

committee agenda



**Epping Forest
District Council**

***District Development Management Committee
Wednesday, 16th November, 2022***

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

Council Chamber - Civic Offices
on **Wednesday, 16th November, 2022**
at **7.00 pm** .

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

G. Woodhall Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors P Keska (Chairman), B Rolfe (Vice-Chairman), R Baldwin, H Brady, I Hadley, S Heap, S Heather, H Kane, H Kauffman, T Matthews, R Morgan, S Patel, C C Pond, J M Whitehouse and K Williamson

SUBSTITUTE NOMINATION DEADLINE:

18:30

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.”

2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES (Pages 5 - 6)

(Team Manager – Democratic & Electoral Services) General advice for those persons attending the meeting of the Committee is attached as an Appendix to this agenda.

3. APOLOGIES FOR ABSENCE

Please use the Members' Portal webpage to report non-attendance at meetings https://eppingforestdc-self.achieveservice.com/service/Member_Contact to ensure that 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://eppingforestdc.gov.uk/your-council/members-portal/>.

4. SUBSTITUTE MEMBERS

(Team Manager – Democratic & Electoral Services) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Team Manager – Democratic & Electoral Services) To declare interests in any item on the agenda.

6. MINUTES (Pages 7 - 20)

(Team Manager – Democratic & Electoral Services) To confirm the minutes of the meeting of the Committee held on 21 September 2022.

7. SITE VISITS

Any member who wishes a site visit to be undertaken for any of the applications listed in this agenda should seek agreement from at least one other member of the Committee and then inform both Planning and Democratic Services **prior to the day of the meeting**.

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

(Service Manager – Development Management) A Planning Policy 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, 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 the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

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

9. PLANNING APPLICATION EPF/0935/20 - UNIT 20, OAKWOOD HILL INDUSTRIAL ESTATE, LOUGHTON IG10 3TZ (Pages 21 - 32)

(Service Manager – Development Management) To consider the attached report for a proposed new four-storey office building and associated parking (EFSAC case held in abeyance, now progressing).

10. PLANNING APPLICATION EPF/0610/22 - 32 HALFHIDES, WALTHAM ABBEY EN9 1LE (Pages 33 - 40)

(Service Manager – Development Management) To consider the attached report for a two-storey side extension and part one-storey, part two-storey rear extension.

11. PLANNING APPLICATION EPF/1289/22 - 41 DUKES AVENUE, THEYDON BOIS CM16 7HQ (Pages 41 - 54)

(Service Manager – Development Management) To consider the attached report for the replacement of the existing two-storey side extension with a new three-bedroom detached dwelling.

12. ANY OTHER BUSINESS

(Team Manager – Democratic & Electoral Services) 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.

13. EXCLUSION OF PUBLIC AND PRESS

Exclusion

(Team Manager – Democratic & Electoral Services) 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):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	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

(Team Manager – Democratic & Electoral Services) Article 17 (Access to Information) of the Constitution defines 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 one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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

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.

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 21 September 2022

Place: Council Chamber - Civic Offices **Time:** 7.00 - 9.35 pm

Members Present: P Keska (Chairman), B Rolfe (Vice-Chairman), R Baldwin, H Brady, S Heap, S Heather, H Kane, H Kauffman, T Matthews, R Morgan, S Patel, C C Pond, J M Whitehouse, K Williamson and B Vaz

Other Councillors: S Kane and C Whitbread

Apologies: I Hadley

Officers Present: A Marx (Development Manager Service Manager (Planning)), G Woodhall (Team Manager - Democratic & Electoral Services), I Ansell (Senior Planning Officer), T Carne (Corporate Communications Team Manager) and L Kirman (Democratic Services Officer)

11. WEBCASTING INTRODUCTION

On behalf of the Chairman, the Team Manager for Democratic & Electoral Services reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

12. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES

The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

13. SUBSTITUTE MEMBERS

The Committee was advised that the following substitute members had been appointed for the meeting:

- (a) Cllr B Vaz for Cllr I Hadley.

14. DECLARATIONS OF INTEREST

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

- (a) Cllr T Matthews declared a personal interest in item 13 (Planning Application EPF/0916/22 – Sumners Farm, Epping Road, Epping Upland) of the agenda for the meeting, by virtue of being the applicant. Cllr T Matthews had determined that his interest was pecuniary and indicated that he would leave the meeting for the consideration of the application and voting thereon.

15. MINUTES**Resolved:**

- (1) That the minutes of the meeting of the Committee held on 27 July 2022 be taken as read and signed by the Chairman as a correct record.

16. SITE VISITS

There were no site visits requested for any of the applications under consideration at the meeting.

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

The Committee was reminded that a briefing note had been prepared to ensure a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version (LPSV) on 18 December 2017 and the Main Modifications to the LPSV which had been published for consultation on 15 July 2021. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

Resolved:

- (1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version be noted.

18. PLANNING APPLICATION EPF/2727/20 - LAND AT GREENSTED ROAD, CHIPPING ONGAR CM5 9LA

The Planning Officer, I Ansell, presented a report for the construction of a residential development comprising of 95 units, together with open space, car parking and landscaping. This application had originally been considered by Area Plans Sub-Committee East who referred the application to this Committee following a tied vote, and requested that a number be considered further, namely:

- parking provision within the development;
- additional engagement with local residents and the Parish Council;
- provision of parish homes within the affordable element; and
- further information on flood mitigation measures.

As a result, the applicant had submitted revised plans to increase the amount of parking available, which included a detailed Flood Risk Assessment.

I Ansell stated that the site comprised of approximately 3.5 hectares of open land to the west of Ongar, and was mostly scrubland with areas of hedging along the boundaries and through the centre of the site. The site and much of the adjoining land was within the Metropolitan Green Belt, but it was allocated for residential development within the Council's Local Plan Submission Version. The application sought permission to construct 76 houses and 19 flats in blocks of no more than 6 units. The houses would be a mixture of 1-bed, 2-bed, 3-bed and 4-bed properties. The proposal would also deliver affordable rental dwellings and affordable intermediate dwellings, consisting of 39 dwellings in total. The layout of the site had been informed by several constraints including the existing infrastructure and landscape, drainage, biodiversity requirements and accessibility. Planning Officers

had concluded that the positive benefits of the proposal far outweighed the concerns and were recommending that planning permission be granted, subject to conditions and an appropriate legal agreement.

The Committee noted the summary of representations that had been received in respect of the amended plans before the Committee, which included an objection from Ongar Town Council. The Committee heard from an objector representing the Ongar Neighbourhood Plan Community Group, the Town Council and the applicant's agent before proceeding to debate the application.

I Ansell clarified several points for the Committee during the debate:

- the health provision funding figures had been provided by the local health authorities, and the full amount requested had been agreed by the applicant;
- the Ongar Neighbourhood Plan had been considered as it carried some weight, and although it had been agreed at a local referendum, it had not been through the final stage of adoption at Council;
- the site was not in a flood risk area and neither was it a protected habitat;
- the attenuation pond was designed to capture water and release it in a controlled manner, and would have both soakaway and discharge elements;
- the highways authority had requested improvements to nearby bus stops including real time information boards, but there had been no request for a contribution for additional bus services;
- the existing hedging on the boundary of the site would be retained but cut back in places to improve the sight lines for traffic entering and leaving the site;
- the affordable housing element of the scheme comprised of 40% of the total dwellings, in line with Council policy;
- the application was for fewer dwellings than agreed for the site in the Local Plan Submission Version.

The Committee accepted that the site was allocated for development in the Local Plan Submission Version, and that best use of the allocated sites had to be made to preserve more of the countryside within the District. It was also acknowledged that local residents did not object to the development of the site itself, but did object to the density of the development proposed, as well as the risk of flooding. In addition, the amount of affordable housing that the scheme was providing was also recognised.

However, the Committee felt that this was not an appropriate development for this site as it was more suited for an urban setting rather than a rural area, there was unreliable public transport for the site so parking would be an issue, the provision of additional parking space in the revised plans had led to the removal of the front gardens, this in turn had compromised the design of the scheme, the site did not have good accessibility, the improvement of the existing bus stops would not significantly improve public transport in the vicinity, and Ongar needed more family homes not more 1-bed flats.

The recommendation to grant planning permission for the application was lost when put to the vote. Cllr B Vaz proposed a motion to refuse planning permission, which was seconded by Cllr C C Pond.

Decision:

(1) That planning application EPF/2627/20 for the land at Greensted Road in Chipping Ongar be refused planning permission for the following reasons:

1...Taking account of the site constraints identified in the evolution of the application, the quantum of development proposed amounts to an over intensive form of development that is inappropriate to the location on the edge of the settlement and out of character with the scale and pattern of development in the locality, contrary to policies CP2, CP7, DBE1, DBE2 and DBE3 of the adopted Local Plan (1998) and Alterations (2006), policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021.

2...The development makes inadequate overall provision for parking to serve the level of development proposed, taking account of the location of the site remote from access to public transport, the existing constraints to on-street parking on Greensted Road in particular, and lack of support for alternative active travel modes, resulting in increased vehicular activity and overspill parking in the immediate surrounding roads to the detriment of general amenity and safety, contrary to policies DBE2, DBE6, DBE9, ST2 and ST6 of the adopted Local Plan (1998) and Alterations (2006), policies T1, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021.

3...The development fails to provide an appropriate mix of type and size of housing units in the over provision of 1 and 2 bed dwellings and the under provision of larger family units that fails to meet the housing delivery objectives set out in the Strategic Housing Market Assessment and failing to reflect the character of the locality and resulting in an overconcentration of smaller house types with this immediate locality, contrary to policies CP1, CP7, H1A and H4A of the adopted Local Plan (1998) and Alterations (2006), policies SP1, SP2 and H1 of the Local Plan Submission Version 2017, and the NPPF 2021.

4...The proposals as represented by the uncharacteristic height and clustering of the flatted blocks in the centre of the development, the dominance of parking around the said flatted blocks and lack of private amenity space, and the visual dominance of frontage parking, arising from the overall level of development amounts to poor design and results in a poor visual environment and public realm, and a poor standard of amenity for future occupiers, contrary to policies CP2, CP7, DBE1, DBE3, DBE5, DBE8 of the adopted Local Plan (1998) and Alterations (2006), policies SP3, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021.

5...In the absence of a completed s106 agreement, the application fails to mitigate impacts on the wider area, including the Epping Forest Special Area of Conservation, and fails to make adequate provision for local infrastructure contributions to address increased demand for local services and facilities arising directly from the development, contrary to policies CP1, CP6, CP9, NC1, ST2 and I1A of the adopted Local Plan (1998) and Alterations (2006), policies SP1, SP3, T1, T2, DM2, DM5, DM22, P4 and D1 – D4 inclusive of the Local Plan Submission Version 2017, and the NPPF 2021.

19. PLANNING APPLICATION EPF/0103/22 - GROVE COTTAGES, 64 ONGAR ROAD, LAMBOURNE RM4 1UJ

The Planning Officer, M Rahman, presented a report for the removal of condition 2 – ‘Soft Landscaping’ – from planning application EPF/234/21 previously approved for the site, which was for the retention of a vehicular crossover field access, associated gate and hedgerow planting along the boundary. This planning application was originally considered by Area Planning Sub-Committee East at their meeting held on

6 April 2022 with a recommendation to refuse. The Sub-Committee voted to refuse the application but it was subject to a minority reference to this Committee for a final decision. This application was deferred for a site visit by this Committee on 20 April 2022, which took place on 13 September 2022.

M Rahman reported that the site comprised a plot of land situated between 64 and 90 Ongar Road, which was a classified highway. The application was concerned with the planting that had been undertaken to screen a fence along the boundary of the property of approximately 150m in length. Planning Officers had concluded that the species mixture of the planting undertaken by the applicant was incongruous to this rural setting and introduced a considerable 'urbanisation' of the area which was contrary to planning policy. It was considered that native hedging would be in accordance with the policy, and therefore this application was recommended for refusal.

The Committee noted the summary of representations that had been received for this application and heard from the applicant's agent before proceeding to debate the application.

The Committee debated the merits of the species of plants that had used to screen the fencing, and whether it should be removed in favour of native hedging as recommended by the Planning Officers. Some Councillors opined that the plants used looked healthy, the majority of which were native species and in time would grow to close the gaps to screen the fencing. Other Councillors agreed with the Planning Officers that a degree of 'urbanisation' had been introduced to the area and that the current planting should be replaced with native hedging similar to that which had been in situ previously as the current planting was not appropriate for the location.

Cllr R Morgan proposed a motion to grant the application to remove the soft landscaping planning condition as requested by the applicant; this was seconded by Cllr B Rolfe.

Decision:

(1) That planning application EPF/0103/22 for Grove Cottages on Ongar Road in Lambourne be granted planning permission, subject to the following planning conditions:

1...The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 904-01 Rev A, 904-02, F210733/01 and 221211-PL-001.

2...Within 3 months of the date of this decision notice, the Landscaping scheme shall be carried out in accordance with the details specified on the approved plans. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

3...Within 3 months of the date of this decision notice, the visibility splays, as shown on drawing no. F21073/01 (2.4m x 118m to the west & 2.4m x 107m to the east), shall be fully implemented clear to ground level, with any planting being located a minimum of 1m behind the splays and so retained.

4...Within 3 months of the date of this decision notice, there shall be no unbound material used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

5...There shall be no discharge of surface water onto the Highway.

6...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.

20. PLANNING APPLICATION EPF/2472/20 - 91 QUEENS ROAD, BUCKHURST HILL IG9 5BW

The Planning Officer, C Ahmed, presented a report for the proposed demolition of the existing dwelling and the construction of a semi-detached pair of dwellings. On 6 July 2022, Area Planning Sub-Committee South had deferred this item to the Committee with a recommendation to refuse the application as the existing building was a Non-Designated Heritage Asset (NDHA) and for the harm the development would cause to the Epping Forest Special Area of Conservation (EFSAC).

C Ahmed reported that the site was situated midway along the north side of Queens Road, and the existing dwelling was an extended, detached two-storey house. The road had a mixed character with a considerable variety of architectural styles. The application site was not within a conservation area, and nor was it protected by a statutory or locally listed status. It was understood that eminent Engineer Vernon AM Robertson had lived at the property in 1923.

The Committee noted the summary of representations received for this application, including five objections from neighbouring properties and concerns raised by the Parish Council. The Committee heard from an objector and the applicant's agent before proceeding to debate the application.

A number of Councillors felt that there was no real heritage value in the existing building, or that any heritage value could be recorded as a photographic record prior to demolition. In addition, the design of the replacement semidetached dwellings was elegant, and a 'blue plaque' could be erected to record that the Engineer had lived there. However, some Councillors objected to the application as the existing dwelling was the oldest building in Queens Road which was worth preserving, and did not agree with the view of the Council's Conservation Officer within the report.

The recommendation of Area Planning Sub-Committee South to refuse the application was lost. A motion was proposed by Cllr K Williamson, and seconded by Cllr S Patel, to grant planning permission subject to the planning conditions contained within the original report considered by Area Planning Sub-Committee South.

Decision:

(1) That planning application EPF/2472/20 for 91 Queens Road in Buckhurst Hill be granted planning permission, subject to the following planning conditions:

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

2...The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 110K; 111H; 112C and 113C.

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 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.

5...Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) 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 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.

6A...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.

6B... 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...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.

8... Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

9... 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.

10... 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.

11... 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. 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.

12...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.

13...No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

14... Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active 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 must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

15...The redundant vehicle dropped kerb crossover shall be fully reinstated with full footway construction and full height kerbing.

16...Prior to the first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

17...The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and 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 be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

21. PLANNING APPLICATION EPF/0313/22 - LAND AND GARAGE ADJACENT TO TRAVELLERS FRIEND PH CAR PARK, EPPING ROAD, EPPING GREEN CM16 6PU

The Planning Officer, S Dhadwar, presented a report for the proposed replacement of a domestic double garage with a single-storey, one bedroom dwelling. This

application had been considered by Area Planning Sub-Committee West on 17 August 2022.

S Dhadwar reported that the site was a small infill plot between the Travellers Friend car park on one side and a barn/outbuilding forming part of the curtilage of the cottages to the other side. Behind the garage, the land was grassed with no trees and enclosed by a brick wall on two sides. There were open fields to the north of the site, and the site was within the metropolitan Green Belt.

Planning Officers had originally concluded that the proposal constituted inappropriate development within the metropolitan Green Belt, as the site was not considered to meet the definition of an 'infill plot' within a village. There were also no very special circumstances to outweigh this and any other harm from the development. Therefore, the site had recommended for refusal at the meeting of Area Planning Sub-Committee West on 17 August 2022. However, the Sub-Committee had voted against the refusal and proposed that the application should be granted planning permission, subject to the standard planning conditions and the completion of a Section 106 legal agreement to mitigate any harm to the Epping Forest Special Area of Conservation (EFSAC). It was this recommendation from the Sub-Committee that was before the Committee.

The Committee noted the summary of representations that had been received in relation to this application, including an objection from the Parish Council, and heard from the applicant's agent before proceeding to debate the application.

The Committee considered whether the proposal was actually 'in-fill' development, and whether the site would be visually more attractive with a bungalow rather than the current concrete double garage, as well as cause further harm to the metropolitan Green Belt. The Committee noted that Planning Officers had acknowledged the site was previously developed land within the metropolitan Green Belt.

Decision:

(1) That planning application EPF/0313/22 for the land and garage adjacent to the Travellers Friend car park in Epping Road, Epping Green be granted planning permission subject to:

(a) the completion of a Section 106 legal agreement under the Town and Country Planning Act 1990 to pay financial contributions towards mitigation and monitoring measures for the Epping Forest Special Area of Conservation; and

(b) the following planning 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:

Traffic Impacts relating to Habitats Regulations Assessment, Planning Statement, Sustainability Checklist, Sustainability Statement Phase 1 Site Investigation and Preliminary Risk Assessment by Remada September 2020 742.01.01, 22/002/01, 22/002/02, 22/002/03, 22/002/04, 22/002/05.

3... 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.

4... Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

5... 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.

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... 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.

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.

9... Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling shall be installed and retained thereafter for use by the occupants of the site.

10... The development shall not be commenced until a scheme specifying the provisions to be made to control noise and dust emanating from the site during construction works has been submitted to, and approved in writing by, the Local Planning Authority. This scheme should include details of the construction methods to be employed and the equipment to be used.

11... 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 and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

12... The solar panels shall be installed in accordance with the details shown on plan number 22/002/04 unless otherwise agreed in writing with the Local Planning Authority.

22. PLANNING APPLICATION EPF/0916/22 - SUMNERS FARM, EPPING ROAD, EPPING UPLANE CM16 6PX

The Planning Officer, M Rahman, presented a report for a two-storey side and rear extension. The application was before the Committee as it had been submitted by a serving member of the District Council. The site comprised a detached dwelling within a wider farm complex, located in a built-up enclave of the metropolitan Green Belt. The building was not listed or within a conservation area, and no protected trees were within the site.

After having considered the impact of the proposal on: the metropolitan Green Belt; the character and appearance of the locality; and the living conditions of neighbours, Planning Officers had recommended the application be approved subject to a number of planning conditions. The Committee noted the summary of representations that had been received in relation to this application.

Decision:

(1) That planning application EPF/0916/22 at Sumners Farm in Epping Road, Epping Upland be granted planning permission, subject to the following planning conditions:

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

2...The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 20014-E-2401 Rev 01, 21008-E-2402 Rev 01, 21008-P-1001 Rev 01, 21008-P-1002 Rev 01, 21008-P-2201, 21008-P-2202, 21008-P-2214 Rev 01, 21008-P-2224 Rev 01, 21008-P-2234, 21008-P-2213 Rev 01, 21008-R-7000, and 21008-R-7001.

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.

4...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.

5...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.

23. ANY OTHER BUSINESS

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

24. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

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Epping Forest District Council

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Application Number:	EPF/0935/20
Site Name:	Unit 20, Oakwood Hill Industrial Estate Loughton IG10 3TZ

OFFICER REPORT

Application Ref: EPF/0935/20
Application Type: Full planning permission
Applicant: Mr Aaran Hall
Case Officer: Marie-Claire Tovey
Site Address: Unit 20
Oakwood Hill Industrial Estate
Loughton
IG10 3TZ
Proposal: Proposed new 4 storey office building and associated parking.** SAC CASE HELD IN ABEYANCE NOW PROGRESSING**
Ward: Loughton Alderton
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Ny8c>
Recommendation: Approve with Conditions

This application is before this Committee since it is a "major" application as defined in Article 10 of the Constitution, and the District Council is an owner of the application site (Pursuant to Article 10 of The Constitution).

This application is recommended for approval subject to the conditions outlined at the end of this report.

Description of Site:

The site is located within the Oakwood Hill Industrial Estate and is located on the north side of Oakwood Hill. The site is currently a scaffold yard with ad hoc storage structures and portacabins located behind a palisade fence. The site slopes up from the front to the rear and backs on to the TFL underground line with a residential area beyond the railway line. Within Oakwood Hill there a variety of mixed commercial uses including offices/workshops/gymnastics hall, and immediately to the east of the site is a Public car park. The whole of the Industrial Estate is allocated as Employment land within the Submission Version Local Plan. The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

The application seeks consent for a proposed 4 storey office building and associated parking. The building will be set some 17.5m into the site with parking for 22 cars, 4 bikes located to the front and a cycle store to accommodate 20 bikes located to the side of the building. The main building is set of the boundaries by 1.5m from No. 21 and 3.8m from No.19 and 1.5m set in from the rear boundary.

The office building itself is 13.3m in height, 29m in width, 11.9m deep and finished with a cladding. There are no openings to the rear of the building except for two doorways at ground floor level.

Relevant History:

EPF/1908/19 - Proposed new 5 storey office building with associated parking – Withdrawn (At Officer's suggestion due to height)
EPF/0835/15 - Change of use from private parking storage for car dealership to use as a builders depot including stationing of portable storage and office buildings and erection of scaffold storage racks – Approved

Policies Applied:

Local Plan (1998) and Alterations (2006)

CP1 Sustainable development
CP2 Protecting the quality of the environment
LL11 Landscaping schemes
ST1 Location of development
ST2 Accessibility of Development
ST4 Road safety
ST6 Vehicle parking

NPPF

Epping Forest District Local Plan (Submission Version) 2017

Policy		Weight
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM9	High Quality Design	Significant
DM22	Air Quality	Significant
T1	Sustainable Transport Choices	Significant
P2	Loughton	Significant
E1	Employment Sites	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 74

GRANGEWOOD HOUSE, CRATE OAKWOOD HILL INDUSTRIAL ESTATE
LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP)

Objections summarised as:

Increase in Traffic, highway safety, lack of interesting design, needs a green wall

LOUGHTON TOWN COUNCIL: OBJECTION

The Committee OBJECTED to this application on the grounds that the proposed building is still monolithic and imposing on the houses in Lushes Road. It is out of keeping with the existing buildings and should be reduced in height from four to two storeys.

The Committee believes that this development, alone or in conjunction with others, may have an adverse effect on the Epping Forest Special Area of Conservation. Accordingly, the Committee believes that it would be unsafe and unsound to grant this application, by virtue of the greater number of occupants working there.

The Committee acknowledged that while this development would result in generating employment it should not be done to the detriment of the local area's visual appearance.

Main Issues and Considerations:

The main issues in the determination of the application are considered to be the following:

Principle of the Development
Design
Impact on Amenity
Parking and Highways
Impact on the EFSAC

Principle of Development

The principle of offices on this site is acceptable. Policy E1 of the SVLP (2017) states at A (i) that

The Council will seek to retain and enhance existing employment sites and premises. Proposals for the redevelopment, renewal, intensification, or extension of existing employment sites and premises for their existing use will be encouraged.

This proposal redevelops the site as an employment generating use and therefore this principle is compliant with this emerging policy. Given the increase in height it also is considered to make best use of this employment land.

Design

The proposal appears as a modern office block and is not dissimilar to other styles of building within the immediate Estate, including Grangewood House at the entrance to Oakwood Hill.

The proposal will be in line with the adjacent two storey building at No. 21. Despite the four storey height of the proposal, due to the substantial set back from the road edge the proposal would not appear overbearing within the streetscene.

Although the tallest building within the vicinity, the proposal is considered to complement the streetscene within this commercial area. Streetscenes and 3D visuals have been submitted which have assured Officer's that the proposal will not appear overbearing or out of keeping with the surrounding area.

The cladding choice has not been defined by the Applicant but this can be subject to a condition so that the finished building complements the surrounding colour palettes.

Given that the proposal backs onto the underground line it is not considered necessary for the rear wall to be a 'living green' wall.

Impact on Amenity

The proposal is some 25m from the nearest residential property located on Lushes Road. The proposal will be visible from this area, but given the distance and since the underground line acts as a buffer between, it is not considered to result in any excessive loss of amenity. It is also noted that the nearest property (101 Lushes Road) sides onto the development and although there is a side facing window this appears to be obscured glazed in any event.

In terms of noise and disturbance, it is not considered that the proposed use will cause any excessive harm that cannot be controlled by conditions. It is considered that the proposed office use may be result in less disturbance than the existing use. Conditions can be added with regards to opening times of the offices so that early/late noise is controlled for all new and existing residents. Although none have been provided by the applicant, it is considered that 07.00 – 20.00 Monday to Friday and 08.00 – 17.00 on Saturday's, Sunday's and Bank Holidays would be acceptable.

Details of any future air conditioning/extraction units etc. which may cause noise or nuisance can also be conditioned so that the Council has control over what may be installed in the future.

Parking and Highways

The Highways Officer has no objection to the proposal subject to a condition ensuring the access arrangements, vehicle parking and turning areas as indicated on the approved plans are implemented prior to occupation.

The parking proposed results in 22 parking spaces. This is below the suggested amount by the Essex Parking Standards, which states 43 spaces should be provided, however given the proximity of the site to Debden Underground Station and the bus services (particularly that serving The Broadway) it is considered that the proposed parking provision is more than sufficient given the sustainable location. The provision of ample cycle parking is welcome and encourages a more sustainable form of transport.

EFSAC and Air Quality

SAC and Air Quality

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

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 concludes 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 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 parts of the methodology underpinning the appropriate assessment HRA 2019, 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 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.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

1. The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.

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 the atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

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 atmospheric pollution 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 IAMPS. 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 the two strategic employment allocations at Dowding Way and North Weald Airfield. The application will, however, be subject to planning conditions to secure site specific measures as identified in the IAMPS and these include a travel plan and electric vehicle charging points.

Conclusion:

The Council is satisfied that, subject to the imposition of relevant planning conditions, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Conclusion:

Given the above discussion, the proposal is considered on balance to be acceptable and approval subject to conditions is recommended.

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

***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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

Conditions: (21)

- 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:
1991/01 Rev F
1991/02 Rev F
1991/03 Rev E
1991/04

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

- 3 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. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. Tree protection measures.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policies DM21 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 5 No development shall take place until details of the arrangements for internal air extraction, odour control measures, noise levels, and discharge to atmosphere from cooking operations, including the location, appearance and finish of any external ducting and flues have been submitted to and been approved in writing by the Local Planning Authority. The approved details shall be installed before the use hereby permitted commences and so retained. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

Reason: To safeguard the amenity of adjoining properties and to protect the general environment from the impact of cooking smells, odours and noise in accordance with policies CP7, DBE9 & RP5A of the adopted Local Plan 1998 & 2006, policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 6 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 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 7 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.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies ST4 & DBE1 of the adopted Local Plan and Alterations 1998 & 2006, Policies T1 & DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 8 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 9 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 10 The premises shall be used solely for office use and for no other purpose (including any other purpose in Class E(g) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

Reason: To ensure that full consideration is given by the Local Planning Authority to any alternative in the interests of safeguarding the amenity of neighbours and other users, in accordance with policy DBE2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 11 The use hereby permitted shall only be open to customers between the hours of 07.00 to 20.00 on Monday to Friday and 08.00 to 17.00 on Saturdays, Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 12 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 13 Prior to any above groundworks, details and location of the active electric vehicle parking spaces for all proposed parking spaces shall have been submitted to and approved in writing with the Local Planning Authority (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 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) How charging point usage will be charged amongst users; and
 - b) 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.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the

EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 14 Prior to any above groundworks, details shall be submitted to the Local Planning Authority, to be approved in writing, for appropriate cycle parking for the proposal. The approved facility shall be secure, convenient, covered, and provided prior to the first occupation and shall be retained as such at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and accessibility. 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, and the NPPF.

- 15 Tree protection shall be installed as shown on agb Environmental Ltd 'Tree Protection Plan' drawing number 'P3343.1 002 Rev A' (dated 30th May 2019) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 16 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, parking and turning is provided.

- 17 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 18 The development shall be carried out in accordance with the flood risk assessment (Flood Risk Assessment, Ref P3343.3.0, 28th April 2020) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority. Reason: The development is located in an area identified as being in an Epping Forest District Council flood

risk assessment zone and would be likely to result in increased surface water run-off, in accordance with policy U2B of the adopted Local Plan and Alterations 1998 & 2006, policy DM15 of the Local Plan Submission Version 2017, and the NPPF.

- 19 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for each stage of the development, have been submitted to and approved in writing by the local planning authority which:
- provide demolition details
 - provide details for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) and superstructure
 - provide details on the use of tall plant/scaffolding and lifting equipment
 - there should be no opening windows or balconies facing the LU elevation
 - demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
 - demonstrate that there will at no time be any potential security risk to our railway, property or structures
 - accommodate ground movement arising from the construction thereof
 - mitigate the effects of noise and vibration arising from the adjoining operations within the structures

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 20 Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with policies CP2, DBE1 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM12 of the Local Plan Submission Version 2017, and the NPPF.

- 21 A Workplace Travel Plan is to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, which shall include the following details:
- travel plan co-ordinator;
 - travel surveys;

- measures to be taken to encourage walking, cycling, use of public transport and reduce car travel by staff;
- monitoring and review; and
- programme for implementation.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies ST4, ST6 and NC1 of the Adopted Local Plan, policies T 1, DM 2 and DM 22 of the Local Plan Submission Version 2017 and the NPPF 2021.



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Application Number:	EPF/0610/22
Site Name:	32 Halfhides Waltham Abbey EN9 1LE

OFFICER REPORT

Application Ref: EPF/0610/22
Application Type: Full planning permission
Applicant: Miss N Morris
Case Officer: Rhian Thorley
Site Address: 32 Halfhides
Waltham Abbey
EN9 1LE
Proposal: Double storey side extension and part one/part two storey rear extension.
Ward: Waltham Abbey North East
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nvmr>
Recommendation: Approve with Conditions

This application is before this Committee because it is a planning application of which its decision could be liable to give rise to claims for costs or compensation (Pursuant to Article 10 of the Constitution).

Reason for presenting at DDMC

A planning approval was granted and issued for this proposal dated 17 June 2022 under delegated authority. Unfortunately the objection from the Town Council, received on 27 May 2022, was missed by the case officer and therefore was not taken into consideration when assessing and authorising the application.

The Constitution provides in its constitution Scheme of Delegation that the "Services Director- Planning Services or a Level 2 or 1 Officer Nominated by them" are authorised to determine inter alia "All household planning applications ... except the following which shall be determined by the committee or sub committee indicated in Article 10 to the constitution." One such circumstances is "3, b, An objection is received from a local council, supported by at least one non-councillor residents, with material planning reasons".

The decision was therefore taken by delegated powers in breach of the council's Scheme of Delegation, which requires planning decisions to be determined by its planning subcommittee where, as here, there has been an objection from a Parish Council, supported by at least one non-councillor resident, with material planning reasons. Due to this, a Judicial Review was brought against the decision by the Council and was successful, and as such the decision has been quashed and the application has reverted back to the LPA for redetermination. Due to this situation, the decision reached in this application could result in liability for claims for costs or compensation and therefore the necessary determination level now lies with District Development Management Committee.

Site and Surroundings

The site comprises of a semi-detached dwelling located on the southern side of Halfhides, within the urban settlement of Waltham Abbey. Along the western boundary is a pedestrian alleyway linking Halfhides with Farm Hill Road. The dwelling is not listed nor within a conservation area. No protected trees lie within the site.

Proposal

The proposal is for a two storey side extension and part one/part two storey rear extension.

Relevant Planning History

EPF/2953/21 - Double storey side extension & part one/part two storey rear extension - Refused
EPF/1384/21 - Double storey side extension and part one/part two storey rear extension and loft conversion with rear dormer and juliet balcony - Refused

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
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.

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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

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

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

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

DM9 High Quality Design

Summary of Representations

Number of neighbours Consulted: 8.

WALTHAM ABBEY TOWN COUNCIL – Objection. The committee believes that the plans are still inconsistent so approving these plans could be ambiguous specifically with regard to the roof line. The extension would have a negative impact on the street scene from various elevations. There is also still a significant impact on the neighbouring property who have provided a detailed objection to this application most significantly due to the loss of light and having windows that will be impacted by the proposed extension. Moving the boundary of the proposed side extension does not represent a significant improvement.

5 HALFHIDES - OBJECTION - The extension is considered to drastically block their direct skyline view, cause overshadowing at the alleyway and does not appear in keeping with Halfhides.

6 HALFHIDES - OBJECTION – It is considered that the proposed extension would be clearly visible from front, side and rear and is an overdevelopment on a high point situated on the side of an alleyway. As a semi-detached house, the host-dwelling is considered to appear unbalanced and would detract from the street scene as a result. It is also considered that a blank and featureless two storey wall would dominate and enclose the alley which forms an important gap in the streetscene in terms of creating spaciousness.

33 HALFHIDES - OBJECTION - The application plans and elevations are inaccurate, misleading, incapable of lawful implementation and should be refused accordingly Technical issues.

Proposed two storey side / rear extension:

It is considered that the proposed extension roof set down by 0.3m would still result in the ridge line being significantly longer than the existing ridge, almost doubling the length of the existing ridgeline destroying the symmetry of this pair of houses. This is not considered subordinate or sympathetic to the existing house and would dominate it to an unacceptable degree.

It is also considered that the proposed flank elevation exacerbates the visual impact of the proposed extension as a wholly discordant, jarring and monolithic feature. The extension is considered

overbearing and visually obtrusive to an unacceptable degree, seriously detrimental to the character and appearance of the host property and the pair of semi-detached house.

Alleyway:

The proposed flank wall is considered to be overbearing and visually obtrusive when seen from the alleyway as it would dominate the alley to an unacceptable degree. Due to the size and monolithic nature of the flank wall, it is considered to make that part of the alley darker with potential consequential impact on the safety and security of users of the alley and those properties directly adjoining it. The single street light halfway along the length of the alley is some 11m away from the proposed extension and is considered to do little to mitigate the impact of the extension.

Rear:

It is considered that the rear extensions have little regard to the character and appearance of the existing house. It is also considered that the visual impact of the rear wall of the two-storey rear extension is increased by the dominance of solid to window which is uncharacteristic of houses in the area. The proposal is considered too big and bulky and the proximity of the rear wall to the alley further increases the detrimental impact the proposal would have on the alley.

Impact on neighbours:

It is considered that the design, size and siting of the extension would be over dominant in comparison to surrounding properties.

Impact on No.33 Halfhides:

It is also considered that the rear extension would cause overlooking and loss of privacy across much of No.33's garden. It is also considered that the proposed side extension would detrimentally affect the occupants' amenity when inside and outside of their home as the siting, design, appearance, mass and bulk of the extension would have an overbearing, obtrusive and oppressive impact.

The proposed side wall would be some 2.7m from No.33's side boundary with the alley. The mass, bulk and siting of the extension is considered overbearing and visually obtrusive to an unacceptable degree, particularly given No.33 sits at a lower level.

The wall would be some 4m directly in front of an east facing kitchen / dining window resulting in a loss of direct sunlight in the mornings as well as creating a sense of enclosure. It is considered that virtually all outlook from that window would be lost. The open area outside of this window, to the rear of No.33's garage is also considered to be impacted in terms of loss of direct sunlight and openness.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality; and
- b) The impact to the living conditions of neighbours.

Character and Appearance

The scheme has been amended since previous applications, EPF/1384/21 and EPF/2953/21, which were refused based on their design and impact on neighbour amenity.

The proposed two storey side extension is now 2.2m and is set 1m off the boundary (was previously 0.5m and on the boundary prior to that). As with the previous application, the two storey side extension remains set back from the front façade at first floor level by some 0.5m and the roof set down from the main ridge by 0.3m.

Following the increase of the boundary gap with the alleyway, the proposed two storey side extension is considered to provide a subordinate addition to the property. At a width of 2.3m, the proposal is

considered to provide a more sympathetic addition in relation to the pair of semi-detached dwellings' symmetry, reducing the impact on the visual amenity of the streetscene.

Whilst a number of properties on Halfhides have been extended to the side at various scales and forms, this site is unique as it abuts an alleyway. By increasing the boundary gap to 1m, the proposal retains a visual gap and prevents a terracing effect. The gap is therefore considered sufficient so as not to have an overbearing visual impact on users of the alleyway, immediate neighbours and as seen from Farm Hill Road.

As with the previous scheme, this proposal extends at part two storey and part single storey, 3.5m beyond the original rear wall at ground floor and 3m at first floor. The double storey element is now 4.7m in width (previously 5.2m) with the single storey element infilling the area between this and the boundary with no. 31 Halfhides, this will be 2.2m in height to the eaves and have a sloping roof to an overall height of 3.5m with a parapet wall on the boundary. The two storey rear extension uses a hipped roof and is stepped down from the main roof giving a subordinate appearance.

This amended scheme is considered sufficient to overcome the previous concerns and is therefore acceptable in terms of design, character and appearance.

Living Conditions

Impact on attached No. 31 to the east

The main impacts would derive from the rear extension. The pre-existing conservatory was approximately 2.2m in depth and the proposed single storey rear extension along the boundary is 1.3m deeper than this at 3.5m. Given this relatively modest further rearward projection, it is not considered there would be any significant loss of light or increase in sense of enclosure derived from the single storey element. The two storey element is sited some 3.5m from the boundary with no. 31 and as such no excessive loss of living conditions would result from this element of the proposal, particularly as there are no flank windows in no. 31 that would be affected by the proposal.

Impact on No.33 Halfhides to the west

No. 33 Halfhides sits on the other side of the alleyway approximately 1.7m to the west. This property contains a ground floor flank window serving a kitchen/dining room which will face the application site.

Whilst the proposal is likely to have some impact on neighbour amenity, in setting the extensions off the boundary with the alleyway by 1m this impact is reduced. Subsequently, it is not considered that the proposal would result in excessive loss of light or appear overbearing to the detriment of the occupants when viewed from their rear garden and ground floor habitable room window.

As a result to the works, there would be some increase in overlooking derived from the rear first floor windows by reason of the rearward projection, however this would not be to any considerable degree that would be out of the ordinary for a residential area where some degree of overlooking is expected.

Nos. 5 Halfhides

It is not considered that the loss of light or outlook would be significant enough on the occupants of No.5 (located on the opposite side of the road) to warrant a refusal on these grounds.

Other matters

As with the previous applications, objectors have commented on the risk to public safety by reason of the side and rear extension bulk and mass darkening the public alleyway. It is not however considered that the proposal would cause a risk to public safety therefore a refusal on these grounds cannot be justified. The alleyway connects Halfhides and Farm Hill Road and is a relatively short cut-through which is generally open. The streetlight present would still provide adequate light within the alleyway and the proposal is sited close to the streetscene.

Concerns were raised, and noted, that there were some inconsistencies with roof as shown in the originally submitted plans. As such amended plans have been provided in order to address these inconsistencies.

Conclusion

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

Should 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. If no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Case Officer | Rhian Thorley | rthorley@eppingforestdc.gov.uk

Conditions: (3)

- 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:
002; 003F; 004E; 005A; 007E.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form.

Informatives: (1)

- 4 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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/1289/22
Site Name:	41 Dukes Avenue Theydon Bois CM16 7HQ

OFFICER REPORT

Application Ref: EPF/1289/22
Application Type: Full planning permission
Applicant: K Britton
Case Officer: Muhammad Rahman
Site Address: 41 Dukes Avenue, Theydon Bois, Epping, CM16 7HQ
Proposal: Existing two storey side extension to be replaced with a new three bedroom detached dwelling
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d0000001CQ>
Recommendation: Refuse

REPORT TO DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE

Date of Meeting: 16th November 2022

Democratic Services Officer: Gary Woodhall | 01992 564470

Recommendations:

1. This application carried an officer recommendation to grant conditional planning permission when reported to the Area Planning Sub-Committee East at their meeting on 2nd November 2022.
2. A motion for refusal was carried forward with 8 Members voting for the refusal & 7 against.
3. Under the minority member rule, the Committee deferred this item to DDMC as per the Committee recommendation for a refusal for the sole reason below;
 - a. The proposal, by reason of its form, scale, and massing, fails to relate positively to the locality or make a positive contribution to Theydon Bois, contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 (A – i & ii) & (D – ii & iv) of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.
4. Whilst not proposed by Members, should the application be refused then the following reason will also need to be added;
 - b. 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 recreational pressure and 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.
5. The original officer report has been amended to include the broader planning history.

Officer Report

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 residential garden space for 41 Dukes Avenue, located on the corner of Dukes Avenue and Heath Drive. It is not listed, nor within a conservation area, the Green Belt, or a flood zone. No protected trees lie within the site.

Proposal

The proposal is for an existing two storey side extension to the host house to be demolished and a new three-bedroom detached dwelling constructed.

This is a revised scheme to EPF/0959/20.

Relevant Planning History

EPF/2123/11 - Two storey side extension - Withdrawn

EPF/0146/12 - Two storey side extension. (Revised application) – Refused & Dismissed on Appeal

EPF/1102/12 - Two storey side extension - Approve with Conditions

EPF/1577/12 - Application for approval of details reserved by conditions 2 'Materials' and 3 'Hard and Soft Landscaping' of planning permission EPF/1102/12. (Two storey side extension.) – Approve

EPF/1922/12 - Two storey side extension. (Amended application) - Approve with Conditions

EPF/1769/14 - Single storey side garage extension - Refuse

EPF/2548/14 - Certificate of lawful development for a proposed garage - Lawful

EPF/0959/20 - Demolition of an existing garden room & erection of a x1 no. bedroom bungalow – Refused on Design, Impact on Neighbours and EFSAC.

EF\2022\ENQ\00147 – Post-application for a proposed removal of two storey side extension to existing dwelling to facilitate the development of a new detached three-bedroom dwelling - Advice Given

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 and Quality
DBE1 Design of New Buildings
DBE8 Private Amenity Space

DBE9 Loss of Amenity
ST4 Road Safety
ST6 Vehicle Parking
LL10 Adequacy of provision for landscape retention
LL11 Landscaping schemes

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
Paragraph 180

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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

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

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

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

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

SP2 Spatial Development Strategy 2011-2033
H1 Housing Mix and Accommodation Types
T1 Sustainable Transport Choices
DM2 Epping Forest SAC and the Lee Valley SPA
DM3 Landscape Character, Ancient Landscapes and Geodiversity
DM5 Green and Blue Infrastructure
DM9 High Quality Design
DM10 Housing Design and Quality
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

Summary of Representations

Number of neighbours Consulted: 13. 2 response(s) received
Site notice posted: No, not required

43 DUKES AVENUE & 7 WOODLAND WAY – Objections - Summarised as:

- Impact on Street Trees;
- Unsustainable; and
- Cramped development / Out of character.

THEYDON BOIS PARISH COUNCIL – The Planning Committee is of the opinion that this proposal represents a cramped form of development, due to the scale of the proposed new dwelling in the context of its proposed plot size. Sited on a prominent open corner, its prominence exacerbated when viewed down from the raised Heath Drive, the proposal would fail to relate positively to its immediate setting, and thereby cause harm to the established character and appearance of the area.

The application site is a semi-detached two storey dwelling with a two-story side extension, situated on the western side of Dukes Avenue at its junction with Heath Drive. Traditionally, corner sites in Theydon Bois such as this provide visual gaps, designed to preserve the characteristic openness of the surrounding area. It is considered that this proposal fails to complement its prominent position in the street scene.

In the Committee's opinion the site is too confined for an additional two storey detached dwelling. The proposed new dwelling would appear to be squeezed into too small a space and to be at odds with, and so disrupt, the established pattern of development.

Contrary to the Planning Statement submitted with the application, the Committee does not agree that this proposal has parallels with a previous development on the opposite corner of Dukes Avenue, due to the fact that that pair of semi-detached houses – being 39 and 39A Dukes Avenue, which replaced a detached dwelling – are indistinguishable from the predominantly semi-detached pattern of development of the surrounding locality. A few detached dwellings are present here and there in Dukes Avenue, and in surrounding residential roads, but these are in the minority and none are sited on prominent corner

positions. The planning history for this property includes an application for a two-storey side extension – EPF/0146/12 – which was dismissed at Appeal. In the dismissal of this Appeal (APP/J1535/D/12/2173698) the Inspector found:

“The appeal site is situated on a prominent open corner, which creates a visual gap in the built form. Its prominence is exacerbated when viewed down from the raised Heath Drive. I consider this gap makes an important contribution to the overall character and appearance of the area.” Further that, “... the open aspect of the corner location would be unacceptably eroded, to the detriment of the character and appearance of the surrounding area ... the proposal would have an adverse effect on the character and appearance of the surrounding area.”

A more subservient side extension development sited further away from the boundary with Heath Drive was subsequently approved, that development being significantly stepped back from the building line to preserve the openness of its prominent corner site. Consequently, when approaching this corner of Dukes Avenue from Heath Drive, the visual gap creates a pleasant open aspect.

The siting of three verge trees adjacent to the side boundary of 41 Dukes Avenue is mirrored by three trees on the opposite side of Heath Road. These trees make a positive contribution to the street scene and to spatial perception of the surrounding built environment. There are also two verge trees adjacent to the front boundary of 41 Dukes Avenue. Taken together, these five trees bordering 41 Dukes Avenue are of significant visual importance in the street scene, and their retention and protection are necessary to ensure continuity of symmetry within the streetscene.

The Committee and the Theydon Bois Tree Warden are disappointed to note that these trees are not shown on the proposed plans submitted with this application. Two of the five trees are relatively immature and vulnerable to damage, and it would seem likely that one tree might need to be removed if the proposal went ahead. The necessity of removing any tree has not been acknowledged by the application: in answer to the question on the application form “Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?”, the ‘NO’ box is ticked. The street trees in Theydon Bois are highly important to the local community, and any removal will interrupt the symmetry of verge plantings. There is no plan in place by Essex County Council for replacement planting of verge trees.

In conclusion, the Committee feels that the proposal is inappropriate for its prominent position, would introduce a cramped form of development to the proposal site, would be out of keeping with the prevailing form of development, and fails to safeguard verge trees – in conflict with Policies CP2(iv), CP7 and DBE1 of the Epping Forest District Local Plan 1998 with alterations of 2006 (the Current Local Plan), Policy DM9 of the Epping Forest District Local Plan, Submission Version 2017 (the New Local Plan), and provisions of the National Planning Policy Framework, 2021.

Notwithstanding the above, should EFDC recommend that this planning application be granted, the Planning Committee wishes to see the following three Conditions attached to any Grant of Planning Permission:

Condition 1: Removal of permitted development rights, with respect to both dwellings, under Schedule 2, Part 1, Classes A, AA, B and E of the General Permitted Development Order (‘GPDO’), 2015. Reason: To enable the Local Authority to manage any future development proposals, in view of the reduced size of the donor property site, and the confined size of the proposed new dwelling site.

Condition 2: Removal of permitted development rights, with respect to both dwellings, under Schedule 2, Part 2, Classes A and B of the GPDO, 2015 (fences and crossovers). Reason: To protect the five street trees situated on verges adjacent to the front and side boundaries of the site, on Dukes Avenue and Heath Drive, and avoid any further sub-division of the application site other than by structures necessary to create the two new adjacent plots, as outlined on approved plans.

Condition 3: Strict adherence to an approved Tree Protection Plan, to be submitted and approved by the Local Authority prior to any works being carried out. Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) Highway safety and parking provision;
- c) The impact to the living conditions of neighbours;
- d) Standard of Accommodation for future occupiers; and
- e) The impact on the Epping Forest Special Area of Conservation.

The proposal follows on from a recent post-application exercise and officer recommendations are present within the scheme.

Character and Appearance

The donor site is fairly larger than neighbouring plots which are slightly narrower. Furthermore, the building typology on this street is predominantly pair of semis, with the distinct cat-slide feature and diamond shape window to the front elevations, although there are few detached dwellings within this street and the wider locality. Taking the above points into account, and the scale, design and siting of the proposed dwelling fronting Dukes Avenue, including the visual gap retained on both sides and the matching of the above mentioned distinct cat-slide feature and diamond shape window to the front elevation, the proposal, would have a neutral impact to the street scene and wider area. The proposed building would also follow the rear/front building line of neighbouring buildings.

Overall, the application site would be similar to other neighbouring plots on this street, so, the proposal would not appear as a cramped form of development, nor harmful overdevelopment of the site.

Highway safety and Parking Provision

The Highways officer has raised no objections and there is sufficient space to park a couple cars on the donor site, and the application site, although these additional spaces are located to the rear of the property, off Heath Drive.

Living Conditions of Neighbouring Properties

There will be no material impact to the occupiers of the host house, given that the proposed dwelling does not protrude past their front and rear building line, in addition to the visual gap of some 1.2m from the common boundary.

A condition requiring the flank window serving bedroom 1 of the proposed dwelling to be of obscure glazed has been added. This is to prevent harmful overlooking to the habitable room (Bedroom 2) of the host house, as their only window is on the flank elevation directly facing the window mentioned above.

There are no impacts to other neighbouring properties, given the siting of the proposed dwelling on a corner plot, and the significant separation distance.

Standard of Accommodation

The proposed development would have sufficient internal space for a 3 bedroom-5 person dwelling at some 108 m² in accordance with the National Described Space Standard as set out in Policy DM10 of the LPSV. The Policy requirement is 93 m².

Both the host house and proposed would have a good level of garden space, not dissimilar to other neighbouring plots in the locality.

Too add, given the orientation of the proposed dwelling facing northeast, it would receive sufficient day & sunlight, including that of the host house. It would also have a reasonable level of outlook, within this built up urban area.

Epping Forest SAC (EFSAC)

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 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. In addition, the site lies within the parish of Theydon Bois. 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 recreational pressures and atmospheric pollution.

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 and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. The applicant has agreed to make a financial contribution in accordance with the Interim Approach and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect 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.

Other Considerations

Officers note the concerns regarding the potential impact on the street trees adjacent the site, however, these trees lie outside the red line application site and are not within the control of the applicant. For clarity, there are no protected trees on or adjacent the site. They are however, maintained by the Council, so should there be any material impact to them, then other measures outside the Planning Regime can also be taken to remedy the action.

In any case, a tree protection condition has been added to ensure there is no damage to the street trees during the construction phase.

Appeal Decision

This was a key point of discussion at the meeting. With regards to the weight to be afforded to a previous appeal decision relating to EPF/0146/12, officers draw Members attention to the following;

1. It relates to a two-storey side extension. The proposal is for a new detached dwelling so they are not comparable schemes.

2. The Appeal decision predates the publication of the first National Planning Policy Framework 2012, which as Members will know there is a strong presumption in favour of sustainable development as set out below;

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
 - i. 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

3. Members will note that the adopted Local Plan is the Development Plan, which is out of date. The LPSV whilst a material consideration does not form part of the Development Plan for the purposes of the NPPF.

4. Therefore, the tilted balance applies and the proposal will contribute to the Councils housing supply, and provide albeit limited social and economic benefits through its construction and occupation.

5. Therefore, for the above reasons the appeal decision is afforded limited weight.

Conclusion

In summary, the proposal has overcome the previous reasons for refusal attached to EPF/0959/20, and Officer recommendations from the recent post-application exercise are present within the scheme.

For the reasons set out above, having regard to all the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal agreement to secure contributions towards the EFSAC including monitoring fees.

Alternative Recommendation

If Members are minded to approve the application then Officers recommend consent is granted with the following conditions/informatives below;

Conditions: (14)

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: 21082_001, 21082_002, 21082_003, 21082_101, 21082_102, and 21082_103. Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.
3. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been

submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents. Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

4. Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development. Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

5. Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service. Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

6. Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active 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 must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

7. 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. Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with policy DM1 of the Local Plan Submission Version 2017, and the NPPF.

8. Prior to first occupation of the building hereby permitted the window(s) in the flank elevation (facing the host house) at first floor level 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. Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

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. Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

10. 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 DBE1 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, AA, B & 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 character and appearance of the area and living conditions on adjoining properties, in accordance with policies CP2, CP7, DBE1 & DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

12. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed. Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

13. No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays. Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

14. 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 be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved. Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (3)

15. 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.

16. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

17. This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.

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

Planning Application Case Officer: Muhammad Rahman on 01992 564415 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Refusal Reason(s): (2)

- 1 The proposal, by reason of its form, scale, and massing, fails to relate positively to the locality or make a positive contribution to Theydon Bois, contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 (A – i & ii) & (D – ii & iv) of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.
- 2 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 recreational pressure and 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.

Informatives: (2)

- 3 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development.
- 4 This decision is made with reference to the following plan numbers: 21082_001, 21082_002, 21082_003, 21082_101, 21082_102, and 21082_103.

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