

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE WEST** **Wednesday, 17th June, 2020**

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

**Virtual Meeting on Zoom**  
on **Wednesday, 17th June, 2020**  
at **7.00 pm**.

**Georgina Blakemore**  
Chief Executive

**Democratic Services**  
**Officer**

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

#### **Members:**

Councillors D Dorrell (Chairman), J Lea (Vice-Chairman), N Avey, R Bassett, S Heather, H Kane, S Kane, Y Knight, J Leppert, A Mitchell, D Plummer, M Sartin, S Stavrou and D Stocker

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#### **WEBCASTING/FILMING NOTICE (VIRTUAL MEETINGS)**

**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.**

**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 participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.**

**In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.**

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

**1. WEBCASTING INTRODUCTION**

1. This virtual meeting is to be webcast. Members are reminded of the need to unmute 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).

Please could I also remind Members of the Public who have registered to speak that they will be admitted to the meeting at the appropriate time.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.”

**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. APOLOGIES FOR ABSENCE**

**4. MINUTES (Pages 9 - 12)**

To confirm the minutes of the last meeting of the Sub-Committee held on 12 February 2020.

**5. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**6. ANY OTHER BUSINESS**

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

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

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

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

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

**8. 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/2586/19 WEBBS COTTAGE, RYE HILL ROAD, EPPING UPLAND, EPPING (Pages 13 - 20)**

To consider the attached report.

**10. PLANNING APPLICATION - EPF/2592/19 WEBBS COTTAGE, RYE HILL ROAD, EPPING UPLAND, EPPING (Pages 21 - 28)**

To consider the attached report.

**11. EXCLUSION OF PUBLIC AND PRESS**

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

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

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

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

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

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

**12. REFER SIGN (Pages 29 - 30)**

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## **Advice to Public and Speakers at virtual meetings of 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 virtually if you are a speaker, or to view on the Council's website. Only in special circumstances are the public excluded.

### **When is the meeting?**

Details of the 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 Services. 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.

Speakers will be contacted just before they will be asked to speak by telephone by an officer of the Council. If you are not present by the time your item is considered, the Committee will determine the application in your absence. Speakers should be following the meeting on the Council's webcaster to enable them to know when their item will be considered.

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 virtually. This will likely be by phone at the appropriate time in the meeting when a Democratic Services Officer will contact you. Therefore, a transcript of your representation must be supplied in advance of the meeting to enable the Democratic Services Officer to read this out on your behalf should there be a technical problem. Please email your written statement to [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

### **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 <https://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.

## Area Planning Subcommittee West 2020-21

### Members of the Committee and Wards Represented:



**Chairman  
Cllr Dorrell**  
Waltham  
Abbey  
Paternoster

**Vice-Chairman  
Cllr Lea**  
Waltham Abbey  
North East

**Cllr Avey**  
Broadley  
Common,  
Epping Upland  
and Nazeing

**Cllr Bassett**  
Lower Nazeing

**Cllr Heather**  
Waltham  
Abbey  
Honey Lane



**Cllr H Kane**  
Waltham Abbey  
South West

**Cllr S Kane**  
Waltham Abbey  
Honey Lane

**Cllr Y  
Knight**  
Lower  
Nazeing

**Cllr Leppert**  
Waltham  
Abbey  
Paternoster

**Cllr Mitchell**  
Waltham  
Abbey North  
East



**Cllr Plummer**  
Waltham  
Abbey South  
West

**Cllr Sartin**  
Roydon

**Cllr Stavrou**  
Waltham  
Abbey High  
Beach

**Cllr Stocker**  
Waltham  
Abbey Honey  
Lane

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## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 12 February 2020  
West

**Place:** Council Chamber - Civic Offices **Time:** 7.30 - 8.05 pm

**Members Present:** D Dorrell (Chairman), J Lea (Vice-Chairman), S Heather, H Kane, S Kane, J Leppert, A Mitchell, D Plummer, M Sartin and D Stocker

**Other Councillors:** None.

**Apologies:** N Avey, R Bassett, Y Knight and S Stavrou

**Officers Present:** J Godden (Team Manager (Planning Heritage, Enforcement & Landscaping), A Marx (Service Manager (Planning Development Management)), V Messenger (Democratic Services Officer) and R Perrin (Democratic Services Officer)

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### 41. 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.

### 42. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

### 43. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 4 December 2019 be taken as read and signed by the Chairman as a correct record.

### 44. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of member Conduct.

### 45. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

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

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

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

**47. SITE VISITS**

There were no formal site visits requested by the Sub-Committee.

**48. PLANNING APPLICATION - EPF/2449/19 - 4 CARTERS LANE, EPPING**

<b>APPLICATION No:</b>	EPF/2779/19
<b>SITE ADDRESS:</b>	4 Carters Lane Epping Upland Epping CM16 6QJ
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Part single, part double storey rear extension, single storey front & side extension & a loft conversion.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=630537](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=630537)

**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 and retained strictly in accordance with the approved drawings numbers: 058; 01, 02, 03, 04, 05.
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A,B and C of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

**49. PLANNING APPLICATIONS - EFP/1524/19 - SUMMER HOUSE, HAMLET HILL, ROYDON**

<b>APPLICATION No:</b>	EFP/1524/19
<b>SITE ADDRESS:</b>	Summer House Hamlet Hill Roydon Essex CM19 5LA
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing Roydon
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of x 2 no. chalet bungalow dwellings with associated parking, amenity spaces and in curtilage refuse and cycle store.
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=625236](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=625236)

**REASONS**

- 1 The site is located within the Metropolitan Green Belt and does not constitute limited infilling of a village nor is it 'limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt'. It therefore constitutes inappropriate development. No very special circumstances have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework 2019, Policy GB2A of the Epping Forest District Adopted Local Plan and Policy DM4 of the Epping Forest District Local Plan (Submitted Version) 2017.
- 2 The proposed development would have a detrimental impact on the open character of the Green Belt and would be clearly discernible from the surrounding countryside. This would result in an excessive impact on the open character of the Metropolitan Green Belt contrary to policies CP2, GB2A, GB7A, DM9 and DM10, of the adopted Local Plan and Alterations and the National Planning Policy contained in the National Planning Policy Framework 2019.
- 3 The applicant has failed to demonstrate that the development will not have an adverse impact on the Epping Forest Special Area of Conservation in terms of air pollution, or that suitable mitigation for such impacts will be provided. The

development is therefore contrary to Policy CP6 of the Epping Forest Local Plan, Policies DM4 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

**50. PROBITY IN PLANNING - APPEAL DECISIONS, 1ST APRIL 2019 TO 30ST SEPTEMBER 2019**

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions 1 April 2019 to 30 September 2019. In compliance with the recommendation of the District Auditor, the report advised the decision-making committee of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).

The purpose of the report was to inform the Area Plans Sub-Committee West 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 have been made against the Council.

Over the six-month period between 1 April 2019 and 30 September 2019, the Council received 56 decisions on appeals (54 of which were planning related appeals, the other two were enforcement related). Seven appeals out of 54 were allowed (13%). Broken down further, Committee reversals performed very well with only 2 out of 14 allowed (14.3%) and there was also a good officer delegated decisions performance of 5 out of 40 (12.5%) allowed.

Out of the planning appeals that arose from decisions of the Area Plans Sub-Committee West to refuse contrary to the recommendation put to them by officers during the 6-month period, zero appeals were allowed against decisions made and zero were dismissed. Out of 2 Enforcement Notice appeals, both were dismissed, but only one was of relevance to this Sub-Committee.

During this period, there were no successful award of costs against the Council.

Whilst performance in defending appeals at 22.6% appeared to be modest, 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 that a Planning Inspector or the Secretary of State could award costs, even if neither side had made an application for them. Whilst there was clearly pressure on Members to refuse in cases where there were objections from local residents, these views (and only when they were related to the planning issues of the case) were one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for.

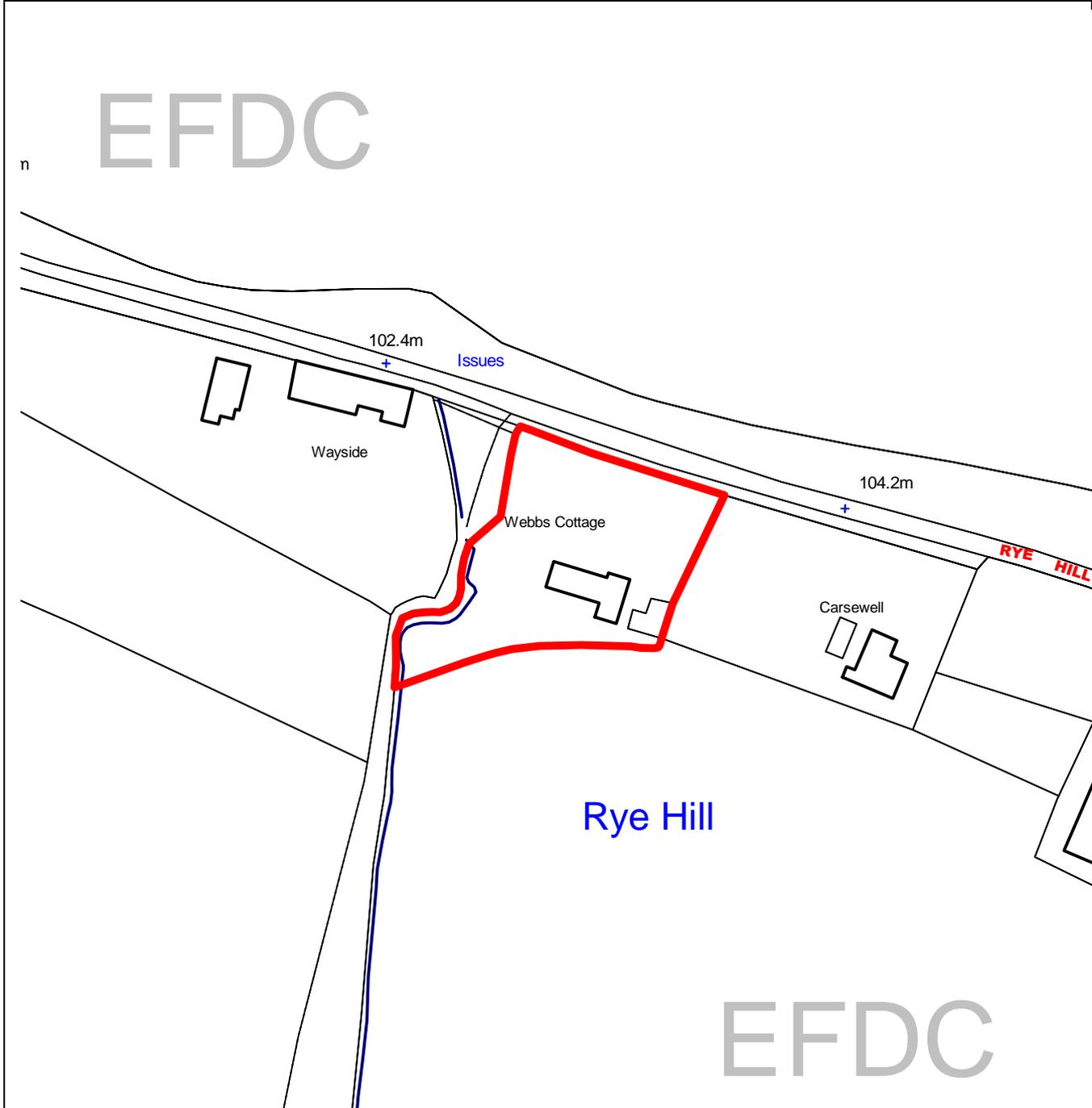
**RESOLVED:**

That the probity in Planning report covering the period 1 April 2019 to 30 September 2019 be noted.

**CHAIRMAN**



# Epping Forest District Council



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Application Number:	EPF/2586/19
Site Name:	Webbs Cottage Rye Hill Road Epping Upland Epping CM18 7JG
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2586/19
<b>SITE ADDRESS:</b>	Webbs Cottage Rye Hill Road Epping Upland Epping CM18 7JG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Ms Karen Miller
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed lean-to rear conservatory.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=629774](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=629774)

**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 and retained strictly in accordance with the approved drawings numbers: 2386/9; 2386/20; 2386/11; 2386/11A; 2386/12; 2386/13; 2386/13A; 2386/14; 2386/15
- 3 Additional drawings that show details of proposed new conservatory and junctions with the existing, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

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:**

'Webbs Cottage' is a converted Grade II Listed Barn sited to the south of Rye Hill Road. The barn was originally constructed in the late 16<sup>th</sup> Century with a timber frame construction which is rendered and weather boarded to the first floor.

The converted dwellinghouse has been significantly extended with 2, 2 storey side extensions approved in 1992 and the relocation of a side porch entrance. The interior has also been altered following successful applications in 1992 and the widening of the driveway with the addition of a new gate.

The property is sited within the boundaries of the Metropolitan Green Belt and not in a Conservation Area.

### **Description of Proposal:**

The proposal which seeks planning and Listed Building Consent following pre application discussions for a lean-to rear conservatory measuring a width of 4.95m, a depth of 2.94m at a height of 3.3m and an eaves height of 2.4m.

### **Relevant History:**

EPF/0453/12 - Grade II Listed building application for internal replan involving insertion of new structural steel work, 2 No. sun-pipes, relocation of side porch entrance and internal works.

EPF/1998/18 - EPF/1992/18 - Grade II listed building consent for internal alterations; driveway and access widened; 2 x roof-lights to side elevation; flue liner to existing chimney; demolition of WC; relocation of door and porch to side; new vehicular gate; 2 x sun pipes; paint colours changed to external elevations - Approve - 12/09/2018

EPF/1918/99 - Detached Garage - Approve - 01/01/2000

EPF/0606/98 - Erection of a 2- storey side extension - Approve - 14/07/1998

EPF/1463/97 - Listed building application for erection of a two storey side extension - Approve 14/07/98

EPF/0439/92 - Extension (lounge, dining room at ground floor level with 2 bedrooms at first floor level) and alterations - Approve - 05/06/92

### **Polices 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).

##### *Adopted Local Plan:*

CP1- Achieving sustainable development objectives

CP2 - Protecting the quality of the rural and built environment

CP3 - New Development

DBE1 - Design of New Building

DBE2 - Impact on Neighbouring Properties

DBE4 - Design in the Green Belt

DBE9 - Loss of Amenity

DBE10 - Residential Extensions

GB2A - Development within the Green Belt

GB7A – Conspicuous Development

HC10 - Works to Listed Buildings

##### *NPPF, 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 143 - 146  
Paragraph 189 - 192

*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 14<sup>th</sup> 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 2<sup>nd</sup> August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final

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	Significant
DM4 Green Belt	Significant
DM7 Heritage Assets	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

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

**EPPING UPLAND PARISH COUNCIL – OBJECTION and confirm that they will be attending the Committee to speak.**

- Design and Structure not in keeping with the style of property which will have a negative impact on the style of Grade II Listed Building.
- The Plans show blocking off a door and a window which will mean altering the main historic frame of the building.
- Contrary to the information provided, the plans do not show a free-standing structure as it is attached to the main building and it would be visible from the local footpath.

Site Notice was Displayed on the **09/11/2019**

2 neighbour consultations were undertaken on the **06/11/2019** and no objections have been received.

### **Assessment:**

The main issues for considerations: -

- The impact on the Metropolitan Green Belt
- The impact on the character and amenity of the Listed Building
- Impact on the amenities of the adjoining properties.

### **Impact on the Metropolitan Green Belt**

The National Planning Policy Framework, (NPPF), 2019 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 143 -144 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

Paragraph 145 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt. Exceptions to this are extensions or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy GB2A of the Local Plan seeks to resist inappropriate extensions to dwellings which would create a building of significantly larger or different in character when assessed against the original house.

'Webbs Cottage' is sited within the Metropolitan Green Belt and in terms of the additional floor space, the existing and proposed extensions would cumulatively result in increase in size above the original floor space of over 80%. However, the light

weight material of the conservatory along with its size and siting to the rear of the property is modest in form and appearance resulting in limited impact on the character and visual appearance of the Green Belt.

The proposal is not considered to result in any significant additional material harm to the openness of the Green Belt and accords with the requirements of chapter 13 of the NPPF, Policy GB2A and GB7A of the adopted Local Plan and Alterations (2006-2008) and policy DM4 of the Local Plan (Submission Version), 2017.

### **Impact on the Listed Building**

In line with the 'Listed Buildings and Conservation Areas Act 1990', the Council will seek to ensure that all development respects and preserves the Listed Building and the setting of the conservation area and that important views are preserved.

Local Planning Authorities are required by statute to protect buildings and structures which are of historical and architectural interest and which have been awarded listed building status.

The current proposal follows the same approach as the one submitted at pre-application stage where the conservatory is considered to be sensitively designed with a simple minimalistic/contemporary design under the form of a lean to pitch roof will already denote the old (original building) from the new which will permit the conservatory to be read as a later addition.

The proposed light weight appearance using glass and a slim aluminium frame would not obscure the existing rear wall of the Listed Building and will allow the whole extent of the building to still be legible. The conservatory will reuse an existing opening for access and therefore the loss of historic fabric will be none. A window is proposed to be blocked up in the side extension to accommodate the structure but this is in the modern part of the building and therefore does not raise any concern.

Overall, the and proposed conservatory meets expectations both in terms of design and appearance and will preserve and enhance the Listed Building without resulting in any demonstrable harm or impact and accords with the guidance contained within the National Planning Policy Framework and policy HC10 of the Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017) and paragraphs of the NPPF (2019).

### **Impact on Neighbours' Amenities**

The dwellinghouse is sited in spacious grounds well separated from nearby properties that would ensure that the proposed development would not result in any harmful amenity implications. 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 concerns of the Parish Council are noted. The window proposed to be blocked up in the side extension is in the modern part of the building and therefore does not raise any concern. An appropriate condition will be attached to any approval requesting that details of materials be submitted for consideration.

## **Conclusion**

The proposal rear conservatory by reason of its size and siting would have limited impact and as such is not considered to constitute inappropriate development that would result in a harmful impact on the openness of the Green Belt and is acceptable in terms of Policy GB2A and GB7A of the Local Plan and Alterations (1998 - 2006), policy DM4 of the Local Plan (Submission Version), 2017 and, the National Planning Policy Framework, 2012.

The extension is also considered acceptable in respect of its design, materials and siting which would conserve and enhance the character and appearance of the Listed Building and would not result in any material loss of amenity to adjoining properties and is in accordance with relevant policies as set out above. In the light of the above considerations it is recommended that planning permission and Listed Building Consent is Approved.

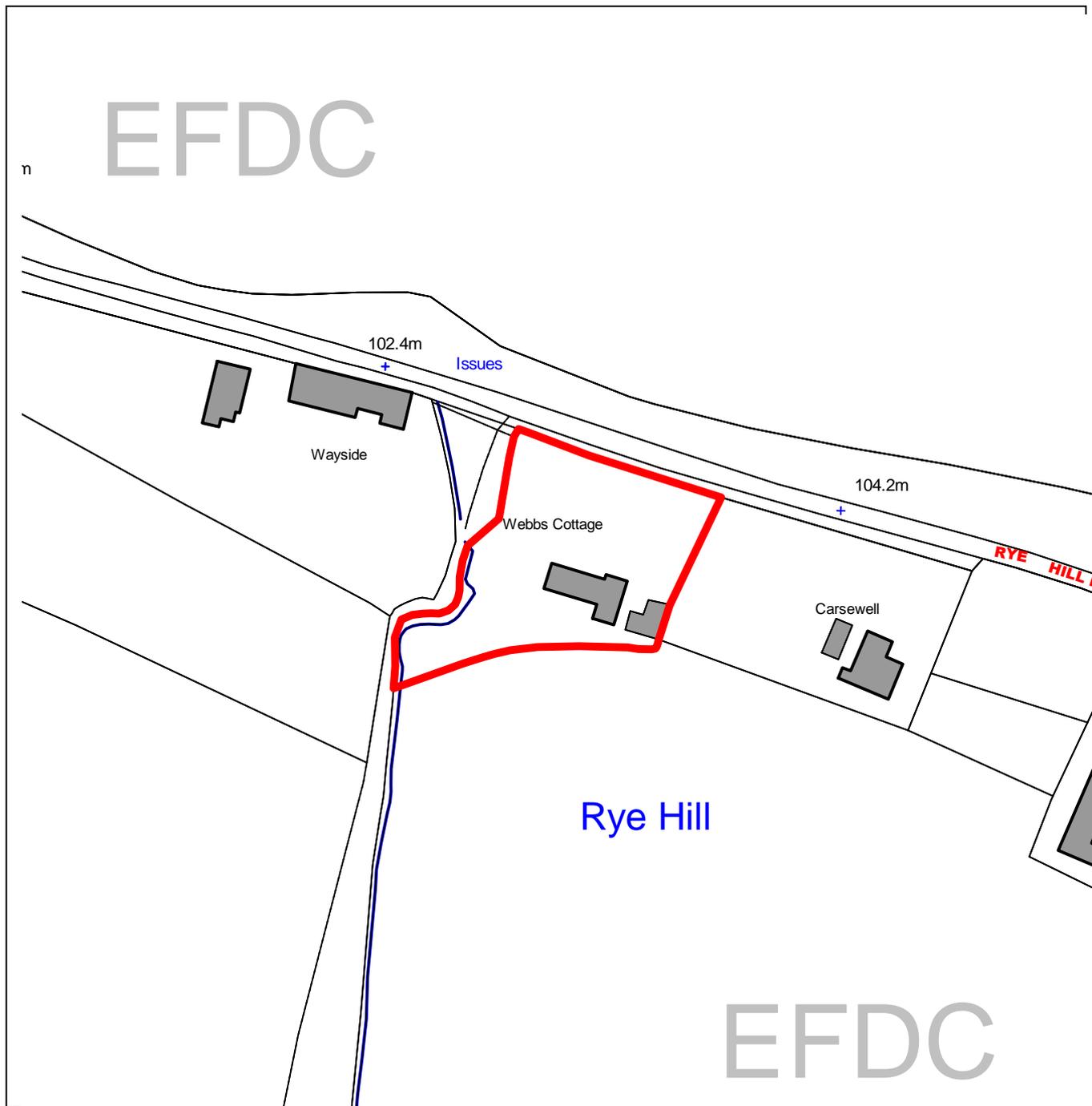
***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***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](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council



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Application Number:	EPF/2592/19
Site Name:	Webbs Cottage Rye Hill Road Epping Upland Epping CM18 7JG
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2592/19
<b>SITE ADDRESS:</b>	Webbs Cottage Rye Hill Road Epping Upland Epping CM18 7JG
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Ms Karen Miller
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II Listed Building Consent for a proposed rear lean-to conservatory.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=629779](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=629779)

**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 and retained strictly in accordance with the approved drawings numbers: 2386/9; 2386/20; 2386/11; 2386/11A; 2386/12; 2386/13; 2386/13A; 2386/14; 2386/15
- 3 Additional drawings that show details of proposed new conservatory and junctions with the existing, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

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:**

'Webbs Cottage' is a converted Grade II Listed Barn sited to the south of Rye Hill Road. The barn was originally constructed in the late 16<sup>th</sup> Century with a timber frame construction which is rendered and weather boarded to the first floor.

The converted dwellinghouse has been significantly extended with 2, 2 storey side extensions approved in 1992 and the relocation of a side porch entrance. The interior has also been altered following successful applications in 1992 and the widening of the driveway with the addition of a new gate.

The property is sited within the boundaries of the Metropolitan Green Belt and not in a conservation Area.

### **Description of Proposal:**

The proposal which seeks planning and Listed Building Consent following pre application discussions for a lean-to rear conservatory measuring a width of 4.95m, a depth of 2.94m at a height of 3.3m and an eaves height of 2.4m.

### **Relevant History:**

EPF/0453/12 - Grade II Listed building application for internal replan involving insertion of new structural steel work, 2 No. sun-pipes, relocation of side porch entrance and internal works.

EPF/1998/18 - EPF/1992/18 - Grade II listed building consent for internal alterations; driveway and access widened; 2 x roof-lights to side elevation; flue liner to existing chimney; demolition of WC; relocation of door and porch to side; new vehicular gate; 2 x sun pipes; paint colours changed to external elevations .- Approve 12/09/2018

EPF/1918/99 - Detached Garage - Approve - 01/01/2000

EPF/0606/98 - Erection of a 2- storey side extension - Approve -14/07/1998

EPF/1463/97 - Listed building application for erection of a two storey side extension - Approve 14/07/98

EPF/0439/92 - Extension (lounge, dining room at ground floor level with 2 bedrooms at first floor level) and alterations. - Approved - 05/06/92

### **Polices 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).

*Adopted Local Plan:*

CP1- Achieving sustainable development objectives

CP2 - Protecting the quality of the rural and built environment

CP3 - New Development

DBE1 - Design of New Building

DBE2 - Impact on Neighbouring Properties

DBE4 - Design in the Green Belt

DBE9 - Loss of Amenity

DBE10 - Residential Extensions

GB2A - Development within the Green Belt

GB7A - Conspicuous Development

HC10 - Works to Listed Buildings

*NPPF, 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 143 - 146  
Paragraph 189 - 192

*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 14<sup>th</sup> 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 2<sup>nd</sup> August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final

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	Significant
DM4 Green Belt	Significant
DM7 Heritage Assets	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

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

### **EPPING UPLAND PARISH COUNCIL – OBJECTION and confirm that they will be attending the Committee to speak.**

- Design and Structure not in keeping with the style of property which will have a negative impact on the style of Grade II Listed Building.
- The Plans show blocking off a door and a window which will mean altering the main historic frame of the building.
- Contrary to the information provided, the plans do not show a free-standing structure as it is attached to the main building and it would be visible from the local footpath.

Site Notice was Displayed on the 09/11/2019

2 neighbour consultations were undertaken on the 06/11/2019 and no objections have been received

### **Assessment:**

The main issues for considerations: -

- The impact on the Metropolitan Green Belt
- The impact on the character and amenity of the Listed Building
- Impact on the amenities of the adjoining properties.

### **Impact on the Metropolitan Green Belt**

The National Planning Policy Framework, (NPPF), 2019 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 143 -144 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

Paragraph 145 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt. Exceptions to this are extensions or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy GB2A of the Local Plan seeks to resist inappropriate extensions to dwellings which would create a building of significantly larger or different in character when assessed against the original house.

'Webbs Cottage' is sited within the Metropolitan Green Belt and in terms of the

additional floor space, the existing and proposed extensions would cumulatively result in an over 80% increase in size above the original floor space. However, the light weight material of the conservatory along with its size and siting to the rear of the property is modest in form and appearance resulting in limited impact on the character and visual appearance of the Green Belt.

The proposal is not considered to result in any significant additional material harm to the openness of the Green Belt and accords with the requirements of chapter 13 of the NPPF, Policy GB2A and GB7A of the adopted Local Plan and Alterations (2006-2008) and policy DM4 of the Local Plan (Submission Version), 2017.

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