

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee East Wednesday, 12th June, 2019**

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 June, 2019  
at 7.30 pm .**

**Georgina Blakemore  
Chief Executive**

**Democratic Services  
Officer**

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

#### **Members:**

Councillors P Keska (Chairman), B Rolfe (Vice-Chairman), N Bedford, P Bolton, H Brady, L Burrows, I Hadley, S Jones, C McCredie, M McEwen, J Mclvor, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse, J M Whitehouse and McCredie

#### **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 - 22)**

To confirm the minutes of the last meeting of the Sub-Committee held on 8 May 2019.

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

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. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

[http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

**8. DEVELOPMENT CONTROL (Pages 23 - 94)****(a) Site Visits**

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda for consideration under Section (b) (Planning Applications) below, prior to consideration of the application.

**(b) Planning Applications**

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.

**9. 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.

### **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 telephoning the number shown on 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, Area Plans Sub-Committee West or Area Plans Sub-Committee South 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 from 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**

Further information can be obtained from Democratic Services or through our leaflet 'Your Choice, Your Voice'.

Area Planning Subcommittee East 2019-20  
Members of the Committee and Wards Represented:



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

**Vice-  
Chairman  
Cllr Rolfe**  
Lambourne

**Cllr Bedford**  
Shelley

**Cllr Bolton**  
North Weald  
Bassett

**Cllr Brady**  
Passingford



**Cllr Burrows**  
Epping  
Lindsey and  
Thornwood  
Common

**Cllr Hadley**  
Moreton and  
Fyfield

**Cllr Jones**  
Theydon Bois

**Cllr  
McCredie**  
Epping  
Hemnal

**Cllr McIvor**  
North Weald  
Bassett



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

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

**Cllr Philip**  
Theydon Bois

**Cllr Stalker**  
Lower Sheering

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



**Cllr C  
Whitbread**  
Epping  
Lindsey and  
Thornwood

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

**Cllr J H  
Whitehouse**  
Epping Hemnal

**Cllr J M  
Whitehouse**  
Epping  
Hemnal

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## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 8 May 2019  
East

**Place:** Council Chamber - Civic Offices **Time:** 7.30 - 9.07 pm

**Members Present:** P Keska (Chairman), B Rolfe (Vice-Chairman), N Bedford, P Bolton, I Hadley, S Jones, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** H Brady, L Burrows and M McEwen

**Officers Present:** M Johnson (Implementation Team manager), V Messenger (Democratic Services Officer) and J Leither (Democratic Services Officer)

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### 74. 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.

### 75. 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.

### 76. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 3 April 2019 be taken as read and signed by the Chairman as a correct record.

### 77. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Morgan declared a pecuniary interest and would leave the meeting for the consideration of the application and voting thereon, but would be requesting a site visit at the appropriate agenda item:

- EPF/2204/18 – Hoggs Farm, Carters Green, Matching CM17 0NX

(b) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of the applicant being known to him. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/0289/19 – Carpenters, High Road, Thornwood, Epping CM16 6LR

(c) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a non-pecuniary interest in the following item of the agenda by virtue of the applicant and one of the objector's being known to him. The Councillor had determined that his interest was personal but non-prejudicial, and he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0217/19 – 8 Woodland Way, Theydon Bois, Epping CM16 7DZ

#### **78. ANY OTHER BUSINESS**

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

#### **79. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

[http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

#### **80. DEVELOPMENT CONTROL**

The Chairman advised that he was a non-voting Chairman for the duration of this item.

(a) Site Visits

It was noted that the following formal site visits were requested by members, and agreed by the Committee, prior to the consideration and determination of the remaining applications.

- Item 1 – EPF/2204/18 – Hoggs Farm, Carters Green, Matching CM17 0NX
- Item 5 – EPF/3426/18 – Garages to the rear of nos 13-43 Charles Street, Epping CM16 7AU

#### **RESOLVED:**

That the planning applications numbered 1 – 8 be determined as set out in the schedule attached to these minutes.

**CHAIRMAN**

**Report Item No:1**

<b>APPLICATION No:</b>	EPF/2204/18
<b>SITE ADDRESS:</b>	Hoggs Farm Carters Green Matching Essex CM17 0NX
<b>PARISH:</b>	Matching
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing barn and construction of three detached dwellings.
<b>DECISION:</b>	Withdrawn

**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=613315](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=613315)

Application withdrawn

**Report Item No:2**

<b>APPLICATION No:</b>	EPF/3185/18
<b>SITE ADDRESS:</b>	33 High Street Epping Essex CM16 4BA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Change of Use application from Sui Generis, Car Showroom to A3, Restaurant use.
<b>DECISION:</b>	Refused

**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=617793](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=617793)

**REFUSED**

- 1 The proposal, by reason of excessive numbers of covers to be accommodated by the use, comings and goings to and from the premises particularly late at night and closing hours by patrons both on foot and through vehicle use, would give rise to excessive noise and disturbance outside of the building to the detriment of the residential amenities of nearby residential properties in Tower Street. The proposal is therefore contrary to policy DBE9 of the adopted Local Plan and Alterations and DM9 of the Submission Version Local Plan.
- 2 The proposal, by reason of the potential for overflow parking to the frontage of the site, would result in a detrimental impact on the character and appearance of the Statutorily Listed Water Tower within the site. The proposal is therefore contrary to S66 (1) of the Planning and Listed Building and Conservation Areas Act 1990, chapter 12 of the NPPF, policy HC12 of the Adopted Local Plan and Alterations and policy DM7 of the Submission Version Local Plan.

**Report Item No:3**

<b>APPLICATION No:</b>	EPF/3206/18
<b>SITE ADDRESS:</b>	10 Parkside Harlow Road Matching Tye Essex CM17 0QW
<b>PARISH:</b>	Matching
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of x 1 no. detached dwelling.
<b>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=617873](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=617873)

**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 no's: 9118 RevA, Streetscene Rev A
- 3 Materials to be used for the external finishes of the proposed development shall match those of no. 10 Parkside, the host dwelling, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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 visitor's vehicles.
- 5 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 6 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. In such instances, 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.

- 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 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 9 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 10 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 11 No vehicles shall be permitted to access the rear of the development site hereby approved via Rainbow road.
- 12 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 or E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

***And subject to the applicant first entering into a legal agreement under Section 106 to provide an appropriate contribution towards mitigation of any possible adverse impact on the Epping Forest Special Area of Conservation with regard to air quality***

**Report Item No:4**

<b>APPLICATION No:</b>	EPF/3424/18
<b>SITE ADDRESS:</b>	Land to rear of Willowbank Farm School Lane Magdalen Laver Essex CM5 0EE
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing stables and construction of a new bungalow.
<b>DECISION:</b>	Grant Permission (With Conditions) 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=618833](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=618833)

**APPLICATION DELEGATED TO THE DIRECTOR OF PLANNING SERVICES**

**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 no's: 01 Rev A; 06 Rev A; 05; Design and Access Statement
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 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 Class A-E] of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

- 8 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 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 any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 Details of the proposed surface materials for the drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard

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

***And subject to the applicant first entering into a legal agreement under Section 106 to provide an appropriate contribution towards mitigation of any possible adverse impact on the Epping Forest Special Area of Conservation with regard to air quality.***

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/3426/18
<b>SITE ADDRESS:</b>	Garages to the rear of no's 13-43 Charles Street Epping Essex CM16 7AU
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing garage buildings and the erection of 9 x 2-bedroom mews houses, with associated landscaping, parking, bike and refuse stores.
<b>DECISION:</b>	Deferred

**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=618853](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=618853)

Application deferred for site visit.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0217/19
<b>SITE ADDRESS:</b>	8 Woodland Way Theydon Bois Epping Essex CM16 7DZ
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of family room outbuilding in rear garden.
<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=619893](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=619893)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings reference 8Woodland18 Block plan, Sheet 1 and Sheet 2.:
- 2 The building hereby permitted shall be used only for purposes incidental to the dwellinghouse at 8 Woodland Way and shall not be used as living or sleeping accommodation without prior consent of the Local Planning Authority.
- 3 The window in the door in the flank elevation shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames and shall be permanently retained in that condition. No other door or window openings shall thereafter be installed into the rear and flank elevations of the building without prior consent of the Local Planning Authority.
- 4 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 additional development generally permitted by virtue of Class E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 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 E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0289/19
<b>SITE ADDRESS:</b>	Carpenters High Road Thornwood Epping Essex CM16 6LR
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a two-storey dwelling house. (Revised application to EPF/1525/18).
<b>DECISION:</b>	REFUSED

**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=620219](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=620219)

**REFUSED**

The proposal is inappropriate development in the Green Belt, that is by definition harmful to it. No very special circumstances have been demonstrated to ensure that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The proposal is therefore contrary to the National Planning Policy Framework, Policy GB2A of the Local Plan 1998 (adopted 2006) and DM4 of the submission version of the emerging local plan 2017

By reason of its scale, bulk, height, design and intrusive nature, the proposed building would cause harm to the openness of the Green Belt and as such would conflict with two of the purposes of including the land within the Green Belt: to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. No benefits have been identified to overcome the harm the development would cause to the Green Belt therefore the application does not demonstrate very special circumstances in favour of granting planning permission. The proposal is therefore contrary to the National Planning Policy Framework, Policy GB2A and GB7A of the Local Plan 1998 (adopted 2006), DM4 and DM9 of the submission version of the emerging local plan 2017

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0515/19
<b>SITE ADDRESS:</b>	42 Castle Street Ongar Essex CM5 9JS
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Formation of an all-weather surface tennis court (for personal use) with associated fencing.
<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=621000](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621000)

**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: 2707/TC01. TC02 and TC03
- 3 No preliminary ground works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 4 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 5 The fencing to the tennis court hereby approved shall be finished in a dark green colour and permanently retained in that form.
- 6 No external lighting, either attached to fencing or on free standing structures, shall be installed to the tennis court hereby permitted within prior consent from the Local Planning Authority by way of a planning application.

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## AREA PLANS SUB-COMMITTEE 'EAST'

12 June 2019

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/2601/18	199 Nine Ashes Road Nine Ashes High Ongar Essex CM4 0JY	Grant Permission  (Subject to Legal Agreement)	26
2	EPF/2708/18	High House Farm Stapleford Road Stapleford Abbotts Essex RM4 1EJ	Grant Permission  (With Conditions)  (Subject to Legal Agreement)	34
3	EPF/0502/19	57 Theydon Park Road Theydon Bois Epping Essex CM16 7LR	Grant Permission  (With Conditions)	50
4	EPF/0590/19	69 Hemnall Street Epping Essex CM16 4LZ	Grant Permission  (With Conditions)	56
5	EPF/0605/19	34 Purlieu Way Theydon Bois Epping Essex CM16 7EH	Grant Permission  (With Conditions)	62
6	EPF/0614/19	20 Morgan Crescent Theydon Bois Epping Essex CM16 7DX	Grant Permission  (With Conditions)	68
7	EPF/0670/19	63 Cloverly Road Ongar Essex CM5 9BX	Grant Permission  (With Conditions)	72

8	EPF/0686/19	Clevedon Epping Road Epping Green Epping Essex CM16 6PR	Grant Permission (With Conditions)	78
9	EPF/0738/19	Land between 7 & 8 The Poplars Lambourne Essex RM4 1BB	Grant Permission (Subject to Legal Agreement)	86

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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/2601/18
Site Name:	199 Nine Ashes Road Nine Ashes High Ongar CM4 0JY
Scale of Plot:	1:1250

**Report Item No:1**

<b>APPLICATION No:</b>	EPF/2601/18
<b>SITE ADDRESS:</b>	199 Nine Ashes Road Nine Ashes High Ongar Essex CM4 0JY
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr Neil Alan Utley
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of an existing structure and replacement with 2 x detached dwellings with associated new vehicle crossover, garages, landscaping and other associated works.
<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=615196](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=615196)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1755. 1C, 1755. 2F, 1755. 3B, 1733. 4D
- 2 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 3 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 4 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 5 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

- 7 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.
- 8 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority
- 9 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 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 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of

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

- 13 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 14 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.
- 15 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 16 No preliminary ground works shall take place until 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 tools. 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.
- 17 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 18 During and post-construction a "lighting design strategy for bats" shall be submitted to and approved in writing by the local planning authority. The strategy shall: Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

- 19 A Construction Method Statement is to be submitted to EFDC outlining precautionary measures in respect of reptiles, amphibians and mammals. This will include the method of pond drainage

**And subject to the applicant first entering into a legal agreement under Section 106 to provide an appropriate contribution towards mitigation of any possible adverse impact on the Epping Forest Special Area of Conservation with regard to air quality.**

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

**Description of Site:**

The application site is a former farm holding, with a Grade II Listed farmhouse and barn situated within large grounds with associated land, stables and ancillary outbuildings on the north side of Nine Ashes Road. The application site is well screened from the road by an existing high evergreen hedge. The proposal is to be located close to the road edge behind the existing hedge and will replace an existing container and buildings located on the site. The listed farmhouse/barn is not visible from the site of the container. The application site is within the Metropolitan Green Belt but not within a Conservation Area.

**Description of Proposal:**

Consent is being sought for the erection of two detached dwellings, using the existing access, and associated parking and amenity space. The proposed dwellings would be two stories in height with a single storey element to the side facing the frontage. This element is gable ended whilst the substantive buildings has pitched roof with its ridge perpendicular to the street. The frontage is dressed in oak beam features in a mock Tudor style and would be well spaced within the plot. A single storey garage is attached to the front of the two-storey building.

**Relevant History:**

N/A

**Policies Applied:**

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

CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE4 – Design in the Green Belt  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
HC12 – Development affecting the setting of a Listed Building  
RP3 – Water quality  
U3A – Catchment effects

ST4 – Road safety  
ST6 – Vehicle parking  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes

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 District Local Plan (Submission Version) 2017:

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

SP1 - Presumption in Favour of Sustainable Development  
SP6 - Green Belt and District Open Land  
T1 - Sustainable Transport Choices  
DM3 - Landscape character, ancient landscapes and geodiversity  
DM4 - Green Belt  
DM5 - Green and Blue Infrastructure  
DM7 – Heritage Assets  
DM9 - High quality design  
DM10 - Housing Design and Quality  
DM11 - Waste Recycling Facilities on New Development  
DM18 - On Site Management of Waste Water and Water Supply  
DM21 - Local Environmental Impacts, Pollution and Land Contamination

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

84 neighbouring residents were consulted, and 6 responses were received.

PARISH COUNCIL – NO COMMENTS RECEIVED AT THE TIME OF WRITING REPORT

205, 212, 214, 217, 240, 242, 252 Nine Ashes Road – OBJECT – Summarised as – Loss of views, impact on the Green Belt, out of character with the surrounding area, strain on local services, highway safety concerns, impact on ecology

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

The key considerations are the impact on the Green Belt, the character and appearance of the surrounding area, regarding neighbours' amenities, highway safety considerations, and any impact on the landscaping.

#### **Green Belt:**

The application site is sits within the linear development that makes up the village of Nine Ashes. The length of the stretch of development along Nine Ashes Road, along with its density of some 70 to 80 dwellings, form a distinct village envelope. The National Planning Policy Framework states that the erection of new buildings within the Green Belt constitutes inappropriate development,

however provides a number of exceptions to this. The list of exceptions includes “*limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*”.

The definition of infill development as laid out within Appendix 1 of the Submission Version of the Local Plan reads:

*“Infill development refers to the development of a small gap in an otherwise continuous built up frontage, or the small-scale redevelopment of existing properties within such a frontage”.*

The application site is surrounded on three sides by existing development, with only the southern boundary facing towards Harlow Road and open undeveloped land. It is considered that two dwellings of this scale would be considered suitably ‘limited’ in this location and would clearly be seen within the context of the village of Nine Ashes and would not detrimentally encroach into open countryside. Therefore, it is considered that the proposed dwellings would comply with the exception of “*limited infilling in villages*” as laid out in the National Planning Policy Framework and therefore would not constitute inappropriate development harmful to the openness of purposes of the Green Belt.

*Design and Impact on the Setting of a Listed Building:*

The proposed dwellings would reference design features of the adjacent dwellings in its detailing, with a gable end feature to the single storey element and substantive building built to two stories in height. The materials would reference that of the nearby listed buildings, with oak features and would fit well within the street scene.

The proposed dwellings have been carefully designed, in line with the conservation officer’s comments, to ensure that they respect the scale and character of adjacent dwellings and the nearby Listed Buildings. It is considered that the overall design and scale of the new dwellings would not appear detrimental to the character and appearance of the street scene or the street scene. Although somewhat distinct in this immediate setting, the wider area contains buildings of two stories with ridges at a perpendicular alignment to the street and prominent street facing gables. Given the significant set back from the street, averaging 18 - 22 metres from the highway, the setback setting, together with its hipped front roof, diffuses the design into the street scene and therefore reduces any conflict. The proposal would also remove a large agricultural/industrial style structure and containers which at present detract from the setting of the adjacent Listed Building and the street scene of Nine Ashes Road, giving an overall public benefit where the application to be approved.

The proposed dwellings would benefit from an excess of the required private amenity space.

*Amenity concerns:*

The proposed dwellings would be sited well away from neighbouring properties and would be well screened, limiting any overlooking or overbearing impact to the adjacent properties. The proposed dwellings would not impinge on lines of sight from the rear windows of no. 205 Nine Ashes Road, the closest neighbouring dwelling, further limiting any significant impacts on neighbouring amenity,

*Access and Parking:*

The proposed dwellings would be served by a new access with ample parking spaces to the front elevation and side of both dwellings, meeting the parking standards for dwellings of this scale, along with additional garaging for each property. The County Council Highways Department have no objections to the proposal.

### Trees and Landscaping:

The proposed landscape scheme would protect existing trees on site, Tree Officers have no objections to the proposal subject to conditions.

### Epping Forest Special Area of Conservation

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from local air quality issues within and adjacent to the SAC. The Council is continuing to develop with partners a strategy for the management and monitoring of visitor pressures on the SAC, and to monitor air quality. This will include measures to be funded through the securing of financial contributions from new development in accordance with the relevant policies above. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a s106 agreement to provide the appropriate contributions if required.

### Other Concerns:

Neighbours have raised concerns about the ecology of the site. EFDC's ecology officers have been consulted and have no objections to the proposal subject to conditions. In addition, a scheme for ecological enhancement would also be required by condition to ensure a net improvement to the site's ecology, where the application to be granted.

### **Conclusion**

The proposed development would constitute a limited infill within a village and therefore would not be inappropriate development harmful to the Green Belt. The design and layout of the proposed dwellings is considered to be appropriate to the wider street scene and would not detrimentally impact on neighbour's amenities or the existing landscaping on or around the site. Therefore, subject to conditions, the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies and the application 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 Monday preceding the meeting at the latest:***

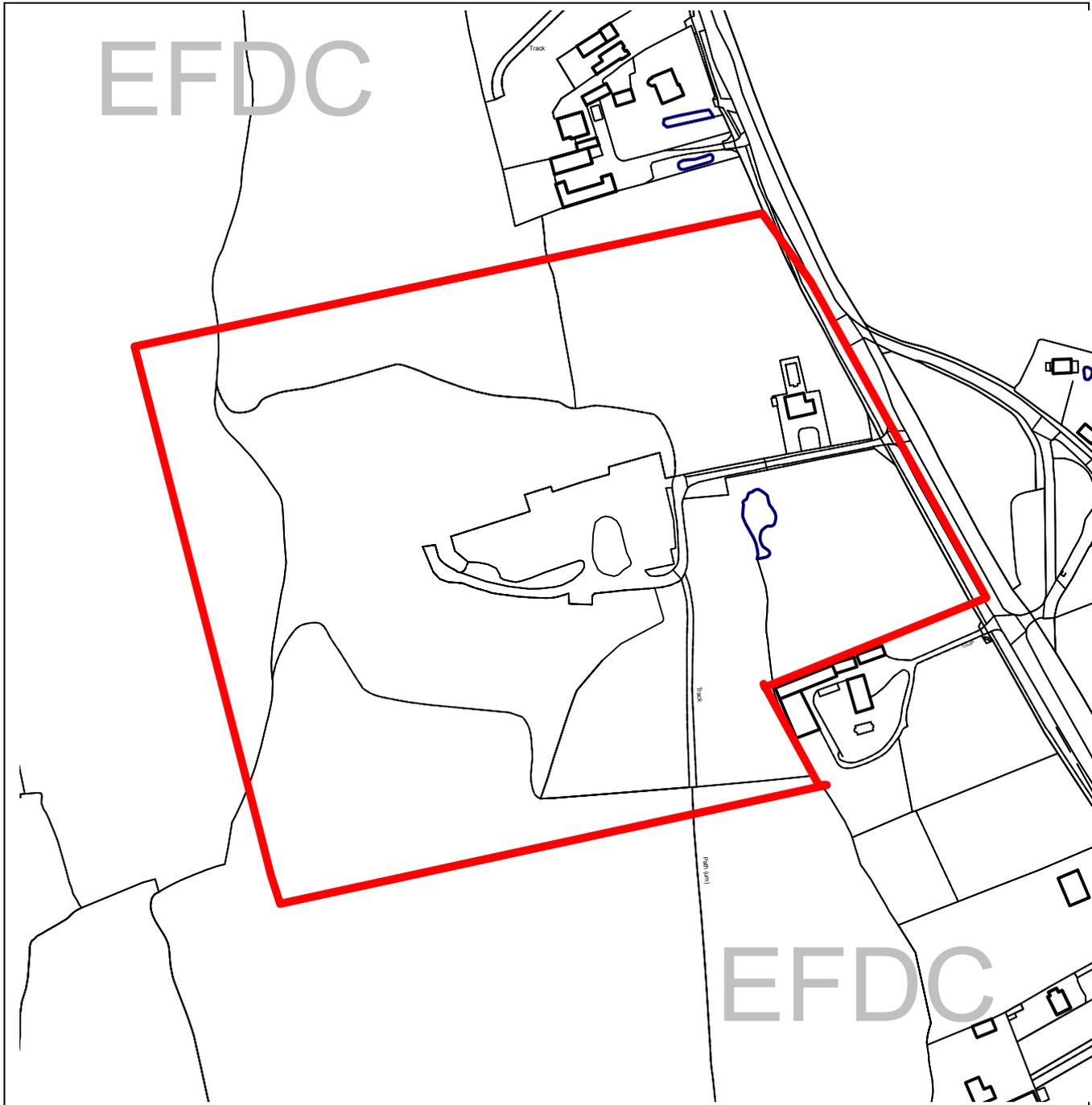
***Planning Application Case Officer: Corey Isolda  
Direct Line Telephone Number: 01992 564380***

***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/2708/18
Site Name:	High House Farm Stapleford Road Stapleford Abbots RM4 1EJ
Scale of Plot:	1:3421

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2708/18
<b>SITE ADDRESS:</b>	High House Farm Stapleford Road Stapleford Abbots Essex RM4 1EJ
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr David Kwan
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of 27 new dwellings, including 7 affordable dwellings, with associated infrastructure, parking, public open space and landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions) 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=615713](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=615713)

**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: 18/02/03 Rev B , 18/02/04 Rev G, 18/02/10 Rev B, 18/02/12,, 18/02/13, 18/02/14, 18/02/15, 18/02/16, 18/02/17, 18/02/18, 18/02/19, 18/02/20, 18/02/21 Rev A, 18/02/22, 18/02/23, and 18/02/26; drawings 180650-006 Rev B, 180650-008 Rev A, 180650-009 Rev A. 180650-010 Rev A. 180650-011 Rev A and 180650-012 Rev A, and drawing18026-100 Rev D.
- 3 No development (excluding demolition) shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including

wheel washing.

6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 5 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
  
- 6 No development, including works of demolition or site clearance, shall take place until tree protection measures shown on drawing number SHA-801-TPP in the Arboricultural Impact Assessment Report (prepared by Sharon Hosegood Associates dated September 2018) have been installed in accordance with the approved documents. The protection measures shall remain in place for the duration of the development unless the Local Planning Authority gives its written consent to any variation.
  
- 7
  - i. No works shall be carried within areas identified in the Ecological Assessment Report (prepared by SES dated September 2018) as supporting breeding newts until a Great Crested Newt survey shall be undertaken in accordance with the recommendations and the results submitted to and approved in writing by the Local Planning Authority.
  
  - ii. In the event that Great Crested Newts are present an Ecological Mitigation and Enhancement Method Statement shall be submitted, and provide detailed mitigation measures and ecological enhancements to be carried on site, together with a timetable for implementation, and it shall include specific mitigation measures required with regards to Great Crested Newts and identify those measures that will require a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010. The development shall be carried out in accordance with the approved details.
  
- 8 Prior to the commencement of construction works above ground level, details of measures to implement ecological mitigation strategy in the Ecological Assessment Report (prepared by SES dated September 2018), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken only in accordance with the agreed strategy and methodology.

- 9 Details of the types and colours of the external finishes, including samples where required, shall be submitted to and approved in writing by the Local Planning Authority prior to their first use in the construction of the development. The development shall be implemented in accordance with such approved details.
- 10 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 11 Prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use, a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.
- 12 Prior to first occupation of the development, a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 13 Prior to their first construction within the site, details of all walls, fences, gates and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details, unless otherwise agreed by the Local Planning Authority.
- 14 Prior to their first installation within the site, details of all external lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be implemented in accordance with the approved details. No additional lighting, either free standing or attached to buildings, shall thereafter be installed within the site at a height of more than 2 metres above ground level without prior consent from the Local Planning Authority.

- 15 External site levels and finished floor levels shall accord with the details shown on site level drawings 180650-006 Rev B, 180650-008 Rev A, 180650-009 Rev A, 180650-010 Rev A, 180650-011 Rev A and 180650-012 Rev A, unless the Local Planning Authority gives its written consent to any variation.
- 16 The development be carried out in accordance with the flood risk assessment (Flood Risk Assessment, Ref 180650-02, September 2018) and the Foul and Surface Water Drainage Strategy (180650-001, Rev D) prepared by Ardent and dated September 2018 and submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.
- 17 No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active bird's nests immediately before the structure is demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.
- 18 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.
- 19 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 20 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.
- 21 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 22 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 23 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 24 Prior to the first occupation of the development the accessworks, as shown in principle on ACEdrawing no.180650-004 Rev B, shall be fully implemented, the works shall include, but not be limited to:
- A new bellmouth access with return to a carriageway width of 5.5m;
  - Provision of the visibility splays clear to ground level;
  - Provision of 2 no. x 2m wide footways into the site;
  - Tabled speed restraint feature on the definitive route of footpath no.22 Stapleford Abbotts, across the proposed access road.
- 25 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.
- 26 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 27 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 28 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling shall be installed and retained thereafter for use by the occupants of the site.
- 29 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 30 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, E and F of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

**And subject to completion of a suitable legal agreement to secure provision of seven units of affordable housing, local community infrastructure contributions of £60,00 towards construction of a Parish Room and a 99-year lease at nominal rent of land opposite the site entrance (as shown on drawing number 18/02/26), and a financial contribution towards air quality mitigation measures arising from impacts of increased vehicular movements on the Epping Forest SAC.**

*This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Description of Site:**

The application site lies to the west side of Stapleford Road. The whole site comprises around 9.97 ha and is served by a single vehicle access point. Within this area, two parcels of land are proposed for development. The smaller parcel lies abutting the road and to the north side of the access, and comprises around 0.3ha and is the historic curtilage of the farmhouse, a detached two storey building which is currently occupied as a dwelling, and its garden – largely overgrown at the rear and containing a disused open swimming pool; much of the frontage is hard surfaced.

The larger parcel lies to the west around 125m from the road comprises around 1.2ha. This includes land formerly containing the agricultural and later industrial buildings on the site. All buildings in this area have been demolished, other than a limited array of structures relating to services on the land. Much of the hard surfacing remains and a large pile of building rubble over 4m high lies in the centre of the site.

The site lies wholly within the Green Belt to the north of the main settlement at Stapleford Abbots. A ribbon of frontage development extends along much of the west side of Stapleford Road, broken by open parcels such that there is not a continuous frontage such that the application site is physically separated from the nearest residential plots; Woodlands Farm around 100m south of the site access comprises a chalet bungalow set 70 metres back from the road with a large number of outbuildings to the north and west and the nearest plot to the north has been subdivided into a number of residential curtilages.

The surrounding land is open and includes a mix of worked farmland and fallow ground. To the east side of Stapleford Road at this point, little frontage built development exists. A public right of way crosses north – south along the eastern edge of the larger parcel and links into other routes in the vicinity.

### **Description of Proposal:**

The application proposes a residential development comprising of 27 dwellings, all buildings of two storeys.

Seven units are proposed on the smaller frontage parcel consisting of a three-bed detached house, 2 pairs of semi-detached houses (one pair each of 2 bed and 3 bed units), and two x 1 bed flats. All units are provided with private garden areas and parking is provided at one space for each of the flats, two spaces for each house and three visitor spaces. This part of the development is identified as affordable housing.

Development on the larger parcel consists of 20 dwellings built around a central public space. The development follows the site area of previously permitted redevelopment schemes, incorporating land to the north of the previously built footprint, but not extending as far west. These units comprise 16 detached dwellings (7 x 4 bed and 9 x 3 bed) and 2 pairs of three bed semi-detached units. A minimum of two parking spaces per unit are provided in a mix of curtilage garages and surface parking.

The application includes a range of landscape and ecological improvements. A programme of denser landscaping works in the form of tree and hedge planting is proposed immediately around the built areas and along the road frontage, and new tree planting along the access road. Wider, within the red line area, proposals include a Great Crested Newt Mitigation Area on the land between the access road and Woodlands Farm to the south, restoration of brownfield land to the west to include regraded levels, wildflower grassland and new tree planting to reinforce screening. The footpath network is also enhanced as a result of the wider landscape works.

### **Relevant History:**

EPF/1374/06 Outline application for the demolition of agricultural /industrial complex and the erection of 6 new dwellings and 1 replacement dwelling approved.

EPF/2565/07 Reserved matters application for the erection of 6 new dwellings, 1 replacement dwelling and a parish room – details approved.

A number of applications dealing with discharge of conditions in relation to the above approvals were dealt with

EPF/0604/14 Redevelopment to erect a total of eight dwellings, inclusive of a replacement farmhouse, a parish room, plus an associated access, provision of garaging and car parking – approved.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP1 Achieving Sustainable Development Objectives  
CP2 Protecting the Quality of the Rural and Built Environment  
CP3 New Development  
CP4 Energy Conservation  
CP5 Sustainable Building  
CP6 Achieving Sustainable Urban Development Patterns  
CP7 Urban Form and Quality  
GB2A Development in the Green Belt  
GB7A Conspicuous Development  
GB16 Affordable Housing  
NC1 SPA's SAC's and SSSI's  
NC3 Replacement of lost habitat  
NC4 Protection of established habitat  
NC5 Promotion of nature conservation schemes  
RP4 Contaminated Land  
RP5A Adverse Environmental Impacts  
H2A Previously Developed Land  
H3A Housing Density  
H4A Dwelling Mix  
RST2 Enhance rights of way network  
U3B Sustainable Drainage Systems  
DBE1 Design of New Buildings

DBE2 Effect on Neighbouring Properties  
 DBE4 Design in the Green Belt  
 DBE6 Car Parking in New Development  
 DBE7 Public Open Space  
 DBE8 Private Amenity Space  
 DBE9 Loss of Amenity  
 LL10 Adequacy of provision for landscape retention  
 LL11 Landscaping Schemes  
 ST1 Location of Development  
 ST2 Accessibility of Development  
 ST4 Road Safety  
 ST5 Travel Plans  
 ST6 Vehicle Parking

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

*NPPF:*

The Revised National Planning Policy Framework (NPPF) (February 2019) states at paragraph 213 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

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

In September 2018, the Council submitted the Epping Forest Local Plan Submission Version 2017 for examination. As such the LPSV can be treated as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

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

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

SP1 Presumption in favour of sustainable development  
 SP6 Green Belt and District Open Land  
 SP7 The Natural Environment, Landscape Character and Green and Blue Infrastructure  
 H1 Housing Mix and Accommodation Types

- H2 Affordable Housing
- H3 Rural Exceptions
- T1 Sustainable Transport Choices
- T2 Safeguarding of Routes and Facilities
- DM1 Habitat Protection and Improving Biodiversity
- DM2 Epping Forest SAC and the Lee Valley SPA
- DM3 Landscape Character, Ancient Landscapes and Geodiversity
- DM4 Green Belt
- DM5 Green and Blue Infrastructure
- DM6 Designated and Undesignated open spaces
- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM16 Sustainable Drainage Systems
- DM18 On Site Management of Waste Water and Water Supply
- DM19 Sustainable Water Use
- DM20 Low Carbon and Renewable Energy
- DM21 Local Environmental Impacts, Pollution and Land Contamination
- DM22 Air Quality
- D1 Delivery of Infrastructure
- D2 Essential Facilities and Services
- D3 Utilities
- D5 Communications Infrastructure

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

Date of site visit: 01 March 2019  
 Number of neighbours consulted: Fifty  
 Site notice posted: 25 October 2018  
 Responses received: One response to public consultation received, from the local representative of The Ramblers (formerly The Ramblers Association). The respondent considers the development contrary to Green Belt policy, failing to meet criterion for such development. The objection refers to a lack of affordable housing, which is evidently not the case.  
 Parish Council: No objection

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

#### *Site history and extent of previously developed land*

A number of matters relating to the site history are relevant to Members consideration of the current application.

The site was evidently used for farming for many years. On the larger parcel, this included pig farming where later investigation confirmed that slurry had been spread on surrounding land. In later years, the agricultural use ceased and the farm buildings were used for commercial and industrial purposes. This is known to have included a butchery and slaughterhouse, a rendering works, for waste transfer and as a heavy transport yard. A weighbridge is known to have existed and there is evidence of waste lagoons that were subsequently filled in. Historic aerial photographs support this; the Council's own aerial surveys from 2001 and 2007 shows extensive buildings, some in a dilapidated state by that stage, extensive hard surfacing, and an inspection pit. Large lorries and a range of other vehicles can be seen outside the hard-surfaced areas. The 2001 shows a much greater area of built development and either made ground or ground which has had vehicles driven across it on a regular basis, some of these areas in the later photo had seen buildings removed and natural ground cover re-establishing itself. This evidently establishes a long history of previous uses on the site.

In terms of the smaller parcel, this comprises the existing farmhouse and what amounts to its residential curtilage. The NPPF definition of previously developed land specifically excludes “*land in built-up areas such as residential gardens...*” from the definition. The Dartford case (2015) placed emphasis on ‘built-up areas’ recognising the purpose being to prevent garden grabbing in urban areas and not placing similar restrictions on gardens outside the built-up area.

Following grant of outline planning permission for residential development in 2007 and subsequent approval of reserved matters, records indicate that development was commenced. In reporting the 2014 planning application referred to above, officers state “*the approved development remains capable of implementation*” and while the reasons for coming to that view are not specified, the extent of demolition would under present interpretation be considered to constitute commencement and this must remain the Council’s position.

The previous permitted schemes are also significant in the site boundaries of the development area which have taken a more rectangular form and have not taken the more linear form of the existing buildings. This resulted in a limited incursion into the land to the north and south but a significant reduction in the westward extent. The current application site broadly sits on the footprint of the 2014 application, which in turn reflects the previous proposals.

#### Impact on Green Belt

In light of the previous history and planning permissions, the application should primarily be considered in the context of paragraph 145 (g) of the NPPF which states:

*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Where such harm may be identified, then Members should have due regard to paragraphs 143 and 144 in respect of the consideration of any very special circumstances that may exist.

The principle of development has been established by the earlier permissions. Thus, the impact of the development on the openness and character of the Green Belt should be assessed against the permitted scheme and not the previous farm buildings. The proposal involves a significant increase in built footprint and the spread of built development across the developable areas. The frontage land sees 7 units proposed within the curtilage of the land previously comprising a single dwelling. However, on the south side of the access road the Parish Room and associated parking has been removed. On the rear site, the proposal broadens the spread of development, moving buildings closer to the boundaries of the developed area to accommodate a central communal gardens area. The net result is a greater volume and spread of development which will inevitably impact on the openness and character of the Green Belt and must be treated as inappropriate and harmful.

A number of factors need to be addressed in considering the extent of the harm and the weight to be given to the circumstances that may be appropriate to consider as supporting the development. Most significant in this regard is the results of investigations into ground conditions on the site. There is clear evidence that the historic uses of the site have resulted in high levels of contamination both within the area proposed for development and in the immediate surroundings, both as a result of the activities carried on above ground, and from the leeching of contaminants into the surrounding ground. Investigations identified made ground in parts of the site up to 6.5m

deep, but more generally across the site of at least 3m depth. The made ground is shown to contain arsenic, lead, mercury, some asbestos and sediments with high organic content from animal rearing and slaughtering activities known to have taken place. On the frontage site, the presence of a heating oil tank makes it highly probable that there are contaminants in the soil in the vicinity. Accordingly, there are significant plausible pollution linkages with the potential to cause significant harm to human health.

Remediation of such a contaminated site is in the public interest irrespective of whether the land is being bought forward for development. However, the costs would inevitably be prohibitive without some form of enabling development to fund it. The costs have been estimated in the applicant's viability assessment as being in the region of £200,000, a figure not contested by the Council's viability consultant. Accordingly, the unusually high costs in achieving the wider public benefit are considered to be sufficiently unique and exceptional to meet the test of very special circumstances in terms of assessing impact on the Green Belt.

Other matters referred to below will in officer's view add to the strength of the case of very special circumstances.

#### Sustainable development principles

The site lies outside the recognised boundaries of the Stapleford Abbots settlement and raises issues around the accessibility and consequently the sustainability of the site for the level of development proposed. Concerns in this regard were contributory to the site being removed from the site selection process in the Local Plan at Stage One when other sites were identified as more suitable and deliverable to satisfy the allocation for new homes in Stapleford Abbots.

The site is served by a bus route running from Romford to the south to Passingford Bridge with a daily route also connecting to Harlow. The nearest bus stops are around 450m from the site, to the south and a continuous footpath extends to these stops along the west side of Stapleford Road that extends into the settlement to the south. The site also has good connectivity to the wider area through the footpath network crossing the site entrance.

In terms of broader sustainability criteria, evidently the decontamination issues referred to above will result in longer term benefits to the natural environment and safeguarding public health, re-using previously developed land. Development also meets objectives in respect of providing a range of high quality homes across a range of sizes and tenures.

Thus, the proposal is considered consistent with sustainable development objectives.

#### Design and built form

The development introduces common themes throughout the two development areas in scale and materials in order to achieve a tenure blind built form.

The site layout seeks to make efficient use of the developable area. The front parcel includes an enhanced landscape screen along the site frontage, served off a single access. Residential curtilages are clearly established with curtilage parking and generous private gardens, and additional visitor parking. The rear parcel features a central communal usable open space with all units fronting onto this, dwellings again have curtilage parking and private gardens all in excess of 75 sq.m. The overall low density of development (around 15 dwellings per hectare) reflects the sensitive location.

Buildings are two storey with traditional pitched roofs in a mix of gabled and hipped end forms with varying pitches. The application does not include any dormer elements, in recognition of the site's prominence in the wider setting. Materials are intended to reflect the local vernacular

incorporating a mix of brickwork, render and weatherboarding, and both plain tile and slate roofing. Added interest is provided through detailing including a mix of sash and casement windows, gable end motif features and oak frame entrance porches.

This approach is consistent with broader design criteria in the Essex Design Guide and represents an appropriate response to local character and wider site context.

### Landscape impact

The site sits in an elevated position, visible from a wide area to the south and west and was identified in the Council's 2010 Landscape Character Assessment identifies the area as having a moderate to high sensitivity to change, particularly to large or tall vertical elements. As such, the low rise, low density approach is seen as sensitive to the overall landscape setting.

In response, the application proposes comprehensive landscape approach, much of which lies outside the red line area on land in the same ownership. On the small parcel, this includes an informal open space between the site boundary and the development, and a new native hedgerow around the west and north boundaries.

Removal of hardstandings and debris to the west and south of large parcel will allow regrading of existing banks to blend with surrounding levels and the introduction of tree planting and the introduction of new wild flower meadows. A strategic planting regime of native trees and shrubs is proposed and denser areas of existing scrub and bramble immediately adjoining the built area will be enhanced by additional hedgerow planting.

The results provide for a significantly enhanced landscape setting to the site which is designed to not only reduce the visual impact of the development proposed, but also to provide a wider landscape enhancement that removes the current visual impact arising from the current condition of the site. Conditions are available to protect existing trees and shrubs and to provide for future management and maintenance of new landscaping areas and will ensure that the development does not unduly harm the wider landscape setting in the context of the new more intensive built form.

### Ecological impact

An ecology report accompanying the application recognises that the site and immediate surroundings has potential to support a range of ecological interest, including a range of fauna and flora. Evidence of bat activity and grass snake presence was identified and a precautionary approach is called for in relation to a range of other species, including great crested newts, badgers and nesting birds.

The report recommends a number of ecological enhancements, in particular land to the south of the access road is identified as an opportunity to allow for a worst-case scenario in respect of great crested newts and introduce new ponds and habitats an appropriate environment as well as enhancing general biodiversity in this area.

The mitigation and enhancements proposals in the report are recognised and supported by officers through appropriate conditions.

### Highways

The application proposes minor enhancements to the site entrance, which it should be noted has been designed previously for access for commercial vehicles. Traffic calming is introduced at a central point in the access drive, which is otherwise open. A pedestrian route is created from Stapleford Road through to the rear site where beyond the access drive, pedestrian access is obtained across the greensward or across a shared surface.

The Highway Authority have advised that the proposals are acceptable on highway grounds. In terms of access and capacity, no highway improvements to the junction are required as the required visibility taking account of traffic speeds are already in place. Conditions are recommended in relation to construction traffic and completion of various works before occupation of the development.

Parking provision within the development meets adopted standards for the level and scale of development proposed.

### S106 / affordable housing

The level of development is above the threshold in the Local Plan Submission Version at which development would be expected to include a level of affordable housing within the development, policy H2 specifically seeks provision of 40% of new homes in this regard, which would equate to 11 units.

The application proposes 7 affordable units, being those on the smaller parcel of land, which equates to 26%. The application is accompanied by a financial viability assessment which indicates a number of abnormal costs. This viability assessment has been subject to an independent review by the Councils specialist advisors, Kift Consulting. There is general agreement that the site viability would not permit a policy compliant affordable housing scheme.

The development has also been assessed in the context of the Infrastructure Delivery objectives set out in policies D1 and D2 of the LPSV. Stapleford Abbots Parish Council have identified a need for a new parish meeting room, the existing facility on the village hall site approaching the end of its useful life. As referred to above, the previous permitted development included such a facility on the south side of the access road, but other opportunities to provide this are currently being explored. To this end the developers have agreed to make a financial contribution to the provision of the parish room of £60,000 in order to release the land to the south of the access road for ecology improvements detailed above. While such a contribution of itself would not deliver the facility, officers are discussing contributions with other developers in the vicinity to ensure pooled contributions can deliver the facility.

The Parish Council have also identified an opportunity to bring the land opposite the site entrance into useful community use. The land, currently in the same ownership as the application site, is also being offered at a nominal rent on a long lease, details of which are subject to continuing discussion.

Taking account of the community contributions and issues detailed below in relation to the Epping Forest SAC, officers agree that the level of affordable housing proposed is reasonable given the site constraints identified elsewhere in this report..

### SAC issues

The nature of the application is such that it would trigger a S106 planning obligation requirement in respect of impacts on the Epping Forest Special Area of Conservation (SAC). Since the proposal is within a settlement close to the Epping Forest Special Area of Conservation (SAC) and is likely to generate an increased amount of traffic in comparison to the previously permitted redevelopment, it is clear there will be an additional adverse impact on air quality in general. The Councils policies in this respect are set out below and its position with regard to protecting the SAC and the interim measures currently in place are further thereon.

The Epping Forest covers a large area of land within the District and much of the Forest is designated as a Special Area of Conservation (SAC). Biodiversity features within, or associated with, these designations enjoy the highest level of protection under UK and EU Law and UK planning policy. Epping Forest SAC is designated a 'European Site' and as the Conservation of Habitats and Species Regulations 2017 as amended ("the Habitats Regulations") requires that the Council, as the competent authority, must before deciding to grant planning permission make an appropriate assessment of the implications of the development for the SAC in view of the SAC's nature conservation objectives where it is likely that the development is likely to have a significant effect on the SAC (either alone or in combination with other development) and where the development is not directly connected with or necessary to the management of the SAC. This appropriate assessment is known as a Habitats Regulation Assessment (HRA).

Under the Habitats Regulations, the Council may, if it considers that any adverse effects of the development on the integrity of the SAC would be avoided if the planning permission were subject to conditions or limitations, grant planning permission, subject to those conditions or limitations. The approach may vary depending on the scale and nature of the proposal.

Two specific issues in particular have been identified that could result in development have a likely significant effect on Epping Forest SAC. These are:

1. Increased visitors to the Forest arising from new development within 6.2km of the SAC.
2. Damage to the health of the flora, including trees and potentially the heathland habitats, from air pollution primarily generated by vehicles.

This application would result in a net increase in vehicle movements and therefore a likely significant effect on air quality as it relates to the Epping Forest SAC cannot be screened out at this point in time. However, the site lies outside the 6.2km Zone of Influence where development is recognised as having an impact on the SAC as a result of increased visitor pressure.

The Council is currently awaiting the views of Natural England on the findings of an updated HRA (January 2019), which has been provided to support the Examination of the Council's submitted Local Plan. This updated HRA has assessed the likely significant effect of development over the period of the Local Plan (including windfalls) in combination with other plans and projects. Until such time as Natural England confirms that it is satisfied with the findings of the updated HRA the Council **cannot grant planning permission on any planning applications** which would result in a net additional increase in vehicle movements within the District.

The applicants have indicated that they are willing to enter into a legal agreement and/or accept to agree contributions that may emerge to address this issue. As such, and for the purposes of agreeing the principle and merits of the proposal as set out in this report, members are advised that any S106 legal agreement or planning condition is likely to require the provision of, or contribution to, measures including, for example:

- Electric charging points for electric vehicles
- Resources relevant to the use of passenger transport and cycling/walking (e.g. Travel Plans, provision of travel packs and introductory tickets for use on public transport, cycle parking,)
- All new development to have the ability to connect to high speed broadband

### Neighbour impact

In direct impact terms, the site lies some distance from the nearest properties. Woodlands Farm to the south lies 100m away and is the closest. Thus, direct harm has not been identified.

The proposal would safeguard the living conditions of neighbours.

## **Conclusion:**

The application is finely balanced, raising issues around the impact of the development on the Green Belt and the wider landscape setting, and the locational issues that arise from development outside of the existing settlement.

Officers do however give considerable weight to the issues around the historical use and previous planning permissions for the site. It has been accepted that those previous permissions have in legal terms been implemented by virtue of demolition works undertaken, and more recent case law strengthens this position. The nature of the historic uses are not disputed, not is the clear record of contaminative activity which affects not just the developable area but also the immediate surroundings. The wider public benefit that accrues from this is significant. Considering these factors with the landscape and ecological enhancements proposed beyond the site boundaries, a viable level of affordable housing and the contribution to community facilities, the cumulative positive results of the development result in a unique combination of factors that constitute exceptional and very special circumstances that outweigh potential harm to the Green Belt from additional built form.

That built form of itself is designed to minimise any visual impact on the Green Belt, buildings are of modest height, of low density, and of materials that respect the local character.

The proposal therefore is consistent with relevant planning policy and it is recommended that planning permission be granted subject to conditions and subject to completion of a S106 Legal Agreement to secure the affordable housing provision, the community benefits contributions and a contribution towards measures to mitigate air quality as set out in this report.

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

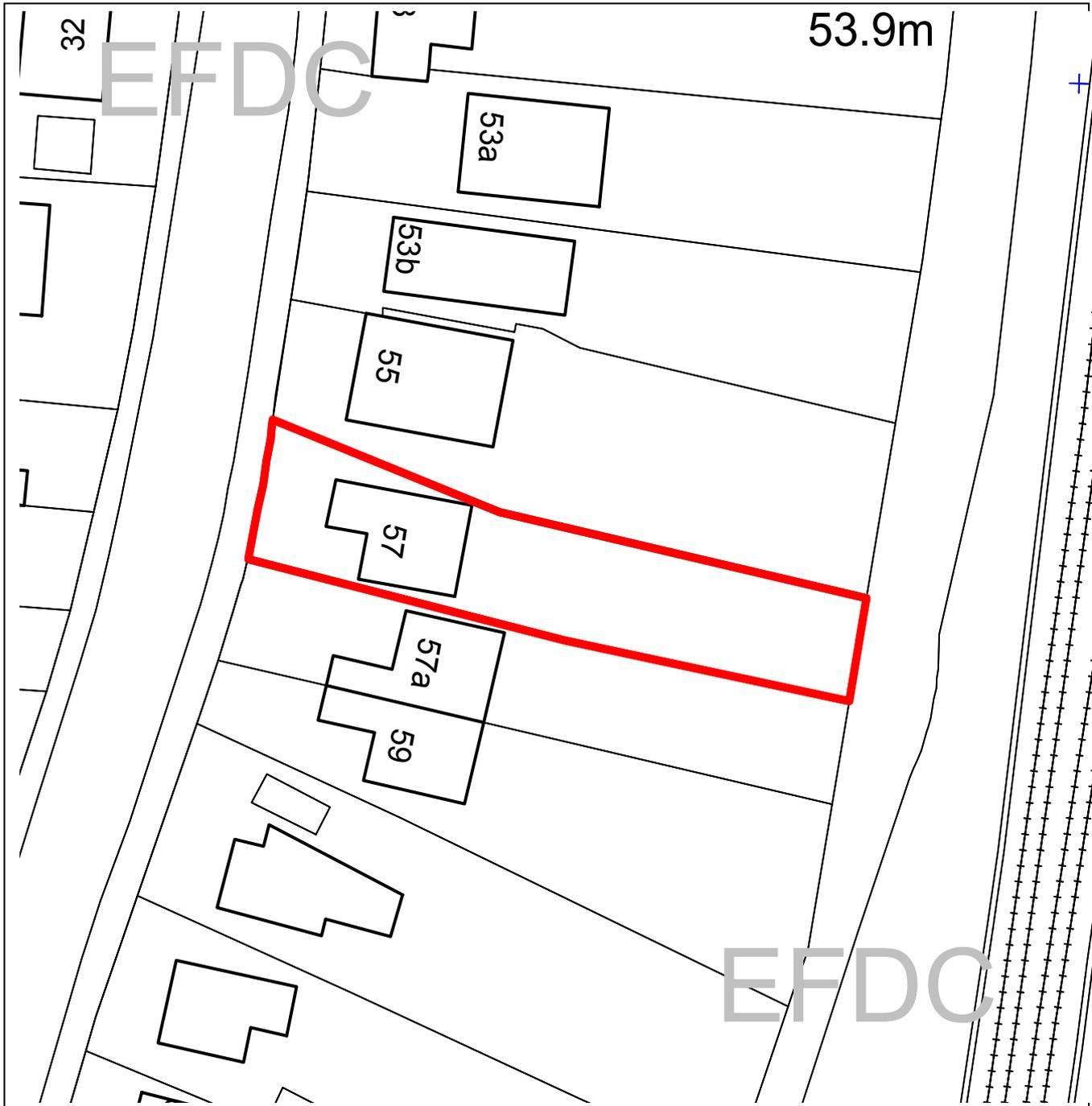
***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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



# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/0502/19
Site Name:	57 Theydon Park Road Theydon Bois CM16 7LR
Scale of Plot:	1:500

**Report Item No:3**

<b>APPLICATION No:</b>	EPF/0502/19
<b>SITE ADDRESS:</b>	57 Theydon Park Road Theydon Bois Epping Essex CM16 7LR
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr & Mrs Daniel and Gemma Fielding
<b>DESCRIPTION OF PROPOSAL:</b>	Part two storey, part single storey rear extension, single storey front extension, garage conversion, internal alterations and front door canopy. Drive to be widened and property to be re-cladded. Raised patio area 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=620953](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=620953)

**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: 2017 - 01 and 02 Rev G
- 3 Materials to be used for the external finishes of the extensions hereby approved shall match those to be used in the refurbishment of the existing building and as indicated on the approved drawing, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The window openings in the flank elevations shall be entirely fitted with obscured glass with a minimum Level 3 obscurity 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. No other windows shall thereafter be installed in the flank elevations of the building as extended without prior consent from the Local Planning Authority.
- 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 B of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

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

**Description of Site:**

The application relates to a detached two storey dwelling house located on the east side of Theydon Park Road. The original house features a two-storey forward projection across around half the width of the building with a gable roof, the outer face aligning with the main gable roof. A small half width rear extension has been added.

The site lies in a residential area with a broad mix of detached and semi-detached built forms. The forward projecting element aligns with the adjoining property to the north, and the semi-detached houses to the south are recessed. Levels changes mean the buildings are raised significantly above garden levels which continue to fall to the Central Line railway running along the rear boundary.

The property is not in a conservation area nor is it listed.

**Description of Proposal:**

The application proposes front and rear extensions to the house. At the rear, the proposed extension is part single, part two storey across the full width of the house. The ground floor element incorporates the previous addition and is 6m deep from the original rear wall, the first floor element projects 2.9m. The existing roof is extended over the first floor (this is a four-hipped roof, so retains the ridge), the ground floor has a central glazed gable in a mono-pitch roof. A raised patio extends a further 3m beyond, set down from finished floor level of the rear extension.

At the front, the cut-away is infilled with a single storey addition that squares off the front of the property, this element featuring a mono-pitch roof. The front elevation is reconfigured with the removal of the garage front and installation of a front facing door centrally and a new window. Other windows in the front elevation are altered to match and the whole building is to be rendered.

The scheme has been amended from the original submission by the removal of the first-floor element of the front extension

**Relevant History:**

None

**Policies Applied:**

*Adopted Local Plan:*

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

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

they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

*NPPF:*

The Revised National Planning Policy Framework (NPPF) (February 2019) states at paragraph 213 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

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

In September 2018, the Council submitted the Epping Forest Local Plan Submission Version 2017 for examination. As such the LPSV can be treated as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

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

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

DM9	High Quality Design
DM10	Housing Design and Quality

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

Date of site visit: 05 April 2019  
Number of neighbours consulted: Seven  
Site notice posted: No, not required  
Responses received: One response received from neighbours at 57A THEYDON PARK ROAD, the immediate neighbour to the south. The objectors are concerned primarily with the front extension, raising concerns at the impact in terms of overshadowing and loss of daylight, and the overbearing nature of the extension. They also consider the addition to appear cramped and visually dominant, out of keeping with local character. The objector believes the stepped form of the application site was intended to address the significant set-back of their property in comparison to other nearby houses.

The objection also refers to overshadowing of a side window in a rear dormer at the objector's property and rooflights in a ground floor rear extension. The rear addition is considered by the objector to be prominent and imposing. The objector also comments on the level of parking available and the increase in the overall level of accommodation proposed. Comments are also

made about the introduction of additional windows in the side elevation, and details of the objectors property which are not marked on the plans.

Parish Council: Theydon Bois Parish Council have objected to the amended proposal, making the following comments:

*In consideration of the revised application, it is noted that the extension to the principal elevation has been re-drawn so that it would be single storey, rather than double storey. However, it is still felt that such extension would be visually intrusive, having a detrimental impact on the amenity of the adjacent property at 57A.*

*The Planning Committee is given to understand that 57 Theydon Park Road was built in the 1960s and comprises one of three houses which were built at the same time (numbers 57, 57A and 59). The existing drawings show the position of the property on the street in relation to the surrounding houses and in particular the configuration with numbers 57A and 59. The impression of the Planning Committee is that when this group of houses was built, attention was paid to their positioning in relation to each other and due consideration was given to ensure that, in the interests of right to light and amenity, the front building line of 57 was 'stepped back' in relation to that of 57A. Should the proposed front extension be built as drawn, the Planning Committee feel that the intentions of the original developer would be undermined.*

*Theydon Park Road slopes down towards the property, such that 57A is sited at a lower elevation than 57. Accordingly, notwithstanding the fact that the proposed extension to the principal elevation is single storey, it would have the appearance of being much taller.*

*Whilst the Planning Committee is not in a position to comment as to the loss of light, which could be caused by the proposal, it is thought that the outlook from 57A would be negatively impacted. Further, it is thought that the new front extension would be in contravention of the '45-degree rule' and that an intrusive brick wall, comprising the new front extension to the property at 57, would dominate the outlook from some of the windows on the principal elevation of 57A (particularly from the ground floor windows).*

*The Planning Committee also feel that the proposal as a whole would give rise to a structure which would appear bulky and cramped within the plot.*

*It is also noted that there are new windows indicated on the side elevations of the proposed structure; the Planning Committee would request that these windows be glazed with obscure glass.*

*The present proposal is felt to be contrary to policies DBE1, DBE2, DBE9 and CP2 of the Current Epping Forest District Local Plan 1998 (with alterations of 2006), and policy DM9 of the New Epping Forest Local Plan (2011-2033).*

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

In considering impact on neighbouring properties, the site orientation and the stepped layout are significant. The objector's property at 57a Theydon park Road lies to the south of the proposal, such that daylight and sunlight are generally unaffected by the works. Both houses are built up to a broadly similar level above garden levels and officers do not agree with the Parish Council suggestion that the application site is higher. Neither the single storey or first floor rear elements of the proposal project beyond the equivalent ground and first floor rear walls of the subject property no.57. In terms of openings in the side elevation of the neighbouring property at 57a, these comprise a secondary side door at ground floor and the flank window to the dormer which is also served by substantial windows in the rear elevation. The scheme has been amended to ensure the

rear patio is set down below floor level to reduce potential overlooking. Officers conclude therefore that any impact on the rear and side elevations of the objector's property is negligible.

The issues in relation to the front extension raise different issues. Now that this element has been reduced to a single storey only, the orientation again ensures no direct overshadowing occurs, that being the location of 57a to the south of the application site. The existing two storey building projects forward of the objector's property by in excess of 4metres and a single storey addition at such a distance and 1m off the boundary would have minimal impact on general outlook.

The application indicates new first floor side windows to bathroom and dressing areas within the existing building (which would not require planning permission subject to fixed and obscured glazing up to 1.7m above room floor level) and other openings in the flank at ground floor. The application indicates which windows are to be fitted with frosted glazing however a condition has been attached to ensure these remain fixed and obscure glazed up to a level which prevents potential overlooking, although it should be noted that these windows are shown abutting existing built form or facing frontage areas only.

No such issues arise in respect of the neighbour on the northern side, a single storey side addition with a blank flank wall is built on the boundary and as a result of an angled boundary, the habitable areas of the dwelling are at least 5m away.

The proposal involves elevational changes, including removal of the garage frontage, a new entrance canopy and rendering of the whole building. The existing brick finish reflects the era in which the building was first constructed and is of no outstanding merit. The surrounding area display a mix of external materials, including a wholly rendered exterior at no 55, and the external works are therefore appropriate in this case.

### **Conclusion:**

The proposals have been amended and in the now submitted form, the extensions are considered to be of appropriate scale to the site and building. While noting concerns of the neighbour to the south, significant weight is attached to the favourable orientation with the neighbour located to the south of the works and having been previously extended beyond the full extent of the proposed development. At the front, the stepped layout ensures the proposed extension is set some distance from the neighbour such that additional visual impact is not significant.

The proposal therefore complies with relevant planning policy and it is recommended that planning permission be granted. Conditions are attached as detailed above in respect of side windows, and materials matching across the whole building for consistency. A condition is also attached to remove permitted development rights for roof extensions as the increase in the scale of the roof makes such an addition more likely and any such alteration that may impact on the form of the building should be assessed further.

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

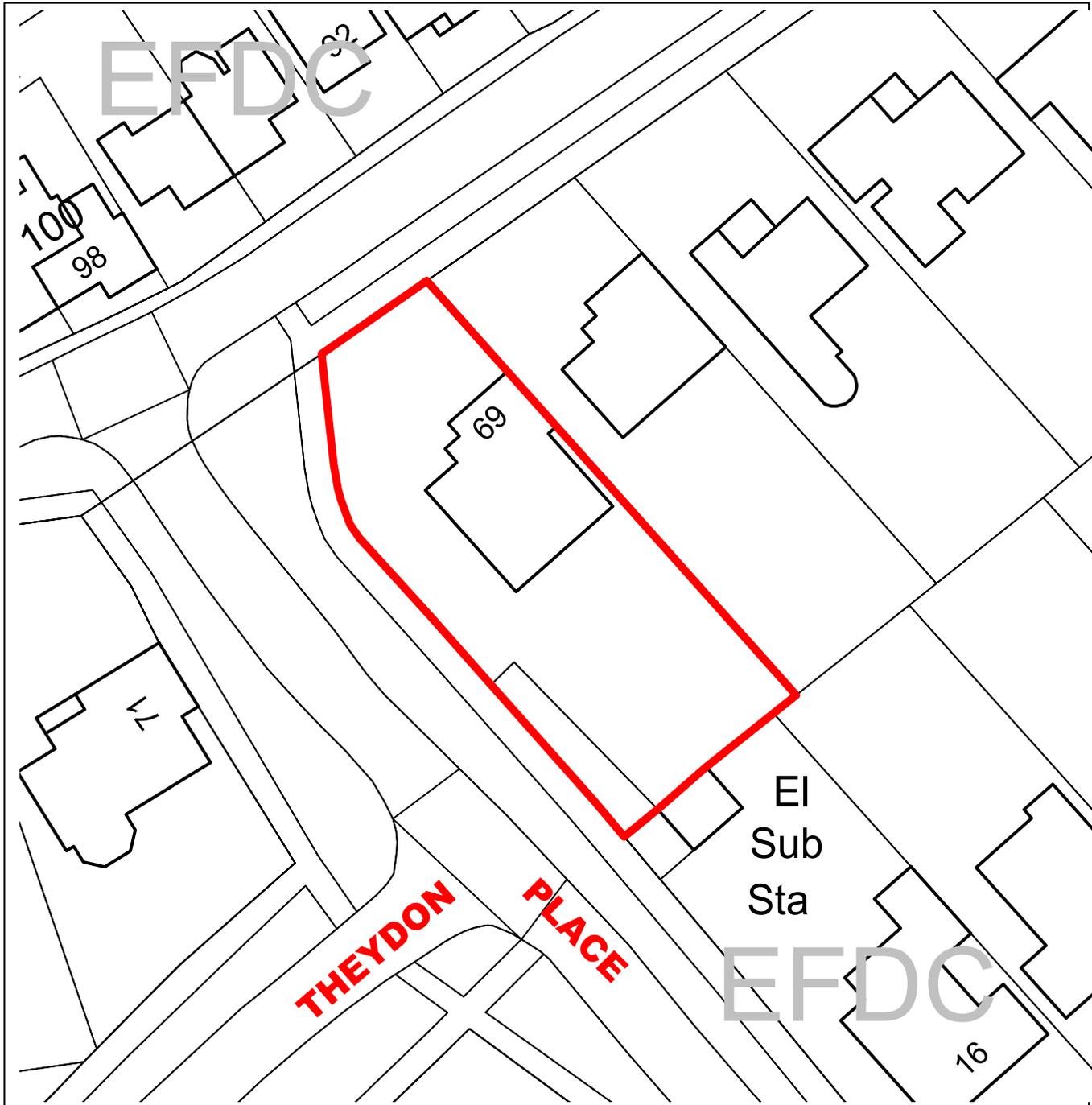
***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

***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 4



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Application Number:	EPF/0590/19
Site Name:	69 Hemnall Street Epping CM16 4LZ
Scale of Plot:	1:500

**Report Item No:4**

<b>APPLICATION No:</b>	EPF/0590/19
<b>SITE ADDRESS:</b>	69 Hemnall Street Epping Essex CM16 4LZ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Andrew Smith
<b>DESCRIPTION OF PROPOSAL:</b>	Loft conversion with 2 no. dormer windows to the rear, x 1 no. dormer window and x 1 no. roof light to the front. Alteration to entrance porch and raising of ground floor front wall. New entrance loggia, new relocated front garden wall with x 3 no. in-built planters and x 3 no. new windows to the south-west elevation.
<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=621374](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621374)

**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: 189-P01, 189-P02.A, 189-P03.A, 189-P04.A, 189-EX01 (Location Plan) and 189-EX01 (Proposed Drawings).
- 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 The window openings in both flank elevations at second floor level shall be entirely fitted with obscured glass with a minimum Level 3 obscurity 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.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

**69 Hemnall Street, Epping, Essex, CM16 4LZ  
EPF/0590/19**

**Description of Site:**

The application site is a two-storey detached corner property with front, side and rear gardens, located on the South side of Hemnall Street at its junction with Theydon Place.

The site is not located within the Metropolitan Green Belt, it is not located within a Conservation Area and it is not a Listed Building. There are TPO'd trees to the front of the property.

**Description of Proposal:**

Loft conversion with 2no. dormer windows to the rear, x1no. dormer window & x1no. rooflight to the front. Alteration to entrance porch & raising of ground floor front wall. New entrance loggia, new relocated front garden wall with x 3no. in-built planters & x3 no. new windows to the South-West elevation.

The scheme has been amended during the course of the assessment with the removal of the front dormer and its replacement with a rooflight, obscure glazing of the window to the eastern flank at roof level serving the hall way.

**Relevant History:**

None relevant.

**Policies Applied:**

*Adopted Local Plan:*

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

The above policies form part of the Council's 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.

*The National Planning Policy Framework*

The National Planning Policy Framework (NPPF) has been adopted as national policy since February 2019. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

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

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

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

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

DM 9            High Quality Design  
DM 10          Housing Design and Quality

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

Date of site visit: 21/05/2019

Number of neighbours consulted: 9

Site notice posted: No, not required

Responses received: 3.

Town Council: Objection – This proposal would constitute overdevelopment in terms of its roof height and prominent dormers, which would have a detrimental effect on the street scene, particularly in this area of stylised properties. This would result in a loss of amenity for neighbouring properties in terms of visual impact and dominance.

Relevant policies: CP2, CP7, DBE1, DBE2, DBE9. Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

Other than the objection from the Town Council, there were comments from no. 94 Hemnall Street and no. 17 Theydon Place and an objection from Epping Society.

Objections/comments cover a number of issues, as under:

- Visual impact and loss of privacy due to rear dormers.
- Visual impact of the increase in roof height and flat design element.
- Proposed chimney appears bulky, out of place and creates a sense of overdevelopment.
- Visual impact of front dormer.
- Loss of openness of the corner of Hemnall Street and Theydon Place due to the proposed wall.

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

#### Design

The proposed rear dormers appear subservient and sit comfortably within the rear roof slope, they are set down from the ridge and set back from the eaves. The glazing in the proposed dormers is

proportionate and symmetrical to the rest of the glazing in the property. Following concerns raised regarding the proposed front dormer, this has been removed and replaced with a second rooflight. The two proposed rooflights to the front roof slope would be Permitted Development had the roof height not been raised, there are also other front rooflights in the immediate area.

The proposed 1 metre increase in ridge height of the roof would not appear incongruous or over dominant when viewed from various angles within the street scene. The applicant has shown it is the same height as no. 96 Hemnall street on the opposite side of the road and there is a good level of separation between the proposal site and the nearest neighbouring property of 67 Hemnall Street. There is a distance of 7 metres from gable to gable. The proposed increase in height results in a flat top roof, this is not a traditional roof form but would be largely obscured from view by the neighbouring property and the proposed chimney.

The proposal includes a feature chimney on the South-Western gable, there are other large chimneys in the street. Nos. 94, 96 and 100 Hemnall Street all have substantial chimneys and therefore are a character of the area.

The relocation of the front door to the south-west elevation of the property is considered acceptable and will not have any impact on the design of the existing property or impact the street scene. The entrance loggia/ front extension would be in keeping with and compliment the design of the existing dwelling, it is also screened by the proposed wall with built in planters. The new relocated garden wall is set back from the highway by just under 11 metres, it is well screened and still allows for ample front garden space. The glass bricks give a sense of transparency and breaks up the solid structure. It is noted also that given the set back from the back edge of the pavement in parallel alignment, the proposed wall at no higher than 2 metres in height would be permitted development (a boundary wall exists to the frontage of the site). In this respect the proposal would comply with policies CP2 and DBE10 of the adopted local plan, and DM9 and 10 of the LPSV2017.

### **Amenity**

The proposed development would not have any adverse impact on the neighbouring property of 67 Hemnall Street, no.65 extends far further than no 69. The dormer windows can be seen from the road as it is a corner property but it is well screened by trees on the public footpath running alongside the North-Eastern boundary. The rear dormer windows facing 16 and 17 Theydon Place are at least 38 metres from the rear of the application site to the rear of the closest neighbouring property, there is also a good screen of trees between the properties. The rear dormers cause no adverse impact on the privacy of neighbouring properties to the rear. Similar to the front roof lights, had the roof not been raised as under this proposal, dormers of this type could be erected under permitted development as the rear of the property does not face a highway

The proposed additional windows in the South-Western elevation face the Highway, this does not result in any overlooking and therefore a condition is not needed to ensure the windows are obscure glazed and fixed closed at first floor level. The windows at either gable end will need to be obscure glazed and fixed closed up to 1.7m to avoid any perception or actual overlooking. The proposal therefore complies with policies DBE9 of the adopted local plan, and DM9 of the LPSV2017.

### **Conclusion:**

The proposal complies with relevant planning policy and 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: Zara Seelig  
Direct Line Telephone Number: 01992 564379**

**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/0605/19
Site Name:	34 Purlieu Way Theydon Bois EssexCM16 7EH
Scale of Plot:	1:500

**Report Item No:5**

<b>APPLICATION No:</b>	EPF/0605/19
<b>SITE ADDRESS:</b>	34 Purlieu Way Theydon Bois Epping Essex CM16 7EH
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Rickie Glasgow
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed demolition of existing rear extension and lean-to, to form a new single storey rear extension. Conversion of integral garage to habitable room.
<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=621439](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621439)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Location Plan, PW/PA04b, PW/ PA05b, PW/PA/01b, PW/PA03a, PW/PA02a
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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

**Description of Site:**

The application site comprises of a two-storey semi-detached dwellinghouse situated within a built-up part of Theydon Bois Village. It is not within a Conservation Area and is not a Listed Building. The street largely comprises of two-storey dwellinghouses. Significant alterations and extensions can be witnessed when walking along the street.

The application site is to the south east of Purlieu Way. To the north of the site is 36 Purlieu Way which is a two-storey semi-detached dwellinghouse and to the south of the site is 32 Purlieu Way which is a two-storey semi-detached dwelling. Land levels fall steadily to the rear. Boundary fences of approximately 1.5m exits to either side of the subject site and its neighbours.

**Description of Proposal:**

Proposed demolition of existing rear extension and lean-to, to form a new single storey rear extension, together with the conversion of the integral garage to a habitable room.

Negotiations during the assessment of the application has necessitated amendments to the scheme involving a reduction in the depth of the single storey rear extension from 4.5m to 3.8m to improve the relationship with neighbouring properties.

**Relevant History:**

EPF/1660/76 Erection of a conservatory. FINAL DECISION 21-12-1976 Grant Permission

EPO/0652/71 DETAILS OF EXTN FINAL DECISION 11-10-1971 Grant Permission (With Conditions)

**Policies Applied:**

*Adopted Local Plan:*

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

*NPPF:*

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

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

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

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

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

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

SP1 Sustainable Development  
DM9 High Quality Design

### **Summary of Representations Received**

7 Neighbours consulted:

32 PURLIEU WAY – OBJECT to the original proposal on the following grounds  
- Loss of light, outlook and privacy.

36 PURLIEU WAY – OBJECT to the original proposal on the following grounds  
- Loss of light, outlook and privacy.

PARISH COUNCIL – OBJECT concern is the significant height of the apex roof, which is shown on the submitted plans as being built almost up to the windowsill on the first floor. Likely that the depth of the proposed rear extension would be in contravention of the '45-degree rule', so creating an overbearing and intrusive structure that would dominate the outlook from some of the rear windows of both neighbouring properties (and, in particular, those of the adjoining neighbour at No.36).

In addition, whilst the Planning Committee is not in a position to comment as to the loss of light, which could be caused by the proposal, it is thought that No.34 is sited to the south of its adjoining neighbour and that the patio area immediately to the rear of no.36 (which appears not to have constructed any extension to its rear façade) would be cast in shadow.

Officer comment: The above objection is partly based on the original plans and not the amended scheme which shows the single storey rear extension being reduced in depth to 3.8m to minimise the impact on neighbouring amenity.

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

The main issues with this application relate to:

- design and
- impact on amenity

## Design

### *Single storey rear extension*

The proposed single storey rear extension would be built to 2.5m at the eaves and a maximum height of 3.5m to the apex of the roof, with a dual pitched. It would be built from complementary materials. It would appear subordinate to the footprint of the existing house by reason of its size and scale and would not appear unusual when viewed from the rear due to the various types of rear additions carried out along this stretch of Purlieu Way which is evident on aerial imagery of the locality.

### Conversion of garage into a habitable room with glazing

The proposed garage conversion into a habitable room with a window would be built from complementary materials have proportional glazing and would not appear dissimilar to garage conversions in the immediate locality. It would safeguard the character and appearance of the existing house and wider area.

## Living Conditions

### Single storey rear extension

The proposed extension is set off from the common boundary with no. 32 by 2.5m and from their dwellinghouse by 4.5m. it will project 1.7m beyond the rear building line of this neighbouring dwelling which itself is extended. It should also be noted that due to the gradient in the street, the subject site sits lower than No. 32. In this respect, the proposal would not result in any material loss of outlook or light when viewed from the rear habitable room windows and garden area of this adjoining occupier.

The proposed rear addition will extend 3.6m beyond the rear building line of no. 34 (attached neighbour). This is 0.6m more than what could be achieved under permitted development. The eaves height of the proposal which is 2.5m (0.5m more than a 2m boundary fence) ensures the proposal would not appear excessive in height when viewed from the garden area and habitable room windows of this adjoining occupier. The pitched element of roof is set in by approximately 1.3 metres from the eaves and in this respect the gradient and pitch angle of the roof of the proposed rear addition ensures the proposal would not appear overbearing or dominant when viewed from the garden area and rear habitable room glazing of no. 36. Overall, the proposed extension by reason of its height, width and depth would not result in any material harm to the quality of life of the inhabitants of this dwellinghouse.

### Garage conversion into habitable room

The garage conversion is consistent with the design of the house and is not an uncommon form of development to residential houses of this form. The loss of the garage would not impact on parking arrangements as sufficient frontage at a depth of 6.6 metres would accommodate up to 2 car parking spaces.

## **Conclusion:**

The proposed development as amended by reason of its depth, height and width would not result in excessive harm to the amenities of neighbouring dwellings. Furthermore, it would complement the design of the existing house and wider area, nor impact on parking accommodation.

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

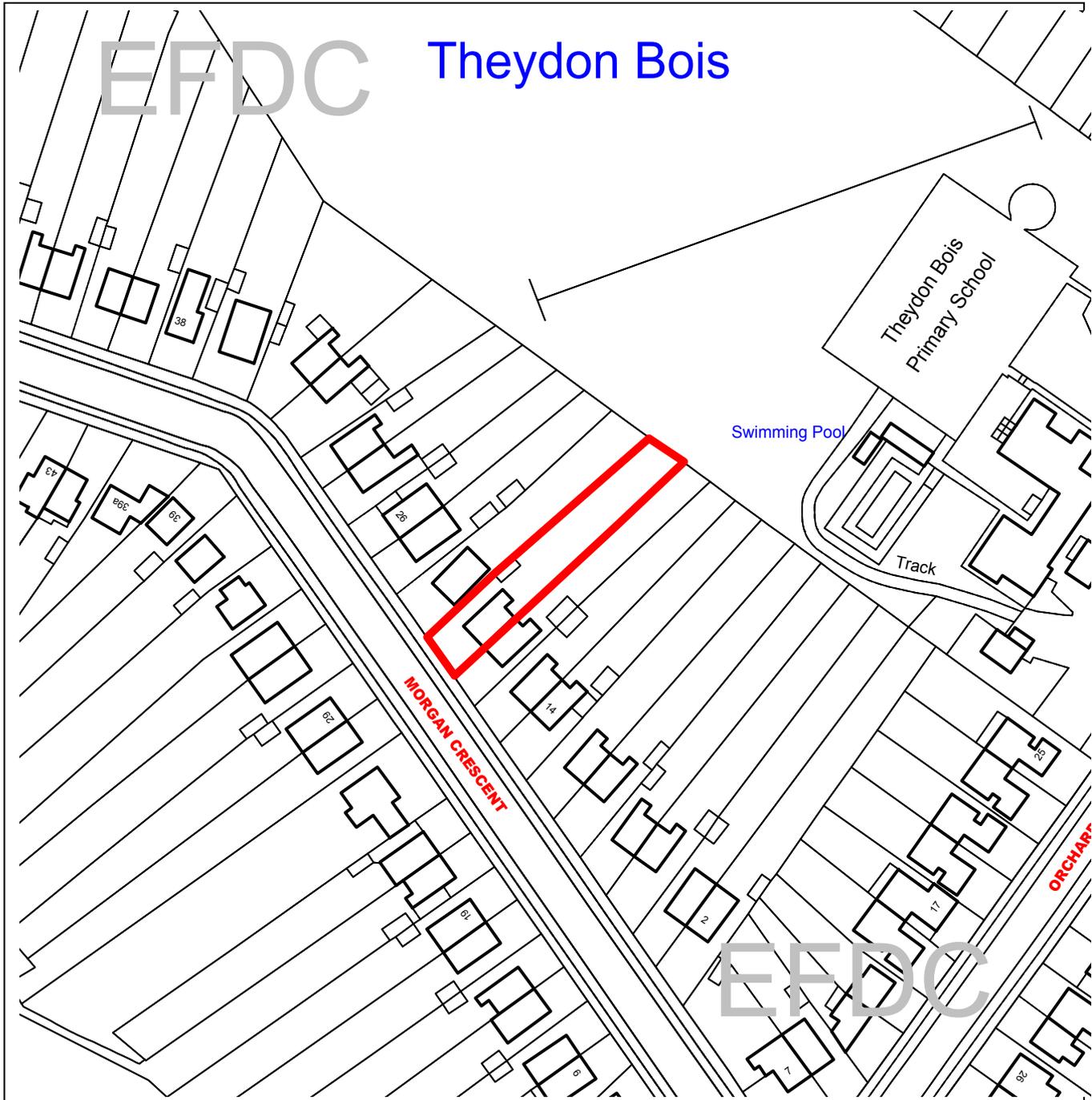
**Planning Application Case Officer: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298**

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



# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/0614/19
Site Name:	20 Morgan Crescent Theydon Bois CM16 7DX
Scale of Plot:	1:1250

**Report Item No:6**

<b>APPLICATION No:</b>	EPF/0614/19
<b>SITE ADDRESS:</b>	20 Morgan Crescent Theydon Bois Epping Essex CM16 7DX
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr M Montgomery - Smith
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a large storage shed at the end of the rear garden.
<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=621474](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621474)

**CONDITIONS**

1. The development hereby permitted shall be maintained strictly in accordance with the approved drawings nos: 1A, 2A, 3A and 4A.
2. The proposed development shall not be used for living accommodation and shall not be occupied as a unit separately from the dwelling known as 20 Morgan Crescent.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

**Description of Site:**

The property is a two-storey semi-detached house. The site is within a built-up area of Theydon Bois. It is not within a conservation area, nor is it within the Green Belt. The rear of the property backs on to Theydon Bois primary school.

**Description of Proposal:**

The proposal is for a rear outbuilding that has an eaves height of 2.5 metres and an overall height of 3.8 metres of which construction is complete. The outbuilding is 6 metres wide and 3.8 metres deep with a 700mm roof overhang facing the garden.

The construction is of timber cladding, and PVC windows and doors.

It is to be used as garden and household storage. (There are two separate doors serving each storage area).

**Relevant Planning History:**

EPF/2975/14 - Two and one storey rear and side extension to house – Approved

EPF/1110/16 – NMA to EPF/2975/14 – Refused

EPF/1976/16 - Two storey extension to house – Approved

ENF/0042/19 - Large wooden structure erected in rear garden no PP - Concurrent

**Policies Applied:**

*Adopted Local Plan:*

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

*Local Plan Submission Version 2017:*

Paragraph 213 of the National Planning Policy Framework 2019 (NPPF) requires that due weight be given to the relevant policies in existing plans. However, paragraph 48 of the NPPF states that decision-takers may also give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to:

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

The Council considers that the Plan is currently at an advanced stage of preparation and has been formally submitted to the Secretary of State for examination and that all the policies are consistent with the NPPF (although this will be tested through the examination). By virtue of this advanced stage of preparation, as well as the Council resolution taken on the 14th December 2017, the LPSV is a material consideration in determining planning applications. Therefore, we need to consider the weight that should be given to each of the relevant policies in the context of the proposed development:

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

**Consultations Carried Out and Summary of Representations Received:**

Number of neighbours Consulted: 4. No response received  
Site notice posted: No, not required

THEYDON BOIS PARISH COUNCIL – Objection – Summarised as:

- Prominent;
- Overly-dominant;
- Out of keeping with character and appearance of area; and
- Visually intrusive.

### **Planning Considerations:**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality; and
- b) The impact on the living conditions of the neighbouring properties.

#### *Character and appearance:*

The proposal would be situated on a sufficient plot size and given the siting of the proposal and the rear garden area of approx. 45 metres measured from the host house, the development would complement the setting of the existing house and not appear unreasonably out of character or overbearing.

The outbuilding, although there are two doors which is unusual, it would have a functional appearance which is considered to be appropriate in relation to its intended use, as indicated in the floor plans.

#### *Living conditions of neighbours:*

The proposal would not cause any material harm nor detract from neighbouring amenities in terms of outlook or overbearingness as it would be located to the rear end of the garden some 40 metres away from both No's. 18 and 22 Morgan Crescent. The depth

#### *Other considerations:*

As a fall-back there are two options:

1. Reduce the overall height to 2.5 metres with a flat roof to make it Permitted development;  
or
2. Set the outbuilding in by 2 metres from the common boundary line on all three sides, with an eaves height of 2.5 metres and an overall height of 4 metres with a dual pitched roof.

### **Conclusions:**

The design is conventional and the outbuilding is sited too far away to cause any undue harm to the living conditions of neighbours. For the reasons above, taking into account the fall-back position, it is recommended that planning permission be granted subject to the conditions outlined in the council decision notice.

***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: Muhammad Rahman  
Direct Line Telephone Number: 01992 564415***

***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/0670/19
Site Name:	63 Cloverly Road Ongar CM5 9BX
Scale of Plot:	1:500

**Report Item No:7**

<b>APPLICATION No:</b>	EPF/0670/19
<b>SITE ADDRESS:</b>	63 Cloverly Road Ongar Essex CM5 9BX
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr & Mrs Pomfreet
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side extension, single storey rear extension, first floor rear extension.
<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=621716](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621716)

**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: 11, 10 A
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 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.

- 7 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 63 Cloverly Road, Ongar, CM5 9BX
- 8 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.
- 9 The proposed first floor window opening in the flank elevation adjacent to no. 61 Cloverly Road shall be entirely fitted with obscured glass with a minimum Level 3 obscurity 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.

*This application is before this Committee since the recommendation is for approval and 5 or more objections material to the planning merits of the proposal have been received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix 1. (3c)*

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

The application dwelling is a detached house on a relatively wide plot. The street predominantly consists of two storey detached and semi-detached dwellings some of which have been significantly altered and extended. There is no uniform character or architectural style/design of dwellings along this street, with different roof forms and external finishes witnessed along this street. The property is bounded by 2m high boundary fencing to its neighbours. It is not within a Conservation area nor is it a Listed Building. It is outside the confines of the Metropolitan Green Belt.

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

Proposed two storey side extension, single storey rear extension, first floor rear extension.

#### **Relevant History:**

EPF/1556/17 Detached house on land adjacent to no. 63. WITHDRAWN 14-06-2017  
Withdrawn Decision

#### **Policies Applied:**

##### *Adopted Local Plan:*

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  
DBE2 Effect on Neighbouring Properties  
DBE4 Design in the Green Belt  
DBE6 Car parking in new development  
RP4 Contaminated Land

U3B Sustainable Drainage Systems  
 H6A Site Thresholds for Affordable Housing  
 H7A Levels of Affordable Housing  
 LL1 Rural Landscape  
 LL2 Inappropriate Rural Development  
 LL10 Adequacy of provision for landscape retention  
 LL11 Landscaping Schemes  
 ST1 Location of Development  
 ST2 Accessibility of development  
 ST4 Road Safety  
 ST6 vehicle parking

*NPPF:*

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

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

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

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

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

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

DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste recycling facilities on new development and light wells
DM16	Sustainable Drainage Systems
DM19	Sustainable Water use
DM21	Local Environmental Impacts, Pollution and Land Contamination
SP7	The Natural Environment, Landscape Character and Green Infrastructure

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

Number of neighbours consulted: 8

Responses received:

54 CLOVERLY ROAD OBJECT – The road is over run with people parking cars half on the pavement. We cannot take any more cars. When they refurbished the house, we had up to 6 vans and lorry's parked in the road. They worked weekends and early in the morning. It will not be within keeping of the rest of the houses in the rd. also why did I have to find out of this shouldn't you have informed neighbors by post

52 CLOVERLY ROAD OBJECT - would like to object to this planning application.

Cloverley road congestion is extremely cramped, the application would remove more ground space for off road parking, I think it will have significant affect on lighting on nearby properties. the current owner already has 3 cars.

I am also concerned about noise pollution during the build.

The proposal also looks like a secondary dwelling.

off road parking and access is a real problem in the road and this will make it worse, the dwelling has lots of space behind property for future extensions that would be more suitable.

### **53 CLOVERLY ROAD – OBJECTION**

29 COOPERS HILL – OBJECT This house is one of the few detached houses in Ongar in the classic style of the thirties. The period window frames have already been replaced by plastic and the proposed development would further this departure from the architectural style. The three extensions proposed to this distinctive property would suggest that this would constitute over-development and should be modified and designed to be more harmonious with the original. The owner's building work appears to be of good quality.

48 CLOVERLY ROAD OBJECTION We object. The two-storey side extension is obviously planned as a separate dwelling, it has a separate kitchen, stairs & only 1 door downstairs to access the current building. The plans show 2 cars parked outside the side extension, this is misleading, they would have to be very small cars. The side extension will use the parking spaces currently available for the existing property. If the side extension was sold where is the parking provision for the existing property? The proposed plans would result in there being 5 bedrooms. It is conceivable that parking will be needed for 5 cars, what about visitors? The building of an additional residence would make the street unacceptably densely populated & over develop the area. This is highlighted by most cars on the street parked on both sides of the road, partly on the curb leaving a narrow corridor to drive down & a narrow pavement for pedestrians. The many terrace houses in the street were built when it was not foreseen that most families would have at least 2 cars. Now it is not possible for a wheelchair to go all the way up the street on either pavement, nor to push a pram. It would be extremely difficult for a fire engine to get down the middle of the street due to the narrow corridor created by the parked cars. This development, in addition to affecting the residence of Cloverley Road, also affects all those who want to access Longfields (it is becoming increasingly difficult to navigate cars in Longfields from Coopers Hill). Some homes in Cloverley Road do have parking but where there are these odd gaps these are used as passing points on this 340m road. Note it is not possible to use these passing points in the top 175m of the street, making it extremely difficult to reverse back if you meet an oncoming car. Many who live on Brentwood Rd & Longfields park on this street as they cannot park elsewhere. Over-development of this site will have an adverse impact on amenity of parking on the other residents.

61 CLOVERLY ROAD- OBJECT due to impact on light, outlook, privacy, noise from construction, parking from the proposal.

PARISH COUNCIL: NO OBJECTION at time of writing report.

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

#### Design

In design terms, the building has been built using matching materials and would appear subordinate to the host dwelling by reason of its scale and siting. There will be a maximum of 3m spacing between the common boundary with number 61, which in itself is still a substantial gap following any proposed development, to ensure the proposal does not create a 'terracing effect'. Due to the width of the proposal, there are no issues with respect to the development appearing cramped within its setting nor detracting from the street scene. The development would therefore preserve the character and appearance of the locality, contrary to policy DBE1 of the adopted Local Plan (1998/2006) and policy DM10 of the Submission Version of the Local Plan (2017).

#### Neighbour amenity

On issues of neighbour amenity, the proposal would not result in any loss of outlook, light or privacy when viewed from the habitable room windows and garden areas of adjoining occupiers as well as dwellings situated opposite and to the rear of the proposed development. This is due to the overall height, width and depth of the development and as well as due to its siting within the road itself.

#### Is the proposal a separate unit?

The proposed extension will not be a self-contained entity as there will be access into the host dwellinghouse at ground floor. It must be assessed purely as a domestic extension and not as a separate planning unit. A planning condition will be imposed requiring the proposal to be used ancillary to the host dwelling and not as a separate planning unit.

#### Parking

The development would retain sufficient space for 2 to 3 parking spaces off street with a maximum frontage area of 5.5m perpendicular to the public highway.

#### Land Drainage

No objections subject to conditions relating to treatment of surface water disposal.

#### Conclusion

The proposal would appear as a subordinate addition to the existing house by reason of its overall size, scale and design and would be of a height, width and depth that would safeguard the living conditions of neighbours. Planning conditions to restrict permitted development rights under Classes A, B and E of Schedule 2, Part 1 of the GPDO 2015 as amended will be imposed as well as a condition restricting the use of the extension as a separate planning unit.

***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:***

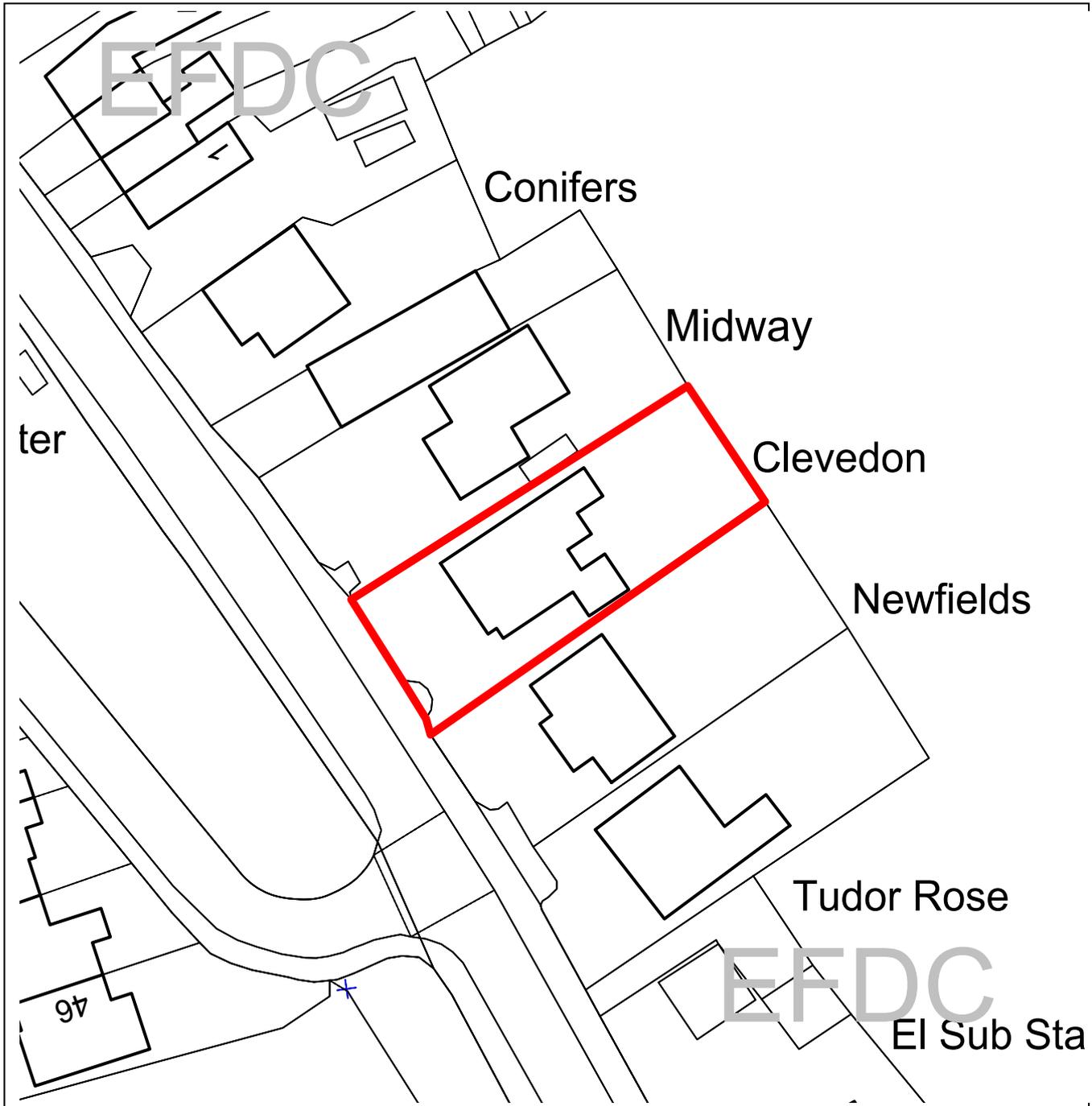
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# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/0686/19
Site Name:	Clevedon Epping Road Epping Green Essex CM16 6PR
Scale of Plot:	1:500

**Report Item No:8**

<b>APPLICATION No:</b>	EPF/0686/19
<b>SITE ADDRESS:</b>	Clevedon Epping Road Epping Green Epping Essex CM16 6PR
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr Matt Clarke
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed construction of a rear dormer window with juliet balcony involving a hip-to-gable roof extension for the conversion of the loft into living accommodation; single storey ground floor infill extension and conversion of garage into a habitable room involving a front bay.
<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=621774](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621774)

**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: PA04; PA05 A; Block Plan As Existing; Block Plan As Proposed ; Location Plan
- 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.

**And subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards mitigation of the impact of the development on air quality in the Epping Forest Special Area of Conservation.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council and at least one neighbour 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 part of the garden land between two 2 end of terrace dwellings with large gardens within the built-up area of Abridge. The site is not within a conservation area and is not Green Belt. The site slopes slightly downhill to the North. The land lies between two rows of terraces which form an L shape. Both of the donor dwellings have much larger gardens than the neighbouring properties. The Poplars has a uniform character of white clad terraced dwellings. The private road behind the dwellings leads to a two-storey detached house and a detached bungalow.

### **Description of Proposal:**

Erection of a 3-bedroomed detached dwelling. The proposed dwelling will have a maximum eaves height of 5 metres and a ridge height of 6.5 metres. The application dwelling would have a traditional gabled roof with horizontal elements. The rear elevation of the proposed dwelling would have a separate pitched roof dormer. The dwelling will be accessed from the rear private lane that leads from the Chestnuts with access off Market Place/Ongar Road to the north. The Chestnuts is owned by EFDC Housing Services. The applicant has gained a legal agreement from the Council's Legal Department in relation to this. Two parking spaces are to be provided in line with Essex Parking Standards 2009.

### **Relevant History:**

EPF/0257/18 Land adjacent 7 & 8 The Poplars Abridge Essex RM4 1BB Proposed 3-bedroom detached dwelling. APPEAL DECIDED (Appeal Dismissed) 22-02-2018 Refuse Permission by Area Plans East on the following reason:

1. The proposed dwelling, due to its siting and design would fail to relate positively to its context or make a positive contribution to place; in addition, it would fail to provide adequate open aspect to all parts of the development. As such, the development would be contrary to policy DM9 of the Submission Version Local Plan 2017 and policies CP7 and DBE1 of the Adopted Local Plan and Alterations.

EPF/1266/17 8 The Poplars Lambourne Romford Essex RM4 1BB Erection of two storey side and rear extension, and ground floor side and rear extensions. FINAL DECISION 24-05-2017 Grant Permission (With Conditions) Approved and Implemented.

EPF/1312/75 8 The Poplars, Market Place, Abridge Single storey side extension. FINAL DECISION 25-09-1975 Grant Permission (With Conditions)

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE9	Loss of Amenity
ST1	Vehicle Parking

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since February 2019. Paragraph 213 states that due weight should be given to relevant policies in

existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### Epping Forest Draft Local Plan consultation document (2017)

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

SP1	Presumption in Favour of Sustainable Development
H1	Housing Mix and Accommodation Types
DM9	High Quality Design
DM10	Housing Design and Quality
T1	Sustainable Transport Choices

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

Number of neighbours consulted: 22

Responses received: - 4 WHITEHALL CLOSE, MARKET PLACE –

1. Invasion of our privacy - we feel we will be too looked over and this will be an invasion of our privacy, the house is set on higher ground and both the ground floor and the 1st floor will be able to see straight into our garden.
2. Noise - as from the plans we can see that they want to put the drive and garage right next to our garden fence. I feel that this will cause a lot more road noise than we want.

WAYLANDS, MARKET PLACE – OBJECT:

1. Access issues
2. Area is too built up already
3. Noise and dust levels
4. Protected wall would have to be pulled down if this was erected

Officer comment: There is no protected or Listed wall. Noise and dust issues can be regulated through both the Environmental Protection Act 1990 and planning condition relating to construction hours and submission of a construction management plan (which requires measures to control dust and emissions). The site is within a built-up part of Abridge and is surrounded by significant built form. No objections received from the County Highway Authority in relation to the proposed access and a right of way has been granted in the form of a legal agreement by the Council's Legal Department in collaboration with EFDC Housing Services who are the freeholder to the access road to the rear.

STRATHAYRE, MARKET PLACE – OBJECT:

1. The proposed scheme is of a similar size with only minor amendments to roof detailing, it is in the same position as previous scheme EPF/0257/18 which was refused planning permission on 9th May 2018 and upheld by the Planning Inspectorate on 2nd January 2019.

2. The proposed design is of no architectural merit and will cause harm to the character and appearance of the area. It will conflict with Epping Forest District Local Plan and Alterations Policies CP7 and DE1.
3. A flood risk assessment does not appear to form part of the application which is surprising as it was highlighted on the previous scheme EPF/0257/18 that the entire site is at risk of flooding and there is a piped watercourse in close proximity to the site. This is also confirmed on the Governments flood warning information service website.
4. The proposed Scheme 2 will see the majority of the site covered with a building or parking area in effect hardscaping an area which is currently totally softscaped with a lawn thus removing the only soak away/run off area for storm water.
5. The current proposal will greatly increase the likelihood of flooding to adjoining properties.

Officer comment: The proposal of a reduced height and of a more sympathetic design that overcomes the appeal decision. Conditions relating to a flood risk assessment and submission of surface water details have been proposed in the Council's list of conditions attached to this report, as requested by Land Drainage Officers.

PARISH COUNCIL: OBJECT - Overdevelopment of the site. Loss of Garden Land. Access is from a private road and will damage a wall of local interest

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

The main issues to consider are:

- the design, impact on the character of the surrounding area,
- the amenity of future occupiers and
- the impact on neighbouring amenity.

### **Design and character**

The proposed dwelling will be constructed of brick and render and will largely match the surrounding properties on both The Poplars and The Chestnuts. The proposal will not be part of the street scene of the Poplars, and would only be visible through oblique views, through the narrow gap between the donor properties, it is set back and will be built on lower ground. There will be some long views of the property from the private way and The Chestnuts, but there is no consistent street scene here. As the property will only be partially visible from surrounding streets, and the use of materials is similar to those surrounding the dwelling, it is not considered that there will be any adverse impact on the street scene or the character of the surrounding area.

The proposed dwelling unlike the previous proposed is of a traditional design that adheres to the 1970s style of dwellings in the immediate locality with strong gabled and horizontal elements. The proposal will have brick and rendered elements which provides a visual break. The proposed pitched roof forms would be subordinate to the roof of the existing house by reason of its size, scale and design. The proposal would have symmetrical and proportionate glazing. The proposed dwelling would ensure an efficient use of land and would provide visual interest when viewed from the Chestnuts.

In addition, the reduced gardens of the donor properties will not appear out of character with the surrounding dwellings due to the unusual size of the plots of 7 and 8. Most gardens within The Poplars have an average size of 50-60 square metres. At present no. 7 alone has a garden of 379 square metres. Notwithstanding the two-storey side extension approved and substantially implemented at no. 8, the proposal would leave both no. 7 and no.8 and the proposed dwelling with gardens of between 70 square metres and 100 square metres, in keeping with surrounding garden sizes.

A large boundary wall, which whilst appearing of significant age is not within the Conservation area or Listed, runs along the Eastern side of no.7 and into the concrete panelled fence of no.8. The wall is some 3 metres high. A section of the wall, some 6 metres wide, would be removed in order to facilitate vehicular access to the proposed dwelling. It is not considered that the removal of this section would have a significant impact on the character of the area as it is surrounded by and connected to, a number of different boundary treatments, such as concrete and timber fencing, which are of no particular merit, and a removal of a section of this wall would not detract from the quality of the environment.

Overall, the proposed dwelling is of a reduced height and would be more sympathetically designed compared with the previous 3 bedroom detached dwelling proposal which had a more contemporary design. The reduced height of the proposal would not detract from the open and spacious nature of the application site.

#### Living conditions of neighbours

The proposed dwelling would be set some 3 metres from the flank wall of no.8 The Poplars and 1.1 metres from the shared boundary of no. 8 the Poplars. The dwelling would be set some 2.3 metres from the flank wall of no. 7 and 1m off the shared boundary with no. 7 the Poplars. The house would not be visible from the rear windows of no. 8 and would not impinge on 45-degree lines of sight from the closest rear window of no. 7. The front elevation would face towards the rear garden of no 4 White Hall, however would be some 18 metres away and would not be visible from the rear windows of no. 4 and would not cause an unacceptable loss of privacy. Due to the limited height and bulk of the proposed house, it would not create any significant sense of enclosure or overlooking.

The proposed glazing on the eastern flank which serves a bedroom (towards no. 79 Pancroft) will not obscure glazed. This is because it is the only window serving that bedroom. Moreover, there is a some 30m distance from this window and the no. 79 Pancroft. No. 79 Pancroft has two mature trees in their garden which provide significant screening from glazing arising from this window and adjoining no. 8 The Poplars. Moreover, the proposed glazing would result in oblique views no Waylands and Strathyres front garden area. In addition, the rear first floor glazing at no. 8 The Poplars is not obscure glazed and the first floor rear glazing serves a bedroom window. As such there would be no significant levels of increased arising from the proposed first floor east facing glazing compared with the existing situation. Obscure glazing these windows would provide no material benefit to neighbouring dwellings in terms of resulting in reduced levels of overlooking and will result in poor living conditions for future occupiers of the proposed dwellinghouse. Moreover, the previous proposal proposed glazing along this flank elevation and this was not considered unacceptable by Members at the time.

#### Living Conditions of future occupants

The proposed dwelling has a floor area of some 120 square metres, well above the 102 square metres minimum criteria for a 3-bedroom, 6-person dwelling, as set out in the nationally described space standards (2015). Whilst the majority of private amenity space would be forward of the principal elevation it would be well screened and of an ample size for such a dwelling.

## Other Matters

The Case Officer notes that the proposal would affect a shared right of way/private way from The Chestnuts to the properties Strathyre and Waylands, which is owned by Epping Forest District Council. Whilst the case officer understands the neighbouring properties concerns access to rights of way are considered a civil matter and cannot be given weight as a material consideration within a planning application. The applicant has completed negotiations with the Council's legal department earlier this year and have been granted a right of way over the lane to the site.

Land Drainage officers have raised concerns about the property's location within a surface water flood area, however, mitigation methods can be dealt with via condition. Such as submission of a flood risk assessment and surface water treatment details prior to commencement of development.

The proposed dwelling would be served by 2 off street parking spaces and would not have any detrimental impact to the parking provision of the host dwellings or the on-street parking of The Poplars. The County Highway Authority were consulted and no objections to the proposal on highway safety and parking grounds.

It is considered appropriate to remove permitted development rights under Class A, B and E. Proposed extensions and outbuildings under Class A and E could reduce private amenity space for the proposed dwelling and could have a negative impact on neighbour amenity. Proposed roof enlargements under Class B could result in significant roof enlargements under permitted development which could be unsympathetic to the design and character of the proposed dwelling and immediate locality as well as causing potential harm to neighbour amenity in terms of increased levels of perceived and direct overlooking of neighbouring occupiers.

## Epping Forest Special Area of Conservation

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The visitor pressure is not relevant in this case because the site is more than 3.2km from the SAC. The Council is currently developing with partners an interim strategy for air quality management within the District. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a S106 Agreement.

## **Conclusion:**

The proposed development will make best use of urban land without causing harm to the character and quality of the area, or to the living conditions of neighbours, which have been addressed in the suggested planning conditions. It would result in a good standard of living accommodation that meets national space standards. Officers have considered very carefully the representations received, however, the previous appeal decision despite being dismissed, is a material consideration in this case and officers consider that the dismissed grounds for appeal have been overcome. It is accordingly recommended for approval. The site lies within the SAC area and any permission will need to be subject to an agreement over an appropriate contribution to address the effect on air quality.

As such it complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies.

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

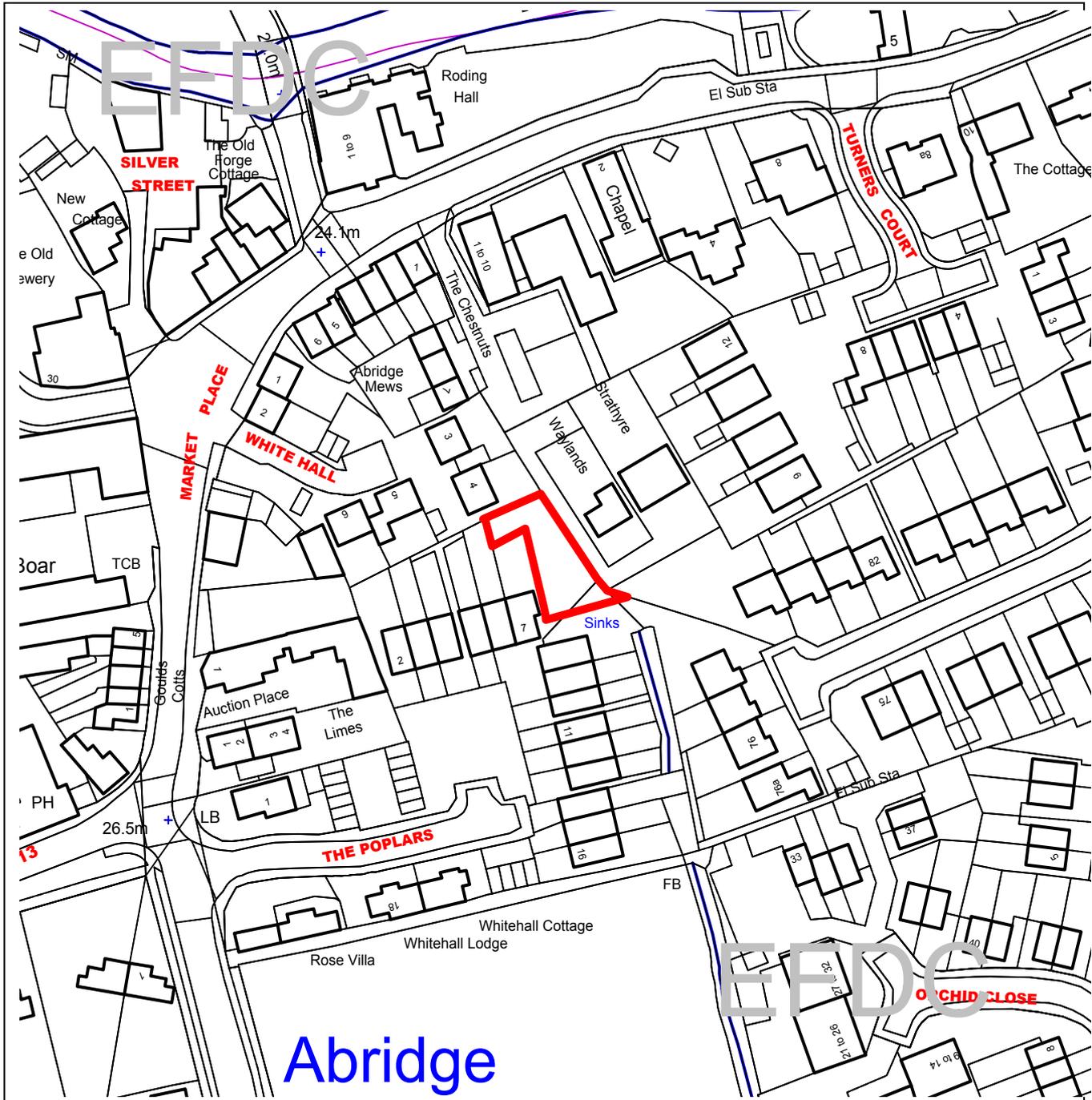
**Planning Application Case Officer: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564298**

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



# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/0738/19
Site Name:	Land between 7 & 8 The Poplars Lambourne RM4 1BB
Scale of Plot:	1:1250

**Report Item No:9**

<b>APPLICATION No:</b>	EPF/0738/19
<b>SITE ADDRESS:</b>	Land between 7 & 8 The Poplars Lambourne Essex RM4 1BB
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Billy Ellis
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed x 3 no. bedroom detached dwelling. (Revision to EPF/0257/18).
<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=621994](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621994)

**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: CPEF/19/01, CPEF/19/04, CPEF/19/05, CPEF/19/07
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 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 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.

- 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 and visitors vehicles.
- 9 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
- 10 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependent 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.
- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  7. Tree protection measures.
- 13 The proposed first floor window openings in the south facing elevation towards no. 8 The Poplars shall be entirely fitted with obscured glass with a minimum Level 3 obscuration 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.

**And subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards mitigation of the impact of the development on air quality in the Epping Forest Special Area of Conservation.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council and at least one neighbour 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 part of the garden land between two 2 end of terrace dwellings with large gardens within the built-up area of Abridge. The site is not within a conservation area and is not Green Belt. The site slopes slightly downhill to the North. The land lies between two rows of terraces which form an L shape. Both of the donor dwellings have much larger gardens than the neighbouring properties. The Poplars has a uniform character of white clad terraced dwellings. The private road behind the dwellings leads to a two-storey detached house and a detached bungalow.

**Description of Proposal:**

Erection of a 3-bedroomed detached dwelling. The proposed dwelling will have a maximum eaves height of 5 metres and a ridge height of 6.5 metres. The application dwelling would have a traditional gabled roof with horizontal elements. The rear elevation of the proposed dwelling would have a separate pitched roof dormer. The dwelling will be accessed from the rear private lane that leads from the Chestnuts with access off Market Place/Ongar Road to the north. The Chestnuts is owned by EFDC Housing Services. The applicant has gained a legal agreement from the Council's Legal Department in relation to this. Two parking spaces are to be provided in line with Essex Parking Standards 2009.

**Relevant History:**

EPF/0257/18 Land adjacent 7 & 8 The Poplars Abridge Essex RM4 1BB Proposed 3-bedroom detached dwelling. APPEAL DECIDED (Appeal Dismissed) 22-02-2018 Refuse Permission by Area Plans East on the following reason:

2. The proposed dwelling, due to its siting and design would fail to relate positively to its context or make a positive contribution to place; in addition, it would fail to provide adequate open aspect to all parts of the development. As such, the development would be contrary to policy DM9 of the Submission Version Local Plan 2017 and policies CP7 and DBE1 of the Adopted Local Plan and Alterations.

EPF/1266/17 8 The Poplars Lambourne Romford Essex RM4 1BB Erection of two storey side and rear extension, and ground floor side and rear extensions. FINAL DECISION 24-05-2017 Grant Permission (With Conditions) Approved and Implemented.

EPF/1312/75 8 The Poplars, Market Place, Abridge Single storey side extension. FINAL DECISION 25-09-1975 Grant Permission (With Conditions)

**Policies Applied:**

*Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE9	Loss of Amenity
ST1	Vehicle Parking

*NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since February 2019. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### Epping Forest Draft Local Plan consultation document (2017)

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

SP1	Presumption in Favour of Sustainable Development
H1	Housing Mix and Accommodation Types
DM9	High Quality Design
DM10	Housing Design and Quality
T1	Sustainable Transport Choices

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

Number of neighbours consulted: 22

Responses received: - 4 WHITEHALL CLOSE, MARKET PLACE –

1. Invasion of our privacy - we feel we will be too looked over and this will be an invasion of our privacy, the house is set on higher ground and both the ground floor and the 1st floor will be able to see straight into our garden.

2. Noise - as from the plans we can see that they want to put the drive and garage right next to our garden fence. I feel that this will cause a lot more road noise than we want.

WAYLANDS, MARKET PLACE – OBJECT:

5. Access issues
6. Area is too built up already
7. Noise and dust levels
8. Protected wall would have to be pulled down if this was erected

Officer comment: There is no protected or Listed wall. Noise and dust issues can be regulated through both the Environmental Protection Act 1990 and planning condition relating to construction hours and submission of a construction management plan (which requires measures to control dust and emissions). The site is within a built-up part of Abridge and is surrounded by significant built form. No objections received from the County Highway Authority in relation to the proposed access and a right of way has been granted in the form of a legal agreement by the Council's Legal Department in collaboration with EFDC Housing Services who are the freeholder to the access road to the rear.

STRATHAYRE, MARKET PLACE – OBJECT:

6. The proposed scheme is of a similar size with only minor amendments to roof detailing, it is in the same position as previous scheme EPF/0257/18 which was refused planning permission on 9th May 2018 and upheld by the Planning Inspectorate on 2nd January 2019.
7. The proposed design is of no architectural merit and will cause harm to the character and appearance of the area. It will conflict with Epping Forest District Local Plan and Alterations Policies CP7 and DE1.
8. A flood risk assessment does not appear to form part of the application which is surprising as it was highlighted on the previous scheme EPF/0257/18 that the entire site is at risk of flooding and there is a piped watercourse in close proximity to the site. This is also confirmed on the Governments flood warning information service website.
9. The proposed Scheme 2 will see the majority of the site covered with a building or parking area in effect hardscaping an area which is currently totally softscaped with a lawn thus removing the only soak away/run off area for storm water.
10. The current proposal will greatly increase the likelihood of flooding to adjoining properties.

Officer comment: The proposal of a reduced height and of a more sympathetic design that overcomes the appeal decision. Conditions relating to a flood risk assessment and submission of surface water details have been proposed in the Council's list of conditions attached to this report, as requested by Land Drainage Officers.

PARISH COUNCIL: OBJECT - Overdevelopment of the site. Loss of Garden Land. Access is from a private road and will damage a wall of local interest

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

The main issues to consider are:

- the design, impact on the character of the surrounding area,
- the amenity of future occupiers and
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***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

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

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