

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 4th September, 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, 4th September, 2019
at 7.30 pm.**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer:**

V Messenger Tel: (01992) 564243
Email: 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 McIvor, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

WEBCASTING/FILMING NOTICE

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

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

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

If you have any queries regarding this, please contact the Corporate Communications 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 - 26)

To confirm the minutes of the last meeting of the Sub-Committee held on 7 August 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

8. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

9. PLANNING APPLICATION - EPF/1111/19 - WYLDINGTREE, 66 THE PLAIN, EPPING, ESSEX CM16 6TW (Pages 27 - 38)

To consider the attached report.

10. PLANNING APPLICATION - EPF/1327/19 - 104 HIGH STREET, EPPING, ESSEX CM16 4AF (Pages 39 - 46)

To consider the attached report.

11. PLANNING APPLICATION - EPF/1339/19 - 104 HIGH STREET, EPPING, ESSEX CM16 4AF (Pages 47 - 52)

To consider the attached report.

12. PROBITY IN PLANNING - APPEAL DECISIONS, 1ST OCTOBER 2018 TO 31ST MARCH 2019 (Pages 53 - 102)

To consider the attached report.

13. 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):

Agenda Item No	Subject	Exempt Information Paragraph Number
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.

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. 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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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 7 August 2019
East

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 10.05 pm
High Street, Epping

Members Present: P Keska (Chairman), N Bedford, H Brady, L Burrows, I Hadley, S Jones, C McCredie, J McIvor, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

Other Councillors: None.

Apologies: B Rolfe and P Bolton

Officers Present: M Johnson (Implementation Team Manager), R Perrin (Democratic Services Officer) and A Hendry (Senior Democratic Services Officer)

15. 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.

16. 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.

17. MINUTES

RESOLVED:

That the minutes of the meeting held on 10 July 2019 be taken as read and signed by the Chairman as a correct record.

18. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Conduct, Councillors L Burrows and J Philip declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the objector. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/3085/18 – 1 Mount End, Mount End Road, Theydon Mount

(b) Pursuant to the Council's Code of Conduct, Councillor H Brady declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the objector and living on the road. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/3085/18 – 1 Mount End, Mount End Road, Theydon Mount

(c) Pursuant to the Council's Code of Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/3085/18 – 1 Mount End, Mount End Road, Theydon Mount

(d) Pursuant to the Council's Code of Conduct, Councillor S Jones declared a personal interest in the following item of the agenda by virtue of knowing the objector. The Councillor had determined that she would leave the meeting for the consideration of the application and voting thereon:

- EPF/3085/18 – 1 Mount End, Mount End Road, Theydon Mount

(e) Pursuant to the Council's Code of Conduct, Councillors R Morgan, C Whitbread and N Bedford declared a personal interest in the following item of the agenda by virtue of knowing the objector. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0500/19 – 40 Stonards Hill, Epping

(f) Pursuant to the Council's Code of Conduct, Councillor P Stalker declared a non-pecuniary interest in the following item of the agenda by virtue of living on the same street. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1194/19 – Copeland, The Street, Sheering

(g) Pursuant to the Council's Code of Conduct, Councillor J Philip declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF0830/19 – 10 Theydon Park Road, Theydon Bois, Epping

19. ANY OTHER BUSINESS

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

20. 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

21. DEVELOPMENT CONTROL

RESOLVED:

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

CHAIRMAN

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Report Item No:1

APPLICATION No:	EPF/3085/18
SITE ADDRESS:	1 Mount End Mount End Road Theydon Mount Epping Essex CM16 7PS
PARISH:	Theydon Mount
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Demolish the barn at 1 Mount End and erect one house.
DECISION:	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=617413

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 numbers: 2B and 20A
- 3 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.
- 4 Prior to preliminary ground works taking place, details of foul and 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 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

- 6 No development shall commence until a Remediation Method Statement, 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), 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.
- 7 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.
- 8 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.
- 9 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. Measures to control the emission of dust and dirt during construction,
 4. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 5. Precautionary measures for minimalizing effects on great crested newts, reptiles, badgers (including a site walkover investigation to assess for the presence of badgers to take place not more than 2 months before commencement of work on the site), and hedgehogs.
- 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 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.
- 12 Prior to the commencement of development other than groundworks, details of all external lighting to the site, including freestanding lighting columns and exterior lights attached to the building shall be submitted to and approved by the Local Planning Authority. The works shall be completed only in accordance with the agreed details.
- 13 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.
- 14 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 08.00 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.
- 15 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.
- 16 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.
- 17 No vents, grilles or ducting shall be fixed to any elevation of the buildings visible from the road without the prior written approval of the Local Planning Authority.
- 18 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.
- 19 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.
- 20 The extent of the curtilage to the proposed dwelling shall not be any larger than that indicated in red on the submitted site location plan. This curtilage shall not be extended in the future without the further written approval of the Local Planning Authority.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority
- 22 The proposed fence detailed A, B, C and annotated 'New Boundary Post and rail Fence' shall be constructed before occupation of the new dwelling house, and permanently retained/maintained.

Report Item No:2

APPLICATION No:	EPF/0001/19
SITE ADDRESS:	16 Vicarage Road Coopersale Epping Essex CM16 7RB
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Proposed single storey rear extension and double storey side extension.
DECISION:	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=618953

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: DPL.14. B, DPL.13. B, DPL.11. B, DPL.09. B, DPL.02. A, DPL.04.B, DPL.10. B, DPL.08. B, DPL.07. B, DPL.06. B, DPL.03. B, DPL.05. B, DPL.12. B, DPL.01.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 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.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan), shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Report Item No:3

APPLICATION No:	EPF/0238/19
SITE ADDRESS:	Stapleford Farm Oak Hill Road Stapleford Abbots Essex RM4 1EH
PARISH:	Stapleford Abbots
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Cease existing use of land as a breakers yard, car repairs and storage with removal of all associated buildings and replacement with x 8 no. single storey dwellings.
DECISION:	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=620034

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: 606-18 001 Rev B, 002 Rev C,003, 301, 302, 303, 304, 305, 306, 307, 308 and 309 Rev A
- 3 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.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works where appropriate.
- 4 No works to or demolition of buildings or structures and / or removal of any trees that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a report from a competent ecologist of the results of detailed checks for active birds' nests undertaken immediately before the structure is demolished demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site has been submitted to and approved by the Local Planning Authority.

- 5 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 6 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.
- 7 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.
- 8 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.
- 9 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.
- 10 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.

- 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 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.
- 13 Prior to the installation of any works for installation of external lighting, details of all external lighting to the site and building incorporating details of measures to protect bat activity in the vicinity, shall be submitted to and approved by the Local Planning Authority. Upon implementation of the approved details, no additional lighting shall be installed on the site without prior consent from the Local Planning Authority.
- 14 Prior to the commencement of use of the site entrance hereby approved, the access at its centre line shall be provided with clear to ground visibility splays of 2.4metres by 43 metres to the north-west and south-east, as measured from and alongside the nearside edge of the carriageway. These splays shall be retained free of any obstruction in perpetuity.
- 15 The development be carried out in full accordance with the flood risk & surface water management statement (Flood Risk & Surface Water Management Statement (Including Drainage Strategy), Ref 186700-01 Rev B, April 2019) submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.
- 16 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 17 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.
- 18 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.

- 19 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.
- 20 The parking areas shown on the approved plan shall be laid out, surfaced and sealed prior to the first occupation of the development and shall be thereafter retained free of obstruction for the parking of residents and visitors vehicles.
- 21 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.
- 22 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.
- 23 No unbound material shall be used in the surface treatment of the vehicular access within six metres of the highway boundary.
- 24 The extent of the curtilages of the proposed dwellings hereby approved shall not be any larger than that indicated on the approved drawing no. 002 Rev C. This curtilage shall not be extended in the future without the further written approval of the Local Planning Authority.
- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, C and E (other than in the case of Class E a single building not exceeding 10 sq.m in area) 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:4

APPLICATION No:	EPF/0500/19
SITE ADDRESS:	40 Stonards Hill Epping Essex CM16 4QH
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Proposed demolition of existing garage/annexe, removal of swimming pool, hardstanding, numerous outbuildings and the erection of a detached two-and-a-half storey dwelling.
DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=620938

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt and therefore the proposal is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, DM4 of the Submission Version Local Plan and with the objectives of the National Planning Policy Framework.
- 2 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Report Item No:5

APPLICATION No:	EPF/0830/19
SITE ADDRESS:	10 Theydon Park Road Theydon Bois Epping Essex CM16 7LW
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr & Mrs D Scarbrough
DESCRIPTION OF PROPOSAL:	Proposed garden annexe on the site of an existing detached garage.
RECOMMENDED DECISION:	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=622317

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: 19002_SK03 Rev C Site Location Plan Proposed Block Plan
- 3 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 no. 10 Theydon Park Road, Theydon Bois for business or commercial purposes.
- 4 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 5 The existing soft and hard boundary treatment, that being planting and fencing, shall be permanently retained. Where any such planting may die back, or any fencing deteriorate so as not to provide adequate screening, it shall be replaced and maintained to a similar condition as previously.

Report Item No:6

APPLICATION No:	EPF/0869/19
SITE ADDRESS:	Clasper House Hemnall Street Epping Essex CM16 4LR
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Erection of x 2 no. dormer roof windows to front elevation and 3 no. dormer roof windows to rear elevation.
DECISION:	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=622457

Deferred to District Development Management Committee.

Report Item No:7

APPLICATION No:	EPF/1055/19
SITE ADDRESS:	11 Kendal Avenue Epping Essex CM16 4PW
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	A new detached four bedroom house to the rear of the site, including a raised driveway with a detached garage (Revised application to EPF/3165/18)
DECISION:	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=623304

1. The proposed drive way access, by reason of its design and location would appear incongruous within the street scene given its artificially raised position and cramped within the site given its relationship with the protected trees and existing fencing and garages. It would therefore be contrary to Policy DBE1 of the Adopted Local Plan 1998/2006 and DM9 of the Local Plan Submission Version 2017
2. The proposed dwelling, by reason of its design, scale, bulk, massing, position and proximity would be an overbearing incongruous development, detrimental to the amenities of Whitebeams and out of context and proportion to its site and setting. It would therefore be contrary to Policy DBE1 of the Adopted Local Plan 1998/2006 and DM9 of the Local Plan Submission Version 2017

Report Item No:8

APPLICATION No:	EPF/1194/19
SITE ADDRESS:	Copeland The Street Sheering Essex CM22 7LZ
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Proposed first floor side extension.
DECISION:	Grant Permission (With Conditions)

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

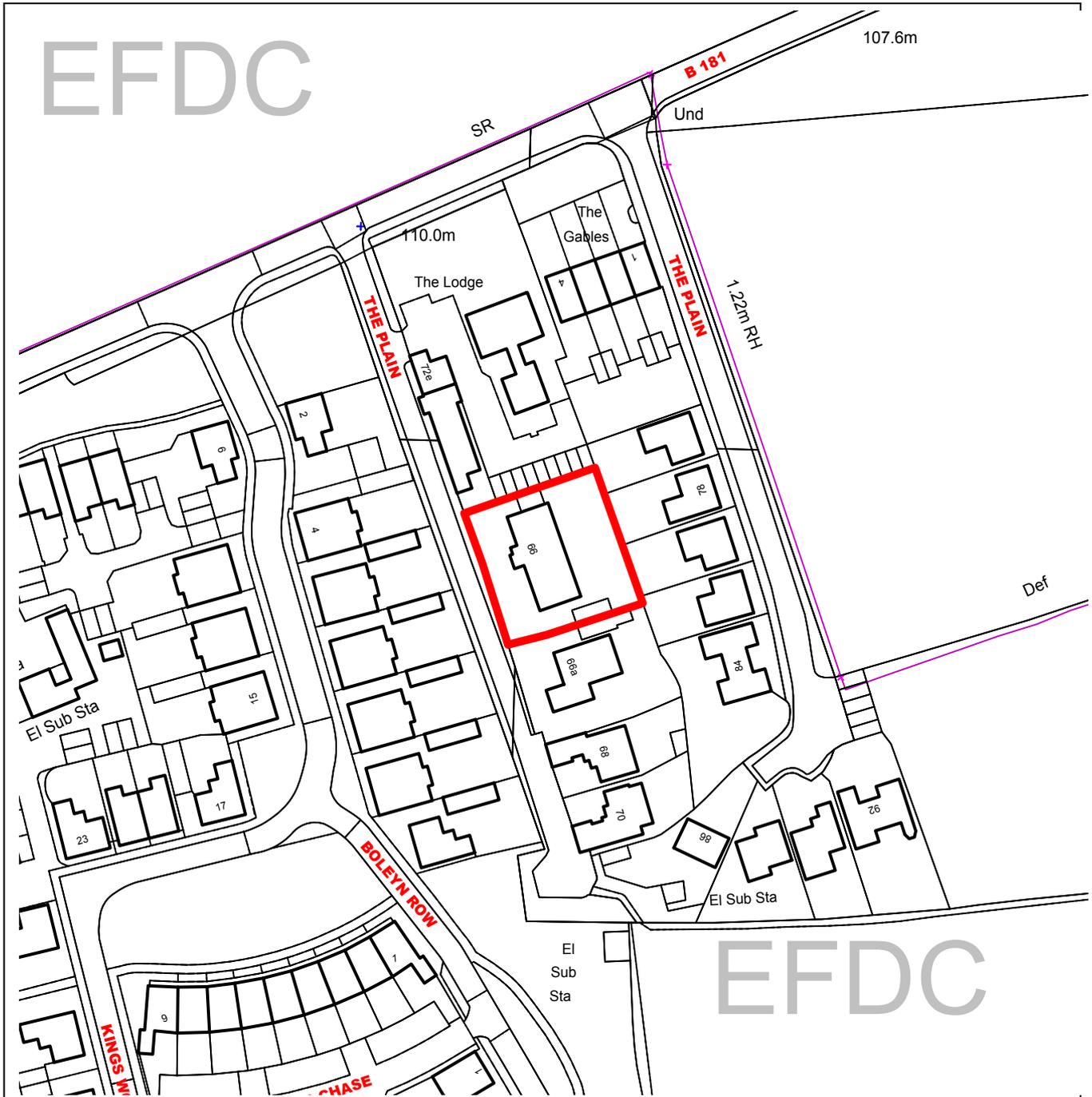
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=623859

CONDITIONS

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



Epping Forest District Council



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Application Number:	EPF/1111/19
Site Name:	Wyldingtree 66 The Plain Epping Essex CM16 6TW
Scale of Plot:	1:1250

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APPLICATION No:	EPF/1111/19
SITE ADDRESS:	Wyldingtreet 66 The Plain Epping Essex CM16 6TW
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Manor Properties (Bishops Stortford) Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing chalet bungalow and construction of 2 x pairs of semi-detached houses with associated parking and gardens.
RECOMMENDED DECISION:	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=623515

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 numbers: 03, 10 B, 11 B, 12, L9120/1, L9120/2
- 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 The first and second floor 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.
- 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 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.
- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be

retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 8 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.
- 9 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.
- 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.

And subject to the completion of a Legal Agreement to secure appropriate financial contributions to mitigate against any harm to the Epping Forest Special Area of Conservation in respect of air quality and recreation pressure.

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) and 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 contains a detached one-and-a-half storey chalet bungalow situated on the eastern side of the private road section of The Plain that serves a block of flats and five dwellings and runs adjacent to the rear of the New Kingswood Park Estate.

The site is located outside of the designated Green Belt in the very north-eastern part of Epping. To the immediate north of the site is the garage court serving a block of apartments known as The Lodge. There are residential properties on all other sides, including detached bungalows to the south.

Description of Proposal:

Permission is sought for the demolition of the existing chalet bungalow and the erection of four new two-and-a-half storey dwellings. These would be laid out as two pairs of semi-detached properties, each measuring 6.2m in width, 11.2m in depth, and 8.6m in height with 500mm projecting parapets. Each dwelling would benefit from a single front and single rear dormer window set behind the parapet and be served by two off-street parking spaces and a rear garden area.

Relevant History:

Reference	Description	Decision
EPU/0053/55	Dwelling house	Approved
EPF/0989/79	Re-construction of four dormer windows and alterations to front storm porch	Permitted development

Development Plan:

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

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

- 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
- CP9 – Sustainable transport
- RP4 – Contaminated land
- H3A – Housing density
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE3 – Design in urban areas
- DBE8 – Private amenity space
- DBE9 – Loss of amenity
- ST1 – Location of development
- ST4 – Road safety
- ST6 – Vehicle parking
- NC1 – SPAs, SACs and SSSIs

National Planning Policy Framework (2019):

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

- (a) approving development proposals that accord with an up-to-date development plan without delay; or

- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Significant
H1 - Housing Mix and Accommodation Types	Significant
T1 - Sustainable Transport Choices	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant

Consultation Carried Out and Summary of Representations Received

TOWN COUNCIL – Object. The proposal is an overdevelopment of the site in terms of its height, scale, bulk and density, which would result in a detrimental effect on the street scene. The proposal will result in a loss of amenity for neighbouring properties in terms of invasion of privacy.

There would not be enough parking provided for four houses. Epping suffers from extreme parking pressures and allowing additional residences with insufficient parking will exacerbate those parking problems and have a detrimental effect on the surrounding area, resulting in unsympathetic change.

This area is in a unique location on a private road. The design of the proposal will have a detrimental effect on the appearance of the properties around it, affecting the character of the street scene and the surrounding area. National policy recognises the importance of taking into consideration the character of different areas, which is crucial in this location, as they all follow a similar style.

The importance of bungalow accommodation has been recognised in the emerging Local Plan. The constant development of bungalows into multiple houses is eroding the stock of bungalows in a town where there is an identified need for people wishing to downsize, adversely affecting the mix of dwelling types available, contravening evidence and the emerging Local Plan.

30 neighbouring residents were consulted.

Responses received: 12 as follows:-

64 THE PLAIN – Object due to loss of privacy and overlooking, possible noise pollution due to increased activity, this is out of scale with neighbouring properties, and due to safety concerns relating to the increase in cars on the footpath.

66A THE PLAIN – Object due to the impact on parking, the quality of the road, the drainage and water supply, overlooking and loss of light, possible ground work concerns, and because this would be detrimental to the character of the lane.

68 THE PLAIN – Object. Whilst redevelopment of the site is welcomed this scheme is overdevelopment and would cause parking and highway problems.

70 THE PLAIN – Object due to overdevelopment, the impact on this unmade road, parking problems, and the impact on infrastructure.

78 THE PLAIN – Object due to overlooking by the new houses, over development of the plot, loss of light and view to neighbours, increased noise, impact on parking within the surrounding roads, the environmental impact due to the proximity to the SSSI and the removal of trees that has already taken place, disturbance during construction, and due to a reduction in property value.

82 THE PLAIN – Object due to loss of privacy to themselves and future occupiers of the new dwellings, these are out of character with the street, loss of light and view, potential increase in noise, inadequate parking provision, and due to the detrimental impact on vegetation and wildlife.

6 KINGSWOOD PARK – Object as the bulk and density is excessive, as this is an unneighbourly development that would result in overlooking, and due to parking and highway safety concerns.

8 KINGSWOOD PARK – Object as this is out of keeping with The Plain, due to insufficient parking provision, it proposes too many houses, existing trees have already been removed, there are concerns about disturbance during construction, and due to highway safety concerns.

10 KINGSWOOD PARK – Object due to loss of privacy and insufficient parking.

2 KINGS WOOD ROAD – Object due to overdevelopment, impact on existing parking problems, and highway safety.

4 PYE GARDENS – Object due to overlooking and loss of privacy and an increase in road congestion and reduction in road safety.

NO ADDRESS PROVIDED – Object since this would amount to overdevelopment, due to the loss of privacy, light and view, since this would result in increased noise, would impact the SSSI, and would cause parking problems in the surrounding area. Also concerned about construction impact and because existing trees have already been removed from the site.

Main Issues and Considerations:

Principle of the Development:

The application site is located within the urban town of Epping, outside of the designated Green Belt. It is not situated within a conservation area nor is the dwelling listed, locally listed or a non-designated heritage asset.

Whilst at the very north-eastern edge of Epping the site is located approximately 1km from the designated town centre, is well served by buses, and is close to various facilities including St Margarets Hospital and Stonards Hill recreation ground.

The site is too small to be allocated within the LPSV and for this reason was not considered as part of the site selection exercise that informed the LPSV. As such the proposal would constitute a 'windfall site' as recognised within the LPSV.

Whilst LPSV policy H 1 seeks to resist the loss of bungalows, which has been raised within the Town Councils objection, the existing dwelling on the site is a one-and-a-half storey chalet bungalow and therefore does not meet the definition of a 'bungalow' as previously agreed by the Council. Furthermore the replacement of this single property with four new dwellings would make more efficient use of this site and assist the Council in meeting its five-year land supply.

Due to the above it is considered that the principle of demolishing the existing chalet bungalow and replacing this with four new homes in this urban location is considered to be appropriate and does not undermine the LPSV.

Design:

The proposal would demolish the existing detached chalet bungalow on the site and replace this with two pairs of identical semi-detached dwellings. These would be two-and-a-half storey properties (incorporating rooms in the room space) finished in yellow London stock brick with a slate roof. Whilst crown roofed the dwellings would benefit from 500mm projecting parapets to screen the flat roof section. There would be a single front and single rear dormer window in each dwelling and a front canopy over the entrance door.

Concerns have been raised about the impact of the development on the character and appearance of the road, with accusations of 'overdevelopment' being made. In terms of the character of the road, it is accepted that the three dwellings to the south of the application site are all detached bungalows set within reasonably sized plots, however to the immediate north of the site is a large three storey block of flats known as The Lodge. Whilst some attempt has been made to create a 'mansard roof' on this neighbouring property, the bulk and scale of the adjacent flats gives the overall appearance of a flat-roofed, three storey structure of significantly larger scale than any of the surrounding properties.

The proposed erection of two-and-a-half storey dwellings, with crown roofs that pick up some of the detailing from the adjacent flats (such as the projecting parapets), would 'bridge the gap' between

this large, densely populated three storey block of flats and the lower height, low density bungalows. The overall design of the new dwellings would reflect surrounding developments, including the two-and-a-half storey gambrel roofed houses at The Gables (located at the northern end of the other offshoot known as The Plain, fronting on to Epping Road) and the two-and-a-half storey new dwellings situated within the Kingswood Park development to the west.

In terms of the site being considered as 'overdevelopment'; the gross internal floor area for each dwelling would measure 165 sq. m., which exceeds the minimum requirement as laid out in the Nationally Described Space Standard (130 sq. m. for a 4b8p three-storey dwelling); each house would be served with a private amenity area measuring between 87 sq. m. and 95 sq. m., which would adequately serve future residents; each house would have two off-street parking spaces provided; and there would be a minimum of 1m between each semi-detached dwelling and the shared boundary with the detached neighbour. The proposal would have a density of 44.4 dph, which falls within the 30 to 50 dph range for "*areas outside town and large village centres*", as set out within LPSV policy SP 3. I(iii). Since the proposal meets all necessary physical requirements and would be of an appropriate density to the area, this would not constitute overdevelopment of the site.

Amenity considerations:

The proposed new dwellings would be situated immediately adjacent to a parking area to the north. To the south is a detached bungalow with an attached (former) side garage that forms the shared boundary and extends back to the end of the rear gardens. Whilst upper storey flank windows are proposed in the new dwellings these can be conditioned to be obscure glazed with fixed frames. Due to this there would be no immediate physical impact on the amenities of the immediately adjacent dwellings within this unmade lane.

To the rear of the application site are two storey dwellings situated within the adopted highway section of The Plain. The rear gardens of the new houses would be 10m long and new planting is proposed along the shared boundary. The neighbour's rear gardens are a minimum of 10m in depth, extending to 15m in places. As such the total window-to-window distance between the new and existing houses would be 20m-25m.

Whilst the Essex Design Guide recommends that a minimum window-to-window distance of 25m should be obtained, and a distance of 15m window to shared boundary should be achieved, in densely populated built-up areas such distances are often not achievable. Given that at present the two storey dwellings in the adopted highway section of The Plain are currently situated just 10m at their closest point from the existing rear boundary of the site and other properties within the unmade section of The Plain, assumedly without causing a detrimental loss of amenity through overlooking, it is considered acceptable for the proposed two-and-a-half storey houses to be situated 10m from the same shared boundary without causing significant loss of privacy to these neighbouring residents. Additional landscaping could be sought by condition to ensure additional screening is achieved for the benefit of both existing and future residents.

The distance between the front windows of the proposed dwellings and the rear boundaries of properties in Kingswood Park is some 14m and again would not be considered unacceptable in this location.

The distance between the new dwellings and all shared boundaries would be sufficient to ensure that there is no undue loss of light or outlook to neighbouring residents. Some objections have been received about the loss of the existing open view as a result of the development, however there is no right to a view and therefore any loss of such views is not material to the planning merits of the case.

Concerns have been raised about potential additional noise nuisance through the provision of four new 4-bed houses in place of the existing chalet bungalow. Whilst it is accepted that there would be some additional vehicle and pedestrian movements and general activity on the site as a result of the redevelopment, given the context of the site (including the 132 dwellings erected on the adjacent former hospital site), it is not considered that this would cause any significant additional impact.

Concerns have also been raised with regards to disturbance, nuisance and parking problems as a result of construction works, however such matters are not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works can however be secured by way of a condition in order to minimise any detrimental impact on neighbours during construction.

Highways:

Several objections have been raised about insufficient parking provision on the development. The ECC Vehicle Parking Standards requires two off-street parking spaces for any 2+ bed dwelling, which is being provided on the site. There is also a requirement for 1 visitor parking space for this scale development, which has not been provided on the site, however visitors to any of the individual properties could park in front of the designated parking spaces if necessary.

Notwithstanding the above, given the location of the site within the urban town of Epping and its proximity to sustainable transport links and various facilities, it is not considered that the lack of a single visitor parking space in this instance would be sufficient to justify refusal of the planning application.

Concern has been raised about the detrimental impact that the development would have on capacity and road safety both within The Plain itself and at its junction with Epping Road. Essex County Council Highways have been consulted on the application and have raised no objection to the development. It is not considered that the additional traffic associated with this small development would cause any significant additional harm to traffic or highway safety and, as stated above, sufficient off-street parking provision is provided to ensure that there would not be excessive overspill onto on-street parking within the locality.

In accordance with policy T 1 of the LPSV, a condition is required to ensure that an electric charging point is provided for each of the new dwellings to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

Epping Forest SAC:

There must be a screening assessment by the competent authority (generally the LPA) as to whether a project is likely to have “a significant effect” on a European Site (providing that the application is not directly connected with or necessary to the Site’s management) whether in combination with other plans or projects or alone. The screening is carried out on a precautionary basis. The trigger for subsequent assessment via a Habitats Regulation Assessment (HRA) does not presume that the plan or project considered definitely has such effects, but rather follows from the mere possibility that such effects attach to the plan or project, so that an assessment is required if there is a probability or risk that the plan or project will have an effect on the site concerned [reg 63 and Art. 6(3)]

The Councils Interim Approach to Managing Recreational Pressure identifies a number of costed schemes and the resources needed to support the implementation of avoidance and mitigation measures that have been identified in partnership with the Conservators of Epping Forest. To fund these mitigation measures over the Local Plan period (ending on 31 March 2033), the total financial contribution to be secured from new residential development within Epping Forest District is £1,347,837. The Interim Approach apportions the costs of implementing the strategy, including the measures identified, on a proportional basis, having had regard to the findings of the 2017 Visitor Survey, national planning policy and practice guidance, and the relevant legislative and legal framework.

The application site lies within 3km distance from the Epping Forest SAC and therefore, in accordance with the Councils Interim HRA for recreational pressure, a contribution should be sought at £352 per dwelling, which equates to £1,056 (based on three additional dwellings).

On the issue of air quality impact on Epping Forest SAC, it is likely that the erection of three additional dwellings would result in an increase in vehicle movements and therefore additional impacts on air

quality. Notwithstanding the fact that the HRA for air quality is ongoing, the applicant has confirmed willingness to enter into a legal agreement if required to mitigate against any identified harm. As such only a 'resolution to grant' can be agreed at the current time.

Other matters:

Contaminated Land:

Following initial comments received from the Contaminated Land consultants, a desktop study was submitted and has been reviewed. The report satisfactorily addresses the requirements for submission of a desktop study, in that it is signed, countersigned and dated, contains: relevant information following a site walkover; background information for the site and surrounding area; a written conceptual site model (CSM) and preliminary risk assessment; conclusions and recommendations. Following review of the report the concluding comments that no further site investigations are required have been agreed. However, given the sensitivity of the development and the possibility of asbestos containing materials in the building planned for demolition a condition is required to ensure adequate testing is undertaken should any land contamination not previously identified be found on site during the works.

Land Drainage:

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

The applicant is proposing to dispose of surface water by sustainable drainage system. Further details are required of this by way of a condition.

Conclusion:

Despite the objections received, the proposal would not constitute overdevelopment of the site, would successfully 'bridge the gap' between the three-storey block of flats to the north and the single storey bungalows to the south, and would reflect the scale and detailing found on surrounding properties.

The new dwellings exceed the minimum GIA requirements as laid out within the Nationally Described Space Standards, would provide sufficient private amenity space, and meet the requirements for on-site residential parking provision. The development would not result in any significant detrimental impact on the amenities of surrounding residents or cause harm to highway safety or the free flow of traffic.

Subject to the imposition of conditions, and adequate mitigation measures regarding the Epping Forest SAC secured by way of a legal agreement, the proposal complies with relevant planning policy and it is recommended that a resolution to grant planning permission be given.

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

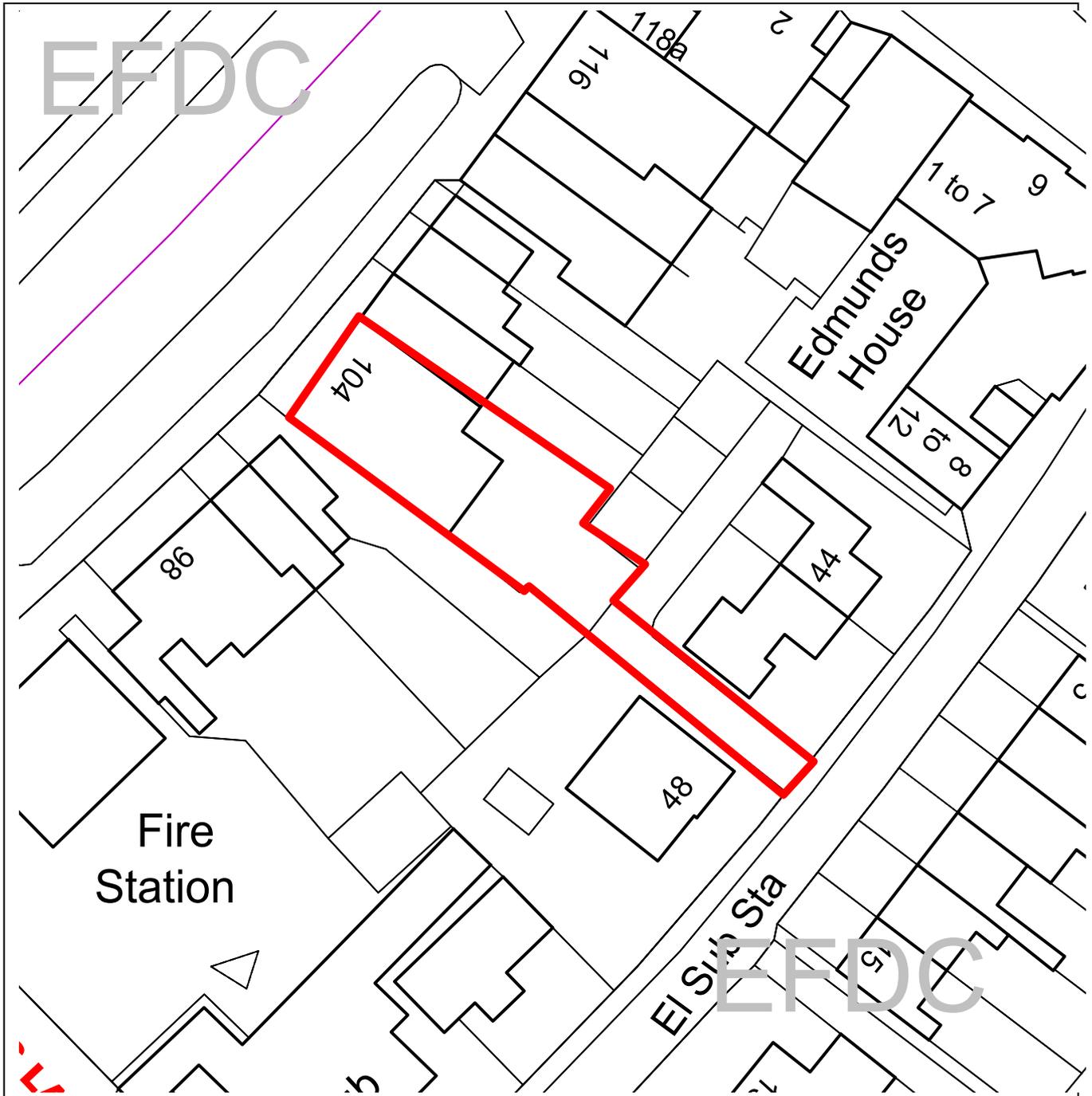
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council



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Application Number:	EPF/1327/19
Site Name:	104 High Street Epping Essex CM16 4AF
Scale of Plot:	1:500

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APPLICATION No:	EPF/1327/19
SITE ADDRESS:	104 High Street Epping Essex CM16 4AF
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Balasuriya
DESCRIPTION OF PROPOSAL:	Change of use of floors 1 & 2 from retail and storage to residential use for 4 x 1 bed flats including a full width dormer to rear of second floor.
RECOMMENDED DECISION:	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=624415

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers:
 - a) Drawing no. FZM _ 001 (Site Location Plan) Dated 05/18
 - b) Drawing no. FZM _ 102 (Proposed Second Floor and Roof Plan) Dated May 2019
 - c) Drawing no. FZM _ 101 (Proposed Ground Floor and First Floor Plan) Dated May 2019
 - d) Drawing no. FZM _ 103 (Proposed Front and Rear Elevations) Dated May 2019.
 - e) Drawing no. FZM _ 104 (Proposed Side Elevations Plan) Dated May 2019.
 - f) Drawing no. FZM _ 002 (Existing Ground, First, Second Floor, Front, Rear, Sides and Section A - A) Dated May 2019
 - g) Drawing no. FZM _ 105 (Proposed Sections) Dated May 2019.
 - h) Listed Building Design and Heritage Statement, Dated May 2019.
- 3 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

And subject to the completion of a S106 Legal agreement to secure appropriate financial contributions for the management and monitoring of visitors within 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 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 site is a two storey end-of-terrace building located on the south side of the High Street in Epping. A retail unit is located at ground floor level with storage on the floors above. The building has a Grade

II listing attributed to it and it is within the Epping Conservation Area. It is not within the Metropolitan Green Belt.

Description of Proposal:

Change of use of floors 1 & 2 from retail and storage to residential use for 4 x 1 bedroom flats including a full width dormer to rear at second floor level.

Relevant Site History:

EPF/0640/78 – Alterations and extension to 2nd floor for additional storage space (Linked to LB/EPF/0018/78) (10/07/1978) – Grant Permission (With Conditions)

LB/EPF/0018/78 – Details of alterations and extension to 2nd floor for additional storage space (Linked to EPF/0640/78) (10/07/1978) – Grant Permission (With Conditions)

Planning Policy Considerations

National Planning Policy Framework (NPPF) 2019

Policies Applied:

Adopted Local Plan and Alterations 2008

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
DBE6 – Car Parking in new development
DBE8 – Private Amenity Space
DBE9 – Impact on Amenity
ST6 – Vehicle Parking
H1A – Housing Provision
HC6 – Character, Appearance and setting of Conservation Areas
HC7 – Development within Conservation Areas
HC10 – Works to Listed Buildings
HC13 – Change of Use of Listed Buildings

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 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:

DM7 – Heritage Assets
DM8 – Heritage at Risk
DM9 – Quality of Design
DM10 – Housing Design and Quality
H1 – Housing Mix and Accommodation Types
SP1- Presumption in favour of sustainable development
SP2 -
T1 - Sustainable transport choices
DM2 - Epping Forest Special Area of Conservation
E2 - Centre Hierarchy / Retail Policy
DM 11- Waste recycling facilities on new developments
DM22 - Air Quality

Summary of Representations:

No. of neighbours consulted: 10, no comments received

EPPING PARISH TOWN COUNCIL: Committee OBJECTED to this application. The proposal is not in keeping with a Conservation Area. The Committee are also concerned about the size of the four flats which is another issue Epping suffers from extreme parking pressures and allowing additional residences with insufficient parking will exacerbate those parking problems and have a detrimental effect on the surrounding area, resulting in unsympathetic change.

EPPING SOCIETY – The above application has been considered by the committee of the Society and we wish to object to the proposal, as submitted, for the following reason - The overlooking from the proposed new windows on the first and second floor will impact on private rear gardens in Hemnall Street - especially numbers 44, 46 and 48.

No parking is proposed for the 4 one bed flats. This will impact on the surrounding area. We trust the planners and committee will take this objection into consideration and reject the application.

Main Issues and Considerations:

The main issues to consider in regard to this proposed application are as follows:

The principle of development, provision of housing, effect on Conservation Area, Works to a Listed Building, impact on the Living Conditions of Neighbours.

Principle

The site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

The National Planning Policy Framework (NPPF) presumption in favour of sustainable development requires local planning authorities to positively seek opportunities to meet the development needs of their area. There is a need for additional housing in the District and sites such as these go some way in resisting the pressure for sites within the Metropolitan Green Belt to be brought forward for residential development.

Town Centre

Chapter 7 (Ensuring the vitality of town centres) of the revised NPPF requires that residential uses should be encouraged on appropriate sites as this use often plays an important role in ensuring the vitality of town centres. The proposal is consistent with policies CP3, TC3 and ST1 of adopted the Local Plan and policies SP 2 of Submission Version Plan. Retail use will still be retained at ground floor level and be of a suitable size to still add vitality and viability to the town centre.

Development in the Conservation Area:

The site is located within the Epping Conservation Area, with the frontage retaining much of its 18th Century character and traditional appearance – contributing positively to the existing street scene. There are no proposed alterations to the front of the building.

The only changes to the existing building is at the rear which is further away from the highways behind the property and will not have detrimental impact on the street scene. The proposed Change of Use of the first and second floor will not have any negative impact on the existing building and the Conservation Area.

Works to a Listed Building:

A Grade II Listing is attached to the site. The 18th Century red brick frontage is a primary feature of the building and would be retained. The original rear wall and internal layout has mostly been lost as a result of previous works and the proposal would not impact on any historic fabric or any surviving layout. The existing windows, front door and front roof will be retained and will not be affected by this change of use of the first and second floors of the Grade II Listed Building.

Parking Considerations:

The proposal would not include parking spaces for the proposed flats.

Epping Town Council and The Epping Society objected to the proposal for this reason, suggesting that it would be unacceptable to create four new households without parking spaces.

Whilst policy generally dictates that 2 parking spaces should accompany 1 residential unit, there is potential for the proposal to not include designated parking spaces. It is considered that the site is a sustainable location, with Epping Underground Station within only a 10 minute walk and good public transport buses links found along the High Street. There is also an existing parking control zone in front of this property and can be used by the future occupiers of the flats. Therefore for small upper floor units within an existing building a relaxation of parking provision can be acceptable. The rear provides for servicing the existing retail unit and associated parking to that unit.

Epping Town Council and The Epping Society objected to the proposal in regard to the lack of off-street parking that would serve the flats. Whilst this is noted, it is considered the above reasoning of the sustainable location of the site outweighs these concerns.

Housing Quality:

The emerging local plan seeks to ensure that all development meet or exceed the nationally prescribed space standards (currently the March 2015 version).

The proposed accommodation space is laid out as follows:

First Floor:

1no two person flat – 47m²

1no two person flat – 49m²

Second Floor:

1no one person flat – 40m²

1no two person flat – 40m²

The proposed rear dormer would be full width on the rear pitched roof extending 3.75 metres and set up 2.75metres from the eaves of the roof

Whilst these units would be slightly below the standards set out within the Local Plan, it is considered on balance that the provision of new housing units would materially outweigh the required space standards which are not yet adopted. Furthermore the proposed 4 units flats will contribute positively to the much needed housing within Epping Town Council that will be helpful to single families within Epping Town that are in need of accommodation in a very sustainable location as the application site.

Living Conditions:

As the conversion of the storage space into flats would predominantly involve internal alterations only, it is considered that there would not be any excessive harm to the living conditions of neighbouring properties in respect of visual impact, loss of light or overlooking. The rear dormers would cause some harm to the living conditions of neighbours however it is not considered to be excessive.

Epping Forest Special Area of Conservation:

Epping Forest is designated as a Special Area of Conservation (SAC) and/or Site of Special Scientific Interest (SSSI). Biodiversity feature within or associated with these designations enjoy a high level of protection under UK and EU law and UK Planning Policy. Epping Forest SAC is considered a 'European Site' which covers a wide area, some of which is close to the built up areas of Loughton, Waltham Abbey, Chigwell and Epping.

The Council has a duty as the 'competent authority' under the Habitats Regulations to protect the Epping Forest SAC from the effects of development both alone and in combination. Two in combination issues in particular have been identified through the Epping Forest Local Plan process that could have a likely significant effect on Epping Forest SAC.

The first is as a result of increased visitors to the Forest arising from new development. The second is as a result of damage to the health of the flora including trees and potentially the heathland habitats from nitrogen deposition and ammonia. Both of these are primarily generated by vehicles. The effect is exacerbated when vehicles are queuing at junctions. Increased traffic levels which increase queuing lengths/times are a particular concern.

As the site is considered to be within a sustainable location, where a controlled parking zone exists and no on-street parking is proposed, the mitigation measures relating to air quality would not be applicable.

In terms of mitigation of increase visitor pressure on the forest, the applicants can agree to enter into a legal agreement to pay a financial contribution of 352 pounds per dwelling, which would be contributed towards the appropriate mitigation.

Conclusion:

The proposal would enhance the existing Conservation Area and a Grade II Listed Building by improving the existing extension at the rear of the building. The location would be sustainable and there are examples of flatted development along the high street, so the proposal would not be out of keeping with the existing street and would comply with the national and Local Plan Policies. It is recommended that planning permission is Granted subject to the Planning Conditions and a Section 106 Legal Agreement.

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

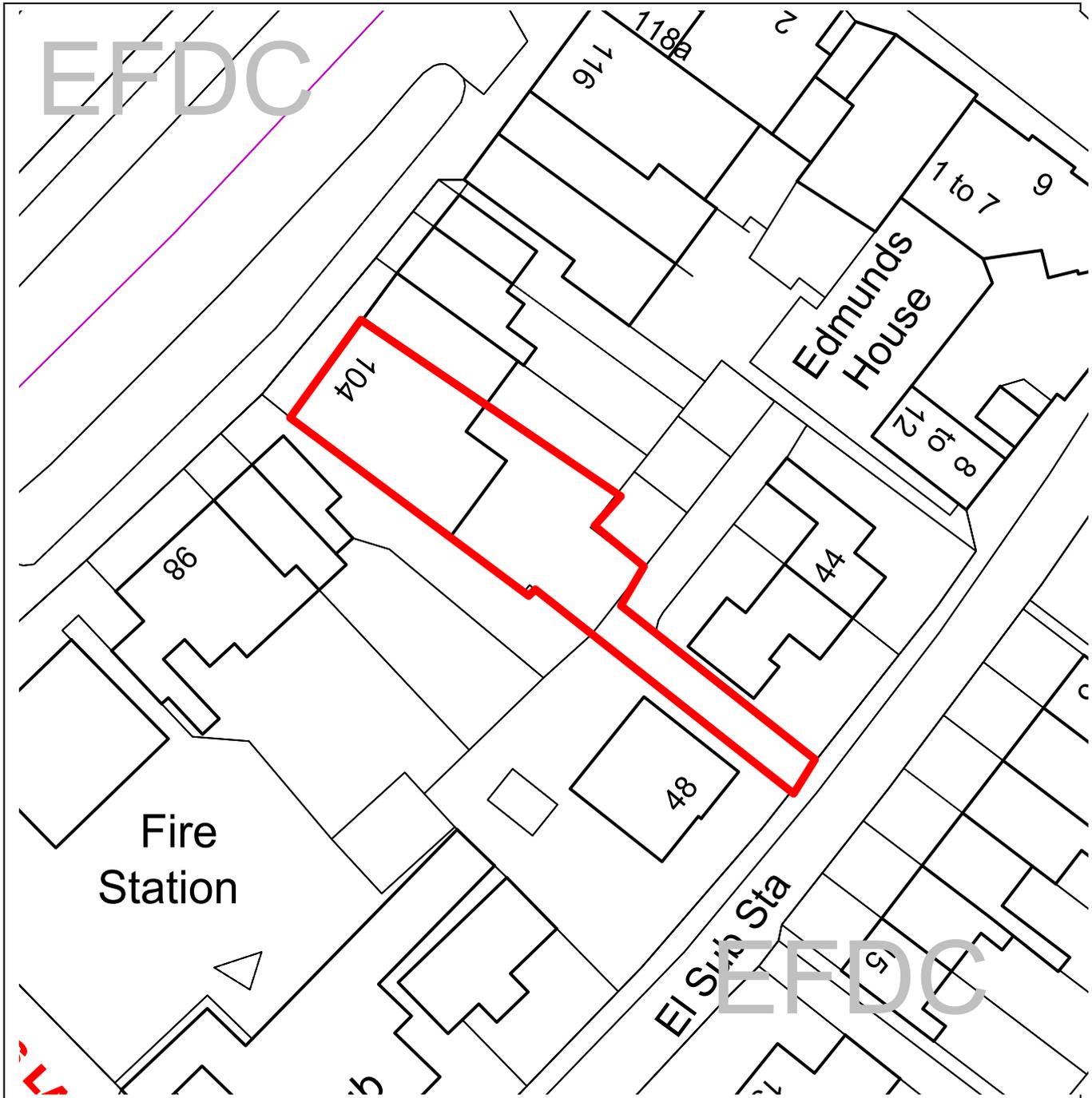
***Planning Application Case Officer: Frances Saayeng
Direct Line Telephone Number: 01992 564161***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Application Number:	EPF/1339/19
Site Name:	104 High Street Epping Essex CM16 4AF
Scale of Plot:	1:500

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APPLICATION No:	EPF/1339/19
SITE ADDRESS:	104 High Street Epping Essex CM16 4AF
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Balasuriya
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the change of use of floors 1 & 2 from retail and storage to residential use for 4 x 1 bed flats including a full width dormer to rear of second floor.
RECOMMENDED DECISION:	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=624433

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.

- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers:
 - a) Drawing no. FZM _ 001 (Site Location Plan) Dated 05/18
 - b) Drawing no. FZM _ 102 (Proposed Second Floor and Roof Plan) Dated May 2019
 - c) Drawing no. FZM _ 101 (Proposed Ground Floor and First Floor Plan) Dated May 2019
 - d) Drawing no. FZM _ 103 (Proposed Front and Rear Elevations) Dated May 2019.
 - e) Drawing no. FZM _ 104 (Proposed Side Elevations Plan) Dated May 2019.
 - f) Drawing no. FZM _ 002 (Existing Ground, First, Second Floor, Front, Rear, Sides and Section A - A) Dated May 2019.
 - g) Drawing no. FZM _ 105 (Proposed Sections) Dated May 2019.
 - h) Listed Building Design and Heritage Statement, Dated May 2019.

- 3 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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 site is a two storey end-of-terrace building located on the South side of the High Street in Epping. A retail unit is located at ground floor level with storage on the floors above. The building has a Grade II listing attributed to it and it is within the Epping Conservation Area. It is not within the Metropolitan Green Belt.

Description of Proposal:

Change of use of floors 1 & 2 from retail and storage to residential use for 4 x 1 bedroom flats including a full width dormer to rear of second floor.

Relevant Site History:

EPF/1211/18 - Change of use of floors 1 & 2 from retail and storage to residential use for 4 x 1 bed flats including a full width dormer to rear of second floor – Withdrawn on 20/03/2019

EPF/1288/18 - Grade II listed building application for change of use of floors 1 & 2 from retail and storage to residential use for 4 x 1 bed flats including a full width dormer to rear of second floor. Withdrawn on 20/03/2019.

LB/EPF/0003/93- Listed Building application for change of use of part of ground floor from shop (A1) to offices (Class A2-Financial & professional Services) including alterations at ground and first floor levels. Permission Granted 15/03/1993.

EPF/1061/78 – Erection of 2 display cases outside shop (linked to LB/EPF/0029/78) (02/10/1978) – Refuse Permission

EPF/0640/78 – Alterations and extension to 2nd floor for additional storage space (Linked to LB/EPF/0018/78) (10/07/1978) – Grant Permission (With Conditions)

LB/EPF/0029/78 – Erection of 2 display cases outside shop (Linked to EPF/1061/78) (02/10/1978) – Refuse Permission

LB/EPF/0018/78 – Details of alterations and extension to 2nd floor for additional storage space (Linked to EPF/0640/78) (10/07/1978) – Grant Permission (With Conditions)

Policies Applied:

Adopted Local Plan and Alterations 2008

HC10 – Works to Listed Buildings

HC13 – Change of Use of Listed Buildings

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 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:

DM7 – Heritage Assets

DM8 – Heritage at Risk

Summary of Representations:

No. of neighbours consulted:10 No comments or objection received.

EPPING PARISH TOWN COUNCIL: Committee OBJECTED to this application. The proposal is not in keeping with a Conservation Area. The Committee are also concerned about the size of the four flats which is another issue Epping suffers from extreme parking pressures and allowing additional residences with insufficient parking will exacerbate those parking problems and have a detrimental effect on the surrounding area, resulting in unsympathetic change.

EPPING SOCIETY – The above application has been considered by the committee of the Society and we wish to object to the proposal, as submitted, for the following reason. The overlooking from the proposed new windows on the first and second floor will impact on private rear gardens in Hemnall Street - especially numbers 44, 46 and 48.

No parking is proposed for the 4 one bed flats. This will impact on the surrounding area. We trust the planners and committee will take this objection into consideration and reject the application.

Main Issues and Considerations:

The main issues to consider in regard to this proposed application are as follows:

Works to a Listed Building

No.104 forms the end of a terrace of four buildings (nos.104-110) – Grade II Listed. The buildings date from the 18th century and have prominent red brick frontages (other than the rendered frontage of no.110) on the High Street which make a positive contribution to this part of the Epping Conservation Area. The frontages retain much of their 18th century character and traditional appearance, with the addition of a modern shopfront to no.104, but to the rear the buildings are much altered.

The rear of no.104 in particular was extensively altered and extended in the 1970s. The front range is still discernible as a 18th century building but the original rear wall and internal layout has largely been lost and a large rear extension of modernist design, including elements of flat roof, obscures any historic elements of the building from the rear. Internally, the 1970s alterations dominate and although the remnants of some historic walls to the front of the building can be discerned, the internal space is dominated by the open-plan rear extension with its central open-tread timber staircase and large timber roof trusses.

It is proposed to convert the existing office and storage space on the first and second floors to flats and, in doing so, to rework the internal layout. Pre-application advice on the scheme has been provided. The internal layout dates from the 1970s and is largely open-plan on all three floors. The removal of the staircase and the insertion of stud partitions to form flats and rooms within therefore raises no objection as it will not impact on any historic fabric or any surviving historic layout.

Arguably, the reintroduction of room divisions to the front range partially reinstates its historic use as a house and the compartments within; this part of the building would not historically have been entirely open-plan.

Externally the front elevation will remain unchanged. To the rear it is proposed to introduce new fenestration, remove the existing external staircase creating an entrance door in its place, and introduce a large roof extension. The contemporary design approach used is appropriate given the

age and building form of the rear extension and the proposed windows add some interest to an otherwise blank wall. The roof extension is a bold, contemporary design with a flat roof, something which is usually unacceptable in extensions to listed buildings, but the design on an existing 1970s extension makes this acceptable in this case.

Conclusion:

It is recommended that Listed Building Consent is granted subject to conditions.

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

***Planning Application Case Officer: Frances Saayeng
Direct Line Telephone Number: 01992 564161***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



**Epping Forest
District Council**

Report to Area Plans Sub-Committee

Date of meeting: 4 September 2019

Subject: Probity in Planning – Appeal Decisions, 1st October 2018 to 31st March 2019

**Officer contact for further information: Nigel Richardson (01992 564110).
Democratic Services Officer: Vivienne Messenger (01992 564243)**

Recommendation:

That the Planning Appeal Decisions from 1 October 2018 to 31 March 2019 be noted.

Report Detail:

Background

1. (Director of Planning) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.

Performance

3. Over the six-month period between 1 October 2018 and 31st March 2019, the Council received 53 decisions on appeals (46 of which were planning related appeals, the other 7 were enforcement related).
4. Out of a total of 46 planning related appeals, 10 were allowed (21%). Broken down further, Committee reversals performed very well with only 4 out of 22 allowed (18%) and there was a good Officer delegated decisions performance of 6 out of 24 (25%) allowed.
5. Out of the planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following 4 cases:

COMMITTEE REVERSALS - APPEALS ALLOWED (4):

Area Committee East

Moreton

1 EPF/0181/18 Outline planning application for removal of outbuildings

Maltings Farm

and existing dwelling. Erection of three detached dwellings. Formation of new highway access and ancillary works	Maltings Hill Church Road
---	------------------------------

Area Committee South

Loughton

- | | |
|--|---|
| 2 EPF/3059/17 Variation of cond. 10 ' Hours of Use' on EPF/2163/13 | Sir Winston Churchill
(Now Landmark House) |
| 3 EPF/0616/18 Single storey rear conservatory. | 60 Tycehurst Hill |

Area Committee West

Nazeing

- | | |
|--|----------------------------|
| 4 EPF/3500/17 Demolition of existing industrial buildings, vacant stabling & 5 bedroom residential apartment and construction of 18 no. semi-detached family houses and 18 no. 'affordable houses' with associated off-street parking, private gardens and landscaping | Stoneshot Farm
Hoe Lane |
|--|----------------------------|

6. The 18 cases where the committees were successful are as follows:

COMMITTEE REVERSALS - APPEALS DISMISSED (18):

Area Committee East

- | | |
|--|---|
| 1 EPF/1348/18 Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 5, 2 bedrooms flats, with allocated parking, cycle store and bin store. | 4 Kendal Avenue
Epping |
| 2 EPF/2388/17 Detached three bedroomed dwelling with associated car parking and the creation of two parking spaces and a new crossover | 47 Sunnyside Road
Epping |
| 3 EPF/0257/18 Proposed 3 bedroom detached dwelling. | Land adjacent 7 & 8
The Poplars
Lambourne |
| 4 EPF/2654/17 Rear extension to enclose existing outdoor dining area. | The Chequers
Matching Green |
| 5 EPF/0182/18 Construction of storage barn and stable building.
Re-submission of refused application: EPF/2826/17 | White Lodge
Little Laver Road
Little Laver |
| 6 EPF/2448/17 Change of use from post office (A1) to takeaway(A5), installation of extract flue and alterations to front elevation. Revision to previous refused scheme with revised opening hours (11am - 9pm). | 38 High Road
North Weald |
| 7 EPF/3216/17 Outline application to demolish office, boiler house and two glasshouses, erect five dwelling houses, lay out access drive and turning head, amenity and parking areas, form meadow/paddock and alter vehicular access onto Stapleford Road. | Esperanza Nurseries
Stapleford Road
Stapleford Abbots |
| 8 EPF/0184/18 Construction of new chalet bungalow in land to rear of Rozel. Re-submission of refused application EPF/2364/17 | Rozel
Loughton Lane |

Area Committee South

- | | | | |
|---|-------------|---|--|
| 1 | EPF/0307/18 | Construction of three dwellings (Use Class C3) with associated landscaping, car parking and alterations to access arrangements from Russell Road. | 18 Russell Road
Buckhurst Hill |
| 2 | EPF/0535/17 | First floor rear extension to eastern side of first floor bay. | 49 Manor Road
Chigwell |
| 3 | EPF/0536/17 | First floor rear extension to western side of first floor bay | 49 Manor Road
Chigwell |
| 4 | EPF/0612/18 | Two storey side extension, part single/part two storey rear extension & division into 2 dwellings. | 14 Ely Place
Chigwell |
| 5 | EPF/2758/17 | Demolition of existing bungalow and replacement with two dwellings with basements. | 12 High Elms
Chigwell |
| 6 | EPF/2877/17 | Retrospective planning application for ground floor rear storage shed | 49 Manor Road
Chigwell |
| 7 | EPF/3177/17 | Proposed demolition of existing property and erection of a development of 3 no. 2 bed flats and 1 no. 1 bed flat including car parking. | 105 Manor Road
Chigwell |
| 8 | EPF/2885/17 | Demolition of existing house and replace with 2 houses. | 39 Traps Hill
Loughton |
| 9 | EPF/3512/17 | Construction of new access with 7 no. three bed houses and 2 no. two bed houses and associated parking | Land to the rear of
33-37 Hillyfields
Loughton |

District Development Committee

- | | | | |
|---|-------------|--|--|
| 1 | EPF/1973/17 | Demolition of 19 Coopersale Common and erection of six detached houses and associated amenity space, car parking, cycle storage and landscaping. | Newstead
19 Coopersale Common
Coopersale |
|---|-------------|--|--|

7. Out of 7 **ENFORCEMENT NOTICE APPEALS** decided, all were dismissed. These are as follows:

- | | | | |
|----|-------------|--|--|
| 1. | ENF/0001/14 | Erection of a portable building | Providence Nursery
Avey Lane
Waltham Abbey |
| 2. | ENF/0172/14 | LISTED BUILDING NOTICE
Without LBC the alteration, extension and conversion of the barn into 3 separate residential units | Old House
Old House Lane
Roydon |
| 3. | ENF/0172/14 | Without planning permission the use of the barn a Grade II Listed Building situated on the land (The Barn) for the purpose of 3 self-contained residential units | Old House
Old House Lane
Roydon |
| 4. | ENF/0328/16 | Rear extension not as approved EPF/2241/14 | School Knotts
Middle Street
Nazeing |

- | | | | |
|----|-------------|--|--|
| 5. | ENF/0414/14 | Without planning permission the erection of a commercial building | Providence Nursery
Avey Lane
Waltham Abbey |
| 6. | ENF/0506/15 | Motor home used for residential purposes and stables used for personal storage | Fyfield Hall
Willingale Road
Fyfield |

Dismissed, but Varied

- | | | | |
|----|-------------|--|--|
| 7. | ENF/0295/16 | Without planning permission the change of use of the land for the storage of scaffolding, storage and sale of motor homes and caravans/mobile homes and the laying of a hardstanding to facilitate the change of use | Richmond Farm
Parsloe Road
Epping Upland |
|----|-------------|--|--|

Costs

8. During this period, there was one award of costs against the Council, in respect of application EPF/1706/17 - Proposed new vehicular/highway access and associated surfacing from Hoe Lane to the existing dwelling (ref. EPF/3000/14 PN) at land to the rear of 40-62 Hoe Lane, Abridge. The Inspector concluded that the Council prevented development that should have been permitted and consequently required the applicant, Mr Phillips, to incur the unnecessary expense of appealing. The proposal was for the provision of a new crossover and limited area of hardstanding. However, the appeal statement submitted by the Council predominantly focused on the harm to the openness of the Green Belt that they consider would result from an existing track that did not form part of the application but that the new access would link into. Consequently, the Inspector considered that the Council acted unreasonably. The cost paid by the Council to the appellant was £9,960.00.

Conclusions

9. Performance in defending planning application related appeals was reasonable at 21%, meaning of course the Council were successful in defending their decisions in 79% of cases. Whilst there is no national comparison of authority performance, Members and Officers are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for.

10. Finally, appended to this report are the appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees. Only those appeals relevant to the relevant Area Plans Sub-Committee are attached.

11. A full list of appeal decisions over this six month period appears below.

Total Planning Application Appeal Decisions 1st October 2018 to 31st March 2019

Allowed With Conditions

Lambourne

- | | | | |
|---|-------------|---|--------------------------------|
| 1 | EPF/1706/17 | Proposed new vehicular/highway access and associated surfacing from Hoe Lane to the existing dwelling (ref. EPF/3000/14 PN) at land to the rear of 40-62 Hoe Lane | Land to rear of 40-62 Hoe Lane |
|---|-------------|---|--------------------------------|

Loughton

- | | | | |
|---|-------------|--|--|
| 2 | EPF/3059/17 | Variation of condition 10 ' Hours of Use' on planning application EPF/2163/13 | Sir Winston Churchill (Now Landmark House) |
| 3 | EPF/0010/18 | Outline application with some matters reserved for new two storey house on adjoining land. | 70 Alderton Hill |
| 4 | EPF/0616/18 | Single storey rear conservatory. | 60 Tycehurst Hill |

Moreton, Bobbingworth and the Lavers

- | | | | |
|---|-------------|---|---|
| 5 | EPF/0181/18 | Outline planning application for removal of outbuildings and existing dwelling. Erection of three detached dwellings. Formation of new highway access and ancillary works | Maltings Farm
Maltings Hill
Church Road |
|---|-------------|---|---|

Nazeing

- | | | | |
|---|-------------|---|----------------------------|
| 6 | EPF/3500/17 | Demolition of existing industrial buildings, vacant stabling & 5 bedroom residential apartment and construction of 18 no. semi-detached family houses and 18 no.'affordable houses' with associated off-street parking, private gardens and landscaping | Stoneshot Farm
Hoe Lane |
|---|-------------|---|----------------------------|

Ongar

- | | | | |
|---|-------------|--|--------------------------------|
| 7 | EPF/1620/18 | Retention of a front boundary wall (replacement of close boarded fence). | Bushey Cottage
1 Bushey Lea |
| 8 | EPF/2947/17 | Erection of detached outbuilding. | 1 Bushey Lea |

Theydon Bois

- | | | | |
|---|-------------|---|------------------|
| 9 | EPF/2314/18 | Loft conversion with 2 front dormers and a rear dormer. | 5 Hornbeam Close |
|---|-------------|---|------------------|

Allowed Without Conditions

Epping Upland

- | | | | |
|----|-------------|--|---|
| 10 | EPF/0752/18 | Front fence and electric gates across front of driveway. | Clevedon
Epping Road
Epping Green |
|----|-------------|--|---|

Dismissed

Buckhurst Hill

- | | | | |
|----|-------------|---|----------------------|
| 11 | EPF/0307/18 | Construction of three dwellings (Use Class C3) with associated landscaping, car parking and alterations to access arrangements from Russell Road. | 18 Russell Road |
| 12 | EPF/3273/17 | Conversion of house into 5 flats and erection of rear dormer window. | 17 Palmerston Road |
| 13 | EPF/1543/18 | Retrospective application for rear dormer. | 12 Farm Way |
| 14 | EPF/1214/18 | Two storey front and rear extensions, loft conversion with 3 front dormers and raised patio area to rear. | Tymba
10 Fernside |

Chigwell

- | | | | |
|----|-------------|--|---------------|
| 15 | EPF/0535/17 | First floor rear extension to eastern side of first floor bay. | 49 Manor Road |
|----|-------------|--|---------------|

16	EPF/0263/18	Proposed sub-division of rear gardens to 8 & 9 Whitehall Close (fronting Orchard Way) and erection of single storey two bed house.	8 Whitehall Close
17	EPF/3177/17	Proposed demolition of existing property and erection of a development of 3 no. 2 bed flats and 1 no. 1 bed flat including car parking.	105 Manor Road
18	EPF/2758/17	Demolition of existing bungalow and replacement with 2 no. two storey dwellings with basements.	12 High Elms
19	EPF/0612/18	Two storey side extension, part single and part two storey rear extension and division into 2 no. x 3 bedroom dwellings	14 Ely Place
20	EPF/0536/17	First floor rear extension to western side of first floor bay	49 Manor Road
21	EPF/2877/17	Retrospective planning application for ground floor rear storage shed	49 Manor Road

Epping

22	EPF/1973/17	The demolition of 19 Coopersale Common and erection of six detached houses (2 x 3 bedroom and 4 x 4 bedroom) and associated amenity space, car parking, cycle storage and landscaping.	Newstead 19 Coopersale Common Coopersale
23	EPF/2388/17	Erection of a detached three bedroomed dwelling with associated car parking and the creation of two parking spaces and a new crossover	47 Sunnyside Road
24	EPF/1348/18	Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 5, 2 bedrooms flats, with allocated parking, cycle store and bin store.	4 Kendal Avenue
25	EPF/1382/18	Single storey rear extension	17 Lindsey Street

Lambourne

26	EPF/0257/18	Proposed 3 bedroom detached dwelling.	Land adjacent 7 & 8 The Poplars
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Loughton

27	EPF/3512/17	Construction of new access with 7 no. three bed houses and 2 no. two bed houses and associated parking	Land to the rear of 33-37 Hillyfields
28	EPF/2885/17	Demolition of existing house and replace with 2 new houses.	39 Traps Hill
29	EPF/1584/18	Conversion of terraced house to 3 no. flats.	2 Danbury Road
30	EPF/1315/18	Single storey front, side and rear extension. Two storey side extension	35 Forest Road

Matching

31	EPF/2654/17	Proposed rear extension to enclose outdoor dining area.	The Chequers Matching Green
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Moreton, Bobbingworth and the Lavers

32	EPF/0182/18	Construction of storage barn and stable building. Re-submission of refused application: EPF/2826/17	White Lodge Little Laver Road Little Laver
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Nazeing

- 33 EPF/0477/18 Erection of detached bungalow 61 North Street
- 34 EPF/0124/18 Demolition of two residential single storey buildings and their replacement with 2 no. two storey dwellings. Patience Cottage
Belchers Lane
- 35 EPF/0166/18 Demolition of existing converted barn consisting of 3 no. dwellings and the erection of 2 detached dwellings and 4 semi-detached dwellings Woodside Barn
Paynes Lane

North Weald Bassett

- 36 EPF/2448/17 Change of use from post office (A1) to takeaway(A5), installation of extract flue and alterations to front elevation. Revision to previous refused scheme with revised opening hours (11am - 9pm). 38 High Road

Ongar

- 37 EPF/2209/18 Single storey infill side and rear extension. 69 Coopers Hill

Stanford Rivers

- 38 EPF/0926/18 Building carport with flat-sedum roof. 12 Garden Fields
- 39 EPF/1393/17 Residential scheme comprising 5 no. residential dwellings with associated off-street parking, garden space and external landscaping. 153a London Road
Stanford Rivers
- 40 EPF/3141/17 New dwelling within the residential curtilage of Lilac House and associated car parking for the new and existing dwellings. Lilac House
6 London Road
- 41 EPF/2937/17 Erection of 4 no. four bedroom semi-detached dwellings Land at School Road
- 42 EPF/1943/17 Construction of 1 new dwelling. Re-submission of refused application: EPF/1046/17 End House
8 Hill Crest Road

Stapleford Abbots

- 43 EPF/3216/17 Outline application to demolish office, boiler house and two glasshouses, erect five dwelling houses, lay out access drive and turning head, amenity and parking areas, form meadow/paddock and alter vehicular access onto Stapleford Road. Esperanza Nurseries
Stapleford Road

Theydon Bois

- 44 EPF/0184/18 Construction of new chalet bungalow in land to rear of Rozel. Re-submission of refused application EPF/2364/17 Rozel
Loughton Lane

Waltham Abbey

- 45 EPF/0799/18 Demolition of single storey Caretakers House and erection of 3 x 2 bedroom bungalows with associated access, parking and amenity space. Leverton County GM
Junior And Infant School
Honey Lane

Willingale

- 46 EPF/2909/17 Erection of 2 no. houses. Land East of Southgates
(Shellow Bellows)
Shellow Road

Enforcement Appeals

Dismissed

- | | | | |
|-----|-------------|--|--|
| 8. | ENF/0001/14 | Erection of a portable building | Providence Nursery
Avey Lane
Waltham Abbey |
| 9. | ENF/0172/14 | LISTED BUILDING NOTICE
Without LBC the alteration, extension and conversion of the barn into 3 separate residential units | Old House
Old House Lane
Roydon |
| 10. | ENF/0172/14 | Without planning permission the use of the barn a Grade II Listed Building situated on the land (The Barn) for the purpose of 3 self-contained residential units | Old House
Old House Lane
Roydon |
| 11. | ENF/0328/16 | Rear extension not as EPF/2241/14 | School Knotts
Middle Street
Nazeing |
| 12. | ENF/0414/14 | Without planning permission the erection of a commercial building | Providence Nursery
Avey Lane
Waltham Abbey |
| 13. | ENF/0506/15 | Motor home used for residential purposes and stables used for personal storage | Fyfield Hall
Willingale Road
Fyfield |

Enforcement Appeal: Dismissed, but Varied

- | | | | |
|-----|-------------|--|--|
| 14. | ENF/0295/16 | Without planning permission the change of use of the land for the storage of scaffolding, storage and sale of motor homes and caravans/mobile homes and the laying of a hardstanding to facilitate the change of use | Richmond Farm
Parsloe Road
Epping Upland |
|-----|-------------|--|--|

Appeal Decision

Site visit made on 19 February 2019

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2019

Appeal Ref: APP/J1535/W/18/3212213

Maltings Farm, Maltings Hill, Church Road, Moreton, Ongar, Essex CM5 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ray B Lewy against the decision of Epping Forest District Council.
 - The application Ref EPF/0181/18, dated 19 January 2018, was refused by notice dated 4 April 2018.
 - The development proposed is removal of outbuildings and existing dwelling. Erection of three detached dwellings, formation of new highway access and ancillary works.
-

Decision

1. The appeal is allowed and outline planning permission is granted for removal of outbuildings and existing dwelling, erection of three detached dwellings, formation of new highway access and ancillary works at Maltings Farm, Maltings Hill, Church Road, Moreton, Ongar, Essex CM5 0JY. The permission is granted in accordance with the terms of the application Ref EPF/0181/18, dated 19 January 2018, subject to the conditions included in the Schedule at Annexe A.

Preliminary Matters

2. The application is for outline permission with all matters reserved for subsequent approval. However, a plan accompanying the application indicates the built form reflecting the description of development, although this is a possible rather than definitive layout and design. As the Council had regard to this indicative plan in determining the application, I have dealt with the appeal on the same basis.

Main Issue

3. The main issue is whether occupants of the proposed dwellings would have adequate access to facilities, employment and public transport without undue reliance on private vehicle use.

Reasons

4. The appeal site, Maltings Farm, comprises an area of land with a frontage on Maltings Hill and includes an unoccupied two storey dwelling and related
-

- outbuildings in a rural setting located outside the village of Moreton, which lies to the north east. The site is within the Green Belt.
5. Policy CP1 of the Local Plan¹ concerns sustainable development, including the avoidance of commuting arising from development, especially where it is dependent on private car use. Policy CP3 requires new development to be accessible by sustainable means of transport, while Policy ST2 similarly requires the design of new development to support sustainable transport modes.
 6. In its appeal statement the Council also refers to policies from its Submission Version Local Plan, which is at examination stage. The National Planning Policy Framework (the Framework) indicates that weight may be given to relevant policies in emerging plans depending on a number of factors (paragraph 48). In this case, I accept that the plan is at a relatively advanced stage in its preparation. However, it is unclear whether there are unresolved objections to relevant policies and, if so, how significant these are. For this reason, I find that only limited weight can be given to these emerging policies for the purposes of this appeal.
 7. The policies referred to from the adopted plan are broadly consistent with the Framework, particularly with regard to objectives to promote sustainable travel. However, while the Framework stresses the importance of provision of sustainable transport modes and travel choice, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making (paragraph 103). With regard to housing in rural areas, the Framework states that policies and decisions should avoid the development of isolated homes in the countryside, unless particular circumstances apply (paragraph 79).
 8. The proposal involves replacement of the existing dwelling and outbuildings with three dwellings, providing a net additional two dwellings on the site. The main parties refer to the fact that the site is some 900 metres from the village centre of Moreton, while the nearest bus stop is a similar distance away. This stop accommodates two services that run twice daily on weekdays. No further evidence is provided with regard to facilities or services that may be available in Moreton, the area that that bus services cover or the travel times involved.
 9. Immediately adjacent to the appeal site on Maltings Hill there is a row of six cottages, while behind the site two new dwellings were under construction at the time of the inspection. Given these existing dwellings and the site's proximity to Moreton, it cannot reasonably be said to be an isolated location in the terms of the Framework. As already noted, the Framework recognises that maximising sustainable transport solutions will vary between urban and rural areas. It is to be expected, therefore, that some travel by private vehicle is likely in rural areas such as this. However, in this case there is also some opportunity to use public transport given the available bus services that are not so distant from the appeal site to be inaccessible. In addition, due to the existing dwellings adjacent to the appeal site, the net addition of two dwellings will not significantly add to the journeys that already occur from this location.

¹ Epping Forest District Local Plan 1998, Alterations 2006

In these circumstances, the fact that I have no substantive evidence about the nearest facilities, employment and other services should not count against the proposal.

10. Therefore, taking these findings as a whole, I conclude that the occupants of the proposed dwellings would have adequate access to facilities, employment and public transport without undue reliance on private vehicle use. As such, there is no conflict with Policies CP1, CP3 or ST2 of the Local Plan, or with relevant guidance in the Framework, all as described above.

Other Matters

11. I have had regard to a number of other matters raised by interested parties. While the existing dwelling and outbuildings will be removed, as a whole they are of limited architectural merit. The detailed design and appearance of the dwellings will be considered at the reserved matters stage. The current plans are indicative in terms of the built form, layout and scale of the three dwellings. However, given their siting within an existing residential curtilage and between existing dwellings and those under construction, there is no basis to suggest harm will occur to the Green Belt's openness in this location.
12. Access to the site is a reserved matter, although the indicative plans show this positioned away from the bend in the road in a not dissimilar position to the access to the nearest existing cottage. There is no evidence to suggest that a satisfactory electricity supply cannot be provided to the new dwellings or that the short-term nature of construction would affect neighbouring occupiers' health.
13. I acknowledge the concerns raised about the accurate representation of neighbouring properties on the submitted plans. However, any potential effects on neighbouring properties will be considered at reserved matters stage in relation the layout and scale of the dwellings. While I acknowledge neighbouring residents' concerns that this proposal might lead to further development, there is no basis to suggest this will occur and, in any case, any further proposals would need to be considered on their merits.
14. The officer's report, which has been provided to me, indicates that the Council cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework (paragraph 73). This is also referred to by the appellant and is, therefore, common ground between the main parties, although the extent of the shortfall is not referred to. Consequently, footnote 7 to paragraph 11d) requires that permission should be granted, subject to two exceptions. However, given the above findings with regard to the main issue, there is no need to weigh this matter in the balance as the appeal succeeds irrespective of it. Nonetheless, I give significant weight to the fact that the two net additional dwellings will make a small but important contribution to housing supply in circumstances where there is an acknowledged shortfall.
15. Therefore, while I have had regard to these other matters, for the reasons given they do not lead me to reach a different overall conclusion. Accordingly, for the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

Conditions

16. Of the Council's suggested conditions, I have imposed the standard reserved matters and commencement conditions. The suggested landscaping conditions are unnecessary at this stage as this is a reserved matter.
17. I agree that wheel washing facilities should be provided to avoid deposits on the highway. However, the Framework indicates that conditions which are required to be discharged before development commences should be avoided, unless there is clear justification (paragraph 55). I see no such justification in this case for approval of the facilities before development begins given the standard nature of such facilities and the limited extent of development involved. I have, therefore, amended the condition accordingly.
18. A condition to ensure foul and surface water is disposed of appropriately is necessary in the interests of public health and to avoid flooding. For the same reasons already given, I have amended the proposed condition as there is no justification for approval before development begins. I disagree, however, that a separate condition is needed requiring a flood risk assessment as the reason given for this is to address risks associated with surface water run-off, which the imposed condition will address.
19. Working hours should be controlled, as suggested, to protect the living conditions of neighbouring residents. I agree that electric vehicle charging points should be required by condition in support of national objectives concerning air quality.
20. While I accept the importance of water efficiency measures where necessary, the suggested condition to require lower standards of water use relies on Policy DM19 of the Submission Version Plan, which provides the justification for the approach proposed. Given my earlier findings that policies from this plan can only be given limited weight because of uncertainty about unresolved objections, it would not be reasonable to impose the suggested condition in this case.
21. Given the previous uses of the site, I agree that a condition is necessary to require assessment of contamination risks and remediation, where necessary. As such, there is clear justification for this to be discharged before development commences. I have, however, combined the Council's suggested conditions into a single condition that reflects a more proportionate approach relative to the scale of development. As this is a pre-commencement condition, the appellant's agreement to it was sought and has been given². Accordingly, I have imposed the condition.
22. Finally, the Council indicates that the land adjacent to the site has been identified as being of wildlife significance and, as the site is now overgrown, a condition requiring a habitat survey is necessary. I agree for the reasons given that this is necessary and I have added to this the requirement for the survey and any other related reports to include mitigation measures if necessary and for these to be implemented as approved. As the timing means that this amounts to a pre-commencement condition, the appellant's agreement was sought and has been given. Accordingly, I have imposed the condition.

² In accordance with The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Wheel washing facilities for vehicles leaving the site during construction works shall be installed at the commencement of the development hereby permitted. The facilities shall be used to clean vehicles immediately before leaving the site.
- 5) None of the dwellings hereby permitted shall be occupied until foul and surface water disposal works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 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) An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation.
- 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 together with any necessary monitoring and maintenance programme shall be submitted to and approved in writing by the local planning authority.

- 9) Concurrent with the submission of reserved matters and prior to any clearance of the site, a Phase 1 Habitat Survey, including any further surveys recommended and, where necessary, mitigation measures shall be submitted to and approved in writing by the local planning authority. Any necessary mitigation measures shall be implemented in accordance with the approved details.

Appeal Decision

Site visit made on 19 February 2019

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2019

Appeal Ref: APP/J1535/W/18/3215517

4 Kendal Avenue, Epping CM16 4PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Virk against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1348/18, dated 8 May 2018, was refused by notice dated 8 August 2018.
 - The development proposed is 'demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 5, 2 bedroom flats, with allocated parking, cycle store and bin store. Resubmission of refused application: EPF/2335/17'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area; and on highway safety.

Reasons

Character and appearance

3. The appeal site comprises a detached two storey dwelling of traditional design and appearance located on a corner plot next to the junction of Kendal Avenue with Hartland Road. The surrounding area includes similar types of property of varied designs and ages.
4. Policies DBE1 and CP2(iv) of the Local Plan¹ require development to respect and safeguard their setting and local character. Policy CP7 of the same plan concerns urban form and quality and encourages the effective reuse of land in urban areas while requiring high quality design and respect for local character.
5. Despite the age of the Local Plan, these policies are consistent with section 12 of the National Planning Policy Framework (the Framework) concerning good design. In particular, paragraph 127 requires that policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character;

¹ Epping Forest District Local Plan 1998, Alterations 2006

and that policies and decisions should not prevent appropriate change, such as increased densities. Therefore, I give these local policies considerable weight for the purposes of determining this appeal.

6. The proposal involves demolition of the existing building and its replacement with a new apartment building to accommodate five flats with parking to the Kendal Avenue frontage. Kendal Avenue slopes downhill to the south east away from the appeal site and, together with the open aspect next to the road junction, results in the appeal site being visually prominent in the street scene.
7. The layout and orientation of the appeal property reflects the position of other properties on Kendal Avenue, with its front elevation facing the road. The open aspect to the rear, with views across the road junction and garden provides some visual relief from the surrounding development and so makes a positive contribution to the character and appearance of the area.
8. I accept that the design of the proposed building is intended to respect the surrounding built form, where the majority of properties are large detached dwellings. It would include a number of elements that are characteristic of properties in the surrounding area, including gables, dormer windows and a similar roof form.
9. Despite the similar design features, the proposal would result in a substantively larger replacement building. This would be particularly apparent due to its layout, with its frontage and building entrance facing Hartland Road. The combined increase in height with the extensive length of the frontage would contrast unfavourably with the site's current appearance as it would utilise a large part of the rear garden and so reduce the existing open aspect. Moreover, it would be of a scale that would appear significantly larger than the properties facing it on Hartland Road.
10. The building's orientation with the side elevation facing Kendal Avenue and its frontage on Hartland Road would be uncharacteristic and would draw attention to the building's layout and overall scale, which due to the increased bulk and mass would appear incongruous in its wider setting. Overall, therefore, the extent of the building on this highly visible site would give the appearance of overdevelopment, with a building that would dominate rather than just be prominent in the street scene.
11. I acknowledge that No 3 on the opposite side of Kendal Avenue is a similar form of recently-approved development, with apartments incorporated in a large detached building. However, this stands on lower ground than the appeal property and so is less prominent in the street scene. Moreover, its orientation respects the neighbouring dwellings and, therefore, its effects are not directly comparable to those of the appeal proposal, as found above.
12. While the proposal would reuse urban land and increase the density of development on the site, this would not be sufficient to outweigh the above findings with regard to the effects of the particular form and layout of building proposed. Therefore, for the above reasons, I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the area. Consequently, it would be contrary to Policies DBE1, CP2 (iv) and CP7 of the Local Plan and section 12 of the Framework, as described.

Highway safety

13. Six parking spaces would be located next to Kendal Avenue. I accept the appellants' contention that with all the spaces occupied, vehicles exiting from spaces one, two and three could reverse back towards spaces five and six, and so leave the site in forward gear. Spaces four, five and six would be more tightly constrained if the other spaces were occupied. However, it would be possible for vehicles in these spaces to reverse to a position close to the entrance in front of space one and manoeuvre into a forward position before leaving the site.
14. With this in mind, it seems to me that parked vehicles would not necessarily be forced to reverse into the highway. Consequently, I do not find that the appeal scheme would compromise the safe use of the highway. There would therefore be no conflict with Policy ST4 of the Local Plan which seeks, amongst other things, to ensure that new development would not be detrimental to highway safety.

Other Matters

15. The appellants raise concerns about the Council's approach to its decision. However, Council members are not bound to accept officers' advice and in this case clear reasons for refusal of the application were given.
16. I have had regard to matters raised by interested parties. During the site inspection I was able to use the existing vehicular access onto Hartland Road which would also serve the proposed building. There is sufficient visibility from the access such that any increase in use associated with the proposal would not result in harm to highway safety. The proposal would comply with parking standards in this location and this, combined with on-street restrictions near the site, means that no material harm is likely to arise from additional off-site parking related to the proposed use.
17. Most trees on the site would be retained and any losses could be compensated for through additional planting to retain its current character. The proposed building would retain sufficient separation from neighbouring properties such that there would be no adverse effects arising out of overlooking, overshadowing or noise. I have no substantive evidence before me to suggest that this is a suitable site to provide affordable housing, as required by development plan policies and I note that this matter is not raised by the Council. Similarly, there is no evidence to support the contention that the development will result in flooding of neighbouring properties. Shared amenity space is provided to the rear and there is no evidence to suggest that this would not be of an appropriate extent or quality.
18. While the proposal would result in the loss of a family-sized dwelling, I have no evidence to suggest with regard to the appeal proposal that this would in itself be harmful. With regard to concerns about precedent, any similar development proposals that might come forward would need to be considered on their individual merits. It is not clear that emergency vehicles would need to enter the site given its proximity to the road. Concerns about the effect of restrictive covenants do not have a direct bearing as this is not a planning matter. Therefore, while I have had regard to all these other matters, for the above reasons I give them limited weight with regard to this appeal.

19. The Council refers to advice from Natural England (NE) about the effects of development in relation to the Epping Forest Special Area of Conservation (SAC); and that two policies from its Submission Version Local Plan are material. Policy DM22 is intended to apply a district-wide approach to the potential impact of development on air quality, although as yet there is no agreed mechanism to ensure that air pollution mitigation is secured. Policy DM2 requires that proposals for new homes in specified settlements, including Epping, will make a financial contribution to access management and monitoring of visitors to the SAC. The Council has agreed with NE that the contribution required is £325 per new dwelling and contends that this matter remains outstanding with regard to the appeal proposal.
20. I acknowledge the importance of NE's advice and the objective of mitigating any potential effects of development on the SAC, as reflected in Policy DM2. However, the Local Plan is currently at examination stage. While the plan is at a relatively advanced stage in its preparation, it is unclear whether there are unresolved objections to Policy DM2 and, if so, how significant these are. For this reason, I find that only limited weight can be given to Policy DM2 for the purposes of this appeal and, consequently, the lack of a financial contribution should not count against the proposal. In any case, I have found that it would cause harm in other areas that would result in conflict with the development plan.
21. The officer's report, which has been provided to me, indicates that the Council cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework (paragraph 73). The Council indicates that it has 1.58 years' worth of housing; the same figure is referred to by the appellants.
22. In its appeal statement, the Council states that, taking account of sites which already have planning permission and allocations included in the Submission Version Local Plan, it can demonstrate five years' worth of housing. However, and reiterating an earlier point, it is unclear whether there are unresolved objections with regard to housing matters and what the outcome of the plan examination will be in this regard. Given this uncertainty, I find that only limited weight can be given to the emerging draft plan with regard to this matter.
23. As such, for the purposes of this appeal, I have taken the Council's current housing supply position to be 1.58 years as initially indicated. Consequently, footnote 7 to paragraph 11d) requires that permission should be granted, subject to two exceptions. In the particular circumstances of this case, 11d) ii. is relevant. This requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Planning Balance

24. I have found that the proposal would result in unacceptable harm to the character and appearance of the area. As such, the proposal is contrary to a number of criteria in paragraph 127 of the Framework concerning good design. I give significant weight to the conflict with the Framework's objectives and requirements in this regard. Similarly, I give the same weight to the conflict

with development plan policies to promote good design that have been found to be consistent with the Framework and which are not out-of-date.

25. Conversely, the proposal would have a number of benefits in accordance with the Framework. It would provide five additional units, thereby boosting the supply of homes where current housing supply significantly falls short of the required level. Moreover, it would contribute to the housing mix in this area by providing flats and make use of previously developed land. It would also provide some short-term economic benefits in terms of construction.
26. I give considerable weight to these benefits, particularly the importance of boosting housing supply given the acknowledged shortfall in provision. However, in the particular circumstances of this case, I consider that the extent of conflict with the Framework's objectives and policies to promote good design outweighs the benefits, important as these are. Therefore, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, and so the presumption in favour of sustainable development does not apply.

Conclusion

27. The proposal is contrary to development plan policies and to the Framework as it would cause unacceptable harm with regard to the effect on character and appearance. Despite the shortfall in housing provision, the presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. While I have found in the appellants' favour with regard to the second main issue, concerning highway safety, this is not sufficient to outweigh the harm that has been found. Accordingly, for these reasons, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

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Appeal Decision

Site visit made on 29 October 2018

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th November 2018

Appeal Ref: APP/J1535/W/18/3206072

47 Sunnyside Road, Epping CM16 4JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Wendy McDaid against the decision of Epping Forest District Council.
 - The application Ref EPF/2388/17, dated 31 August 2017, was refused by notice dated 10 January 2018.
 - The development proposed is erection of a detached three bedroomed dwelling with associated car parking and the creation of two parking spaces and a new crossover for 47 Sunnyside Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposed development on: -
 - (a) The living conditions of existing adjoining occupiers; and
 - (b) The character and appearance of the area.

Reasons

Living conditions

4. The proposed dwelling would be two storeys and be positioned in close proximity to the common boundary with 45 Sunnyside Road (No 45). It would project approximately 5.5 metres beyond the rear elevation of the No 45. I observed that No 45 is situated at a lower land level to that of the appeal site and, although having a long plot, its width, including that of the rear garden, is narrow.

5. No 45 hosts windows both within the side and rear elevations. The side windows most notably have outlook toward the appeal site. No 45 also has a rear patio that is below the land level of the appeal site.
6. The proposed dwelling would create a development of substantial height and length in close proximity to the side windows of No 45, as well as the rear outdoor living space. I saw that the proposed dwelling would be clearly visible in extremely close proximity in the outlook from the kitchen and the rear outdoor living spaces of this adjoining property.
7. Kitchens are living spaces in which occupiers would spend a reasonable amount of their time. This would also apply to the outdoor living space at the rear of the property. The proposed dwelling would be extremely dominant in the outlook from No 45's kitchen and outdoor living environments. This would be particularly so taking into consideration the close relationship of the proposed dwelling to No 45, its elevated siting, along with its proposed length and two storey height. The proposal would be excessively dominant in the adjoining occupiers' outlook and would create the sense of being hemmed in by built development. Consequently, I find that the proposed development would be harmful to the living environment of the adjoining occupiers of 45 Sunnyside Road.
8. The Council comments that the proposed dwelling would not intercept a 45 degree line when take from the centre of the closest habitable first floor window. Whilst this may be so, this does not overcome the harm to the occupiers' outlook from the kitchen and rear outdoor living space or justify the proposed development.
9. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the adjoining occupiers. As such, the proposed development would conflict with Policy DBE9 of the Local Plan 1998 and Alterations 2006 and Policy DM9 of the draft Local Plan Submission Version 2017. These policies seek, amongst other matters, new buildings to respect their setting in terms of scale, proportions, siting, massing, height and orientation and not to result in an over-bearing or overly enclosed form of development to the living condition of neighbouring residents. This reflects the aims of the Framework, which requires a high standard of amenity for existing users.

Character and appearance

10. The appeal site is situated between semi-detached two storey dwellings and a two-storey terrace. The space between these developments is narrow toward the site frontage and incrementally increases in width toward the rear of the site. The proposed dwelling would be positioned deeper into the plot than that of the properties either side. The proposed dwelling would therefore be set back from the front building lines of the existing adjoining development.
11. The new dwelling would be positioned in close proximity to the properties either side and would appear as a constrained development for this reason. Nonetheless, the proposed dwelling and its relationship with the development either side would only be visible when observed directly in front of the appeal site. Its visibility would reduce in wider views from Sunnyside Road due to its recessed siting. Consequently, I find that the proposed dwelling would not be a visually prominent feature within this streetscene and would not appear as an

unduly incongruous development given its recessed siting within the gap between existing properties.

12. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area. As such, the proposed development would not materially conflict with Policy DBE10 of the Local Plan 1998 and Alterations 2006 and Policy DM9 of the draft Local Plan Submission Version 2017. These policies seek, amongst other matters, to ensure that development complements the streetscene. The proposal would also accord with the aims of the Framework that requires development to be sympathetic to the surrounding built environment.

Other Matters

13. I acknowledge that the planning application was brought before members of the Council's Planning committee for determination and that members came to a different view to the acceptability of the proposal to their professional officers. It is open to Council members to come to a different conclusion to their officers. From what I observed I cannot agree with the appellant that the decision reached by the members is based upon misplaced consideration in relation to the impact of the proposed development upon the occupiers of the adjoining property.
14. I have been directed by both parties to a planning permission that is in place to erect a dwelling opposite the appeal site between 10 and 12 Sunnyside Road. At the time of my visit that site had been secured by fencing, therefore, I was unable to determine whether any site works had commenced. I have not been provided with the details of that case, nonetheless, it appears to me that the site between 10 and 12 Sunnyside Road narrows in width from front to rear. The appeal site before differs in that the width of the site increases from front to rear. Therefore, the resulting development on each of these sites will differ as the circumstances relating to each of the sites is not the same. This proposed development, therefore, can and should be considered on its own merit in respect of both the living conditions of existing occupiers and the character and appearance of the area.

Conclusion

15. Whilst I have found in favour of the appellant in terms of the effect on the character and appearance of the area, this does not overcome the identified harm in relating to the living conditions of the adjoining occupiers. For the reasons given above, and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR

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Appeal Decision

Site visit made on 19 November 2018

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 January 2019

Appeal Ref: APP/J1535/W/18/3203891

Land adjacent 7 and 8 The Poplars, Abridge, Essex RM4 1BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Billy Ellis against the decision of Epping Forest District Council.
 - The application Ref EPF/0257/18, dated 4 January 2018, was refused by notice dated 9 May 2018.
 - The development proposed is 3 No Bedroom detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have been referred to the emerging Epping Forest District Local Plan Submission Version 2017 which was submitted for examination in September 2018. I do not know the extent to which there are unresolved objections and given the stage it is at and in accordance with Paragraph 48 of the National Planning Policy Framework ('the Framework') I give limited weight to it.
3. The Council's statement raises concerns in relation to the potential effects on Epping Forest Special Area of Conservation ('the SAC'), a European protected habitat. I gave a further opportunity for the parties to comment on the implications for the appeal and I have taken those comments received into account.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is formed by part of the residential gardens of Nos. 7 and 8 The Poplars, 2 storey end of terrace properties set at 90 degree angles to each other and within a small cul-de-sac of similar properties. The gardens back onto a public footpath that leads from Pancroft, a residential street of properties similar to The Poplars, down into The Chestnuts and out onto Ongar Road. From The Poplars the footpath slopes down past the sites boundary and notwithstanding a small number of mature trees in surrounding rear gardens I observed there are clear views across the appeal site from the footpath and The Chestnuts to the rear.

6. Part of the site abuts the Abridge Conservation Area ('ACA') which contains mainly residential and commercial buildings of a strong traditional vernacular and sited on varying plot sizes and shapes. This variety is reflected immediately beyond this boundary where 2 infill developments¹ have been constructed although I found they had a stronger affinity to the ACA than the larger housing developments beyond, to which the appeal site clearly belongs to. As former garden land the appeal site is free from significant development and provides a sense of openness and spaciousness that positively contributes to the character and appearance of the area.
7. The proposal before me would project beyond the rear building line of Nos 7 and 8 and be sited tight up against three of its boundaries. In views from the footpath and surrounding residential properties it would not be seen in the context of the terrace and instead the eye would be unacceptably drawn to its protrusion into the currently open garden areas. It would also be of a similar height to Nos. 7 and 8 and the combination of its siting, depth and rear roof projections would substantially diminish the contribution that the site makes to the current sense of openness and spaciousness.
8. The visual effects would be exacerbated by its form and design which is heavily constrained by the irregular shape of the site and surrounding residential properties. More specifically, the uncharacteristic expanse and steep pitch of roof slope would be seen against a backdrop of the shallower roof pitch of No. 7 and the rear roof and elevation of No. 8. It would contain an over proliferation and awkward juxtaposition of different roof features such as flat and pitched roof dormers, a large glazed gable projection and narrow fenestration. The combination of the fenestration and materials proposed on the eastern and most visible elevation would also give an overly vertical emphasis.
9. Whilst I accept there is some architectural variety in the area such a configuration and the overall appearance would be wholly out of keeping and visually jarring with the prevailing, less complicated and simpler form, design and appearance of Nos. 7 and 8 and surrounding residential buildings. I do not share the officer's view that it would 'blend in well', on the contrary the proposal would be an evidently incongruous development that in such a context would not represent a high quality of design or an enhancement.
10. For these reasons, the proposal would cause harm to the character and appearance of the area. It would conflict with Policies CP7 and DBE1 of the Epping Forest District Local Plan and Alterations ('LP') insofar as these policies require that new developments respect their setting, safeguards and enhances the character and townscape of the urban environment and do not result in unsympathetic change in the built environment. The proposal would also conflict with the Framework insofar as the objective of achieving well-designed places, ensuring that developments are sympathetic to local character, are visually attractive and add to the overall quality of an area are concerned.

Other Matters

11. The Council has identified that any new residential development is likely to impact on the SAC. The Council appear to have adopted an interim mitigation strategy to manage recreational pressures but have not yet done so in relation

¹ Waylands and Strathyre.

to air quality mainly because a position with Natural England has not yet been agreed. Although this could be an important consideration in the appeal given I am dismissing the appeal for other reasons it is not necessary for me to consider this matter any further as it would not have altered my decision.

12. The Council's reason for refusal refers to an objection on the grounds of the effects on 'open aspect' but the Council's statement refers only to the effect on character and appearance². I note the appellant's consideration of the effect on residential amenity but there is nothing substantive in the Council's evidence that indicates to me the Council also objected in terms of living conditions. Had I decided to allow the appeal this is a matter which I may have sought further clarification from the parties but given my conclusion this has not been necessary.
13. I acknowledge that the application was recommended for approval by officers but was overturned by members of the relevant committee. Whilst I have had regard to the officer report, neither I, nor members are bound by that view. The Council's decision was to refuse permission and in cases involving matters of planning judgement, as is the case here, members are entitled to reach different views and have given reasons for doing so. I have ultimately agreed with that decision and the positive support given by officers does not therefore alter my view.

Planning balance and conclusion

14. The proposal would represent the more efficient use of the appeal site in a relatively accessible location. It would provide an additional dwelling in an area of demand and with associated economic and social benefits both during and after construction albeit that given the scale of development such benefits would be small. However, none of these considerations, on their own or in combination would outweigh the harm to the character and appearance of the area and the subsequent conflict with the development plan that I have identified.
15. I note the appellant's reference to the proposal being sustainable development in terms of the Framework but the proposal would not accord with a development plan which, on the evidence before me, should be considered as up to date. As such it would not be the sustainable development for which the Framework indicates a presumption in favour.
16. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

² Sections 6 and 9 of Council's Statement.

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Appeal Decision

Site visit made on 25 February 2019

by **J Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 March 2019

Appeal Ref: APP/J1535/W/18/3199984

The Chequers, Matching Green, Matching, Harlow CM17 0PZ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Zeolla against the decision of Epping Forest District Council.
 - The application Ref EPF/2654/17, dated 28 September 2017, was refused by notice dated 7 March 2018.
 - The development proposed is rear extension to enclose existing outdoor dining area
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - b) The effect of the proposed development on the openness of the Green Belt and the character of the area; and
 - c) if the proposed development would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

- a) *Inappropriate development in the Green Belt*
3. The appeal site is located within the Metropolitan Green Belt. Paragraph 143 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, other than in a number of exceptions. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and limited infilling in villages.
 4. Policies GB2A and GB7A of the Epping Forest District Local Plan Alterations (2006) (the Local Plan Alterations) pre-date the Framework. Policy GB2A states that, within the Green Belt, permission will not be granted for the use of land

- or the construction of new buildings, unless it is appropriate in that it is for one of 8 specific purposes. Policy GB7A addresses conspicuous development and confirms that development should not have an excessive adverse impact on openness, rural character or visual amenities of the Green Belt.
5. However, paragraph 145 of the Framework includes criteria which are not reflected in policy GB2A, including the criterion relating to limited infilling in villages. Additionally, policies GB2A and GB7A do not reflect paragraph 143 of the Framework. I find that policies GB2A and GB7A are not entirely consistent with the Framework. Taking account of paragraph 213 of the Framework, I give limited weight to policies GB2A and GB7A of the Local Plan Alterations. I have therefore considered this issue in relation to Section 13 of the Framework.
 6. The Council has referred to policy DM4 of the Epping Forest District Local Plan (Submission Version) 2017, which is currently at examination. Consequently, the weight that I can attach to the policies contained within the emerging Local Plan is limited.
 7. The locally listed The Chequers public house lies adjacent to the large village green within Matching Green. The red-brick two-storey 19th century public house has previously been extended to the side and the rear. Behind the existing black weatherboarded extensions which house the public house's dining area and kitchen, there are a number of outbuildings which provide space for food preparation and refuse storage. These outbuildings surround an Ash tree which has been cut down to no higher than the outbuildings' eaves. A decking area is located to the rear of The Chequers, providing external seating. There are further tables and chairs located within the grassed garden area to the east of The Chequers and at the front of The Chequers adjacent to the road. There is a large parking area west of The Chequers. No changes in vehicular access and parking are proposed as a part of this proposal.
 8. The proposed development would comprise a single-storey extension to enclose the external decking area and to replace the existing outbuildings to the rear of The Chequers. The proposed development would be between approximately 7.5m and 10m in depth and approximately 21m in width. It would provide for dining, bar, and toilet facilities.
 9. With regard to criterion e of paragraph 145 of the Framework on limited infilling in villages, the proposed development would be located within a village within the Green Belt. However, the Council's statement refers to it being generally accepted that in order to be considered infill, a proposal should be a self-contained building/structure between other buildings, not an extension to an existing building. Notwithstanding that the Framework does not define infill development, I concur with the Council's view in this instance. Even if this exception was relevant, I consider that the proposed development's size would be such that it would not constitute limited infilling.
 10. Turning to criterion c of paragraph 145 of the Framework regarding the extension or alteration of a building in the Green Belt, The Chequers has been substantially extended through previous planning permissions. While the proposed development would remove the existing outbuildings, it would involve further extension to a previous extension. If taken together, the proposed development and the existing and retained extensions would be likely to exceed the original building at The Chequers. As such, the proposed

development would give rise to disproportionate additions over and above the size of the original building and would constitute inappropriate development.

b) Openness and character

11. Paragraph 133 of the Framework states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The proposed development would be subordinate in height to the original building at The Chequers, would be constructed to a traditional design and would use materials to match existing structures, and it would be screened from some views by the existing buildings. While it would also rationalise existing outbuildings into one structure, it would be somewhat more prominent, both spatially and visually, than the existing decking and outbuildings. There would therefore be a resulting moderate negative effect on openness.
12. Additionally, by increasing the mass of development on the site, it would erode the area's rural character. This effect would be limited given the presence of existing buildings and the site's proximity to housing. Nevertheless, it would have a small harmful effect on the character of the area as a result.

Other considerations

13. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The proposed development would provide opportunity for the existing outbuildings to be consolidated into one extension, thereby tidying up the rear of the site, and the decking would be replaced by a covered and enclosed seating area available for use in all weathers and which would be likely to reduce any noise and disturbance to neighbouring residential occupiers on Summer evenings. The existing Ash tree would be replaced by 3 native trees within the garden area. I give these matters modest weight in my decision.
15. It would also achieve a minimum 10% improvement over Building Regulations requirements for carbon emissions, and would include energy and water use reduction measures, passive ventilation, low energy lighting, materials with low environmental impacts, and reuse and recycling of materials. Furthermore, the proposed development would not detrimentally affect the site's ecological value. I afford these matters limited weight.
16. A house¹ has been built very recently close to the fenced rear boundary with The Chequers. While the appellant considers that the proposed development would have a lesser effect on the Green Belt than the new house, the 2 schemes differ in nature and in policy circumstances. The new house does not constitute an extension and, as such, would have been considered under different parameters from the proposal before me. A comparison of the existing and proposed developments is of very limited relevance and weight.
17. The appellant sought pre-application advice, including a site meeting with planning and conservation officers, and changes were subsequently made to the proposal. However, pre-application advice is informal only, given on a

¹ Planning permission EPF/0320/17.

'without prejudice' basis, and is not binding on the Council when it comes to making its formal decision. While the Council's conservation officer supported the proposal and the planning officer's recommendation for approval was overturned by members of the Council's Planning Committee, the decision is one which is a matter of judgment based on the scheme before the Council. The committee members were entitled not to accept the professional advice of officers so long as a case could be made for the contrary view.

18. In terms of the Planning Committee's decision being unduly influenced by residents, the application was presented at committee as the Parish Council had objected to the proposal. The opportunity to comment on planning applications is part of the planning system. Moreover, the committee members are bound to take a range of matters, including consultation responses, into account when determining planning applications. The pre-application and application process have only very limited weight in this instance.
- c) *If the proposed development would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.*
19. The proposed development would be inappropriate development in the Green Belt and it would lead to moderate harm in respect to openness.
20. Cumulatively, the other considerations put forward in favour of the proposed development have only modest weight. They do not clearly outweigh the totality of harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist. Therefore, the proposed development would not accord with the aims of policies GB2A and GB7A of the Local Plan Alterations set out above. It would also fail to comply with the Framework, specifically Section 13 which aims to protect Green Belt land.

Other Matters

21. Representations were made with regard to other matters, including the effect of the proposed development on the existing public house, the Matching Green Conservation Area, surrounding listed buildings, a watercourse, and the protected village green; increased traffic and associated car parking; blocking of fire hydrants; access for emergency services; noise, disturbance and odour; and alleged building work taking place without planning permission and on land not within the pub's ownership. As the proposed development would be unacceptable for other reasons, it is not necessary for me to reach a finding on these additional matters.

Conclusion

22. For the reasons given above, the appeal is dismissed.

J Gilbert

INSPECTOR



Appeal Decision

Site visit made on 30 October 2018

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28th November 2018

Appeal Ref: APP/J1535/W/18/3205436

White Lodge, Little Laver Road, Little Laver, Harlow CM5 0JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs John Smith against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0182/18, dated 15 January 2018, was refused by notice dated 9 May 2018.
 - The development proposed is construction of storage barn and stable building.
-

Decision

1. The appeal is dismissed

Main Issues

2. The main issues are:
 - (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - (b) the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
 - (c) if the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal site incorporates the residential property of White Lodge, a Grade II listed building, along with outbuildings and the gardens to the north and south of the property. Further to the south, within the blue line of the appellants' ownership is grazing land in the form of a paddock. The proposal would be located on the western side of the appeal site on an area of existing rough ground, screened to the north and east by tall hedging and conifers. The storage barn would be used to house various machinery including two tractors, a trailer, a utility vehicle, and trimming/cutting equipment. It would also be used for the storage of hay. The stable building would be for the purpose of housing horses which use the grazing land to the south.

4. At my site visit, I observed that various items of machinery were positioned in the open air next to the conifers, while a small stable building housed two donkeys and a shipping container contained hay and straw. The planning status of these two structures is not clear and the appellant referred to them as temporary during my visit. As such, they have not influenced my decision.
5. NPPF paragraph 145 regards the construction of new buildings as inappropriate development in the Green Belt unless it relates to a number of listed exceptions, two of which are relevant for the purposes of this appeal. The exception in paragraph 145(a) relates to buildings for agriculture and forestry, while the exception in paragraph 145(b) relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds, and allotments; as long as the facilities preserve the openness of the Green and do not conflict with the purposes of including land within it.
6. Policy GB2A of the Local Plan Alterations 2006 (LPA) deals with the exceptions for which the construction of new buildings in the Green Belt would not be inappropriate. Parts (i) and (ii) of the policy refer to agriculture and outdoor sport and recreation respectively, although part (ii) does not have the caveat of NPPF paragraph 145(b) in terms of openness and Green Belt purposes. While I have had regard to Policy GB2A, I have also applied the NPPF. Policy DM4 of the Epping Forest Local Plan (Submission Version) 2017 is more closely aligned to Section 13 of the NPPF, including paragraph 145(a) and (b), but as it forms part of an emerging Local Plan, I can only afford this policy limited weight.
7. Under NPPF paragraph 145(a) and LPA Policy GB2A(i), the size, height and massing of the storage barn and stable building has no bearing on my assessment as to whether the building would be inappropriate development in the Green Belt. Instead, the assessment should be whether the buildings are for agriculture or forestry.
8. While some of the machinery items indicate an agricultural purpose, the appellants have not demonstrated that the storage barn would be used for agriculture or forestry. Instead, they refer to the use of the barn to maintain the house and grounds and the adjoining grazing land, as well as for the storage of domestic and horse-related items. The evidence before me is not conclusive on the purpose of the barn under NPPF paragraph 145(a).
9. The appellants have also not demonstrated that the keeping of horses in the stable building would represent an agricultural purpose. Therefore, considered under NPPF paragraph 145(a) and LPA Policy GB2A(i), both the storage barn and stable building would be inappropriate development. The buildings could be considered as the provision of appropriate facilities for outdoor sport or recreation under the exception in NPPF paragraph 145(b) and LPA Policy GPA2(ii), although the appellants have not sought to argue that they would be used for this purpose. In either exception, it is necessary to consider the effect of the proposal on Green Belt openness and purposes. This leads me to the next main issue.

Effect on the openness and purposes of the Green Belt

10. NPPF paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

11. Both the storage barn and the stable building have been reduced in size since an earlier refused application (ref EPF/2826/17), particularly the barn. The two structures would be largely hidden from the listed building by the conifers and hedging. Their appearance and use of materials would not look out of keeping for this rural location. However, they would still be large structures, visible from the public footpath that runs along the western boundary of the appeal site. Even with more screening from new vegetation, the buildings would reduce the open spatial qualities of this part of the appeal site. Therefore, the proposal would have a moderate adverse impact on the openness of the Green Belt. In terms of Green Belt purposes, there would be no encroachment into the countryside given that the land forms part of the grounds to White Lodge, but this does not diminish the harm to openness from the two buildings.
12. When considered as buildings providing appropriate facilities for outdoor sport and recreation, the failure to preserve the openness of the Green Belt means that the proposal considered under NPPF paragraph 145(b) would be inappropriate development in the Green Belt. Thus, the proposal would be contrary to NPPF paragraph 145 and LPA Policy GBA2. While conspicuous, the development would not result in an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt, and so there would be no harm to LPA Policy GP7A.

Other considerations

13. I note that the barn is required to meet functional needs for managing the grounds. The recent theft of equipment from the site is clearly unfortunate and secure storage space would likely reduce the risk of further crime. However, it has not been demonstrated that the proposal is the only solution for addressing these issues. I accept that it is common for residential properties to have outbuildings for storage and other domestic purposes, but this needs to be balanced against the planning requirement to safeguard the Green Belt. I have little evidence of comparable development being allowed in similar locations and circumstances. As such, these other considerations carry no more than moderate weight in favour of the proposal.

If the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

14. NPPF paragraph 143 indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also result in harm in terms of the openness of the Green Belt. NPPF paragraph 144 states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
15. No more than moderate weight can be attached to the benefits of development that make up the other considerations. As such, they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist. Thus, the proposal would not accord with LPA Policy GB2A or the aims of the NPPF which seek to protect Green Belt land from inappropriate development.

Other Matters

16. Interested parties have raised a number of other concerns, but given my findings on the main issues, it has not been necessary to consider them in any detail.

Conclusion

17. For the above reasons, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR



Appeal Decision

Site visit made on 15 October 2018

by **Tim Wood BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 November 2018

Appeal Ref: APP/J1535/W/17/3192260

38 High Road, Epping CM16 6BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Ozcan against the decision of Epping Forest District Council.
 - The application Ref EPF/2448/17, dated 24 April 2017, was refused by notice dated 6 December 2017.
 - The development proposed is the change of use from a post office (A1) to a take-away (A5).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effects of the proposal on neighbours, in relation to the proposed hours of use and in relation to cooking smells.

Reasons

4. The appeal relates to the ground floor of this 2/3 storey property, wherein the upper floors are in residential use. The properties in the surroundings comprise a mixture of residential and commercial uses. Along High Road the commercial uses are generally a ground floor, are small and do not form a continuous frontage but are interspersed with residential properties. The overriding impression within the immediate locality is one where residential uses predominate with some small and low-key commercial uses, although I recognise that more commercial uses are present elsewhere on High Road, and within parades of such uses.
5. The proposed ground floor use would have a residential use above and a residential use to the side at No 40 and 40A. There is a small shop to the other side and residential use beyond that. It should be recognised that in an area such as this where both residential and commercial uses are present, that commercial uses may reasonably generate a degree of activity that is greater than a residential use. However, some balance must be struck and in a

- predominantly residential area such as this, the effects of commercial activity must be taken into account.
6. The nature of the proposed use as a take-away would inevitably involve customers visiting in numbers and departing from the premises. It can be a characteristic of such uses that customers would congregate outside in the immediate vicinity and consume the food that has been bought. In addition, I consider that it is likely that some customers would arrive by car and would park in close proximity to the premises. In my judgement, the sum of all this activity would be considerable, when compared to the predominantly residential character of the area.
 7. I appreciate that the appellant has amended the proposed hours of use from that in a previously refused proposal and that business would now finish at 21:00hrs. However, I consider this to be beyond a time when surrounding residents could reasonably expect a greater degree of peace and quiet, when commercial activity would be less. Having taken careful account of the representations and to the character of the area, I consider that the likely levels of activity would represent an unreasonable disturbance to surrounding residents, contrary to Policy DBE9 of the Local Plan and Alterations.
 8. The potential for cooking smells to disturb neighbours has been considered by the appellant and the Council. The appellant has submitted a statement and specification in order to provide extraction and ventilation for the proposed use. Whilst I can understand the concerns raised by local residents in particular, on the evidence submitted I have no reason to doubt the appellant's evidence that the proposed system could be designed and installed so that no unreasonable effects arise from the cooking smells. Therefore, this does not add to my concerns.

Conclusions

9. For the reasons given above, I consider that the proposal would be likely to give rise to unreasonable levels of noise and disturbance which would have an unacceptable effect on the living conditions of neighbours. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR



Appeal Decision

Site visit made on 19 November 2018

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 28 February 2019

Appeal Ref: APP/J1535/W/18/3201230

Esperanza Nurseries, Stapleford Road, Stapleford Abbots, Romford RM4 1EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tony Humphries (c/o WES & AWH Developments Ltd) against the decision of Epping Forest District Council.
 - The application Ref EPF/3216/17, dated 13 November 2017, was refused by notice dated 7 February 2018.
 - The development proposed is described as 'demolish Office, Boiler House and Two Glasshouses, erect 5 No. Dwelling Houses, Lay Out Access Drive and Turning Head, Amenity and Parking Areas, Alter Vehicular Access onto Stapleford Road and Form Meadow/Paddock'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal concerns an application that was made in outline, with all matters other than access and layout reserved for later determination. I have been provided with an 'illustrative proposed streetscene' and I have considered the appeal on this basis.
3. I have been referred to the emerging Epping Forest District Local Plan Submission Version 2017. Whilst this is the plan that the Council intend to submit for examination, its contents could be subject to change, and it does not yet form part of the adopted development plan. In accordance with Paragraph 48 of the National Planning Policy Framework ('the Framework') I attach limited weight to it.
4. There is no dispute that the proposal lies within the Green Belt and would not be inappropriate development as defined in development plan policy and the Framework. On the evidence before me I have no reasons to disagree with that position and the Council's statement is clear that the objection is due to the effect on the character and appearance of the area.
5. Further, the Council's statement refers to the effect of the proposal on Epping Forest Special Area of Conservation ('the SAC'). Consequently, I wrote to the parties seeking clarification on a number of associated matters and I have considered the responses I have received from both parties in my determination of this appeal.

6. During my determination of the appeal a revised Framework was published on 19 February 2019. However, having regard to the changes and my conclusions in this appeal I did not consider it necessary to seek further comments from the parties.

Main Issues

7. Given the above the main issues in this appeal are:
- The effects of the proposal on the integrity of Epping Forest Special Area of Conservation.
 - The effect of the proposal on the character and appearance of the area.

Reasons

Background

8. The appeal site has a lengthy recent planning history and outline planning permissions have been granted by the Council in 2015, 2016 and 2017 for residential development. The most relevant to this appeal is the latter which was for 3 chalet bungalows and included a dwelling to the front of the site and two dwellings behind. On the evidence before me these permissions are extant and are a material consideration. I return to matters of weight below.
9. The appellant has now put forward a revised scheme following discussions with the Council and that has led to the appeal before me. The Council do not dispute that the proposal is for 5 dwellings of the same floor area as previously approved¹.

Epping Forest SAC

10. In this regard I must consider whether the proposal would be likely to have a significant effect on the internationally important interest features of the site, either alone, or in combination with other projects. By way of background, Natural England ('NE') in their letter dated 1 October 2018 provided support for an interim approach to managing recreational pressures. This has identified a 'Zone of Influence' of 6.2km from the boundary of the SAC, together with an inner area of 3km. This is to be updated by the Council in 'the second half' of 2019. The appeal site is 8.6km away from the boundary of the SAC and outside the zone of influence of 6.2km advised by NE to be used to determine whether residential applications will have a recreational impact. NE is clear in their advice that such assessment is only required for projects within the zone of influence.
11. However, the final Mitigation Strategy to address air pollution on the SAC has not been completed and the Council is continuing to work on the Local Plan Habitats Regulations Assessment ('the HRA'). Natural England advise that it is going to be very difficult to identify suitable mitigation measures to minimise or remove any air quality impacts to enable a conclusion of no adverse effect on site integrity of the SAC to be reached at the individual planning application stage until the updated HRA has been prepared.
12. The appellant contends that it is not clear there will be an additional adverse impact on the special interest of the forest and air quality in general but NE

¹ LPA ref: EPF 0112/17.

- advice, to which I give significant weight, is that neither an adverse effect nor a likely significant effect on the SAC can be ruled out². They have outlined clear concerns in relation to the impacts the proposed level of growth and development could have on the SAC as part of the local plan consultation process. On my reading of the evidence, NE is clearly of the view that there will be impacts but until the HRA has been updated the necessary critical information regarding how to deal with air pollution impacts does not exist. There is also uncertainty with respect to how long this interim approach would need to be in place, particularly given the current delay with the local plan.
13. As an interim approach NE advise that all residential and employment proposals within the district likely to have air pollution impact on Epping Forest SAC will need to be subject to a project level HRA. As the risk cannot be ruled out and as the appropriate authority I consider that it is incumbent on me to carry out an appropriate assessment. I have sought further evidence from the main parties on this matter and have the most up to date advice from NE³ on the site characteristics. Further consultation is not therefore required on this occasion.
 14. Since the application was originally considered by the Council there has also been a relevant High Court case and a Court of Justice of the European Union judgement⁴. The latter requires the decision maker, when considering the effect that a proposal may have on a European Site, to consider mitigation within the Framework of an Appropriate Assessment ('AA') rather than at the screening stage.
 15. Epping Forest is a site of national importance for the conservation of the fauna of invertebrates associated with the decaying timber of ancient trees. It features transitions and mosaics including grasslands, freshwater habitats and other woodland types. The SAC includes three of the main wood pasture types in Britain namely Beech-Oak, Hornbeam-Oak and mixed Oak. This mosaic of forest-wood pasture habitats supports a nationally important assemblage of ancient and veteran trees, bryophytes, fungi, invertebrates (including dragonflies and saproxylics such as stag beetle), amphibians, breeding birds and nationally notable lichens. It also includes other features of significant interest such as ancient soils and seedbanks and many species of national and county significance. Maintaining this characteristic diversity and range is critical for the conservation of site features, including stag beetles and the site's overall integrity.
 16. Advice from NE highlights the impacts of the effects of nitrogen emissions and other air pollutants from vehicles and whilst air quality monitoring is taking place the results are not before me. The SAC features are considered sensitive to changes in air quality due to air pollutants such as Nitrogen and Sulphur Dioxide. Amongst other things such pollutants modify the chemical status of the substrate, damage the wet heath community, and increase the dominance of insect pests and grasses and results in harmful changes in species composition and diversity. The advice of NE is that the epiphytes⁵ at the SAC have also declined, largely because of air pollution but it remains important for

² Natural England letter dated 15 June 2018.

³ At the time of this appeal and set out in Annexe 1 of NE letter dated 15 June 2018.

⁴ *Wealden District Council vs Secretary of State for Communities and Local Government and Lewes District Council and South Downs National Park and Natural England* (2017) EWHC (Admin) and *People over Wind and Sweetman v Coillte Teoranta* ECLI:EU:C:2018:244

⁵ An organism that grows on the surface of a plant.

- a range of rare species, including the Knothoel Mass and the site is rich in fungi, dead wood invertebrates and notable bryophytes and lichens.
17. Accordingly, an important consideration is any increase in traffic on roads in proximity to the SAC. There is little before me from the appellant in terms of such effects and no Air Quality Assessment has been submitted. The site is vacant appears to have been so for some time. The development of 5 dwellings, indicated as being 4 plus bedrooms on the application form would be an increase in the number of units on the site, including compared to the most recently approved scheme. Taking account of the likely number of visitors and deliveries associated with such properties the number of additional trips above and beyond the approved scheme is highly likely to be greater and include travel through the forest. In considering the SAC as a whole, giving significant weight to the advice of NE and taking a precautionary approach I am satisfied that whilst the effects are uncertain, they could be significant and adversely affect the integrity of that site.
 18. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the European site. I may give consideration to any conditions or other restrictions which could secure mitigation and so enable it to be ascertained that the proposal would not adversely affect the integrity of the site. In this case, there is little before me regarding mitigation measures which could be applied to reduce or remove any impacts to enable a conclusion of no adverse effects to be reached. Nothing is proposed by the appellant for such mitigation that could include green travel planning or other measures such as electric vehicle charging points.
 19. The appellant has suggested a condition to secure a scheme of mitigation and an obligation that addresses the impacts in terms of recreational pressure and air quality. It is suggested that mitigation will be achieved in the future that would retrospectively cover the impact of development such as this. However, an intention to achieve mitigation in the future is not sufficient as I cannot be certain when or if it would be in place.
 20. The Planning Practice Guidance advises that negatively worded conditions requiring the submission of planning obligations would only be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of development would otherwise be at serious risk. This proposal is not, by itself, strategically important or complex so as to justify such an approach.
 21. Furthermore, any planning obligations imposed on future development would be subject to the test, set out paragraph 56 of the Framework that they are directly related to the development in question. An obligation imposed on future development that seeks to retrospectively address the impact of development previously approved by the Council would be unlikely to meet this test. The appropriate way to deliver sufficient certainty for all parties about what is being agreed is to enter into an agreement prior to granting planning permission.
 22. Overall, I consider that there is a potential for air quality impacts on the SAC through additional vehicular trips associated with this residential development and in combination with others, would adversely affect the integrity of this European site. These effects would not be mitigated in the proposal before me.

I have not been referred to any specific development plan policy in this regard but there would be conflict with Policy CP1, CP2 of the Epping Forest District Local Plan and Alterations ('the LP') insofar as they seek to protect the natural environment and ecology. The proposal would also conflict with the Framework insofar as it seeks to ensure that there are no adverse effects on the integrity of protected sites.

Character and appearance

23. The appeal site is part of a small linear settlement with commercial and residential ribbon development stretching along Stapleford Road. The properties are set back from the highway behind landscaped front gardens. There are significant amounts of development to the rear of the frontage plots in the form of dwellings and rural buildings and glasshouses. There are a variety of irregular gaps and spaces in front of and between the properties which afford views of sky and mature trees to the rear that positively contributes to the character and appearance of the area.
24. The alignment of the existing road has been retained and this would allow for the perception of these views to be maintained. The arrangement and consolidation of the pairs and their siting would allow for sufficient gaps around them so that they would not appear cramped. The extant permission included 2 substantial 'T' shaped dwellings located in the same position and with a ridge height not exceeding 5.9m. The proposal before me indicates the dwellings would be between 7 and 7.8m in height which would be broadly comparable to the height and scale of residential dwellings in the locality. Although taller than previously approved, they would not be notably or markedly so. Although of a different form they would have no greater impact on the character and appearance of the area than that scheme.
25. Further, although scale is a reserved matter I see no reason why a scheme could not be negotiated at that stage to achieve an entirely sympathetic scale and appearance, not least given the variety of dwelling styles and designs that exist along Stapleford Road. The existing greenhouses are substantial structures in terms of overall scale and the removal of these structures, large expanses of associated hardstanding and overgrown vegetation would also represent an environmental enhancement of the site, in visual terms.
26. For these reasons, the proposal would not cause harm to the character and appearance of the area. Accordingly, it would not conflict with Policies CP2, CP3, CP7 of the LP insofar as they require new development the scale and nature of development respects the character and environment of the locality and allows for use of higher densities where compatible with the character of the area.

Other Matters

27. The appellant contends that the extant scheme could be implemented with no mitigation at all but in accordance with the Habitats Directive and Habitats Regulations, the existence of this scheme is not a consideration in assessing the effect of the proposal before me on the protected site. Furthermore, that is also an outline permission and it will always be a requirement where no assessment was undertaken when the outline application was being considered. It does not therefore alter my view in relation to the first main issue.

28. The appellant refers to the lack of a 5-year housing land supply and the operation of the so called 'tilted' balance within paragraph 11 of the Framework. However, the proposal is likely to have a significant effect on a habitats site and my AA has concluded that there is no suitable mitigation strategy in place and the proposal would adversely affect the integrity of that site. The presumption in favour therefore does not apply, in accordance with paragraph 177 of the Framework.
29. My attention has been drawn to other developments in the locality, including a grant of planning permission at The Drive, Stapleford. Given my findings in relation to the matters in dispute and my conclusions on the second main issue I find it is not necessary to consider these any further. In any event each case must be determined on its own merits.

Conclusion

30. Although I have found no harm insofar as character and appearance are concerned, my findings in respect of the effects on the integrity of the SAC are decisive and are not outweighed by other considerations.
31. Having regard to all other matters raised, including support from Stapleford Abbots Parish Council I therefore conclude that in this particular case the appeal should be dismissed.

Richard Aston

INSPECTOR



Appeal Decision

Site visit made on 15 October 2018

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 November 2018

Appeal Ref: APP/J1535/W/18/3201573

Rozel, Loughton Lane, Theydon Bois, Epping CM16 7JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Pigney against the decision of Epping Forest District Council.
 - The application Ref EPF/0184/18, dated 18 January 2018, was refused by notice dated 4 April 2018.
 - The development proposed is a chalet bungalow.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the surrounding residents.

Reasons

3. The appeal site is formed by an area of land which sits to the rear of 2 newly constructed detached houses and original formed part of a rear garden. A driveway runs to the side of the new houses which would serve this proposed property and also land and premises beyond.
4. The proposed dwelling would be of rectangular plan form with accommodation on 2 floors, the first floor being within the roof space and served by dormers. The long elevation of the proposed dwelling would sit close to the plot boundary adjacent to neighbouring rear garden areas.
5. The submitted plans indicate that just the very upper part of the ground floor wall would project above the boundary fence, and that the roof would be visible above it. Even though the roof would slope away from the adjacent rear gardens, I consider that it would represent a considerable bulk when seen by the residents of the adjacent houses; the roof itself would be considerably taller than the ground floor walls.
6. The appellant points out that the neighbouring houses are some distance from the proposal and so concludes that there would be no harmful effects on residents. In my judgement, the proposal would appear unduly dominant and overbearing from the adjacent rear gardens. Whilst the dwellings are sited

further away, the neighbouring gardens would give a close and immediate view of the proposal and I see no reason to suggest that neighbours would not use these areas of their gardens. From these areas the proposal would have a considerable and negative effect on neighbours and would significantly detract from the enjoyment of the gardens. Therefore, the proposal is contrary to the aims of Policy DBE9 of the Local Plan and Alterations.

7. The Council indicates within their statement that Natural England have offered their advice that any new development within 6.2km of the Epping Forest Special Area of Conservation (SAC) would be likely to have an unacceptable impact on air quality and pressure from visitor numbers. The appeal site is just under 800m from the SAC. Although not raised at the time that the application was refused, I must take this into account in determining the appeal. The appellant has indicated in his final comments for the appeal that he would have been willing to make a suitable financial contribution in mitigation of the effects of the proposal. Whilst I have no reason to doubt the appellant's intentions no mechanism is available by which to ensure that such mitigation is secured; the appellant has not submitted an Obligation and it would be inappropriate for me to seek to require financial contributions by means of a planning conditions. Therefore this matter remains outstanding and adds to my concerns for the proposal.

Conclusion

8. I have taken all other matters into account, including the previous planning application and the support that this current proposal received from officers of the Council. However, I find that my objections are not outweighed by any other matters and I conclude that the proposal would have an unacceptable effect on neighbours and in addition, there is no means to mitigate its effects on the SAC. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR



Appeal Decision

Site visit made on 29 October 2018

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th November 2018

Appeal Ref: APP/J1535/W/18/3203616

Newstead, 19 Coopersale Common, Coopersale, Epping CM16 7QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mcap (Europe) Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1973/17, dated 19 July 2017, was refused by notice dated 29 November 2017.
 - The development proposed is the demolition of 19 Coopersale Common and erection of six detached houses (2x3 bedroom and 4x4 bedroom) and associated amenity space, car parking, cycle storage and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the planning application form although I note it is expressed differently on other documents.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.
4. The appeal site has been subject to a previous refused planning permission and dismissed appeal for "*the demolition of 19 Coopersale Common and erection of eight x 3 bedroom terraced houses and associated amenity space, car parking and cycle storage*". This proposal differs to that of the previously proposed schemes in that it proposes six detached dwellings. For the purposes of clarity I have considered the proposal, the subject of this appeal, on its own merit.

Main Issues

5. The main issues are the effect of the proposed development on: -
 - (a) The character and appearance of the area; and
 - (b) Habitat and biodiversity at the Epping Forest Special Area of Conservation (SAC).

Reasons

Character and appearance

6. The appeal site relates to a detached dwelling situated centrally in a large plot with mature landscaped boundaries on the corner of Coopersale Common and Parklands.
7. Coopersale Common is characterised by a mix of traditional and modern detached and semi-detached dwellings set back from the highway with spaces between them. In contrast, the more modern terraced development within Parklands is compact. The character and appearance of the existing development along Coopersale Common is, therefore, more varied and spacious to that of the uniform and compact developments within Parklands.
8. The development along the Coopersale Common road frontage would create a continuation of the existing road frontage development north of the appeal site. Although to the south and to the other side of Parklands there is a three-storey development, I consider the proposal would relate more closely to the existing development to its north as it would be a continuation of that streetscene.
9. The proposed development along this road frontage would be approximately 0.9m taller than those existing properties to the north. The proposed dwellings would also have a smaller gap between them than that of those dwellings to the north. Proposed units 1 and 2 would appear wide and the gap between them would do little to reduce the appearance of their combined expansive width.
10. I note that units 1 and 2 would be positioned in line with the White House and have a similar sized footprint to those dwellings to the north. The proposal would also include separation between the White House and the proposed dwellings. Nonetheless, units 1 and 2 would be both tall and wide and would expand to create development along almost the full width of the Coopersale Common road frontage. It would also incorporate an uncharacteristically small gap between dwellings. This limited width of the gap would not enable any appreciable views into the site or facilitate landscape planting between the buildings. I find that the height, scale and cramped appearance of the proposed Coopersale Common road frontage development would not reflect the existing more spacious development along Coopersale Common. The development would be harmful to the streetscene for this reason and would, therefore, also harm the character and appearance of the area.
11. The new comprehensive landscaping proposal would soften the overall impact of the proposed development. However, the proposed Coopersale Common road frontage parking arrangement would offer little opportunity to provide any meaningful landscaping. It would be less verdant and spacious than that of other parts of the proposed scheme. Even though the proposal would involve the retention of the existing hedge adjacent to the entrance of Parklands, I do not consider this would be sufficient landscaping to obviate the harm that I have identified above to the character and appearance of the area.
12. I acknowledge the modern design approach would add to the varied housing styles in the area that has been informed by a contextual study and would incorporate architectural elements and materials found in the surrounding area. However, this does not overcome the harm that I have identified above.

13. Although the existing building at the appeal site is equivalent to two and a half storeys, as are other properties in the wider area that host loft conversions, this does not justify the proposed development that would be harmful to the character and appearance of the area.
14. Turning to the proposed dwellings fronting Parklands, these would be viewed in the context of a more compact pattern of development. I consider the layout and size of the dwellings would conform to the pattern and context of its area. I also observed the roof heights of developments within Parklands vary. Although the four dwellings would be taller than the existing two-storey semi-detached dwellings north of the appeal site the height would not be so clearly noticeable in the context of this streetscene and surrounding development.
15. The Council has raised concern in its Written Statement to other design aspects of the proposed scheme, though these matters are not specifically referred to in the Council's reason for refusal. Based upon the evidence before me, I have no substantive reason to conclude that the proposed layout and landscaping would not achieve a satisfactory living environment for future occupiers.
16. For the reasons set out above, I conclude that the proposed development would be harmful to the character and appearance of the area. As such, the proposed development would conflict with Policies DBE1, DBE2, DBE9 and CP2 of the Epping Forest District Local Plan 1998 and Alterations 2006 and the provisions of the Framework. These policies seek, amongst other matters, new buildings to respect their setting and to protect the quality of the built environment. The proposal would also conflict with paragraphs 124 and 127 of the Framework that seek the creation of high quality buildings that are sympathetic to local character and that maintain a strong sense of place.

Epping Forest SAC

17. Since the Council issued its decision a recent High Court Judgement has found that development having a negative impact on SACs will need to incorporate measures to either avoid or mitigate any potential adverse effects. In this case the Council has indicated that a financial contribution towards access management and monitoring of visitors to the Epping Forest SAC and an undertaking to assess the proposed development's impact upon air quality as a result of traffic generation are required. A letter from Natural England to the Council has been provided.
18. Notwithstanding this, had I considered the development acceptable in all other respects, I would have sought to explore the implications of the recent Court Judgement. However, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail.

Other Matters

19. I note that the Council is unable to demonstrate a five year housing land supply. Six dwellings would make a contribution to housing supply acknowledging the Framework's aim to boost significantly the supply of housing. The proposal would also make more efficient use of a previously developed windfall site within an established residential settlement. I also accept that a large portion of the District is covered by Green Belt, National Parks, Area of Outstanding Natural Beauty or Site of Special Scientific Interest's and this places a constraint upon the District's housing land supply.

Nonetheless, the contribution that six dwellings would make to the District's housing supply would be small.

20. The proposal would be situated close to local services, facilities, public transport and the scheme would provide cycle spaces to encourage sustainable methods of travel. I accept the proposal would create high quality family homes that would accord with National Technical Housing Standards, the Council's minimum amenity standards, the Essex Design Guide and Essex County Council highway requirements. Furthermore, the proposal would not harm the living conditions of existing adjoining occupiers. The new landscaping would improve biodiversity at the site and the development would not impact any protected trees, listed buildings or affect a conservation area.
21. Any social and economic benefits as well as other environmental merits of the proposed scheme would, however, not outweigh the environmental harm that I have identified to the character and appearance of the area or justify the proposed development.
22. The appellant has commented on a number of those conditions suggested by the Council, particularly those that relate to flood risk and the removal of permitted development rights. However, those conditions do not relate to matters that might obviate the harm that I have identified above in relation the character and appearance of the area.

Conclusion

23. For the reasons given above, and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR