrance of the estate. As such the proposal complies with the requirements of the Vehicle Parking Standards.

#### Other Considerations:

##### *Affordable housing:*

The application was accompanied by a (commercially sensitive) viability appraisal that was independently assessed. As a result of negotiations it has been agreed that a £100,000 financial contribution in lieu of on-site affordable housing would be made. It is considered that this would comply with Local Plan policies H5A, H6A and H7A.

##### *Flood risk:*

The site lies within an Epping Forest District Council flood risk assessment zone and the development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a Flood Risk Assessment is required, which can be dealt with by condition.

It is proposed to dispose of surface water by sustainable drainage system and foul sewage by main sewer, however the Councils records do not indicate a main sewer at this location. As such further details of this, along with surface water drainage, are required by way of a condition.

### *Contamination:*

The application has been accompanied by a Phase 1 Environment Report, however this report has not identified the former military use of this site (military goods yard) and adjoining site to the south, the 2004 fire at a sleeper treatment yard identified by the EA as located at this site, and the potential for the septic tank soakaway and any diesel/fuel oil leaks/spillages to provide a potential source of ground gases. As such the report would need to be satisfactorily revised and, if identified, any contamination would need to be suitably mitigated. As such Land Contamination conditions would be required.

### *Education:*

Essex County Council was consulted with regards to possible education impacts as a result of the development. The response received states *"a development of 10 houses is below ECC threshold for education contributions, and thereby ECC will not be requesting s106 education contributions on this occasion"*.

### **Conclusion:**

This application constitutes the redevelopment of previously developed land and would not have a greater impact on the openness of the Green Belt than the existing development. As such the proposal would not constitute inappropriate development. Whilst the site is not well located in terms of sustainable transport modes or served by local services/facilities and the redevelopment would result in the loss of the existing employment site it is not considered that these factors are sufficient enough to warrant a refusal of the application.

The design and layout of the proposed dwellings would be acceptable and would result in visual improvements to the wider area and there would be the opportunity to provide additional landscaping to the site. Furthermore this development would provide additional housing to assist in the Council meeting its five-year land supply. As such the proposed application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Draft Local Plan policies and is recommended for approval.

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

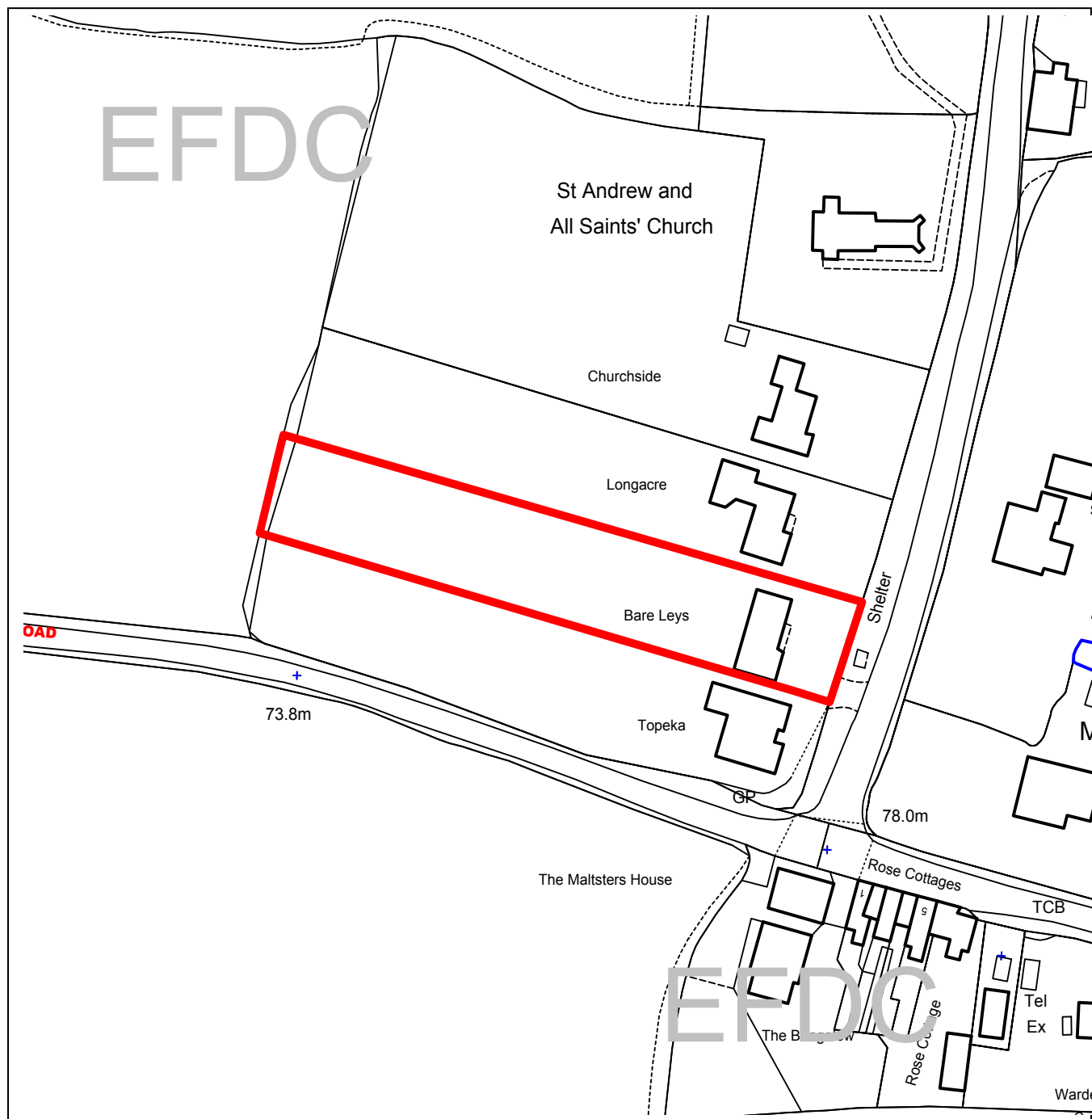
***Planning Application Case Officer: Graham Courtney***  
***Direct Line Telephone Number: 01992 564228***

***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 2



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Application Number:	EPF/2616/16
Site Name:	Bare Leys, The Street, Willingale, CM5 0SJ
Scale of Plot:	1/1250



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2616/16
<b>SITE ADDRESS:</b>	Bare Leys The Street Willingale Essex CM5 0SJ
<b>PARISH:</b>	Willingale
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Miss Jacqueline Wye
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension incorporating element of two storey where linked with extension over existing garage to create a roof terrace.
<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=588216](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588216)

**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: PR01 Rev P1, PR02 Rev P.1, PR03, SP-01, EX01, EX02 and EX03
- 3 A privacy screen of 1.7m in height above the height of the balcony area shall be erected on the boundary shared between the application site and Longacre. The privacy screen should project along the entire length of the balcony adjacent to Longacre and it, or a similar replacement shall be permanently retained in that position.
- 4 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.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 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 (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))*

### **Description of site**

The application site is located on The Street which is located within the settlement of Willingale. The existing building is a large two storey detached dwelling situated within a large plot. The immediate neighbours are similar in terms of their size but all three have a varied appearance in the street scene. Longacre is the neighbour to the north whose first floor projects beyond the rear elevation of Bare Leys and whose single storey element is used as a balcony. Topeka is the other adjacent neighbour whose rear elevation also projects beyond Bare Leys. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

### **Description of proposal**

The proposed development is for a part single, part two storey rear extension which will form a balcony area and a first floor side/front extension.

### **Relevant History**

None

### **Policies Applied**

CP2 – Protecting the quality of the rural and built environment  
CP7- Quality of development  
DBE10 – Design  
DBE9 – Residential amenity  
DBE2 – Effect on neighbouring properties  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development

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.

### **Epping Forest Draft Local Plan consultation document (2016)**

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local

Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

DM9 – High Quality Design

SP1 – Presumption in favour of sustainable development

SP5 – Green Belt and district open land

DM21 – Local environment impacts, pollution and land contamination

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

5 Neighbours consulted –

**WILLINGALE PARISH COUNCIL – OBJECTION** - The Council noted the revised plans presented by the applicant and her architect, and the arguments presented in favour of the proposal, and also heard from the two neighbouring owners, who summarised their objections.

The Council was of the opinion that the drawings of the proposed side elevation (viewed from the North) were inaccurate and considerably understated the visual impact of the two storey addition with hipped roof. It also noted that the proposed roofline appears to be above the ridge height of the existing building, and that the rear projection was significant. When drawn correctly, the “mass” of the extension would appear to be disproportionate to the existing building – the Council thought that the increase in floor-space overall, was in the order of 80% (or 100% including the garage conversion).

Although the Council considered the removal of the proposed balcony adjacent to “Topeka” to be a welcome revision, the large balcony now proposed on the opposite side presented new privacy issues for “Longacre” albeit the Council noted the proposed privacy screen, that Longacre itself had a large balcony, and that “Bare Leys” already had a more modest balcony.

The Council concluded that whilst “Bare Leys” was probably in need of modernisation, and suitable for enlargement, given the Green Belt location the proposed extension was simply far too big, disproportionate to the existing accommodation, and created an excessive visual intrusion for both neighbours. Accordingly and by unanimous decision, the Council’s strong objection remained, although the Council said it would be receptive to a smaller and more sensitive proposal. It would like to see “street scene” drawings to accompany any future application to get a better sense of how any development would appear alongside the neighbouring properties.

**LONGACRE – OBJECTION** – The extensions are out of scale and are inappropriately large in the Green Belt. They will also allow a direct line of sight into the private areas of our property. The balcony will allow significant overlooking into our private areas, particularly as there is not such screening on the boundary. The new extensions are not in keeping with the existing street scene.

**TOPEKA – OBJECTION** – The proposal is inappropriate in the Green Belt, will cause an excessive loss of privacy due to the extensions and balcony, will appear overbearing and a loss of light.

**CHURCHSIDE – OBJECTION** – The proposal is too large in the Green Belt, the proposed fundamental changes to the external appearance are not in keeping with the village and are not sympathetic with the neighbouring properties and the size of the extension over the garage would appear to be excessive in height and also overlooking and intrusive to the neighbouring properties

## **Comments on representations**

The Parish Council states that the revised drawings which were submitted were inaccurate and at the time of their Council meeting the first set of revised drawings was indeed an inaccurate depiction of the proposal. However revised plans were subsequently received which accurately showed the proposed extension and the Parish Council were again reconsulted to give any further comments they may have. No further comments have been received but the Parish Council have however made it clear that despite rectification of any previous inaccuracies in the drawings they maintain their strong objection to the proposal.

## **Issues and considerations**

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the living conditions of the neighbours and the design of the proposal in relation to the existing building and its setting.

### **Green Belt**

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

However paragraphs 89 and 90 of the NPPF allow certain exceptions to inappropriate development one of which is the:

*Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*

The first part of this exception is to consider whether or not the application site can reasonably be considered to be within an existing 'village' for the purposes of planning policy. The main part of Willingale is located on The Street and whilst it covers a relatively small area, there are a substantial number of dwellings within its boundaries, there are also two Churches, a cricket club and a village hall. The result of these features is that Willingale can reasonably be considered as a village for the purposes of planning policy.

The next stage of the assessment is to consider whether the site can be considered as a suitable location for infilling. Bare Leys is located betwixt Topeka to the south and Longacre to the North and has Spain End opposite. Being surrounded by development on three sides, the site is considered suitable for limited infilling development. The final part of the assessment is to consider whether the extension can be considered to be 'limited'.

Whilst the proposed extensions are substantial additions to the dwelling, given that the Council has previously accepted new dwellings as constituting 'limited infill' on particular application sites within existing villages in the Green Belt, it is considered that an extension to an existing dwelling can reasonably be considered to be 'limited'.

The proposal is therefore not inappropriate in the Green Belt and as a result very special circumstances are not required to justify it.

### Living conditions of neighbours

The single storey element will be set 3m from the shared boundary with Longacre and will be almost entirely against its side elevation. Such a distance from the shared boundary and being set against the existing side elevation of Longacre will not appear overbearing or cause any significant loss of light.

It is proposed to use the area of flat roof created by the single storey extension as a balcony area. Balconies give rise to a significant potential for overlooking of neighbouring properties and in this case the neighbour of Longacre is particularly concerned about this element of the proposal. Bare Leys has an existing, albeit small balcony area which currently has a fence to obscure direct views into Longacre. The new single storey rear extension will have a projection very similar to the existing rear building line of Longacre and therefore the balcony will certainly offer greater potential for overlooking into the garden of this neighbour. However it is considered that with adequate screening, which can be secured through condition, the balcony will not allow significant overlooking into any area that is not already overlooked by first floor windows. Views towards the rear of neighbouring gardens are generally accepted, it is the area immediately adjacent to the back of neighbours properties that is normally protected from overlooking. Furthermore Longacre itself has a rather large balcony area which projects significantly beyond the rear elevation of its adjacent neighbours and which currently offers unrestricted views into the rear garden of both Bare Leys and the other adjacent neighbour. Whilst this would not justify any significant harm to the living conditions of Longacre, it is not considered that such harm would be caused if the proposed screening is required by condition.

The first floor extension will be 2.1m away from the shared boundary with Topeka and it will not significantly exceed the existing rear elevation of this neighbour. As a result it will not be excessively overbearing or cause any other harm to the living conditions of this neighbour.

### Design

The first floor side/rear extension will be located adjacent to Topeka, approximately 2.1m from the shared boundary and will project slightly forward of the existing front elevation. The ridge of the first floor extension will exceed the ridge height of the existing dwelling; however will not exceed the ridge heights of the two adjacent neighbours and it is therefore considered that its bulk, scale and massing is respectful to the existing building and the street scene. Whilst it does result in a wide property, given that the frontage is broken into two elements and that at least two metres is retained to each side boundary, it will not look out of place or overly prominent within the street scene.

The single storey element also has a reasonably conventional design which will not be visible from public viewpoints and therefore will not harm the character or appearance of the street scene.

### Conclusion

The proposal is not inappropriate development in the Green Belt, as it amounts to only limited infilling within a village. Due to the positions of the adjacent properties it will not result in excessive harm to the living conditions of the neighbours and a screen will prevent unacceptable overlooking from the proposed balcony. The design whilst resulting in a larger building relates well to the scale of other properties in the locality and will not be harmful to the character and appearance of the street scene. The development therefore accords with adopted policies and the NPPF and it is recommended that 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: James Rogers  
Direct Line Telephone Number: 01992 564 371

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

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# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/3353/16
Site Name:	Greenside, The Green, Theydon Bois, CM16 7JH
Scale of Plot:	1/1250



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/3353/16
<b>SITE ADDRESS:</b>	Greenside The Green Theydon Bois Epping Essex CM16 7JH
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Connie Mansueto
<b>DESCRIPTION OF PROPOSAL:</b>	Extension and subdivision of existing dwelling with attached surgery to create 4 x 1 bed flats with alterations to existing car parking and replacement vehicle crossover.
<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=590373](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590373)

**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: 1620/04D, 1620/05E, 1620/06C, 2043/2 and 2043/3
- 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 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including the provision of hedging to the front boundary) and implementation programme (linked to the development schedule) have been submitted to an 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.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 6 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 and visitors vehicles.
- 7 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.
- 8 Details of the proposed bin area/enclosure shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation. These works shall be carried out as approved

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

#### **Description of Site:**

The application site is a two storey detached property located on the west side of The Green in the built up area of Theydon Bois. The property is set back from the road by some 14.5m and is within a row of three similar properties, followed by a church. The property is currently part residential and part surgery (currently operating as an osteopathy surgery). There are some attractive trees and plants to the front of the property. The site is not within the Green Belt or a Conservation Area.

#### **Description of Proposal:**

Extension, conversion and subdivision of existing dwelling with attached surgery to create 4 x 1 bed flats with alterations to existing car parking and replacement vehicle crossover.

The extensions include a two storey extension, single storey side extension, alterations to existing rear conservatory (tiled roof), pitched roof over flat roof elements.

The proposal includes 5 parking spaces to the front with a private garden for the rear ground floor flat and a communal garden for the remaining 3 flats beyond.

The plans have been revised since first submission and re-consultation has taken place. The original scheme was for 2 x 2 bedroom flats and 2 x 1 bedroom flats with 6 parking spaces in an alternative layout.

### **Relevant History:**

EPF/0093/16 - Two storey side extension, alterations to existing conservatory and windows, change of use of existing surgery to residential (as part of host property) and new pitched roof over single storey side element – App/Con

EPF/1323/00 - Conversion and extension of existing garage to provide osteopathic surgery – App/Con

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP6 – Achieving Sustainable Urban Development Patterns

CP7 – Urban Form and Quality

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE3 - Design in Urban Areas

DBE6 – Car Parking in New Development

DBE8 – Private Amenity Space

DBE9 – Excessive Loss of Amenity to Neighbouring Properties

DBE11 – Sub-division of residential

ST1 – Location of Development

ST2 – Accessibility of Development

ST4 – Road Safety

ST6 – Vehicle Parking

H2A – Previously Developed Land

H3A – Housing Density

H4A – Dwelling Mix

LL11 – Landscaping Schemes

RP4 – Contaminated Land

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

#### *Draft Local Plan Consultation document (2016):*

DM9 High quality design

DM10 Housing design and quality

SP6 The Natural Environment, Landscape Character and Green Infrastructure

At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

### **Summary of Representations:**

THEYDON BOIS PARISH COUNCIL: The Council has no objection to this revised application subject to a condition being applied to provide for a robust and permanently retained landscape scheme to the front of the application site. This is required to shield the view of potentially five parked cars in the front garden, in what is a sensitive location overlooking the Village Green. An evergreen hedge to the height of 1 metre is recommended.

To enable an element of development control over this site, we also advocate the removal of Permitted Development Rights.

16 Neighbours consulted:

23 DUKES AVENUE – Objection - This amounts to over- development of the area next to the Green. It will spoil the street scene and the look of the Green. There will be increased parking problems in an area with parking problems already with other residents and the churchgoers.

2 RED OAKS, THE GREEN – Objection - serious overcrowding could be the only net result, existing parking issue worsened, 1, 2, 3 and 4 Red Oaks would be negatively impacted by both the construction and total re-modelling of Greenside, and an over-population of people and vehicles on this site, change the character and charm of this particular part of Theydon Bois.

WINDEN, THE GREEN – Objection - negative effect on the value of our property;

There are 3 1930's family homes in a small row at the top of The Green which have well established gardens (front and back) this should not be lost. The side extension and second front door on the front will make the property appear more like flats than a family home. Loss of trees, changes to the driveway resulting in more noise, particularly from the turning area, how will bin area be camouflaged.

CORNERWAYS, THE GREEN – Objection - Over intensification, reduce mix of housing, parking layout will appear as flats, flat 4 has a study which could be a bedroom, insufficient visitor parking, urban appearance, existing parking on-street parking issues, set a precedent, noise disturbance to neighbours, insufficient amenity space, bin area unsightly

12 AVENUE ROAD – Comment - This application converts a single family dwelling into a block of flats. Although the house also has a surgery this does not change its classification as a single family dwelling.

### **Issues and Considerations:**

The main issues with this application are whether the principle of the conversion to flats is acceptable, the design of the extensions are acceptable, amenity concerns and landscaping issues.

#### **Principle of Conversion**

Greenside is the first residential property fronting The Green at its northern side, it is separated from the properties in Coppice Row by the wide vehicle entrance to Red Oaks. As it is situated in a corner position it is considered an acceptable location for the conversion to flats given that it is the last property in the row. Additionally, although the majority of the properties are single dwelling houses, this property is currently used in part as a surgery (within the existing single storey

element) and therefore is not a single dwelling house. In addition, to the south east, this group of 3 dwellings, is bookended by the Theydon Bois Baptist Church and therefore this immediate area does not have a strong character of single dwelling houses but a mixed use character.

Given the location and the existing mixed use of the site, the proposal is not considered to set a precedent for further single dwellinghouses to be converted, as each application is assessed on its own merits.

The site is within walking distance of the shops and facilities of Forest Drive and Coppice Row and additionally within walking distance of the Central Line Underground Station.

The proposed parking allows one space per a dwelling and one visitor space which accords with the minimum requirements of the Essex Parking Standards and the space sizes meet the required size. The Essex County Council Highways Officer has no objection to the scheme and has confirmed that the proposal is not contrary to Highway policies. Although it is understood there is an existing car parking issue on The Green, this is not reason to prevent new development which meets the parking standards.

The existing garden will be split, providing a private garden for the rear ground floor flat and a communal garden area for the other 3 units. The private garden is more than sufficient to meet the standards set out in policy DBE8 in the region of 90m<sup>2</sup>. The communal area provides an area approximately 140m<sup>2</sup>, again according with policy DBE8 which suggests a minimum of 25m<sup>2</sup> per a flat (75m<sup>2</sup>).

### Design

The proposed extensions to the property are the same as that approved under EPF/0093/16 and therefore as with this scheme, no design issues are raised with the principle of these extensions.

As this proposal differs from the previous approval in that it is now for the conversion into flats some minor changes have been included which include the addition of a separate ground floor entrance (for the front ground floor flat). This alteration is considered relatively minor and appears as a subservient entrance, with the main existing entrance (which porch canopy) still appearing as the prominent entrance and this character has not been lost. The proposal is therefore not considered to have a detrimental impact on the character of the streetscene and will retain the character and appearance of a single dwellinghouse.

Bin storage has been proposed to the front of the property, adjacent to the boundary with Winden. No details have been provided as to whether this includes an enclosure and this could be conditioned to request further details should the application gain approval. It is considered an acceptable location for the bin store.

### Amenity

As with the previous approval for the extensions, the proposed building works are not considered to result in any significant amenity concerns, given that the two storey element is located adjacent to the access road for the properties to the rear (Red Oaks). With regards to Winden the nearest adjacent property, the proposals are set in 1m from the boundary and at this boundary are single storey to a height of 3.5m and it is not considered to result in any significant impact.

The change of use of the site to 4 flats will result in additional traffic movements and the potential for additional noise/activity within the site. However, it is not considered to be so excessive above the potential use of the site as a four double bedroom/4 reception room dwellinghouse (EPF/0093/16) to justify a refusal in this case.

### Landscaping

The Tree and Landscape Officer has no objection to this scheme subject to a condition requiring tree protection and hard and soft landscaping to be submitted. Although a row of leylandi is to be removed these are not protected and the Tree Officer has no objection to their removal. Although they screen the site from the north it is not considered that the site needs this level of screening and it will not disrupt the appearance of the streetscene if these trees are removed. The Parish Council have requested boundary planting which would form part of a submitted hard and soft landscaping scheme as requested by the Tree Officer.

### Comments on Representations Received

The Parish Council have requested the removal of permitted development rights, as this proposal is for flats; flats do not benefit from the permitted development rights of a single dwelling house and therefore planning permission would be required in the future for any extensions/outbuildings etc.

Objections have been raised with regards to the parking layout and the impact this will have on the character of the area. There is an existing large hard standing area to the front of this property at present and it is not considered that creating a more formal layout harms the character, particularly given the requirement for a landscaping scheme which will soften any potential harm.

Concern has been raised regarding disruption during the construction process, although it is unlikely that this can be avoided completely this can be kept to a minimum with a condition restricting works to the standard working hours.

### Conclusion:

After careful consideration of the issues relating to the proposal and those raised during consultation approval is recommended for this proposal which would make a meaningful contribution towards new homes in the District in a desirable location where the site is outside of the Green Belt, which is an acceptable design, with sufficient parking provision and with limited impact on neighbouring amenity.

***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: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

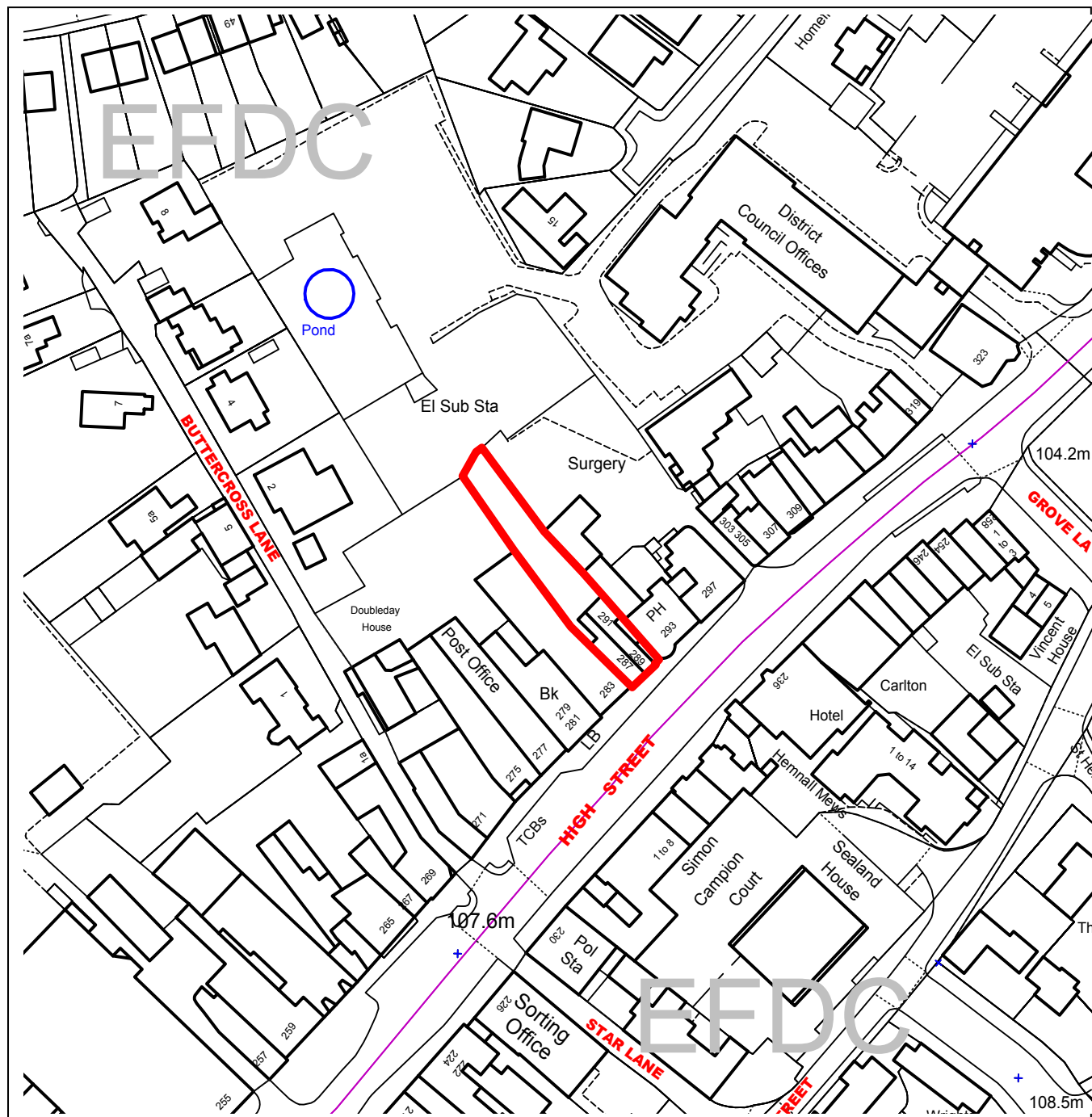
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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/3362/16
Site Name:	291 High Street, Epping, CM16 4DA
Scale of Plot:	1/1250



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/3362/16
<b>SITE ADDRESS:</b>	291 High Street Epping Essex CM16 4DA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Benjamin Spencer
<b>DESCRIPTION OF PROPOSAL:</b>	Minor Material Amendment to planning permission EPF/2116/16 to allow for the change to the colour of the consented windows (retrospective application).
<b>RECOMMENDED DECISION:</b>	Grant Permission

**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=590416](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590416)

**CONDITIONS**

None.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of site:**

The application site consists of the upper storeys of the building located on the northwestern side of the High Street. The site is located within the designated town centre of Epping and the Conservation Area.

The site is currently being converted both upstairs (into 3 flats) and downstairs (into A1 use, including rear extensions).

**Description of proposal:**

Retrospective consent is being sought for the installation of black aluminium windows within the front elevation and in the rooflight above the rear stairs.

### **Relevant History:**

EPF/0020/94 - Change of use of part of first floor from office to hairdressing salon – approved 15/03/94

PN/EPF/2155/15 - Proposed change of use from office (b1) to residential (c3) – withdrawn 05/11/15

EPF/2795/15 - Change of use of upper floors from office to 3 flats – approved/conditions 15/01/16

EPF/2116/16 - Proposed external alterations: a new window on the second floor, the blocking of an existing that will be substituted with a new roof- light above the rear stairs of 287 - 291 High Street, Epping – approved 23/11/16

### **Policies Applied:**

#### **Epping Forest Local Plan and Alterations (1998/2006)**

HC6 – Character, appearance and setting of Conservation Areas

HC7 – Development within Conservation Areas

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.

#### **Epping Forest Draft Local Plan consultation document (2016)**

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policy within the Draft Local Plan is:

DM7 – Heritage assets

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

21 surrounding properties were consulted and a Site Notice was displayed.

TOWN COUNCIL – Object. The proposal is for aluminium windows, which is not an appropriate material for either the historic building or the conservation area. Committee have no objection to black windows, but they should be timber and the design should respect the leaded lights that are in the current windows.

EPPING SOCIETY – Object. The proposal is for aluminium windows, these are not, in general, an appropriate material for the Conservation Area. There is no mention of the precise type proposed. It should be noted that the windows were in fact replaced on or before the 14th February 2017. This work was well before the consultation period of this application. We trust the District Planning Department will consider enforcement action regarding this disregard for our Conservation Area and planning rules.

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

Planning consent was granted for the conversion of the upper storeys of the building to residential flats and works have commenced. During a site visit undertaken by the Planning Officer and Conservation Officer it was noted that instead of the approved white timber windows black

aluminium windows were installed within the front elevation and in the rooflight above the rear stairs. As such the proposed works is retrospective.

The application site is located within Epping Conservation Area and as such the Conservation Officer has been consulted on the proposal. They have commented as follows:

*The loss of timber framed windows on the front façade is unfortunate, however, the general character and appearance of the building is, I believe, preserved. There are no objections to the roof light being black aluminium.*

*This application should therefore be approved.*

As can be seen the use of black aluminium windows on the site has been determined by the Conservation Officer as acceptable within the Conservation Area.

The building is not listed and the visual character of the building and the conservation area is preserved. The new windows are well designed with appropriate detailing including the incorporation of leaded lights.

There are no other issues to determine with this application.

### **Conclusion:**

Due to the above the alterations to the windows would not have any detrimental impact on the general character and appearance of the conservation area and the works therefore comply with the guidance contained within the NPPF and the relevant Local Plan policies and as such the application is recommended for approval.

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

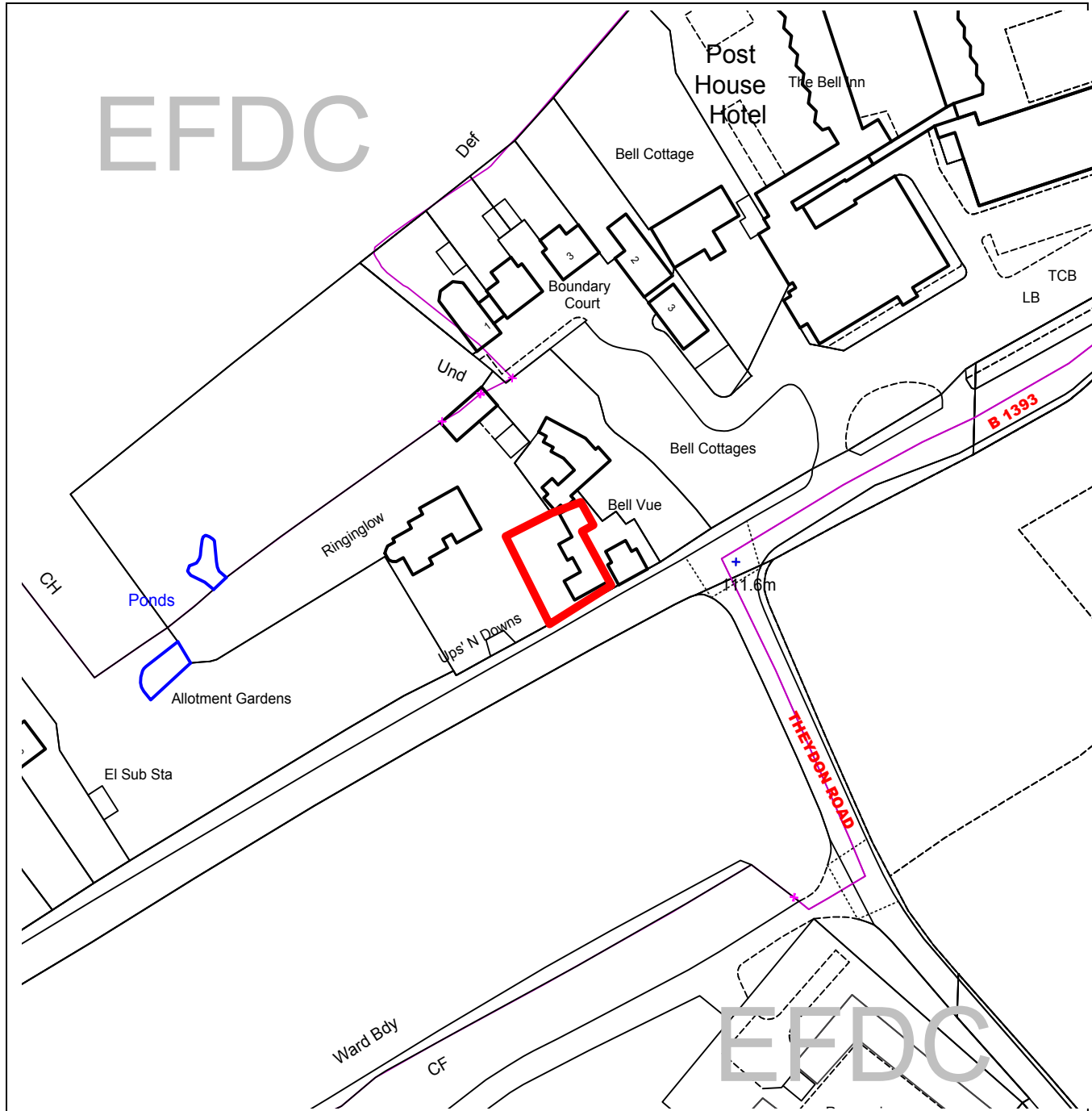
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***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/0070/17
Site Name:	Ups and Downs, High Road, Epping, CM16 4DQ
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0070/17
<b>SITE ADDRESS:</b>	Ups and Downs High Road Epping Essex CM16 4DQ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Tim Hannah
<b>DESCRIPTION OF PROPOSAL:</b>	First floor side extension and a single storey rear extension. Demolition of existing garage at rear.
<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=590818](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590818)

**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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 3 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.
- 4 Gates shall not be erected on the front elevation of the side extension hereby approved without the prior written approval of the Local Planning Authority.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 6 Notwithstanding that the submitted Arboricultural Reports show the removal of two trees, as their removal is not necessary to facilitate development, this consent does not allow for their felling. A formal notice for works to trees within a Conservation Area would be required to be submitted and approved prior to any such works.
- 7 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 (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Proposal:**

Planning permission is sought for the erection of a first floor side extension and a single storey rear extension. The proposal would include the demolition of an existing garage at the rear. The first floor side extension would be 6m wide and would sit above the existing parking area to the side of the dwelling. It would be set slightly below the main ridge of the house and extend to approximately 5.6m. It would be set off the western side boundary by approximately 500mm. Access gates to the rear of the site are to be retained in the same position as the existing.

The ground floor rear extension would replace an existing addition but would be approximately 1400mm deeper and finished with a gable end and set against the side boundary with Belle Vue to the east.

The dwelling is located within the Metropolitan Green Belt and the Bell Common Conservation Area.

**Description of Site:**

Two storey detached dwelling located on the northwestern side of Epping High Road close to the junction with Theydon Road to the southeast and approximately 100m from the entrance to the Bell Hotel. The site is surrounded by natural vegetation to its western and northern boundaries. There is off street parking for two vehicles with access gates to the rear of the site beyond, approximately 6m back from the edge of the pavement.

**Relevant History:**

None

**Policies Applied:**

National Planning Policy Framework 2012

Epping Forest District Local Plan (1998) and Alterations (2016)

CP2 - Protecting the quality of the rural and built environment.  
GB2A - Development within the green belt  
GB7A – Conspicuous Development  
DBE9 - Loss of amenity  
DBE10 – Residential Extensions  
HC6 - Character, appearance and setting of conservation areas  
HC7 - Development within conservation areas  
LL10 - Adequacy of provision for landscape retention

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

Draft Local Plan Policies 2016

SP5 – Green Belt and District Open Land  
DM2 – Landscape Character and Ancient Landscapes  
DM7 – Heritage Assets  
DM9 – High Quality Design

### **Summary of Representations:**

Notification of this application was sent to Epping Town Council and to 3 neighbouring properties. A site notice was also erected.

TOWN COUNCIL: Objection – The proposal does not make adequate provision for landscape retention which may result in the loss of protected and/or trees in the Conservation Area.

### **Issues and Considerations:**

The main issues to determine relate to the site's location within the Green Belt; neighbours living conditions; character and appearance within the Bell Common Conservation Area and landscaping issues.

#### *Green Belt*

The site is located within the boundaries of the Metropolitan Green Belt where limited extensions to dwellings are permitted by national and local policy. The dwelling has been previously extended in the form of a modest ground floor rear addition and garage to the rear of the site. However Council records are not conclusive to when these extensions were built. If it is taken that the additions to the rear were built after 1948 then the volume of the original dwelling is approximately 364m<sup>3</sup>.

The single storey extension would replace the existing and only add a minimal amount of additional floorspace over and above what is currently. It would be tucked behind the main bulk of the house. The volume of this would be approximately 75m<sup>3</sup>.

The first floor side extension is visible when viewed from the High Road. It would extend over the existing area used for parking to the side of the dwelling so it would effectively enclose both the ground and first floor even though only the first floor would provide additional accommodation as the ground floor area would be retained for parking. The overall volume therefore would be approximately 205m<sup>3</sup> (including ground floor).

Therefore the volume increase of the combined extensions would be approximately 280m<sup>3</sup> which would represent an overall percentage increase of approximately 77%.

Officers normally consider that extensions over 60% are not considered to be generally acceptable. However in this case a ground floor rear extension with a similar volume could be constructed under permitted development and is tucked away to the rear with limited views of it from outside the site. Given the existing built form on and around the site, this addition would have very little impact on openness.

The main impact on the openness of the green belt would be from the proposed first floor side extension which is visible from the main road. The extension to the side would add a further 6m in width along the road frontage. As discussed above, the volume has been considered for both the ground and first floor of the extension. However, the ground floor would remain open to the front and sides for vehicle parking and would not appear completely solid.

In terms of context, the dwelling is the last visible property on the way out of Epping and is seen as part of a small built up enclave including the Bell Hotel, Bell Cottages, Magpies Nest and Bell Vue adjacent. In addition, given the dense natural screening to the side and the rear, it is not considered that the extensions would have an excessive adverse impact on the openness, rural character or visual amenities of the Green Belt.

Therefore, Officers consider that whilst the proposal is disproportionate to the size of what is believed to be the original dwelling, Members may feel that given the open ground floor, its location within this small built up enclave and the dense natural screening to the side and rear, that the extension would blend into the surroundings and would not materially impact on the openness of the green belt in this location. As such the proposal is considered acceptable and would comply with policies GB2A and GB7A of the adopted Local Plan (1998) and Alterations (2006) and policy SP5 – Green Belt and District Open Land.

#### *Living Conditions*

The first floor side extension would be set comfortably away from neighbouring dwellings as not to be materially prejudicial to their living conditions. The closest property that could be affected, Ringinglow, is set approximately 18m to the northwest of the dwelling. Currently there is an abundance of natural vegetation including trees and hedges that would provide adequate screening however even if trees were removed from within the application site, given the distance between the windows, the high hedge within Ringinglow and that the proposed first floor windows would face towards the front of this property it is not considered that there would be a material impact on their privacy.

The single storey extension would replace an existing addition and would be slightly deeper. However the roof design has been altered which lowers the height of the wall on the boundary with Bell Vue to the east. In relation to the neighbour to the northeast at Magpies Nest, the extension would face towards the rear wall of an extension to that dwelling. Given that it is single storey, there would be no material loss of privacy to that neighbour.

The proposal would comply with policy DBE9 of the adopted Local Plan and Alterations (1998 and 2006) and policy DM9 of the draft Local Plan 2016.

#### *Character and Appearance*

The property stands within the Bell Common Conservation Area. It is considered that the proposal would preserve the character and appearance of the conservation area. The proposed two storey side extension would be in keeping with the existing property and is of a design sympathetic to the



traditional building forms within the wider area. It is set slightly down and back from the front elevation of the dwelling and would be read as a later addition to it. Given the location of the dwelling at Ringinglow, it is felt that the extension can extend to within 500mm of the shared boundary as proposed without appearing cramped. The ground floor rear extension again is subordinate to the size of the dwelling and would be tucked into the corner of the rear of the site.

The proposal is considered to comply with policies DBE10, HC6 and HC7 of the adopted Local Plan and Alterations (1998 and 2006) and policies DM7 and DM9 of the draft Local Plan 2016

#### *Trees and Landscaping*

There is an abundance of trees and hedging along the western and northern sides of the site that potentially could be affected by the proposal. Although the original application was not accompanied by an arboricultural report, one was sought and has been received by Officers. The Council's Trees and Landscaping Officer has considered the report and has no objections to the proposed development in principle. She points out that the site is within the conservation area and as such all trees on and adjacent to the site are legally protected. She notes that no trees need to be felled in order to enable the development. The submitted arboricultural reports indicate that some trees could be felled but as this is not necessary to facilitate development, the owner would need to apply separately for permission for such works. As a consequence Officers are not able to condition the tree / protection report that has been submitted and revised reports would be required to reflect the situation at the time that the development is to commence. Conditions reflecting this can be attached to any permission granted and the scheme would thereby comply with policy LL10 of the adopted Local Plan and policy DM2 of the draft Local Plan and addresses the concern of the Town Council relating to the loss of the trees.

#### **Conclusion:**

In light of the above appraisal, it is considered that the proposal would be an acceptable form of development that would not harm the openness of the Green Belt; the amenities enjoyed by the occupiers of neighbouring dwellings; the character and appearance of the host dwelling and conservation area and would materially impact trees. Accordingly, it is recommended that planning permission be granted.

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

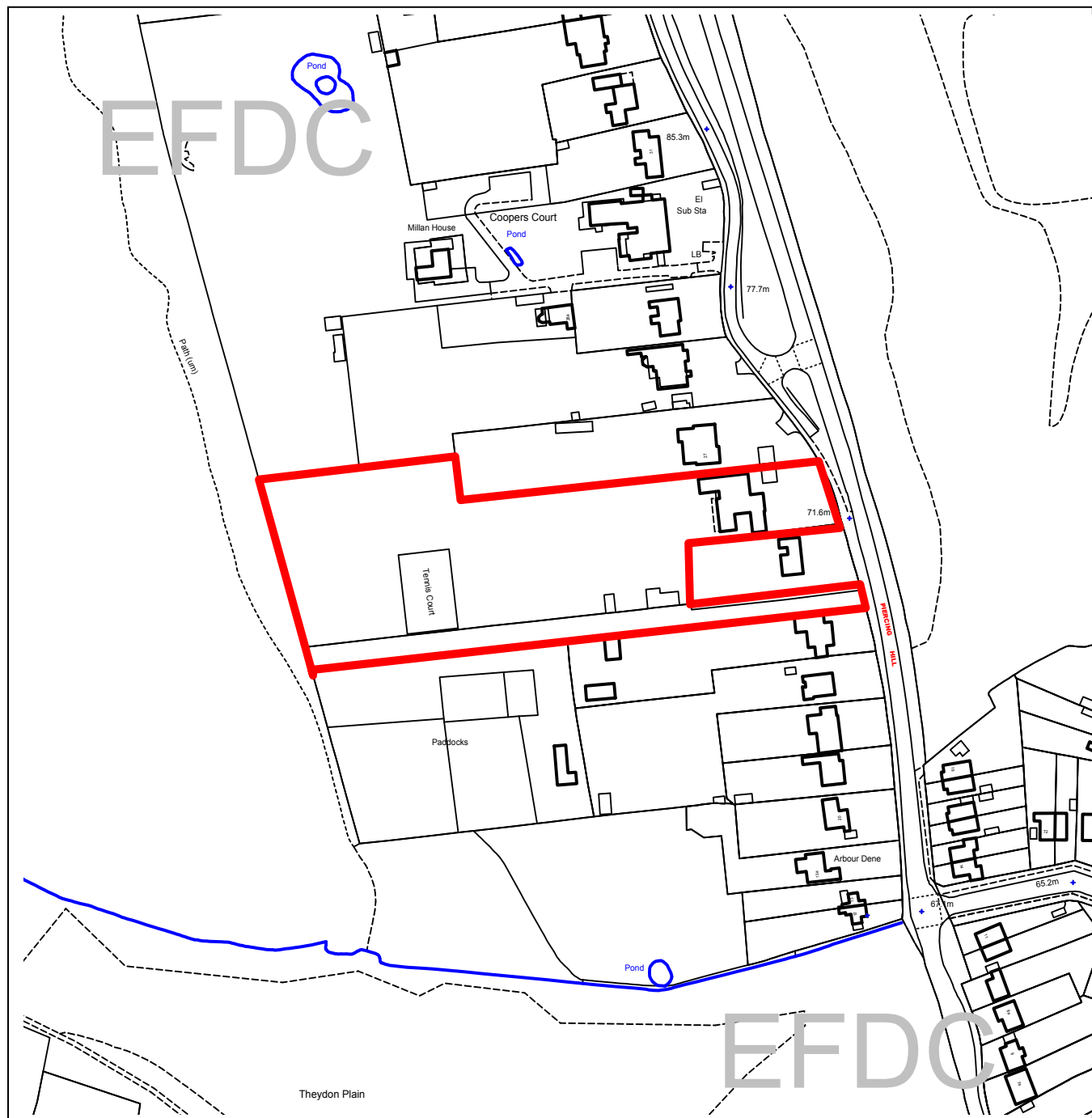
***Planning Application Case Officer: Steve Andrews  
Direct Line Telephone Number: 01992 564337***

***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 6



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Application Number:	EPF/0084/17
Site Name:	26 Piercing Hill, Theydon Bois, CM16 7JW
Scale of Plot:	1/2500

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0084/17
<b>SITE ADDRESS:</b>	26 Piercing Hill Theydon Bois EPPING CM16 7JW
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Ari Demetriou
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed erection of 1 no. detached split level two storey house with additional accommodation within the roof space served by small dormer windows and attached double garage. Alterations to ground surface levels to front and rear following the demolition of the existing house, garages and garden outbuildings excluding existing rear garden garage building accessed from an existing side drive within the ownership of the applicant.
<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=590875](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590875)

**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 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 The 1.8m high obscured glazed privacy screens to be erected on either side of the proposed first floor rear roof terrace shall be erected before the terrace is first brought into use, and shall be retained on a permanent basis thereafter.
- 4 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same

species and size as that originally planted shall, within 3 months, be planted at the same place.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 6 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 an 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.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The proposals and recommendations set out in the Ecological Appraisal prepared by Hankinson Duckett Associates, ref 703.23 dated November 2016, shall be implemented in full on the site, and written notification that these proposals and recommendations have been actioned shall be submitted to and approved by the Local Planning Authority.
- 9 The development hereby permitted will be completed strictly in accordance with the approved drawings numbered PH/06 E; PH/02 G; PH/01 G; PH/11 C; PH/03 B, PH/08 A; PH/05 B; PH/13 A; PH/12 A; PH/07 C; PH/10 B; PH/04 A.
- 10 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice

tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 11 Details of surface water drainage shall be submitted to and approved by the Local Planning Authority before any works commence on site. Once approved these details shall be implemented in full on the site.
- 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. Confirmation that excavated material will be removed from the site and how this is to be achieved.

*This application is before this Committee since the recommendation for approval is contrary to a) an objection from a local council and b) to more than two objections received, which are material to the planning merits of the proposal, (pursuant to the 'constitution, part three :scheme of delegation, appendix 3.).*

### **Description of Site:**

A substantial bungalow with rooms in the roof and located on an extremely large plot on the west side of Piercing Hill. The dwelling lies in the Green Belt but in a staggered row or enclave of houses that lie on the west side of Piercing Hill. The property is not listed nor does it lie within a conservation area.

### **Description of Proposal:**

Demolition of existing dwelling, and erection of a two storey house with accommodation in the roof, and with a ground floor rear section containing a pool and gym.

### **Relevant History:**

EPF/2004/15 proposed a replacement dwelling in a recessed position with the same front and rear building lines as the neighbouring no.27 Piercing Hill. This application was withdrawn partly because officers felt its recessed position would significantly detract from the other neighbour at no.25 – and consequently it was likely to be refused planning permission.

EPF/2687/15 proposed a replacement dwelling in a more forward position but where the dwelling would still lie behind the main rear wall of no.25. However planning permission was refused because of its impact on the outlook and amenity of no.25 – please see below. An appeal was lodged against this refusal and was dismissed by the planning inspector – on grounds that the projecting south facing elevation (towards no.25), by reason of its height and length, would create a sense of enclosure and be overbearing when viewed from the rear elevation and rear garden of no.25, which in turn would be harmful to the living conditions of the occupants of no.25.

EPF/1548/16 also proposed a dwelling immediately behind the line of the main rear wall of no.25 but where its flank was pulled a little further way from the side boundary with no.25. This was also refused permission on grounds of the adverse effect on no.25, and also because the proposed front boundary wall and gates would be out of keeping. An appeal against this refusal has also been lodged and although statements on this appeal had to be completed in January a decision is still awaited – probably because of a backlog of appeals the Planning Inspectorate is currently dealing with.

### **Policies Applied:**

#### *Adopted Local Plan:*

GB2A – Development in the Green Belt

GB15A – Replacement dwellings

CP2 – Protecting the quality of the rural and built environment.

DBE1 – Design of new buildings.

LL10 - Adequacy of provision for landscape protection

LL11 – Landscaping schemes

ST4 – Road safety

ST6 – Vehicle parking

#### *NPPF:*

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

#### *Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

The relevant policies in this case are as follows:

SP5 – Green Belt and District Open Land

DM9 – High Quality Design

DM5 – Green infrastructure; design of development

### **Summary of Representations:**

THEYDON BOIS PARISH COUNCIL – objection. The Parish Council acknowledges some of the improvements made over the previously refused scheme, in particular moving the proposed property forward in an attempt to reduce the impact on the neighbouring property at number 25 Piercing Hill.

However, the Council remains concerned over the size of this replacement property. It would appear from the submitted Design & Access Statement that the volumes of the proposed property have only been calculated above the original 'ground level'. In this instance, however, it is clear that the ground levels are being lowered and therefore the full volume of all the built structures should be given – as intended under Local Plan Policy GB15A. It is not credible to argue that the 'ground floor' of the dwelling house and the pool house don't count as part of the volume of the new building purely because they are lower than the original ground level. The actual volumes of

the proposed house should be provided which will show that the replacement house is materially greater than the one it replaces and therefore fails to comply with policy GB15A and the NPPF. Concern is also expressed over the accuracy of the submitted plans, particularly with regard to which outbuildings are being removed and which are to remain. This is particularly relevant with regard to the above volume calculations. The information provided by the Planning Agent at the Parish Council Planning Meeting differed from the information provided on the plans. Finally, the proposed choice of materials for the property would be out of keeping with the remainder of the road. Piercing Hill is an important, high profile road within the Village. The road consists mainly of large 'Manor Villas' built with yellow stock bricks with slate roofs. The proposed choice of brick for the new property, a red mix, with a brown roof tile would be completely out of character to the detriment of the street scene.

THEYDON BOIS ACTION GROUP – object – new dwelling would be highly conspicuous in the Green belt, it is materially larger than the one it replaces in terms of its volume, height, and footprint and is therefore contrary to para 89 of the NPPF and GB7A of the Local Plan. The total volume of the house should be given not just the above ground volume. The house still projects at two stories for 9m behind the rear wall of no.25 and detracts from that neighbour's amenity, there are no proposals for the front boundary and a condition will be required, we do not consider that land at the rear of the site should be included in the residential curtilage. This is a large plot and 50% permitted development of it could occur contrary to the aim of retaining openness in the Green Belt. To this end any permission should include a condition removing permitted development rights. There is some uncertainty about whether a detached garage outbuilding is to be retained or not, and a condition should be imposed preventing use of the side land to access this garage. In conclusion insufficient amendment has been made to this proposal or a replacement dwelling and we strongly object.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – object – on similar grounds as raised by the Theydon Bois Action Group, particularly with regard to the size of the new dwelling in the Green Belt. Also concerned about the proposed materials to be used on external surfaces of the proposed dwelling..

CITY OF LONDON – object – on grounds that the new house is materially larger than the existing and would represent inappropriate development that would damage the openness of the Green belt. Also the new dwelling, by reason of its position, depth and height, would detract from the outlook and amenity of the neighbouring property at no.25.

NEIGHBOURS – 19 properties consulted and 13 replies received comprising of 10 letters of objection, and 3 letters of support:-

25 PIERCING HILL – Object – the existing bungalow on the site was built and subsequently extended to respect the amenity of no.25. The excessive height of the new house (ridge 9.14m) plus the 2m level difference between the plots, will impact on our outlook. The depth of the new house, at part 19m and part a staggering 23m, would also have an impact and sets an unprecedented rear building line. The new house should be moved further forward on the plot to reduce its adverse effect. The computer generated image submitted with the application, showing the existing and proposed dwelling as viewed from our garden, has been doctored and is misleading. The design of the house is not really Victorian as stated in the application documents, and given its size and sunken profile it cannot be described as 'blending in'. We do not feel that the paddock/field/woodland at the rear of the site should be included in the garden curtilage. There are some inaccuracies on the plans eg the size of our garage/office building is shown incorrectly. The profile comparison plan between the existing and proposed dwellings is misleading. The proposed balcony will be intrusive to our garden privacy and amenity. The demolition of outbuildings should not be used to justify the extra volume of the proposed new dwelling.

A further objecting letter from a consultant acting for the householders at no.25 has also been received. It states that the new dwelling does not meet the 3 tests set out in policy GB15A – it is materially larger and would therefore impact on the openness of the Green belt, and no very special circumstances exist to offset this harm. Inaccurate and inadequate plans have been submitted. In addition the proposal still does not address the issues previously identified by the Council and a planning inspector – in that the proposal will still detract from my client's outlook and amenity.

15 PIERCING HILL – object – the new dwellings scale and mass would adversely affect the quality of life of neighbours at no.25. A house of 8,000 sq ft is substantially larger than the existing bungalow and would breach the Council's Local Plan, flooding issues could be exacerbated by the proposal to sink part of the building under ground level, and the design of the proposed house is out of keeping..

53, THEYDON PARK ROAD – object on similar grounds to those above from 15, Piercing Hill, plus the fact that the volume of stables and garden shed outbuildings to be removed cannot justify to be removed – the proposed dwelling is too large, out of character, contains a basement which could cause damage to neighbours, and there is concern over possible development of the large area of land to the rear.

24 Piercing HILL – object – on similar grounds to those from no.15 Piercing Hill together with a concern that other houses in Piercing Hill have been developed to a rigid code of what is acceptable, but this proposal seeks to shoehorn in an over large development which is totally out of keeping.

9, 21, 22, 29 PIERCING HILL and 37 Theydon Park Road – object on similar grounds as those received from nos. 24 and 21 Piercing Hill.

FAIRMEADS, 39-40 PIERCING HILL – support the proposal since it will be a much needed visual improvement. The design is consistent with other houses on the hill the cgi shows a good example of a property that we feel should be welcomed and certainly a huge improvement to the existing dwelling

A PROPERTY IN THEYDON ROAD – support – for similar reasons as from 39-40 Piercing Hill above.

JASMINE COTTAGE, COPPICE ROW – support - Having recently attended the local Parish Council meeting where the application was first on the agenda, I was very encouraged by the way this new application was received, with most members comments praising the design and agreeing it is much more in keeping with the surrounding properties in the road. I therefore disagree with and am puzzled by their decision not to support this application. The recommendations on previous applications have been taken into consideration and met, the new design has made good use of the varying levels within the site and used this to dramatically reduce the impact on the neighbouring property, and minimise any impact to the openness of the greenbelt. As a local resident I feel we should support this application for a well designed family property, that is sympathetic to the area, having similar architectural features to many houses in the road. The Parish Council did acknowledge this in its discussions and also agreed it would be a vast improvement to the existing dwelling. I therefore hope you will approve this application.

ESSEX COUNTY COUNCIL HIGHWAYS - From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan.



EFDC TREES SECTION – Details of tree protection and an arboricultural report have been submitted. We have no objection to the proposals subject to conditions being added regarding tree protection, retention of trees and shrubs, and details of proposed landscaping to be submitted.

EFDC LAND DRAINAGE SECTION – No objections in principle but please add a land drainage condition and a condition requiring details of surface water drainage.

EFDC COUNTRY CARE SECTION – No objections subject to conditions being imposed.

### **Issues and Considerations:**

The main issues raised by this application are firstly, whether the revised scheme now has a more acceptable impact on the outlook and amenity of the neighbouring property at no.25, which was the principal reason for refusing two earlier applications EPF/2687/15 and EPF/1548/16. Secondly, whether the size and profile, and design of the replacement dwelling, is acceptable having regard to its location in the Green Belt.

#### **Impact on neighbouring dwellings**

In contrast to the previously refused applications this current application shows the new dwelling to be positioned in a more forward position on the site so that 6.1m of its two storied depth now lies in a position to the side of the house at no.25. Consequently the two storey projection which extends beyond the line of the rear wall of no.25 is now reduced to 8.2m compared with the 13.7m on the last application refused under EPF/1548/16. This two storey flank also lies 4.1m and 5.2m way from the side boundary with no.25. Moreover, it does not contain any vertical gable end roof which the inspector found to be overbearing in dismissing the first appeal in respect of EPF/2687/15 – rather it has a typical roof that slopes away from the boundary. In addition, and partly in recognition of the 2m ground level difference between the two properties, part of the ground floor of the new house will be sunk into the ground level (which rises from front to rear) – and this further reduces the net height of the proposed dwelling. New tree planting will also take place between the flank of the proposed house and the boundary with no.25. This new planting will replace existing somewhat ugly and truncated leylandi trees close to the boundary. Taking these factors into account the proposed dwelling has a reduced and more acceptable impact on the amenity and outlook of no.25. It is recognised that the neighbours at no.25 still have strong concerns over the adverse effect the new dwelling would have, but the revised position, size, and height of the current proposal does now result in an acceptable relationship with no.25.

On the other side of the plot close to no.27 the two storey section of the new dwelling will lie just in front of the line of the house at no.27. This relationship will have some impact on the front outlook and amenity of no.27 but this impact will not be at a significant level. A long single storey wing close to the boundary is also proposed with no.27, with much of this wing being given over to a swimming pool. Because of the height of the existing boundary fence, and because no.26 is on lower land than no.27, this long single storey wing will be largely hidden from view from no.27 and it will not have an undue effect on the amenity of that neighbour. It is also noted that the neighbour at no.27 has not made any representations to this current application or the previous two applications.

The occupants of no.25 also are concerned that the proposed rear roof terrace will give rise to overlooking of their house and garden. However this terrace, which faces the rear garden, will be over 15m from their side boundary and it will have 1.8m high side privacy screens, in obscured glass, that will prevent side views over no.25 or no.27. These privacy screens are shown on the first floor plan and will also be subject of a condition. Bearing these points in mind the proposed terrace will not give rise to a material level of overlooking.

The application site is a very large one and it includes land located behind the rear garden of the neighbouring no.25. Although initially there was some confusion it has been clarified that an existing garage outbuilding, located to the rear of the rear garden of no.25 will be removed, and this will secure some improvement to the outlook and amenity of no.25.

### Green Belt issues

Objectors to the proposal, including the Parish Council, are concerned that the new house is materially larger than the one it replaces, and therefore would be in breach of Green Belt policies designed to protect openness. In response further details on volume and floor area of the existing and proposed buildings have been supplied.

It is appropriate to point out that this site lies in the middle of a significant built up enclave in the Green Belt close to the urban settlement of Theydon Bois. It does not therefore lie an isolated position. In addition, the proposed position of the proposed house is in a logical and staggered one between nos. 25 and 27. In this context some leeway is normally allowed for replacement dwellings to be a little larger than the dwelling being replaced.

The applicants have submitted figures that show the floor area of the existing dwelling and existing outbuildings totals 1087.406 sq m, and the new house, and those outbuildings to be retained, is 1127.67 sq m – an increase of just 3.7%. In terms of volume the applicants state that the volume of the new house above ground level, plus retained outbuildings, will be 2904.14 cu.m compared to the existing 3116.69 cu m – a reduction of some 6.2%. The applicants have some justification in arguing that below ground building volume has no effect on openness, and this is a stance that is commonly accepted. However, excluding outbuildings, the volume of the whole of the new house, including that part below ground, compared with the volume of the existing dwelling, is 30% greater than the volume of the existing dwelling. In a built up enclave such as this this increase is not regarded as unduly disproportionate, and it is likely that other schemes allowed eg at 32 Piercing Hill, have resulted in similar increases. It should also be taken into account that the volume of the house is larger in part due to the inclusion within the single storey element, of the swimming pool. If this were not part of the house it would be possible at present to construct a detached swimming pool up to 4 metres above existing ground level anywhere within the rear garden area. Such a building would have a much greater above ground volume, and a much greater impact on openness than the well designed pool extension proposed.

Considerable concern has been raised by the Parish Council and others on a linked issue – that of the amount of outbuildings that can be built on a very large plot which could impact on this Green Belt setting close to the Forest. The rear garden area of this site measures 160m in depth by a minimum of 60m, and indeed permitted development rules would allow for a lot of building coverage, in theory up to 50%. This is the current situation as the existing dwelling has permitted development rights for outbuildings. However the applicants, because they have included the pool within their dwelling, have agreed to accept a condition withdrawing permitted development rights, including that for outbuildings, if a consent for the replacement dwelling is granted. This would mean that planning control can be exercised over the size and number of outbuildings proposed in this large rear garden area.

In conclusion it can be argued that the proposals do not result in a material increase of volume of buildings above ground level. Even if one takes a different comparison of the total volume of the existing and proposed houses (excluding outbuildings) an increase of 30% volume is not excessive, particularly when this extra volume is far better accommodated within the established building line of houses at the front of the plot, and where the applicant is prepared to forgo existing permitted development rights over an extensive and sensitive rear curtilage. For these reasons it is considered that the proposal does not result in a materially larger dwelling that detracts from openness if the Green Belt.

### Other issues

A second reason for refusal of the last application – EPF/1548/16 – related to an inappropriate new wall and railings on the front boundary of the site. This current proposal does not propose any change to this front boundary. If a new enclosure is proposed in the future - which is above 1m in height - a separate planning permission for it would be required.

Concerns have been raised from objectors about the design and appearance of the new house. This did not form a reason for refusal of the previous scheme. In any event the proposed design represents an improvement in that the front of the building is significantly narrower with just one wing which is recessed. The proposed house will also have two modest sized front gabled roof features which are common in this built up enclave, and the vertical emphasis and style of the proposed fenestration will be in keeping with other houses in Piercing Hill. A new detached garage is proposed in front of the recessed wing of the house close to the boundary with no.27. Amended plans show removal of a flat crown roof to this garage. Although the main house will have a crown roof component the design of the whole dwelling is considered to be both acceptable and complementary to the style of houses in the locality. Some concern has been raised about materials to be used on external surfaces but the applicants have stated that these can be covered by an appropriate condition.

In terms of the extent of curtilage officers are satisfied that the curtilage shown is correct, and indeed it ties in with the depth of curtilages on properties to the north..

### **Conclusions:**

This revised proposal makes significant changes to the position and profile of the house to improve its relationship with the neighbouring no.25. In terms of impact on openness of the Green Belt the volume of buildings above ground will be reduced compared to existing, the new volume of building will be positioned in the 'logical' building line at the front of the site, and a grant of planning permission will enable the Council to exercise control over any outbuildings to be erected on huge rear garden area. For the reasons, and those set out in the report above, it is recommended that planning permission be granted subject to conditions.

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

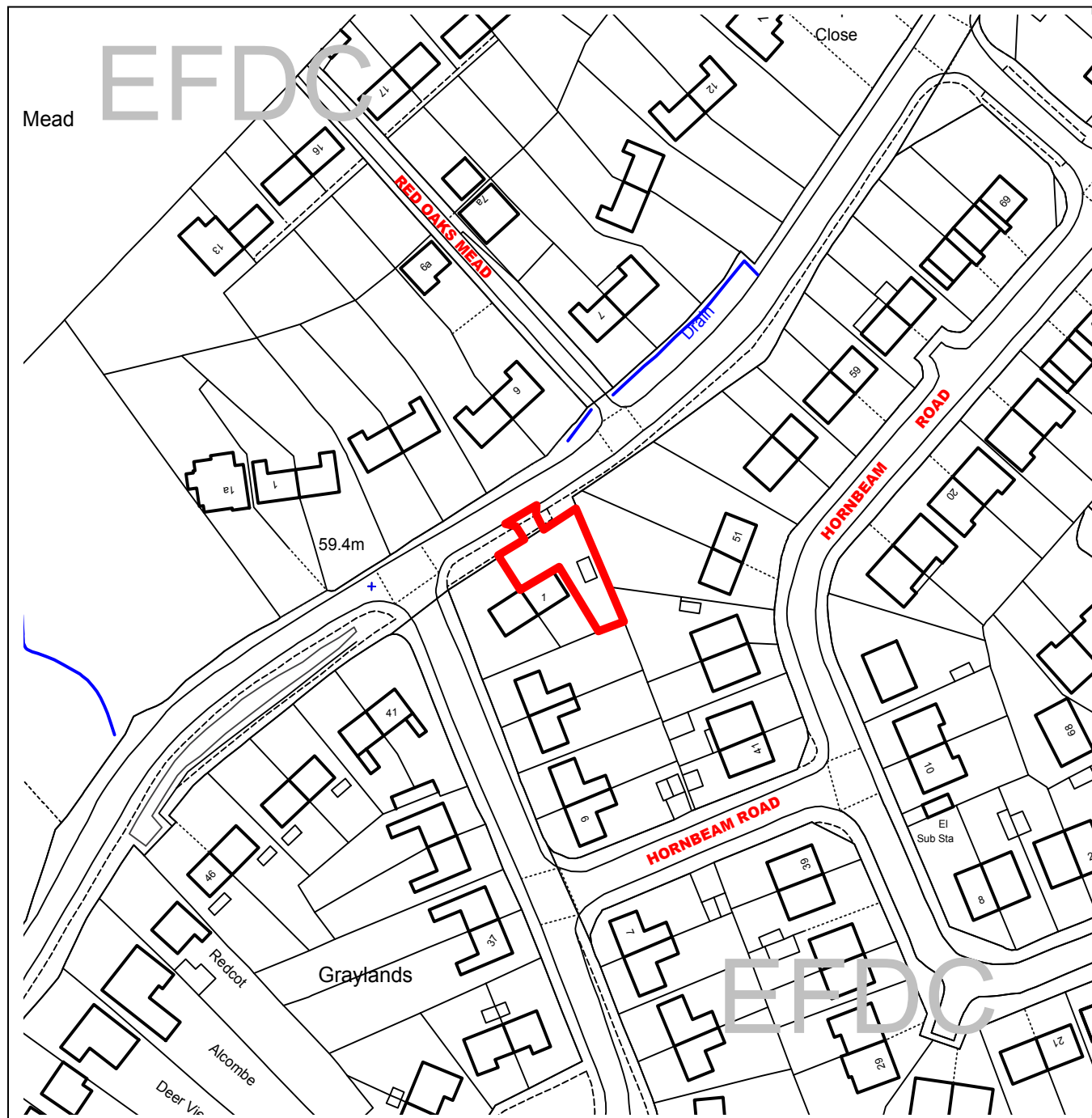
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

***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 7



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Application Number:	EPF/0247/17
Site Name:	1 Graylands, Theydon Bois, Epping, CM16 7LB
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0247/17
<b>SITE ADDRESS:</b>	1 Graylands Theydon Bois Epping Essex CM16 7LB
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr J Carrol
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garage and construction of two storey dwelling on site. (Revised application)
<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=591397](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591397)

**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:  
LBF-0001 1 of 2 Revision D  
LBF-0001 2 of 2 Revision D
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, C or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 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 an 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.
- 7 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.
- 8 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 (staff) and visitors vehicles.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property

including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
- [Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 12 Following completion of 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.

- 13 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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 14 Prior to the first occupation of the development, the proposed private drive shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.

- 15 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 16 Prior to first occupation of the development the redundant vehicular access shall be fully reinstate including reconstruction of the footway and full height kerbing.
- 17 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 18 There shall be no discharge of surface water onto the Highway.
- 19 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 (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The site is that of a front and side garden of a semi-detached house on the southern side of Loughton Lane though with the address of 1 Graylands. The junction with Graylands is by the side boundary of the attached neighbour.

The site is part of the built up area of Theydon Bois and is not within a Conservation Area or the Green Belt.

**Description of Proposal:**

Demolition of existing garage and construction of two storey dwelling on site. (Revised application)

**Relevant History:**

EF\2016\ENQ\00714 – Pre application Advice-New dwelling on land adjacent

EPF/2401/16 - Demolition of existing garage and construction of two storey dwelling on site. – Refused 17/11/2016 (Delegated decision)



### **Policies Applied:**

#### *Adopted Local Plan:*

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP4	Energy Conservation
CP5	Sustainable Building
H2A	Previously Developed Land
H3A	Housing Density
DBE1	Design of New Buildings
DBE2	Affect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car parking in new development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL5	Protection of Urban Open Spaces
LL10	Adequacy of Provision of Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle parking

#### *NPPF:*

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

#### *Draft Local Plan:*

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

DM9	High Quality Design
DM10	Housing Design and Quality

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

Number of neighbours consulted: 8

Site notice posted: 14/02/2017

Responses received: No response received from neighbours.

PARISH COUNCIL -: Recommendation: Objection

The Parish Council notes the reasons for refusal of the previous application under delegated authority, and takes the view that the amended plans have failed to address those reasons.

Namely:

1 The proposal would result in an obtrusive, incongruous and cramped form of development detracting from the appearance of the site and the character and appearance of the locality.

2 The proposed design, by reason of the positioning and extent of the parking, would be detrimental to the appearance of the street scene.

3 The extent of provision of private amenity space to the proposed house would be inadequate and thereby fail to offer a degree of residential amenity that future occupiers of the house could reasonably expect to enjoy.

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

This application follows a previous application (EPF/2401/16) for a similar proposal which was refused. The reasons for refusal were:

*The site currently provides space considered to be a significant component to the character of this part of Theydon Bois and is relatively prominent as it fronts a route to Loughton. By reason of a combination of mass and bulk; proximity to the boundaries; and, detailed design, the proposal would result in an obtrusive, incongruous and cramped form of development detracting from the appearance of the site and the character and appearance of the locality. The proposal is contrary to policies CP2(iv), CP7 and DBE1 of the adopted Local Plan and Alterations and to the National Planning Policy Framework.*

*The proposed design, by reason of the positioning and extent of the parking would be detrimental to the appearance of the streetscene. The proposal is therefore contrary to Policy DBE6 of the Local Plan and Alterations and the provisions of the National Planning Policy Framework.*

*The extent of provision of private amenity space to the proposed house would be inadequate and thereby fail to offer a degree of residential amenity that future occupiers of the house could reasonably expect to enjoy. The proposal is contrary to policy DBE8 of the Local Plan and Alterations and the provisions of the National Planning Policy Framework.*

The way forward was seen to be a revised development which would relate to the height and form of the roof of the houses to the west in an application which provided greater detail to demonstrate consideration of detailed design of both the proposed house and parking provision.

The design of the roof has been amended such that the current application is for a house with bonnet hips roof whereas previously the roof was of side gables. A two metre gap is now proposed between the donor property and the new house (an increase of a metre over the previous scheme) More information has been provided of the proposed parking arrangement. The parking spaces would be of resin bonded shingle and the manoeuvring area onto the parking spaces would be of block pavements. Whilst the footprint of the current house is unchanged from that in the previous application; the current design is for a two-bedroomed house rather than a three-bedroomed house as previously.

The main issues are considered to be, as with the previous application, appearance and general design; impact to neighbours; and, amenity of future occupiers.

### **Appearance and affect on character**

The site currently provides space to the side of the built form that is the house at 1 Graylands. This space is considered to be a significant component to the character of this part of Theydon Bois. Infilling this space would change the perceived density of housing at this part of the streetscene and care is needed to avoid any proposed development appearing cramped in relation to the existing house. It is considered that on balance the current proposal has addressed this challenge by maintaining a two metre gap between the dwellings and amending the roof design to increase the gap at roof level. Whilst the adjacent properties are fully hipped, it would not be appropriate to employ that design on this single property as it would result in an incongruous pyramidal roof. The half hip proposed is an appropriate compromise.

The extent of parking provision for the host dwelling, 1 Graylands, and the proposed house could visually dominate the streetscene, contrary to policy DBE6. The proposal however, now includes two surface materials to provide some visual interest and some landscaping in the form of hedging can be provided along the front boundary which could be ensured by means of a condition, and this will soften the impact of the development. Such a layout would be similar to the next door property and houses on the opposite side of the road so would not be out of keeping with the street scene.

As a result, the changes, though limited, are considered significant, and sufficient to make the proposal acceptable in terms of appearance.

#### Impact to neighbours

The proposed house would be set to the east of the nearest neighbour, the host dwelling at no. 1. It is considered that there would be no material loss of light or outlook to any neighbour

The proposed house would have a first floor bedroom window looking toward the rear garden of 3 Graylands. However, the rear garden to the proposed house would be some 9m deep and overlooking of the rearmost part of the garden to no. 3 would be similar to that which already occurs from rear windows of the existing house at no. 1. Similarly whilst some view of the rear garden of 47 Hornbeam Road may be possible it is considered that this would not be materially greater than already occurs from existing properties. Any refusal on the ground of loss of privacy could not be reasonably sustained.

#### Amenity of future occupiers

As referred to above, the house as now proposed would have two bedrooms. The proposed house would have a private amenity area of some 60 sq m. It is now considered that any refusal on the ground of inadequate private amenity area could not be reasonably sustained.

The host dwelling would retain a rear garden of some 81 sq m.

The proposed house would have a conventional internal layout and would offer adequate living conditions to future residents.

Given the relatively limited amount of garden space it is necessary to remove permitted development rights for extensions, roof alterations and outbuildings, in order to prevent overdevelopment of the plot.

#### Other matters

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a

demonstrable five year supply of housing weighs in favour of granting planning permission. However, this still has to be weighed against other material planning considerations.

The Highway Authority have considered the proposed access and parking arrangements and have no objection on highway safety grounds subject to conditions.

**Conclusion:**

The proposed house will sit comfortably within the plot and the design is now of a standard sufficient to safeguard the character of the environment in which it would be set. The proposal makes good use of urban land and will provide an additional small unit of residential accommodation in a sustainable location without causing harm to neighbouring amenity. The proposal therefore accords with the adopted policies of the Local Plan and the application is recommended for approval.

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

***Planning Application Case Officer: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

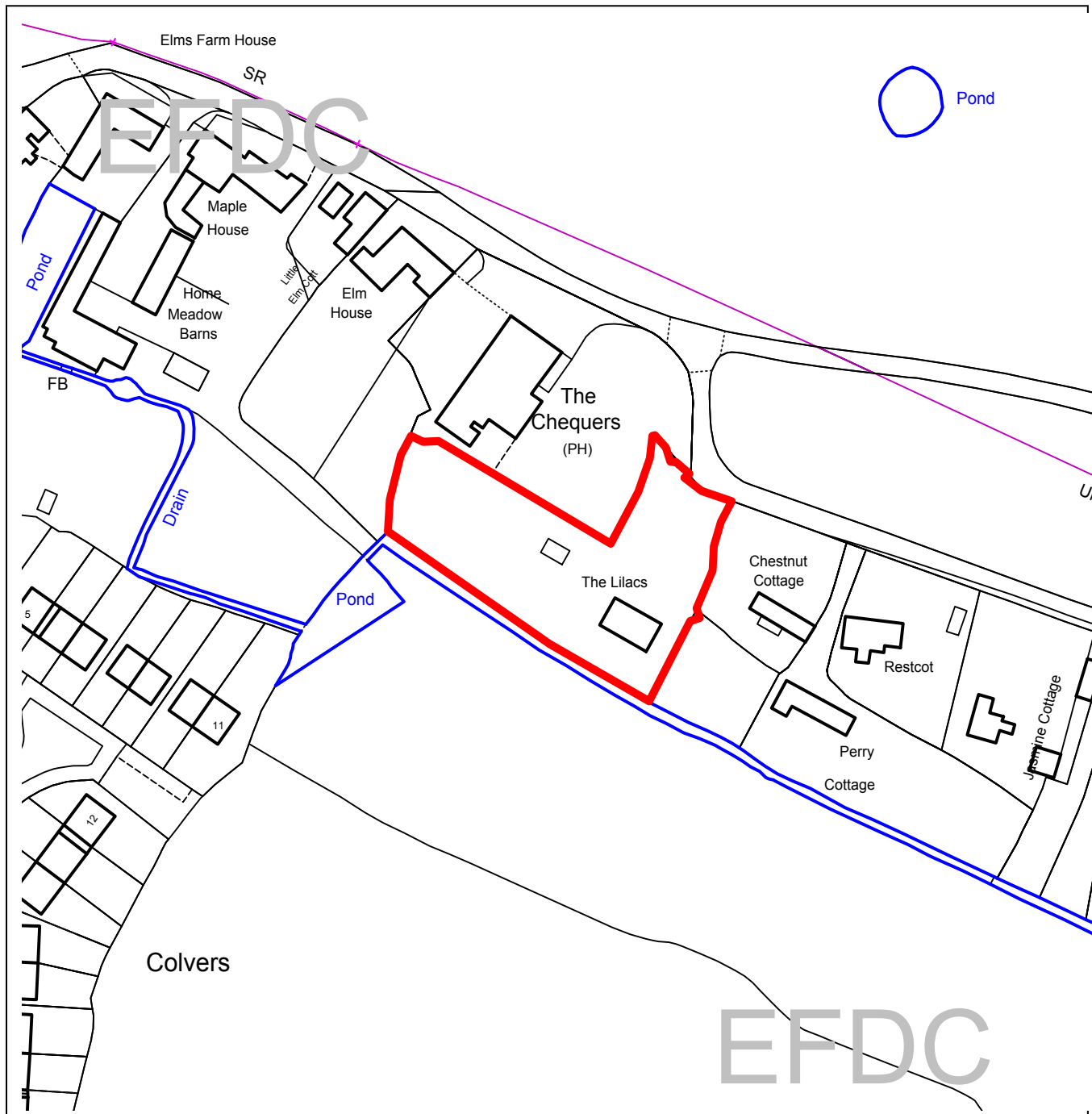
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/0320/17
Site Name:	The Lilacs, Matching Green, Matching, CM17 0PZ
Scale of Plot:	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0320/17
<b>SITE ADDRESS:</b>	The Lilacs Matching Green Matching Essex CM17 0PZ
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers  Matching
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Michael and Andrew Heseltine
<b>DESCRIPTION OF PROPOSAL:</b>	New house and garage, replacement garage and access to highway, demolition of outbuildings.
<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=591614](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591614)

**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: 1582.01, 1582.02, 1582.03, 1582.04, 1582.05, 1582.06, 1582.07
- 3 No development shall have taken place until samples of the types and colours of the external finishes, including doors and windows, 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 5 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, C, D or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 No development shall take place until details of the proposed surface materials for the driveway have been submitted to and approved in writing by the Local Planning Authority. The driveway shall thereafter be carried out in accordance with the approved details.
- 7 No development shall take place until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be carried out in accordance with the approved details.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 9 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.
- Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, 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.
- 10 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.



- 11 Prior to the first occupation of the new dwelling hereby approved the proposed new access shall be completed in accordance with the approved plans and the existing access and driveway (shown to be removed on the approved plan) shall be removed and laid to grass..
- 12 The parking area shown on the approved plan shall be provided prior to the first occupation of the new dwelling and shall be retained free of obstruction for the parking of residents and visitors vehicles.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site is a detached Grade II listed dwellinghouse with a large side garden situated on the southern side of Matching Green. The site dog-legs around the rear of a parcel of open land and the adjacent public house The Chequers. It is located within the Metropolitan Green Belt, the Matching Green Conservation Area and an EFDC flood risk assessment zone.

**Description of Proposal:**

Consent is being sought for the erection of a detached three/four-bed dwelling and a single detached garage within the side garden of The Lilacs. The proposal would involve the removal of the existing access and driveway and the installation of a new access and driveway and the erection of a detached single garage to serve The Lilacs.

The proposed new dwelling would be one-and-a-half storeys in height and would have a total floor area of 197m<sup>2</sup>. It would be situated to the rear of the adjacent parcel of open land that is currently being used as a pub garden serving The Chequers.

**Relevant History:**

None

**Policies Applied:**

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives  
CP2 – Quality of rural and built environment  
CP3 – New development  
GB2A – Development in the Green Belt  
H2A – Previously developed land  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
HC6 – Character, appearance and setting of conservation areas

HC7 – Development within conservation areas  
HC12 – Development affecting the setting of listed buildings  
RP3 – Water quality  
RP4 – Contaminated land  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
U2B – Flood risk assessment zones

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.

#### Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP5 – Green Belt and district open land  
H1 – Housing mix and accommodation types  
T1 – Sustainable transport choices  
DM7 – Heritage assets  
DM10 – Housing design and quality  
DM15 – Managing and reducing flood risk

#### **Summary of Representations:**

5 neighbouring properties were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object on grounds of overdevelopment of the site, inappropriate for the village, access is across a protected village green and damage to surface is an offence under the Enclosure Acts.

THE CHEQUERS – Object as the site is in the Green Belt, it is located on the edge of the village green, the dwelling would be close to their kitchen extract fans and rear external patio. The access would be across land outside of the applicant's ownership, there is no adequate screening and as the development could pollute the stream and biodynamic allotment to the rear.

CHESTNUT COTTAGE – Support the application as this would assist in the need and demand for new residential properties, would not be overdevelopment or intrusive in regard to existing properties and it is an attractive property in an ideal location.

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

The main issues are whether the development is appropriate in the Green Belt, the visual and historic impact, regarding sustainability, the impacts on amenity, and parking and highway safety.

#### Green Belt:

The application site is located within the Metropolitan Green Belt whereby the National Planning Policy Framework highlights that "*the construction of new buildings is inappropriate*", however lists a number of exceptions to this that includes:

- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*

The site is clearly located within the village of Matching Green towards the edge of the village green. Immediately adjacent to the site to the north is The Chequers and to the west are the properties on Colvers. To the east is The Lilacs and the properties beyond. Directly adjacent to the site to the south is undeveloped land.

A previous appeal at Pond House, Matching Green (Ref: EPF/2136/12) was allowed for an infill development in this village. Within the Inspectors decision letter it was stated that *“the scheme would be visible from within the village and the wider countryside but I consider it would have a very limited impact on the openness of the Green Belt because, as an infill development, it would be contained within the existing envelope of built development in Matching Green and seen in the context of the existing village development. For the same reason, it would not have a material adverse effect on the purposes of including land within the Green Belt”*.

Given this previous appeal decision and the location of the proposed development it is clear that this proposal would be a ‘limited infill within a village’ and as such the proposal would not constitute inappropriate development harmful to the openness of purposes of the Green Belt.

#### Design/historic impact:

The proposed new dwelling would be located within the Matching Green Conservation Area and be within the curtilage of a Grade II listed building.

This submission follows pre-application advice given on a similar scheme where the principle of the development was deemed to be acceptable. The initial design was discussed and recommendations were made to simplify it in order to improve its relationship with the low scale adjacent listed building. The importance of preserving both the openness of the conservation area and the contribution made by The Lilacs were also discussed with regards to the replacement access to the highway. It was recommended to keep the front hedge low and the boundary treatment to a minimum.

The submitted application has taken account of the previous recommendations and meets our expectations in terms of design and conservation. The roof spans have been kept to a traditional timber frame dimension with eaves largely at first floor level to ensure that the scale and proportions of the dwelling are modest. The use of a single storey cross wing on the eastern side helps to obscure the larger section of the dwelling in order to respect the scale of The Lilacs.

The two detached single garages are modest sized outbuildings that would not detract from the setting of the listed building and would reinforce the separation between The Lilacs and the new dwelling.

#### Sustainability:

Whilst located within a village the site is not particularly well served by either public transport or local facilities and therefore would not meet the aims of the National Planning Policy Framework and Local Plan in promoting sustainable forms of development and encouraging new development (particularly housing development) to areas with good public transport links. Nonetheless recent appeal decisions have clearly shown that this issue alone is not sufficient to outweigh the benefits of additional housing when a Council cannot demonstrate a five-year supply of land for housing.

Although the Draft Local Plan identifies potential sites for residential development the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing

purposes. Due to this it is considered that the provision of additional housing outweighs the unsustainable nature of this site.

Loss of amenity:

Given the location of the site the proposed new dwelling would have no physical impact on the amenities of any nearby residents. To the immediate north of the site is an area of open land currently utilised as a pub garden serving The Chequers, however it is not considered that the proposed development, given its location, scale and level of existing planting, would cause any undue harm to users of this land.

Concern has been raised by the public house that the new dwelling would be located in close proximity to the kitchen extract fans and rear patio area and their license allows them to sell alcohol in this area until midnight. Any future occupant purchasing this property would clearly be aware of the close proximity of the public house and therefore any such matters are 'buyer beware'. It is not uncommon for public houses to be in very close proximity to residential dwellings and therefore this matter is only given limited weight.

The proposed new dwelling would be served by a large area of private amenity space and more than sufficient amenity space would be retained for use by occupiers of The Lilacs.

Parking/highways:

The proposed development would involve the closing of the existing access and removal of the driveway and the creation of a new access and driveway to the west of the existing drive. Essex County Council Highways have assessed the proposal and raise no objections because *"from a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan"*.

Concern has been raised by both the Parish Council and the adjacent public house that the new access would cross a parcel of village green that is not within the applicant's ownership. It is wholly down to the developer to ensure that they have obtained all necessary consents to carry out the proposed development, including any right of access across this parcel of land, however it is not considered that this matter is any different to an applicant having to seek separate permission to cross Essex County Council or EFDC controlled highways verges. The ownership of this parcel of land and any required rights of access are a civil matter and not a material planning consideration within this application. The proposal however essentially will result in a slightly wider bellmouth than currently exists. There is no loss of amenity or character of the area as a result of this and very minimal impact on The Green as the bellmouth opens directly onto highway and results in a minimal loss of greensward. The existing access would be closed.

There is more than sufficient space within the site to accommodate adequate off-street parking provision and manoeuvrability space to serve both the new property and the donor property.

Other material considerations:

Land Drainage:

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a Flood Risk Assessment is required by condition.

It is proposed to dispose of surface water by soakaway however the geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. As such further details are required regarding surface water drainage, which can be dealt with by condition.

***Contamination:***

Domestic dwellings with gardens are classified as a particularly sensitive use that is vulnerable to the presence of contamination. All readily available Council held desk study information has been screened and no evidence has been found of any significant contaminating activities having taken place historically on the proposed site. Records indicate that The Lilacs composed three separate cottages and the area where the outbuildings are located was a 'paddock' associated with the Chequers Public House, that the cottages had been combined into one dwelling by 1942 when repairs were carried out to the chimney and roof, and has since remained in domestic use.

As potential land contamination risks are likely to be low it should not be necessary for these risks to be regulated under the Planning Regime. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

**Conclusion:**

The proposed development would constitute a limited infill within this village and therefore would not be inappropriate development in the Green Belt. The design and layout of the dwelling would ensure that the proposal would not detrimentally impact on the historic character, appearance or setting of the conservation area and the listed building and the development would not detrimentally impact on the amenities of neighbours. All necessary off-street parking provision and private amenity space can be provided and there would be no detrimental impact on highway safety.

Whilst concern has been raised with regards to the new access crossing a parcel of village green land such a right of access would need to be sought as a separate matter from this planning application and the approval of planning consent would not enable such works without all other necessary permissions first being given. However this matter is not a material planning consideration and therefore does not form part of this assessment.

The application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Draft Local Plan policies and is therefore recommended for approval.

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

***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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

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