

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE WEST** **Wednesday, 12th October, 2022**

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

**Council Chamber, Civic Offices, High Street, Epping**  
on **Wednesday, 12th October, 2022**  
at **7.00 pm**.

**Georgina Blakemore**  
Chief Executive

**Democratic Services**  
**Officer:**

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

#### **Members:**

Councillors S Heather (Chairman), D Stocker (Vice-Chairman), N Avey, R Bassett, H Kane, S Kane, J Lea, J Leppert, J Lucas, T Matthews, R Pugsley, M Sartin and S Yerrell

#### **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**

This meeting is to be webcast and the Chairman will read the following announcement:

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

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

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

**Members are reminded to activate their microphones before speaking”.**

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

General advice to people attending the meeting is attached.

**3. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage [https://eppingforestdc-self.achieveservice.com/service/Member\\_Contact](https://eppingforestdc-self.achieveservice.com/service/Member_Contact) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council's website, at the bottom under 'Contact Us'  
<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**5. MINUTES (Pages 9 - 10)**

To confirm the minutes of the last meeting of the Sub-Committee held on 17 August 2022.

**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/1024/22 26 WOODBROOK GARDENS, WALTHAM ABBEY EN9 3DA (Pages 11 - 16)**

To consider the attached report for a single storey wraparound side/rear/front extension and partial first floor rear extension.

**10. PLANNING APPLICATION - EPF/1205/22 GARDEN HOUSE, LAUNDRY LANE, NAZEING, WALTHAM ABBEY EN9 2DY (Pages 17 - 24)**

To consider the application for a proposed new detached cart lodge structure.

**11. EXCLUSION OF PUBLIC AND PRESS**

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

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

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

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

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

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

## **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 West 2022-23  
 Members of the Committee and Wards Represented:

				
<b>Chairman</b>	<b>Vice Chairman</b>			
Cllr Heather	Cllr Stocker	Cllr Avey	Cllr Bassett	Cllr Pugsley
Waltham Abbey Honey Lane	Waltham Abbey Honey Lane	Broadley Common, Epping Upland and Nazeing	Lower Nazeing	Lower Nazeing
				
Cllr Sartin	Cllr Matthews	Cllr S Kane	Cllr Lea	Cllr Lucas
Roydon	Waltham Abbey High Beach	Waltham Abbey Honey Lane	Waltham Abbey North East	Waltham Abbey North East
			Vacant	
Cllr Leppert	Cllr Yerrell	Cllr H Kane		
Waltham Abbey Paternoster	Waltham Abbey Paternoster	Waltham Abbey South West	Waltham Abbey South West	

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 17 August 2022  
West

**Place:** Council Chamber, Civic Offices, **Time:** 7.00 - 7.30 pm  
High Street, Epping

**Members Present:** S Heather (Chairman), N Avey, H Kane, S Kane, J Leppert, J Lucas, T Matthews, M Sartin and S Yerrell

**Other Councillors:**

**Apologies:** D Stocker, R Bassett, J Lea and R Pugsley

**Officers Present:** A Marx (Development Manager Service Manager (Planning)), A Hendry (Democratic Services Officer) and R Perrin (Democratic and Electoral Services Officer)

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### 60. WELCOME AND INTRODUCTION

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

### 61. 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.

### 62. DECLARATIONS OF INTEREST

a) Pursuant to the Council's Members' Code of Conduct, Councillor N Avey declared a non-pecuniary interest in the following item of the agenda by virtue of the applicant being known to the Councillor because of the call-in process. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0313/22 – Land and garage adjacent to Travellers Friend PH carpark, Epping Road, Epping Green, Epping

### 63. MINUTES

**RESOLVED:**

That the minutes of the Sub-Committee held on 18 May 2022 be taken as read and signed by the Chairman as a correct record.

**64. ANY OTHER BUSINESS**

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

**65. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)**

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

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

**66. SITE VISITS**

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

**67. PLANNING APPLICATION - EPF/0313/22 - LAND AND GARAGE ADJACENT TO TRAVELLERS FRIEND PH CAR PARK, EPPING ROAD, EPPING GREEN, EPPING**

**Application Ref:** EPF/0313/22

**Application Type:** Full planning permission

**Case Officer:** Sukhvinder Dhadwar

**Site Address:** Land and garage adjacent to Travellers Friend PH car park  
Epping Road  
Epping Green  
Epping  
CM16 6PU

**Proposal:** Proposed replacement of domestic double garage with a single storey one bedroom dwelling.

**Ward:** Broadley Common, Epping Upland and Nazeing

**Parish:** Epping Upland

**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000NyS0>

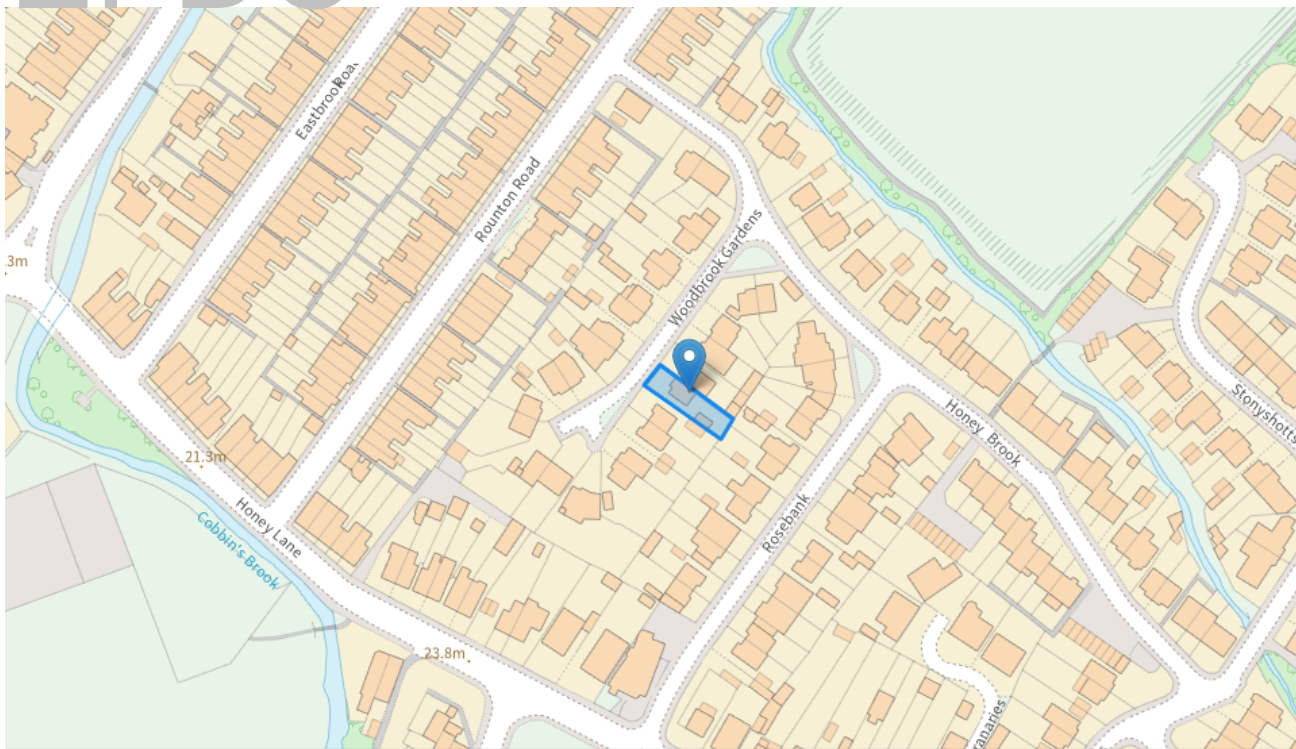
**Decision:** Deferred to DDMC

Deferred to DDMC with a recommendation to Grant Planning Permission with conditions.

**CHAIRMAN**



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Application Number:	EPF/1024/22
Site Name:	26 Woodbrook Gardens Waltham Abbey Essex EN9 3DA

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# OFFICER REPORT

**Application Ref:** EPF/1024/22  
**Application Type:** Householder planning permission  
**Applicant:** Mr Bervan Altun  
**Case Officer:** Muhammad Rahman  
**Site Address:** 26 Woodbrook Gardens  
Waltham Abbey  
Essex  
EN9 3DA  
**Proposal:** Single storey wraparound side/rear/front extension and partial first floor rear extension  
**Ward:** Waltham Abbey Honey Lane  
**Parish:** Waltham Abbey  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nz0D>  
**Recommendation:** Approve with Conditions

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

## **Site and Surroundings**

The site comprises of a semi-detached house, located within a built-up area of Waltham Abbey. It is not listed nor in a conservation area.

## **Proposal**

The proposal is for a single storey wraparound side/rear/front extension and partial first floor rear extension.

The single storey rear wraparound extension extends some 3.5m from the rear wall, and the partial first floor rear extension extends some 1.5m from the rear wall.

## **Relevant Planning History**

WHX/0154/71 - Conservatory & Detached Garage. (BR/WHX/154/71 - approved) – Approved

## **Development Plan Context**

*Local Plan & Alterations 1998 & 2006 (LP)*

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

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

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form & Quality
DBE9	Loss of Amenity
DBE10	Residential Extensions

*National Planning Policy Framework 2021 (Framework)*

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

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

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

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

Paragraphs 126 & 130

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission

Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following policies are relevant to the determination of this application;

DM9 High Quality Design

### **Summary of Representations**

Number of neighbours Consulted: 7. 3 response(s) received

Site notice posted: No, not required

25 WOODBROOK GARDENS – Comments on non-planning matters i.e. covenants, party wall matters, and construction phase.

13 & 14 WOODBROOK GARDENS – Objections – Summarised as:

- Overdevelopment;
- Out of Character;
- Loss of light;
- Overbearing/Visual impact;
- Parking Concerns; and
- Comments on construction phase.

WALTHAM ABBEY TOWN COUNCIL – The committees finds this plan to be unacceptable due to it requirement to build up to the boundary line.

### **Planning Considerations**

The main issues for consideration in this case are:

1. The impact on the character and appearance of the locality; and
2. The impact on the living conditions of neighbouring properties.

#### *Character and Appearance*

The proposed single storey wraparound extension, whilst built up to the common boundary, is of a simple design that complements the appearance of the existing building. It would have a mono-pitched roof to the front with a ridge height of 3.2m, with a 2.9m flat roof behind this. Members attention is drawn to the fact that a similar scale side extension right up to the boundary can be built under permitted development. There is sufficient spacing to the front and rear of the property, so officers are not of the opinion that it amounts to harmful overdevelopment of the site. As mentioned above, under permitted development a similar scheme can be constructed, albeit without the first-floor element (i.e. a porch, single storey side extension & single storey rear extension up to a depth of 3m – or up to 6m via a prior approval application).

The partial first floor rear extension is of a limited scale, measuring just 1.5m in depth, and appears as a subservient extension which complements the appearance of the existing building. It would not be readily visible from the street, so there is no impact to the street scene.

On that basis, the proposal would not have a harmful effect to the character and appearance of the area.

### *Living Conditions*

Given the existing single storey rear extension to the attached neighbour, the visual gap between the flank wall of the partial first floor rear extension to the common boundary, and the orientation of the host house facing northwest, it is considered that there would be no material impact to their living conditions, in terms of loss of light, overshadowing, overbearing and visual impact, that warrants a reason for refusal.

With regards to the impact to No. 25, the proposed single storey extension would extend 2.5m beyond the existing rear wall to a height of 2.9m. Whilst built to the shared boundary, given the orientation and separation between the dwellings, it is not considered that this extension would cause any significant loss of amenity to the neighbour. Although there may be a greater sense of enclosure/visual impact from the wraparound extension when viewed from their garden area, it is insufficient to warrant a reason for refusal, as the extension is contained within the rear wall and the existing garage. No harmful impact is envisaged from the partial first floor rear extension, due to its limited scale, visual gap from the common boundary and orientation of the host house,

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with Policies CP7 & DBE9 of the LP, Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

### *Other Considerations*

The concerns raised re drainage, covenants, damage to boundary wall etc are non-planning matters, normally dealt with under the Building regs and party wall. Lastly, disturbance from the construction phase is only temporary and cannot form a reason for refusal that can be sustained on appeal.

There is ample space to park cars on the retained driveway, so the loss of garage in this instance is acceptable. On another note, the garage was constructed in the 70's, so it may not be suitable for the parking of modern cars.

### **Conclusion**

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

**If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest.**

**Case Officer: Muhammad Rahman | [mrahman@eppingforestdc.gov.uk](mailto:mrahman@eppingforestdc.gov.uk). If no direct contact can be made please email:**

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

**Conditions: (4)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: DPL.01, DPL.02, DPL.03, DPL.04, DPL.05, DPL.06, DPL.07, DPL.08, DPL.09, DPL.10, DPL.11, DPL.12, DPL.13, DPL.14, DPL.15, DPL.16, and DPL.17.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

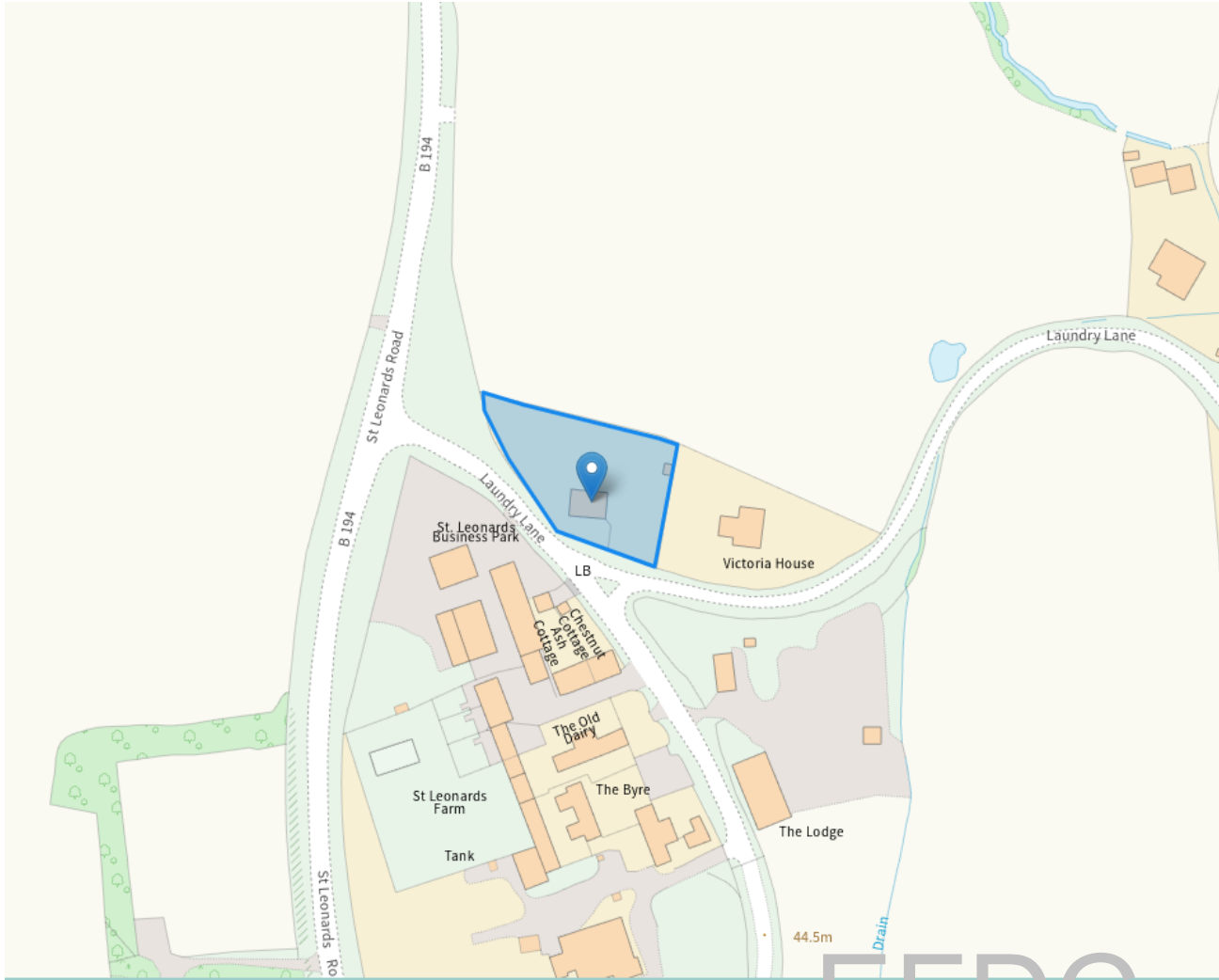
**Informatives: (1)**

- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.





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Application Number:	EPF/1205/22
Site Name:	Garden House Laundry Lane, Nazeing EN9 2DY

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# OFFICER REPORT

**Application Ref:** EPF/1205/22  
**Application Type:** Full planning permission  
**Applicant:** Mrs L Atkinson  
**Case Officer:** Alastair Prince  
**Site Address:** Garden House  
Laundry Lane  
Nazeing  
Waltham Abbey  
EN9 2DY  
**Proposal:** Proposed new detached cart lodge structure.  
**Ward:** Lower Nazeing  
**Parish:** Nazeing  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzMC>

**Recommendation:** Approve with Conditions

*This application is before this committee since less than five neighbours were consulted and the majority of these have objected (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)*

## **Description of Site:**

The site consists of a detached dwelling located on the northern side of Laundry Lane, close to its junction with St Leonards Road. The site has a large plot including a sizeable side garden. There are no Listed Buildings attributed to the site and it is not within a Conservation Area. It is wholly within the Metropolitan Green Belt.

## **Description of Proposal:**

Consent is being sought for the erection of a detached outbuilding with a dual-pitched roof located toward the front of the site, with the intention of using this structure as a car port and store. The building would be 9.8 metres in width, 5.92 metres in depth and 4 metres in height. The development has been implemented but not completed.

## **Relevant Site History:**

EPF/1230/20 - Reserved matters application for demolition of existing garage and erection of dwelling using existing site access. Grant Permission (With Conditions)

EPF/1171/20 - Application for Outline Planning Permission for a new dwelling, renewal of Outline Planning Permission EPF/1149/17 (All matters reserved) - Grant Permission (With Conditions)

EPF/0018/18 – First floor extension to building – Grant Permission (With Conditions)

EPF/1149/17 - Outline planning application for demolition of existing garage (118 sqm) plus demolished former garage (46 sqm) totaling 164 sqm to be replaced by new dwelling - siting to be agreed. Existing access to site to be used. Grant Permission (With Conditions)

EPF/1626/86 – Single storey extensions – Grant Permission

**Policies Applied:**

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

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

CP2 – Protecting the Quality of the Rural and Built Environment

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

DBE10 - Residential Extensions

GB2A – Development in the Green Belt

GB7A - Conspicuous Development

**NPPF:**

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework. Epping Forest District Local Plan (Submission Version) 2017

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

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

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

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

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

SP7 – The Natural Environment, Landscape Character and Green Infrastructure - Significant

DM4 – Green Belt - Significant

DM9 – High Quality Design - Significant

DM10 - Housing Design and Quality - Significant

### **Summary of Representation**

No. of neighbours consulted: 3, 2 Objections Received, 1 support received

CHESTNUT COTTAGE – OBJECTION: Development would cause harm to the openness of the Green Belt, harm to living conditions in relation to loss of visual outlook. Concern regarding potential for turning the building into an annexe.

ASH COTTAGE – OBJECTION: Development would cause harm to the character of the area. Concern regarding potential for turning the building into an annexe.

VICTORIA HOUSE – SUPPORT

PARISH COUNCIL: No Comment at time of writing

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

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

Development within the Green Belt  
Design  
Impact on the Living Conditions of Neighbours

#### **Green Belt**

The neighbour at Chestnut Cottage has objected to the proposal stating the development would cause harm to the openness of the Green Belt.

The site is located within the Metropolitan Green Belt. The National Planning Policy Framework states that new buildings in the Green Belt are inappropriate, with a number of exceptions. One exception is any addition should not be a disproportionate addition in terms of increase in volume to the original dwelling.

The original dwelling had a volume of approximately 454.64m<sup>3</sup>. The dwelling has been extended over time, with those additions resulting in an increase in built form of approximately 57% over and above the original dwelling. The proposed outbuilding would have a volume of approximately 232.06m<sup>3</sup>, which would take the amount of built form on the site to over 100% of the volume of the original dwelling. The development in this case would not be considered a limited extension within the Green Belt.

In addition, the dwelling previously benefitted from outbuildings that were demolished and 'traded off' for the erection of a new dwelling within the previous side garden (Victoria House). Whilst permitted development rights were removed as part of the planning application, this was at Reserved Matters stage and the application site only enclosed the plot of the new dwelling. As such, no permitted development rights were removed from Garden House and therefore there exists a realistic fallback position that outbuildings could be erected elsewhere on the site.

Within the lifetime of this application, the applicants have agreed in writing to formally relinquish Permitted Development Rights relating to Class A, Class B and Class E, which would allow the local planning authority to manage any further increase in built form on this site. If Permitted Development Rights remain intact, then the occupiers of the site would be able to greatly increase built form without the need for formal planning permission, as Permitted Development is assessed using strict criteria set out within the General Permitted Development Order (within which Green Belt is not part of this assessment). By formally relinquishing these rights and affording more control to the Local Planning Authority in regard to future development that can be undertaken on the site, it is considered that this would constitute Very Special Circumstances and would therefore be appropriate development within the Green Belt.

### Design

The neighbour at Ash Cottage has objected to the proposal stating the development would be out of keeping with the character of the area.

The proposed outbuilding would benefit from a dual pitched roof and includes timber weather boarding and eternite slate as external materials. The design is relatively conventional and raises no concerns in regard to appearance within this location, however as no further material details have been provided it is considered that a condition requesting further details in relation to materials be added to any planning approval.

### Living Conditions of Neighbours

The neighbour at Chestnut Cottage has objected to the proposal stating that the development would cause harm to the living conditions in relation to loss of outlook.

The outbuilding would be situated approximately 24 metres away from the boundary with Chestnut Cottage at the nearest point. Laundry Lane is also sited between the application site and these neighbours, which reduces any harm to neighbouring properties by a significant degree. It is considered the outbuilding would be a sufficient distance away from neighbouring properties so as to not cause harm to the living conditions of neighbours in regard to loss of light, loss of visual outlook or loss of privacy.

### Other Considerations

Neighbours at Chestnut Cottage and Ash Cottage have objected to the proposal regarding the loss of Green Belt views and querying whether the building would be turned into a residential annexe in future.

There are no rights afforded to the 'loss of a view' in planning law or policy and this element of the objections cannot be given material weight in the application's assessment. If the Local Planning Authority are minded to grant permission, it would be reasonable to add a condition restricting the use of the outbuilding.

### Conclusion

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

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

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

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

**Conditions: (4)**

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 7100; 1, 2, Block Plan, Location Plan

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 2 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1+DBE4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 3 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, B and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the openness of the Green Belt, in accordance with policy GB2A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The outbuilding hereby approved shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors along with incidental storage and for no other purposes.

Reason: To protect against alternative use of the outbuilding that may be contrary to Green Belt policy, in accordance with policy GB2A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF.

**Informatives: (1)**

- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and

any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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