

# Committee Agenda



## Epping Forest District Council

### ***Area Planning Sub-Committee East Wednesday, 8th December, 2021***

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

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 8th December, 2021  
at 7.00 pm.**

**Georgina Blakemore  
Chief Executive**

**Democratic Services  
Officer:**

V Messenger, Democratic Services Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto: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 Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.**

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

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

**2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 24)**

To confirm the minutes of the last meeting of the Sub-Committee held on 10 November 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 COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)**

This briefing note, dated October 2021, 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 ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

## 8. SITE VISITS

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

## 9. PLANNING APPLICATION - EPF/1080/19 LAND REAR OF 287-291 HIGH STREET, EPPING CM16 4DA (Pages 25 - 42)

To consider the attached report on the proposed 1 no. 3 storey and 1 no. 2 storey buildings to accommodate x 3 residential units (1, 1 bed and 1, 2 bed units and 1, 3 bed dwellinghouse) with communal open space, landscaping and associated works.  
\*\*SAC back log case now progressing\*\*

## 10. PLANNING APPLICATION - EPF/2257/21 67 HEMNALL STREET, EPPING CM16 4LZ (Pages 43 - 48)

To consider the attached report for TPO/EPF/32/08 (Ref: T5). T1: Lime - Crown lift to up to 5m above ground level, as specified.

## 11. PLANNING APPLICATION - EPF/2406/21 5 THE WEIND, THEYDON BOIS, EPPING CM16 7HP (Pages 49 - 54)

To consider the attached report on an application for a proposed rear and side, part ground and part 2 storey extension.

## 12. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and

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

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

## **Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees**

### **Are the meetings open to the public?**

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. 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: Only 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 **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

### **Can I give the Councillors more information about my application or my objection?**

**Yes, you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk/> Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

## **How are the applications considered?**

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or
  - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

## **Further Information**

Further information can be obtained from Democratic Services.

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

				
<b>Chairman</b> Cllr Keska	<b>Vice Chairman</b> 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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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 10 November 2021  
East

**Place:** Council Chamber - Civic Offices **Time:** 7.00 - 9.10 pm

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

**Apologies:** R Morgan and B Rolfe

**Officers Present:** G Courtney (Planning Applications and Appeals Manager (Development Management)), J Leither (Democratic Services Officer), A Marx (Development Manager Service Manager (Planning)), R Perrin (Democratic and Electoral Services Officer) and R Moreton (Corporate Communications Officer)

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### 49. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### 50. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

### 51. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 13 October 2021 be taken as read and signed by the Chairman as a correct record.

### 52. DECLARATIONS OF INTEREST

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

- EPF/1061/21 – 55 Pancroft, Lambourne RM4 1BX.

(b) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of the property having been involved with a company that he was a Director of. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/1716/21 – 23 Thornwood Road, Epping CM16 6SY.

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

- EPF/1624/21 – Land between 42 and 44 Ongar Road, Lambourne RM4 1UH.

### 53. ANY OTHER BUSINESS

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

### 54. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the briefing note, dated October 2021, had been produced by the Planning Policy team to ensure that a consistent approach was taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version (LPSV), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021.

The Planning Policy Briefing Note (October 2021) was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

### 55. SITE VISITS

Councillor C Whitbread proposed a site visit for item 10 on the agenda, EPF/1080/19 - Land rear of 287-291 High Street, Epping CM16 4DA which was seconded by Councillor J Philip.

#### AGREED:

That the Sub-Committee agreed in favour of a site visit.

### 56. PLANNING APPLICATION - EPF/1403/18 ENVILLES, LITTLE LAVER, ONGAR CM5 0JH

<b>APPLICATION No:</b>	EPF/1403/18
<b>SITE ADDRESS:</b>	Envilles Little Laver Ongar Essex CM5 0JH

<b>PARISH:</b>	Fyfield Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	The development proposes the erection of a purpose-built agricultural building for use in association with chicken farming.
<b>DECISION:</b>	Refused

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=609687](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609687)

## REFUSED

- 1 The proposed development has not been demonstrated as necessary for the purposes of agriculture within this unit and therefore constitutes inappropriate development harmful to the Green Belt. No very special circumstances exist to outweigh this, or any other harm, and therefore the proposal is contrary to policies GB2A and GB11 of the adopted Local Plan and Alterations, policy DM 4 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.
- 2 The scale, location and visual impact from the proposed new building would be harmful to the character and appearance of the wider landscape, since insufficient justification has been provided as to the need for the building. As such, the proposal contrary to policies CP2, GB7A and DBE1 of the adopted Local Plan and Alterations, policy DM 9 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.
- 3 The extent of hardstanding proposed is out of scale with the proposed building and would constitute inappropriate development within the Green Belt, resulting in visual harm to this rural setting, contrary to policies CP2, GB2A and GB7A of the adopted Local Plan and Alterations, policy DM 9 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.
- 4 No clear justification has been provided that a proposed development of this scale would relate to activities within this site, which could result in detrimental impacts regarding traffic movements, and noise and disturbance to surrounding residents, contrary to policies CP2, DBE9, ST1 and ST4 of the adopted Local Plan and Alterations, policy SP 1, DM 9 and T 1 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.

## 57. PLANNING APPLICATION - EPF/1080/19 LAND REAR OF 287-291 HIGH STREET, EPPING CM16 4DA

<b>APPLICATION No:</b>	EPF/1080/19
<b>SITE ADDRESS:</b>	Land rear of 287-291 High Street Epping

	Essex CM16 4DA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed 1 no. 3 storey and 1 no. 2 storey buildings to accommodate x 3 residential units (2, 1 bed units and 1, 3 bed dwellinghouse) with communal open space, landscaping and associated works.
<b>DECISION:</b>	Deferred

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=623394](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=623394)

#### DEFERRED

#### 58. PLANNING APPLICATION - EPF/0160/21 SUNNYSIDE PT OS 956, KENTS LANE, NORTH WEALD BASSETT, EPPING CM16 6AX

<b>APPLICATION No:</b>	EPF/0160/21
<b>SITE ADDRESS:</b>	Sunnyside Pt Os 956 Kents Lane North Weald Bassett Epping CM16 6AX
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of hobby workshop and storage building to dwelling.
<b>DECISION:</b>	Refused

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=647260](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=647260)

#### REFUSED

- The proposal has not sufficiently demonstrated that the existing building is suitable for conversion and therefore the proposal constitutes inappropriate development harmful to the Green Belt. No very special circumstances exist that clearly outweigh this, or any other harm, and therefore the proposal is contrary to policies GB2A and GB9A of the adopted Local Plan and Alterations, policies SP 6 and DM 4 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.

- 2 The proposed incursion of residential curtilage into the undeveloped Green Belt would result in a loss of openness, and further urbanisation and encroachment into the Countryside and as such constitutes inappropriate development harmful to the Green Belt and the character of this rural area. No very special circumstances exist that clearly outweigh this, or any other harm, and therefore the proposal is contrary to policies GB2A and GB9A of the adopted Local Plan and Alterations, policies SP 6 and DM 4 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.
- 3 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

**59. PLANNING APPLICATION - EPF/1061/21 55 PANCROFT, LAMBOURNE, ROMFORD RM4 1BX**

<b>APPLICATION No:</b>	EPF/1061/21
<b>SITE ADDRESS:</b>	55 Pancroft Lambourne Romford RM4 1BX
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing rear extension /conservatory, erection of rear extension and adjoining two storey 3 bedroom dwelling.
<b>DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=651155](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=651155)

**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:  
  
101; 102; 201; 202.

- 3 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 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 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 Class A and Class E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 5 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.
- 6 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and

archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

- 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.
- 8 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 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.

**60. PLANNING APPLICATION - EPF/1304/21 2 CHAPEL VIEW, 90 A HEMNALL STREET, EPPING CM16 4LY**

<b>APPLICATION No:</b>	EPF/1304/21
<b>SITE ADDRESS:</b>	2 Chapel View 90 A Hemnall Street Epping CM16 4LY

<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of existing conservatory and erection of single storey rear extension in an orangery style.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=652276](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=652276)

**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: 7230-01 Rev A
- 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 [or those specified on the approved plans, or those specified in the submitted application form], unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.

**61. PLANNING APPLICATION - EPF/1357/21 11 WOODLAND WAY, ONGAR CM5 9EP**

<b>APPLICATION No:</b>	EPF/1357/21
<b>SITE ADDRESS:</b>	11 Woodland Way Ongar CM5 9EP
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed new dwelling.
<b>DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=652458](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=652458)

**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:  
21.02.WW 10; 21.02.WH 11; 21.02, WH.12; 21.02.WH.13A
- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Prior to first occupation of the dwellinghouse hereby permitted the window(s) in the west flank elevation and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 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-E , of Part 1, to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 7 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
  - Location of active and passive charging infrastructure;
  - Specification of charging equipment; and
  - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
    - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
    - b) How charging point usage will be charged amongst users;
    - c) The process and the triggers for identifying when additional passive charging points will become activated; and
    - d) Electricity supply availability. The electricity supply should be already

confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

- 8 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the Local Planning Authority.
- 9 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.
- 10 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 11 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. 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.

**62. PLANNING APPLICATION - EPF/1624/21 LAND BETWEEN 42 AND 44 ONGAR ROAD, LAMBOURNE, ROMFORD RM4 1UH**

<b>APPLICATION No:</b>	EPF/1624/21
<b>SITE ADDRESS:</b>	Land Between 42 And 44 Ongar Road Lambourne Romford RM4 1UH
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	2 x 4 bedroom new detached houses on infill site.
<b>DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=653655](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=653655)

**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:

Drawing No. TCT-001 - Site Location Plan  
 Drawing No. TCT-101 Rev A dated 19/07/21 - Site Plan Proposed  
 Drawing No. TCT-102 Rev A dated 19/07/21 - Site Block Plan - Proposed  
 Drawing No. TCT-103 - House Plans  
 Drawing No. TCT-104 - House Elevations  
 Drawing No. TCT-105 - Streetscape elevation, site photos  
 Drawing No. TCT-106 - 3D Visualisation Sheet 1  
 Drawing No. TCT-107 - 3D Visualisation Sheet 2  
 Drawing No. TCT-108 - 2D Visualisations Elevations  
 Drawing No. TCT-111 - Topographical Survey

Drawing No. TCT-112 - Site Block Plan - Existing  
 Drawing No. 30070IPLS-02A - Measured Building Survey Elevations  
 Planning, Design and Access Statement, Thompson Planning Ltd, May 2021  
 Covering Letter, landplomacy, undated  
 Surface Water Drainage Statement, stomar, May 2021  
 EFSAC Technical Note, Ardent, 4th June 2021  
 Phase I Geoenvironmental Assessment, GEMCO, May 2021  
 Low Impact EclA, Hybrid Ecology Ltd, May 2021  
 Arboricultural Impact Assessment, Roberts Arboriculture Ltd, 24th May 2021  
 Draft Unilateral Undertaking.

- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 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.
- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  7. Tree protection measures.
- 6 The dwellinghouses hereby approved shall not be occupied until after the existing structures in the rear gardens shown on drawing number TCT-101 Rev A (Site Plan Proposed) have been demolished and are removed in their entirety from the application site.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, E, F of Part1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 8 Prior to first occupation of the dwellings hereby permitted the windows in the flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 9 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 10 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.
- 11 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.
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.  
  
The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.
- 13 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.
- 14 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Roberts Arboriculture Ltd drawing number RA.021.TPP Rev C dated 24th May unless the Local Planning Authority gives its prior written approval to any alterations.
- 15 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.
- 16 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.
- 17 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and

approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority.

- 18 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 the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 19 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter on each new property for use by the occupants of the site.
- 20 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 21 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

**63. PLANNING APPLICATION - EPF/1716/21 23 THORNWOOD ROAD, EPPING CM16 6SY**

<b>APPLICATION No:</b>	EPF/1716/21
<b>SITE ADDRESS:</b>	23 Thornwood Road Epping CM16 6SY

<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey side and rear extension and loft conversion with front and rear dormers.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=654064](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=654064)

### 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:
  - Drawing No. HP/2105/SP1 - Location and Block Plan
  - Drawing No. HP/2105/1 - Existing Plans
  - Drawing No. HP/2105/2 - Existing Elevations
  - Drawing No. HP/2105/3 - Proposed Plans
  - Drawing No. HP/2105/3 - Proposed Plans (Second Floor)
  - Drawing No. HP/2105/5 - Proposed Elevations 1 of 2
  - Drawing No. HP/2105/5 - Proposed Elevations 2 of 2
- 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, those specified on the approved plans, or those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be inserted in the extensions hereby approved without the prior written agreement of the Local Planning Authority.

**CHAIRMAN**



# Epping Forest District Council



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Application Number:	EPF/1080/19
Site Name:	Land rear of 287-291 High Street Epping Essex CM16 4DA
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1080/19
<b>SITE ADDRESS:</b>	Land rear of 287-291 High Street Epping Essex CM16 4DA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	GS8 Epping High Street Limited
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed 1 no. 3 storey and 1 no. 2 storey buildings to accommodate x 3 residential units (1, 1 bed and 1, 2 bed units and 1, 3 bed dwellinghouse) with communal open space, landscaping and associated works. ** SAC back log case now progressing **
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions) Subject to Legal Agreement

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=623394](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=623394)

**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:  
  
1519- LS-DR-500-P1; 1519- LS-DR-2004-P1;  
1519- LS-DR-1002-P2; 1519- LS-DR-1003-P2;  
1519- LS-DR-2001- P2; 1519- LS-DR-2003 - P2;  
  
1519- LS-DR-1000-P3; 1519- LS-DR-1001-P3;  
1519- LS-DR-2002-P3; 1519- LS-DR- 2005--P3  
1519- LS-DR-4000-P3;
- 3 No preliminary ground works shall take place until a written scheme and programme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out strictly in accordance with the approved scheme and programme.
- 4 Prior to their installation, samples of the type and colours of the external finishes of the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.

- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 7 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.
- 8 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 Class A-E of Part 1, to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 9 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.
- 10 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependent upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 11 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.

- 12 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.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 14 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling and at no cost to the occupier, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 15 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.
- 16 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

This application was deferred at Area Planning Sub-Committee East on the 10<sup>th</sup> November 2021 for a Member Site Visit. A site visit took place on the 23<sup>rd</sup> November 2021.

***And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to recreational use and air quality.***

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

### **Description of Site:**

No. 287-291 is a 3 storey mid terrace building located to the northwest of Epping High Street comprising of a retail unit at ground floor and residential at first and second floor.

The rear of the site comprises of a vacant neglected parcel of land, both long and narrow, situated between a modern flat roofed building of similar scale to the southwest. Brick walls form the side elevations of adjacent buildings demarcate the boundaries. There is a substantial mature tree towards the southwestern boundary, sited part way down the land parcel.

The site lies within the key frontage of the Epping Town Centre and within Epping Conservation Area characterised by its medieval linear settlement and distinctive layout featuring two or three storey buildings fronting the High Street with 1 to 3 - storey outbuildings to the rear. The site is within the setting of a 17<sup>th</sup> Century, grade II listed 'Black Lion' PH with outbuildings to the rear. The black Lion particularly illustrates the principle of building hierarchy as it is part two storeys (facing High Street), part single storey (at the back).

The topography of the site is where the area to the rear of the shops slopes down from the southwest to the Northeast with a steeper drop to the rear of the site and also from the south to the north.

The surrounding area is of a mixed use comprising of retail at ground floor and residential/commercial/ offices at first floor fronting onto the High Street with a mixed variety of urban building types and heights with residential and commercial/storage to the rear aspects. The site is bound to the rear by brick walls and 3 car parks.

The car park to the northwest of the site is also identified in the site selection process for residential development in the Local Plan Submission Version, 2017.

### **Description of Proposal:**

Planning permission is sought for the development of the rear part of the site abutting the ground floor rear extension to the existing retail unit to accommodate 2 detached buildings to provide x 3 residential units accessed by a side pedestrian entrance walkway from the main High Street shop front unit.

This application is a resubmission following a previous refusal, (ref: EPF/2246/17) for the infill of the rear with 2 detached buildings linked by communal walkways comprising x 6 units which was refused due to its height at 3 stories, scale and massing and its associated impact on the listed building and was dismissed at Appeal.

Following the Appeal, the scheme has undergone compressed negotiations with the Councils Urban Design Team and the Conservation Team and has also been to the Quality Review Panel for consultation. The scheme has been significantly revised by a reduction in the number of units from 6 to 3 involving a larger separation distance to the proposed rear most second building and where the design has been altered to accommodate a more traditional design and the height, depth and scale significantly reduced.

The internal arrangement of the units have been reconfigured with the introduction of more space and the reorientation of the majority of the main habitable rooms windows to the rear northeast elevations to give more light. Other changes have involved the removal of the linked walkways and a proposed shared communal amenity space and recessed balconies to the ground floor of both buildings.

This proposed built form of development comprises of two buildings separated by a communal amenity area.

#### First Building - 2, bed units - (1, 1, bed and 1, 2 bed)

The first building is 3 stories in height, set below the ridge of the host building forming a shallow gable roof measuring a depth of 13m, a width of 5m at a height of 10.5m accommodating 2 units, both with their own separate entrances from the communal walkway. -

- A duplex 2- bed apartment sited over 2 floors, with a floor area of 99m<sup>2</sup>. The ground floor is the main living accommodation with the habitable room windows to the rear north flank elevation and a recessed balcony with screen. The first floor comprises of a bedroom, bathroom and ensuite with the windows located to the east elevation.
- A one-bedroom unit is located on the second floor with a floor area of 51m<sup>2</sup> with the main habitable windows to the north elevation and 3 dormer windows located to the east roofslope.

#### Second Building - 3 bed dwellinghouse -

The proposed rear most 2- storey, 3 bed dwellinghouse has a separation of 6.4m from the front building and stepped down at a lower level of 1.1m, due to the slope of the land with the ground floor at the lower ground level and accommodates the bedroom space with the upper ground floor as the main living area and kitchen with a recessed balcony area to the northeast elevation. The building measures a depth of 11.5m, a width of 6m and height of 8.5m (7.5m from ground level) with a green roof and an internal floor area of 115m<sup>2</sup>.

The communal refuse storage and cycle area is sited to the southern most aspect of the site integrated into the first part of the development

Traditional materials are to be used involving brick and timber slate shingles for the roof to the first building and an intensive green roof for the rear building

#### **Relevant History:**

EPF/2246/17 - Redevelopment of site to provide 6 residential units - 3 x 2 bed, 2 x 1 bed, 1 x 1 studio - Refused October 2017 -

- The proposal has a density of 60 dwelling per hectare. This figure exceeds standards of 30-50 set out in policy H3A of the Local Plan and if built, would not secure a good standard of amenity for all future occupiers of land and buildings within and surrounding the site. It therefore conflicts within the requirements of the paragraph 17 of the NPPF along with policies CP3 and H3A of the Local Plan.

- The proposed development by reason of its scale, height, bulk and mass would constitute an overdevelopment of the site and appear incongruous and unacceptably dominant and visually intrusive particularly in relation to the adjoining Listed Building and would fail to preserve or enhance the special character of this part of the Epping Conservation Area contrary to the NPPF and Local Plan policies CP7, DBE1, HC6, HC7 and HC12.
- The proposed development would, by reason of its height, scale, bulk, massing and proximity to the donor building, adversely affect the outlook and daylight and sunlight to the adjacent neighbours and would create an excessive sense of enclosure to future occupiers contrary to council policy CP7 and DBE9.
- The proposed development does not appear to provide adequate functional, attractive and safe access for future occupiers of the development. contrary to policies DBE3 of the Local Plan and Alterations.
- The proposed development does not appear to provide a functional bin store which provides adequate and practical service space to the detriment of future occupiers of the development contrary to policies DBE3 of the Local Plan and Alterations.

Dismissed at Appeal 22<sup>nd</sup> August 2018

EPF/2928/15 - Extension and change of use to A1 (retail) at ground floor level - Appr.

EPF/2795/15 - Change of use of upper floors from office to 3 flats - Approved.

**DEVELOPMENT PLAN CONTEXT**

*Local  
Plan*

*(1998) and Alterations (2006)*

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

- CP1: Achieving Sustainable Development Objectives
- CP2: Protecting the Quality of the Rural and Built Environment
- CP3: New Development
- CP6: Achieving sustainable urban development patterns
- CP7: Urban Form and Quality
- CP7: Urban Form and Quality
- RP4: Contaminated Land
- RP5a: Environment Impacts
- DBE1: Design of New Building
- DBE2: Effect on neighbouring properties
- DBE8: Private amenity space
- DBE9: Neighbouring residential amenity
- LL11: Landscaping schemes
- ST1: Location of development
- ST2: Accessibility of Development
- ST4: Road safety
- ST6: Parking provision
- H2A: Previously developed land
- H4A: Dwelling Mix
- H3A: Housing Density
- HC6: Character, Appearance and Setting of Conservation Areas
- HC7: Development within Conservation Areas
- HC12: Development Affecting the setting of Listed Buildings

NPPF, 2021

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 51, 86, 104 - 111  
Paragraph 118- 121, 126 - 132, 194

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue	Significant
H1 Housing mix and accommodation types	Significant
H3A Housing Density	Significant
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM7 Heritage Assets	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 On site management of waste water and water supply	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 Local environmental impacts, pollution and land Contamination	Significant
DM22 Air Quality	Significant
T1 Sustainable transport choices	

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

EPPING TOWN COUNCIL - OBJECT - confirm that they will attend Plans East to speak

- overdevelopment of the land, little amenity space and no parking.
- Cannot support residential accommodation at ground floor to the rear of a retail premises

to protect vitality and viability of the Epping High Street  
A Site Notice was displayed - 14/06/2019 and Advertised - 16/6/2019

#### EPPING SOCIETY - OBJECT

- no parking

31 adjoining neighbours were notified, and 6 objections have been received that raise the following concerns:

- Scale, height
- Insufficient open space. Massing
- Removal of trees and infilling of an open space
- Overlooking
- Intrusive
- Narrow access
- Flats sited close to Black Lion which is of special architectural significance

An additional 15 day consultation was undertaken on the 12<sup>th</sup> November 2021 and 3 objections have been received that raise the following concerns:

- over development in a location that is full of character. (Namely the 18th century public house, The Black Lion)
- The expectation that the residents will only be cyclists is an insult - Fails to cover the issue of where people will park. The High St is very slow moving traffic seven days a week. If these "cyclists" park their cars in the parking behind the shops. this will again increase traffic flow in an already congested top of a single lane narrow lane.
- The proposed development would result in a highly visible 3/2 storey stepped extension over the greater part of the site.
- The District Council have a Statutory Duty to ensure that all development within a Conservation Area will result in an improvement or enhancement to that area. The outlook from the proposed flats and dwellinghouse will be very restricted and will further restrict the outlook from adjoining dwellings
- The proposed extension directly abuts the side walls of the Black Lion Public House which is a Grade II listed building and dominate the listed building which would no longer be seen in isolation which, because of its importance, is essential.
- The need for additional housing in the District has been acknowledged by previous Planning Inspectors who have concluded that this need is not in itself sufficient to overcome the harm that it would cause to the historic environment i.e. the Conservation Area.
- There is a complete absence of any parking provision for the proposed dwellings contravening the District Council's Parking Policy. Notwithstanding the availability of Public Transport. it will be inevitable that future owners will be car owners
- Losing the unique sense of identity and character of this Market Town.
- The development overlook the recently approved development to the rear car park

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

- The principle of residential
- Design, Character and Appearance
- Impact on the amenity of surrounding residents; Form of Accommodation;
- Trees and Landscaping
- Parking and highway safety
- Drainage and Contamination

- Epping Forest Special Area of conservation  
Principle of Development

The Council is currently in the process of adopting a new Local Plan where sites have been allocated for residential for residential development.

No. 287-291 High Street is one of the sites that has been identified in the site selection process for residential development in the Epping Forest Local Plan Submission Version, 2017, (reference EPP.R10) for up to 6 residential units. Three of the units have already been implemented above the ground floor commercial building.

The allocation of the site in the Local Plan Submission Version is material to the determination of the application and which carries substantial weight in favour of the development from the Government to maximise the use of urban sustainable locations to meet an identified housing need.

Epping Town Centre, is one of the larger built up towns within the District well served by local services and amenities. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development.

The site is located within an existing mixed use area of commercial/retail and residential area; within a sustainable urban location where accessibility is good and the infrastructure has been developed so there local services, facilities and good public transport links are available within walking distance of the site and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, subject to all other parameters.

Design, Character and Appearance

The plot is sited within the key frontage of the Epping Town Centre and Conservation Area and lies adjacent to the Black Lion Public House, a Grade II Listed Building.

In line with the 'Listed Buildings and Conservation Areas Act 1990', Local Planning Authorities are required by statute to protect buildings and structures which are of historical and architectural interest and which have been awarded listed building status and also protect and enhance the character and appearance of Conservation Areas.

The surrounding area is characterised by urban built form. The main front building of nos 287-291 fronts onto Epping High Street at a height of 3 stories with the surrounding buildings also fronting onto the High Street, two and three storey in height. The rear of the plots feature a mix variety of buildings, predominantly large 2 and 3 storey in height in such uses as offices, commercial/ storage and residential. The site is bound to the rear by brick walls and car parks.

The piece of land is long, narrow and undeveloped, situated between a modern flat roofed building of similar scale to the southwest and the Listed public house to the northeast.

The application follows a previous refusal for the infill of the rear aspect with 2 detached buildings comprising 6 units which was refused due to its height, scale and massing and its association with the adjoining Listed Building and was dismissed at Appeal.

The Inspector in his decision raised no objection to the residential development of the site recognising that the, '*setting is of a densely, developed mostly urban area with, in some cases much taller modern buildings nearby*' and that '*the new housing would be added to the area and*

*whilst I shall come onto this in more detail later, it would add to a supply that is currently lacking when compared to the requirements of the Framework.' I give this factor some weight.*

The Inspector also noted that the *'The site would also benefit from a general tidy up which would be positive'* and that, *'the public house aside, some other buildings surrounding the appeal site are not of significant architectural value in themselves but that .... the scheme's shape, height and extent of projection would simply appear too much for the site and how it would be juxtaposed with other buildings..... As a result, the proposed development would fail to either preserve or enhance the character or appearance of the ECA'.*

The Conservation Officers comments at the time of the application were that, *'the development demonstrated that it is possible to associate traditional building form and modern materials in order to create a building which is at once modern and of high architectural quality, but that the scale and massing raised strong concerns. The first part of the proposal situated immediately behind the existing building is perfectly acceptable at 3 storey, I believe the proposed second part of the building would make it overly dominant alongside the lower listed building and irreversibly alter and diminish its setting, the way it is experienced. For the same reasons the proposed scheme would also harm the character and appearance of the conservation area'.*

The Inspector also considered that, *' Whilst the immediate setting of the Black Lion is a densely developed mostly urban area with, in some cases, much taller modern buildings nearby, there is a sense of openness around its rear elevations which allow appreciation of its particular architectural features and acknowledgement of the positive contribution it makes to the history of the High Street. The opposing scale of the appeal scheme would dwarf the public house, significantly reducing the openness around it and have something of a looming presence, dominating the Black Lion. The difference in scale would be readily identifiable and obvious given the nature of available views as I have described them above. For these reasons, the proposed development would be harmful to the listed building and its setting'.*

Following the appeal, negotiations with the conservation team and urban design officers has taken place and where the scheme has been significantly amended involving a reduced number of units. The gap between the rear flank of the existing front building and the proposed first building has been increased and the first building is to be contained within the cluster of existing buildings so as not to project beyond the rear line of the adjoining buildings or the height to the immediate northwest.

The amended design, reduced height, scale, form and massing of the second rear most building incorporating a steep pitched roof and lower eaves with a combined intensive planted green roof, removing the schemes original 3 storey height, bulk giving a softer edge appearance. The increased separation distances, landscaped central communal courtyard and the removal of the linked communal walkways has simplified the scheme; the roof form has substantially reduced the overall mass and visual dominance and intrusiveness of the previous scheme; created more space and light externally and internally to the living accommodation. The changes have created a design that is considered more proportionate and sensitive, resulting in a less conspicuous, more respectful and integrated development in terms of the historical context of its surroundings.

The development addresses the concerns and reasons for refusal on the previous application, alleviating any demonstrable harm or impact so as not to detract from the historic interest, setting or architectural character and appearance and would go towards meeting the Councils expectations in terms of scale, massing and overall form. The proposal also meets the expectations both in design and conservation and is fully supported by the urban design and conservation team officers in making a positive contribution towards conserving and respecting the setting, character and appearance of the wider conservation area and that of the listed building in accordance with policy CP2, DBE1, HC6, HC7 and HC12 of the Local Plan and Alterations (1998

and 2006), policy DM7 of the Submission Version Local Plan (2017) and paragraphs 189, 194, 195, 197, 199 and 200 of the NPPF (2021).

### Amenity to Neighbours Amenity and Form of Accommodation

The NPPF encourages Local Planning Authorities to:

*'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*

In terms of the form of living accommodation, the Inspector in his decision raised no objection to the main entrance to the buildings. *'The access to the development would be via a gated pedestrian route from the High Street. The access way is narrow but would be lit and by virtue of the gate secure. Whilst I accept that there would be better and more inviting ways to access the flats in the proposed extension the treatment of the access as proposed would, to my mind, sufficiently mitigate a perceived lack of quality and sense of unwelcome enclosure. With this in mind, the nature and design of the proposed access would not harm the living conditions of future occupiers'.*

The Inspector also considered that, *'there would not be a loss of light of any great significance to the point that the living conditions of existing neighbours would be adversely affected'.*

The alterations to this application has created more space within and between the 2 buildings, with additional skylight windows and the re orientated of the majority of the main habitable room windows to the rear elevations to increase the amount of light to the internal space. A larger outside central landscaped communal area is also provided for the occupiers with rear recessed balconies to 2 of the units.

The buildings would look out over onto the existing car park. The closest residential property to the northwest and east of the proposed buildings is No. 2 Buttercross and it is considered that the separation distance and topography of the land would prevent any demonstrable harm from the first part of the development and the second part of the development is where again the distance, height and the lower level of the ground would prevent any harm to the living conditions of neighbouring properties in terms of loss of light, overlooking or privacy. It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the Local Plan and policy DM9 of the emerging Local Plan.

The main habitable rooms of the units have sufficient daylight and outlook that meet BRE guidelines for daylight levels and are considered of a satisfactory form of living space that also meets the Nationally Prescribed Space Standards as set out in Policy DM10 of the Submission Version Local Plan, 2017, providing a good quality of accommodation for future occupants.

It is generally accepted that in some instances properties within town centres provide less amenity space. The plans indicate the provision of amenity space for 2 of the units with the addition of a communal amenity space area and both Lower Swaines Recreation Ground and Stonards Hill Recreation Ground are within walking distance of the site. Although this would not meet the recommended standards as laid out within the Essex Design Guide and Local Plan policy DBE8, given the town centre location and that the majority of the units are one bedroom, it is not considered that there are sufficient grounds to justify a refusal of permission on this basis.

A refuse storage area is provided, contained within the ground floor of the first building and where the Inspector in his appeal decision stated, *' communal bin stores are not uncommon in this type of development and that the number of units is not substantial in itself to have to rely on a communal bin store and the distances between it and each unit and the kerbside would not be excessive to the point that the living conditions of future occupiers would be compromised unacceptably. This application has provided a refuse storage area which is considered sufficient for the reduced number of units'.*

### Comments on Representations Received.

The issues raised by the Parish Council, Epping Society and residents are noted. The development has been significantly amended in design and scale terms from its original submission of 6 units to 3 and where many of the concerns of the Council and Inspector on the previous refusal have been addressed.

There is no objection to the development of the site for residential, which is an allocated site in the emerging Local Plan. The Inspector raised no objection to the provision of residential use within this urban, town centre location and accords with the presumption in favour of sustainable development. The intensification of use of this site would accord with this presumption and should be afforded significant weight.

Residential uses are also recognised as being beneficial to town centres as it increases activity, security and custom. This is highlighted within Paragraph 86 of the NPPF which states that,

*“Local Planning Authorities should, amongst other factors, “recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites”.*

The site is located within an existing mixed use area of commercial/retail and residential area where accessibility is good and the infrastructure in the vicinity has been developed so there are local services, amenities and a good public transport links available within walking distance of the site.

The development has been designed to ensure that it is appropriate in its context within a mixed use supported by the NPPF and would not prejudice the amenity of the occupiers of adjoining properties. The site provides a quality, sustainable residential development that brings forward the growing need for additional housing. The principle of residential development is therefore acceptable which is consistent with the requirements of policies CP1, CP3 and H3A of the Local Plan and with the NPPF which seeks to boost significantly the supply of housing. Policies DBE1, DBE2 and DBE4 of the Epping Forest District Local Plan seeks to ensure that new development is satisfactorily located and is of a high standard of design and layout.

The concerns expressed by Epping Town Council, the Epping Society and neighbouring residents regarding overdevelopment of the site must be balanced against the carefully thought out design of the proposal that respects the overall scale, height and relationship of the building to its plot boundaries and to the surrounding built form.

### Trees and Landscape

The site is within the Conservation Area, and therefore all trees are afforded legal protection. The Inspector in his decision noted that the site had a substantial mature tree towards the southwestern boundary, part way down the land parcel but was of the opinion that the tree on site should not be seen as a constraint to development of the site.

*‘The tree on the site has been assessed and found to be not worthy of retention in the long term. I agree with the Council that in any event it would unlikely survive the extensive nature of the works on the site, particularly the excavation for the lower ground floor element. It is unclear as to the appellants’ intentions with exactly what age and type of tree they would intend to place on the site as part of the scheme but equally it seems eminently possible to agree this element by planning condition. All matters considered, I have no objection to the proposed development from the perspective of its effect on trees’.*

The Trees and Landscape officer has not raised any objection subject to an appropriate hard and soft landscaping condition attached at any approval in accordance with the requirements of policy LL10 of the Local Plan.

### Parking and Highways

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority. Parking can be reduced in urban areas and this location is considered to be acceptable given the proximity to other modes of sustainable transport and the town centre. Further to this the town centre is well secured with parking restrictions so there will be no detriment to highway safety as no on-street parking can occur within the vicinity subject to the following:

*Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling and at no cost to the occupier, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.*

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

### Land Drainage

No objection in principle. The site lies within an Epping Forest District Council Flood Risk Assessment Zone and of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. The applicant is proposing to dispose of surface water by main sewer. Further details require approval of land drainage, surface water details and a FRA by the Local Planning Authority prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

### Contamination

The phase I desk study report has now been thoroughly reviewed by the council's external consultants and it has been found to be suffice of requirements. The feedback in full and details of the phase II site investigation to be undertaken are detailed below:

The desktop study (DTS) (ref. CG/38061), dated May 2019, relating to potential contamination issues at the above site has been reviewed and I have the following comments to make regarding its content:

The report satisfactorily addresses the requirements for submission of a desktop study, in that it is signed, countersigned and dated, contains: relevant information of a site walkover performed; background information for the site and surrounding area; a written preliminary conceptual site model (CSM); and a preliminary risk assessment identifying active contaminant linkages; with conclusions and recommendations.

The preliminary risk assessment has identified potential contaminants of concern and this is supported by council records which show the following historic potentially contaminated land:-

On Site: Dry Cleaners (~45m E)                      Potential High Risk

The site walkover identified asbestos containing material (ACMs) contained within fly-tipped waste across the NW part of the derelict site, described as building rubble and household waste. Made ground is also expected across the site posing a potential risk from metals, PAHs, TPH and VOC contaminants and ground gas. An intrusive site investigation is therefore required to be undertaken and which needs to assess all the potential contaminant linkages identified in the preliminary conceptual site model (CSM) of the desktop study, including undertaking gas monitoring to address risks from potential hydrocarbons and volatile organic compounds (VOCs) in the soil and/or groundwater. Should contamination above guideline values be discovered, a further assessment on the potential risk to controlled waters will be required despite the low risk rating provided in the CSM. A site investigation methodology is included within the report, from which it would be expected that sufficient analysis of soils will be undertaken to address the direct contact, inhalation, ingestion of soil and home grown produce pathways. This matter can be dealt with by way of conditions as attached.

#### Archaeological Advice:

The Essex Historic Environment Record (EHER) shows that the proposed development is located in close proximity to known archaeology in the centre of the historic town of Epping. The settlement dates to the medieval period, located north of Cobbins Brook on the medieval route from London to Cambridge. Previous excavation, to the south of the proposed development, identified post – medieval remains (EHER 48762). There is therefore the potential of archaeological deposits within the proposed development area and an appropriate condition should be attached at any planning permission granted which is considered necessary and reasonable for a programme of archaeological trial trenching and excavation.

#### Epping Forest Special Area of Conservation:

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

## **Stage 1: Screening Assessment**

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

## **Stage 2: 'Appropriate Assessment'**

### Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

### Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS.

The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

**Conclusion:**

The allocation of the site for residential development in the Local Plan Submission Version is material to the determination of the application and where the Inspector at appeal raised no objection to the site for residential.

The proposed development is an efficient sustainable use of brownfield land and provides additional housing which is a benefit that should be afforded significant weight in the planning balance, particularly in light of the acute housing shortage within the District.

In terms of the quality of the proposed homes, these would meet prescribed space standards, benefiting from amenity space and sufficiently maintaining the character, appearance and pattern of development of the conservation area and the adjacent Listed Building and would not result in any amenity implications to neighbouring dwellings in terms of light, privacy and outlook; other aspects in relation to parking/highway safety and landscaping are considered satisfactory. The application is acceptable in terms of the policies set out in the report of the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In light of the above considerations it is recommended that planning permission is approved subject to conditions and a Section 106 legal agreement to secure appropriate financial contributions for measures to mitigate potential impacts on air quality and for the management and monitoring of visitors to the Epping Forest Area of Conservation.

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

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

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



# Epping Forest District Council



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Application Number:	EPF/2257/21
Site Name:	67 Hemnall Street Epping CM16 4LZ
Scale of Plot:	1:500

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2257/21
<b>SITE ADDRESS:</b>	67 Hemnall Street Epping CM16 4LZ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mrs Carol Kurbish
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/32/08 (Ref: T5) T1: Lime - Crown lift to up to 5m above ground level, as specified.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=656453](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656453)

**CONDITIONS**

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 The crown lifting authorised by this consent shall extend only to the whole or partial removal of branches up to 65 mm in diameter, necessary to give 5 metres clearance above ground level and to give statutory clearance to public highways.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (2010) (or with any similar replacement Standard).
- 4 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 5 The works hereby authorised shall be undertaken only within the periods 1st January to 1st March inclusive and 1st July to 1st October inclusive.

*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:*

**Description of Site:**

The property is a detached modern residential dwelling, located in a tree lined residential street with similar aged houses immediately adjacent. The subject tree is a large and well grown specimen, about 19-20 metres tall, planted in the small front lawn. It is an elegant and valuable landscape feature in the local street scene and provides significant amenity along with several other mature street trees lining this part of Hemnall Street.

**Description of Proposal:**

T1. Lime. crown lift to 5-6 metres above ground level, as specified.

**Relevant History:**

EPF/0536/21 Demolition of existing dwelling and construction of new dwelling.

**Policies Applied:**

Epping Forest District Local Plan (1998) and Alteration (2006)s:

LL08 Works to preserved trees.

*'the Council will give consent for works to a tree protected by a TPO provided it is satisfied that the health and appearance of the tree will not be impaired, and the works will not unjustifiably inhibit or prevent the full and natural development or the works are necessary to its continued retention and consistent with good arboricultural practice.'*

**DEVELOPMENT PLAN CONTEXT**

*Local Plan (1998) and Alterations (2006)*

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

CP2 - Protecting the quality of the rural and built environment  
DBE2 - Impact on Neighbouring Properties  
DBE9 - Loss of Amenity

*NPPF, 2021*

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1 Presumption in Favour of Sustainable Development

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

### **EPPING TOWN COUNCIL- OBJECTION**

Epping Town Council strongly objects to the unacceptable level of pruning, causing irreparable damage likely to result in the ultimate demise of the tree and the harm to the street scene such major works would cause.

69 Hemnall Street objects to the grotesquely excessive works. Such large scale cutting can be expected to damage the tree that has a habit of naturally drooping lower limbs.

65 Hemnall Street objects to this healthy and significant tree being aggressively lifted to the detriment of its health and appearance for no apparent reason other than to allow access for site construction.

Epping Society objects on grounds that the proposed works would be detrimental to the health of the tree and that no reason or tree report have been submitted.

### **Main issues and Consideration:**

The applicant has instructed a tree contractor to submit the application with recommendations for its management.

Following a discussion with the contractor, the main issue in respect of the pruning of the tree is its downward sweeping lower lateral boughs, growing close to the ground at under 1.8 metres above pavement level and around 2 -3 metres over the garden. This growth will continue to extend further and is likely to cause issues with pedestrians and road users.

The main issues to consider relate to: Health and Appearance and Landscape Amenity

#### **1.Consideration of the arboricultural and Landscape Amenity impacts of a 5 metre crown lift from ground level**

The Lime tree stands approximately 19 metres in height with a low crown apron of extended lateral and pendulous boughs growing towards the road and over the pavement. It appears to be in good health with vigorous shoot extension, abundant bud development and good crown density. The crown break occurs at around 5.5 metres from which the main leaders grow vertically into a well-shaped crown, with typical branch distribution and hierarchy. Some internal branches crowd and cross other larger boughs.

The proposed specific reduction of the lowest lateral and pendulous branches, under 65mm in diameter, made at natural target pruning points will result in a 2 to 3 metre raising of the crown to a height of around 5 metres above ground level. In the context of the overall size of the tree and its canopy volume, this represents less than a 17% loss of foliage, which is within the normal tolerance of a healthy tree.

Any crown lift will raise the tree's centre of gravity. Consideration should be given to the proportion of branch loss to the overall tree's height and canopy sail area. In this proposal the increase in height of this key point will be around 15% and only at the cost of small diameter branches, which represents a relatively small increase to the risk of stem fracture. The tree has good stem taper, indicating good physiological development and should accommodate a relatively small change in its centre of gravity.

It would be acceptable to selectively prune out small diameter, congested internal branches that might restrict airflow through the crown. Some of these crossing and competing branches show signs of potential grafting likely to produce weak unions or tightly included bark forks.

Well executed cuts that retain furnishing growth at branch ends will maintain a good form and give clearance above the pavement and garden without detriment to the tree's landscape amenity.

## 2. Consideration of the objections

The general concern of all objectors is that the proposed pruning is excessive and damaging to both the tree's health and appearance. It is accepted that the tree might be allowed to continue growing naturally until the down swept branches touch the ground but this is only usually possible in parkland or arboretum settings, where there are no constraints to the tree's natural growth pattern. Even then, lime is capable of over growing these extended low laterals, which can split out under wind loads due to the low wood strength this species has.

There are clear signs of previous pruning to lower laterals that have encroached over pavement and possibly into the road. It is reasonable to manage this low and vigorous growth to a height of about 5 metres in height, which will maintain the tree's general symmetry and graceful form without harm to either its health or the wider landscape amenity.

## Conclusion

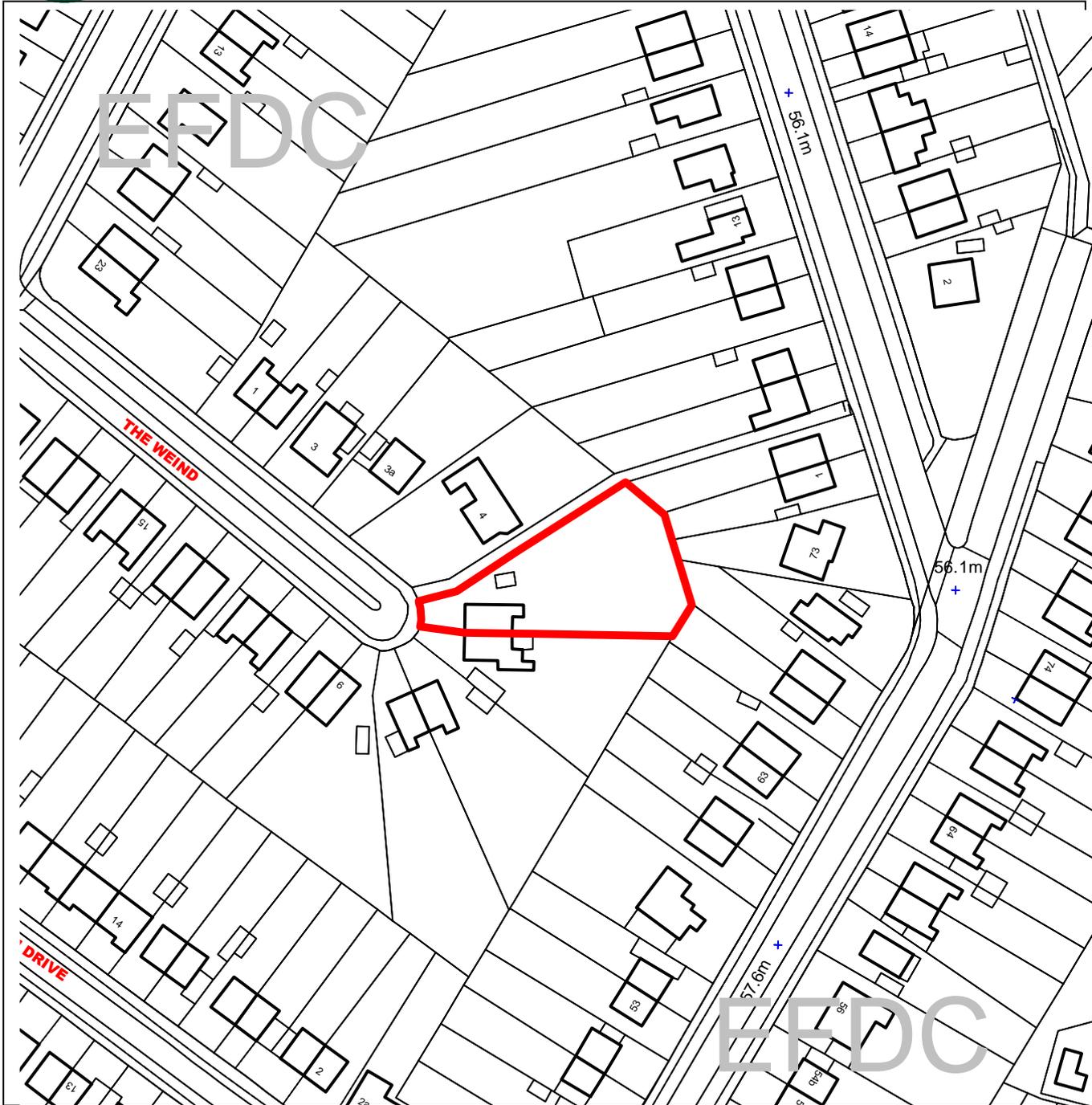
The proposal, after examination of the tree and discussion with the applicant's agent does justify the specified crown lift from around 2 to 5 metres above ground level by the conditioned pruning of only those small diameter branches under 65mm in diameter to suitable unions. The tree will continue to be healthy and prominent, but management is prudent given its location over a pavement and beside a narrow and well used road. The proposal, in this instance, accords with Local Plan Landscape Policy LL8. and is recommended for approval, subject to the above condition.

Planning Application Case Officer: Robin Hellier  
Direct Line Telephone Number: 01992 564546

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



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Application Number:	EPF/2406/21
Site Name:	5 The Weind Theydon Bois CM16 7HP
Scale of Plot:	1:1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/2406/21
<b>SITE ADDRESS:</b>	5 The Weind Theydon Bois Epping CM16 7HP
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr and Mrs Bullman
<b>DESCRIPTION OF PROPOSAL:</b>	Application for a proposed rear & side, part ground and part 2 storey extension.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=657137](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=657137)

**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: 3232; EX00, EX01, EX02, EX03, EX04, EX06, EX07, PR01/A, PR02, PR03, PR04, PR05, PR06
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.
- 5 Access to the flat roof over the single storey extension hereby approved as part of this permission 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.

*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, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)*

### **Description of Site:**

The application site is a two storey semi-detached dwelling located in the residential area of Theydon Bois. There are no Listed Buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt.

### **Description of Proposal:**

Application for a proposed rear & side, part ground and part 2 storey extension.

### **Relevant Site History:**

EPF/0089/96 - Single storey rear extension, side porch extension and detached garage – Grant Permission (With Conditions)

EPF/0315/92 - First floor side dormer window – Grant Permission (With Conditions)

### **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
DBE9	Loss of Amenity
DBE10	Design of Residential extensions

*National Planning Policy Framework (NPPF) (2021)*

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

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final 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
DM9 High Quality Design	Significant

**Summary of Representation:**

No. of neighbours consulted: 10, no comments received  
PARISH COUNCIL: OBJECTION

The Planning Committee objects to this proposal, which it feels lacks architectural merit and to be out of character with, and disproportionate to, the original building – to the detriment of the streetscene and the adjoining semi-detached property.

The proposed extension would be substantial, and the proposed two-storey side flank wall, set at an angle to the original dwelling, would project awkwardly into view, being highly visible in this location given the open aspect of the northern boundary, thereby severely disrupting the current streetscene. The proposal would also loom into the view of users of the frequently-used pedestrian pathway that runs in parallel along the side boundary of this property. The Committee is of the

opinion, therefore, that this proposal would be visually obtrusive, its scale and form not contributing to the distinctive character of the property, nor to the character of the area or to its amenity.

The proposal is believed by the Committee to constitute an overbuild – in terms of it being a relatively large construction added to the rear and side of the house. The Parish Council consequently does not feel this proposal relates positively to its context, nor achieves a high quality of design, contrary to Policy DBE10 of the Epping Forest District Adopted Local Plan 1998 (with alterations of 2006), Policies DM9 and DM10 E of the Epping Forest District New Local Plan (Submission Version, 2017), and Chapter 12 of the NPPF (2021).

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY: OBJECTION – concerns regarding the design of the proposal in relation to its bulk, scale and orientation, which would have a detrimental impact on the character of the building and wider area.

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

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

Design  
Impact on the Living Conditions of Neighbours

#### Design

The Parish Council and Theydon Bois District Rural Preservation Society have objected to the proposal stating that the design would be detrimental to the existing building and wider character of the area.

The proposal involves a part single, part two storey rear/side extension, part of which cantilevers out from the main dwelling following the existing North boundary, the materials would match the existing dwelling. It is considered that the proposal would enhance the appearance of existing elements of the dwelling – for example replacing the first floor flat roof found on the side elevation with a hipped roof.

There have been several planning permissions granted for two storey side and rear extensions on The Weind in the past that follow no particular design pattern, which can be considered a material consideration in assessing this application. It is considered that in this context, the proposal would not be so detrimental to the character of the building and wider character of the area to warrant the refusal of planning permission. It is considered the bulk, massing and scale of the proposal would be acceptable in regard to design.

#### Impact on the Living Conditions of Neighbours

The two storey extension would be approximately 8.5 metres in depth, 5.4 metres in width and 7 metres in height. The larger single storey rear extension would be approximately 3 metres in height, 4.2 metres in width and 5.5 metres in depth. It would be 3 metres from the boundary with 6 The Weind. The smaller single storey rear extension would be 1.95 metres in depth, 2.8 metres in width and 2.9 metres in height. It would be adjacent to the boundary with 6 The Weind. The two storey extension would be 5.2 metres away from a public right of way and approximately 8.1 metres from the boundary of 4 The Weind. It would be 3.6 metres from the boundary with 6 The Weind.

It is considered that the proposal would be a sufficient distance away from neighbouring properties so as to not cause excessive harm in regard to loss of light or loss of outlook, in particular the two storey side extension due to its orientation. There would be no excessive harm in relation to loss of

privacy as any new window openings would not directly overlook neighbouring properties. It is considered that the proposal would be acceptable in this respect.

**Conclusion:**

It is recommended that planning permission is granted for the reasons outlined above.

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