

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 23rd June, 2021

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

Conference Suite - Civic Offices
on **Wednesday, 23rd June, 2021**
at **7.00 pm**.

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

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

Members:

Councillors P Keska (Chairman), H Brady (Vice-Chairman), R Balcombe, N Bedford, P Bolton, L Burrows, I Hadley, S Jones, C McCredie, J McIvor, R Morgan, J Philip, B Rolfe, 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 Conference Suite and using the seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

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

1. WEBCASTING INTRODUCTION

“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).

Therefore, by entering the Conference Suite and using the seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

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.”

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 - 10)

To confirm the minutes of the last meeting of the Sub-Committee held on 28 April 2021.

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

Members are reminded that for the duration of the coronavirus pandemic, as decided at the Group Leaders' Meeting of 24 June 2020, **no member site visits will be conducted.**

Therefore, any planning application deferred for a site visit at an Area Planning Sub-Committee will be automatically referred to the District Development Management Committee for determination.

9. PLANNING APPLICATION - EPF/2879/20 THORNWOOD FILLING STATION, HIGH ROAD, EPPING CM16 6LZ (Pages 11 - 18)

To consider the attached report to install plant/machinery as necessary for a small commercial kitchen to produce hot food for takeaway purposes within the existing footprint of the building plus the partial blocking up of an existing external exit on southern elevation.

10. PLANNING APPLICATION - EPF/0281/21 GARAGES TO THE REAR OF NOS. 13-43 CHARLES STREET, EPPING CM16 7AU (Pages 19 - 30)

To consider the attached report for an application for Variation of conditions 2 'plan numbers' and 21 'No new windows in southern walls' for EPF/3426/18. (Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores).

11. PLANNING APPLICATION - EPF/0744/21 1 LION COTTAGES, TOOT HILL ROAD, ONGAR CM5 9QL (Pages 31 - 36)

To consider the attached report for the proposed garage conversion and single storey link with partial alteration to roof (Revised application to EPF/0109/21).

12. PLANNING APPLICATION - EPF/0930/21 LITTLE OAKS, ABRIDGE ROAD, THEYDON BOIS, EPPING RM4 1TX (Pages 37 - 46)

To consider the attached report for a replacement dwelling.

13. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

Agenda Item 2

Area Planning Sub-Committee East 2021-22
Members of the Committee and Wards Represented:

				
Chairman	Vice Chairman			
Cllr Keska	Cllr Brady	Cllr Vaz	Cllr McCredie	Cllr J H Whitehouse
Chipping Ongar, Greensted and Marden Ash	Passingford	Chipping Ongar, Greensted and Marden Ash	Epping Hemnall	Epping Hemnall
				
Cllr J M Whitehouse	Cllr H Whitbread	Cllr Burrows	Cllr C Whitbread	Cllr Morgan
Epping Hemnall	Epping Lindsey and Thornwood Common	Epping Lindsey and Thornwood Common	Epping Lindsey and Thornwood Common	Hastingwood, Matching and Sheering Village
				
Cllr Balcombe	Cllr Rolfe	Cllr Stalker	Cllr Hadley	Cllr Bolton
High Ongar, Willingale and the Rodings	Lambourne	Lower Sheering	Moreton and Fyfield	North Weald Bassett
				
Cllr Mclvor	Cllr Bedford Shelley	Cllr Jones	Cllr Philip	
North Weald Bassett		Theydon Bois	Theydon Bois	

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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 at <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> 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.

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.

Only registered speakers will be admitted to the virtual meeting. This will be via the Zoom meeting invite you have been emailed by Democratic Services. Speakers must NOT forward this invite to anyone else under any circumstances. Alternatively, speakers may be contacted by phone at the appropriate time in the meeting when a Democratic Services Officer will contact you. 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.

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

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://rds.eppingforestdc.gov.uk/mqMemberIndex.aspx?bcr=1>. 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.

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 28 April 2021
East

Place: Virtual Meeting on Zoom **Time:** 7.00 - 7.20 pm

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

Apologies: N Bedford, M McEwen, J McIvor and H Whitbread

Officers Present: G Courtney (Planning Applications and Appeals Manager (Development Management)), J Leither (Democratic Services Officer), V Messenger (Democratic Services Officer) and P Seager (Chairman's Officer)

87. WEBCASTING INTRODUCTION

The Chairman advised the Sub-Committee that due to technical difficulties this meeting would not be going out live over the internet. A zoom recording of the meeting would be uploaded to the internet at a later date and he asked Member's if there were any objections. The Council had adopted a protocol for the webcasting/recording of its meetings and the Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

RESOLVED:

That Member's agreed that a zoom recording would be uploaded to the internet at a later date.

88. WELCOME AND INTRODUCTION

The Chairman advised the Sub-Committee that no speakers had registered to speak at the meeting.

89. MINUTES

RESOLVED:

That the minutes of the meeting held on the 31 March 2021 be taken as read and signed by the Chairman as a correct record.

90. DECLARATIONS OF INTEREST

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

91. ANY OTHER BUSINESS

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

92. 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

93. SITE VISITS

The Sub-Committee Members noted that for the duration of the coronavirus pandemic, any planning applications deferred for a site visit at an Area Planning Sub-Committee would be automatically referred to the District Development Management Committee (or Council) for determination.

94. PLANNING APPLICATION - EPF/1290/20 LAND ADJACENT HORSE SHOE FARM, LONDON ROAD, NORTH WEALD, HARLOW CM17 9LH

APPLICATION No:	EPF/1290/20
SITE ADDRESS:	Land Adjacent Horse Shoe Farm London Road North Weald Harlow CM17 9LH
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Agricultural Barn
RECOMMENDED DECISION:	Deferred

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntrypoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=638219

Deferred for Site Visit.

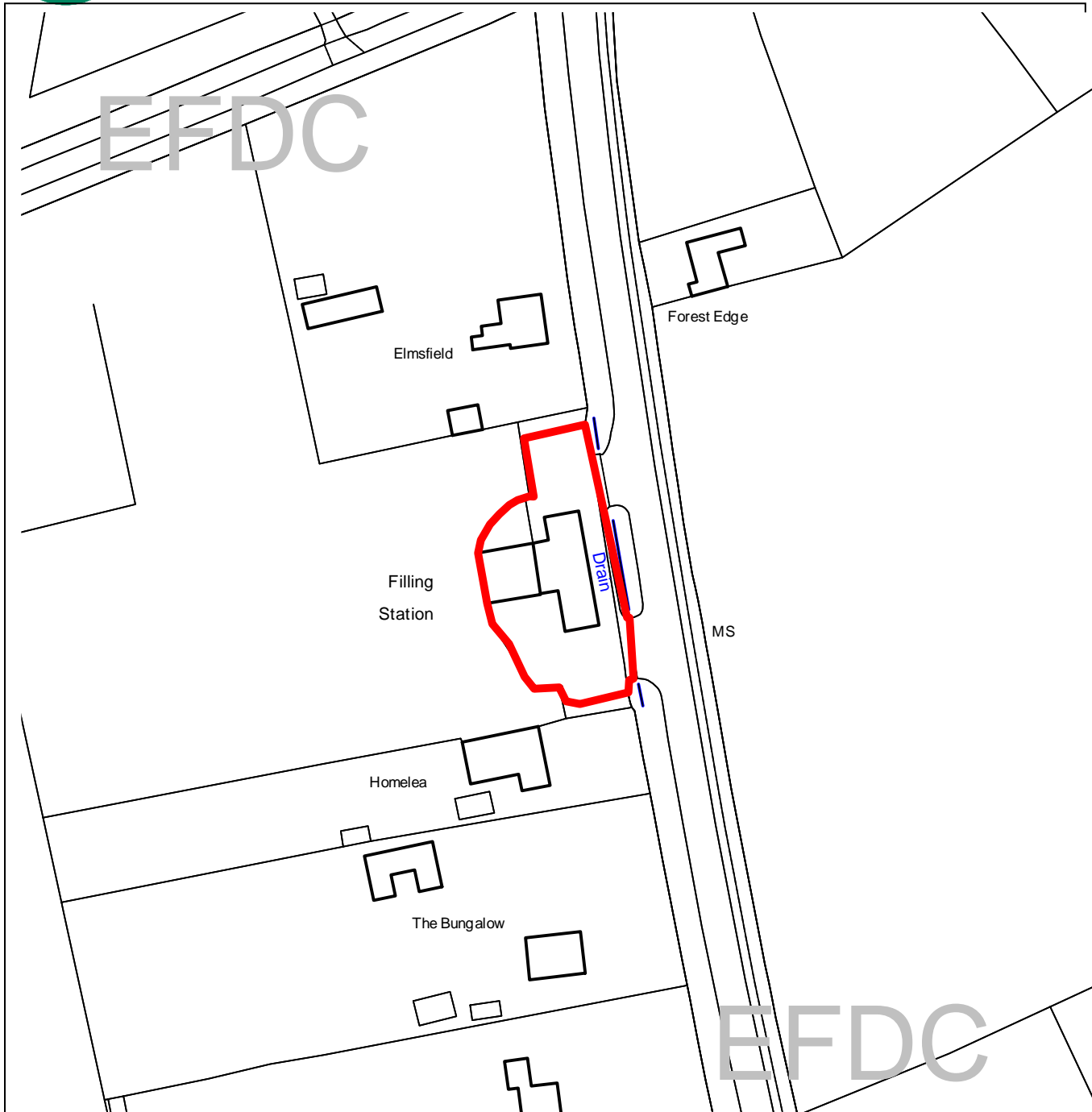
95. PLANNING APPLICATION - EPF/2415/20 20 BALDOCKS ROAD, THEYDON BOIS, EPPING CM16 7EB

Theydon Bois Parish Council withdrew their objections and this application will now be dealt with under delegated powers.

CHAIRMAN



Epping Forest District Council



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Application Number:	EPF/2879/20
Site Name:	Thornwood Filling Station High Road Epping CM16 6LZ
Scale of Plot:	1:1250

Report Item No: 9

APPLICATION No:	EPF/2879/20
SITE ADDRESS:	Thornwood Filling Station High Road Epping CM16 6LZ
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Riqbal Sidhu
DESCRIPTION OF PROPOSAL:	Install plant/machinery as necessary for a small commercial kitchen to produce hot food for takeaway purposes within the existing footprint of the building plus the partial blocking up of an existing external exit on southern elevation.
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=645673

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: RB-01, RBRLS-0003-KVS-001/A, Design and Access Statement, Location Plan, Supplementary information to support planning for kitchen ventilation system dated 23.022021
- 3 The hereby permitted approved kitchen extract system and any associated plant shall be switched off between 23.00 hours and 07.00 hours.
- 4 The use hereby permitted must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from the kitchen extract system and any associated plant exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.
- 5 The commercial kitchen use hereby permitted shall not be open to customers outside the hours of 07:00 to 23:00 on Monday to Saturday and 07:00 to 23:00 on Sundays and Bank Holidays.
- 6 Adequate provision for foul drainage from the kitchen shall be submitted to and approved by the Local Authority. Drains serving the kitchens in the service station shall be fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply with prEN 1825-1 and designed in accordance with prEN 1825-2 (Installations for separation of grease) or other effective means of grease removal. The approved drainage shall be retained and maintained while the site is in use.

7 The ventilation/extraction system detailed in the submitted planning application and subsequent revised documents shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

Reason: To safeguard the appearance of the premises and minimise the impact of cooking smells and odours in accordance with policy DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

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

Description of Site:

The application site is a detached service station in sui generis use located on the Western side of High Road in the semi-rural location of Thornwood. There are no Listed Buildings on the site and it is not within a Conservation Area. The site is wholly within the Metropolitan Green Belt.

Description of Proposal:

Install plant/machinery as necessary for a small commercial kitchen to produce hot food for takeaway purposes within the existing footprint of the building plus the partial blocking up of an existing external exit on southern elevation.

Relevant Site History:

EPO/0049/73 – Details of note acceptor unit and tel. and fire ext housing unit – Grant Permission

EPO/0498/70 – Use of forecourt display/sale 4 cars – Refuse Permission

EPO/0121/70 – Details of paraffin storage tank and electric pump – Grant Permission

EPO/0626/69 – Details of paraffin storage tank - Withdrawn

EPO/0014/68 – Use of forecourt for display of vehicles for sale – Refuse Permission

EPO/0104/56 – Detailed plans for petrol filling station – Grant Permission

Policies Applied:

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
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
E4A	Protection of Employment Sites
GB2A	Development in the Green Belt
RP5A	Adverse Environmental Impacts
ST4	Road Safety

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
Paragraph	127
Paragraph	130
Paragraph	131
Paragraph	133 - 145

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 her 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
DM4 Green Belt	Significant
DM9 High Quality Design	Significant
E4 The Visitor Economy	Significant
T1 Sustainable Transport Choices	Significant

Summary of Representation:

No. of neighbours consulted: 6

2 neighbour objections were received, however they related to potential littering on the site which is not a material planning consideration and cannot be taken into account as part of this assessment.

PARISH COUNCIL – OBJECTION – The Parish Council OBJECTS to this application on the following grounds: the proposal would generate litter not only in the immediate vicinity of the proposal, but also around the surrounding due to some people discarding litter from car windows. The Council have concern at the smells, odours and pollution that would emanate from the use of the small commercial kitchen to produce hot food and feel that this is an inappropriate use in this area and would be detrimental to nearby residents. There is also a concern at Highway Safety with a possible increase in vehicles visiting the site in what has been a dangerous hotspot for accidents. It does not seem there is a need for an additional hot food or takeaway outlet in this vicinity as there are others close by, one in Thornwood (Munchies) and one in Hastingwood (McDonalds). If this application is minded to be granted there should be a litter patrol in place. The Parish Council would wish to attend a Plans Sub Committee East if this application is brought to that committee.

Main Issues and Considerations:

The main issues to consider for the assessment of this application are as follows:

Green Belt
 Impact on the Living Conditions of Neighbours
 Highway safety

Green Belt

The site lies within the Metropolitan Green Belt. The National Planning Policy Framework (2019) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential

characteristics of Green Belts are their openness and their permanence.

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

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

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

It is considered that due to the relatively minor nature of the development, the proposal would not cause adverse harm to the existing character and openness of the Metropolitan Green Belt.

Impact on Living Conditions

The Parish Council objected to the application stating concern that the development would cause harm to the living conditions of neighbours in relation to odours in relation to the extraction flue.

The Council's air quality team were consulted as part of this application and, following receipt of revised information, felt that this concern could be adequately managed via condition. It is felt that whilst there may be some harm caused, it would not be considered excessive.

The Council's noise team were consulted as part of this application and showed concern regarding any potential excessive noise created as a result of this application. The noise team also suggested that these concerns could be adequately controlled by condition if the proposal is recommended for approval. There was also concern surrounding the potential hours of use for the hot food takeaway element of the proposal, however this can also be controlled by condition as it would be necessary, reasonable and relevant to the application.

Highway Safety

The Parish Council objected to the application stating concern that there may be an increase in vehicles visiting the site in an area considered a dangerous hotspot for accidents.

Due to the nature of the development, it is considered that the proposal would not be detrimental to highway safety as there would be no changes to the access to and from the site.

Conclusion

For the reasons stated above, it is recommended that planning permission is granted subject to conditions.

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

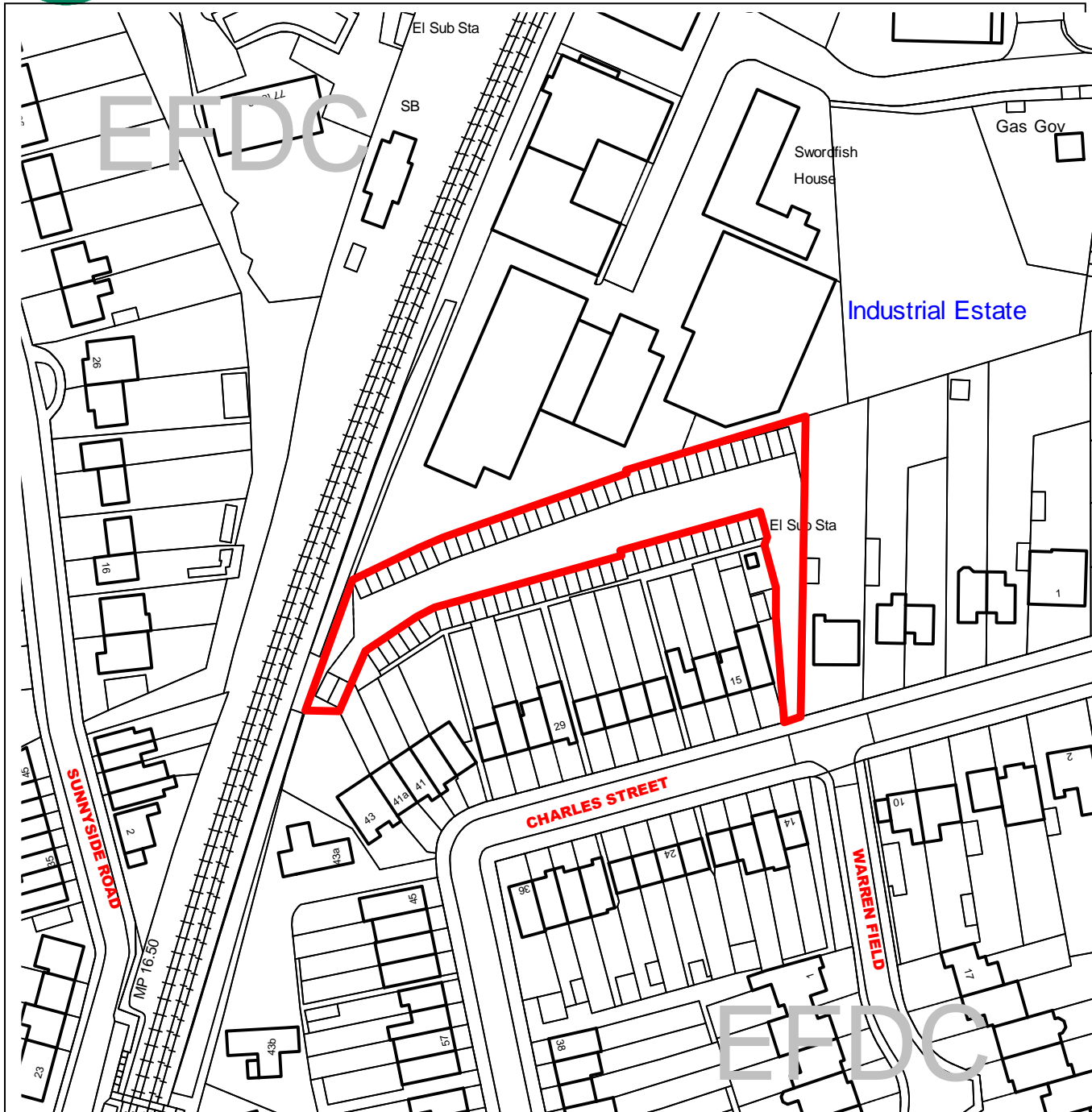
***Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462***

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/0281/21
Site Name:	Garages to the rear of nos. 13-43 Charles Street Epping CM16 7AU
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/0281/21
SITE ADDRESS:	Garages to the rear of Nos. 13-43 Charles Street Epping CM16 7AU
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Russell Tomkins
DESCRIPTION OF PROPOSAL:	Application for Variation of conditions 2 'plan numbers' and 21 'No new windows in southern walls' for EPF/3426/18. (Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores).
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=647856

CONDITIONS

- 1 The development hereby permitted must be begun not later than 15 December 2023.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

CHSs_EX_100_A, CHSs_EX_200_A, CHSs_PL_100_D, CHSs_PL_120_D, CHSs_EX_121_D, CHSs, CHSs_EX_200_D, CHSs, CHSs_PL_220_D, CHSs_PL_320_D, CHSs_PL_322_D, RCT Construction Limited Transport Statement ref A110371-1 December 2018, Planning Statement, Noise and Vibration Impact Assessment Technical Report 31503 R2 by Sound Solution Consultants, Flood Risk Assessment by Tree Counties Flood Risk Assessment, Energy and Sustainability Statement by Integration dated 12 December 2018, Tim Moya Associated Ecological Report Extended Phase 1 Habitat Survey Bat Scoping Assessment, Great Crested Newt HSI Assessment Nov 2017, Report on a Phase 1 Desk Study by Ground Engineering ref C14638 Dec 2018, Tim Moya Associates Arboricultural Impact Assessment ref 180920-PD-10 Dec 2018.
- 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 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 tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 5 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 6 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 8 Prior to 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.
- 9 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 10 The development permitted by this planning permission shall be carried out in accordance with the recommendations made in the submitted Noise and Vibration Impact Assessment Technical Report reference 31503 R2 by Sound Solution Consultants.
- 11 The development permitted by this planning permission shall be constructed in accordance with the details listed in the Energy and Sustainability Statement by Integration dated 12 December 2018.
- 12 The development permitted by this planning permission shall be carried out in accordance Recommendations made in Tim Moya Associated Ecological Report Extended Phase 1 Habitat Survey Bat Scoping Assessment, Great Crested Newt HSI Assessment Nov 2017,
- 13 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class B of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 15 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of aa residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 16 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 17 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has an allocated parking space shall be installed and retained thereafter for use by the occupants of the site.
- 18 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 19 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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

Description of Site:

The proposal site is located to the north of residential properties numbered 13-43 Charles Street. Access to the site is between 11 and 13 Charles Street. It originally served the post war housing along this part of Charles Street. The site area is 2400 square metres. It contains garages. Trees line parts of the perimeter of the site. The ground levels on the site slope downwards in a southerly direction.

To the north of the site is the Bower Hill Industrial area; to the east are residential properties; to the south, on lower ground is a mixture of 20th century semi-detached and terraced residential properties, an electricity sub-station is located adjacent the south-eastern corner of the site. and to the west is the railway line.

The site is within the built-up area of Epping. It has no heritage designation attached to it.

Description of Proposal:

Permission is sought for to vary the approved planning application EPF/3426/18 with the following amendments:

1. A study room has been added to the loft space of each house, creating a second floor, with associated stairs and ground floor lobby added.
2. A rooflight and small front window have been added to serve the new study room.
3. House Type B has been removed, and the other House Types rearranged in the terrace.
4. The roof forms of House Types A and C have been slightly adjusted.

Relevant History:

Reference	Description	Decision
EPF/3426/18	Demolition of the existing garage buildings and the erection of 9 x 2-bedroom mews houses, with associated landscaping, parking, bike and refuse stores.	Granted subject to conditions and S106.
EPF/0236/21	Application for approval of details reserved by condition 3 'External materials', condition 4 'Flood Risk Assessment', condition 8 'Hard and Soft Landscaping' and condition 9 'Surface Water details' on planning approval EPF/3426/18 (Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores)	Pending

EPF/0409/21	Application for approval of details reserved by condition 5 "an assessment of the risks posed by any contamination" for EPF/3426/18. (Demolition of the existing garage buildings and the erection of 9 x 2-bedroom mews houses, with associated landscaping, parking, bike and refuse stores).	Pending
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DEVELOPMENT PLAN

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP7	Urban Form and Quality
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping schemes

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.

EPHING 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. 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 her 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
SP3 - Place Shaping	Significant
H1 - Housing Mix and Accommodation Types	Significant
T1 - Sustainable Transport Choices	Significant
DM5 - Green and Blue Infrastructure	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 43
Site notice posted: No, not required

Responses received as follows: -

9 CHARLES STREET, 11 CHARLES STREET, 13 CHARLES STREET, 15 CHARLES STREET
23 CHARLES STREET, 33 CHARLES STREET, 35 CHARLES STREET –.

- Insufficient parking
- Highway Safety Issues
- Narrow access unsuitable for construction, refuse and emergency vehicles
- Overdevelopment
- Site contaminated
- Existing problems with sewerage will be exacerbated
- Concern regarding the safe removal of asbestos roofs
- Further loss of privacy
- Refuse area is far too small for its purpose. The current plans have allowed for nine bins to be placed next to our garage and in front of the substation. The reality however will be very different as each household has a black bin for general waste, a green lidded bin for garden/food waste, a blue box for glass recycling and as many recycling bags as needed for collection.

Following a conversation with the Architect Chris, on 18th February 2021. He was under the impression that each house only has two bins, one black bin and one for recycling so he did not factor in the correct number of bins into the design plans for the bin store outside of each property and the waste collection area. The reality is that there will be double the amount factored in, if not more in recycling bags. The houses do not have gardens or garages, so we are wondering where they are going to store their recycling bags since there isn't sufficient space in the bin stores being built. Further information on this is below.

Week 1 = One black general bin and one green food waste

Week 2 = One green food waste, one blue glass bin and as much recycling as needed for collection – on average we have 6 recycling bags for just a two-person household. There are 9 houses so we can assume that there will be at least 50 recycling bags.

- Additionally, with larger families likely to occupy these properties we fail to see how the refuse area selected will be nearly big enough to accommodate this huge amount of waste. The refuse areas in front of each property proposed also only include space for 2 bins, without sufficient space for recycling:
- As an asthma sufferer and with young children am concerned by the dust pollution resulting from the construction works.
- The bin storage will pose a huge fire risk when placed in front of an electrical substation
- Location of bin storage an arson risk
- Vermin nuisance
- Loss of outlook proposed tall trees will not screen development.

EPPING SOCIETY: OBJECTION: The extra window and study application under a “variation of conditions” is potentially an extra bedroom. It must be conditioned that they are not being sold as such.

The lack of self-contained private space will only work if the owners like living within a community. The ownership should only be given to those who share the co-housing community ethos.

We remain concerned that these quasi-industrial, prefabricated units do not meet the Essex Design Guide and do not sit well with the neighbouring properties.

The residents of these will need to get on well with neighbours. This is already very high density – by the time the wheelie bins, cars, etc are in it will be cramped.

There will be issues with the dust cart, delivery and other vehicles accessing the site. Any increase in accommodation and consequent occupancy will make an already cramped site unsustainable. It will have a negative impact on the amenity of its neighbours.

PARISH COUNCIL: OBJECTION: The Committee originally objected to the proposals for this site on two previous occasions in particular as regards the design of the nine London houses, lack of car parking and concerns regarding access of traffic to the site. Epping Forest District Council granted permission to this previous application subject to a number of conditions. This new application is requesting a variation of two of these conditions which the Committee agreed would be even more detrimental to the streetscene.

Condition 2 is a variation of a number of drawings which adds in an additional second floor to the nine houses proposing to add a study room which could in future be converted into a bedroom and each of the nine dwellings could become three-bedroom houses. The new drawings also include stairs to the new floor and a ground floor lobby area for each of the nine houses. Committee felt that these larger houses could allow for greater numbers of occupants in each of the nine dwellings on the site. Another key change to the drawings is the adjustment of the roof lines of the nine Type A and C houses making the proposal much higher across the streetscene. Committee considered this to be an even bigger overdevelopment of the site than the previous application and greatly affects the character of the current urban environment.

The other Condition 21 included on this planning application refers to 'No new windows in southern elevation walls of the nine dwellings and this new application adds a rooflight and front window to serve the new study room of each of the nine proposed dwellings. The reason why the District Council added this condition was 'To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with the guidance contained within the National Planning Policy Framework, DBE9 of the adopted Local Plan and Alterations and Policy DM9 of the Epping Forest District Council Local Plan Submission Version 2017.' Committee agreed that there should not be a loss of amenities for surrounding neighbours as a result of adding these extra windows.

The Committee also received new information from neighbours to this site regarding the lack of waste facilities and collection location. The neighbours have concerns that the lack of refuse and recycling facilities which are proposed so close to the dwellings on site and the location would also affect surrounding residents. Committee heard that the applicant proposes to have two different bins provided in the small store for each of the nine dwellings. Committee heard that the Fire Service have issued advice to nearby residents about this potential site and that there are a number of possible concerns such as a fire risk, targeted arson, vermin from overflowing rubbish from these new dwellings.

Overall, Committee continue to uphold their objection to this development and consider that this new variation of the application would be a much worse proposal than the previous application to the streetscene. Most importantly, Committee feels that the proposal does not consider the loss of amenities for existing neighbouring properties and does not allow adequate amenities for the potential residents who could be living at this new development.

Relevant policies: CP2 (iv), CP3 (i) and (v), CP5, CP6 (i), CP7, DBE1, DBE2, DBE8, DBE9, DM9A, H3A, ST2, ST4, ST6.

NPPF: Para 55, 122(e), 127 (f), 128

Emerging local plan: H1A (ii), (iii), DM2, DM9A, DM9F, DM9J, DM10A, DM11A, DM21B (i).

Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

Main Issues and Considerations:

Background

Approval has been given under reference EPF/3426/18 for the demolition of the existing garage buildings and the erection of 9 x 2-bedroom mews houses, with associated landscaping, parking, bike and refuse stores.

It is for this reason that the number of dwellings, their overall bulk, form and position; impact on parking, highway safety, construction, refuse and emergency vehicles, land contamination, sewerage cannot be reassessed. Assessment can only be made on the changes for which permission is sought.

This application seeks to vary the consent in order provide a study room on the second floor, with associated stairs and ground floor lobby; a rooflight and small front window to serve the new study room.

Principle

The proposed study cannot be considered a bedroom because whilst it meets the minimum width requirements it has less than 7.5m in floor area (It has a total internal area of 7.4m) and has a sloped ceiling with a height range from 2.67m at its peak and 1.84m at the lowest part of the sloped ceiling. The minimum floor to ceiling height for a bedroom is 2.15m for the entire room. Given that the proposed room would not meet the National Space Standards definition of a bedroom, it is unlikely to increase the occupancy of the houses.

The study would facilitate the ability of future occupiers to work from home and as result reduce the need to travel and as a result their carbon footprint.

Design

The height of the of all the houses are proposed to be increased by between and 0.2m and 1.3m to create the additional headroom. The existing northern boundary of the site contains warehouse buildings which remain as high or taller than the height of the proposed houses and therefore will remain a background to the views of the houses. Given that the increase in height is limited and the proposed new fenestration is in keeping with the contemporary appearance of the homes already approved, it is considered that the additional changes will not materially alter the appearance of the approved scheme, they therefore have a neutral impact on the distinctive local character of the area in accordance with chapter 12 of the NPPF, CP7 and DBE 1 of the Local Plan along with DM 9 of the SVLP.

Impact on the living conditions of neighbouring residential occupiers

The application site is on land which is 1.9m higher than that which the nearest existing properties on Charles Street. However, the upper floor habitable room to habitable room distance between the proposal and the rear elevation windows of properties within 13-35 Charles Street is between 29m and 36m. This distance is enough to ensure that the internal rooms of these neighbours will not be overlooked. It also reflects window to window distances of existing properties within Epping.

The upper floor windows new dwellings will have views into the private gardens of these neighbours; however, it is not more than that already perceived by existing neighbouring properties.

It is for these reasons considered that neighbouring amenity will not be excessively affected in terms of loss light, outlook, privacy or dominance.

Loss of a private view is not a material planning consideration.

Other matters

The Senior Waste Management Officer was consulted on this application in regard to concerns raised in relation to the refuse and recycling facilities proposed. Since the entrance to the site is via a narrow road, no commercial waste vehicle will be able to drive onto the site. He therefore advises that the approved plans are the best solution to this issue. Future occupiers will be provided with sturdy plastic bins and caddies for all refuse and recycling by the Neighbourhood Team. Future occupiers will then have to bring their bins out to the original storage point by the electricity substation on the day of collection before 7am. Then after the receptacles are emptied, they will be required to collect them and bring them back to their own properties on the same day. This practice is similar to that carried out for other backland sites within the District and has not previously found to be problematic.

In any case since the refuse and recycling provision has already been approved, it is not material to the determination of this application.

Conclusion

The variation to the design of the scheme already approved under reference EPF3426/18 will not materially alter the appearance of the approved houses and will not impinge neighbouring residential amenity excessively more than what has already been approved. It is therefore considered that the proposal meets the requirements of sustainable development in accordance with policy contained within the NPPF, adopted Local Plan and Submission Version Local Plan. Approval is therefore recommended.

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:

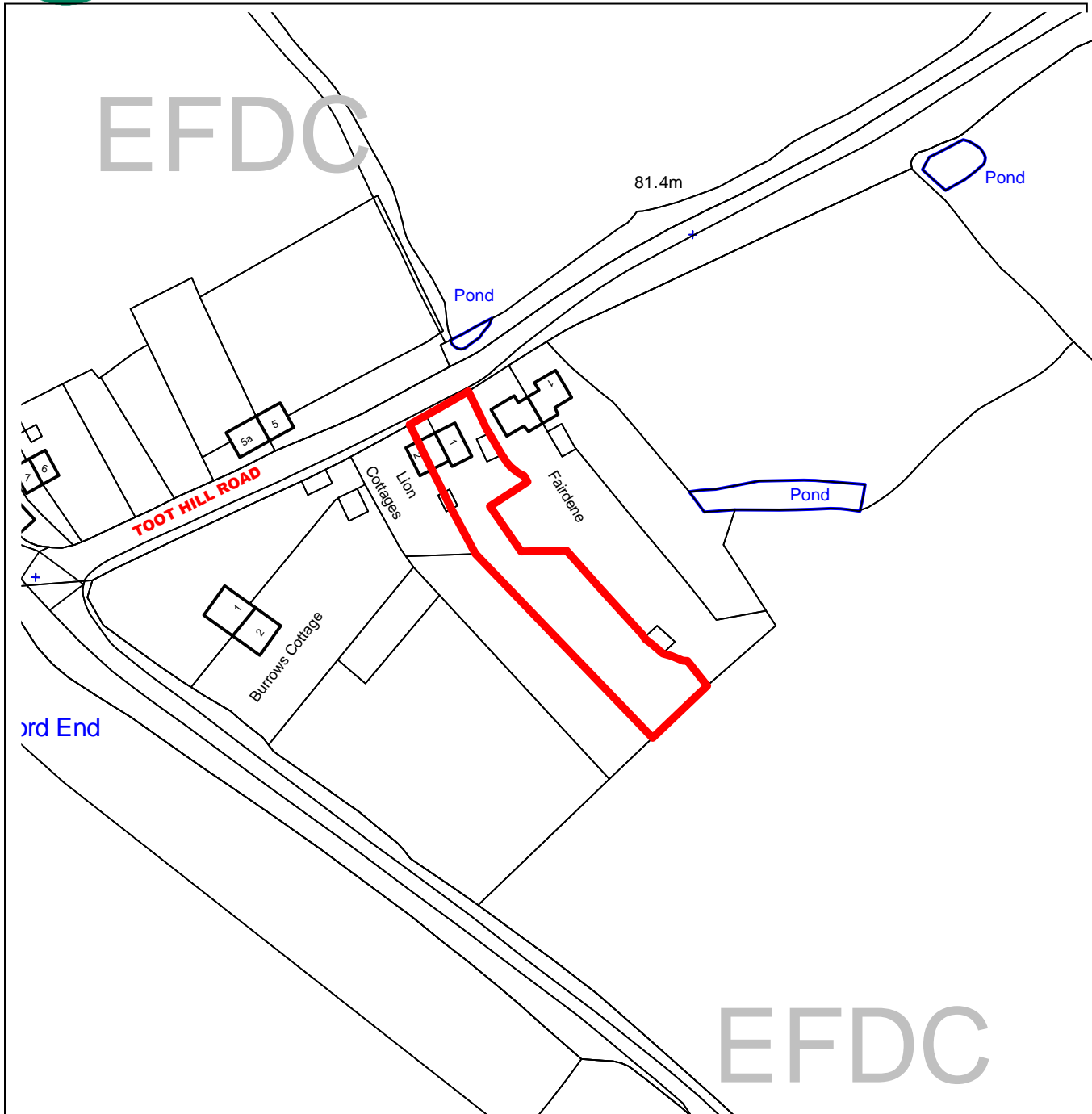
***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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/0744/21
Site Name:	1 Lion Cottages Toot Hill Road Ongar CM5 9QL
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/0744/21
SITE ADDRESS:	1 Lion Cottages Toot Hill Road Ongar CM5 9QL
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Mr Luke Majid
DESCRIPTION OF PROPOSAL:	Proposed garage conversion and single storey link with partial alteration to roof (Revised application to EPF/0109/21)
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=649864

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 shall be carried out and retained strictly in accordance with the following approved plans: 1746.1A, 1746.2A, 1746.3A, 1746.7, 1746.8 and 1746.9.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The garage conversion hereby permitted shall only be used for purposes incidental to the residential use of the dwelling known as 1 Lion Cottages, and shall not be used for any primary residential accommodation.
- 5 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

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

Site and Surroundings

The site comprises of a semi-detached house, located within a small enclave in the Green Belt. It is not listed nor in a conservation area.

Proposal

The proposal is for a garage conversion and single storey link with partial alteration to roof (amended scheme to EPF/0109/21).

The main amendment is the removal of the first floor above the existing garage.

In the interest of clarity, the garage conversion is permitted development, so, it will not be discussed further in this report.

Relevant Planning History

EPF/1190/92 – First floor side extension, rear porch and detached garage - Approved

EPF/0806/93 – Amendment to EPF/1190/92: Increase in ridge height of single storey side extension - Approved

EPF/1633/15 - Prior approval application for a 5m deep single storey rear extension, height to eaves 2.8m and maximum height of 2.8m – Prior Approval Not Required

EPF/0109/21 - Proposed garage conversion including creation of first floor and single storey link to main house – Refused

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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:

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
GB2A	Development in the Green Belt
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

National Planning Policy Framework 2019 (Framework)

The Framework 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:

Paragraphs 124 & 127

Paragraphs 133, 143 - 145

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 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 her final conclusions.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM4 Green Belt	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Summary of Representations

Number of neighbours consulted: 4. 4 response(s) received

2 LION COTTAGES, 5 TOOT HILL ROAD, FAIRDENE COTTAGE, & 2 BURROWS COTTAGE –
Objections – Summarised as:

- Impact on the Green Belt; and
- Impact on the street scene.

STANFORD RIVERS PARISH COUNCIL – The Parish Council OBJECTS to this application, on the following basis:

- i. The application form and weekly list advises this application is for a proposed garage conversion and single storey link, however the applicants supporting later advises that this application is for only the link (as the garage conversion falls under permitted development). It is therefore unclear as to exactly what this planning application is for. This needs to be clarified by EFDC Planning and has in fact made this application difficult to consider properly.
- ii. Whilst the Council is happy to see there is no longer a second storey being proposed over the garage, the Council remains concerned with the extent of the proposed single storey link given the previous historical additions to the property, which if granted would result in the property being overly disproportionate to the original dwelling given this property is in the Green Belt.
- iii. The loss of the garage would exacerbate an already cluttered and cramped parking situation at the property (evidenced by the pictures submitted as part of the application).
- iv. The Parish Council has been advised that works have already started, however the application form advises this is not the case.
- v. The Parish Council requests that a check is made to ensure the plans submitted with this application fulfil the District Councils validation requirements.

Planning Considerations

The main issues for consideration in this case are:

- a) The previous refused application EPF/0109/21;
- b) The impact on the Green Belt;
- c) The impact on the character and appearance of the locality; and
- d) The impact on the living conditions of neighbouring properties.

Green Belt

The relevant exception to development in the Green Belt is Paragraph 145 (c) of the Framework which states; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. To establish whether

the proposal would result in a disproportionate addition or not depends on the impact on the openness of the Green Belt, which has a spatial aspect as well as a visual aspect.

The original building had a volume of some 218 cubic metres, and together with the historic additions (including the recent single storey rear extension) the total volume of the current building amounts to some 304 cubic metres, which is a 40% increase in volume. The proposed link will add an additional 47 cubic metres, which is a further increase of some 15% in volume, taking it to a total of 55% increase in volume to that of the original building.

It should be further clarified that an assessment on the openness of the Green Belt is not a purely mathematical exercise, so, it is considered that on balance the proposed development in spatial terms (55% increase in total volume) would be acceptable, and visually the proposal would infill the space between the garage and the rear extension so this element is also acceptable. Therefore, the proposal would not amount to a disproportionate addition over and above the size of the original building.

Character and Appearance

The proposed works are considered to be of a size, scale and design that is acceptable and complements the appearance of the existing building, the pair of semis, the street scene, and the locality.

Accordingly, the proposal is considered to comply with policies CP2 and DBE10 of the LP, policy DM9 (D) and DM10 of the LPSV, and Paragraphs 124 and 127 of the Framework.

Living Conditions

The proposed development will have no material impact to the occupiers of both 2 Lion Cottages and Fairdene Cottage, in terms of loss of light, loss of privacy, overbearing and visual impact that warrants a reason for refusal.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with policies CP7 & DBE9 of the LP, policy DM9 (H) of the LPSV and Paragraph 127 (f) of the Framework.

Conclusion

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

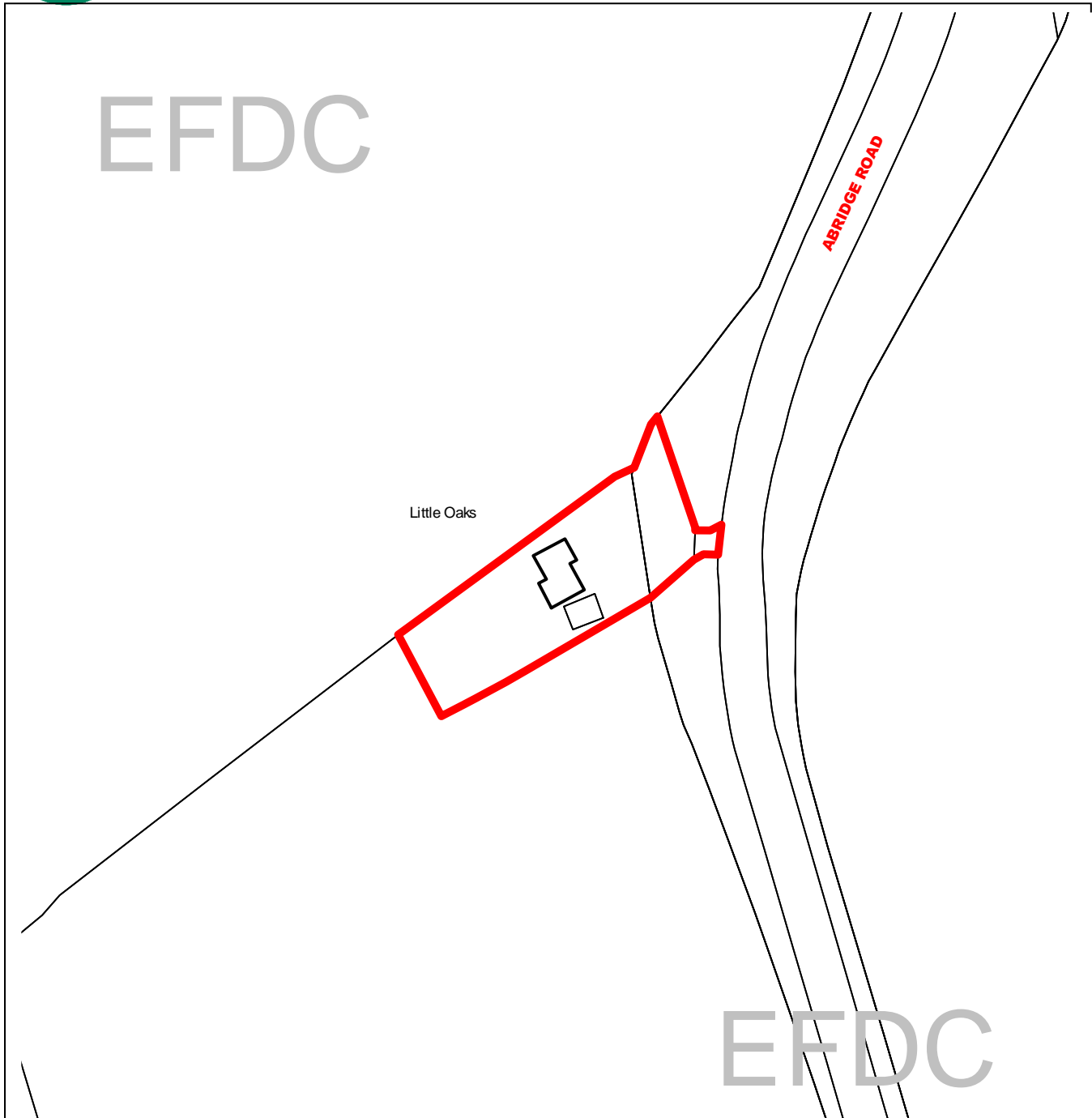
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

**Planning Application Case Officer: Muhammad Rahman
Direct Line Telephone Number: 01992 564415**

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



Epping Forest District Council



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Application Number:	EPF/0930/21
Site Name:	Little Oaks Abridge Road Theydon Bois Epping RM4 1TX
Scale of Plot:	1:1250

Report Item No:12

APPLICATION No:	EPF/0930/21
SITE ADDRESS:	Little Oaks Abridge Road Theydon Bois Epping RM4 1TX
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr & Mrs Aston
DESCRIPTION OF PROPOSAL:	Replacement dwelling.
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=650573

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 01 and 05 Rev I.
- 3 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 4 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 Tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement and Tree protection shall be implemented as shown on Moore Partners 'Tree Protection Plan' drawing number MP/LOAK/01 dated 7th December unless the Local Planning Authority gives its prior written approval to any alterations.
- 6 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.
- 7 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 8 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.
- 9 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
- 10 Prior to first occupation of the development, the recommendations set out in the Preliminary Ecological Appraisal by T4 Ecology Ltd (dated December 2020) shall have been implemented and retained as such, unless otherwise agreed in writing with the LPA.
- 11 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 12 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.

- 13 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, AA, B, D & E of Part 1 to schedule 2 shall be undertaken.

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

Site and Surroundings

The site comprises of a detached dwelling located on the eastern side of Abridge Road. It is not listed nor in a conservation area, however it is within the Green Belt.

Proposal

The proposal is for a replacement dwelling.

Relevant Planning History

EPF/0431/19 - Proposed new single two storey rear and side extensions – Refused

EPF/1174/20 - Application for a Certificate of Lawful Development for two single storey side extensions – Lawful

EPF/1839/20 - Certificate of lawful development for a proposed outbuilding for garage/gym. Certificate of lawful development for a proposed outbuilding for garage/gym – Lawful

EF\2020\ENQ\00833 – Pre-app discussion for a replacement dwelling

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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:

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
GB2A	Development in The Green Belt
GB7A	Conspicuous Development
DBE1	Design of New Buildings

DBE4	Design in the Green Belt
DBE8	Private Amenity Space
DBE9	Neighbouring Amenities
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework 2019 (Framework)

The Framework 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:

Paragraphs	108 - 110
Paragraph	117
Paragraphs	124, 127
Paragraphs	133, 143 – 146
Paragraph	175

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 her final conclusions.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

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	Some
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Some
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	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	Some

Summary of Representations

Number of neighbours Consulted: 5. No response(s) received
 Site notice posted: Yes

THEYDON BOIS PRESERVATION SOCIETY & THEYDON BOIS ACTION GROUP – Objections – Summarised as;

- Impact on Green Belt; and
- Impact on character.

THEYDON BOIS PARISH COUNCIL – The Planning Committee wishes to raise an objection to this proposal on the grounds that it believes the proposal would be out-of-keeping in the context of its rural setting and would adversely impact on the openness of the Metropolitan Green Belt, being also materially larger than the existing dwelling house.

There is no volumetric data supplied with this application but the Committee senses the proposed replacement dwelling to be significantly larger than the existing dwelling, notwithstanding an extant Certificate of Lawful Development ('CLD') for two, single-storey, side extensions (under EPF/1174/20, but not commenced) and an existing detached garage to the side.

Separately, a further large garage/gym outbuilding was proposed under EPF/1839/20, but it is not clear whether this will be constructed (although a CLD also remains extant). However, that outbuilding could not serve as a garage, if the current proposal were built, due to insufficient space for a driveway.

The design of the existing house resonates with the period of local architectural styles; it's partly tiled, asymmetrical frontage, with cat-slide roof and small round glazed window, being reminiscent of the more vernacular style of a farmhouse dwelling, which was still popular in rural areas during the inter-war years.

In the Committee's view, the present, more modest dwelling, sits comfortably within its plot in a way that the proposed replacement dwelling would not.

The larger, almost 'manorial', design and proportions of the proposal are of a mass and scale that the Committee feels would be too dominant for this plot and would effectively reduce the sense of spaciousness around the dwelling and 'close down' the openness of the surrounding Green Belt space. Both in terms of the impact on the spatial and visual aspects of openness, the proposal would appear materially larger, being of a more prominent, symmetrical, two-storey structure, across its full width, which would not be effectively screened from view by the existing trees given, in particular, the public perspective from the adjacent highway of the Abridge Road.

The proposed building would also appear as a dominant feature within the locality, given the rural landscape setting. Travelling in either direction along the Abridge Road, it is Theydon Hall, and the Grade II Listed Piggotts Farm and barns, which give a sense of the historic setting. However, the new proposal would jar with the context of the locality; appearing to assume a precedence that would not be appropriate for its location. The property known as Countesbury, on the opposite bend, assumes a more modest presence in the street scene.

Additionally, the Committee notes that planning application EPF/0431/19 for front, rear and side extensions of this property was refused by EFDC on grounds of inappropriate development and harmful impact on the Green Belt. The size and scale of the proposed building would, visually, be more dominant than that earlier proposal.

The Committee, therefore, is of the view that this proposal fails to respect its Green Belt setting and would not positively contribute to the distinctive character of the local area - in conflict with the Epping Forest District New Local Plan (Submission Version, 2017) Policies DM3, DM4 and DM9, and Current Local Plan Policies DBE1, DBE4, GB7A, LL3, and paragraphs 124, 127 and 145 (d) of the National Planning Policy Framework, 2019.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the Green Belt;
- b) The impact on the character and appearance of the locality;
- c) The impact to the living conditions of neighbouring properties;
- d) Standard of Accommodation for future occupiers;
- e) Highway safety and parking provision;
- f) Trees and landscaping; and
- g) The impact on the Epping Forest Special Area of Conservation (SAC).

Green Belt

The relevant exception to development in the Green Belt is Paragraph 145 (d) of the Framework which states; the replacement of a building, provided the new building is in the same use and not

materially larger than the one it replaces. To establish whether the proposal is materially larger or not, an assessment on the openness of the Green Belt is required. Openness has both a spatial and visual aspect. In spatial terms, it is commonly accepted that proportionate increases over the size of the original building are acceptable. Having said this, an assessment of a development on the Green Belt is not a purely mathematical exercise as reaffirmed by the recent High Court Judgement; in *Sefton MBC v SoS (2021) EWHC 1082*.

The existing building (including the garage) has a total volume of some 919 Cubic Metres, and the replacement building will have a volume of some 1150 Cubic Metres. This represents an increase of some 25%, which is considered to be a proportionate increase in this context, and therefore the proposed development would not have a significant spatial impact to the openness of the Green Belt. Visually the proposed development would concentrate development within the centre of the plot with sufficient spacing around the building, which would further be enhancing the views of the Green Belt. Therefore, the proposed dwelling would not be materially larger than the one it is replacing.

Also, given the increase in volume, it is necessary to remove PD rights for any extension/alterations to the building, including any outbuildings, so the LPA can consider any further harm (if any) to the Green Belt.

Thus, the proposed development is not inappropriate development within the Green Belt, nor would there be any material harm to the openness of the Green Belt, both in visual and spatial terms.

Character and Appearance

The proposed dwelling would be of a size, scale and design that would have a neutral impact to the character of the existing buildings within the street, and wider, rural locality.

Living Conditions of Neighbouring Properties

There are no nearby neighbours that would be affected by the proposed development.

Standard of Accommodation

The proposed development would have sufficient internal and external amenity space for future occupiers of the proposed dwelling.

Highway Safety and Parking Provision

There is sufficient space to park multiple cars on the site and no changes are proposed to the existing vehicular access.

Trees and Landscaping

The Councils Tree Officer has raised no objections to the proposal, subject to the imposition of conditions as part of the consent.

Epping Forest SAC (EFSAC)

A replacement dwelling will not have an impact to the integrity of the EFSAC, as there will be no increase in recreational pressure and vehicle movements from the site compared to what can be achieved at present.

Conclusion

For the reasons set out above having regard to all the matters raised, it is recommended that conditional planning permission be granted.

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

Case Officer: Muhammad Rahman - Direct Line: 01992 564415

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

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