

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 2nd October, 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, 2nd October, 2019
at 7.30 pm .**

**Georgina Blakemore
Chief Executive**

Democratic Officer **Services** Jackie Leither 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 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 4 September 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/0921/19 - 1-7 MARGARET ROAD, EPPING, ESSEX, CM16 5BP (Pages 15 - 24)

To consider the attached report.

10. PLANNING APPLICATION EPF/0922/19 - LAND ADJACENT TO 7 MARGARET ROAD (Pages 25 - 32)

To consider the attached report.

11. PLANNING APPLICATION EPF/1282/19 - 9 KENDAL AVENUE, EPPING, ESSEX, CM16 4PW (Pages 33 - 40)

To consider the attached report.

12. PLANNING APPLICATION EPF/1376/19 - 4A KENDAL AVENUE, EPPING, ESSEX, CM16 4PN (Pages 41 - 54)

To consider the attached report.

13. PLANNING APPLICATION EPF/1703/19 - ABRIDGE VILLAGE HALL, 39 ONGAR ROAD, ABRIDGE, LAMBOURNE, ESSEX, RM4 1 UU (Pages 55 - 62)

To consider the attached report.

14. 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:** 4 September 2019
East

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.32 pm
High Street, Epping

Members Present: P Keska (Chairman), B Rolfe (Vice-Chairman), P Bolton, 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

Other Councillors: None.

Apologies: N Bedford and H Brady

Officers Present: J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)), A Marx (Service Manager (Development Management)), V Messenger (Democratic Services Officer) and A Rose (Marketing & Digital Content Officer)

22. 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.

23. 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.

24. MINUTES

RESOLVED:

That the minutes of the meeting held on 7 August 2019 be taken as read and signed by the Chairman as a correct record subject to the following amendment and the inclusion of 'and applicant' below:

(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 and applicant. 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

25. DECLARATIONS OF INTEREST

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

- EPF/1111/19 – Wyldingtree, 66 The Plain, Epping

26. ANY OTHER BUSINESS

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

27. 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

28. SITE VISITS

It was noted that there were no formal site visits requested by members prior to the consideration and determination of the following applications.

29. PLANNING APPLICATION - EPF/1111/19 - WYLDINGTREE, 66 THE PLAIN, EPPING, ESSEX CM16 6TW

RESOLVED:

That this planning application be determined as set out in the schedule below.

APPLICATION No:	EPF/1111/19
SITE ADDRESS:	Wyldingtree 66 The Plain Epping Essex CM16 6TW
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Demolition of existing chalet bungalow and construction of 2 x pairs of semi-detached houses with associated parking and gardens.
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=623515

REFUSAL

- 1 The proposed development would see the loss of the chalet bungalow on the site. This is contrary to Policy H1(F) of the Epping Forest District Local Plan (Submissions Version) 2017.
- 2 The proposed new development would cause an unacceptable adverse impact on the character and appearance of the Plain as the design of two pairs of semidetached houses results in an excessively high, bulky and over dominant form of development which out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submissions Version) 2017.
- 3 The committee had very serious concerns that the loss of the bungalow was contrary to the SVLP policy which should be given very significant weight in the assessment of the case and additionally that size and scale of the development was excessive and that the design and appearance of the scheme was out of keeping in The Plain and that this could not, due to its location and built form, be considered to be a transition site between the properties to the north and those to the south.

30. PLANNING APPLICATION - EPF/1327/19 - 104 HIGH STREET, EPPING, ESSEX CM16 4AF**RESOLVED:**

That this planning application be determined as set out in the schedule below.

APPLICATION No:	EPF/1327/19
SITE ADDRESS:	104 High Street Epping Essex CM16 4AF
PARISH:	Epping
WARD:	Epping Hemnall
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.
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.

Granted as per recommendation subject to a Section 106 Legal Agreement for 1) financial contributions to mitigate the recreational pressure on the Epping Forest SAC & 2) financial contributions and mitigation actions in respect of harm to the Air Quality in the Epping Forest SAC.

31. PLANNING APPLICATION - EPF/1339/19 - 104 HIGH STREET, EPPING, ESSEX CM16 4AF

RESOLVED:

That this planning application be determined as set out in the schedule below.

APPLICATION No:	EPF/1339/19
SITE ADDRESS:	104 High Street Epping Essex CM16 4AF
PARISH:	Epping
WARD:	Epping Hemnall
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.

32. PROBITY IN PLANNING - APPEAL DECISIONS, 1ST OCTOBER 2018 TO 31ST MARCH 2019

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions, 1 October 2018 to 31 March 2019.

In compliance with the recommendation of the District Auditor, the report advised the Sub-Committee of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).

The purpose was to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal was found to be unsupportable on planning grounds, an award of costs might be made against the Council.

Over the six-month period between 1 October 2018 and 31 March 2019, the Council received 53 decisions on appeals (46 of which were planning related appeals, and the other 7 were enforcement related).

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.

Out of the planning appeals that arose from decisions of the Area Planning Sub-Committee East to refuse contrary to the recommendation put to them by officers during the 6-month period, 1 appeal was allowed against decisions made and 8 were dismissed.

Performance in defending planning application related appeals was reasonable at 21%, meaning of course the Council was successful in defending its decisions in 79% of cases. Whilst there was no national comparison of authority performance, Members and Officers were reminded that in refusing planning permission there needed 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 was more important now than ever given a Planning Inspector or the Secretary of State could award costs, even if neither side had made an application for them.

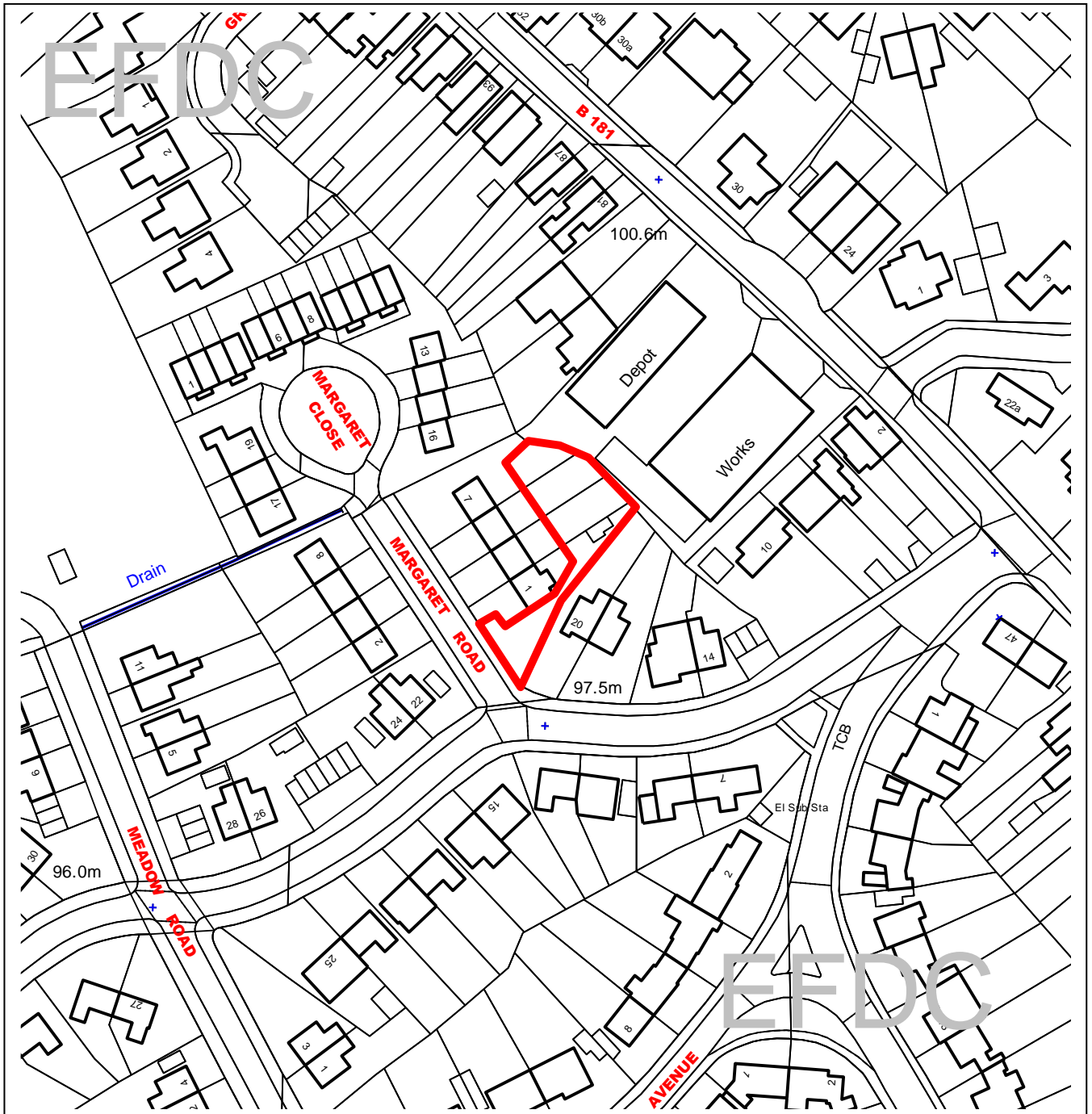
RESOLVED:

That the probity in Planning report covering the period 1 October 2018 to 31 March 2019 be noted.

CHAIRMAN



Epping Forest District Council



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Application Number:	EPF/0921/19
Site Name:	1-7 Margaret Road Epping Essex CM16 5BP
Scale of Plot:	1:1250

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APPLICATION No:	EPF/0921/19
SITE ADDRESS:	1-7 Margaret Road Epping Essex CM16 5BP
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	OBO Epping Theydon Trust Ltd
DESCRIPTION OF PROPOSAL:	Proposed x 2 no. new dwellings to land rear of 1-7 Margaret Road.
RECOMMENDED 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=622715

REASON FOR REFUSAL

- 1 The proposals represent overdevelopment of the site resulting in a cramped appearance in this backland of nos. 1 to 7 Margret Road, which would be out of keeping and character with the locality and the surrounding area, contrary to National Planning Policy Framework 2019, Policies CP2 and DBE1 of the Adopted Local Plan 2008 and policy DM 9 of the Local Plan Submission Version 2017.
- 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. As such, the proposed development is contrary to policy CP1 (i), 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.
- 3 The proposal would result in an unacceptable loss of amenity and be overbearing to the occupants of neighbouring residential properties that adjoin the site, by reason of increase activity in this former rear garden area and its position next to their short depth rear gardens of 1-7 Margaret Road as well as unacceptably overlook towards the rear garden of 20 Shaftesbury Road, contrary to the National Planning Policy Framework 2019 , Policies DBE2 and DBE9 of the Adopted Local Plan 2008 and policy DM 9 of the Local Plan Submission Version 2017.

This application is before this Committee since it has been 'called in' by Councillor Chris Whitbread (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Site and Surroundings

The site comprises land that form part of the rear gardens of properties 1- 7 (odd) Margaret Road and part of the side and front garden of no.1 Margaret Road. It borders the flank side of the rear garden of no.20 Beaconsfield Road to the east, work shops to the north-east on Lindsey Street. This side of Margaret Road comprises a row of bungalows of which the rear gardens will form the application site. A steep embankment rises up to the north-eastern boundary of the site.

The site is not within a Conservation Area, not a listed building and is not within the Metropolitan Green Belt.

Proposal

The proposal is for 2 no. semi-detached bungalows, behind and at right angles to the current bungalows. They will be 6.2metres wide, 8metres deep and 5metres in height to the top ridge level and 2.4metres at the eaves with a hipped roof design. Each will be 50 sq. metres in footprint. There is provision of 3 car parking spaces in the entrance in to the site fronting Margaret Road, situated adjacent to No1 Margaret Road's front garden.

Relevant Planning History:

EPF/0922/19 - Proposed new dwelling to land adjacent to no.7 Margaret Road. This is still to be determined and also on this committee agenda.

(EPF/1886/13) No.8 Margaret Road. Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing. (Revised application) Granted permission with conditions on 11/11/2013.

Development Plan Context

Local Plan (1998) and Alterations (2006).

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
NC1	SPAs, SACs and SSSIs
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development

DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework (NPPF) (February 2019)

The NPPF 2019 is a material consideration in determining planning applications. The National Planning Policy Framework (NPPF) 2019 section 2, advocates 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.

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

Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131

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

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

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

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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 appointed Inspector has provided advice to the Council. This advice is given without prejudice to the Inspector's final conclusions.

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	Some
H1 Housing Mix and Accommodation Types	Some
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
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination.	Significant
DM22 Air Quality	Significant

Summary of Representations

Number of neighbours Consulted: 14. 6 Objection responses received and summarised below.

Site notice posted: Not Required

Neighbouring occupiers in 3 and 16 MARGARET ROAD, 16 and 20 SHAFTESBURY ROAD and 73-75 LINDSEY SREET

– Objections – Summarised as:

- Design and Siting,
- Harmful Impact on the area
- Impact on the residential Amenity, Landscaping
- Impact on Local Parking situation
- The proposed bungalows would be very imposing and prominently overlook the adjoining gardens at the rear Shaftesbury Road (14-20).
- Poor design, unsympathetic to the existing semi-detached houses, especially in terms of its location along the mutual boundary, the overall sheer scale, proportions and orientation of the dwellings.
- Would have a harmful impact on the row of semi-detached houses to the rear of Shaftesbury Road and the current occupiers of 1-7 Margaret Road.
- The location, physical presence of the proposed bungalows would be extremely overbearing, the proposed development would have a significant effect on the residential amenity in respect of overshadowing and domination.
- Unacceptable sense of enclosure, especially given the shape and size of

- No.20 Shaftesbury Road rear garden and the orientation of the proposed dwellings
- Although the properties along Margaret Road are bungalows; the pattern of the proposed dwellings will not fit in with the scale of surrounding properties as the proposed dwellings would directly face the rear of the semi-detached houses on Shaftesbury Road, importantly 20 Shaftesbury Road being a 3-storey house.
- Access to the rear of Margaret Road would be extremely limited.
- The form, size and character of the proposed adjoining development is on an unacceptable sized plot as there is insufficient space between old and new buildings to maintain the amenity and privacy of adjoining houses.
- **Overlooking & Loss of Privacy** (front windows and door on the proposed plan will face no.20 Shaftesbury Road property rear elevation and rear garden where they have 4 high occupancy habitable rooms windows)
- The proximity of the bungalows to common western side common boundary with no.20 Shaftesbury Road will cause a serious invasion of loss of privacy and amenity.
- No set back from the 45-degree angle with the rear windows at 20 Shaftesbury Road.
- Proposed dwelling from the left elevation would be 6m from common side rear boundary and on the right elevation just 3m from the rear garden.
- **Loss of daylight & Sunlight**
- **Overdevelopment** - another additional dwelling on the land adjacent to no 7 Margaret Road, allows very little space for landscaping and we believe that it would lead to gross over-development of the site. The proposed dwellings would significantly alter the fabric of the area and amount to serious 'cramming' in.
- Highway safety; and
- Noise and nuisance.

EPPING TOWN COUNCIL – OBJECT STRONGLY for the following reasons:

1. Both submitted plans have been design based on erroneous boundary lines. Both proposals infringe the boundary with nos. 73- 75 Lindsey Street by a considerable margin. This infringement is a matter that will have to be resolved through the Courts.
2. Due to the topographical layout of the land abutting and below no's 73 – 75 Lindsey Street the proposed property will inevitably be subject to drainage problems.
3. The potential drainage problem has been exacerbated by the illegal removal of the trees protected under the constraints of TPO ENF/16/95/T1 This includes 1 Oak tree and 2 Ash
4. The two applications stated that there are no trees on the site. This is incorrect because they illegally cut down the trees on the site.
5. The construction of the properties has the potential to affect negatively the ability of the tenants of 73 – 75 Lindsey Street in conducting his business.
6. EDFC has commented that no's 73 – 75 Lindsey Street is a property that the Council is interested in developing Therefore the construction of Social Dwellings this close to the Lindsey Street property will certainly inhibit the ability to develop the site.
7. No consideration appears to have been given to the historical nature of the proposed site which will almost certainly be environmentally contaminated
8. The boundaries of the proposed dwelling houses are not correct, they infringe on the Lindsey Street property and the sighting and subsequent logistics (access etc) of the dwelling does not make any sense and the veracity of Theydon Trusts has to be questioned in light of their illegal actions in clearing the Trees and subsequent semantics in justifying the construction of the dwellings.

Planning Considerations

The main issues for consideration in this case are:

- a) The principle of residential development;
- b) Highway safety and parking provision;
- c) Design;
- d) The impact to the living conditions of neighbours;
- e) The impact on the Epping Forest Special Area of Conservation.

Principle

The proposal is to build a pair of bungalows in the rear gardens of 4 existing properties. The National Planning Policy Framework (NPPF) does not define gardens in built up areas as previously developed land. However, the proposal needs to be considered on its own planning merits and conformity to the Adopted and Submission Version Local Plan.

This is clearly a back-land development as the site forms part of the rear gardens of no's 1 – 7 Margaret Road and has no direct road frontage. It is considered that the proposed development of 2 new dwellings in this location would result in a cramped overdevelopment on this site. The rear of proposed no.11, would have a small, irregular rear garden, with at least half of it banked, leaving only a small useable area for useable amenity space. It would therefore be out of keeping and harm the character of the locality, contrary to policies DBE1 and DBE2 of the Adopted Local Plan and policy DM 9 of the Local Plan Submission Version 2017.

Highway Safety and Parking Provision:

There is space to park two to three cars on the drive fronting Margaret Road and with suggested suitable conditions from the ECC Highways officer relating to the vehicular access point, there will be no detrimental impact on highway safety.

Design

The design of the bungalows reflects the design of other bungalows along Margaret Road residential properties in the locality and will incorporate sustainable sources of energy and materials.

Living Conditions of Neighbours:

The siting of the two bungalows will be too close to the rear gardens of the adjacent properties, particularly as proposed no.9 will be just beyond the end of the short rear gardens of existing nos. 3 and 5 Margaret Road, such that they will appear obtrusive and overbearing to the detriment of these occupier's outlook.

The proposals are also very close to the rear gardens of nos. 1 and 7 Margaret Road and again, because these neighbours will have retained short rear gardens, the introduction of two residential properties with front and rear gardens located so close, would result in unacceptable loss of privacy through increased activity associated with higher levels of use and activity.

The front of the proposed two bungalows and pedestrian access will be all the way along the side of 20 Beaconsfield Road. Again, because of the proximity to this neighbour, there will be unacceptable loss of amenity from greater activity associated with the use of the proposed two bungalows and potential loss of privacy through overlooking. It would therefore

be contrary to policy DBE2 and DBE9 of the Adopted Local Plan and policy DM 9 of the Local Plan Submission Version 2017.

Impact on the Epping Forest SAC

The proposal results in an additional dwelling within the District, the submitted documents do not make provision for improvements to access to Epping Forest or to air quality and therefore on this basis the application is contrary to policy CP1 (i) and NC1 of the Adopted Local Plan and Policy DM2 and DM33 of the Submission version.

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 of Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such the proposed development is contrary to Policy CP1 and CP6 of the Epping Forest Local Plan, Policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

In the absence of a completed Section 106 planning obligation the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation is contrary to Policies CP1 CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version (2017) and the requirements of the Habitats Regulations 2017.

Conclusions

The proposed bungalows, by reason of its inappropriateness in its siting, proximity to the existing rear gardens of the neighbouring properties, would result in a material harm to the living conditions of the neighbouring occupiers of the adjacent properties and would result in an inappropriate cramped overdevelopment development in this back-land site contrary to the NPPF 2019 and relevant policies in the Adopted Epping District Council Local Plan and Alterations (2006).

For the reasons set out above, it is recommended that planning permission be refused.

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:

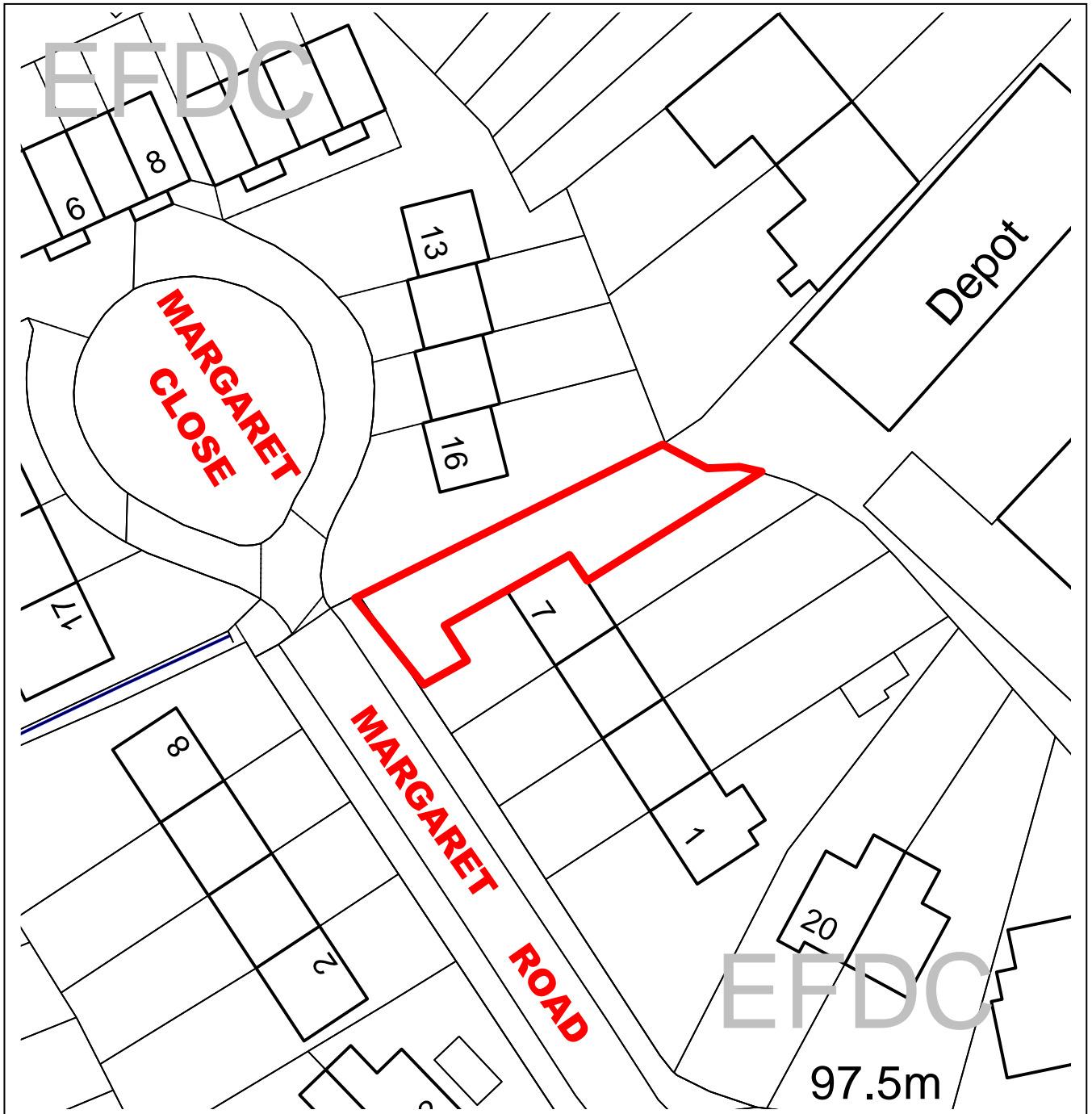
***Planning Application Case Officer: Francis Saayeng
Direct Line Telephone Number: 01992 564161***

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

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Epping Forest District Council



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Application Number:	EPF/0922/19
Site Name:	Land adjacent to 7 Margaret Road Epping Essex CM16 5BP
Scale of Plot:	1:500

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APPLICATION No:	EPF/0922/19
SITE ADDRESS:	Land adjacent to 7 Margaret Road Epping Essex CM16 5BP
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	OBO Epping Theydon Trust Ltd
DESCRIPTION OF PROPOSAL:	Proposed new dwelling to land adjacent to no.7 Margaret Road.
RECOMMENDED 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=622716

REASON FOR REFUSAL

- 1 The proposals will result in a cramped form of development, out of keeping with the adjacent residential properties and detrimental to the street scene in this locality, contrary to NPPF 2019, Policies CP3, DBE1 and DBE2 of the adopted Local Plan 2008 and DM 9 of the Local Plan Submitted Version 2017.
- 2 The proposal by reason of its size and siting would be visually overbearing and also result in an unacceptable loss of light which would be detrimental to the occupants of 16 Margaret Close, contrary to policies DBE2 and DBE9 of the Adopted Local Plan and policy DM 9 of the Local Plan Submission Version 2017.
- 3 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. As such, the proposed development is contrary to policy CP1 (i), 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.

This application is before this Committee since it has been 'called in' by Councillor Chris Whitbread (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Site and Surroundings

The site is roughly rectangular shaped and covers an area of approximately 0.07 hectares. The site was the former side garden of no.7, the house and garden of which is to the immediate southwest. Immediately north-west of the application site, is no.16 Margaret

Close, which slopes up from the front to the rear and there is a different level between 16 Margaret Close and the proposal site. A timber fence is present at both side common boundaries and at the end of the plot, to the north east is a car repair garage. The site is not within a Conservation Area, not a listed building and is not within the Metropolitan Green Belt.

Proposal

The proposal is for a single storey new dwelling to land between no.7 Margaret Road and no. 16 Margaret Close. The proposed dwelling with external footprint, measures 10 metres deep, 4.65metres wide and 5.3metres in height with a pitched hipped roof finish.

The plans show parking for a single car in the front garden.

Relevant Planning History:

No relevant existing Planning History on this site. However, there is a current application submission EPF/0921/19 - Proposed x 2 no. new dwellings to land rear of 1-7 Margaret Road, elsewhere on this agenda.

Development Plan Context

Local Plan (1998) and Alterations (2006):

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 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
NC1	SPAs, SACs and SSSIs
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework (NPPF) (February 2019).

The NPPF 2019 is a material consideration in determining planning applications. The National Planning Policy Framework (NPPF)2019 section 2, advocates 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.

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

Paragraph 124
 Paragraph 127
 Paragraph 130
 Paragraph 131

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications. Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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 appointed Inspector has provided advice to the Council. This advice is given without prejudice to the Inspector’s final conclusions.

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	Some
H1 Housing Mix and Accommodation Types	Some
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
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination.	Significant
DM22 Air Quality	Significant

Summary of Representations

Number of neighbours Consulted: 14. Four Objection response received
Site notice posted: Not Required

Objections from the following: PARIS HALL, HASTINGWOOD, 73 LINDSEY STREET, EPPING, 16 MARGARET CLOSE, EPPING, summarised as follows:

- Harmful Impact on the area
- Harmful impact on Local Parking situation
- The proposed bungalow would be very imposing and prominently overlook the adjoining rear gardens of No 7 Margaret and 16 Margaret Close.
- Poor design, unsympathetic to the existing bungalows, especially in terms of its location along the common boundaries, the overall sheer scale, proportions and orientation of the dwelling.
- Would have a harmful impact on number 7 Margaret Road and 16 Margaret Close.
- The location, physical presence of the proposed bungalow would be extremely overbearing, the proposed development would have a significant effect on the residential amenity in respect of overshadowing and domination.
- Although the properties along Margaret Road are bungalows; the pattern of the proposed dwelling will not fit in with the scale of surrounding properties as the proposed dwelling would directly face the rear of no.16 Margaret Close and deeper than the rear garden of no. 7 Margaret Road
- Access to the rear of Margaret Road would be extremely limited.
- The form, size and character of the proposed adjoining development is on an unacceptable sized plot as there is insufficient space between old and new buildings to maintain the amenity and privacy of adjoining houses.
- Overlooking & Loss of Privacy (side bedroom window on the proposed plan will face no.16 Margaret Close side and rear garden.
- The proximity of the bungalow to common southern and northern side common boundaries with no. 7 Margaret Road and 16 Margaret Close
- Proposed dwelling from the left elevation would be only 0.02m – 0.8metres set back from common side /rear boundary and attached to no.7 Margaret Road.

- Overdevelopment - another additional dwelling on the land adjacent to no 7 Margaret Road and 16 Margaret Close, allows very little space for landscaping and we believe that it would lead to gross over-development of the site. The proposed dwellings would significantly alter the fabric of the area and amount to serious 'cramming' in.
- Erroneous boundary lines
- Topography creates drainage issues, exacerbated by the removal of trees
- Highway safety; and
- Noise and nuisance.

EPPING TOWN COUNCIL – OBJECT to this Application on the 9 July 2019 for the following reasons:

If the application is approved, the provision of an additional bungalow would it would exacerbate the issues detailed in EPF/0922/19. Committee are extremely supportive of this type of housing and would request the applicant rethinks the layout of the proposal to respect neighbour concerns. Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

Planning Considerations

The main issues for consideration in this case are:

- a) The principle of residential development;
- b) Sitting and Location
- c) Highway safety and parking provision;
- d) The impact on the character and appearance of the locality;
- e) The impact to the living conditions of neighbours;
- f) Residential amenity for future occupiers;
- g) The impact on the Epping Forest Special Area of Conservation.

Principle

The proposal is for a residential development on a site in a residential built up area. It is part of the side garden area of no.7 Margaret Road. The character of the immediate area is one of bungalows and in terms of its design and height alone, the proposal will not be out of keeping. However, this would be at the end of a run of 4 bungalows of the same appearance, whereas the proposal will be noticeably narrower at a width of 4.5m, compared with the 7 metres of each of the bungalows at nos. 1 – 7 (odd). It will also be built virtually up to the flank boundary of the site to no. 16 Margaret Close, such that it will appear too cramped in the street scene. It will therefore be contrary to policies DBE1 and 2 of the Adopted Local Plan 2008 and DM 9 of the Local Plan Submission Version 2017.

Highway Safety and Parking Provision

There is sufficient space to park 2 cars on the drive and the ECC highways officer has recommended conditions relating to the vehicular access point, to ensure that there is no detrimental impact to highway safety.

Impact on the Living Conditions of Neighbours:

The main impact of the proposal will be on 16 Margaret Close located immediately north of the application site. Whereas that neighbouring bungalow is set off the shared side boundary of the site, the proposal will be deep, 10m in length, which is 3m deeper than the current

bungalow (7 Margaret Road) to which it will physically be joined. Whereas this is no too unreasonable an impact on no. 7, it will be quite extensive along the side boundary to 16 Margaret Close, causing them to suffer some loss of light and have an overbearing impact on their property in amenity terms. It therefore would be contrary to policies DBE2, DBE9 of the Adopted Local Plan and policy DM 9 of the Local Plan Submission Version.

Residential Amenity of Future Occupiers

The proposal would have sufficient internal living space, and amenity space for future occupiers, in accordance with emerging policy DM10 of the LPSV 2017.

Impact on the Epping Forest SAC

The proposal results in an additional dwelling within the District, the submitted documents do not make provision for improvements to access to Epping Forest or to air quality and therefore on this basis the application is contrary to policy CP1 (i) and NC1 of the Adopted Local Plan and Policy DM2 and DM33 of the Submission version.

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 of Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such the proposed development is contrary to Policy CP1 and CP6 of the Epping Forest Local Plan, Policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

In the absence of a completed Section 106 planning obligation the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation is contrary to Policies CP1 CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version (2017) and the requirements of the Habitats Regulations 2017.

Conclusions

The proposed bungalow, by reason of its siting up to the side site boundary and narrow frontage compared with the rest of the uniform sized bungalows in this terrace, would be harmful to the character and appearance of the street scene. Furthermore, because of its length from front to rear and position close to the side boundary, it will be harmful to the amenities of the occupants of 16 Margaret Close. It will therefore be contrary to contrary to the NPPF 2019 and relevant policies in the Adopted Epping District Council Local Plan and Alterations (2006).

For the reasons set out above, it is recommended that planning permission be refused.

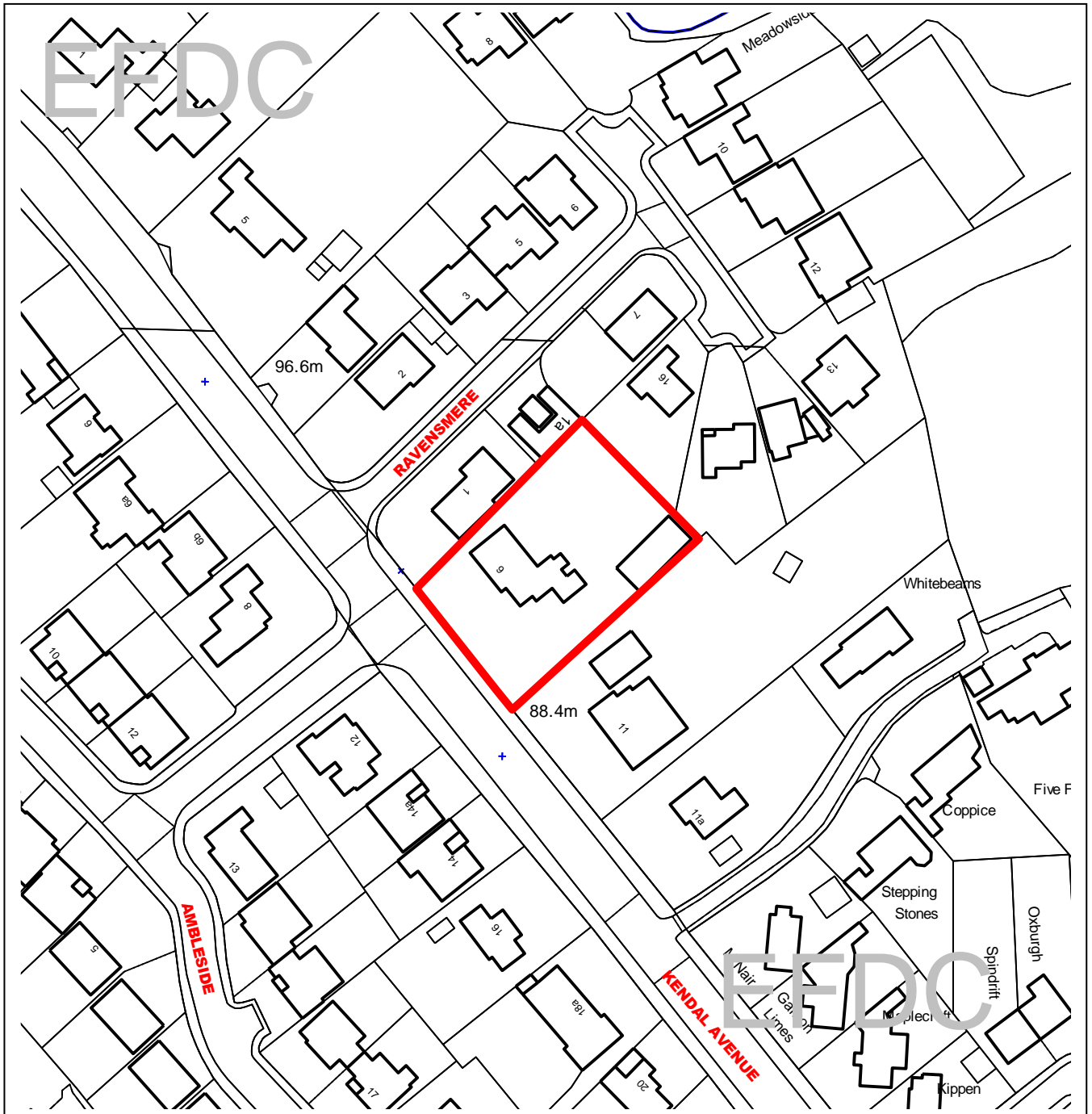
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Francis 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/1282/19
Site Name:	9 Kendal Avenue Epping Essex CM16 4PW
Scale of Plot:	1:1250

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APPLICATION No:	EPF/1282/19
SITE ADDRESS:	9 Kendal Avenue Epping Essex CM16 4PW
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr J Jennings
DESCRIPTION OF PROPOSAL:	Retrospective swimming pool enclosure building in rear garden (As Amendment to EPF/1221/16)
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=624194

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers: 16007_015A; 16007_016A; Site Location Plan
- 2 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.

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

Description of Site:

No. 9 is a large 2-storey detached dwellinghouse located to the northeast of Kendal Avenue which is residential in character. The property has a rear/side garage and swimming pool that has been enclosed with a flat roof white stone extension which is attached to the garage which has been converted into living accommodation.

The properties in Kendal Avenue comprise of predominantly large detached dwellings, with their own individual character and where the road falls to the southeast.

Description of Proposal:

Planning permission was approved in 2016 Ref: EPF/1221/16 for the enclosure of the swimming pool measuring a width of 5.5m, a depth of 20m at a height of 3m involving the conversion of the garage into a gymnasium and changing rooms.

The swimming pool enclosure has been built with an additional 0.35m high parapet to the front and north elevation with a front section of the south elevation.

Relevant History:

EPF/1221/16 - Proposed 3 - storey side extension incorporating a rear roof terrace, enclosure of swimming pool and conversion of existing garage into a gymnasium and changing rooms with steps up to rear garden terrace area. - Approved 14/07/2016

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) and Alterations (2006)

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).

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 - Quality of Rural and Built Environment
RP5a - Environment Impacts
DBE1 - Design of New Building
DBE2 - Impact on Neighbouring Properties
DBE3 - Design in Urban Areas
DBE9 - Loss of Amenity
DBE10 - Residential Extensions

National Planning Policy Framework (NPPF) (February 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.

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

Paragraph 124 - 131

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

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

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

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

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

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
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received

EPPING TOWN COUNCIL: OBJECTION

- Over development of the site
- Detrimental effect on the street scene given the proximity of the Green Belt
- Disregard for the planning system

5 adjoining neighbours were notified on the 01/05/2019 and no representations have been received.

Assessment:

The main issues for considerations for consideration is:

- The planning history of the site
- Design and siting of the development in relation to the character and appearance of the property and the surrounding area.
- The amenities of the adjoining properties.

Design and Visual Amenity:

Epping Forest Local Plan policies DBE3 and DBE10 seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design within the context and character of the surrounding area.

Kendal Road comprises of predominantly large dwellings with their own individual design and character. No. 9 is one of the widest properties in Kendal Road set in a wide plot. The swimming pool enclosure forms the depth of the rear garden but given the width of the plot and the limited overall height of the swimming pool enclosure it not considered as being disproportionate. In addition, the slope of the land, siting and dense, mature high trees and shrubs surrounding the rear garden act as a screen that obscures any visibility of the enclosure from any adjoining property or public viewpoints. As such, the alterations are minor in form to the approved development and considered of an appropriate design and scale that is in keeping with the character and appearance of the dwellinghouse that respects the neighbouring dwellings and pattern of development in the surrounding area subject to the 'Permitted Development' condition being attached to any approval.

Impact on Neighbouring Amenity:

The alterations to the approved development front onto the rear of the main dwellinghouse and the existing garden and in terms of amenity, the siting and separation distance of the development in relation to the adjoining properties is such that it is not considered that it would result in any significant amenity implications in the form of a loss of light, outlook or overlooking impact presently enjoyed by the occupiers of the adjoining properties. Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the Local Plan.

Epping Town Councils comments are noted; however, the development has already been granted planning permission and the alterations are relatively minor, appropriate in design and form that is not visible from the highway or any adjoining properties and as such there is no justification to refuse the application.

Land Drainage

The Land Drainage Team consider that the principle of the development is acceptable Subject to a condition requiring details of surface water disposal. The condition is considered reasonable and necessary.

Conclusion:

In summary, it is considered that the development as built is of an appropriate design, scale and form that is not harmful and which would respect the character and appearance of the property and the surrounding area and complies with the relevant policies as set out above. In the light of the above considerations it is recommended that planning permission is Approved.

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:

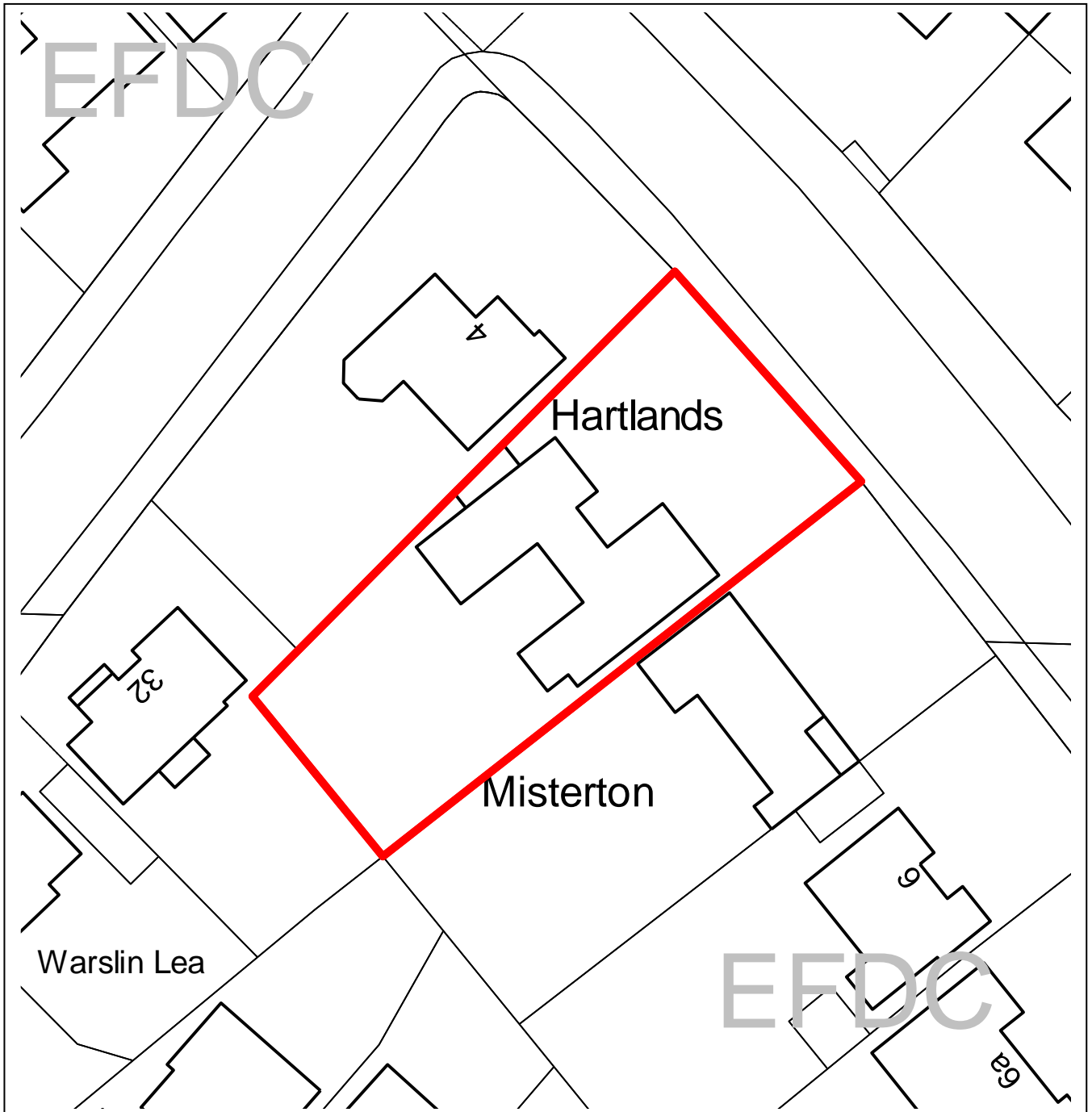
***Planning Application Case Officer: Caroline Brown
Direct Line Telephone Number: 01992 564182***

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

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Application Number:	EPF/1376/19
Site Name:	4A Kendal Avenue Epping Essex CM16 4PN
Scale of Plot:	1:500

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APPLICATION No:	EPF/1376/19
SITE ADDRESS:	4A Kendal Avenue Epping Essex CM16 4PN
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Pathtown Ltd
DESCRIPTION OF PROPOSAL:	New build consisting of 2, 4 bedroom homes
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=624581

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:
 - 292-EX-01 Existing Ground floor Plan;
 - 292-EX-02 Existing Elevations
 - 292-PL-01 Site and Location Plan;
 - 292-PL-02 Proposed Ground Floor Plan
 - 292-PL-03 Proposed First Floor Plan,
 - 292-PL-04 Proposed Second Floor Plan
 - 292-PL-05 Proposed Roof Plan
 - 292-PL-06 Proposed Elevations
 - 292-PL-07 Existing and Proposed Street Plan

Supporting Information
Abor cultural Report
Tree Protection Plan
Phase 1 Geo-Environmental Desk Study Report
CA/4AKA/01 Rev
- 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 window opening(s) in the north and south first floor flank elevation(s) 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 first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Reason:- To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A and B of Part 1 Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 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 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.
- 12 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and more than 4 objections material to the planning merits of the proposal to be approved have been received. (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

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

Description of Site:

No. 4a comprises of a single and two storeys detached dwellinghouse set in a large curtilage to the west of Kendal Avenue which is residential in character defined by predominantly detached houses that vary in design, size and spacing with some benefiting from larger

separation distances than others which are well set back from the highway. The site is within an urban area which is outside of a conservation area and is not listed.

Ground levels around the site rise to the northwest and fall to the southeast. The Lime and Sycamore Trees sited to the front of the site are protected by Tree Preservation Orders

Description of Proposal:

Permission is sought for the demolition of the existing dwellinghouse and erection of 2- 2, storey 4 - bed semi -detached dwellings measuring a width of 15.5m, a depth of 9.8m and a height of 10m, set in between 2.9 - 3.2m and 1.6m -3.5m towards the rear from each side boundary with 4.8m deep single storey flat roof rear additions at a height of 3.2m.

Relevant History:

EPF/1401/17 – Demolition of the existing dwellinghouse and the erection of 5 flats with a car lift leading to an underground carpark and bin/cycle storage facilities -
Refused - 07/12.2017

'The development due to its excessive height, bulk, scale and density amounts to overdevelopment of the site, out of keeping with and harmful to the character and visual amenity of the area and the street scene, contrary to policies CP7 and DBE1 of the adopted Local Plan and Alterations'.

'The introduction of a car lift in close proximity to the adjacent residential property will result in noise and disturbance to the residents of that property, resulting in excessive harm to residential amenity contrary to policy DBE9 of the adopted Local Plan and Alterations'.

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) and Alterations (2006)

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).

- CP1: Achieving Sustainable Development Objectives
- CP2: Protecting the Quality of the Rural and Built Environment
- CP3: New Development
- CP6: Achieving sustainable urban development patterns
- CP7: Urban Form and Quality

DBE1: New Buildings
DBE2: Effect on neighbouring properties
DBE8: Private amenity space
DBE9: Neighbouring residential amenity
LL10: Adequacy of provision for landscape retention
LL11 Landscaping schemes
ST1: Location of development
ST2: Accessibility of Development
ST4: Road safety
ST6: Parking provision
H2A: Previously developed land
H4A: Dwelling Mix
H3A Housing Density

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.

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

Paragraph 102 - 111
Paragraph 117- 121
Paragraph 124 - 132

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

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

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

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

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

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
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue	Significant
H1 Housing mix and accommodation types	Significant
H2 Affordable Housing	Significant
H3A Housing Density	Significant
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 On site management of waste water and water supply	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 Local environmental impacts, pollution and land Contamination	Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

EPPING TOWN COUNCIL: OBJECT

Whilst Committee notes that revisions but they have not addressed Committees previous concerns. The proposal is still over development of the site in terms of bulk, scale and density which is too high for this location. The bulk would be over bearing and have an overly dominant effect on the street scene.

The area has many large family homes, which is characteristic of this area of Epping and the loss would be detrimental to the character of the surrounding area, particularly the carefully styled properties in Kendal Avenue. The design of these two semi detached house developments is not in keeping with the street scene. A mix of dwelling types is required and removing large, family homes does not contribute to this objective.

The proposal due to its over bearing, bulk and design will result in the loss of amenity for neighbouring properties in terms of overlooking, overshadowing and visual impact.

Committee also note there are no Tree Protection Order details for any of the trees that are proposed to be felled or adequate explanations for the provision of landscape retention. There would be an impact on the frontage of the property and impact on the street scene. Relevant policies: CP2, CP6, CP7, DBE1, DBE2, DBE9, H3A, H4A, LL10, ST4, ST6. NPPF Paras 17 Emerging Local Plan H1A (ii) and (iii), DM9

Number of neighbours consulted: 52

6A KENDAL AVENUE- OBJECTION - Welcome new application but concerned that if approved that the applicant would resubmit the previous application as what happened at no, 3 Kendal Avenue. The development will generate additional traffic and safety.

The area has many trees with large roots which will be adversely affected by such excavation works.

The impact on neighbouring properties during the course of such a major excavation will be considerable, with several hundred cubic metres of soil needing removal. The environmental impact of soil removal on this scale will be considerable.

The impact of large lorries undertaking soil removal will cause further traffic issues in Kendal Ave. The junction of Kendal Ave /Hartland Rd already suffers many accidents and congestion. The increased density will have a major knock on effect in terms of traffic, parking and increased emissions. Traffic and parking in Kendal Ave is already an issue without the addition of a further five properties, which is likely to generate an additional 10 vehicles for parking and access to an already busy road.

88 THEYDON AVENUE - OBJECTION

Isn't this the second type of application with the previous one being flats??? How many more? Why can't the owners simply sell up and move rather than choose to chip another piece away of this lovely street for their own profit? Allowing this to go ahead will be a further show of weakness by Epping council. There really will be nothing left of the heritage and tradition.

I assume all of these additional properties you are permitting are being used to reduce the extreme number of new builds being considered under the local plan. That is the only possible justification rather than allowing those keen to exit the town get rich quick.

32 HARTLAND ROAD – OBJECTION

1. The increased density proposed would add further danger to traffic flows in this already dangerous area, so near to the corner with Hartland Road, as well as increase pollution.
2. The environment on this side of Kendall Avenue is already very dense and completely different to the other side where some development has been allowed directly opposite 4A. That development is not a precedent for this application.
3. The increased height will deny natural light into neighbouring properties.
4. The site drawings are inaccurate at the rear and the tree information is incomplete. The addition of two new trees at the rear would create further blight in my garden, which is already deprived of sunlight from trees and bushes on this site, which are too dense and not properly maintained.
5. The applicant and its ultimate parent company both have negative current net worth and therefore have insufficient funds to carry out this application without new capital or the sale of other assets.
6. The description of the development type as 'alteration or extension' is misleading. This is a proposal for a completely new development that would change the character of the area and should be described as such.

8 AMBELSIDE – OBJECTION

Development too high and will encroach in neighbours to the rear. Overdevelopment and loss of one family home. The plans say current parking for 4 cars. There is far more parking than that. Insufficient parking provision for 2 semis. The plans don't have all trees marked to rear which is misleading and plans need amending to reflect this.

6 GREEN TREES – OBJECTION

This building will be detrimental to the street scene and general character of the area; this part of Kendal Avenue is comprised of large detached houses set in mature gardens. There are no semi-detached properties visible from the street – the only two such properties are hidden from view to the rear of number three.

The proposed elevations are not in keeping with the current street scene and the proposal represents a vast over development of the site in bulk, scale and density – high density housing is not a feature of this part of Epping. The remaining amenity space will be extremely limited for two four-bedroom properties and the type of families they are aimed at.

There will be loss of amenity to immediate neighbours with overlooking into properties and gardens.

The site houses many mature trees and hedges, only three trees to the front appear to be protected by TPOs. The plan suggests removal of several mature trees to allow access to build and no mention is made regarding the beech hedge to the front and conifer hedges to the rear which all provide privacy for this property and its neighbours.

Whatever development occurs on this site we trust the TPO protection will be fully enforced; we are aware that some developers remove such trees and pay the fine imposed thus leaving the neighbourhood without its mature trees and the developers having their way for a relatively small cost.

We consider the application contravenes the following:

CP2 - PROTECTING THE QUALITY OF THE RURAL AND BUILT ENVIRONMENT
CP7 - URBAN FORM AND QUALITY
DBE1- DESIGN OF NEW BUILDINGS
DBE2- EFFECT ON NEIGHBOURING PROPERTIES
DBE9- LOSS OF AMENITY
ST6- VEHICLE PARKING
H3A - HOUSING DENSITY
H4A - DWELLING MIX

We hope you will support the views of local residents and refuse this application.

5 GREEN TREES - NO OBJECTION

The proposed planning application is an overdevelopment and would change the look of the street. There are concerns over the trees to the front of the property. Epping Town Council have rejected the application and so should Epping Forest District Council. We strongly reject the proposed plans.

2 RAVENSMERE EPPING – OBJECTION

Kendal Avenue is one of the most prestigious streets in Epping with beautiful large houses on large plots. Attempting to squash two 4-bedroom luxury homes on a single plot will spoil the area with high density accommodation. Not to mention the additional parking and traffic congestion.

Main Issues and Considerations:

- The principle of the development;
- Impact on the character and appearance of the site and surrounding area.
- Impact on the amenity of surrounding residents;
- Form of Accommodation;
- Impact on existing trees and
- Provision of parking and highway safety.

Principle of Development

In terms of planning policy, 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) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the efficient and effective use of land close to town centres by re-using land that has been previously developed provided that it is not of high environmental value.

The application site is located within an existing residential area where accessibility is good and the infrastructure in the vicinity has been developed so there are services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable in terms of criteria set out in Policies DBE1 and DBE3 subject to an assessment of the scheme against policies and the parameters governing residential development.

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable

settlements outside of the Green Belt is generally considered to be appropriate, subject to all other parameters.

Design, Character and Appearance

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Chapter 12 of the NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Paragraph 130 requires that decisions should ensure that development will add to the overall quality of the area as well as respond to the local character, history and reflect the identify of local surroundings.

Epping Forest Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design.

Kendal Avenue is principally made up of two storey detached dwellings that vary in design, width and form. The contemporary and traditional design and appearance of the proposed development is of significant merit and of a size, width and depth that would respect and harmonise with the adjoining properties, featuring front gables which give the appearance of a single dwelling.

The reduced bulk and roof form of the development with front, side and rear main building lines that are well set in from the side boundaries results in a less harmful, softer and more integral form of family accommodation than the previous application. The size and alignment of the windows are in proportion with the amount of brickwork with the use of red brick materials and slate roof tiles with stone coping detail and conservation style roof windows complements the street scene.

In terms of its design and form the development is more sympathetic and comparable in context with the spatial design and pattern of development in the surrounding and complies satisfactorily with the Local Plan that seeks to ensure that development meets the requirements of Chapter 12 of the NPPF and policy CP2 and DBE1 of the Local Plan.

Neighbouring Amenity and the form of Accommodation.

The development is set in from the neighbouring dwellings and given the siting and separation distance it is not considered that the proposed development would result in any significant harmful amenity implications in terms of loss of light, outlook, overlooking or privacy. The proposed first floor high level windows are to give light to bathrooms and are to be obscure glazed which would be conditioned as such at any approval to prevent any overlooking or loss of privacy. The proposed rooflights are sited high to the north and south roofslopes so as not to result in any overlooking.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the Local Plan.

The form of accommodation is acceptable with each room having sufficient daylight and outlook and considered of a satisfactory form of living space for future occupiers. In addition, the proposed dwellinghouse meet the Nationally Prescribed Space Standards as set out in

Policy DM10 of the Submission Version Local Plan, 2017, providing a good quality of accommodation for future occupants.

The Local Plan seeks to ensure that new residential developments should provide garden area which is functional and usable in terms of its width, depth, shape and orientation to meet the needs of future occupants and which would not suffer from any direct overlooking or loss of privacy. The proposed dwellings provide over 100m² of amenity area which is functional and usable in terms of its width, depth, shape and orientation to meet the needs of future occupants and which would not suffer from any direct overlooking or loss of privacy and accords with the requirements of DBE8 of the Local Plan and DM10 of the Submission Version Plan, 2017.

Trees and landscape

No objection which complies with the requirements of policy LL10 of the Local Plan subject to conditions which are considered reasonable and necessary. The trees to the frontage of the site are to be retained.

Highways & Transportation

The proposed development is to utilise the existing vehicle access onto Kendal Avenue and has allocated parking area to the front of the property for some 2 cars which meets the minimum standards required by the Essex Parking Standards and Policy ST6. Essex County Council Highways have no objection to the proposal in terms of highway safety which accords with the requirements of ST4 and ST6 of the Local Plan and policy T1 of the Local Plan Submission Version, 2017.

Land Drainage

The site is outside of any Flood Risk Assessment Zone therefore a Flood risk assessment is not required. However, the development is of a size where it is necessary to avoid generating additional runoff and no details have been submitted in relation to surface water drainage. The Council's Land Drainage engineer requests details of surface water drainage to be submitted for consideration in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Contamination

A Desktop survey has not found any visual/factory evidence of contamination which is supported by the council and no further investigations are necessary. Given the sensitive nature of the use it is recommended a suitable condition on any approval for the possibility of unacknowledged contamination during development/demolition.

Epping Forest Special Area of Conservation:

The site has been considered in the context of the Epping Forest SAC and Policy DM2 and in this regard lies inside of the 3KM zone where recreational use of the SAC may be impacted. The proposed development would also result in additional vehicle activity and in accordance with policy DM22, it is appropriate that the developer makes a contribution to a programme of air quality monitoring.

Notwithstanding the fact that this work is yet to be completed the agent has confirmed the willingness to enter into a S106 agreement to provide the appropriate contributions to secure this.

Other Matters

The concerns of the Parish Council and neighbouring properties are noted with the majority of the concerns having been addressed in the body of the report. The proposed development is considered an improvement on the previous refusal which has reduced the overall scale of the development and is of an appropriate design that is in keeping with the character and appearance of the surrounding properties and which makes a more valuable visual contribution to the quality of the environment than what presently exists.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and there are 3 dimensions to sustainable development: economic, social and environmental. The development supports the social role of strong vibrant communities by providing the supply of housing required to meet the need of present and future generations and by creating a high-quality built development with accessible local services and the environmental role of protecting and enhancing the natural and built environment. Taking everything into consideration, the site would provide a quality, sustainable residential development that brings forward the growing need for additional housing.

Conclusion:

It is concluded that the proposal is an efficient use of the land, sufficiently maintaining the character, appearance and spatial pattern of development of the surrounding area and would not result in any amenity implications on neighbouring dwellings; other aspects in relation to parking/highway safety and landscaping are considered satisfactory subject to the imposition of conditions and to a legal agreement with regard to mitigation of impacts on the Special Area of Conservation. The application is considered to be in accordance with the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework.

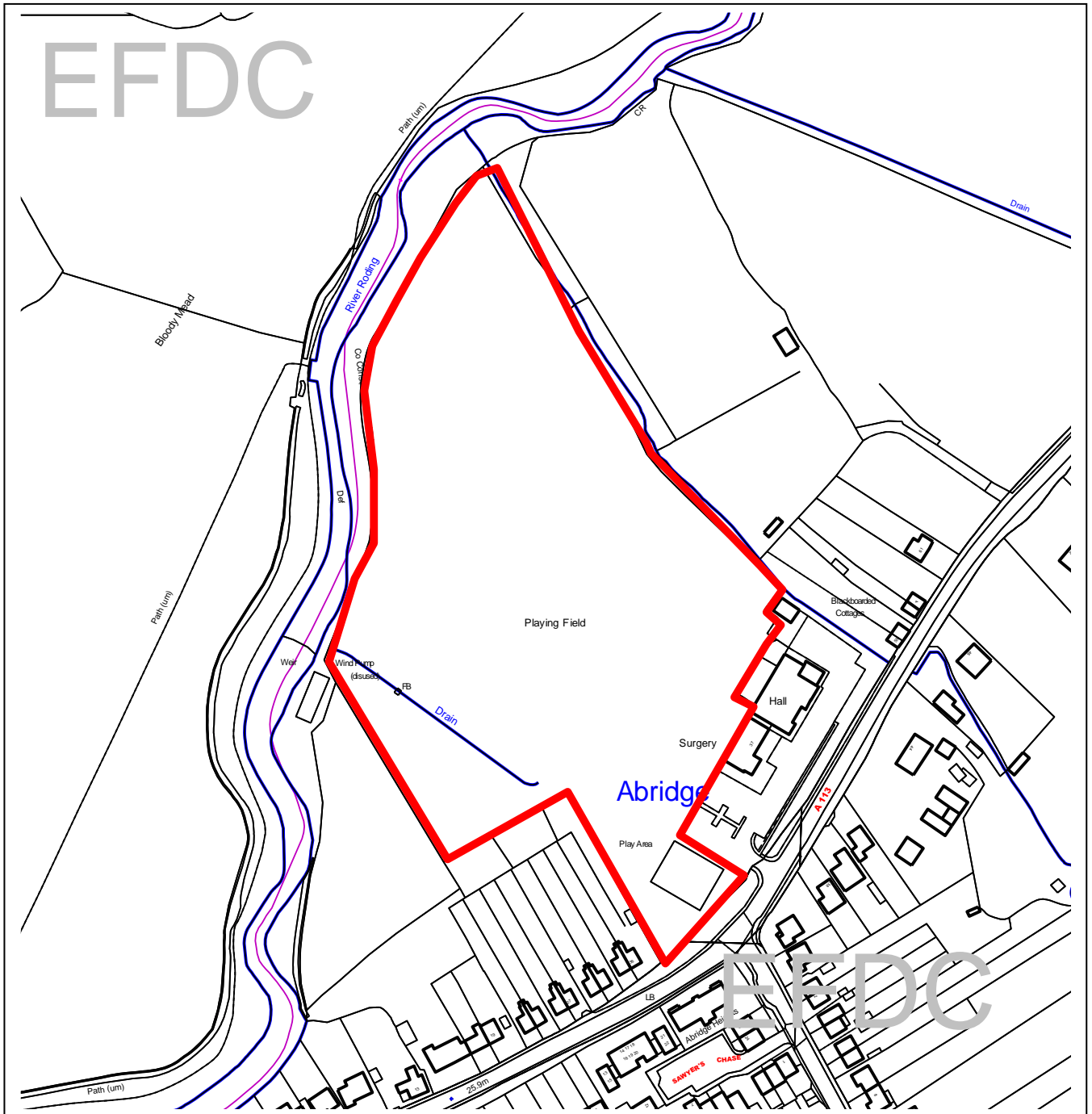
In the light of the above considerations it is recommended that planning permission is approved subject to conditions and a Section 106 legal agreement to secure appropriate financial contributions to air quality and for the management and monitoring of visitors to the Epping Forest Area of Conservation.

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: Caroline Brown
Direct Line Telephone Number: 01992 564182 or if
no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***



Epping Forest District Council



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Application Number:	EPF/1703/19
Site Name:	Abridge Village Hall 39 Ongar Road Abridge Lambourne Essex RM4 1UU
Scale of Plot:	1:2500

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APPLICATION No:	EPF/1703/19
SITE ADDRESS:	Abridge Village Hall 39 Ongar Road Abridge Lambourne Essex RM4 1UU
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr John Filby
DESCRIPTION OF PROPOSAL:	Erection of 4 floodlights for occasional evening use, lights to be switched off by 8.30 pm
RECOMMENDED 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=626093

REASON FOR REFUSAL

- 1 The introduction of 4 floodlighting columns, by reason of their location within a rural setting, would be highly conspicuous and represent a visual intrusion into the character and appearance of the area contrary to policies GB7A, CP2 and LL2 of the Adopted Local Plan and Alterations and policies DM3, DM4 and DM5 of the Local Plan Submission Version 2017.
- 2 The floodlighting, by reason of their design and position would result in a significant level of harm to the amenities and quality of life of surrounding residents by reason of light spillage and glare, contrary to policy DBE9 of the Adopted Local Plan and Alterations, and policy DM 9 of the Local Plan Submission Version 2017.

This application is before this Committee as the application has been 'called-in' by Councillor Rolfe (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The application site is situated within the Metropolitan Green Belt, to the south west of Abridge Village Hall. It is not a Listed building, nor within a Conservation area. Abridge Village Hall is a community facility and the open field to the rear of it is used for a variety of recreational activities throughout the year.

Description of Proposal:

Erection of 4 floodlights for occasional evening use, up to 20.30 pm (Resubmitted application to EPF/0006/19)

Relevant History:

EPF/0006/19 Abridge Village Hall 39 Ongar Road Abridge Lambourne Essex RM4 1UU Erection of 4 floodlights for occasional evening use, lights to be switched off by 8.30 pm except on 4/5 occasions during the year for special events (Village Weekend/Firework night) where they may be required to be on for longer periods. FINAL DECISION 14-01-2019 Refuse Permission

EPF/0145/06 Abridge Village Hall Ongar Road Abridge Lambourne Erection of multi-use games area on Village Hall field, lower end. (Revised application) FINAL DECISION 25-01-2006 Refuse Permission

EPF/0124/05 ABRIDGE VILLAGE HALL, ONGAR ROAD, ABRIDGE LAMBOURNE Erection of multi-use games area adjacent to doctor's surgery and village hall. WITHDRAWN 24-01-2005 Withdrawn

EPF/0880/99 ABRIDGE VILLAGE HALL, ONGAR ROAD, ABRIDGE, LAMBOURNE Piers at entrance to site. FINAL DECISION 11-06-1999 Grant Permission (With Conditions)

EPF/0826/99 ABRIDGE VILLAGE HALL, ONGAR ROAD, ABRIDGE, LAMBOURNE Siting of air conditioning units. FINAL DECISION 04-06-1999 Grant Permission (With Conditions)

EPF/0887/98 ABRIDGE VILLAGE HALL, ONGAR ROAD, ABRIDGE, LAMBOURNE Single storey side extension for community use. FINAL DECISION 19-06-1998 Grant Permission (With Conditions)

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
GB2A	Development in the Green Belt
DBE1	Design of New Buildings
DBE4	Design in the Green Belt
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscaping Retention
ST4	Road Safety
ST6	Vehicle Parking

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 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 appointed Inspector has since provided their initial advice on the LPSV following the Independent Examination and hearing sessions. This advice was given without prejudice to the Inspector's final conclusions.

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	Significant
CP2	Protecting the quality of the rural and built environment	Significant
DM9	High Quality Design	Significant
SP6	Green Belt and District Open Land	Significant
SP7	The Natural Environment, Landscape Character and Green and Blue Infrastructure	Significant
T 1	Sustainable transport choices	Significant
T2	Safeguarding of routes and facilities	Significant
DM1	Habitat protection and improving biodiversity	Significant
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM5	Green and Blue Infrastructure	Significant
DM10	Housing Design and Quality	Significant
DM11	Waste recycling facilities on new development	Significant
DM12	Subterranean, basement development and lightwells	Significant
DM15	Managing and Reducing Flood Risk	Significant
DM16	Sustainable Drainage Systems	Significant
DM17	Protecting and enhancing watercourses and flood defences	Significant
DM18	On site management of waste water and water supply	Significant
DM19	Sustainable water use	Significant
DM21	Local environmental impacts, pollution and land contamination	Significant

Summary of Representations:

LAMBOURNE PARISH COUNCIL- THE COUNCIL HAS NO FURTHER COMMENT ON THIS APPLICATION.

24 Neighbours Consulted –

Response received: 33 ONGAR ROAD – OBJECT. Proposal is out of character, cause significant harm to Green Belt, neighbouring amenity, their enjoyment of their garden. Noise nuisance and light pollution concerns. Highway safety.

55 ONGAR ROAD –NO OBJECTION so long as this does not increase in any way the noise and fume pollution over neighbouring properties. By noise, I mean loud car stereo systems, village hall amplified systems in hall or grounds, especially but not restricted to late at night. Fumes refer to all exhaust pollution from all but not restricted to engines including generators, car, van and lorry vehicles. The village hall does have other sides to its area which it can use.

Issues and Considerations:

The main issues to be addressed are as follows:

- Green Belt
- Impact on the quality of the rural environment

- Neighbouring amenities

Green Belt:

The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment. The Framework explains that the construction of new buildings as inappropriate development within the Green Belt apart from some exceptions. Policy GB2A of the Epping Forest Adopted Local Plan is broadly in accordance with these objectives. Policy CP2 seeks to protect the quality of the rural and built environment.

The principle of the use of floodlighting could be regarded as an appropriate development in association with outdoor recreational activities and therefore not inappropriate development in Green Belt terms. Moreover, the use of the Green Belt for outdoor recreation is permitted within the National Planning Policy Framework 2019.

Impact on the quality of the rural environment

This application is similar to a previous refusal earlier in the year. In that application the proposal included occasional usage after 20.30pm. With this application there would be no use after 8.30pm.

Policy CP2 seeks to protect the quality of the rural and built environment, and GB7A seeks to protect the Green Belt from conspicuous development harmful to the rural character or visual amenity of the Green Belt.

This proposal is considered in its context, that being the floodlight columns have been erected to the backdrop of a rural environment. Unlike conditions where they may be associated with other infrastructure for recreational use (such as formal playing ground/tennis courts and the like), these columns are free standing and therefore appear uncomfortably against the rural context and open land associated with the hall. In addition, the design of the columns are such that although they can be adjusted in terms of tilt (up to 180 degrees), they do not include cowls to manage and direct the spread of light. In this respect there is no control over light spillage from the floodlights. The applicants have not submitted a light impact assessment report to demonstrate the spread of light and how overspill could be managed, nor have they demonstrated, through evidence, that the spread of light would not impact on residential amenity or wildlife. Policy LL2 of the adopted local plan suggests that development 'respect the character of the landscape'; it is not consider that this proposal demonstrates that there is no harm nor can any harm be mitigated.

It is considered that in the winter months, when the lights would be operational, the operation of the lights to 8.30pm will have a significantly adverse impact on the nature and quality of the night time rural environment in this relatively remote locality and that the lighting will be visually intrusive, to an extent that can in no way be justified even for use in connection with football and other sporting activities for the community/public use.

The development is therefore contrary to policies GB7A, CP2 and LL2 of the Adopted Local Plan and Alterations and policies DM3, DM4 and DM5 of the Local Plan Submission Version 2017.

Neighbouring amenities

Whilst the lighting is located some 90m away from neighbouring properties, Officers have carried out a late evening site visit and photos from neighbouring properties demonstrates significant light spillage and glare from the floodlighting. Lighting from the development reaches into the garden areas and habitable room windows of those residing along 19- 36 Ongar Road and results in noticeable harm that is considered detrimental to neighbouring amenity contrary to policy DBE9 of the Adopted Local Plan and Alterations and policy DM 9 of the Local Plan Submission Version 2017.

Highway Safety

No objections have been raised by the County Highway Authority on matters of Highway Safety.

Conclusion:

The addition of flood lighting can be appropriate development in the Countryside where connected with formal recreational use. Where harm can occur, good design and control of hours of use can manage that harm in some cases. However, in this case, the proposal fails to demonstrate that there is no harm nor that it can be mitigated. The development as it stands would have an unacceptable impact on the character of the Green Belt and the rural environment, contrary to the NPPF 2019, as well the adopted policies of the Local Plan and Submission Version of the Local Plan 2017. The application is therefore recommended for refusal.

Planning Enforcement will be notified of the decision to refuse planning permission

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

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

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