



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE EAST **Wednesday 2nd August 2023**

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

Council Chamber - Civic Offices
on **Wednesday 2nd August 2023 at 7.00 pm**

Georgina Blakemore
Chief Executive

Democratic Services Officer: G Woodhall, Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members: Councillors I Hadley (Chairman), H Brady (Vice-Chairman),
C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, P Keska,
C McCann, C McCredie, J McIvor, R Morgan, L Paine, J Philip,
R Sharif, B Vaz, H Whitbread, J H Whitehouse and
J M Whitehouse

[**This meeting will be broadcast live and recorded for repeated viewing.**](#)

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 MS Teams do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

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

Members are reminded to activate their microphones before speaking”.

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the [Members Portal webpage](#) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the [Council's website](#), at the bottom under 'Contact Us'

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 7 - 8)

To confirm the minutes of the last meeting of the Sub-Committee held on 5 July 2023.

6. ANY OTHER BUSINESS

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

7. SITE VISITS

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

8. EPF/1601/22 - THORNWOOD COMMON SERVICE STATION, HIGH ROAD, THORNWOOD COMMON, EPPING, CM16 6LX (Pages 9 - 16)

To consider the attached report for the installation of Greggs pod type building within curtilage of existing service station.

9. EPF/2408/22 - LAND AT CHURCH LANE SHEERING (Pages 17 - 28)

To consider the attached report for the change of use of open pasture land (Agricultural) to a secure dog walking field (Sui Generis) with associated access, fencing and parking area.

10. EPF/2490/22 - THE ORCHARD, FINGRITH HALL LANE, HIGH ONGAR, ONGAR, CM4 0JP (Pages 29 - 42)

To consider the attached report for the proposed residential redevelopment consisting of the demolition of all existing buildings and hardstanding and the construction of 6 no. new dwellings and associated development.

11. EPF/2874/22 - 8 KIMPTON'S CLOSE, ONGAR, CM5 0BQ (Pages 43 - 50)

To consider the attached report for the construction of a two storey three bedroom house (Revised scheme to EPF/2408/20).

12. EPF/0034/23 - BRAESIDE 28 PIERCING HILL THEYDON BOIS CM16 7JW (Pages 51 - 72)

To consider the attached report for the proposed Replacement Dwelling and Associated Works.

13. EPF/0597/23 - 4 KENDAL AVENUE EPPING CM16 4PN (Pages 73 - 80)

To consider the attached report for the removal of condition 8 existing access and variation to condition 2 on planning permission EPF/3050/21 (Demolition of existing dwelling and construction of a new dwelling).

14. EPF/0832/23 323 CIVIC OFFICES, EPPING FOREST DISTRICT COUNCIL, HIGH STREET, EPPING, CM16 4BZ (Pages 81 - 88)

To consider the attached report for the Grade II listed building consent for brushed stainless steel letter to display "Regus" below the "Epping Forest District Council" signage and brush stainless steel sign wall mounted on the original building adjacent to the bridge entrance to the car park.

15. EPF/1192/23 ESSEX HOUSE, 118 HIGH STREET, ONGAR, CM5 9EB (Pages 89 - 94)

To consider the attached report for the installation of 6 no. conservation style roof lights and 2 no. conservation style flat roof lights.

16. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

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

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can [view the webcast](#) on the Council's website. 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 MS Teams 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 MS Teams. Speakers must NOT forward the MS Teams 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 are available on [our website](#). 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, email democraticservices@eppingforestdc.gov.uk

EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE EAST MEETING MINUTES

Wednesday 5 July 2023, 7.00 pm - 7.35 pm

Council Chamber - Civic Offices

Members Present:	Councillors I Hadley (Chairman), C Amos, R Balcombe, N Bedford, L Burrows, P Keska, C McCann, J McIvor, R Morgan, L Paine, J Philip, B Vaz, R Sharif and J H Whitehouse
Apologies:	Councillor(s) H Brady, P Bolton, C McCredie, H Whitbread and J M Whitehouse
Officers In Attendance:	J Rogers (Principal Planning Officer), G Woodhall (Team Manager - Democratic & Electoral Services) and R Moreton (Corporate Communications Officer)
Officers In Attendance (Virtually):	V Messenger (Democratic Services Officer) and M Rahman (Planning Officer)

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

1 WEBCASTING INTRODUCTION

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

2 WELCOME AND INTRODUCTION

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

3 ELECTION OF VICE-CHAIRMAN

In the absence of the Vice-Chairman, Cllr H Brady who had given her apologies for the meeting, the Chairman invited nominations for a Vice-Chairman.

Resolved:

- (1) That Cllr P Keska be appointed Vice-Chairman for the duration of the meeting.

4 DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Members' Code of Conduct, Councillor C Amos declared a non-pecuniary interest in the following items of the agenda by virtue of being a member of the Planning Committee at Theydon Bois Parish Council. The Councillor had determined that he would decide on each application after having listened to the Planning Officer's presentation

and each of the public speakers, and he would remain in the meeting for the consideration of the applications and voting thereon:

- (i) EPF/0034/23 – 28 Braeside, Piercing Hill, Theydon Bois; and
- (ii) EPF/08974/23 – 44 Forest Drive, Theydon Bois.

5 MINUTES

RESOLVED:

- (1) That the minutes of the meeting of the Sub-Committee held on 1 February 2023 be taken as read and signed by the Chairman as a correct record; and
- (2) That the minutes of the meeting of the Sub-Committee held on 1 March 2023 be taken as read and signed by the Chairman as a correct record.

6 SITE VISITS

Councillor N Bedford proposed a site visit for agenda item 7, EPF/2874/22 – 8 Kimpton's Close, Ongar, which was seconded by Councillor R Balcombe.

Councillor N Bedford proposed a site visit for agenda item 8, EPF/0034/23 – 28 Braeside, Piercing Hill, Theydon Bois, which was seconded by Councillor J Philip.

Resolved:

- (1) That the determination of planning application EPF/2874/22 at 8 Kimpton's Close, Ongar be deferred pending a site visit by the Sub-Committee; and
- (2) That the determination of planning application EPF/0034/23 at 28 Braeside, Piercing Hill, Theydon Bois be deferred pending a site visit by the Sub-Committee.

7 PLANNING APPLICATION - EPF/2874/22 8, KIMPTON'S CLOSE, ONGAR, CM5 0BQ

This application was deferred pending a site visit by the Sub-Committee.

8 PLANNING APPLICATION - EPF/0034/23 - 28, BRAESIDE, PIERCING HILL, THEYDON BOIS, EPPING, CM16 7JW

This application was deferred pending a site visit by the Sub-Committee.

9 PLANNING APPLICATION - EPF/0974/23 44, FOREST DRIVE, THEYDON BOIS, EPPING, CM16 7EZ

The application was [approved with conditions](#).

10 ANY OTHER BUSINESS

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

CHAIRMAN



Epping Forest District Council



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Application Number:	EPF/1601/22
Site Name:	Thornwood Common Service Station High Road Thornwood CM16 6LX

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OFFICER REPORT

Application Ref: EPF/1601/22
Application Type: Full planning permission
Applicant: Petrogas Group UK Ltd.
Case Officer: Kie Farrell
Site Address: Thornwood Common Service Station, High Road, Thornwood Common, Epping, CM16 6LX
Proposal: Installation of Greggs pod type building within curtilage of existing service station.
Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OFIH>
Recommendation: Approve with Conditions

The application is before this committee since the recommendation is for approval contrary to an objection from a Local Council, material to the planning merits of the proposal, and they have confirmed in writing their intention to attend and speak at the meeting. (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Address:

Thornwood Common Service Station, High Road, Thornwood Common, Epping, CM16 6LX. Also known as 'Neales' Service Station' High Street, Thornwood Common, Epping.

Description of Site:

Thornwood Common / 'Neales' Service Station' is a petrol station comprising petrol pumps, small shop with car wash facilities sited to the west of the High Street.

The application site is within the Metropolitan Green Belt.

In 2018 planning permission was granted for the siting of two shipping containers between the shop and the car wash to be used as storage space.

In January 2022 permission was granted for a replacement car wash store room.

Description of Proposal:

Installation of Greggs pod type building within curtilage of existing service station.

- Hot food takeaway building. 73 sq m GEA / 66 sq m GIA (retail area 36 sq m).
- 11.6m x 6.3m with a flat (gently sloping) roof maximum height 4.6m
- 6 car parking spaces proposed
- The existing shipping containers used for storage approved under EPF/1728/18 are to be removed
- The opening hours of the Greggs pod will be 05.00hrs to 22.00hrs daily (the service station hours will remain as existing at 24 hrs.)

Relevant History:

EPF/2913/21 - Rebuilding car wash store room demolished after fire damage. Approved 27.01.2022.

EPF/1728/18 - Use of land for siting of 2 shipping containers to be used as storage space. Approved 26.09.2018
 EPF/0799/93 - Change of use of existing car wash area to retail sales and erection of new conveyor car wash - Approve 04/11/1993.
 EPF/0201/89 Erection of building to house water storage tank and switch gear for car wash - Approve 10/03/1989
 EPF/0709/88 Change of Use of land, extension to car wash building and installation of new 800 gallon storage tank for lead free petrol - Refused 22/07/1988
 EPF/0495/88 - Change of use of land, and extension and new access to car wash building - Withdrawn
 EPF/0165/81 New filling Station Approve 06/04/1981
 EPF/0509/74 Proposed erection of petrol station and car wash – Approve 12/12/1974.

Policies Applied:

SP1 Presumption in Favour of Sustainable Development
 T1 – Sustainable transport choices
 E2 – Centre Hierarchy/Retail Policy
 DM2 – Epping Forest SAC and Lee Valley SPS
 DM4 – Green Belt
 DM9 – High Quality Design

National Planning Policy Framework (NPPF) (July 2021)

Consultation Carried Out and Summary of Representations Received:

North Weald Bassett Parish Council: Objection:

“The Parish Council OBJECTS to this application on the following grounds: Increase in vehicle movements to the site the suggestion from 450 to over 800 is an unacceptable increase. The overall increase in vehicular movements along the busy stretch of road between Thornwood and Hastingwood would not be acceptable to local residents. The number of fast food outlets from Upland Road to McDonalds is excessive from Thornwood to Harlow. Is there a need for another Greggs Outlet especially as there is already one in Epping which is a very short distance away. In a previous Planning Application for McDonalds Restaurants on the Hastingwood Interchange was for a 24 hour facility . This was turned down due to its impact on local residents, as well as other matters. There is concern at the impact the litter will have, and there is no plan in the application to deal with litter. There is also concern regarding any proposals for the signage. It does seem that a Greggs Advertising Sign will be in the region of 5 metres high, and there are no details as to whether it would be illuminated. Overall the whole of the proposal is detrimental to the neighbouring and adjacent residents. We have been advised by the closest residents that they have not been contacted regarding the proposal and they have not seen a site notice on or adjacent to the site. No plan to deal with the excess water emanating from the site. If EFDC are minded to grant this application the Parish Council would wish to speak at a Plans East Committee.”

3 neighbours consulted: No responses received.

ECC Highways	No objection
Land Drainage	No objection
Contaminated Land	No objection subject to condition

Issues and Considerations:

The main issues to consider relate to Green Belt, Retail, Design Character and Appearance, Residential Amenity, Highways and SAC

Green Belt

The application site falls within the Metropolitan Green Belt. The existing Petrol Filling Site constitutes Previously Developed Land. Paragraph 149 of the NPPF states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt and gives exceptions to this, including:

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;**
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development;**

The proposed building would have a GIA floor area of 66.2 sq m, measuring 11.6m x 6.3m with a flat (gently sloping) roof to a maximum height of 4.6m

The building would be on the site of and would replace existing lawful shipping containers approved under EPF/1728/18 which are currently used for retail storage. The proposed building would not be materially larger than the shipping containers that it would replace and it would not have a greater impact on the openness of the Green Belt than the existing development.

Whilst shipping containers are not considered permanent buildings, since they have consent for their permanent retention the proposed building is considered to be qualify under exceptions d) and g) of Para 149 of the NPPF and as such is not inappropriate development and is acceptable in Green Belt terms.

Retail

The existing Petrol Filling Station (PFS) currently has a small shop as is usual at PFS operations. The proposed Greggs pod would supplement the offer of the existing shop and the additional retail floorspace is considered to be acceptable on this site.

Character and Appearance

The proposed single storey building will measure 11.6m x 6.3m with a flat (gently sloping) roof to a maximum height of 4.6m. External materials would comprise timber cladding and render.

The building will be located towards the rear of the existing PFS site and as such will have limited visual impact from the street scene.

The proposed development is considered to be acceptable in design, character and appearance terms.

Residential Amenity

There are no residential properties in the immediate vicinity of the site. The nearest being those on Upland Road to the north-west.

The existing Petrol Filling Station (PFS) has unrestricted opening hours and operates 24 hours a day. The opening hours of the proposed Greggs pod would be 05.00 to 22.00 daily.

The majority of the trips to the proposed Greggs pod will be linked to the existing Petrol Filling Station, and the submitted Transport Technical Notes states that linked trips are expected to form 75% of the customers for the Greggs pod.

In the context of the existing PFS operation it is considered that the proposed Greggs pod would not have a harmful impact on the residential amenity of any neighbouring residential properties.

Highways

ECC Highways comments dated 12th October 2022:

From a highway and transportation perspective the Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

Acceptable in this respect.

SAC

The majority of the trips to the proposed Greggs pod will be linked to the existing Petrol Filling Station, as stated within the submitted Transport Technical Note.

The application site is an existing Petrol Filling Station on a major road running between Epping and the M25 junction and as such the minimal additional trip generation attributable to the proposed Greggs pod is considered to be acceptable in this context.

Contaminated Land

EFDC Contaminated Land final comments dated 15th May 2023:

"Subadra Consulting Ltd. on behalf of the Client was appointed to investigate any potential pollutant linkages, which could have affected the proposed development for commercial end use.

The proposal is located on the active retail filling station, where a significant risk from vapours and hydrocarbon contamination exists.

Therefore, as a minimum, the applicant is required to:

- Protect the building from potential hydrocarbon vapours by installing a hydrocarbon vapour membrane,*
- Protect water pipes from hydrocarbon contamination, - In the event of reusing any of the site-won materials, the applicant is required to provide appropriate chemical testing,*
- Any imported material must be tested to ensure is suitable for the proposed use, - Prepare a Validation Report.*

I recommend that the land contamination condition NSCN57- Verification Report Only be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge."

Drainage

EFDC Drainage comments dated 4th November 2022:

"I have reviewed the proposals indicated on the attached in line with Epping Forest District Councils Local Plan Submission Version Policies, namely DM15, DM16 and DM17.

*Referring to the proposed floor plans and taking into consideration the size of the extended dwelling alongside any flood risk within the vicinity of the site, I am satisfied that the proposal will not significantly impact on the current surface water drainage arrangements nor will it materially increase flood risk to the surrounding area, therefore I have **no comments to make** on behalf of the Environmental Protection and Drainage Team.”*

Other considerations:

The Parish Council raise concerns around the potential litter problems resulting from the use, the proliferation of takeaways, and the proximity to the existing Greggs in Epping High Street.

The planning regime are unable to control littering off-site, which is an offense subject to other legislation. Therefore this is not a material planning consideration. The only two 'fast food outlets' along this stretch of road is McDonalds in Hastingwood, and units/restaurants within Epping Town Centre. Nonetheless this matter, and the proximity of the existing Greggs in Epping Town Centre, are also not considered to be material planning considerations.

Conclusion:

The proposed pod would supplement the existing PFS and would replace existing storage containers that benefit from planning consent for their permanent retention. The traffic generation would largely be linked to the existing PFS operations, and no technical objections have been raised with regards to this matter.

Given the above, the proposal is considered to meet an exception to inappropriate development within the Green Belt, would not cause harm to the character and appearance of the area of amenities of nearby residents, and would not cause any significant additional traffic or highway concerns.

Therefore the proposal is considered to comply with the relevant Local Plan policies and the guidance contained within the NPPF and the application is recommended for approval, subject to conditions.

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

Planning Application Case Officer: Kie Farrell | kfarrell@eppingforestdc.gov.uk or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (7)

- 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:

Drawing No. WPS-APP-001-P-10 – Block and Location Plans

Drawing No. WPS-APP-001-P-11 Rev A – Existing Site Plan

Drawing No. WPS-APP-001-P-12 – Existing Site Elevations

Drawing No. WPS-APP-001-P-13 Rev C – Proposed Site Plan
Drawing No. WPS-APP-001-P-14 Rev C – Proposed Site Elevations
Drawing No. WPS-APP-001-P-15 Rev B – Plan and Elevations
Transport Technical Note, DW Transportation, September 2022
Design and Access Statement, Applegreen, July 2022
Existing Site Photographs document, July 2022.
Enhanced Phase One Environmental Assessment Report, Subadara, April 2023.

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

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

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 The development hereby approved shall not be occupied until after the existing Shipping Containers on the site have been removed from the application site.

Reason: To safeguard the openness of the Green Belt in accordance with adopted Local Plan (March 2023) policy DM4 and the NPPF.

- 6 The use hereby permitted shall only be open to customers between the hours of 05.00 to 22.00 on Monday to Saturday and 05.00 to 22.00 on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 No deliveries shall be taken at or despatched from the site outside of the approved operating hours, being 05.00 to 22.00 on Monday to Saturday and 05.00 to 22.00 on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (2)

- 8 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.
- 9 This permission does not grant advertisement consent for the associated signage. A separate advertisement consent application should be submitted.



Epping Forest District Council



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Application Number:	EPF/2408/22
Site Name:	Land At Church Lane Sheering

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OFFICER REPORT

Application Ref: EPF/2408/22
Application Type: Change of use
Applicant: Ms Sophie Hawkes
Case Officer: Muhammad Rahman
Site Address: Land at Church Lane, Sheering
Proposal: Change of use of open pasture land (Agricultural) to a secure dog walking field (Sui Generis) with associated access, fencing and parking area
Ward: Hastingwood, Matching and Sheering Village
Parish: Sheering
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UPg7>
Recommendation: Approve with Conditions

This application is before this Committee since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The proposed site is an open parcel of land, located off Church Lane within the village of Sheering. It is sited adjacent Pondfield and opposite The Old Rectory a Grade II listed building, which is within the ownership of the applicant.

The site itself has no heritage assets, nor is it within a conservation area, although it is wholly within the Metropolitan Green Belt. No protected trees lie within the site.

Proposal

The application is for the change of use of open pastureland to a secure dog walking field with associated access, fencing and parking area.

The site is a piece of land approximately 0.72 hectares, proposed to be used as a dog walking field. There is an existing agricultural field access from the highway, which would be upgraded with a new wider access, and the hedges opposite removed to achieve the required visibility splays.

The field would be enclosed by 1.8m fencing to keep dogs from roaming other than in the exercise fields. It will be rentable and will run on 50-minute booking slots starting on the hour. It is intended for the field to operate between 8am and 8pm in the summer and 8am and 5pm in the winter. The field would be bookable 7 days a week, including bank holidays.

4 Parking spaces are proposed with grass protection mats.

No floodlighting is proposed.

Relevant Planning History

None relevant.

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

DM4 Green Belt
DM9 High Quality Design
T1 Sustainable Transport Options

National Planning Policy Framework 2021 (Framework)

Paragraph 11
Paragraphs 137, 147 - 150
Paragraph 180

Summary of Representations

Number of neighbours Consulted: 7. 6 response(s) received
Site notice posted: Yes.

PONDFIELD, PENNYS, TIRRIM, 1 & 3 CHURCH FIELDS & HARLOW BADGER GROUP – OBJECTIONS – Summarised as:

- Noise & General disturbance;
- Loss of wildlife/Impact on Badgers;
- Highway safety/Parking concerns; and
- Overlooking.

PARISH COUNCIL – No comments received.

Planning Considerations

The main issues for consideration in this case are;

- a) The impact on the Green Belt;
- b) The impact on neighbouring amenities, with particular regards to noise & general disturbance;
- c) Highway safety and parking provision;
- d) Trees and landscaping; and
- e) Ecology.

Green Belt

Material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The change of use of land to a dog walking field as proposed is for outdoor sport/recreation purposes. Therefore, it is necessary to

assess whether the proposals harm the openness of the Green Belt, or conflict with the purposes of including land within it.

A fundamental aim of Green Belt policy, as set out in the Framework, is to keep land permanently open. Openness can be considered as meaning an absence of built or urbanising development.

The site would comprise of a large field, with fencing surrounding it, which would not be solid or close boarded fencing as such there would be no material effect on openness.

It is proposed that booking will be required to utilise the facility, in hourly slots, of which 50 minutes would be for exercise, and the remaining 10 minutes to be used to ensure customers did not attend and leave at the same time. The agent has provided the following response below;

The terms and conditions of the booking would set out that there can be no more than 6 dogs per booking and that no more than 2 cars can arrive at the site per booking. The field would be booked for exclusive use and it is expected that in the vast majority of typical bookings there would be 1 vehicle, 1-2 persons and 1-2 dogs visiting the site.

Note that 6 dogs does not mean 6 vehicles, as a single customer may have a number of dogs, and the upper allowance of 6 dogs is also targeted towards accommodating professional dog walkers who would visit the site in one vehicle.

Such comings and goings, and the parking of vehicles, could give rise to visual impact, which in turn would affect openness. However, the field could reasonably be used for the grazing of animals on a permanent or regular basis. The vehicle movements associated with the proposal would be similar to the movements associated with the agricultural use as the use of land could entail a number of daily visits at various times and would involve vehicles or agricultural machinery. The above has been secured via a condition.

On balance, therefore, the use of the site for dog walking purposes would preserve the openness of the Green Belt.

Impact on Neighbours

Whilst there have been concerns regarding noise from the proposed use, however, this is a matter that can be controlled via a suitably worded condition limiting the operating hours and the total number of dogs allowed to use the fields at any one time. Concerns regarding overlooking to Pondfield are not sufficient to warrant a refusal. The same level of overlooking can be achieved with the existing use of the site, albeit the slight increase in public use.

Highway safety and parking provision

The 4 parking spaces proposed are acceptable and a condition has been added ensuring there are no more than 2 customer vehicles at the site per booking slot. Re the proposed access, the results of the traffic survey carried out by the applicants in the vicinity of the proposed access on Church Lane, shows the speed at or below which 85 percent of the drivers travel for both northbound and southbound traffic is 19mph; far below the posted national speed limit of 60mph. The horizontal curvature of Church Lane acts as an informal traffic calming feature; reducing vehicle speeds through this section of the road.

Based on the above, the Highways Authority are satisfied the required visibility splays to make the proposed access safe have been achieved. This will be done by setting the hedge line opposite the proposed access some 3m from the edge of the carriageway as shown on the visibility splay plans.

Trees and Landscaping

As mentioned previously, the hedge opposite the proposed access will need to be removed to achieve the required visibility splay. On this note, the Councils Tree Team have provided the below response;

We have no objection to the relocation of the hedge line, for road safety reasons, subject to a native hedge being replanted. Please therefore include the above soft landscaping condition so that species, size & density of planting can be agreed.

The above has been added as a condition.

Ecology

Following concerns raised regarding possible impacts on existing badger setts within the site, an ecology survey including a badger survey was submitted by the applicants. The Conclusion of the Badger survey states; as the works only include the provision of new boundary fencing, it is considered that through the implementation of a stringent precautionary working method and sufficient buffer, impacts upon the sett and the individuals using it can be avoided. This has been secured via a condition.

The above reports were reviewed by ECC Ecology Team and no objections were raised subject to recommended conditions. As such, officers are satisfied that there would be no harm to existing badger setts.

Epping Forest Special Area of Conservation

A large part of the Epping Forest contains a Special Area of Conservation (EFSAC) which has been identified primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. As an internationally important site it is afforded the highest level of protection due to its habitats and species that are vulnerable or rare within an international context.

The Council, as a competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and Policies DM2 & DM22 of the Epping Forest District Local Plan 2011 – 2033 has a duty to ensure that plans and projects for whose consent it is responsible will not have an adverse effect on the integrity of these designated sites either alone or in-combination with other plans and projects within the adopted Local Plan.

The Council has identified two main issues (known as 'Pathways of Impact') that are currently adversely affecting the health of the Epping Forest.

The first is recreational pressure. Surveys have demonstrated that most visitors live within 6.2km (Zone of Influence) of the Epping Forest. As new residential development within 6.2km is likely to result in more people visiting the Epping Forest on a regular basis this will add to that recreational pressure.

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads in close proximity to the Forest emitting pollutants (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle has the potential to contribute to increases in atmospheric pollution within the Epping Forest.

Stage 1: Screening Assessment

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

1) The site lies outside the 0-3km / 3-6.2 km (Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. Consequently, the development would not 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 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 atmospheric pollution.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. Taking a precautionary approach, the number of AADT trips would likely be 48 movements daily (2 vehicles per hour x 12 hrs. (8am – 8pm)). However, the Council, through the development of the Air Pollution Mitigation Strategy (APMS), 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 AMPS. 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.

Notwithstanding the above, the site is located in excess of 14km as the crow flies from the edge of the SAC. Such a distance is significant in the context of the additional 48 AADT that may arise from the development. Whilst the new AADT movements is not completely insignificant, the location of the site is such that it would be extremely unlikely that the proposed development would cause a material increase in vehicles travelling within 200m of the SAC. This view is entirely consistent with the view reached by the Planning Inspector on no.3 Church Lane, (APP/J1535/W/18/3216022) which is located close to the application site and proposed three new dwellings. In that appeal, the Inspector concluded that:

In my judgement, the site does not have an immediate relationship with the SAC. The appellant has stated that it is located in excess of 14km away and I have no reason to doubt this to be an accurate assessment of the separation distance that is involved. I must take a precautionary approach and note that the number of trips that would be expected to be generated by three dwellings would likely be greater than the number of trips generated by the site's present use as grazing land. Despite this, I do not consider that the quantum of additional traffic on roads (and associated air pollution) in the proximity of the SAC could realistically be expected to result in a demonstrable net increase in traffic as a result of a proposal that is for merely three dwelling houses given the distance involved.

Regarding this case, it is undoubtable that the new development will lead to an increase in AADT and to a level far beyond that which the Inspector considered above. However the same principle applies in that, the distribution of the new vehicle trips, even for 48 new AADT are unlikely to utilise routes through the SAC. It is therefore concluded that the proposal would not cause material harm to the special interest features of the SAC from air pollution. Finally, It is also noted that the very nature of this proposal as a dog walking facility could serve as an attractor for local people, perhaps dissuading them from using the SAC itself for recreational purposes. Whilst anecdotal and not relied on for the conclusion reached above, it may lead to these additional and unforeseen benefits to the SAC.

Conclusion

Paragraph 84 of the Framework seeks to support the sustainable growth of all types of business and enterprise in rural areas. The proposals are entirely consistent with the Framework in this regard.

The development, in terms of changing the use for the walking of dogs, is not inappropriate development in the Green Belt. There would not be an adverse impact on neighbouring properties as a result of the proposals and satisfactory parking has been provided on site. The access to the development would not compromise highway safety. The design and form of the development would be in character with the area which is open and rural in appearance, and there will be no harm to the local wildlife.

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

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

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

Conditions: (15)

- 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: Site Location Plan, Detailed Site Plan, Proposed Fencing & Gate Plan, 210680-001 Rev A (Sheet 1 - 5), and 210680-02a (Sheet 1 & 2).

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

- 3 Prior to commencement of the development hereby approved, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Details relating to a non-licenced Great Crested Newt Method Statement;
- c) Details relating to safeguarding Badgers and their sett.
- d) Identification of "biodiversity protection zones".
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- f) The location and timing of sensitive works to avoid harm to biodiversity features.
- g) The times during construction when specialist ecologists need to be present on site to oversee works.
- h) Responsible persons and lines of communication.

- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- j) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to any above ground works, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to first use of the development hereby permitted and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species), Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Prior to any above ground works, a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Amended Preliminary Ecological Appraisal (Arbtech, May 2023). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed

person shall undertake all activities, and works shall be carried out, in accordance with the approved details. The approved ecological scheme shall be implemented in full prior to the first use of the development hereby approved, and so retained.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 Prior to first use of the proposed development hereby permitted, the visibility splays to the east and west of the access, as shown on drawing no. 210680-0001 Rev A, shall be fully implemented, and retained clear to ground level, for the duration of the proposal.

Reason: To ensure that appropriate visibility is provided for access, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Prior to first use of the proposed development hereby permitted, a 2m wide parallel band, from the edge of the carriageway, as shown on drawing no. 210680-02a Rev A, shall be maintained clear to ground for the duration of the proposal.

Reason: To ensure that vehicles have appropriate forward visibility for right turning vehicles in the interests of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Prior to first use of the proposed development hereby permitted, the vehicle parking and turning areas, as indicated on the approved plans, shall be implemented and retained as such for the duration of the proposal.

Reason: To ensure that appropriate access, vehicle parking and turning is provided. 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, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety. 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, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 The use hereby permitted shall only be open to customers between the hours of 08:00 and 20:00 daily.

Prior to first use of the development hereby approved a management & monitoring plan shall be submitted to the LPA and approved, in writing. The management & monitoring plan shall include the following;

- a) All customers must have booked in advance of any exercise visit.
- b) A booking slot shall last 50 minutes, and a 10-minute gap must be left between booking slots.
- c) No more than 2 customer vehicles and 6 dogs shall be on the site at any time;
- d) The site shall not be used for the boarding of animals at any time.

The development shall be retained in accordance with the approved details for the lifetime of the use. Upon request by the LPA a booking log shall be provided for review, within 28 days of the request.

Reason: In order to minimise disturbance to local residents and in the interest of visual amenity of the locality and Green Belt, in accordance with Policies DM4, DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 No external lighting shall be installed on the site at any time.

Reason: To ensure that the use does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 Upon cessation of the use hereby permitted all materials, structures and equipment brought on to the premises in connection with the use shall be removed from the site.

Reason: In the interest of the Green Belt, in accordance with Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 The materials to be used in the construction of the fencing, gate and parking areas of the development hereby permitted shall match those specified on the approved plans and the submitted application form.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (2)

- 16 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.
- 17 There shall be no discharge of surface water onto the Highway.

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.

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Epping Forest District Council



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Application Number:	EPF/2490/22
Site Name:	The Orchard Fingrith Hall Lane High Ongar CM5 0JP

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OFFICER REPORT

Application Ref: EPF/2490/22
Application Type: Full planning permission
Applicant: Norton Heath Development Ltd
Case Officer: Ian Ansell
Site Address: The Orchard, Fingrith Hall Lane, High Ongar, Ongar, CM4 0JP
Proposal: Proposed residential redevelopment consisting of the demolition of all existing buildings and hardstanding and the construction of 6 no. new dwellings and associated development.
Ward: High Ongar, Willingale and The Rodings
Parish: High Ongar
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UWIk>
Recommendation: Approve with Conditions (Subject to s106 Legal Agreement)

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site lies on the east side of Fingrith Hall Lane, approximately 250m south of the A414, and 210m north of the boundary with Brentwood DC. The site comprises around 0.35ha and contains a two storey dwelling with extensive additions and outbuildings of part single, part two storey form. In the south western corner of the plot an annexe building known as The Bungalow has also been used as living accommodation. Extensive hardstanding to the front and rear includes a swimming pool. Main access to the site is from the road at the southern end of the frontage.

The site is adjoined on the east and south by the former Norton Heath Riding Centre which was redeveloped to create 30 dwellings under application reference EPF/3034/16 now known as Little Ridings Lane, and it would appear historically the two were linked. There is a dwelling to the south on the opposite side of the road, but otherwise the surrounding area is largely open fields.

Description of Proposal:

The application proposes demolition of all existing buildings and replacement with six x 4 bedroom, two storey dwellings. The buildings are of modest scale, built with a mix of brick and timber cladding with tiled roofs. The existing site access is retained and widened, and the dwellings are served off a central shared courtyard which provides each dwelling with two curtilage parking spaces.

The application is accompanied by a number of supporting documents, including Arboricultural Assessment, Contaminated Land Assessment, Ecological Appraisal, Flood Risk Assessment, Habitat Regulation Assessment, Lighting Assessment and Sustainability Statement.

Relevant History:

None

Policies Applied:

Epping Forest Local Plan 2011-2033 (2023);

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

SP1 Spatial Development Strategy
SP2 Place Shaping
SP5 Green Belt and Local Greenspace
SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
T1 Sustainable transport choices
DM1 Habitat Protection and Improving Biodiversity
DM2 Epping Forest SAC and the Lee Valley SPA
DM3 Landscape Character, Ancient Landscapes and Geodiversity
DM4 Green Belt
DM5 Green and Blue Infrastructure
DM9 High Quality Design
DM10 Housing Design and Quality
DM15 Managing and reducing Flood Risk
DM16 Sustainable Drainage Systems
DM17 Protecting and enhancing Watercourses and Flood Defences
DM19 Sustainable water use
DM20 Low Carbon and Renewable Energy
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

NPPF (July 2021):

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

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 31

Site notice posted: No, not required

Responses received: Eight responses received from neighbours at 15, 16, 23, 24, 26, 27, 29 and 30

LITTLE RIDINGS LANE commenting on the issues below:

- Drainage concerns – relating to both foul and surface water disposal
- Direct impact on adjoining properties – loss of light and overlooking
- Access and highway impact – specifically around the location and design of the vehicle access
- Other issues not relevant to determination of the application cover disturbance from construction traffic, concerns about rear access to the site over land not within the applicants control and issues around the standard of work on the Little Ridings Lane development.

Parish Council: No comments received

Main Issues and Considerations:

The site was not included in the residential allocation in the Local Plan (site of the Little Ridings Lane development) and despite the presence of this recently completed scheme, the application must be considered as a new development within the Green Belt. In principle, new residential development in the Green Belt should be treated as inappropriate.

In assessing whether the development should be considered as an exception under paragraph 149 of the NPPF. It is evident that the site would meet the definition of previously developed land, being occupied by a permanent structure and including only its curtilage and not used for any purpose to which this definition does not apply. Therefore development could be acceptable provided it does not have a greater impact on Green Belt openness.

The existing buildings on the site are extensive. The main dwelling is two storey (some parts of which are formed with dormers) and has been extended at two storeys. The outbuildings and annexe are sprawling and extend to the south and east. In addition, much of the southern part of the site is hard surfaced.

While the development results in creation of more units, these comprise detached buildings set within their own curtilages, with garden areas replacing much of the existing hardstanding. In addition, development presents extensive opportunities for new landscaping in the form of open spaces in the public areas and enhance tree planting. A comparison of the existing and proposed (below) indicates a reduction in overall built footprint and hardstandings balanced by an increase in built volume.

	<u>Existing</u>	<u>Proposed</u>	<u>Difference</u>
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Footprint (M ²)	586	533	-53
Volume (M ³)	2,348	2,934	+586
Hardstanding (M ²)	1,721	728	-993
Soft Landscaping (M ²)	1,277	2,303	+1,026

Officers consider the increase in volume is more than balanced by the decrease in footprint and hardstanding, while the more open layout provides breaks in the built form in comparison to the existing mass and form. Accordingly, the development does not have a greater impact on openness and therefore meets the tests in paragraph 149 g) of the NPPF to be seen as an exception.

In terms of the site access, this is hampered by the location of the site on the inside of a long bend in the road, which makes visibility difficult for vehicles exiting the site. The siting of the access has previously been agreed with the Highway Authority, and the improvements proposed thereto in terms of widening the access to allow ingress and egress, the junction layout at right angles to the carriageway, and the cutting back of overgrown vegetation around the entrance will meet design requirements. Conditions can be imposed around the detailed design and timing of the works.

The application is accompanied by a detailed Flood Risk Assessment and drainage strategy. This proposes to deal with foul sewage by way of a package treatment plant within the curtilage of each dwelling, pumped to the wider network. Surface water measures include an onsite storage tank and creation of an attenuation pond on adjoining land within the applicant's control. The measures have been reviewed by the Environmental Protection and Drainage Team and subject to conditions the measures are deemed to be acceptable in principle.

Comments from residents in relation to potential direct amenity impacts have been reviewed. Properties to the east face the proposed development but are separated from the site by the access road serving the dwellings and land to the north. No building lies within 5m of the shared boundary, and the new dwellings are laid out in a manner that limits the impact from mass. In terms of daylight and sunlight, there is little direct impact, and any potential overlooking of the frontages of neighbouring properties is not significantly greater than from the existing dwelling. Neighbour amenity is not therefore substantially impacted.

As referenced above, the application proposes extensive landscape enhancements, associated with the introduction of biodiversity enhancements within the site. The ecological measures proposed include provision for birds and bats and ground foraging species. These general provisions, and the surveys which support them are accepted in subject to appropriate conditions.

The site lies more than 6km of the EFSAC area and has been considered in terms of air quality impact only. The Habitat Regulation Assessment accompanying the application recognises that development could result in vehicle movements through the protected area. The applicants have agreed to make contributions for the additional units proposed of £1,675, in accordance with the current mitigation strategy. Contribution will be subject to a monitoring fee of 5% of the contribution (£83.75).

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.

The Council published a Habitats Regulations Assessment in June 2021 (the HRA 2021) to support the examination of the LPSV. The screening stage of the HRA 2021 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 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):

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

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

1. The site lies outside of the 6.2 km Zone of Influence as identified in the Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation, and the agreed SAMM Strategy. Consequently the development will not 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. Therefore the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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

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.

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Other matters raised in consultations have identified the opportunity for archaeological assessment of the site, and the potential for contamination that would need to be remediated. Such matters can be adequately provided for by conditions.

Conclusion:

The application proposes new development on previously developed land within the Green Belt. Despite the limited increase in built volume proposed, the reduction in built footprint and the extent of hardstanding provide greater benefits. The overall built form is of appropriate scale to the location and surroundings and break up the mass of built development on the site in comparison to the existing.

The access meets highway requirements, and issues around drainage raised in consultations have been reviewed and are found to be acceptable subject to conditions.

The application is therefore recommended for approval, subject to conditions and completion of a legal agreement to secure contribution to air quality mitigation in the EFSAC of **£1,675** and 5% monitoring fee of **£83.75**.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

Conditions: (25)

- 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:

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.22-019-001 (Location Plan), 001 (Topographic Survey),003 Rev P02, 004 Rev P01, 005 Rev P01, 006 Rev P01, 007 Rev P01, 010, 011 and 012, and WLC809-1300-001 Rev RO

- 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.

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 DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 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.

Reason: To ensure satisfactory provision and disposal of foul and surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 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 requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and

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

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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7
1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
 2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
 3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site is an Archaeological site where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8
- A Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

- 9 A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021

- 10 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 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 an approved by the Local Planning Authority, in writing. The approved boundary treatment shall be implemented prior to the occupation of the development and so 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 T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 All tree and shrub clearance works on the site shall only be undertaken outside the bird nesting season (1st March - 31st August unless otherwise agreed by the Local Planning Authority).

Reason: To protect existing habitat in accordance with policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021, and to comply with the requirements of the Wildlife and Countryside Act 1981 (as amended)

- 14 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 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 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 T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 18 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (Open Spaces, November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

- 19 Prior to completion of the development hereby permitted, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details.

Reason: To help improve local environmental conditions and limit emissions to air as required by the national planning policy framework. Boilers can be a significant source of NO2 emissions and worsen local air quality. To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

- 20 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, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To help support improvements to air quality in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 22 Prior to the first occupation of the development the access arrangements and other associated works, 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, vehicle parking and turning is provided. 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, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 23 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 24 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, and B 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 and the Green Belt, in accordance with policies DM4, DM9 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be constructed without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (2)

- 26 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.

- 27 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.

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Epping Forest District Council



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Application Number:	EPF/2874/22
Site Name:	8 Kimptons Close Ongar CM5 0BQ

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OFFICER REPORT

Application Ref: EPF/2874/22
Application Type: Full planning permission

Applicant: Mr T Blackshaw
Case Officer: Muhammad Rahman
Site Address: 8, Kimpton's Close, Ongar, CM5 0BQ
Proposal: Construction of a two storey three bedroom house (Revised scheme to EPF/2408/20).
Ward: Shelley
Parish: Ongar
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UxIP>
Recommendation: Approve with Conditions (Subject to s106 Legal Agreement)

This application was deferred from the 5th July 2023 meeting for a Members Site Visit which was arranged for Wednesday 26th July 2023.

Officer report has been reproduced below.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (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 the host house 8 Kimptons Close, located within a built-up area of Ongar. It is not listed nor in a conservation area, nor the Green Belt. No protected trees lie within the site. A public right of way runs across the front of the site.

Proposal

The proposal is for the Construction of a two storey three-bedroom house. This is a revised scheme to EPF/2408/20. The main amendments are;

1. Addition of rear box dormer; and
2. Internal layout changes.

Relevant Planning History

EPF/2408/20 - Construction of a two storey three-bedroom house attached to the existing dwelling - Approved subject to s106 Legal Agreement.

EPF/2279/20 - Two storey rear extension, with refurbishment and changes to the existing window and door layout in the existing building - Approve with Conditions

EPF/2930/22 - Application for Approval of Details reserved by conditions 4"details of surface water disposal", 5"contamination" & 9"Tree Protection Pan & Arboricultural Method Statement" for EPF/2408/20. (Construction of a two storey three-bedroom house attached to the existing dwelling.) – Details Approved

EPF/0142/21 - Application for a Lawful Development Certificate for a proposed loft conversion & rear flat roof dormer – Lawful

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023);

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

SP1 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
DM11 Waste Recycling Facilities on New Development
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM17 Protecting and Enhancing Watercourses and Flood Defences
DM18 On Site Management of Wastewater and Water Supply
DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

National Planning Policy Framework 2021 (Framework)

Paragraph 11
Paragraphs 126 & 130
Paragraph 180

Ongar Neighbourhood Plan 2020 - 2033 (2022)

ONG-RR3 Housing Mix
ONG-RR4 Broadband
ONG-ED1 Design
ONG-ED4 Sustainability
ONG-CT3 Transport

Summary of Representations

Number of neighbours Consulted: 27. 12 response(s) received.
Site notice posted: Yes.

MULTIPLE OBJECTIONS RECEIVED – Summarised as:

- Overlooking;
- Loss of blossom tree;
- Parking provision/Highway safety;
- Out of character/overdevelopment; and
- Other comments on matters not related to proposal.

ONGAR TOWN COUNCIL – No comments received at the time of writing this report.

Planning Considerations

As mentioned above, the only change to the recent approved consent EPF/2408/20 is the addition of a rear box dormer and internal layout changes.

Thus, the key focus is whether the proposed amendments are acceptable. These amendments raise no design concerns as it will match that of the host house, nor to the other matters assessed under the above application, in Officers opinion.

Furthermore, Officers note the concerns raised by local residents on various matters, however, with the fallback position under EPF/2408/20 there is no material ground to refuse this application that could be defended well on appeal.

Too add, much of the comments relate to a possible HMO conversion, however, the proposal relates to a new dwelling including the above amendments, not a proposal for a new HMO dwelling. As such Members will need to determine the application against the submitted plans.

Notwithstanding the above, if Members deem it necessary due to the potential parking issues with having 2 running HMO's then permitted development rights for a HMO conversion can be removed, via a suitably worded condition.

For clarity, as this application will result in a new planning permission, a new s106 legal agreement will need to be entered into with the applicant to secure the required financial contributions as per the agreed mitigation measures towards the Epping Forest Special area of Conservation.

Conclusion

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 completed s106 legal agreement to secure contributions towards the EFSAC, including monitoring fees.

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 | 01992 564415 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (12)

- 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: 4066_PL501, 4066_PL502, 4066_PL503, 4066_PL504, 4066_PL505, and 4066_PL506.

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

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

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Tree protection shall be installed as shown on Andrew Day Arboricultural Consultancy Ltd 'Tree Protection Plan' Rev A (dated 19th December 2022) 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 requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 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. 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 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 Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) 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, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 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 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 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 T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 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 & F 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 Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

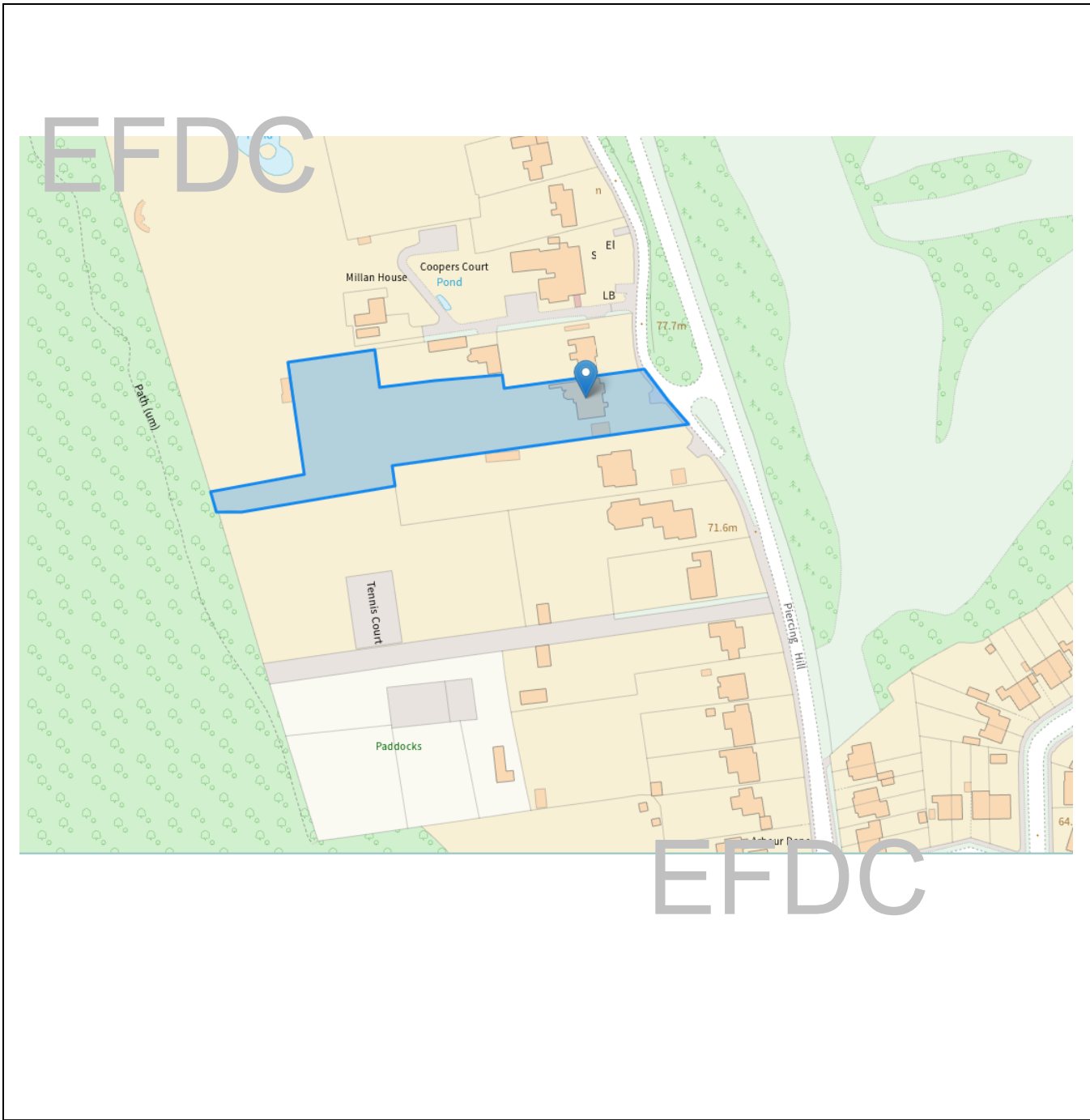
Informatives: (1)

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

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Epping Forest District Council



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Application Number:	EPF/0034/23
Site Name:	Braeside 28 Piercing Hill Theydon Bois CM16 7JW

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OFFICER REPORT

Application Ref: EPF/0034/23
Application Type: Full planning permission

Applicant: Mr and Mrs Faud
Case Officer: Kie Farrell
Site Address: Braeside, 28 Piercing Hill, Theydon Bois, Epping, CM16 7JW
Proposal: Proposed Replacement Dwelling & Associated Works
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001V571>
Recommendation: Approve with Conditions

This application was deferred from the 5th July 2023 meeting for a Members Site Visit which was arranged for Wednesday 26th July 2023.

This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Address:

Braeside, 28 Piercing Hill, Theydon Bois, Epping, CM16 7JW



Description of Site:

The application site on the west side of Piercing Hill comprises a detached dwelling - 28 Piercing Hill (Braeside) and its residential curtilage / large rear garden.

There is a detached garage (with games room above) alongside the main house which was approved in March 2000.

The application site is not within a Conservation Area and the existing dwelling is not listed or locally listed.

The two properties to the north of the site are both locally listed (29 Piercing Hill and Coopers Court).

The entire site is within the Metropolitan Green Belt.

There are TPO protected trees on the site.

Description of Proposal:

Description of development:

Proposed Replacement Dwelling & Associated Works

The proposed development comprises:

- 2.5 storey detached dwelling
- 5 bedrooms and playroom
- Double garage with first floor guest suite

The application originally proposed an enlargement of the existing residential curtilage / rear garden area, however this land has now been removed from the application site and is shown within a blue line to denote land owned by the applicant which does not form part of the application site.

The application also originally proposed a first floor balcony extending within close proximity to the boundary with the immediate neighbour No. 29 Piercing Hill. This balcony has now been amended to be set away from the shared boundary in order to overcome overlooking / loss of privacy concerns.

Additional Information:

The following additional information was received from the applicant's agent during the course of the application:

- Amended and additional (308) drawings received by emails dated 27th April, 11th May and 23rd May 2023 (amendments comprise floorspace/volume annotations, amendment to first floor balcony and removal of extension to residential curtilage):
- SPD177.001.02 (20.04.23) – Existing Site Location Plan
- SPD177.002.02 (20.04.23) – Existing Block and Roof Plan
- SPD177.003.01 (15.03.23) – Existing Ground Floor Plan
- SPD177.004.01 (15.03.23) – Existing First Floor Plan
- SPD177.005.01 (15.03.23) – Existing Second Floor Plan
- SPD177.006.01 (15.03.23) – Existing Elevations
- SPD177.300.04 (11.05.23) – Proposed Block and Roof Plan
- SPD177.301.03 (11.05.23) – Proposed Ground Floor Plan
- SPD177.302.03 (09.05.23) – Proposed First Floor Plan
- SPD177.303.01 (15.03.23) – Proposed Second Floor Plan
- SPD177.304.01 (21.04.23) – Proposed Elevations
- SPD177.305.01 (07.11.23) – Proposed Daylight and Shadowing Study
- SPD177.307.01 (09.05.23) - Proposed Visual
- SPD177.308.00 (22.05.23) - Existing and Proposed Street Scenes
- Additional documents as follows:
- Further Information Report, pps, March 2023 (received by email from agent dated 6.3.23)
- SAP Report - providing additional information relating to energy and energy performance (received by email from agent dated 6.3.23)
- Supplementary planning statement, planning direct, 20/02/2023 (received by email from intermediary acting on behalf of applicant dated 20th February 2023)

- Heritage Statement, JTS Partnership (received by email from intermediary acting on behalf of applicant dated 31st January 2023).

Relevant Planning History (003321)

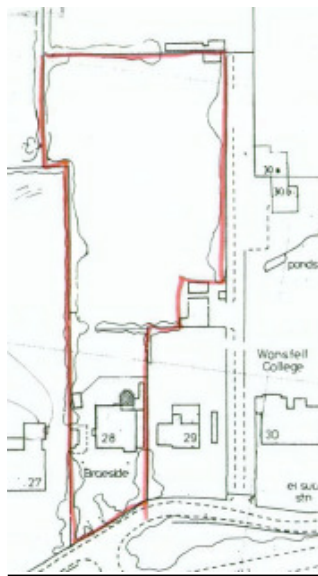
28 (Braeside):

PRE/0101/22
Replacement dwelling
Advice given 15.11.2022

EPF/0892/03
Front entrance gates and railings with associated landscaping. (Revised scheme)
Approved 09.06.2003.



EPF/0149/00
Detached garage with games room above.
Approved 03.03.2000.



A former Coach House in the rear garden was converted to a separate dwelling in 1983. See below.

The Coach House / 28A (Rothwell):

EPF/3156/16
Retrospective planning approval to extensions to dwelling (alternative to those approved under EPF/0375/12).
Approved 09.06.2017.

EPF/0375/12

Demolish side conservatory and replace with two storey extension, demolish kitchen and utility shed and replace with single storey extension. (Revised application)

Approved 10.08.2012.

EPF/0820/83

Conversion to dwelling house and garage.

Approved 25.07.1983.

EPF/0146/83

Change of use from offices to residential accommodation associated with first floor.

Approved 21.03.1983.

Policies Applied:

The following policies in the new adopted Local Plan (March 2023) are considered to be of relevance to the determination of this application:

DM4 – Green Belt

DM7 – Heritage Assets

DM9 – High Quality Design

DM10 – Housing Design and Quality.

NPPF (2021).

Consultation Carried Out and Summary of Representations Received:

Theydon Bois Parish Council: Objection.

“Return: STRONG OBJECTION

The Planning Committee of the Parish Council has raised objection to this application. We would be prepared to send a representative to an Area Planning Sub-Committee of EFDC, if this method of determination is deemed appropriate

The application site is situated in a highly visible location, at the turning into Old Piercing Hill, immediately adjacent to the lower part of that road, which is one of the main, and best known, access routes into, and out of, the village. The majority of properties on this side of the road, and those ascending Old Piercing Hill, date from the early establishment of the settlement, and are known locally as the 'Manor Villas'. Situated on the edge of Epping Forest, within the Green Belt, the area is characterised by a relaxed and spacious grain of development.

The existing property, therefore, forms part of this historic row of period dwellings and the Parish Council is of the view that the demolition and replacement of this distinguished late 19th century Manor Villa would be deeply regrettable. The house makes an especially positive contribution to the locality and represents a meaningful part of the historic record of Theydon Bois.

The proposed replacement house, however, is not felt to relate positively to the streetscene. It would be of a combined bulk, mass and width that is considered not to complement the distinctive features and more modest proportions of the original late nineteenth century 'Manor Villas'.

The proposed design would also, in the Planning Committee's view, detract from the openness of the Green Belt, and have a negative impact on the amenity of occupants living in the adjacent property to the north, at 29 Piercing Hill. The sustainability soundness of demolishing and replacing this dwelling house, in terms of carbon release, is also questioned.

Heritage and Historic considerations

'Braeside', hereafter referred to as 28 Piercing Hill, is a handsome detached dwelling and, as mentioned above, forms part of the ribbon of development known as Manor Villas that ascends the west side of Piercing Hill. Built in the late 1800s, the Manor Villas comprise upwards of fifteen late-Victorian detached houses set in spacious plots, with their generous frontages planted with mature trees and shrubs.

28 Piercing Hill is situated opposite the entry to Old Piercing Hill. A mature hedged thicket on a wide verge screens the old road from the main thoroughfare and creates a pleasantly quiet environment. The road is topped and tailed by two especially distinctive houses: 28 Piercing Hill at the southern end, and 39 Piercing Hill (also known as Fairmeads) at the northern end. Both of these properties have architectural features that set them apart in the manner of appearing as sentinels: number 28 has a three storey 'tower' element, and number 39 has a turret feature.

Five properties along this western side of Piercing Hill are included in the Epping Forest District Council List of Buildings of Local Architectural or Historic Interest (the Local List). These include No 29 Piercing Hill and Coopers Court, both of which are close to number 28 – number 29 being its adjacent property.

The common reason for including Manor Villas on the Local List is:

"... Forms part of a group of distinctive detached late 19th century houses – varied in appearance but with a unifying architectural character and materials palette of stock brick and painted render. Included for strong group aesthetic value."

Number 28, together with a further nine contemporaneous Manor Villas, are not currently included in the Local List. However, these ten dwellings are all identified as properties recommended to be added to the List following the Heritage Asset Review commissioned by Epping Forest District Council in 2012, as part of developing the District's New Local Plan. Under the same Review, a new Conservation Area for Theydon Bois was also recommended – within which all properties along the west side of Piercing Hill, including number 28, are included.

One of the properties already included in the Local List, Wansfell College and Pagoda Theatre (now Coopers Court) – just two properties along from number 28 Piercing Hill – is primarily listed for its historic and communal value – its historic connections relating to Winston Churchill when the MP for Epping.

For the above reasons, the Planning Committee is of the opinion that 28 Piercing Hill has heritage asset value to Theydon Bois – having due regard to its architectural and historical interest, character and design.

The Parish Council strongly urges EFDC to invite the Council's Heritage Officers to give due consideration to this proposal which entails the demolition of a highly-valued village heritage asset, whether designated or not. Number 28 is one of the Victorian group that the Local List acknowledges possesses 'strong aesthetic value.'

To our knowledge, only three houses along this part of Piercing Hill have been replaced in the last twenty years: one was deemed by the Planning Inspector to be in poor condition, another to have been considerably and unsympathetically extended, and the last was a 1950s bungalow – unlike Number 28 which has been sympathetically extended and appears to be in very good condition.

The Planning Committee therefore feels that the proposal does not accord with Policy HC12 of the Epping Forest District Local Plan 1998 and Alterations 2006 (the Current Local Plan), Policies DM7 and

DM8 of the Epping Forest District Local Plan Submission Version 2017 (the New Local Plan), nor with the provisions of Chapter 16 of the NPPF 2021.

Design Considerations

28 Piercing Hill sits comfortably in its spacious open plot and enjoys a pleasant aspect. The house is well set back from its particularly generous and wide frontage. A mature Cedar of Lebanon grows in front of the house close to the north boundary, and the property appears as characterful and immaculately presented. Among all the Victorian period houses along Piercing Hill, Number 28 is one to give cause to pause. The house itself is set towards the north side of the plot. A detached garage, with pitched slate roof and render to match the house is set towards the south side. The visual gap between the two buildings provides an appropriately open aspect for this Green Belt site and the development appears balanced. We are surprised by the application's contention that the house lacks architectural merit.

The application also suggests that the house is not fit for modern family living – that its accommodation is awkward, damp and cold. It is our understanding that the property was purchased only 4 years ago, when photographs taken at the time conveyed the feeling of a high level of comfort.

The current house has many of the exterior features that qualified its contemporaries to be included on the Epping Forest District List of Buildings of Local Architectural or Historic Interest: pitched slate roof, chimney stacks, smooth render with decorative quoins and canted bay windows. In addition, a distinctive 3-storey element creates a picturesque feature.

The architecture of the proposal would be of a modern, but less individual, semi-Georgian style and would be built using external facing materials that would include yellow stock brick. The Planning Committee also notes that the house would be sited 2 metres further away from the north boundary, to mitigate the effects of overshadowing of number 29. However, due to it being set back further into the plot, and being of a greater overall height, bulk and depth, the Committee feels that the proposal is likely to have an overbearing and harmful impact on the amenity and outlook of the occupants of number 29 Piercing Hill. A large balcony at first floor level would cause intrusive overlooking. There is also a balcony proposed at second/roof floor level.

There are two windows on the proposed north elevation, where there are currently none set into the north elevation of the existing building. These windows could potentially cause intrusive overlooking for the occupants of number 29.

The Committee does not believe the proposal meets the provisions of Policies CP2(iv), DBE1 and DBE9 of the Current Local Plan, Policies DM7, DM8 and DM9 of the New Local Plan, nor the provisions of Chapter 12 of the NPPF 2021.

Drainage and potential flooding are also a consideration. We note that EFDC Drainage requires further details regarding assessment of surface water flood risk, and that the dwelling is situated on a significant surface water flow path with a history of flooding within the area. The Parish Council is aware of historic flooding issues along this particular part of Piercing Hill and believes further investigation should be undertaken before any new construction work in the area is considered.

Green Belt considerations

The application acknowledges that the proposed building would be larger than the house it aims to replace. 'Openness' within the Green Belt is deemed to have both a physical, or spatial, aspect and a visual one.

The garage element would be linked to the main building, to create an essentially three-storey property - with roof spaces in the main house and the garage element both providing generous ensuite

bedroom/guest accommodation. As noted above, the proposed building would be set further back into the plot and positioned further away from the north boundary. The height of the proposal, however, would be greater than that of the main part of the existing house. The proposal would also be noticeably wider and deeper than the original footprint.

In the Planning Committee's view, the bulk, mass and scale of the new dwelling would be materially larger, and not just in volume, than the existing house and therefore would constitute inappropriate development in the Green Belt. The linking of the main part of the house to the garage element, in our view, also compromises the openness of the Green Belt. The height of the roof of the proposal is more than 2 metres taller than the roofline of the main part of the existing house. Because the proposal is set more squarely across the plot, it would appear much more stolid, and larger in scale, than the existing house. This would result in the proposal appearing more dominant than the present dwelling, to the detriment of the streetscene, and to the 'unifying architecture and strong aesthetic of the group of Villas along this stretch of Piercing Hill'.

The Committee attributes limited weight to the permitted development fallback position suggested in the Design & Access Statement, since this contradicts the earlier declaration that options to extend the existing house were fully considered and subsequently rejected. Such further extensions would also not be visually apparent from the perspective of the streetscene.

The application also incorrectly states that the property is not within the Epping Forest SAC impact area for recreational and air quality considerations. The property directly abuts Epping Forest SAC and shares its western boundary with Forest land.

In conclusion, therefore, we are of the view that the proposal represents encroachment and inappropriate development in the Metropolitan Green Belt, where no very special circumstances exist that would outweigh this and any other harm, contrary to Policies CP2, GB2A, GB7A, GB15A and DBE4 of the Current Local Plan, Policies DM2 and DM4 of the New Local Plan, and the provisions of Chapter 13 of the NPPF 2021.

Sustainability considerations

Finally, the Parish Council has been made aware of a recent Government report – *Building to net zero: costing carbon in construction* – 26 May 2022

<https://publications.parliament.uk/pa/cm5803/cmselect/cmenvaud/103/summary.html>

which sets out the impact that demolition and rebuilding have on the environment. The report highlights the need to look at 'embodied carbon' released when buildings are demolished, along with the carbon produced with the sourcing of construction materials. The Planning Committee therefore believes this proposal may also fail the environmental objective set out in paragraph 8 of the NPPF 2021, reflected in Policy SP1 of the New Local Plan.

Taking all the above considerations into account, the Parish Council objects to this proposal, and strongly urges Epping Forest District Council to refuse the application."

20 neighbours consulted: One neighbour objection was received along with an objection from the Theydon Bois Action Group.

29 Piercing Hill:

Original objection dated 5th February 2023:

"Objections

I wish to make an objection to this planning application on the basis of the following points:

1. *Should the building, which is a part of a row of original early Victorian villas (Manor Villas), be regarded as a non-designated heritage asset? Please would Frederique Callait as the Conservation Officer assess and note in her assessment of the proposal. Once the Victorian façade and building have gone they can never be retrieved.*
 2. *The site plan shows the proposed building pushing back into the back garden more than the existing and changing from a one storey conservatory to a two storey structure, generating a sense of enclosure and blocking the light coming into my property from the south. The building lines that exist should be respected in order not to harm my amenity.*
 3. *The balcony on the first floor as proposed is a considerable worry as it will directly overlook 29 Piercing Hill, my house, and cause harm to both amenity and privacy. There is also a proposed balcony at second floor and this too should be removed – it is very high up and the views will be 180 degrees. This proposal is unacceptable.*
 4. *The windows facing my house should be removed. This is because the internal layouts could be changed without consent and the windows may become part of a habitable room causing overlooking etc.*
 5. *There have been severe drainage problems for my back garden since the building of flats in Coopers Court and other developments on the other side of my house, 30 Piercing Hill. The development at 28 Piercing Hill should be properly assessed under SUDS (sustainable drainage) to alleviate the existing condition. This is not a planning matter but is worth pointing out.*
 6. *Theydon Bois operates a dark-sky policy and the rooflights are potentially harmful to amenity of all neighbours and against that specific local policy. It is not a planning matter but we wish to alert the TBAGS and Parish Council.*
- I therefore suggest that the application be withdrawn to make the necessary amendments or refused.*

This planning application was discussed at the Theydon Bois Parish Council meeting on 2 February 2022. I attended the meeting and, through my daughter, explained my objections, set out above. The Chairman concluded that the Parish Council would lodge an objection.”

Further comments received by email dated 18th May 2023:

“I refer to the objections which I have submitted to this planning application.

I have now had the chance to review the Heritage & Conservation Officer’s Objection dated 10 March 2023 and would like to add to my objections to the application.

It is established that 28 Piercing Hill as part of a group has local significance. I strongly resist the demolition of the building as its loss would not only result in the loss of a non-designated heritage asset but would undermine a wider group of buildings (some of which are formally included in the Local List, including my own property at 29 Piercing Hill) and erode the clear visual design and historic relationship which unifies it. This would have an adverse impact on the character and appearance of the local area including my property at 29 Piercing Hill.

For these reasons I reinforce my objections to this application. The demolition of 28 PH would result in:

- the loss of a non-designated heritage asset (28 Braeside)*
- harm to the appreciation and setting of adjacent locally listed properties including my own; and*
- harm to the character and appearance of Piercing Hill including my property at 29 Piercing Hill.*

The demolition of 28 Piercing Hill would harm the historic integrity of the group of Manor Villas in Piercing Hill which were built in 1870-72 and were a key part of the historical development of Theydon Bois village. The demolition would mean the loss of a heritage asset.”

Theydon Bois Action Group:

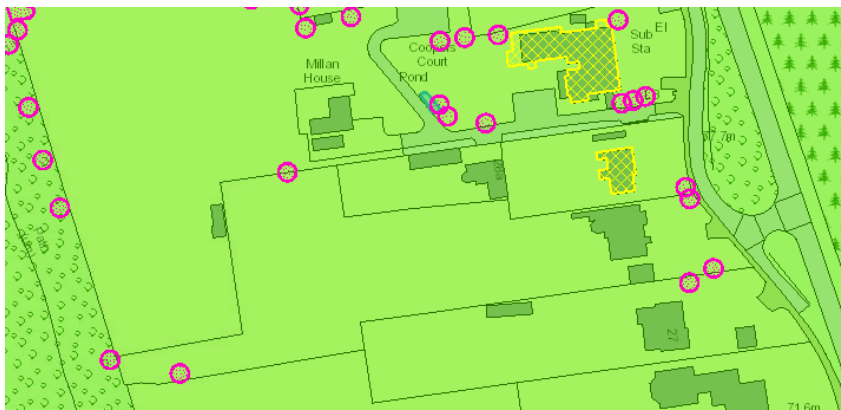
Strong objection. The full 4 page objection letter has not been reproduced here as it covers many of the same issues as set out above in the Parish Council and Neighbour objections.

Conservation Officer	Objection
EFDC Drainage	No objection subject to conditions
EFDC Trees	No objection subject to conditions
EFDC Contaminated Land	No objection subject to conditions

Issues and Considerations:

The main issues to consider relate to Impact on Green Belt, Heritage Assets, Design, Character and Appearance and Residential Amenity.

Impact on Green Belt



The application site is located wholly in the Metropolitan Green Belt.

The National Planning Policy Framework (NPPF, July 2021) states that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

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

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

The NPPF (Para 149) allows certain exceptions to inappropriate development one of which is:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

Policy DM4 of the new adopted Local Plan (March 2023) reflects the wording of the NPPF on replacement buildings in the Green Belt.

Comparison of Existing and Proposed Volumes and Floor Areas

The existing house has been previously extended including the addition of a rear conservatory and a detached garage (with games room above) approved in March 2000.

The 'not materially larger' test for Green Belt purposes is based on the volume increase over and above the original un-extended dwelling and not including any outbuildings.

Volume

The submitted SPD177.300.04 (11.05.23) – Proposed Block and Roof Plan drawing states that the existing dwelling (including the garage and conservatory) has a volume of 2,476 m³ and that the proposed dwelling has a volume of 2,512 m³. This is a 1.45% increase when comparing the existing and proposed dwellings.

The volume of the existing dwelling excluding the garage and conservatory is 1,999 m³ and therefore the percentage volume increase of the proposed dwelling (2,512 m³) over the original dwelling is 25%.

Floor Area

The submitted SPD177.300.04 (11.05.23) – Proposed Block and Roof Plan drawing states that the existing dwelling has a total floor area (GIA) of 460 sq m and that the proposed dwelling has a total floor area (GIA) of 650 sq m. This is a 41% increase when comparing the existing and proposed dwellings.

Footprint

The submitted SPD177.300.04 (11.05.23) – Proposed Block and Roof Plan drawing states that the existing dwelling has a total footprint of 354 sq m and that the proposed dwelling has a total footprint of 411 sq m. This is a 16% increase when comparing the existing and proposed dwellings.

Height

With a maximum height of approximately 10.5m, the proposed dwelling would not exceed the maximum height of the existing dwelling (approximately 11m).

Based on the above assessment it is considered that the proposed dwelling can be said to be not materially larger than the existing dwelling and is therefore not inappropriate development in the Green Belt based on the exception set out at Paragraph 149 d) of the NPPF and Policy DM4 of the new adopted Local Plan (March 2023).

Acceptable in terms of Green Belt impact.

Impact on Heritage Assets

The application site is not within a Conservation Area and the existing dwelling is not listed or locally listed.

The two properties to the north of the site are both locally listed (29 Piercing Hill and Coopers Court).

Conservation Officer comments dated 10th March 2023 (Objection):

“Scope of the comments

These comments are a response to the statement of significance and assessment of harm included in the submitted Heritage Statement.

Assessment of Significance

Missed from the initial phase of inclusion to the Local List, no.28 (alongside Nos. 22, 24, 25, 31, 32, 33, 34, 37 & 38) was however identified in 2012 as part of the Heritage Asset Review and included to the list of the buildings to be added.

The assessment of significance made at the time is as follows:

- Manor Villas - Nos. 22, 24, 25, 28, 31, 32, 33, 34, 37 & 38 Piercing Hill As early as 1848 the sites of the houses now called Manor Villas were laid out on newly enclosed land to the north of Theydon Green. The houses themselves were built between 1870 and 1872. A group of distinctive detached late 19th century houses - varied in appearance but with a unifying architectural character and materials palette of stock brick and painted render. Included for strong group aesthetic value.

Please see an extract from the OS Map 1862-1893 showing the Manor Villas in their original consistent plan arrangement, in the annexe.

The lack of review of the Local List has prevented the addition of the building – this does not diminish its significance and therefore should not alter the special consideration that should be given to any planning application that would affect the building. While not formally included into the Local List, the building has been identified and assessed as meeting the criteria for locally listing and should therefore be regarded as is. Policy HC13A of our Local Plan and Alterations (1998 and 2006), DM 7 of the Local Plan Submission Version (2017) and Paragraph 203 of the NPPF (2021) ensure that when considering the impact of a proposed development on the significance of non-designated heritage assets the Council will give weight to the assets' conservation.

Please find below the detail of our assessment of the significance of the building.

“To be included on the Local List, the building or structure should satisfy (a), and either (b) or (c) below:

(a) authenticity – buildings should be recognisably of their time, or of a phase in their history. If they have been unsympathetically altered, the change should be easily reversible. A building which is substantially unaltered, or retains the majority of its original features, qualifies under this criterion.

(b) architectural, local or townscape significance – the building must be a good example of a particular local building type or style or display good quality local craftsmanship and detailing.

(c) historic significance – the building should display physical evidence of periods of local economic, technical or social significance, well-known local people or historic events.”

Authenticity, architectural, local or townscape significance

The buildings, including no.28, have all been developed / altered over time, but their legibility -- as a group of Victorian villas erected between 1870 and 1872, built of a similar scale and plan arrangement with the same relation to the road (sitting parallel and recessed back with front and back garden), featuring a consistent and distinctive materials palette and architectural language – is still apparent.

Historic significance

An interesting reference to the Manor Villas is made in A History of the County of Essex: Volume 4, Ongar Hundred, ed. W R Powell (London, 1956), which establishes the historic significance of the group of buildings.

“The extension of the railway from Loughton to Epping and Ongar in 1865 had a rapid effect on Theydon Bois, and must be held mainly responsible for building development there during the later 19th century and after. Building had, however, started a little before 1865, perhaps in anticipation of the railway extension. In Theydon Bois, as in Loughton (q.v.) and the other forest parishes, there was a strong movement to enclose the forest, and in some cases to clear it for building. As early as 1848 the sites of the houses now called Manor Villas were laid out on newly enclosed land to the north of Theydon Green.”

As described above, the group of houses are a significant remnant of Piercing Hill (Theydon Bois) past and historic development, and more particularly this period of huge growth in population throughout the late 18th and 19th centuries that saw a boom in building with speculative builders creating brick buildings made from the now mass-produced or widely transported materials to standardised designs published in widely circulated architectural magazines and catalogues.

In conclusion

The above assessment has established the local significance of the building, as part of a group. The demolition of the building should therefore be strongly resisted, as its loss would not only result to the loss of a non-designated heritage asset but undermine a wider group of buildings (some of which are formally included into the Local List) in eroding the clear visual design or historic relationship that unifies it. This would adversely impact on the character and appearance of the local area.

Recommendations

For these reasons, we **OBJECT** to this application, as it is considered that the demolition of no.28 Braeside would result in:

- the loss of a non-designated heritage asset (no. 28 Braeside);
- the harm to the appreciation (setting) of adjacent locally listed buildings; and
- harm on the character and appearance of Piercing Hill (Theydon Bois).

This would conflict with policy H13A of our Local Plan and Alterations (1998 and 2006), policies DM7 and DM9 of our Submission Version Local Plan (2017), and paragraphs 189, 194, 195, 197 and 203 of the NPPF (2021).”

Annexe

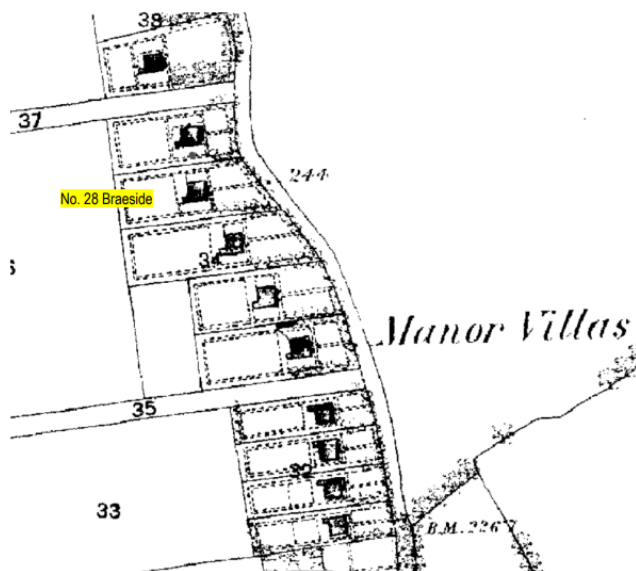


Figure 1 - Extract from OS Map 1862-1893 showing the Manor Villas in their original consistent plan arrangement.

The comments of the Conservation team are noted, however, the existing dwelling is not statutory listed or on the local list and there has been ample opportunity for the building to be formally recognised as a heritage asset since the statutory and local listing processes began.

Paragraph 203 of the NPPF states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

In this instance Planning Officers do not support the Conservation Team’s objection and maintain that, on balance, the demolition of the existing dwelling in order to accommodate a replacement dwelling of good design is acceptable.

It should be noted that even if a local listing were to succeed, this would not prohibit any future redevelopment of the site and/or indeed the demolition of the existing dwelling (subject to obtaining the relevant approvals).

Design, Character and Appearance

The design of the proposed dwelling is considered to be acceptable in itself and in the context of the surrounding area.

The submitted Design, Access and Planning Statement states (Para 7.2) that:

“The new build Scheme presents greater architectural merit and balance and incorporates many elements from the existing property, as well as integrating period elements prevalent in the Manor Villa style properties and materials seen repeatedly throughout Piercing Hill, whilst proposing an individual and more interesting Manor Villa.”

The height of the proposed dwelling would not exceed that of the existing and the existing and proposed footprints and front, rear and side building lines are similar.

Materials details would be subject of a planning condition.

Considered to be acceptable in terms of design, character and appearance.

Residential Amenity

29

The proposed dwelling includes a two storey element on the footprint of the current single storey conservatory. Whilst this is two storey it would not extend as deep as the existing conservatory and there would be no windows in the flank.

A good separation distance would remain between the proposed dwelling and the neighbouring dwelling at No. 29 and it is not considered that the proposed dwelling would have a harmful impact on the occupiers of No 29 in terms of overbearingness, overshadowing, loss of light or loss of privacy.

The application originally proposed a first floor balcony extending within close proximity to the boundary with the immediate neighbour No. 29 Piercing Hill. This balcony has now been amended to be set away from the shared boundary in order to overcome overlooking / loss of privacy concerns. A condition should also be attached to any permission issued requiring a privacy screen to be erected at the end of the balcony.

27

The proposed dwelling would remain well separated from the neighbour to the south, number 27

The proposed garage would not have any windows in its flank wall facing No. 27, only 2 upward facing rooflights in the first floor accommodation which would not cause a harmful loss of privacy.

The proposed second floor balcony may allow for some overlooking of No. 27's rear garden but the balcony is well enclosed by the parapet wall and as such it is not considered that this balcony would cause a harmful loss of privacy to No 27 or any other neighbour.

The proposed windows in the flank elevations at first floor and above should be obscure glazed to protect the privacy of the immediate neighbours at 27 and 29 Piercing Hill.

Quality of Accommodation

The proposal is acceptable in this respect.

Trees and Landscape

There are TPO protected trees on the site.

Tree Officer comments:

"We have NO OBJECTION to this application subject to the addition of the following conditions:-

Arcus 68 – Retention of trees and shrubs

Arcus 70 – Hard and soft landscaping

Tree protection shall be installed as shown on Oakfield Arboricultural Services Tree Protection Plan, Drawing No: OAS 22-367-TS01 dated December 2022, 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."

Ecology

The submitted Ecological Survey found no evidence of bats in the buildings to be demolished, concluding that they have negligible potential for bat roosting. No further surveys are required.

Highways

The replacement dwelling would use the existing access. Sufficient off street car parking is shown on the front driveway.

EFDC Land Drainage (comments 31st January 2023)

The applicant has provided a flood risk assessment (2236, V.01, January 2023) with the application and although we agree with the findings in principle, in order to approve a condition relating to a flood risk assessment, further details are required. These details include further information regarding the assessment of surface water flood risk and the mitigation measures proposed. The dwelling is situated on a significant surface water flow path with a history of flooding within the area, therefore please ensure that the appropriate measures are proposed in line with the depths shown in the Environment Agency's long term flood risk mapping for surface water. Please add land drainage condition SCN42 for the approval of flood mitigation measures by the local planning authority prior to development commencing.

The applicant has provided details of surface water drainage with the application, and we agree with the findings in principle. Therefore, please add a condition requiring that the development be carried out in accordance with the drainage strategy illustrated in 'Proposed Drainage strategy, 2236, SK03, Rev P1' submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team."

EFDC Land Contamination (comments 3rd February 2023)

"I have screened readily available records held by the Council for this site including our GIS database and aerial photographs. From the records I can see the site has no acknowledged potentially contaminated land.

As this proposal is for residential land use - a sensitive land use, it is necessary to investigate all potential land contaminative issues.

I have reviewed the documents submitted on behalf of this application and I have noted that no contaminated land assessment has been submitted for this application to date. In line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site.

Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition NSCN57 be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge.

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 2019.

Asbestos Informative

Where existing buildings may contain Asbestos Containing Materials (ACM's):- The applicant is required to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practise and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of

the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from site.”

SAC

SAC mitigation contributions are not required for replacement dwellings.

Conclusion:

Recommended for approval subject to conditions.

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

Planning Application Case Officer: Kie Farrell, kfarrell@eppingforestdc.gov.uk or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (18)

- 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:

SPD177.001.02 (20.04.23) – Existing Site Location Plan
SPD177.002.02 (20.04.23) – Existing Block and Roof Plan
SPD177.003.01 (15.03.23) – Existing Ground Floor Plan
SPD177.004.01 (15.03.23) – Existing First Floor Plan
SPD177.005.01 (15.03.23) – Existing Second Floor Plan
SPD177.006.01 (15.03.23) – Existing Elevations
SPD177.300.04 (11.05.23) – Proposed Block and Roof Plan
SPD177.301.03 (11.05.23) – Proposed Ground Floor Plan
SPD177.302.03 (09.05.23) – Proposed First Floor Plan
SPD177.303.01 (15.03.23) – Proposed Second Floor Plan
SPD177.304.01 (21.04.23) – Proposed Elevations
SPD177.305.01 (07.11.23) – Proposed Daylight and Shadowing Study
SPD177.307.01 (09.05.23) - Proposed Visual
SPD177.308.00 (22.05.23) - Existing and Proposed Street Scenes
12762 01 – Site Plan (Topo)
Design, Access & Planning Statement, pps, V2, 06.01.2023
Ecological Survey, Essex Mammal Surveys, May 2022
Sustainability Checklist Letter, pps, 10th January 2023
Arboricultural Impact Assessment, Oakfield, December 2022
Flood Risk Assessment and Drainage Strategy, Auber Consulting, January 2023

Further Information Report, pps, March 2023
SAP Report - providing additional information relating to energy and energy performance
Supplementary planning statement, planning direct, 20/02/2023
Heritage Statement, JTS Partnership.

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

- 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason: The development is located in a flood risk area and would likely result in increased surface water run-off, in accordance with Policy DM15 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Tree protection shall be installed as shown on Oakfield Arboricultural Services Tree Protection Plan, Drawing No: OAS 22-367-TS01 dated December 2022, 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 policies DM3 and DM5 of the new adopted Local Plan (March 2023) and the NPPF 2021.

- 7 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 The development be carried out in accordance with the drainage strategy illustrated in 'Proposed Drainage strategy, 2236, SK03, Rev P1' submitted with the application unless otherwise agreed in writing with 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 Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 Prior to the first use of the first floor balcony, details of a privacy screen at the northern end of the balcony no lower than 1.7 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Except for the approved balconies, access to the flat roofs areas hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio, or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 Prior to first occupation of the building hereby permitted the windows in the flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) 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 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 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 T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 The garage/guest suite building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling and shall not be used for any primary residential accommodation.

Reason: The development does not satisfy the standards considered acceptable by the Local Planning Authority for a separate unit of accommodation, in accordance with Policies DM9 & DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 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, B, D, E, F and AA of Part 1, and Class A and B of Part 2 of Schedule 2 to the Order 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 and Green Belt, in accordance with Policies DM4, DM9 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To help support improvements to air quality in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 18 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, and so retained.

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 Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.



Epping Forest District Council



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Application Number:	EPF/0597/23
Site Name:	4 Kendal Avenue Epping CM16 4PN

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OFFICER REPORT

Application Ref: EPF/0597/23
Application Type: Removal/variation of conditions

Applicant: Mr Virk
Case Officer: Caroline Brown
Site Address: 4, Kendal Avenue, Epping, CM16 4PN
Proposal: Removal of condition 8 existing access and variation to condition 2 on planning permission EPF/3050/21 (Demolition of existing dwelling and construction of a new dwelling)
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Vi3o>
Recommendation: Approve

The 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

No. 4 Kendal Avenue comprises of a two-storey detached dwellinghouse set in a large curtilage to the west of Kendal Avenue which is residential in character defined by predominantly detached houses that vary in design, size and spacing with some benefiting from larger separation distances than others and well set back from the highway. The site is within an urban built area which is outside of a conservation area and is not listed.

This application site currently has 2 access/egress points with one fronting onto Kendal Avenue and the other Hartland Road.

The property lies outside of a conservation area and is not listed.

Proposed Development

The proposal seeks consent for the removal of condition 8 attached to the previous approval ref: EPF/3050/21 for a replacement dwellinghouse at the site which reads:

“Prior to the first occupation of the development the existing access off Hartland Road shall be permanently closed off incorporating the reinstatement of the footway and kerbing to full height. Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.”

Condition 2 would also be altered to incorporate the revised plans showing the access being retained.

The Planning Statement confirms that the applicant wishes to retain the existing entrance to improve and maximise vehicular access/egress to the property which works with the proposed new dwelling. The vehicular entrance will remain the same as it does at present, and it will not be altered in any way.

Relevant History

EPF/3050/21 - Demolition of existing dwelling and construction of a new dwelling.- approved
11/10/2022.

Development Plan

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Epping Forest District Local Plan (2011-2033) (March 2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption.

The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies are relevant to this application:

CP7- Urban Form and Quality
T1 - Sustainable transport choices
DM9 - Amenity

NPPF, 2021

The NPPF is a material consideration in determining planning applications. The following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 126-7 - Achieving well designed Places.

CONSULTATION CARRIED OUT & SUMMARY OF REPRESENTATIONS RECEIVED:

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

- The condition as it was put in place by Epping Forest District Council as advised by Essex County Council's Highways department. for traffic management "to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety."

Epping Society

- The application does not offer any reasons to disregard the Highway condition.

14 adjoining neighbours were notified, and 2 resident objections received.

Hillcrest Lodge Hartland Road:

- As you can see from their revised drawing, people turning into the property would have to stop on this blind corner and wait for the electric gates to open. There is no justification to changing the original

agreed plans, and permission should definitely not be granted. Clearly, the next step will be to convert the new building into flats which would involve additional cars into and out of the property.

- Both Highways and EFDC put this condition in place in the 'interest of highway safety'. nothing has changed to alter this situation. It would be ludicrous to allow this condition to be changed. This corner of Hartland and Kendal is an accident black spot. Let us not get to a situation where someone has to die to acknowledge this.

11 Hartland Road, Epping:

- The reason given by EFDC for condition 8 is to "ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety. On this basis, the condition should clearly remain in place. This junction continues to be an accident hotspot and removing this condition is not in the interest of highway safety.

Planning Considerations:

The main issues for consideration in this case are:

- Highway and Safety Aspects

Highway Considerations

No. 4 Kendal Avenue is sited on a corner adjacent to Hartland Road which comprises of residential properties that have vehicle accesses onto Hartland Road.

No. 4 has two existing vehicular access points, one onto Kendal Avenue and the other Hartland Road. Essex County Council Highways have not raised any objection to the retention of the existing vehicle access onto Hartland Road, which complies with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

The original application ref: EPF/3050/21 proposed the closure of the second access. This was not requested by the LPA or the Highway Authority. The reason that Highways requested that condition 8 to be placed on the approval for the construction of the new dwellinghouse was that, since the scheme sought to include the closure of the existing access onto Hartland Road it was therefore appropriate to ensure that the access was removed completely and that the footpath and kerb was reinstated to the full height in the interest of highway safety.

There was no objection from Highways or suggestion that the existing access was unsafe or resulted in a detrimental impact on the highway, nor is there any objection to the retention of the existing access. The proposal would offer no change from what currently exists and therefore there is no justification to refuse the retention of both access points.

In line with the above, the removal of the condition is supported as it complies with policy T1 of the Epping Forest Local Plan (2011-2033)) and of the NPPF 2021.

Impact on Neighbours' Amenities

In terms of amenity, the removal of Condition 8 is not considered to give rise to any harmful amenity implications to the living conditions of neighbouring properties and complies with policy DM9 of the adopted Local Plan (2011-2033).

The comments of the Parish Council and neighbouring properties are noted. However, Highways have no objection to the existing vehicle access on safety grounds. However, if was to be removed then they

wanted to ensure that the pavement and kerb were completed to a satisfactory highway standard, hence the condition.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DM9 of the adopted Local Plan (2011-2033) and policy DBE9 of the Local Plan and Alterations (1998-2006).

Conclusion

For the reasons set out above, having regard to all matters raised, it is recommended that condition 8 is removed from the original consent.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest: Planning Application Case Officer: Caroline Brown: cbrown@eppingforestdc.gov.uk
Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk***

Conditions: (15)

1. The development hereby permitted shall begin not later than 11 October 2025.

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: 2612 - 01; 02; 03; 04C; 05 B

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

3. 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), 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 policies DM16 and DM18 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

5. 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 DM19 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

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

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

7. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

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

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

9. 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

10. 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

11. Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

12. Tree protection shall be installed as shown on Moore Partners 'Tree Protection Plan' drawing number MP/4KA/02 (dated 3rd December 2021) 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 policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

13. Prior to any above ground works, documentary and photographic details of the type and colours of all 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

14. 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 DM9 and DM 21 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

15. 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, B, E and F 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 policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

Informatives: (1)

- 1 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.



Epping Forest District Council



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Application Number:	EPF/0832/23
Site Name:	Civic Offices, EFDC, 323 High Street Epping CM16 4BZ

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OFFICER REPORT

Application Ref: EPF/0832/23
Application Type: Listed building consent (Alt/Ext)

Applicant: Mr Manny Singh
Case Officer: Caroline Brown
Site Address: 323 Civic Offices, Epping Forest District Council, High Street, Epping, CM16 4BZ
Proposal: Grade II listed building consent for brushed stainless steel letter to display "Regus" below the "Epping Forest District Council" signage and brush stainless steel sign wall mounted on the original building adjacent to the bridge entrance to the car park.
Ward: Epping Lindsey and Thornwood Common
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VytN>
Recommendation: Approve with Conditions

The application is before this committee since the recommendation is for approval contrary to an objection from a Local Council, material to the planning merits of the proposal, and they have confirmed in writing their intention to attend and speak at the meeting. (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site & Surroundings

The Civic Offices building of the Epping Forest District Council is located at the north-eastern end of the High Street of Epping. The building was statutory listed at grade II on the 18th December 2017 as a fine example of post-modernist architecture, and in particular for the following reasons (taken from Historic England's listing description).

The Civic Offices is an important landmark which stands within the Epping Conservation Area. Alongside the Water Tower and St John, the Baptist's Church, also statutory listed, their three prominent towers act as focal points for the views along the High Street and across the Green.

Over the last few years, the Civic Office building has undergone extensive external and internal reconfiguration and refurbishment to create a more agile, collaborative work environment and improve the usability of the building which has not altered the significance of the building. Part of the upgrade and internal reconfiguration of the building has been the leasing out of the second floor.

Description of Proposal

The proposal seeks Listed Building Consent for 2 signs:

- A 'Regus' sign displayed below the existing EFDC signage to the front elevation of the Civic Offices. Brush stainless steel letters with 15mm returns and reverse fitted nickel plated stud fixings.
- A wall mounted brush stainless steel sign, 0.9m wide X 1.2m, sited on the east elevation of no. 323 High Street, adjacent to the bridge entrance to the car park.

Planning History

The Civic Offices site has an extensive history of external alterations prior to the listing of the building in 2017. These works, listed below, have not altered the significance of the building, as stated in the Historic England's listing description.

- EPF/0842/23 - Advertisement consent for brushed stainless steel letter to display "Regus" below the "Epping Forest District Council" signage and brush stainless steel sign wall mounted on the original building adjacent to the bridge entrance to the car park - Approved 12/07/2023
- EPF/2423/20 & EPF/2486/20 – New front external public access entrance door within an existing window frame to the existing café area of the Civic Office building and offices involving steps and ramp as a link to the existing public footpath - Approved 07/12/2020.
- EPF/2737/19 & EPF/2738/19 - Grade II Listed Building Consent & Planning Permission for internal and external alterations to the Civic Offices, to provide greater flexibility within the building. Work includes like for like replacement of glazed roof elements, addition of PV solar panels to the roof, and repairs and maintenance of existing features. Granted Permission

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Epping Forest District Local Plan (2011-2033) (March 2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption.

The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following table lists the relevant policies to the determination of this application.

DM7 Heritage Assets
DM9 High Quality Design
DM13 Advertisements

NPPF, 2021

The revised NPPF is a material consideration in determining planning applications. The following paragraphs of the NPPF are considered to be of relevance to this application:

paragraphs 136, 189, 194, 195, 196, 197, 199, 200 and 202

Consultation Carried Out and Summary of Representations Received

Site Notice displayed and advertised.

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

- Committee agrees with the EFDC Conservation Officer's comments, i.e., 'the proposed Regus sign, positioned to the main frontage, directly below the existing sign of the EFDC, would visually compete with the original and primary use and function of the Civic Offices, eroding its special character as a municipal building'.

Epping Society - Objection

- signage should be subsidiary to EFDC sign.

Main Issues and Considerations

The main issues for consideration are:

- Impact on the historic significance of the listed building

The upgrading and refurbishment of the offices along with the introduction of agile working and the leasing out the second floor has enabled the Council to secure its optimum and viable use and support its primary function. The building requires to be able to support the specifications of the new occupants and has been in discussion with the Council over the detailing of signage to the building.

Whilst there are doubts as to whether listed building consent is required for the signage on the wall of 323 High Street, adjacent to the bridge entrance to the car park, it should be noted that the conservation officer has not raised any objection to this proposed sign. However they have raised concern for the :

"Regus" sign, positioned to the main frontage, directly below the existing sign of the EFDC, would visually compete with the original and primary use and function of the Civic Offices, eroding its special character as a municipal building.

Notwithstanding their comments, 'Regus' are now sharing the building and in partnership with the Council are entitled to have their name displayed alongside the EFDC.

Clearly its function and the way the building is used has changed over the past few years, but it is not considered that this undermines its status as a municipal building and where some flexibility in the signage is justified. The proposed front 'Regus' signage is sited below the Councils signage and considered subsidiary, minimal, discreet in relation to the building and necessary for modern office use.

Subject to minimisation of any physical harm to the building, and removal and any necessary repair works once the sign is no longer required, the proposal is not considered to cause any significant harm to the historic fabric, interest or setting of the grade II listed building.

Conclusion

For the reasons set out above, having regard to all matters raised, the signage will preserve the special historical character and appearance of the Listed Building, and is supported by the policies in the adopted Local Plan, (2011-2033), 2023 and the NPPF, 2021. In light of the above considerations, it is recommended that listed building consent is approved.

This application was deferred from the 5th July 2023 meeting for a Members Site Visit which was arranged for Wednesday 26th July 2023.

Officer report has been reproduced below.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of

those consulted object) on grounds material to the planning merits of the proposal (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 the host house 8 Kimptons Close, located within a built-up area of Ongar. It is not listed nor in a conservation area, nor the Green Belt. No protected trees lie within the site. A public right of way runs across the front of the site.

Proposal

The proposal is for the Construction of a two storey three-bedroom house. This is a revised scheme to EPF/2408/20. The main amendments are;

1. Addition of rear box dormer; and
2. Internal layout changes.

Relevant Planning History

EPF/2408/20 - Construction of a two storey three-bedroom house attached to the existing dwelling - Approved subject to s106 Legal Agreement.

EPF/2279/20 - Two storey rear extension, with refurbishment and changes to the existing window and door layout in the existing building - Approve with Conditions

EPF/2930/22 - Application for Approval of Details reserved by conditions 4"details of surface water disposal", 5"contamination" & 9"Tree Protection Pan & Arboricultural Method Statement" for EPF/2408/20. (Construction of a two storey three-bedroom house attached to the existing dwelling.) – Details Approved

EPF/0142/21 - Application for a Lawful Development Certificate for a proposed loft conversion & rear flat roof dormer – Lawful

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023);

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

SP1 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
DM11 Waste Recycling Facilities on New Development
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM17 Protecting and Enhancing Watercourses and Flood Defences
DM18 On Site Management of Wastewater and Water Supply
DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

National Planning Policy Framework 2021 (Framework)

Paragraph 11
Paragraphs 126 & 130
Paragraph 180

Ongar Neighbourhood Plan 2020 - 2033 (2022)

ONG-RR3 Housing Mix
ONG-RR4 Broadband
ONG-ED1 Design
ONG-ED4 Sustainability
ONG-CT3 Transport

Summary of Representations

Number of neighbours Consulted: 27. 12 response(s) received.
Site notice posted: Yes.

MULTIPLE OBJECTIONS RECEIVED – Summarised as:

- Overlooking;
- Loss of blossom tree;
- Parking provision/Highway safety;
- Out of character/overdevelopment; and
- Other comments on matters not related to proposal.

ONGAR TOWN COUNCIL – No comments received at the time of writing this report.

Planning Considerations

As mentioned above, the only change to the recent approved consent EPF/2408/20 is the addition of a rear box dormer and internal layout changes.

Thus, the key focus is whether the proposed amendments are acceptable. These amendments raise no design concerns as it will match that of the host house, nor to the other matters assessed under the above application, in Officers opinion.

Furthermore, Officers note the concerns raised by local residents on various matters, however, with the fallback position under EPF/2408/20 there is no material ground to refuse this application that could be defended well on appeal.

Too add, much of the comments relate to a possible HMO conversion, however, the proposal relates to a new dwelling including the above amendments, not a proposal for a new HMO dwelling. As such Members will need to determine the application against the submitted plans.

Notwithstanding the above, if Members deem it necessary due to the potential parking issues with having 2 running HMO's then permitted development rights for a HMO conversion can be removed, via a suitably worded condition.

For clarity, as this application will result in a new planning permission, a new s106 legal agreement will need to be entered into with the applicant to secure the required financial contributions as per the agreed mitigation measures towards the Epping Forest Special area of Conservation.

Conclusion

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 completed s106 legal agreement to secure contributions towards the EFSAC, including monitoring fees.

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

Planning Application Case Officer: Caroline Brown | cbrown@eppingforestdc.gov.uk or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (4)

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Site Plan; Building Letters

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

- 3 Details of fixtures, including information on how damage to the listed building will be minimised, shall be submitted for the approval in writing by the Local Planning Authority prior to the instillation of the signage hereby approved.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Should the signage hereby approved no longer be required then this shall be removed and a schedule of repairs for the building shall be submitted to and approved by the Local Planning

Authority, including a timescale for any repair works. The removal and repairs shall be completed in accordance with the approved details.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

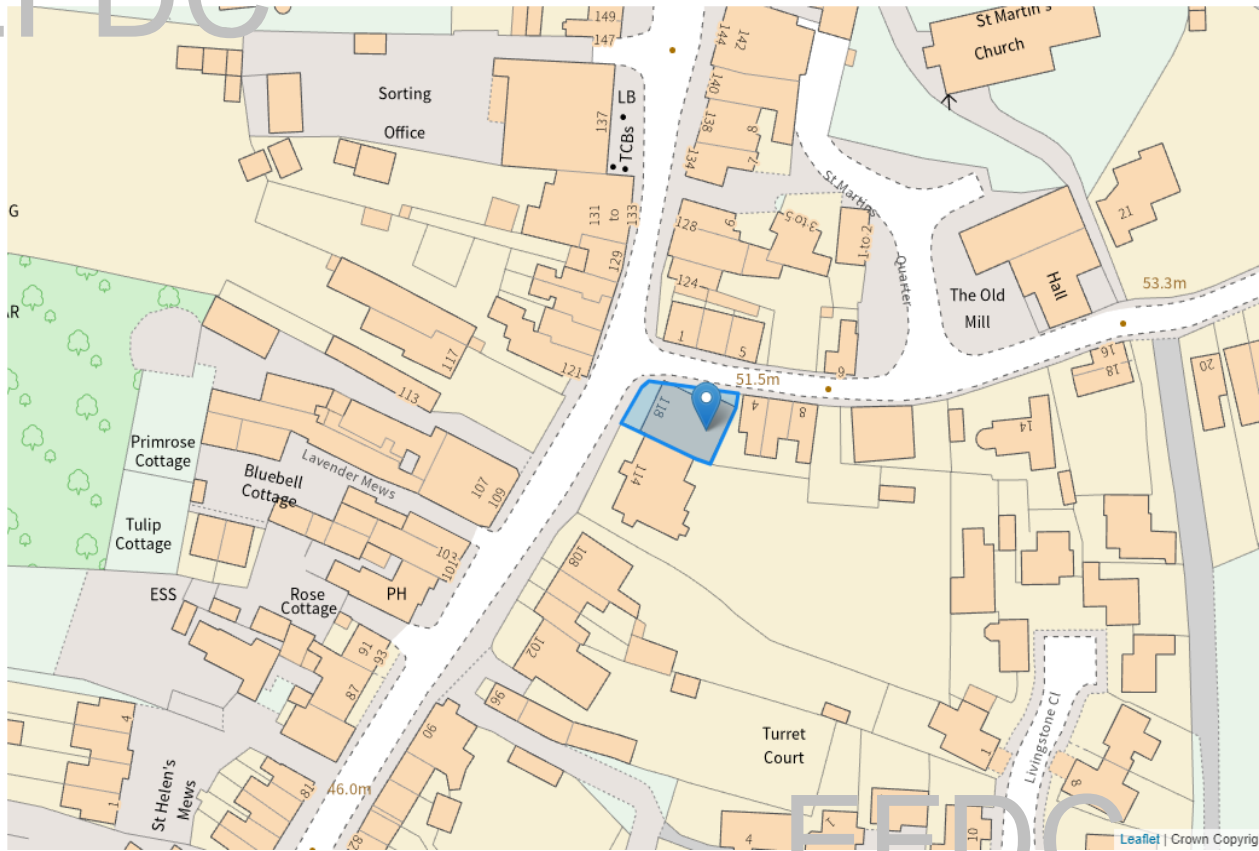
Informatives: (1)

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



Epping Forest District Council

EFDC



EFDC

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Application Number:	EPF/1192/23
Site Name:	Essex House, 118 High Street Ongar CM5 9EB

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OFFICER REPORT

Application Ref: EPF/1192/23
Application Type: Full planning permission
Applicant: Mr Adam Davis
Case Officer: Alastair Prince
Site Address: Essex House, 118, High Street, Ongar, CM5 9EB
Proposal: Installation of 6 no. conservation style roof lights and 2 no. conservation style flat roof lights.
Ward: Chipping Ongar, Greensted and Marden Ash
Parish: Ongar
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001WO7y>
Recommendation: Approve with Conditions

The application is before this Committee as at least 5 expressions of objections material to the planning merits of the proposal are received (or where less than five have been consulted, the majority of those have objected).

Description of Site:

The application site is a two storey building in Class E use located on the southern corner of the junction of High Street and Castle Street in the urban location of Ongar. The building is locally listed and is found within the Chipping Ongar Conservation Area. Several Listed buildings are present to the West and immediately South of the application site. The site is not found within the Metropolitan Green Belt.

Description of Proposal:

Installation of 6 no. conservation style roof lights and 2 no. conservation style flat roof lights.

Relevant Site History:

EPF/0415/23 - Installation of 12 no. conservation style roof lights and 2 no. flat roof lights – Withdrawn by Applicant

EPF/0419/81 – Change of use to offices – Approve with Conditions

Policies Applied:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

On 9 February 2023, the Council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council. The relevant policies are outlined below:

SP1 – Spatial Development Strategy
DM7 – Heritage Assets

Summary of Representations:

No. of neighbours consulted: 33, 8 objections received.

123 HIGH STREET – OBJECTION: Development out of character with the area and would overlook neighbouring dwellings.

108 HIGH STREET – OBJECTION: Development out of character with the surrounding area, harm caused to living conditions in regard to loss of privacy, Development would facilitate change of use to residential.

114 HIGH STREET – OBJECTION: Development out of character with the surrounding area, harm caused to living conditions in regard to loss of privacy.

10 CASTLE STREET – OBJECTION: Development out of character with the surrounding area, development would facilitate change of use to residential.

5 CASTLE STREET – OBJECTION: Development would facilitate change of use to residential.

117 HIGH STREET – OBJECTION: Development out of character with the surrounding area, harm caused to living conditions in regard to loss of privacy, Development would facilitate change of use to residential.

9 CASTLE STREET – OBJECTION: Development out of character with the surrounding area, harm caused to living conditions in regard to loss of privacy.

1 other objection was received, however the specific address was not disclosed and can therefore not be taken into account.

TOWN COUNCIL: No comment at the time of writing

Main Issues and Considerations:

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

Design
Impact on the living conditions of neighbours

Design

Neighbours have objected to the proposal stating the development would be detrimental to the character and appearance of the area.

The proposal involves the installation of 5 conservation style rooflights to the roof of the South elevation and 1 conservation style rooflight to the East elevation. 2 rooflights would be installed to the flat roof of the building. The proposal has been revised from the original scheme in regard to the positioning of the rooflights and materials used.

The Council's Heritage and Conservation team were consulted on the application and have made the following comments:

Relevant Planning History

The following report should be read in conjunction with previous Conservation comments issued 12 June 2023 on an earlier iteration of this scheme, as well as with Conservation comments issued 11 April 2023 on a related application (ref. EPF/0415/23).

Initial Remarks

To reiterate from previous comments, Essex House—a non-designated heritage asset (LLB) within a designated heritage asset (conservation area)—was noted at the time of its inclusion to the Local List (2006) as well as during the Heritage Asset Review 2012 to retain its unique fenestration comprising ‘original windows with leaded upper lights’. However, the windows within the prominent masonry canted bay on its primary elevation (High Street) at ground floor level appear to have been replaced with thick-framed uPVC by 2016. The remaining timber-framed windows on this and its Castle Street elevation had all been replaced by 2019. These unauthorised alterations were confirmed by a site visit undertaken on 15 March 2023.

According to the Town and Country Planning (General Permitted Development) (England) Order 2015, which outlines works that can be carried out by householders without the need for planning permission, the materials used in any exterior work (in this case replacement of existing windows) should be of a similar appearance to those used in the construction of the building. The accompanying technical guidance also states that replacement windows should give a similar visual appearance to those in the existing building in terms of their overall shape, and the colour and size of the frames.

As such, these works are considered to fall outside of permitted development rights. This is especially relevant within the context of a conservation area where the works unsympathetically erode the character and appearance of the LLB and its wider setting.

This unsympathetic alteration is especially notable on the building’s largest window at first floor level facing Castle Street (within an attractive, gothic revival pointed trefoil arch) where the replacement of fenestration with uPVC resulted in the loss of decorative brickwork panels within the frame’s cusp (removed and replaced with ill-fitting, flat uPVC panels). No consent for these unauthorised works appears to have been sought, which renders them unlawful.

Current Proposal

This revised application seeks consent for the proposed installation of six conservation-style rooflights and two conservation-style flat rooflights.

Comments

This application follows a previous iteration of the same scheme which raised concerns due to the proposed material and positioning of the new rooflights, contrary to conservation policies and guidance, as well as inaccurate information in the submitted drawings.

The scheme has been revised and now proposes the six conservation rooflights to the principal roof in a consistent alignment and set within the middle third of the roof slope. Further to this, the information submitted for The Rooflight Company’s ‘Conservation Rooflights’ (provided in steel) are considered to be of a suitably high-quality, traditional material. As such, these amendments suitably overcome the objections previously raised and the proposal is now considered to be ACCEPTABLE.

We note that the related rooflight flashing kits offer either ‘On the Rafter’ or ‘Between the Rafter’ installation. The Rooflight Company’s webpage notes:

- 'On the Rafter' installation typically leads to a 'proud' installation where the rooflight casement sits above the level of the roof material.

- 'Between the Rafter' installation allows for the rooflight baseplate to be sunken into the roof surface to create the extra depth required to allow a flush finish, i.e., where the rooflight casement sits level with the surrounding roof surface.

Given the context and expected appearance of the affected heritage asset(s), we expect the appropriate installation to allow the new rooflights to appear flush with the surrounding roof tiles, i.e., depending on the depth of the current roof, a 'Between the Rafter' installation is likely required.

Recommendations

We can give our SUPPORT to the revised scheme as it is considered to preserve to the significance of the non-designated heritage asset (Essex House) as well as the significance (including setting) of the multiple affected designated and non-designated heritage assets (Chipping Ongar Conservation Area; Listed Buildings; Locally Listed Building; Scheduled Monument).

Based on the comments from Heritage and Conservation above, Officers are of the opinion that the proposal would be acceptable in regard to design and would not be out of character with the existing building and surrounding area.

Impact on Living Conditions

Several neighbours have objected to the proposal stating that the proposal would cause harm to the living conditions of neighbours in regard to overlooking.

The rooflights would be angled skyward and not look directly into neighbouring properties/amenity spaces. The proposal would be a sufficient distance away from neighbouring dwellings so as to not cause harm to the living conditions of neighbours.

Other Considerations

Neighbours have objected to the proposal stating the scheme would enable future residential development. As residential development is not proposed as part of this scheme, this cannot be taken into account and would need to be assessed separately in its own right.

Conclusion

It is recommended that planning permission is granted subject to conditions.

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

Planning Application Case Officer: Alastair Prince
Direct email: aprince@eppingforestdc.gov.uk

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

Conditions: (3)

- 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: PL; 01, 02/A, 03, 04/B

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

- 3 The proposed new roof lights shall be of the conservation type and shall be installed so that it is not any higher than the surrounding roof tiles.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (1)

- 4 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.