

# Committee Agenda



## Epping Forest District Council

### **Area Planning Subcommittee East Wednesday, 6th November, 2013**

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

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 6th November, 2013  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Rebecca Perrin - The Office of the Chief Executive  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) Tel:  
01992 564532

#### **Members:**

Councillors Mrs S Jones (Chairman), P Keska (Vice-Chairman), K Avey, W Breare-Hall, A Boyce, Mrs H Brady, T Church, P Gode, Mrs A Grigg, D Jacobs, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, G Waller, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND  
APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN  
COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.**

#### **WEBCASTING/FILMING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber**

public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

**1. WEBCASTING INTRODUCTION**

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

2. The Chairman will read the following announcement:

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

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

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

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

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 18)**

To confirm the minutes of the last meeting of the Sub-Committee, held on 9 October 2013 (attached).

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**6. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution 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.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

**7. THREAT OF SPECIAL MEASURES AND REFUNDING OF PLANNING FEES  
(Pages 19 - 22)**

(Director of Planning and Economic Development) To consider the attached report.

**8. DEVELOPMENT CONTROL (Pages 23 - 74)**

(Director of Planning and Economic Development) To consider planning applications as set out in the attached schedule

Background Papers:

(i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

**9. DELEGATED DECISIONS**

(Director of Planning & Economic Development) Schedules of planning applications determined by the Head of Planning & Economic Development under delegated powers since the last meeting of the Sub-Committee could be inspected in the Members' Room or on the Planning & Economic Development Information Desk at the Civic Offices in Epping.

**10. EXCLUSION OF PUBLIC AND PRESS**

Exclusion

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

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

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

Confidential Items Commencement

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the

completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

Paragraph 8 of the 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 (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **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.

### **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 Subcommittee.

### **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**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Subcommittee before leaving.

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

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

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

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

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

The Subcommittee 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 Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the

Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

**Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

Area Planning Subcommittee East 2013-14  
Members of the Committee:



Cllr Jones	Cllr Keska	Cllr Avey	Cllr Boycel	Cllr Brady
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Cllr Breare-Hall	Cllr Church	Cllr Gode	Cllr Grigg	Cllr Jacobs
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Cllr McEwen	Cllr Morgan	Cllr Philip	Cllr Rolfe	Cllr Stellan
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Cllr Waller	Cllr Whitbread	Cllr Janet Whitehouse	Cllr Jon Whitehouse
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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee East   **Date:** 9 October 2013

**Place:** Council Chamber, Civic Offices, High Street, Epping   **Time:** 7.30 - 9.10 pm

**Members Present:** Mrs S Jones (Chairman), P Keska (Vice-Chairman), Mrs H Brady, P Gode, D Jacobs, R Morgan, J Philip, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** K Avey, W Breare-Hall, A Boyce, T Church and Mrs A Grigg

**Officers Present:** J Shingler (Principal Planning Officer), C Neilan (Landscape Officer & Arboriculturist), J Leither (Democratic Services Assistant) and S G Hill (Senior Democratic Services Officer)

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### 52. 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.

### 53. 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.

### 54. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 18 September 2013 be taken as read and signed by the Chairman as a correct record.

### 55. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda, by virtue of being previously involved in a business transaction regarding the property. The Councillor had determined that his interest was non-pecuniary and indicated that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/1527/13 11 Bower Hill, Epping

(b) Pursuant to the Council's Code of Member Conduct, Councillors S Jones and J Phillips declared a personal interest in the following item of the agenda, by virtue of the objector being known to the Councillors. The Councillors had determined that their interests were non-pecuniary and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1667/13 39 Dukes Avenue, Theydon Bois

**56. ANY OTHER BUSINESS**

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

**57. DEVELOPMENT CONTROL**

**RESOLVED:**

That the planning applications numbered 1 – 6 be determined as set out in the schedule attached to these minutes.

**58. DELEGATED DECISIONS**

The Sub-Committee noted that schedules of planning applications determined by the Head of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

**CHAIRMAN**

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1634/13
<b>SITE ADDRESS:</b>	52 Tempest Mead North Weald Bassett Epping Essex CM16 6DY
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/40/98 T52 - Oak - Fell
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=552433](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552433)

## CONDITIONS

- 1 A replacement tree of a species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The Local Planning Authority must be given 5 working days notice in writing of the intended felling.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1730/13
<b>SITE ADDRESS:</b>	Bowes House High Street Ongar Essex CM5 9FB
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/01/00 G1 - Yew x 20 - Reduce height to approximately 3 metres as specified
<b>DECISION:</b>	Withdrawn from Agenda

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=552870](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552870)

This item was withdrawn from the Agenda by officers to allow time for further negotiation.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1527/13
<b>SITE ADDRESS:</b>	11 Bower Hill Epping Essex CM16 7AD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing bungalow and erection of a new chalet bungalow.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=551922](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=551922)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings No's: 786.02, 786.03 and the submitted location plan.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 7 No development shall take place until details of levels have been submitted to and approved in writing by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas.

The development shall be carried out in accordance with those approved details.

- 8 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 unless the Local Planning Authority gives its written consent to any variation.
- 9 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 11 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.
- 12 The proposed window opening in the northern flank elevation at first floor level shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1577/13
<b>SITE ADDRESS:</b>	Tesco Stores Ltd 77 High Street Epping Essex CM16 4BA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	New signage both illuminated and non-illuminated on and around the existing building.
<b>DECISION:</b>	Split Decision: Part Approved/Part Refused

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=552093](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552093)

Members discussed all the proposed signage in some detail and felt that the two proposed side facing gable signs were both excessively large and harmful to the visual amenity of the area.

In addition they considered that the large vinyl panels proposed on the High Street frontage were, due to their size, materials and design, harmful to the visual amenity of the area.

Members also considered that the new vinyl window sign with the words 'Store Entrance This Way' located on the store entrance elevation was visually intrusive and harmful to amenity.

The remaining signage, including the proposed gantry signs, remaining vinyl sign and the general site signage were considered acceptable.

**REFUSE PERMISSION:**

- (a) The Branding Sign and Blip applied to larger backing panel on gable of High Street/Crows Road elevation.
- (b) The Branding Sign and Blip applied to larger backing panel on gable of store entrance elevation.
- (c) Vinyl 'Store Entrance This Way' sign on store entrance elevations.
- (d) 3 vinyl graphic panels applied to wall on High Street Elevations,

**REASON FOR REFUSAL**

- 1 The proposed illuminated branding signs (a) and (b) by reason of their excessive size and scale in relation to the gables and by reason of their design with excessive area of white background and internal illumination, are over prominent in the street scene and harmful in the street scene and harmful to the character and visual amenity of the area, contrary to DBE13 of the adopted Local Plan and Alterations.
- 2 The proposed vinyl signage (c) and (d) in these prominent positions on the building are of excessive size and prominence and detract from the visual amenity of the area, contrary to DBE13 of the adopted Local Plan and Alterations.

**GRANT PERMISSION (with conditions):**

All other signage shown on drawing nos. 8877(SG) 02, 8877(90)01, 8850(20)01 and 8877(SG)01

**CONDITIONS**

- 1 The level of luminance for the illuminated signage hereby approved shall not exceed 800 candelas per sq.m..



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1667/13
<b>SITE ADDRESS:</b>	39 Dukes Avenue Theydon Bois Epping Essex CM16 7HG
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of two storey side extension and single storey rear extension. Demolition of existing single garage and erection of double garage.
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=552651](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552651)

The case officer drew Members attention to a letter received from a Theydon Bois Tree Warden with regard to concerns over the impact of the development on the street trees.

Members considered that the proposed development would have an adverse impact on the open character of this part of Theydon Bois. Taking into account the slope of the road and the proximity of the development to the flank boundary, they considered that the extension would be visually intrusive in the street scene, particularly when viewed from Heath Drive. They took into account that there was no guarantee that the softening/screening impact of the current street trees could be relied on into the future, given that they were in poor health, and that in the absence of trees the extension would have even greater adverse impact.

Members discussed whether there was a potential way forward and it was suggested that the width of the proposed extension should be reduced to enable meaningful landscape planting to take place within the site to the side of the dwelling to soften the impact of the development.

**REASON FOR REFUSAL**

- 1 The proposed side addition, due to its overall width and bulk, and proximity to the boundary of the property with Heath Drive will be overdominant in the streetscene and harmful to the character of the area, contrary to policy DBE10 of the adopted Local Plan and Alterations.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1722/13
<b>SITE ADDRESS:</b>	Land adjacent to 171 High Road North Weald Bassett Epping Essex CM16 6EB
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of detached house with 4 bedrooms
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=552836](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552836)

In introducing this item the officer apologised that there is an error in the report in that the revised application drawings show the proposed dwelling to be sited slightly closer to the rear of No. 22 Princes Close than the scheme previously approved and this is not mentioned in the report.

Members considered the proposal and there was discussion regarding in particular highway safety issues and the impact on the neighbouring property number 22. Members accepted that in the absence of an objection from County Highways with regard to safety there were not grounds to refuse on that basis. Members however considered that with the alteration to the development and its siting and felt that due to its proximity to the rear of number 22 and its length along the shared boundary it would have an unacceptably overbearing impact and result in loss of outlook harmful to the residential amenity of the occupants of that property.

**REASON FOR REFUSAL**

- 1 The proposed dwelling, due to its scale and position in relation to the rear facing windows and garden of no 22 Princes Close, would be overbearing and result in an unacceptable loss of outlook, causing harm to the residential amenity of the occupants of that dwelling, contrary to policy DBE2 and DBE9 of the adopted Local Plan and Alterations.

## **Report to Area Plans Subcommittee East**

**Date of meeting: 6 November 2013**

**Subject:** Threat of Special Measures and Refunding Of Planning Fees

**Officer contact for further information:** Nigel Richardson - Assistant Director (Development) x 4110

**Committee Secretary:** S Hill Ext 4249

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**Epping Forest  
District Council**

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### **Recommendation(s):**

- (1) That the Subcommittee notes the new threat from the Governments "Planning Guarantee" of returning planning fees where planning applications are not decided within 26 weeks from being made valid,**
- (2) That Subcommittee notes the threat of "special measures" in respect of not achieving a timely decision on Major category planning applications and the extent to which such decisions are overturned on appeal,**
- (3) That the three Area Plans sub-committees note (1) and (2) above in determining planning applications in a timely manner; and**
- (4) That the Assistant Director (Development) encourages applicants, when necessary, to sign up to pre and post application agreements to extend the time period for determination so as to avert the return of planning fees or the Authority falling into "special measures".**

### **Report**

#### **1. Reasons for Proposed Decision:**

- 1.1. (Director of Planning and Economic Development) From 1 October 2013, the Government introduced a controversial policy with a requirement for local authorities to refund any planning fees if a council fails to decide an application within 26 weeks from an application being made valid. It does not apply to planning applications already validated before 1 October. This forms part of the government's "planning guarantee" initiative to speed up the delivery of development.
- 1.2. The policy goes further, in that those local planning authorities with 20 per cent or lower major development appeal decisions dismissed or fewer than 30 per cent of major applications decided within 13 weeks over a rolling 2-year period are to be placed in special measures, which would allow an applicant to submit any future major planning applications and its fee direct to the Planning Inspectorate.
- 1.3. The Assistant Director (Development) will need to monitor the turnaround time of planning applications to safeguard against any refund of planning fees or loss of income through designation of special measures. Decision making at planning committees with a deadline for any signing of section 106 legal agreements will need to be strictly adhered to and therefore it is recommended that this report also be brought

to the attention of the planning committees, where there is potential for delays on decision making. Where appropriate and agreed by applicants, agreements into extension of time for planning applications will be used, thereby allowing a longer acceptable time for planning application determination.

## **2. Other Options for Action:**

2.1 This is new planning legislation and there are no other options for action, other than to not take advantage of the extension of time where applicable, which leaves the Council vulnerable to being put into special measures and paying back the planning fee.

## **3. Report:**

3.1 The Growth and Infrastructure Act 2013 enables the Secretary of State to designate local authorities that are considered to be performing “poorly” in their determination of major planning applications. Designation will mean that applications for major development (e.g. development of 10 or more dwellinghouses, 1,000 or more square metres of floor space or 1 or more hectares) can be made directly to the Planning Inspectorate, on behalf of the Secretary of State, instead of to the designated local authority.

3.2 The performance of local authorities is to be assessed, on a rolling 2-year basis, against both the speed with which applications for major development are dealt and the extent to which such decisions are overturned on appeal. Authorities will be assessed against each aspect independently and so could be designated as “special measures” on the basis of either aspect or both. If 30% or fewer of a planning authority's decisions are made within the statutory determination period (or any agreed extension) or 20% or more of an authority's decisions are overturned on appeal then that authority will be designated because of its poor performance. These thresholds will be kept under review, with the intention of raising them over time to help drive improvements in performance. The planning fee in these cases would also go direct to the Planning Inspectorate.

3.3 The Council's performance in terms of determining major applications in 13 weeks over a 2 year period between July 2011 and June 2013 is 55% and therefore well outside the special measures threshold. It is anticipated at the time this report was being finalized and rolling this on for the 2 year period from October 2011 to September 2013, the Council's performance is likely to be about 58%. At this current rate therefore, there would not be a threat of the Council going into special measures, but it needs to be monitored and delays avoided.

3.4 Even if a local planning authority is put into special measures, the applicants can continue to apply to a designated local planning authority, instead of the Planning Inspectorate, if they wish to. It is important to note that applications made directly to the Planning Inspectorate forfeit any subsequent right of appeal. Designation can be revoked if the Secretary of State is satisfied that the designated authority has provided adequate evidence of sufficient improvement against its identified weaknesses. It is proposed that designation (and de-designation) should be undertaken once a year.

3.5 The “Planning Guarantee” means that all planning application types (not just Majors)

should spend no more than 26 weeks with either the local planning authority or, in the case of appeals, the Planning Inspectorate. While the risk of designation through poor performance should help to deliver the Guarantee, the Government now proposes also to require, as an additional measure, a refund of the planning application fee where any planning application remains undecided after 26 weeks. Applications awaiting a final decision because of the need to sign a Section 106 legal agreements are therefore going to be particularly vulnerable to meet this target, and potentially delays caused because of the late signature of the applicant.

3.6 It does mean that planning and legal officers will be faced with tougher timescales which could have direct financial consequences on Development Control income, particularly if developers are unwilling to sign up to an extension of time for determination on planning applications or hang on to, say the 27<sup>th</sup> week before signing a section 106 agreement, for example. The area planning subcommittee's meet on a 4-weekly cycle but any planning application requiring a decision at District Development Control Committee takes longer because of the 8-week cycle and in many cases have already been to an area committee meeting beforehand. Members of those committees therefore need to be made aware that deferring a decision from one committee meeting to another (the usual reason being for a Members site visit) should only be done in very exceptional cases and indeed, planning officers will look to encourage any formal Members site visits to be taken before the committee meeting. Planning application officers will also need to be aware of the deadline should any delegated applications approach this deadline, although this is very rare.

3.7 Agreements to extend the time for determination can be made for both major development applications and other applications that would normally be determined within 8 weeks. However, for the overall credibility of the planning system, extensions of time should really be the exception and efforts made to meet the statutory timescale wherever possible. In most cases this additional time will provide an opportunity for matters to be resolved positively so that a proposal can be recommended for consent. If an application is unacceptable in principle or cannot be modified to become acceptable it is likely that it will be determined within the statutory period. Clearly, the advantage of the extension of time, which requires the agreement of the applicant/developer, is that this becomes the new target date and if met, will not count against our performance.

#### **4. Summary:**

4.1 This report therefore serves the purpose of bringing to attention the possible financial consequences if there is no extension of time agreement in place if the 26 week target date is not met and secondly, if the time taken to decide Major planning applications in 13 weeks falls below 30% (20% for appeals). The concern though is not just financial, but also a democratic one if committee and delegated planning applications decision making is taken out of consideration by this authority.

4.2 There is a possibility that the terms of reference for District Development Control Committee and Area Plans Sub-Committees may need to be reviewed so that the time taken for reporting planning applications to a meeting, particularly major type applications, can be reduced.

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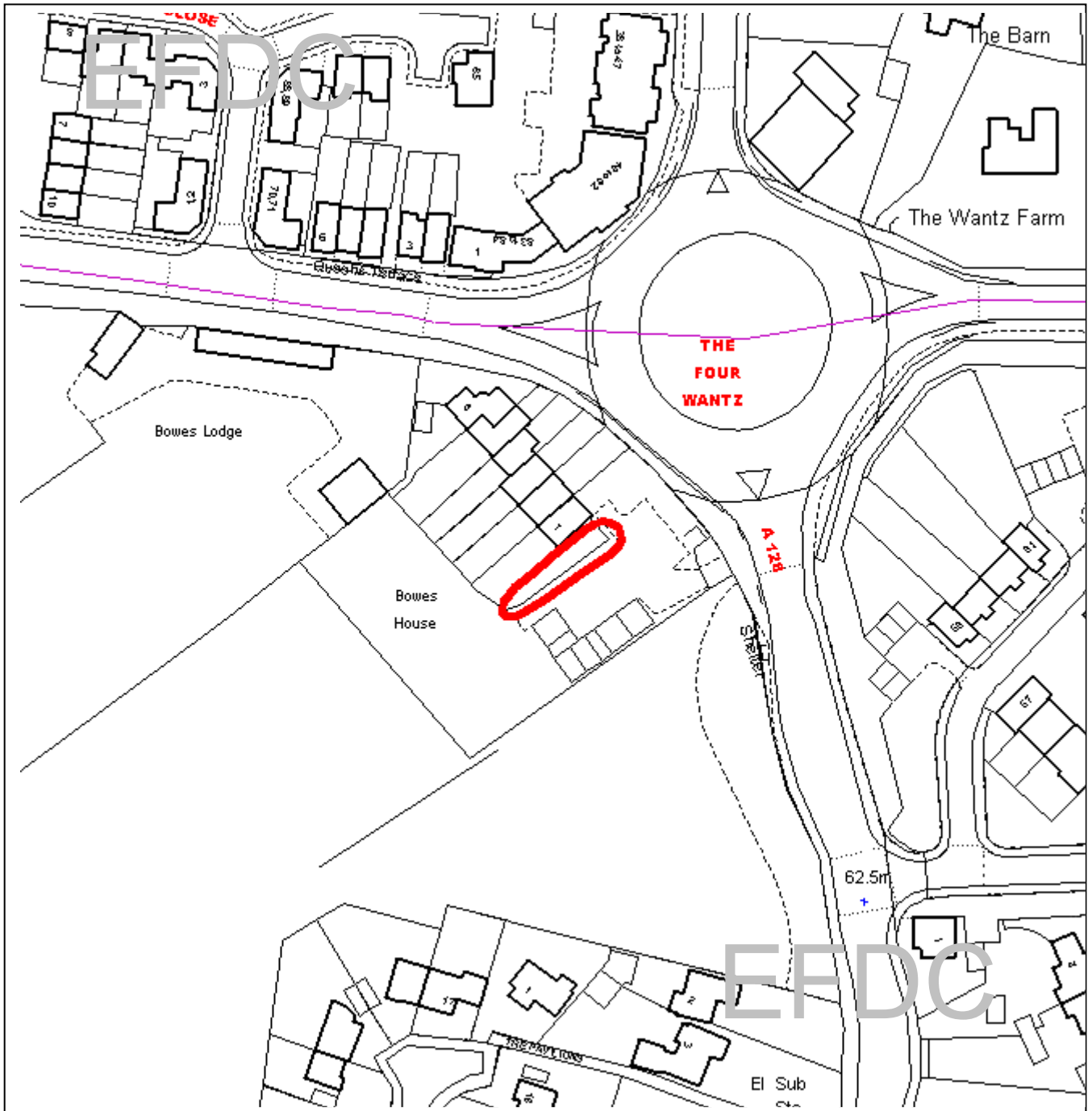
**AREA PLANS SUB-COMMITTEE 'EAST'**  
**Date 6 November 2013**  
**INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES**

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/1730/13	Bowes House, High Street, Ongar CM5 9FB	GRANT	24
2	EPF/1919/13	Forest House, Thornwood Road, Epping CM16 6SX	GRANT	28
3	EP/2053/13	Winchelsea House, High Road, Epping, CM16 4DD	GRANT	32
4	EPF/2113/13	Durrington House, Sheering Lower Road, Sheering, CM17 0NE	GRANT	36
5	EPF/1778/13	Pound Field rear of 29 to 69, Bell Common, Epping	GRANT	40
6	EPF/1886/13	Rear of 8 Margaret Road, Epping, CM16 5BP	GRANT	46
7	EPF/1887/13	22 Regent Road, Epping CM16 5DL	GRANT	52
8	EPF/1891/13	Land r/o 59-61 High Road, North Weald, CM16 6HP	GRANT	56
9	EPF/1924/13	3A Hemnall Street, Epping, CM16 4LR	GRANT	66



# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/1730/13
Site Name:	Bowes House, High Street, Ongar, CM5 9FB
Scale of Plot:	1/1250



**Report Item No:1**

<b>APPLICATION No:</b>	EPF/1730/13
<b>SITE ADDRESS:</b>	Bowes House High Street Ongar Essex CM5 9FB
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Four Wantz Management Co.
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/01/00 G1 - Yew x 20 - Reduce height of 18 trees approximately 3 metres, as specified
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=552870](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552870)

**CONDITIONS**

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.
- 2 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (2010) (or with any similar replacement Standard).

*This application is before this Committee since it is effectively for the felling of the trees. Therefore the Director of Planning and Economic Development considers it as appropriate to be presented for a committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))*

**Description of Site:**

The row of some 20 yew trees, each 9 metres tall, forms the side boundary of the applicant's garden. They screen views from the gated road entrance and the communal car park and garaging. The property, a grand red brick building has been converted into six residential dwellings.

**Description of Proposal:**

G1. Yew x 20 – Reduce all but the two trees standing at the front eastern end of the row to approximately 3 metres in height, as specified.

### **Relevant History:**

TRE/EPF/1730/13 to reduce all trees in the row to 3 metres in height was withdrawn  
TPO/EPF/01/00 was served to protect a visually prominent row of trees which were at risk from unsympathetic pruning. The TPO was intended to ensure that the trees would be able to continue to develop reasonably naturally.

TRE/EPF/744/00: APP/CON selective pruning.

TRE/EPF/582/07: APP/CON crown reduction in height by up to 1.7 metres and spread by up to 1 metre in branch length.

### **Relevant Policies:**

LL9: Felling of preserved trees.

*'The Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified.... Any such consent will be conditional upon appropriate replacement of the tree'*

### **Summary of Representations**

ONGAR PARISH COUNCIL : no objection subject to the approval of the arboricultural officer

### **Issues and Considerations:**

#### Introduction

The original application to convert this line of trees into a 3 metre hedge; the equivalent of felling them, was considered unacceptable and recommended for refusal but withdrawn from the last committee meeting to allow further discussions with the applicant to seek a negotiated way forward. The amended application retains the most prominent individuals towards the front of the site at their full height.

#### Application

The applicant's tree surgeon gives the following reasons for this application:

- i) The applicant's house is within range of these trees and could be damaged in the event of a failure, which is more likely because of poor past pruning.
- ii) Reducing the hedge will prolong its life span.
- iii) Ground compaction has restricted the root system. Reduction will place less demands on the root system.

The director of the management company also lists the following concerns:

- i) Falling debris from the dying trees present risks to children playing nearby and cars parked next to them
- ii) The yew trees are very close to 1 Bowes House.
- iii) Ivy is suffocating the trees and preventing light into their middles making them weak because they grow too high
- iv) Two tree surgeons agree that the trees are in urgent need of attention

### **Key issues and discussion**

Both the arborist and the director raised the issue of the trees' proximity to 1 Bowes House. While the trees show areas of bare wood on stems and some dead branches there is no evidence of

significant weakness or any general threat that could not be alleviated by sympathetic, minor pruning. Neither is debris an issue that would justify effective loss of all the trees. Ivy might be contributing to the sparse areas of crown but could be stripped out. Nor is there any clear sign of root based symptoms from ground compaction in the tops of the trees, which are growing vigorously.

It is accepted that the growth of the hedgerows along the site frontage means that the line of trees is not as prominent as it was and the main contribution comes from the trees towards the eastern, High Road end. Therefore, with the specific retention of the end two individuals, visual amenity is largely maintained and in time these two trees will be allowed to establish fuller, naturally shaped crowns and increase their public presence. The reduced hedge will also remain visible from the entrance gate.

### **Conclusion**

The negotiated proposal to retain the two most prominent trees of greatest public amenity value provides sufficient justification to allow the rest of this row of trees to be reduced to 3 metres in height and continue to function as an amenity hedge. The amended application is in accordance with Local Plan Landscape Policy LL9 and is recommended for approval

In the event of Members allowing the reduction of the trees, it is recommended that the condition normally requiring replanting, is waived.

***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: Robin Hellier  
Direct Line Telephone Number: 01992 564546***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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Application Number:	EPF/1919/13
Site Name:	Forest House, Thornwood Road, Epping, CM16 6SX
Scale of Plot:	1/1250

**Report Item No:2**

<b>APPLICATION No:</b>	EPF/1919/13
<b>SITE ADDRESS:</b>	Forest House Thornwood Road Epping Essex CM16 6SX
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Jagdish Sandhu
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/13/08 T5 - Robinia - Fell T6 - Robinia -Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=553870](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=553870)

**CONDITIONS**

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.
- 2 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

*This application is before Committee since all applications to fell protected trees are outside the scope of delegated powers*

### **Description of Site**

These two trees stand in a raised bed, near the entrance and on the boundary of front of this detached residential property. They are part of a largely evergreen collection of trees including Yew, Wellingtonia and a boundary screen of cypress hedging. The trees are publicly visible but only from the end of this residential cul de sac. They add their light green presence to the immediate locality.

### **Description of Proposal**

G5. Robinia. Fell tree to ground level.  
G5. Robinia. Fell tree to ground level.

### **Relevant History**

TPO/EPF/13/08 was served as part of the re protection of tree previously protected by a County Order.

### **Policies Applied**

LL9: Felling of preserved trees. The Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the trees.

### **Summary Of Representations**

EPPING TOWN COUNCIL had not commented on the proposal at the time of writing this report.

### **Issues and Considerations**

#### *Introduction*

The proposal to fell these trees forms part of a wider application to manage trees in this largely hard surfaced outdoor space around the house. The reasons given for the application are summarised, as follows:

T6 was 80% dead and T5 was 90 % dead, as confirmed by officer inspection and letter dated 21<sup>st</sup> August 2013, prior to the submission of this application.

#### *Planning considerations*

##### *Tree health*

At the time of inspection on 8<sup>th</sup> October 2013 T5 had been felled and T6 showed clear signs of advanced decline, with less than 5 years safe future life expectancy, exaggerated by the heavy cladding of dead ivy.

### *Amenity value*

The two trees were both visible from within the cul de sac but were entirely hidden from the main road by numerous evergreen trees around the locality. Their removal will not have a great landscape impact and will be mitigated for by replacement planting.

### *Replacement planting*

The owner proposes to replace the two trees with a Gleditsia, a similar tree to the Robinia and an Indian Bean tree. Both these are attractive ornamental species, suitable for small to medium sized plots. He also wants to establish a new boundary hedge with Yew and Hornbeam as suggestions. This will maintain a boundary screen and offer privacy from neighbouring properties.

### **Conclusion**

T5 is exempt as dead and the remaining tree; T6 is in terminal decline. Replacements will adequately mitigate for their loss. It is, therefore, recommended to grant permission to fell T6 on the grounds that the reason given justifies the need for the tree's removal. The proposal is in accordance with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling then a condition requiring appropriate replacements and a condition requiring 5 days written notice prior to the works commencing should be attached to the decision notice.

***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: Robin Hellier***

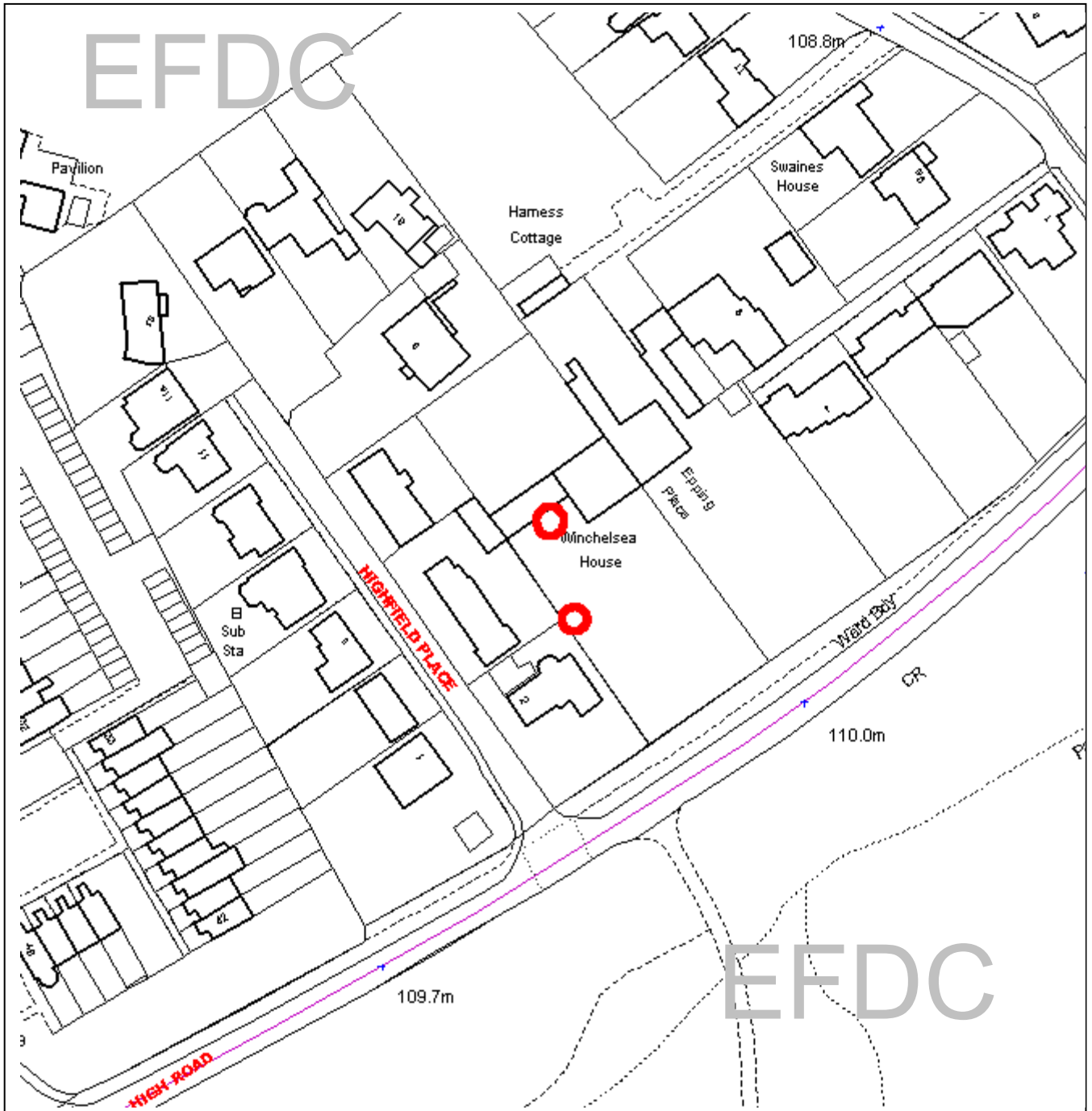
***Direct Line Telephone Number: 01992 564546***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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Application Number:	EPF/2053/13
Site Name:	Winchelsea House, High Road, Epping, CM16 4DD
Scale of Plot:	1/1250



**Report Item No:3**

<b>APPLICATION No:</b>	EPF/2053/13
<b>SITE ADDRESS:</b>	Winchelsea House High Road Epping Essex CM16 4DD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Lisa Davies
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/21/91/G3 Sycamore - Fell Beech - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=554650](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554650)

**CONDITIONS**

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

*This application is before Committee since all applications to fell protected trees are outside the scope of delegated powers*

**Description of Site**

These two trees are part of a mature tree collection in the large front garden of this II\* listed Queen Anne house. T8, Sycamore stands in a broadly circular brick raised bed, near to the house producing a turning circle in front of the attached stable block.

T9, Beech forms part of the boundary screen of large trees. Both trees are publicly visible but only from the drive entrance and frame the house and drive.

## **Description of Proposal**

T8. Sycamore. Fell tree to ground level.

T9. Beech. Fell tree to ground level.

## **Relevant History**

TRE/EPF/1897/01 granted permission for pruning.

TRE/EPF/1683/03 granted permission for minor pruning to two sycamores

A tree that once stood near to T8 Sycamore has been removed.

## **Policies Applied**

LL9: Felling of preserved trees. The Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the trees.

## **Summary Of Representations**

EPPING TOWN COUNCIL: object to felling of mature trees unless the arboricultural officer at the district council considers this action necessary.

## **Issues and Considerations**

### *Introduction*

The felling proposal forms part of a wider application to manage many of the trees across the property. The reasons given for the need to fell these trees in particular application are summarised, as follows:

T8 Sycamore : decay at base. Heavily weighted towards house. Decay at buttresses and peeling bark.

T9 beech: inclusive bark and large cavities at 1.5 -2 metres on trunk

### *Planning considerations*

#### *Tree health*

Inspection of T8 showed large areas of dry sapwood once large sheets of dead bark, extending from the stem base extensively up the trunk. A lower limb has died and the general vigour of the crown was poor. From the one sided crown form and lean of the trunk it is evident that the tree grew next a similar sized neighbour. It is unlikely that this tree has more than 5 years safe future life expectancy.

A ground level inspection of T9 Beech revealed a profusion of fungal fruiting bodies growing around the tree across the rooting zone. The stem base has a large cavity extending into the ground and from this hole a fold of included bark extends up the trunk to the low fork. Two massive stems form the main crown at a height of about 12 metres. The pruning history is very evident in several large stem wounds, which have decayed to such an extent that deep cavities have developed. There are stains on the stem and emerging from the included bark seam. The crown foliage shows normal vigour but structural faults are sufficiently serious that its long term retention is not viable.

### *Amenity value*

The two trees were both visible from the property entrance but were largely hidden from the main road by the front boundary screen.

### *Replacement planting*

A new tree in the brick raised bed might be easily accommodated and another new tree might be planted on the main grassed lawn to provide good visual amenity in to the future.

### **Conclusion**

These trees have a number of physical problems such that both might fail within the next 5 years. Suitably located and specially chosen replacements will mitigate for their loss. It is, therefore, recommended to grant permission to fell T8 and T9 on the grounds that the reasons given justify the need for both trees to be safely felled. The proposal is in accordance with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling then a condition requiring appropriate replacements and a condition requiring 5 days written notice prior to the works commencing should be attached to the decision notice..

***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: Robin Hellier***

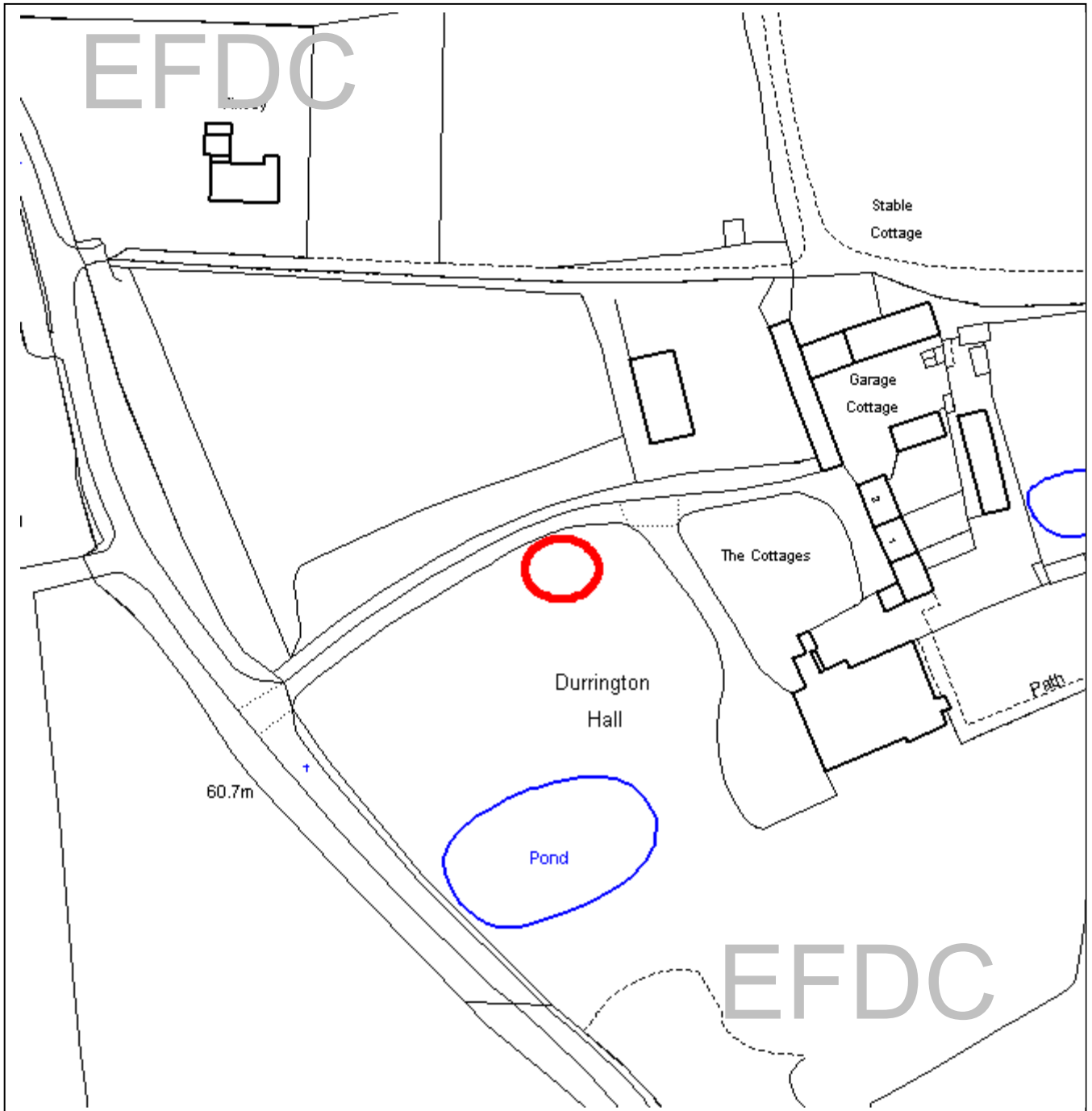
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# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/2113/13
Site Name:	Durrington House, Sheering Lower Road, Sheering, CM17 0NE
Scale of Plot:	1/1250

**Report Item No:4**

<b>APPLICATION No:</b>	EPF/2113/13
<b>SITE ADDRESS:</b>	Durrington House Sheering Lower Road Sheering Harlow Essex CM17 0NE
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Lower Sheering
<b>APPLICANT:</b>	Mr Oliver Lancaster
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/47/10 G1 - Horse Chestnut - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=554950](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554950)

**CONDITIONS**

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

*This application is before Committee since all applications to fell protected trees are outside the scope of delegated powers*

**Description of Site**

This mature lapsed pollard Horse chestnut stands at a turn in the main drive leading to the grade II\* listed Georgian Mansion about 80 metres from Sheering Lower Road. As the end component of a line of seven tall specimens, this chestnut contributes significantly in the visually powerful private avenue when viewed from within the site.

## **Description of Proposal**

T8. Horse Chestnut. Fell tree to ground level.

## **Relevant History**

TPO/EPF/47/10 was served as a part of the district wide re-protection survey following the revocation of County orders.

## **Policies Applied**

LL9: Felling of preserved trees. The Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the trees.

## **Summary Of Representations**

SHEERING PARISH COUNCIL had not commented at the time of this report being written.

## **Issues and Considerations**

### *Introduction*

The felling proposal originates in an inspection of trees at the site for health and safety reasons.

### *Application*

The surveyor noticed two serious problems with this tree and recommended in a her tree report that it be felled for the following reasons:

- i) A mature fungal bracket attached to the base of the trunk, likely to be *Perenniporia fraxinea* was recorded. This fungus causes a softening of the wood in the base, which can lead to stem breakage.
- ii) A pollard pole in the crown of the tree has snapped out in the distant past which has led to the development of a large cavity, probably deep. Big stems grow from the outer rim of this cavity which could fail due to such compromised attachment points.

### *Key Issues and discussion*

Inspection of the tree noted both the above problems. Despite the good vitality shown by the tree it is accepted that the type of decay fungus found and the size of the old wound will seriously compromise the tree's strength both at its base and at the crown break pollard points. It is possible that the tree may stand for many years but there is a real risk that the tree may fail wholly or partially. The option to prune would alleviate the pressure on the compromised crown but would not provide a lasting solution due to the presence of the large bracket fungus at the tree's base.

*Amenity value*

The visual amenity provided by the tree from outside the private drive and gardens is negligible. Its loss would not be publicly noticed.

*Replacement planting*

The report recommends that the tree should be replaced with a good sized lime ( 12 -14 cm in girth) planted in the vicinity, near to the corner of the drive but not in exactly the same location.

**Conclusion**

This tree has two serious physical problems such that it might fail wholly or partially in the near future. A well located and specially chosen replacement will mitigate for its loss in the long term. It is, therefore, recommended to grant permission to fell this chestnut on the grounds that the reasons given justify the need for its removal. The proposal is in accordance with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling then a condition requiring a replacement and a condition requiring 5 days written notice prior to the works commencing should be attached to the decision notice.

***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: Robin Hellier***

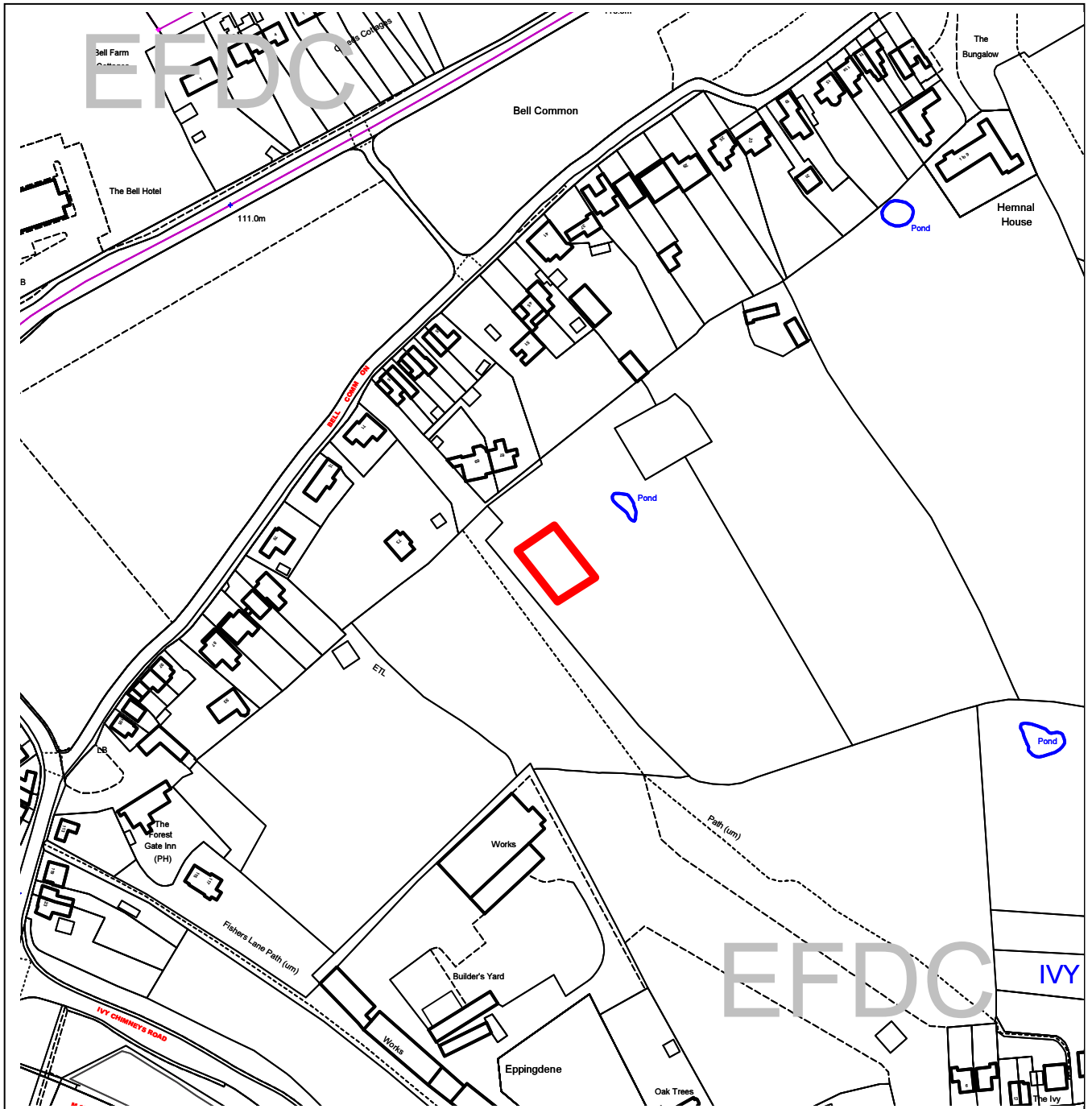
***Direct Line Telephone Number: 01992 564546***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 5



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Application Number:	EPF/1779/13
Site Name:	Pound Field rear of 29 to 69, Bell Common, Epping
Scale of Plot:	1/2500



**Report Item No:5**

<b>APPLICATION No:</b>	EPF/1779/13
<b>SITE ADDRESS:</b>	Pound Field rear of 29 to 69 Bell Common Epping Essex
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Dr Anne Fox-Robinson
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of a 20m x 40m horse exercise area.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=553058](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=553058)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved Location Map, Layout Plan, Detail of Fence and Sleeper Construction Plan, and drawing no. 1936-4 Rev: C
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The horse exercise area hereby permitted shall be used solely in conjunction with horses kept permanently at the site known as Pound Field, Bell Common, and shall not be used by horses brought onto the site for competitions or events or with the primary purpose of using the exercise area.
- 5 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)*

### **Description of Site:**

The application site is 2.6 hectare parcel of land to the rear of No's. 29 to 69 Bell Common that is used for horsekeeping. There are currently two stable buildings located within the north eastern corner of the site and an access track along the northern boundary. Access to the site is between No's 65 and 71 Bell Common.

### **Description of Proposal:**

Consent is being sought for the change of use from an existing grazing area to a horse exercise area. This would measure 20m by 40m and would be enclosed by railway sleepers and a three rail 'post and rail' fence. The exercise area would be surfaced in sand above a clay base with a membrane separating the two materials.

### **Relevant History:**

EPF/0802/10 - The retention of 2 x three box stables, hay store and associated access track and parking areas for use in association with DIY horse livery – withdrawn 22/06/10

Enforcement investigations have taken place on the site since 2009, initially with regards to the erection of new stables and laying of hardstanding, and more recently with regards to a caravan being placed on the site. However there are no current investigation as all previous complaints have been dealt with.

### **Policies Applied:**

GB2A – Development within the Green Belt  
GB7A – Conspicuous development  
DBE9 – Loss of amenity  
ST4 – Road safety  
ST6 – Vehicle parking  
LL2 – Inappropriate rural development  
RST4 – Horse keeping

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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

19 neighbouring properties were consulted. No Site Notice was required.

TOWN COUNCIL – No objection.

CITY OF LONDON (CONSERVATORS OF EPPING FOREST) – Object as this site is within the Green Belt and the proposed manege will result in a development conspicuous from the Green Belt that detracts from its visual amenity and which will not enhance the character and appearance of the landscape.

31 BELL COMMON – No objection but do not wish to see additional parking behind properties in Bell Common or on the highway.

71 BELL COMMON – Object due to the inadequate access, insufficient parking, and due to business use taking place here and the impact on neighbours amenities.

77 BELL COMMON – Object as the site is located within the Green Belt, the access and parking/turning facilities in the site are inadequate for large vehicles and trailers, and as the use of the site for events and increased number of horses would be detrimental to neighbours amenities.

### **Issues and Considerations:**

The main issues here relate to the impact on the Green Belt, neighbours amenities, and with regards to highway and parking issues.

#### **Green Belt:**

Horsekeeping is recognised as an outdoor recreational use that retains openness (subject to the level of built form) and is often considered an acceptable form of development within the Green Belt. The Councils records show that this paddock has been used for horsekeeping for a number of years and therefore the only consideration is the impact from the engineering operation required to construct the horse exercise area.

Although the horse exercise area would introduce a large area of semi-hardstanding (sand) to this green field, it is not considered that the proposed development would be detrimental to the openness of the Green Belt and examples of this type of development can be found throughout the District. The area would be enclosed by a traditional post and rail fence, which is not considered harmful to the appearance or character of the Green Belt, and would serve the existing stables and paddock.

#### **Neighbours amenities:**

The proposed horse exercise area would be located close to the entrance to the field but would be set at least 16m from the shared boundary with adjacent neighbouring properties. Whilst concern has been raised with regards to the potential commercial use of the site and the impact this could have on neighbours amenities, a condition can be imposed to ensure that this area is only used in connection with the existing stables/paddock and not used for competitions, shows, or by horses bought onto the site specifically to use this exercise area.

Concerns have been raised about horse muck being deposited and left on the public highway, which could increase if more horses use the site. As stated above the exercise area can be conditioned so that it is only used by horses stabled/grazed on the site, and therefore this would not increase the number of horses using this paddock. Furthermore the concerns raised regarding horse muck being deposited/left on the highway are not considered to be material planning considerations.

#### **Highways/parking:**

The proposed horse exercise area can be conditioned so that it is only used by horses stabled at Pound Field. As such, there would be no increase in vehicle movements associated with this development, nor any change to vehicle access or parking arrangements already serving the paddock.

### **Conclusion:**

The proposed development would provide an exercise area to serve horses using the existing stables and paddock and would be located within a field currently used for grazing and exercising horses. This development would not constitute inappropriate development and would not be detrimental to surrounding neighbours, and as such the application complies with the relevant Local Plan policies and is recommended for approval.

***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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

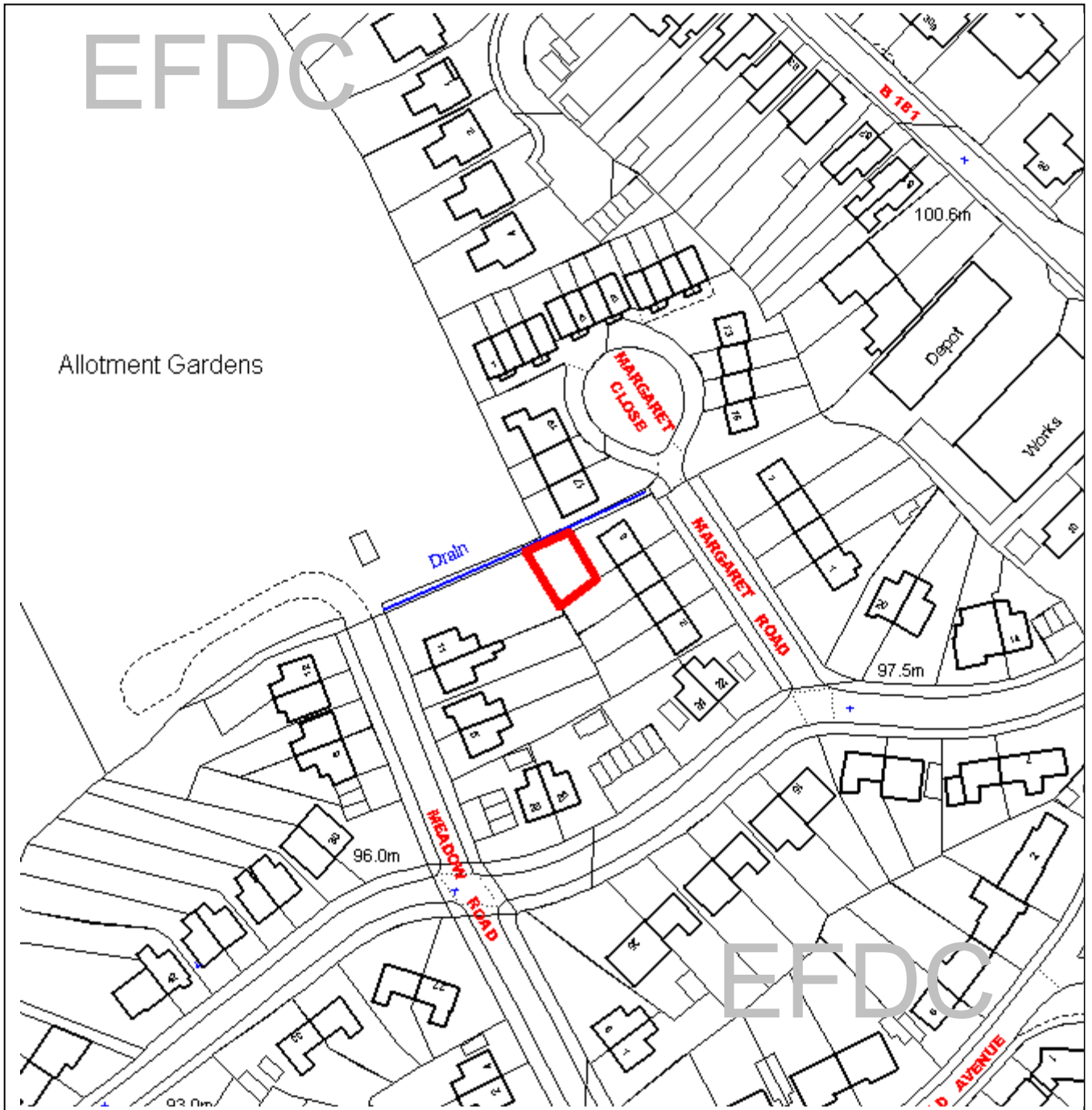
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 6



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Application Number:	EPF/1886/13
Site Name:	Rear of 8 Margaret Road, Epping, CM16 5BP
Scale of Plot:	1/1250

**Report Item No:6**

<b>APPLICATION No:</b>	EPF/1886/13
<b>SITE ADDRESS:</b>	Rear of 8 Margaret Road Epping Essex CM16 5BP
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Theydon Trusts Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=553651](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=553651)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved Location Plan and drawing no: 2923/1.
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part A, Class A and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 6 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*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 (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

**Description of Site:**

The site consists of the rear (and in the case of No. 8 side) garden areas of No's. 6 and 8 Margaret Road. The site is located on the western side of Margaret Road, which together with Margaret Close forms a small cul-de-sac containing single storey dwellings owned and operated by Theydon Trust Ltd. This cul-de-sac provides affordable/social housing for those who do not qualify for Local Authority housing. The proposed dwelling would add to this stock of affordable housing provided by Theydon Trust Ltd. The application site slopes downwards to the rear and is situated on land approximately 700mm lower than the neighbour at No. 17 Margaret Close.

**Description of Proposal:**

A revised application for the erection of a one-bed bungalow to the rear of the site with a private garden and off-street parking. The proposed bungalow would be a simple pitched roof dwelling measuring 7.4m in width and 6.5m in depth and would have a ridge height of 5.3m. The proposal would include the provision of off-street parking space to the front/side of the site to serve the new property and a 'potential' parking space to the front of No. 8 Margaret Close to serve the existing dwelling.

**Relevant History:**

EPF/2124/12 - Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing – refused 20/12/12  
EPF/0696/13 - Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing (resubmitted application) – refused 01/07/13

**Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP7 – Urban Form and Quality  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE8 – Private Amenity Space  
DBE9 – Loss of Amenity  
ST1 – Location of development  
ST4 – Road Safety  
ST6 – Vehicle Parking



The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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

6 neighbouring properties were consulted. No Site Notice was required.

TOWN COUNCIL – Object to the proposal viewing it as an overdevelopment of a small site with insufficient amenity space.

### **Issues and Considerations:**

The main issues in this application would be the suitability of the site for development, design, amenity considerations, and regarding parking and highway safety. The previous application was refused at District Development Control Committee for the following reasons:

**The proposed development, due to its location and scale, would constitute a cramped form of development out of character with the surrounding area and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP7 and DBE1 of the adopted Local Plan and Alterations.**

**The proposed development, due to its location within the site, would result in an excessive and detrimental effect on the amenities of the residents of No. 8 Margaret Road, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.**

To address the above this application has relocated the proposed dwelling to the rear of No. 8 Margaret Road and has incorporated the rear part of the garden of No. 6 Margaret Road for private amenity space. This has also allowed the proposed dwelling to be enlarged in size from the previous 4.9m x 7m with a ridge height of 4m to 7.4m x 6.5m with a ridge height of 5.3m.

The published minutes of the previous DDCC meeting states that:

*“The Committee, after confirming its refusal, suggested that a more favourable decision could be made if a new application for planning permission proposed similar scale development that did not appear cramped on the site”.*

The layout of this revised scheme follows the indicative plan previously presented before committee, and the applicant draws attention to a similar scheme approved to the rear of 17-21 Thornwood Road, Epping (Ref: EPF/1029/10).

As such, the main considerations in this revised scheme are whether this has overcome the previous reasons for refusal and as to any further issues that may result from this altered layout/proposal.

### **Suitability of site:**

It was previously accepted that the location of the site within the built up urban town of Epping, which is well served by local amenities and sustainable transport means, is a sustainable location. Furthermore Councillors officially “*noted the good work of the trust in providing accommodation*”.

This revised application has incorporated a larger site than previously proposed through the inclusion of the rear garden of No. 6 Margaret Road, which is in part off-set by the increased size of the proposed dwelling. The proposed new bungalow would still be a fairly small dwelling located on a small site. It would be built across the entire width of the site and would have a relatively small garden area measuring just 45 sq. m. Due to this the Town Council have raised an objection on the basis that this is “*an overdevelopment of a small site with insufficient amenity space*” (whereas they raised no objection to the previous scheme).

The Town Councils concerns about this proposal are well founded and it is considered that this is still a cramped site and would have a very small level of amenity space. Nonetheless, Councillors previously seemed receptive to some form of additional development by Theydon Trust, with the previously presented indicative plans appearing to be a possible option. Although the example put forward in Thornwood Road is similar to this proposal, this is on a larger plot (spanning the rear gardens of three original houses) and the dwelling is set in from both side boundaries. Nonetheless, the relocation of the bungalow to the rear of No. 8 Margaret Road would make this less visible from the street scene, and the enlarged plot has gone some way to address the Councils previous concerns with this being a cramped form of development. The level of amenity space proposed, whilst small, does meet the expected requirements for a small two room dwelling such as this. Therefore it would be difficult to argue that this garden is insufficient.

As such, whilst it is still considered that this is a cramped overdevelopment of the site, it is considered a balanced case that is tipped in favour of approval due to the previously expressed support from Councillors on the work of Theydon Trust and the benefit of providing an additional small affordable unit within this estate. Furthermore, the NPPF clearly states that the ‘presumption in favour of sustainable development’ should be seen as a golden thread running through the planning system. As this proposal would broadly meet the requirements of sustainable development, this is given weight in favour of the scheme.

#### Amenity Considerations

The second reason for refusal on the previous application was due to the impact on the amenities of residents of No. 8 Margaret Road. The relocation of the building from the side garden (although previously it encroached into the rear garden of the original property) to the rear of this site would go some way to appease this previous concern, however this would now be located directly behind No. 8 Margaret Road at a distance of just 6.5m from their rear windows. As the overall height of the building has been increased by 1.3m and the proposed new bungalow would be gable ended where it adjoins the shared boundary, it is still considered that there would be some detrimental impact on the residents of No. 8 Margaret Road (and to a lesser degree No. 6).

Notwithstanding the above, the proposed dwelling would now have a very similar impact as the example at Thornwood Road, which was approved in 2010. Therefore, whilst not ideal, on balance it is considered that the impact on neighbour’s amenities may be acceptable. No comments or objections have been raised by the residents of No’s. 6 and 8 Margaret Road.

#### Design

The enlarged size of the proposed bungalow would bring this property more in line with the overall scale and appearance of the surrounding properties within this cul-de-sac. Although there are still concerns about the cramped form of this development, as stated above, it is considered that the overall appearance of the property would not be unduly detrimental to the character of the area and, due to its relocation, would not be readily visible within the street scene.

### Parking/Highways

The application proposes a parking area to the front/side of the site, which would be of a size suitable to provide adequate off street parking and turning area to comply with the Essex County Council Vehicle Parking Standards.

### Other matters

Whilst the applicants are Theydon Trust Ltd. who provide affordable/social housing within this cul-de-sac, and it has been emphasised that this new dwelling would also provide an affordable dwelling, there is still a concern that there has been no legal agreement or draft heads of terms submitted to ensure this. As such, whilst this may be considered a benefit that weighs in favour of the scheme, at present this cannot be secured.

### **Conclusion:**

Whilst it is appreciated that the revised development has gone some way to address the previous reasons for refusal, there are nonetheless still concerns about this being a cramped form of development and being detrimental to the amenities of neighbouring residents. However, given the previously expressed support for additional housing by Theydon Trust from Members, along with a similar example that was granted planning permission at Thornwood Road, this is considered a balanced case. As the NPPF seeks Local Planning Authorities to make decisions in line with the 'presumption in favour of sustainable development', which this is, then it is considered that the development is broadly in line with guidance contained within the NPPF and Local Plan policies and therefore the application is recommended for approval.

***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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 7



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Application Number:	EPF/1887/13
Site Name:	22 Regent Road, Epping, CM16 5DL
Scale of Plot:	1/1250

**Report Item No:7**

<b>APPLICATION No:</b>	EPF/1887/13
<b>SITE ADDRESS:</b>	22 Regent Road Epping Essex CM16 5DL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Mike Tebbutt
<b>DESCRIPTION OF PROPOSAL:</b>	Double storey side and double/single storey rear extensions.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=553670](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=553670)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed window opening in the flank elevation at first floor level shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

*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 (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

**Description of Site:**

22 Regent Road is a two storey semi-detached property on the east side of the road. The property is within the built up area of Epping and is not within the Conservation Area or the Metropolitan Green Belt.

### **Description of Proposal:**

Two storey side and part two, part single storey rear extensions. The side extension is 1.1m wide and is set back from the main front wall of the property by 1.7m. The rear extension is 3m in depth and the ground floor element is the full width of the property. The first floor element is set in from the boundary with No. 24 by 2.35m. It is worth noting the exact same scheme was approved by committee under application number EPF/1272/10 which lapsed on 17<sup>th</sup> September this year.

### **Relevant History:**

EPF/1127/03 – Single storey rear extension – Approved (Not implemented).

EPF/1272/10 - Two storey side and part two, part single storey rear extensions. Approved (Not implemented).

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

DBE9 – Impact on Amenity

DBE10 – Extensions to Dwellings

CP2 – protecting the Quality of the Rural and Built Environment

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **SUMMARY OF REPRESENTATIONS:**

EPPING TOWN COUNCIL: Objection. Committee object to this application which at 3m deep over two floors will result in an overbearing addition, harmful to the amenities of neighbouring properties

EPPING SOCIETY: Objection. The size of the extension is overbearing relative to the neighbour.

### **Issues and Considerations:**

The main issues that arise with this application are considered to be the following:

- Amenity of Neighbouring Properties
- Design Issues

#### **Amenity of Neighbouring Properties**

This application has previously been approved by committee and there have been no material changes on site.

It is not considered that the single storey element and side extension has a detrimental impact on No. 24 Regent Road. The first floor element is set in from the shared boundary by 2.35m and using the 45° rule to ascertain impact on outlook by measuring from the nearest first floor window, the line is clear of the proposal. It is therefore not considered that the proposal has any significant impact on No. 24.

With regards to the detached neighbour, No. 20, this property is set slightly behind the rear building line of No. 22 and therefore the proposal extends approximately 4.2m beyond the rear of this property. The nearest first floor window is a corner bedroom window that is both side and rear facing. The 45° line when measured from this window does just cut across the proposal, however the window gains light from two elevations and there is just under 3m separation between the properties which is considered sufficient to minimise any potential loss of amenity. Due to the orientation of this window and the property, there would be no material loss of sunlight and indeed this window would not receive much sunlight presently.

### Design Issues

The proposals are considered to complement the existing house and are not considered to disrupt the character of the streetscene. A gap of 1.0m is retained to the boundary which would avoid any terracing effect and as such is in compliance with policy. Other properties along Regent Road have had similar extensions which have a similar relationship with their neighbours.

### Conclusion:

The proposal is not considered to result in a significant loss of amenity to neighbouring properties of such a scale to justify a refusal and the design is considered acceptable. Approval is therefore recommended.

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

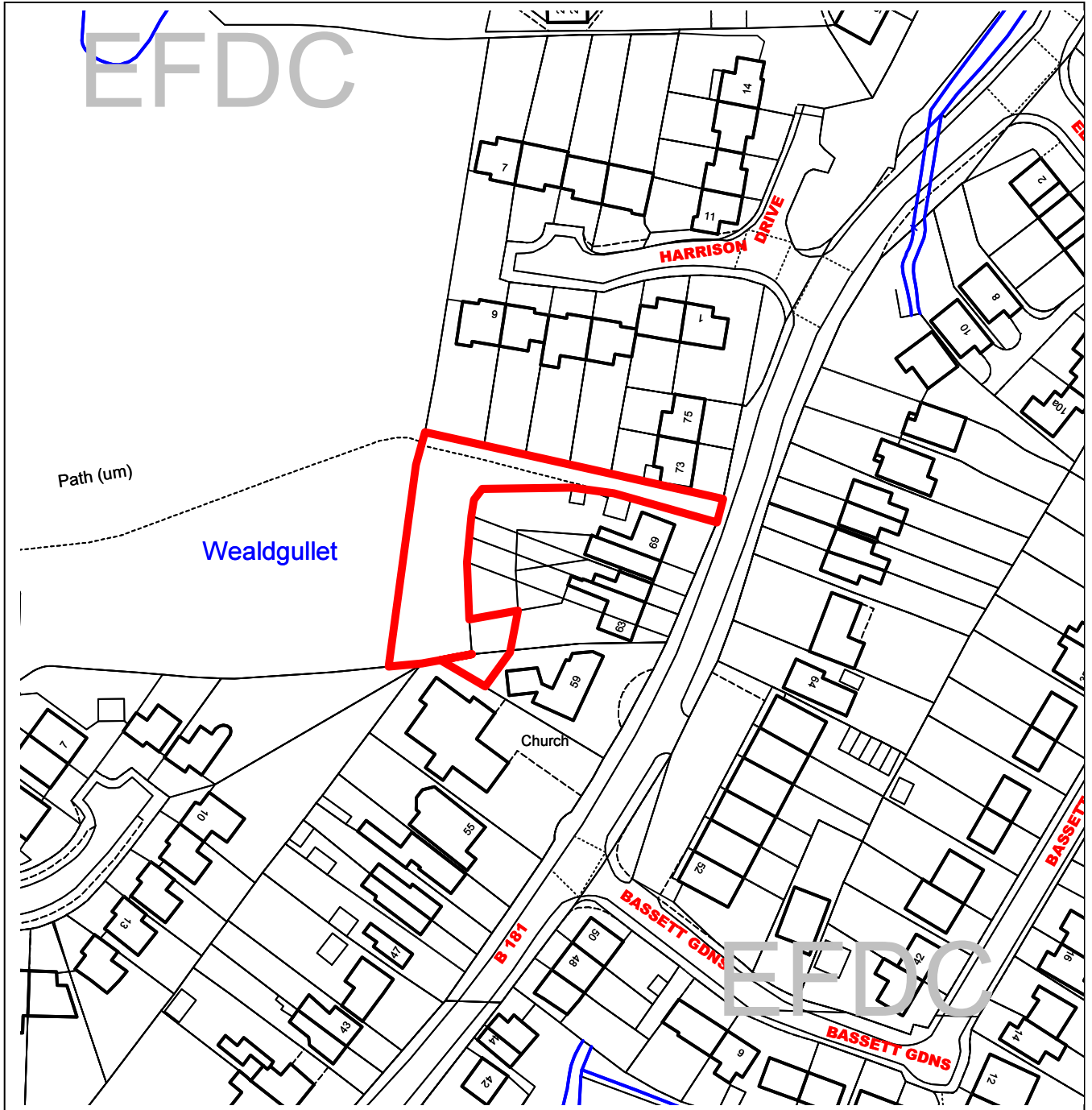
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 8



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Application Number:	EPF/1891/13
Site Name:	Land r/o 59-61 High Road, North Weald, CM16 6HP
Scale of Plot:	1/1250



**Report Item No:8**

<b>APPLICATION No:</b>	EPF/1891/13
<b>SITE ADDRESS:</b>	Land r/o 59-61 High Road North Weald Essex CM16 6HP
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Kenneth Day
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of bungalow. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=553693](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=553693)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1291/07d, 1291/08c, 1291/09a, 1291/15A, MP/HR/01 Rev: A2
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

- 6 Prior to occupation of the development hereby approved, measures shall be taken to ensure that there are no obstructions over 600mm in height within 1 metre of the highway boundary on both sides of the vehicle access. Such pedestrian visibility splays shall be retained thereafter.
- 7 The public's right and ease of passage over public footpath no. 45 North Weald shall be maintained free and unobstructed at all times.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 9 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 unless the Local Planning Authority gives its written consent to any variation.
- 10 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 11 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 12 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since it has been 'called in' by Councillor Stallan (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h)) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)*

### **Description of Site:**

The application site is an area of land to the rear of the printworks building located on the north western side of the High Road, North Weald. The site doglegs around the newly erected bungalow to the rear of No's 63 – 69 High Road and is accessed from an existing access track between No's 69 and 73 High Road. This access track runs adjacent to the driveway serving the newly erected bungalow adjacent to the site and contains a Public Right of Way.

To the north of the site are residential dwellings within Harrison Drive. To the south of the site is North Weald Methodist Church and residential properties within George Avey Croft. Immediately adjacent to the site to the east is the newly erected bungalow behind No's. 63-69 High Road. To the west of the site are open fields. The majority of the site is located within the Metropolitan Green Belt. The application site is also located within an EFDC flood risk assessment zone.

Planning permission was previously granted on this site for a store shed/toilet, ornamental well and greenhouse in relation to a small holding. Works commenced on this development and as such this is an extant permission. Whilst consent was granted in 2000 for a new medical centre (on the printworks site) with the car park located on this application site, this was never implemented and has now expired.

### **Description of Proposal:**

Consent is being sought for the erection of a detached three bed bungalow with associated parking and amenity space. The proposed bungalow would be 8.8m wide and a maximum of 14.9m deep with a pitched roof to a maximum ridge height of 4.5m. The development would be served by the existing access and proposes two parking spaces plus a turning area.

### **Relevant History:**

EPF/0527/84 - Store shed/toilet, ornamental well and greenhouse on small holding – approved/conditions 11/06/84

EPF/1310/00 - Demolition of existing buildings and erection of new medical centre with car parking and ancillary works – approved/conditions 15/11/00

EPF/0400/13 - Erection of single bungalow on land to rear – withdrawn 22/04/12

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

27 neighbouring properties were consulted and a Site Notice was displayed on 25/09/13.

PARISH COUNCIL – No objection.

10 GEORGE AVEY CROFT – Object as the use of the public footpath for a driveway will be dangerous to users of the PRow.

3 HARRISON DRIVE – Object as this is Green Belt land and due to the proposed use of the public footpath as a driveway.

4 HARRISON DRIVE – Object as the site is within the Green Belt, the access road would be detrimental to the users of the public footpath, this would result in light pollution to neighbouring properties, and due to the increase in vehicles traffic.

6 HARRISON DRIVE – Comment that the site is agricultural land prone to flooding and that this may impact on the public footpath.

70 HIGH ROAD – No objection but concerned about the loss of or impact on the public footpath.

UNKNOWN ADDRESS – Concerned about the impact on the public footpath.

### **Policies Applied:**

CP2 – Protecting the quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB7A – Conspicuous development

DBE2 – Effect on neighbouring properties

DBE3 – Design in urban areas

DBE8 – Private Amenity Space

DBE9 – Loss of amenity

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping schemes

RP4 – Contaminated land

RST3 – Loss or diversion of rights of way

ST1 – Location of Development

ST4 – Road safety

ST6 – Vehicle Parking

U2B – Flood risk assessment zones

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Issues and Considerations:**

The main issues that arise with this application are the principle of the development within the Green Belt and this particular location, the design and impact on the surrounding area, the impact on the amenities of neighbouring and future residents, and with regards to highway safety and parking provision.

#### Principle of development:

Although the application site is located on the edge of North Weald, which is a relatively large built up village outside of the designated Green Belt, the majority of the site is located within the Green Belt. Paragraph 89 of the NPPF states that “a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (amongst others):

- *Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.*
- *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”.*

#### Previously developed land:

Although the applicant argues that the site constitutes previously developed land (PDL) due to the implemented planning consent EPF/0527/84, this permission was for a store shed/toilet, ornamental well and greenhouse in relation to a small holding and therefore was for agricultural purposes. As the definition of previously developed land stated in Annex 2 of the NPPF specifically excludes “land that is or has been occupied by agricultural or forestry buildings” the application site would not constitute PDL and therefore would not meet the above quoted exception to inappropriate development.

The other arguments put forward by the applicant on this point are that planning permission was previously approved to replace the printworks with a new medical centre whereby the car park would have been located on this application site, however this consent was never implemented and as such has now expired. Therefore this does not constitute any form of development to enable this site to be considered ‘previously developed’. Furthermore it is claimed that the application site was previously cleared and levelled and gravel was laid so that this land could be used for car parking in association with the printworks site. It is stated that the works to create the car park were completed by the beginning of April 2003 and the site has been used for car parking since this time, and therefore benefits from a lawful use for car parking. As no evidence has been provided to justify this point, and no Certificate of Lawful Development has previously been issued for this use, the stated lawful use of the site for car parking is not at this time accepted. As such, neither of these factors render the site as PDL.

#### Limited infilling:

The second exception to inappropriate development within the Green Belt is for “limited infilling in villages”. There is no argument that North Weald would not constitute a ‘village’, although the majority of this large built up area is located outside of the Green Belt (and therefore no exception

to inappropriate development would need to be argued). Nonetheless the main consideration in this instance is whether the proposed development would constitute an 'infill' or not.

There have been a number of recent appeal decisions with regards to 'limited infilling' both within and outside of Epping Forest. Within a recent appeal decision for the demolition of a single dwelling at Rosedale, Hornbeam Lane, Sewardstonebury (Ref: EPF/0288/13) and the erection of two dwellings, it was argued by the LPA that "*sites are only suitable for infilling where they are surrounded on three or four sides by existing development*" (and this appeal site was within a ribbon of development with open land to the front and rear). Nonetheless, the Planning Inspector concluded that "*the site, whilst towards the periphery of the built-up area, is within the village*". This application site, whilst on the edge of North Weald, is surrounded on three sides by residential development (plus in part by the Methodist church) and only shares one boundary with open, undeveloped land. The reason for this is because the Green Belt boundary 'cuts in' at this particular location to incorporate the application site, although there appears to be no obvious reason for such a set in.

The applicant has submitted an appeal decision for an infill development in Spellbrook, Herts which, similar to that in Sewardstonebury, is located in a ribbon development on the edge of a village. The main difference between the two above quoted appeal decisions and this application site is that, as stated in the Spellbrook decision, "*given the almost continuous pattern of development along the main road, it is reasonable to conclude that the ribbon of development and, consequently, the appeal site, should be regarded as within the village*", whereas this application site does not 'infill' between a continuous pattern of development. However there has been a new detached bungalow recently erected on the land to the rear of 63 to 69 High Road, which was allowed due to the nature and pattern of surrounding built areas and the presence of other backland sites. The proposed development of this site would follow, and almost mirror, that which was allowed on the adjacent parcel of land. Therefore, whilst not a 'continuous pattern of development', it would follow an established type of built form within the area.

The other material consideration when assessing the potential 'infill' of this development is how this would relate to the overall built form of the village as a whole. A recent appeal at Pond House, Matching Green (Ref: EPF/2136/12) allowed for an infill development in this village. Within the Inspectors decision letter it was stated that "*the scheme would be visible from within the village and the wider countryside but I consider it would have a very limited impact on the openness of the Green Belt because, as an infill development, it would be contained within the existing envelope of built development in Matching Green and seen in the context of the existing village development. For the same reason, it would not have a material adverse effect on the purposes of including land within the Green Belt*".

The development of this site would clearly be seen within the context of the village of North Weald and would not detrimentally encroach into open countryside. The site has long been separated off from the open land to the north by an established hedgerow, and this was a material consideration in EPF/1310/00 whereby the Committee Report stated "*the proposed parking area at the rear of the site will be for 13 cars and will be on the area which was previously used as a small holding/allotment land and is within the Green Belt. It is considered that the proposed car park area will not harm the openness of the Green Belt taking account of the fact that the car park will be screened from views from the Green Belt. Thus it is considered that the proposal is not contrary to Policies GB2 and GB7 of the Local Plan*".

Due to the above it is considered that, although this form of development is not an 'infill development' in the usual sense, the particular and exceptional circumstance of the site, in particular the 'cut in' of the Green Belt boundary to specifically include just this small site and the level of surrounding development on three sides of the site, do conclude that on balance the proposed dwelling would comply with the exception of "*limited infilling in villages*" as laid out in the

NPPF. As such, it is not considered that this proposal would constitute inappropriate development within the Green Belt.

Other factors:

Along with the above considerations, the applicant has also put forward two further arguments in favour of the development. These are the need for additional housing and the need for more bungalows.

Whilst the applicant quotes the need for an up-to-date five year land supply and states that this would assist in the Council meeting this (although they admit that this would only make a small contribution), at present Epping Forest District Council has a demonstrable five year land supply for open market housing based on the previously approved targets, although the housing needs within the District are being looked at and more up to date figures will be published.

Notwithstanding this, Community Secretary Eric Pickles has recently announced that *“the Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the Green Belt”*. As stated above, it is considered that this development would constitute an infill and therefore is not inappropriate development within the Green Belt requiring very special circumstances. However if the proposal is not considered to be an infill, then this issue alone would not be sufficient to outweigh the harm from inappropriate development within the Green Belt.

The applicant has also referred to Community Secretary Eric Pickles and his recent proposal for new rules that will require LPA's to cater better for the ageing population when planning for housing. They also quote Planning Minister Nick Boles who issued a Statement which said:

*“We must build more homes or suitable accommodation for older people if we are to avoid problems further down the track. We're all living longer and there will be a big rise in the number of older people in future years. Making sure councils plan for this, and for enough suitable homes like bungalows in their area, will help ensure the ageing population can live in the places they want and enjoy their retirement”*.

At present however there is no policy backing for this statement.

Design and impact on the surrounding area:

The application site is located to the rear of properties within the High Road and as such will not be particularly visible within the street scene. However, due to the presence of the public footpath running down the access road and the location in relation to surrounding properties, the proposed bungalow will be visible from neighbouring dwellings. Although there would be some views of the proposed development from the open land to the north, this would be largely screened by the existing hedge.

The size and design of the proposed bungalow is similar to that approved and recently erected on the adjacent site, to the rear of No's. 63-69 High Road. As such, the proposal would not be harmful to the overall character and appearance of the area.

Amenity considerations:

The proposed property would be a detached bungalow with a low pitched roof reaching a maximum height of 4.5m. It would be located 1m from the shared boundary with the adjacent property at its closest point, and 3m from the flank wall of this neighbouring bungalow. Although

the neighbour has two ground floor flank windows facing the site these are towards the rear of the bungalow and would not be significantly impacted by the proposed new dwelling, and these appear to be secondary windows to the main living area that also has a main aspect to the rear. The proposed new bungalow would be more than sufficient distance from any other neighbouring properties to ensure that there would be no loss of amenity to surrounding residents.

Although there would be some increase in activity and noise associated with a new dwelling in this location, this would be fairly minimal due to the size of the proposed development. Furthermore, the previously approved store shed and greenhouse development is extant and therefore can be implemented at any time. Such a use would likely result in just as much, if not more, disturbance to neighbouring residents than this proposal.

Given the shape of the application site, which doglegs around the adjacent site, the proposed garden would far exceed the 80 sq. m. expected for private amenity space to serve a dwelling of this size.

#### Highways/parking:

One of the key concerns of local residents regarding this proposal is that the access drive to the dwelling is also a Public Footpath. As such, there is concerns over the safety of users of the footpath as a result of vehicle traffic accessing the site. This vehicle access if existing and is currently used, possibly quite infrequently, to gain access to the site at present. Essex County Council Highways were consulted on this application and have raised no objection to the development. They do however require a condition ensuring that the Public Right of Way is retained free and unobstructed at all times (which is understood to be a legal requirement anyway). Nonetheless, they do not consider that this development would result in any unacceptable conflict between users of the footpath and residents/visitors of the site.

The proposed dwelling would benefit from 2 off-street parking spaces plus manoeuvrability space similar to that approved on the adjacent site. Whilst no allocated visitor space has been shown, there would be space for visitors to park on the site (although this would make manoeuvring more difficult). As such, it is considered that the parking and access arrangements for the development are sufficient.

#### Other matters:

The application site lies within an EFDC flood risk assessment zone and is of a size where it is necessary to improve existing surface water runoff. As such a flood risk assessment is required, which can be suitably dealt with by condition.

There are a number of trees and hedges on site, however an arboricultural report and plans have been submitted showing these, along with proposed protection measures. It is considered that the development would not detrimentally impact on the existing landscaping and therefore, subject to conditions, this would comply with policies LL10 and LL11.

#### **Conclusion:**

Whilst the application site is not considered to be a usual 'infill development', it nonetheless is considered to, on balance, comply with the exception to inappropriate development in the Green Belt as defined in the NPPF as "*limited infilling in villages*". The proposal would not be unduly detrimental to the amenities of neighbouring residents or the overall character and appearance of the street scene. There would be no undue harm to existing landscaping and no detrimental conflict with other users of either the highway or the Public Footpath. As such the proposed development is considered to comply with the relevant Local Plan policies and, where absent or



conflicting, the guidance contained within the National Planning Policy Framework and is therefore recommended for approval.

***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:***

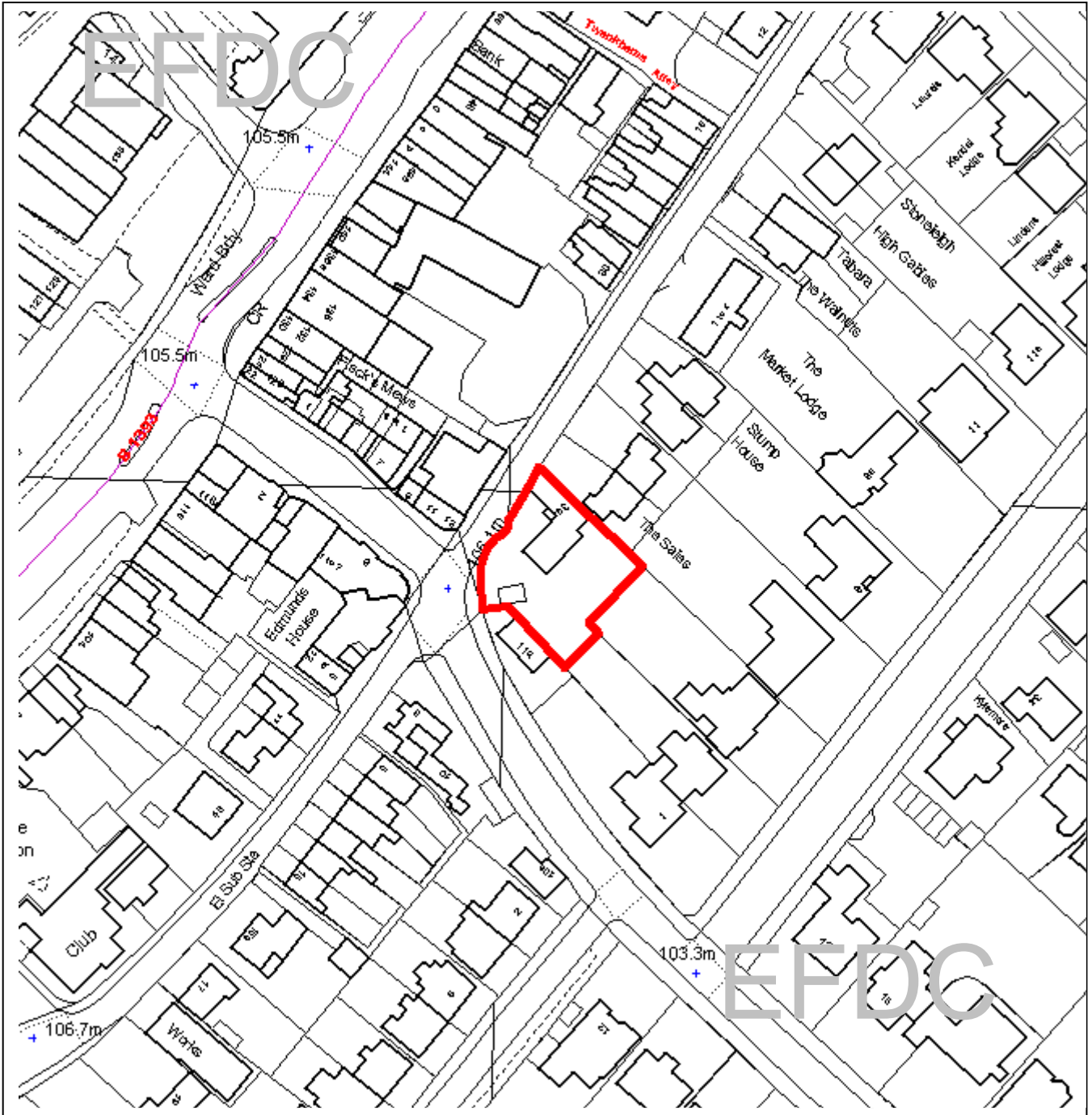
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 9



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Application Number:	EPF/1924/13
Site Name:	3A Hemnall Street, Epping, CM16 4LR
Scale:	1/1250

**Report Item No:9**

<b>APPLICATION No:</b>	EPF/1924/13
<b>SITE ADDRESS:</b>	3A Hemnall Street Epping Essex CM16 4LR
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Darren Hunt
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing dwelling and garage building and erection of 6 no. 2 bedroom flats and alterations to the vehicular entrance and front boundary, part of which falls within the conservation area.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=553894](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=553894)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: BRD/12/042/001, BRD/12/042/002, BRD/12/042/003, BRD/12/042/004, BRD/12/042/005, OS 539-12.3
- 3 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or

establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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 unless the Local Planning Authority gives its written consent to any variation.

6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

8 Prior to the first occupation of the development, details of how the existing vehicular access onto Station Road shall be permanently closed, incorporating the reinstatement to full height of the footway and dropped kerbs, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The works shall be implemented prior to occupation of the development, and retained thereafter in accordance with the approved details.

9 Prior to first occupation of the development, a Residential Travel Information Pack, as approved by Essex County Council, shall be provided and implemented to the future occupants of the dwellings and shall include six one day travel vouchers for use with the relevant local public transport operator.

- 10 Prior to the occupation of the development the cycle parking facilities shall be provided on site and retained thereafter for use by residents and visitors.
- 11 Prior to the commencement of the development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained thereafter.
- 12 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.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary of the site.

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))*

**Description of Site:**

The application site currently contains a detached part single storey/part two storey dwelling with a small detached garage located on the south eastern side of Hemnall Street on the junction with Station Road. The section of road serving the site is a one way street. Adjacent to the site to the northeast are the service yard of the shops within the High Street. To the immediate east, northeast and south are residential properties. The very front section of the site (containing the historic boundary wall) is located within the conservation area.

The existing building is L shaped and forms part of the side boundary with The Sales, Hemnall Street. The existing dwelling measures a maximum width of 15m and maximum depth of 15m and is only partially two storeys in height, with the remainder being single storey. The existing site benefits from two vehicle access points, one on Hemnall Street and one on Station Road serving the detached garage.

**Description of Proposal:**

Consent is being sought for the demolition of the existing dwelling and garage and the erection of a block of 6 no. two bed flats, along with alterations to the vehicular entrance and front boundary wall. The proposed apartment block would be 22m in width and a maximum of 9.8m in depth and would be three storeys high, incorporating a mansard roof, to a maximum height of 8.6m. The building would be of a late Victorian/early Georgian design and would use traditional materials similar to those seen within the surrounding area.

**Relevant History:**

EPF/0119/13 - Demolition of existing dwelling and garage building, with the erection of a terrace of 4no. 2 and a half storey dwellings and alterations to the vehicular entrance and front boundary wall, some of which falls within the Conservation Area – withdrawn 15/02/13

EPF/0916/13 - Demolition of existing dwelling and garage building, with the erection of a terrace of 4no. 2 and a half storey dwellings and alterations to the vehicular entrance and front boundary wall, some of which falls within the Conservation Area (revised application) – refused 19/07/13

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H2A – Previously developed land  
H3A – Housing density  
HC6 – Character, appearance and setting of conservation areas  
HC7 – Development within conservation areas  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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

18 neighbours were consulted and a Site Notice displayed on 10/10/13. Whilst the 21 day consultation period stated on neighbour's letters has passed, due to the Site Notice being displayed later than intended this report has been produced before the expiration of 21 days from the date of the Site Notice. As such, any further representations received will be verbally reported at Committee.

TOWN COUNCIL – No objection.

1 HARTLAND ROAD – Object as the roof bulk and pitch of the development would be out of keeping with the area, it is at odds with the character and density of surrounding houses, and there are concerns about highway safety.

3 HARTLAND ROAD – Object as this is too dense a development that would be out of scale and dominant on this side of Hemnall Street, it would be detrimental to neighbours amenities, it fails to provide sufficient amenity space, and it would result in a loss of privacy to neighbouring residents.

5 HARTLAND ROAD – Object as this is out of keeping with the residential side of Hemnall Street, it would result in a loss of privacy and other amenities, there is inadequate amenity space, and it would be detrimental to highway safety.

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

The key issues within this application are the suitability of the site for such a development, amenity considerations, design, and regarding highway and parking concerns. The previous application for a terrace of four no. three storey houses was refused for the following reason:

**The proposal would represent an overdevelopment of this site and therefore is inappropriate in this location, by reason of its size and scale and would appear too cramped and dominant relative to neighbouring houses on this side of the road, and therefore out of keeping to the appearance of the street scene, contrary to policies CP2 and DBE1 of the adopted Local Plan and Alterations and guidance as contained within the National Planning Policy Framework.**

This revised application has completely reconsidered the site and now proposes a block of six no. 2 bed flats rather than a terrace of houses. This has resulted in a completely different designed building on the site and has reduced the height by approximately 1.5m, although the footprint of the development has remained roughly the same, as has the parking and access arrangements.

#### Suitability of site:

The application site is located within the urban area of Epping, adjacent to the designated town centre. Epping is one of the larger built up towns within the District and is well served by local services and amenities, and has good public transport links. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development. The principle of further development within this type of location is considered to accord with this presumption and therefore this should be afforded significant weight. Furthermore, the redevelopment of this site would constitute the reuse of previously developed land. Both the NPPF and Local Plan policy H2A encourage the reuse and intensification of use of such sites; however applications still need to be assessed on their individual merits.

The previous application was refused due to the proposal representing an overdevelopment of the site. Whilst this revised application has increased the number of units from four houses to six flats, this has nonetheless been incorporated into a smaller building than previously proposed. The 1.5m reduction in height has materially reduced the bulk and visual prominence of the proposed development and, as such, this would not appear as inappropriate within the location as the previous scheme.

#### Amenity considerations:

The proposed development would replace an existing part single storey/part two storey building with a considerably larger three storey block of flats. The proposed development would be only marginally higher (approximately 300mm) than the adjacent neighbour to the northeast and would not extend beyond the rear wall of this neighbouring house and there would be a minimum distance of 1.1m from the shared boundary and a total distance of 5.1m between the flank walls of the dwellings, the area of which contains the neighbours existing attached garage. The adjacent neighbouring property to the south is an unusually located and plotted dwelling that has its rear wall almost forming the side boundary with the application site.

Due to the staggered rear boundary to the site, the proposed block of flats would be located at varying distances from the shared rear boundaries with the properties on Hartland Road, ranging from 11m at its furthest point, to 7.5m at its closest point. These neighbours to the rear benefit from very deep gardens and, as a result, the distance between the rear walls of the new houses and the closest rear windows to the neighbours in Hartland Road would be between 31m and 35m.

The previous application was not refused permission due to the impact on neighbours amenities, and given the reduction in height and bulk it is considered that this revised scheme would also be acceptable. Despite this, the applicant has offered the third floor rear windows to be either fully obscure glazed (for bathrooms) and partially obscure glazed (bedrooms) to further reduce any potential overlooking to neighbouring properties. Whilst this would not normally be required, due to

the distances involved and level of established screening along this shared boundary, this could nonetheless be conditioned if considered necessary.

Local Plan policy DBE8 and the Essex Design Guide expect 25 sq. m. of communal amenity space for each flat when assessing new residential dwellings. Under this expectation, the proposed development would require a minimum of 150 sq. m. communal amenity space to serve this development. As the scheme benefits from an excess of 200 sq. m. of rear amenity space, this would be considered acceptable.

#### Design:

The proposed development would be a three storey block of flats. Although the surrounding properties on this side of Hemnall Street are predominantly two storey dwellings, there are several flatted developments within the vicinity of the site. The overall height of the development is now roughly in line with the adjacent dwellings and the overall bulk and scale has been based on Market Lodge, which is a block of flats that, whilst only two storeys, is higher than the proposed development.

Given the location of the site on the corner of Hemnall Street and Station Road it is considered that a larger, more prominent building could be accommodated without detriment to the street scene. The building on the opposite corner is a significantly larger three storey building (Purlieu House). On the opposite Hemnall Street/Station Road junction is an even larger four storey building (Edmunds House), and further down Hemnall Street can be found examples of three storey buildings. The combination of Purlieu House and the proposed development would create a more effective 'gateway' into Hemnall Street at this junction than the existing property.

In order to reduce the overall height and bulk of the development, the proposed building has been completely redesigned. The revised proposal would have a late Victorian/early Georgian appearance and would incorporate a mansard roof set behind a parapet wall. Although the parapet would not extend along the rear elevation, which results in a rather messy roof detail at the rear corners of the building, these elements would be adequately screened by existing neighbouring properties. The proposed details, materials and overall appearance of the building, whilst differing from the neighbouring dwellings, are not considered detrimental to the overall character and appearance of the area.

Despite the retention of a three storey building and incorporation of a mansard roof, the overall reduction in height and bulk of the proposed development is considered sufficient to overcome the previous reason for refusal.

There are no trees worthy of retention on the application site, however there is a tree in an adjacent garden which overhangs the rear boundary. This has been identified as requiring protection during construction, which can be dealt with by way of a condition. Additionally, as with any new development of this scale, hard and soft landscaping should be implemented. Sufficiently detailed information has been provided with the application, which is considered acceptable.

#### Highways and parking issues:

The proposed dwellings would be served by six off-street parking spaces. The Essex County Council Vehicle Parking Standards requires 2 spaces per 2+ bedroom residential units (total of twelve in this instance) plus two visitor parking space. However, the parking standards state that "*a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities*". Given the sustainable town centre location of the site, which is well served by local facilities and public transport, it is considered that one off-street parking space per unit is acceptable in this instance.



The proposed development would close up the existing substandard vehicular entrance onto Station Road and would widen/improve the existing access onto Hemnall Street. As a result of these works the application site would have a beneficial impact on highway safety, despite the intensification of use of the site. There is adequate manoeuvrability space to allow for vehicles to enter and leave the site in forward gear, and therefore it is not considered that the proposal would be detrimental to highway safety or the free flow of traffic on this section of Hemnall Street.

**Conclusion:**

In light of the above the proposed development is considered acceptable. Despite the increase in the number of residential units and the retention of three storeys, the reduction in height and bulk is considered sufficient to overcome the previous reason for refusal. The introduction of additional landscaping would help to soften the impact of the development, and the works to the existing vehicle crossovers would improve the safety and usability of the highway. The proposal would make more efficient use of previously developed land and would be in line with the National Planning Policy Framework's presumption in favour of sustainable development. As such the revised application is considered to overcome the previous reason for refusal and complies with the relevant policies and guidance and is therefore recommended for approval.

***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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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

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