

# Committee Agenda



## Epping Forest District Council

### ***Area Planning Sub-Committee East Wednesday, 11th October, 2017***

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

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 11th October, 2017  
at 7.00 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

V.Messenger Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors S Jones (Chairman), P Keska (Vice-Chairman), N Avey, N Bedford, A Boyce, H Brady, W Breare-Hall, A Grigg, M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, B Surtees, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

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

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

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

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

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

**1. WEBCASTING INTRODUCTION**

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

2. The Chairman will read the following announcement:

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

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

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

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

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 16)**

To confirm the minutes of the last meeting of the Sub-Committee held on 6 September 2017.

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests in any item on this agenda.

**6. ANY OTHER BUSINESS**

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

**7. DEVELOPMENT CONTROL (Pages 17 - 114)**

(Director of Governance) 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.

**8. EXCLUSION OF PUBLIC AND PRESS**

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

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

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

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

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

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

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

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

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

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

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

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. 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 generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

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

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

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee West or Area Plans Sub-Committee South you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

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

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

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

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

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

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

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

#### **Further Information**

Further information can be obtained from Democratic Services or through our leaflet 'Your Choice, Your Voice'.

Area Planning Subcommittee East 2017-18  
Members of the Committee and Wards Represented:



**Cllr Jones**  
Theydon Bois

**Cllr Keska**  
Chipping Ongar,  
Greensted and  
Marden Ash

**Cllr Avey**  
Epping  
Hemnal

**Cllr Bedford**  
Shelley

**Cllr Boyce**  
Moreton and  
Fyfield



**Cllr Brady**  
Passingford

**Cllr Breare-Hall**  
Epping  
Lindsey and  
Thornwood  
Common

**Cllr Grigg**  
North Weald  
Bassett

**Cllr McEwen**  
High Ongar  
Willingale  
and the  
Rodings

**Cllr Morgan**  
Hastingwood,  
Matching and  
Sheering  
Village



**Cllr Philip**  
Theydon Bois

**Cllr Rolfe**  
Lambourne

**Cllr Stallan**  
North Weald  
Bassett

**Cllr Surtees**  
Chipping Ongar,  
Greensted and  
Marden Ash

**Cllr C  
Whitbread**  
Epping  
Lindsey and  
Thornwood



**Cllr H  
Whitbread**  
Epping Lindsey  
and Thornwood  
Common

**Cllr J H  
Whitehouse**  
Epping Hemnal

**Cllr J M  
Whitehouse**  
Epping  
Hemnal

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## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Area Planning Sub-Committee **Date:** 6 September 2017  
East

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 9.03 pm  
High Street, Epping

**Members Present:** S Jones (Chairman), P Keska (Vice-Chairman), N Bedford, H Brady, A Grigg, M McEwen, R Morgan, J Philip, D Stallan, B Surtees, C Whitbread and H Whitbread

**Other Councillors:**

**Apologies:** N Avey, A Boyce, W Breare-Hall, B Rolfe, J H Whitehouse and J M Whitehouse

**Officers Present:** N Richardson (Assistant Director (Development Management)), J Leither (Democratic Services Officer) and A Hendry (Senior Democratic Services Officer)

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### **23. WEBCASTING INTRODUCTION**

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

### **24. 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.

### **25. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting held on 9 August 2017 be taken as read and signed by the Chairman as a correct record.

### **26. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor B Surtees declared a personal non-pecuniary interest in the following item of the agenda, by virtue of speaking to residents. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1400/17 – 41 Bowes Drive, Ongar.

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a non-pecuniary interest in the following item of the agenda, by virtue of the objector, applicant and residents attending the meeting being customers of his business and the objector being a member of North Weald Parish Council to which he was also a member. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1414/17 – 7 Harrison Drive, North Weald Bassett.

(c) Pursuant to the Council's Code of Member Conduct, Councillor A Grigg declared a non-pecuniary interest in the following item of the agenda, by virtue of the objector being a member of North Weald Parish Council to which she was also a member. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1414/17 – 7 Harrison Drive, North Weald Bassett.

(d) Pursuant to the Council's Code of Member Conduct, Councillor N Bedford declared a non-pecuniary interest in the following item of the agenda, by virtue of the objector being a member of North Weald Parish Council to which he was also a member and knowing a resident attending the meeting. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1414/17 – 7 Harrison Drive, North Weald Bassett.

(e) Pursuant to the Council's Code of Member Conduct, Councillor P Keska declared a personal non-pecuniary interest in the following item of the agenda, by virtue of being a member of Ongar Town Council. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1400/17 41 Bowes Drive, Ongar.

## **27. ANY OTHER BUSINESS**

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

## **28. DEVELOPMENT CONTROL**

### **RESOLVED:**

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

**CHAIRMAN**

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0270/17
<b>SITE ADDRESS:</b>	47 Weald Bridge Road North Weald Bassett Essex CM16 6ES
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of the games room to family living accommodation (retrospective application)
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=591428](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591428)

**CONDITIONS**

- 1 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 47 Weald Bridge Road, North Weald, CM16 6ES.
- 2 No upper floor shall be inserted into the building hereby approved.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1216/17
<b>SITE ADDRESS:</b>	15 Curtis Mill Lane Stapleford Abbots Essex RM4 1HS
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for retention of existing 3 bed bungalow dwelling.
<b>DECISION:</b>	Referred to District Development Management Committee

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=594093](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594093)

This application was referred to District Development Management Committee for a decision to be made.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1400/17
<b>SITE ADDRESS:</b>	41 Bowes Drive Ongar Essex CM5 9AX
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Rear extension, garage and loft conversion.
<b>DECISION:</b>	Referred to District Development Management Committee

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=594803](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594803)

This application was referred to District Development Management Committee for a decision to be made.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1414/17
<b>SITE ADDRESS:</b>	7 Harrison Drive North Weald Bassett Essex CM16 6JD
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garage and erection of new 3 bed dwellinghouse.
<b>DECISION:</b>	Refused

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=594856](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594856)

**REASON FOR REFUSAL**

- 1 The proposed new dwelling, by reason of its position and cramped appearance, would have a detrimental impact on the green barrier hedgerow along its western side boundary and result in a terrace of houses, out of keeping with the rest of the houses in this part of Harrison Drive, detrimental to the character of the locality, contrary to policies CP2 (iv), DBE1 and LL10 of the Adopted Local Plan and Alterations.

**Report Item No:5**

<b>APPLICATION No:</b>	EPF/1647/17
<b>SITE ADDRESS:</b>	31 Bower Hill Epping Essex CM16 7AL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey rear extension (ii) increase in ridge height and loft conversion with dormer windows to the front and sides (iii) garage extension to side/front and (iv) front porch.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=595893](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=595893)

**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 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank dormer windows shall be entirely 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.
- 4 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.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1794/17
<b>SITE ADDRESS:</b>	Land adj to Tilegate Farm Tilegate Road Magdalen Laver Ongar Essex CM5 9HX
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	Certificate of lawful development for an access road.
<b>DECISION:</b>	Lawful

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=596676](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=596676)

**REASONS**

- 1 The Council is satisfied on the balance of probability that the works have been in existence for in excess of 4 years and are therefore lawful.

The committees' attention was drawn to an affidavit from a Mr Dingle.

## AREA PLANS SUB-COMMITTEE 'EAST'

11 October 2017

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/2523/16	Brent House Farm Harlow Common North Weald Essex CM17 9JD	Grant Permission (Subject to Legal Agreement)	20
2.	EPF/1629/17	13 Vicarage Lane North Weald Bassett Essex CM16 6ET	Grant Permission (With Conditions)	36
3.	EPF/2057/17	95 High Road North Weald Epping Essex CM16 6HS	Grant Permission (With Conditions)	42
4.	EPF/1913/17	Ellensmead Stondon Road Ongar Essex CM5 9BU	Grant Permission (With Conditions)	48
5.	EPF/1762/17	Land to the rear of Mountford and Bishops Bron Oak Hill Road Stapleford Abbotts Essex RM4 1JL	Grant Permission (With Conditions)	52
6.	EPF/2041/17	1 Curtis Mill Lane Stapleford Abbotts Romford Essex RM4 1HS	Grant Permission (With Conditions)	64
7.	EPF/2174/17	Trade Winds Oak Hill Road Stapleford Abbotts Essex RM4 1EH	Grant Permission (With Conditions)	72
8.	EPF/1973/17	Newstead 19 Coopersale Common Coopersale Epping Essex CM16 7QS	Grant Permission (With Conditions)	76

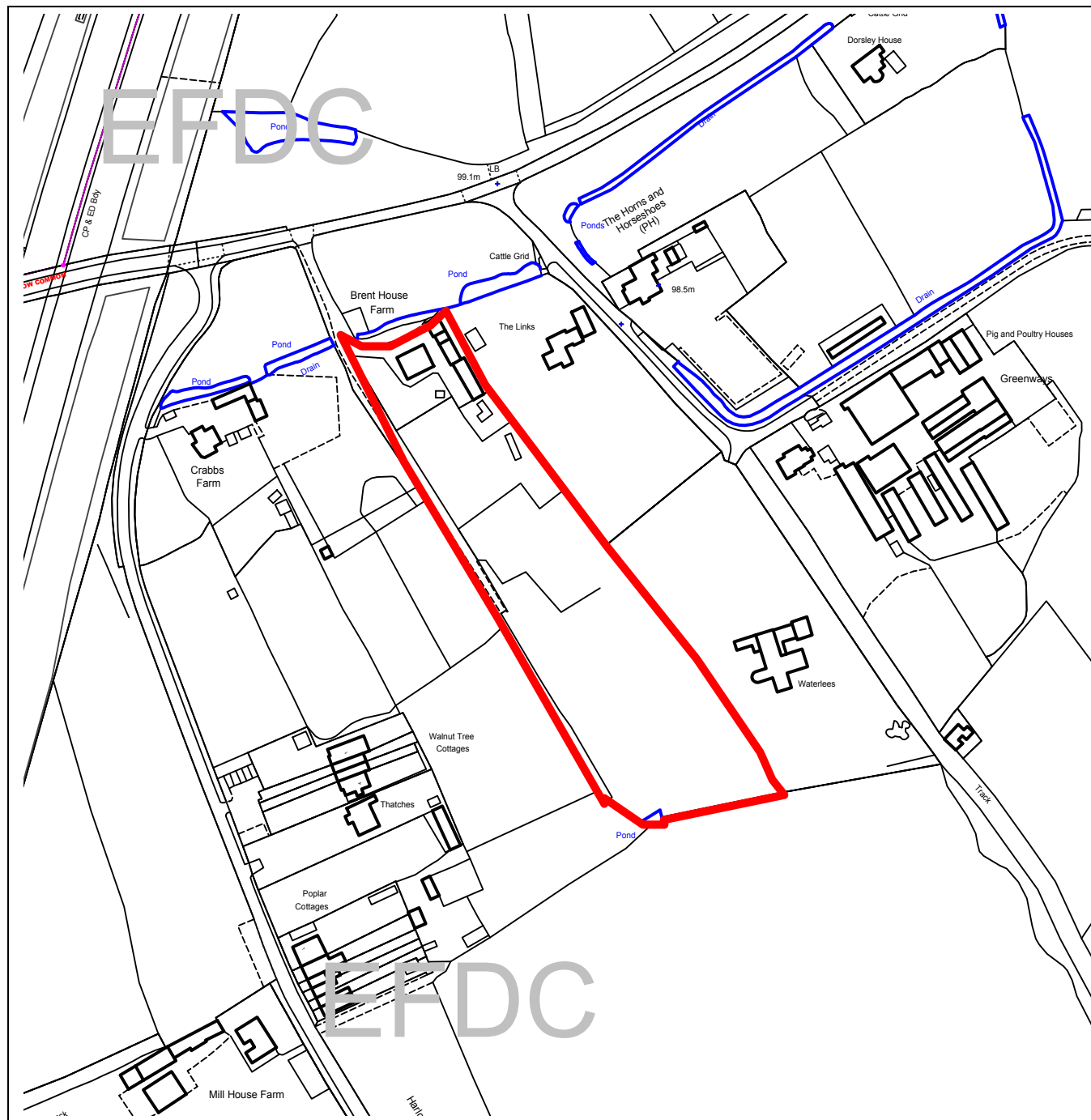
9.	EPF/2086/17	49 Ash Groves Sheering Essex CM21 9LN	Grant Permission (With Conditions)	90
10.	EPF/1824/17	The Downtons 114 Crown Close Sheering Essex CM22 7NE	Grant Permission (With Conditions)	98
11.	EPF/2591/15	Belgique (Theydon) Ltd 14 Forest Drive Theydon Bois Epping Essex CM16 7EY	Grant Permission (With Conditions)	104
12.	EPF/1628/17	56 Dukes Avenue Theydon Bois Essex CM16 7HF	Grant Permission (With Conditions)	110

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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/2523/16
Site Name:	Brent House Farm, Harlow Common, North Weald, CM17 9JD
Scale of Plot:	1/2500

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2523/16
<b>SITE ADDRESS:</b>	Brent House Farm Harlow Common North Weald Essex CM17 9JD
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Ultrabox Brent House Farm Limited
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition and reconstruction of the Farm House together with the erection of 19 no. additional dwellings, served off the existing approved vehicular access on Harlow Common/ Foster Street together with internal road layout, parking and a scheme of landscaping and tree planting. (Alterations to existing consents EPF/2027/14, EPF/1285/11 and EPF/1370/10).
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=587893](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587893)

**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: Assessment of Traffic Implications by Glanville ref CV8160979/JB/002 dated 24 August 2016, Planning Statement 22 September 2016, Glanville: GEO - Environmental Assessment 24 August 2016 ref CV8760979/JB/DW/004, GEA Soil Testing ref J12203B Source Protection Zones and Desk Study report ref J12203a 20 September 2012, Remediation Proposal Report by Glennys LLP, ELMAW Consulting: Initial ecological site assessment July 2009, Glanville Flood Risk Assessment 24 August 2016 ref CV8160979/JB/DW/003 Peakecology Ltd Preliminary Ecological Appraisal Project no. ScoBr01-1 dated 8/9/2016, Design and Access Statement September 2016, Arboricultural Impact Assessment September 2016 by Tree and Woodland Company ref 1136-R-001 ROS, 15806 A TP: (12) 5 )1 rev 1, (12) 4 )1 rev 1, (12) 3 001 rev 1, (12) 1 001 rev 1, (11) 5 001 rev 1, (11) 4 002 rev 1, (11) 4 001 rev 1, (11) 3 001 rev 1, (11) 2 001 rev 1, (11) 1 001 rev 1, (10) 5002 rev 1, (10) 5 001 rev 1, (10) 4 002 rev 1, (10) 4 001 rev 1, (10) 3 002 rev 1, (10) 3 001 rev 1, (10) 2 002 rev 1, (10) 1 002 rev 1, (10) 2 001 rev 1, (00) 002 rev 1, (00) 006 rev 1. FRNT - 17.566\_201 - Location Plan\_A3 Planning A, FRNT 17.566\_200\_B\_ Proposed Site Plan \_ A1 Planning, FRNT\_17.566\_203\_Proposed GEA Area A.

- 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 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.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 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.

- 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 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 11 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 12 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 13 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 14 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 15 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 16 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 17 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 18 This permission shall not be implemented unless and until the recommendations set out in section 5.2 of the Preliminary Ecological Appraisal by peakecology ltd September 2016 reference ScoBr01.1/Hastingwood Park Harlow has been fully undertaken and these mitigation measures shall be maintained for the duration of the use.
- 19 Prior to the commencement of above ground works a biodiversity plan shall be submitted to and approved in writing by the Local Planning Authority.
- The biodiversity plan shall be carried out in accordance with the details so approved, and shall be maintained as such thereafter.
- 20 Prior to the commencement of above ground works a construction method statement shall be submitted to and approved in writing by the Local Planning Authority.
- The construction method statement shall be carried out in accordance with the details so approved, and shall be maintained as such thereafter.

**And**

**That planning permission be issued after the completion of a legal agreement (Section 106 of the Town and Country Planning Act 1990) within 3 months of the date of this committee meeting that ensures the following as necessitated by development proposal:**

**(A) a satisfactory financial contribution to the Council in respect of:-**

**(1) £90,000 for off-site Affordable Housing;**

**(2) The payment of £50,000 towards the provision of local community facilities, prior to first commencement of the development hereby approved, and**

**(B) provide on site, 2 of the proposed 2 bed town houses as affordable rented units in accordance with the Council's normal affordable housing requirements.**

*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: Scheme of Delegation, Appendix 3), and 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: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application site is located to the south of Harlow Common, accessed via an existing access road. The plot is set back from Harlow Common and is a long rectilinear site measuring around 240m by 50m and covers an area of 1.34 hectares. It contains a detached derelict Farmhouse in the north with a range of single storey buildings along the eastern boundary. The remainder of the site which was previously in intensive commercial use has been cleared of buildings and is now heavily vegetated scrubland.

It is located within a rural setting where there are a scattering of residential dwellings. The site is just east of the M11 motorway, set further east, but parallel, with a group of houses in Mill Street. South of the site, beyond the vegetation, are open fields. To the west of the site there is a large house in substantial grounds, known as Waterlees.

The site is previously developed land within the Metropolitan Green Belt. The site has no heritage designation.

### **Description of Proposal:**

Permission is sought for the demolition of the existing farm house construction of 20 dwellings (19 new and 1 to replace an existing house) served off the existing approved vehicular access on Harlow Common/ Foster Street together with internal road layout, parking and a scheme of landscaping and tree planting. (Alterations to existing consents made under references EPF/2027/14, EPF/1285/11 and EPF/1370/10).

The dwelling mix is made up of 2 x 2 bedroom houses, 6 x 3 bedroom houses, 12 x 4 bedroom houses.

Schedule of accommodation is as follows:-.

House no.	Number of bedrooms	Area sqm.	Type
1 (Affordable rented)	2	80	Type 1: 1 of a Group of 4 terraced houses
2 (Affordable rented)	2	80	Type 1: 1 of a Group of 4 terraced houses
3	3	126	Type 1: 1 of a Group of 4 terraced houses
4	3	126	Type 1: 1 of a Group of 4 terraced houses
5	4	144	Type 3: Staggered semi-detached house
6	4	144	Type 3: Staggered semi-detached house
7	4	144	Type 3: Staggered semi-detached house
8	4	144	Type 3: Staggered semi-detached house
9	4	144	Type 3: Staggered semi-detached house
10	4	144	Type 3: Staggered semi-detached house
11	4	150	Type 5: Detached 4 bed with attached single storey garage
12	3	126	Type 2: 1 in a group of 4 in L shaped terrace
13	3	126	Type 2: 1 in a group of 4 in L shaped terrace
14	3	126	Type 2: 1 in a group of 4 in L shaped terrace
15	3	126	Type 2: 1 in a group of 4 in L shaped terrace
16	3	168	Type 4: detached with garage and

			accommodation over garage.
17	4	150	Type 5: Detached 4 bed with attached single storey garage
18	4	144	Type 3: Staggered semi-detached house
19	4	144	Type 3: Staggered semi-detached house
20	3	168	Type 4: detached with garage and accommodation over garage.

A total of 44 car parking spaces of which 4 are garages and 44 cycle spaces are proposed. The units are positioned in a linear form from north to south and will be accessed via an existing slip road from Harlow Common and a newly created street.

Materials include zinc covered pitched roofs, a mixed palette of wood, black blue brick and glass for the walls and fenestration. The communal landscaping improvements to boundary treatments. The contemporary design is reflective of the design already approved under planning permission EPF/2027/14.

### **Relevant History:**

<b>Reference</b>	<b>Description of development</b>	<b>Decision</b>
1969	Appeal against the serving of an enforcement notice in respect of unauthorised car repair, storage at the site - vehicle related use had continued since 1963 and had become "established".	Appeal quashed
EPF/2212/09	Lawful Development Certificate – Use of existing units and adjoining land for the service, repair, maintenance and storage of motor vehicles, plant and machinery and/or parts of motor vehicles, plant and machinery	Lawful
EPF/1370/10	Demolition of industrial buildings and associated structures, removal of authorised use of site for car repair, storage and related uses, and replacement with construction of eight residential dwellings, together with associated parking and landscaping.	Granted
EPF/1285/11	Demolition of two residential units and outbuildings and replacement with construction of two new dwellings, together with associated parking and landscaping, and retention of existing dwelling house	Granted
EPF/1887/14 CLD	Certificate of lawful development for the completion of development approved under EPF/1285/11.	Lawful
EPF/2027/14	Demolition and reconstruction of the Farm House together with the erection of 10. No. additional dwellings, served off the existing approved vehicular access on Harlow Common/Foster Street together with internal road layout, parking, and a scheme of landscaping and tree planting. (Alterations to EPF/1285/11 and EPF/1370/10).	Granted

### **Policies Applied:**

National Planning Policy Framework  
National Planning Policy Guidance

Epping Forest District Local Plan (1998) and Alterations (2006) – Saved Policies.

CP1 Sustainable Development  
CP2 Protecting the Quality of the Rural and Built Environment  
CP3 New Development DBE1 Design of New Buildings  
DBE2 Detrimental Effect on Existing Surrounding Properties  
DBE4 Development in the Green Belt  
DBE6 Car Parking  
DBE8 Private Amenity Space  
DBE9 Loss of Amenity for Neighbouring Properties  
GB2A Development in Green Belt  
GB7A Conspicuous Development  
GB16A Affordable Housing  
H1A Housing Land Availability  
H3A Housing Density  
I1 Planning Obligations  
LL10 Adequacy of Provision for Retention of Landscaping  
LL11 Landscaping Schemes  
NC3 Replacement of lost habitat  
NC5 Protection of established habitat

### **Draft Local Plan:**

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP5 Green Belt and District Open Land  
DM9 High Quality Design  
H1 Housing Mix and Accommodation Types  
T1 Sustainable Transport Choices  
T2 Safeguarding of routes and facilities  
DM 15 Managing and reducing flood risk  
DM 16 Sustainable Drainage Systems  
DM18 On site management of waste water and water supply  
DM19 Sustainable Water Use  
DM20 Low Carbon and Renewable Energy  
DM21 Local environmental impacts, pollution and land contamination

### **Consultation Carried out and Representations Received**

NORTH WEALD PARISH COUNCIL: OBJECTS to the application on the basis of the following.

1. There are contradictory statements in the application which has lead to confusion, namely: Table 5 in the planning statement shows a reduction in the proposed GEA, however table 1 in the same document shows an increase. (The supporting text also suggesting there is an increase).
2. Para 4.37 of the planning statement states that ‘the proposals will include a total of two garaged parking spaces in accordance with ECCs revised vehicle parking standards ... and .... Therefore total parking is 22 garaged spaces and 11 driveway visitors’. However

further on in the document it states that the 'number of garage in the proposed scheme has been reduced from the consented scheme.' It is therefore unclear what the actual number of garages is, and it is therefore left to the Parish Council to make an assumption in terms of what is correct.

3. The application consistently refers to approval of planning permission EPF/2027/14, however fails to adequately address that this approval was subject to a legal agreement which has to date not been fulfilled. The applicant states that this application simply revises the quantum of approved development and as such it is expected that the section 106 would be fulfilled and would form part of the approval for this application should permission be granted and the Parish Council requests advice is sought from Director of Governance regarding this. In addition, para 4.34 of the planning statement states that the previous scheme for the site were approved without any on-site provision of affordable housing and subject to a financial contribution in lieu of this, and that this is a highly material consideration in the determination of the current application. Once again the Parish Council is having to make an assumption on this ambiguous statement and clarification is needed in terms of exactly what the applicant is suggesting by this statement.
4. Due to the failure to adequately address the current section 106 agreement on the site, it is unclear from the application what is intended by providing (10%) which in any case is 30% short of the LPA requirement of 40% affordable housing on site (reference saved policy H7a and emerging policy H2).
5. Part 4.38 of the Planning Statement state 'capacity for cycle storage will be provided within each of the proposed garages in accordance with planning policy'. However making the assumption that there will be a reduction of 7 garages.
6. It should be noted that following a recent meeting with the Parish Council, and senior officers of the Council various solutions were looked for regarding the balance owed to the Parish Council of the Section 106 Legal Agreement, this being a balance of £50,000. Grants and loans had to be made to Hastingwood Village Hall to cover the balance of their building works due to shortfall of this section 106 Agreement. We urgently ask that advice is taken from EFDC Legal Section before any Planning Application is agreed, as notes were being made on the file in this respect.

29 neighbours were consulted and a site notice was displayed. This resulted in 2 objections being received.

**WALNUT TREE COTTAGES MILL STREET: OBJECTS** Number of houses has doubled. Modern houses not in keeping with this semi- rural area. Severe harm to highway Local schools and doctor surgeries are full. No buses along Foster Street. No piped gas along Foster Street therefore more inconvenience. Other developments will add to the population without any infrastructure.

**MULBERRY FARMHOUSE MILL STREET: OBJECTS** Increased population will have to people overlooking our property and garden especially on weekends. Boundary treatment insufficient to screen harm. My house is listed therefore opaque glass cannot be used. Will cause disruption as a result by the works. Size of works will have an overbearing impact on my property. Current type of accesses and proposed number of parking spaces will increase number of safety hazards. Need a roundabout and speed restrictions to make it safe for all.

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

#### **Background**

Historically, motor vehicle related uses operated, both within the previous buildings now demolished and on the wider land surrounding the buildings within the red line of the site.

The approval of EPF/2027/14 for 11 (10 additional and 1 new house) was an amalgamation of approvals made under EPF/1370/10 and EPF/1285/11 (see history table) for the same number of

units. This permission is still extant as it expires on 12/12/17. The applicant is in the process of getting the pre-commencement conditions discharged.

The principle therefore of the development of 11 houses on this site is already agreed and the previous consents are extant and could still be implemented. During the course of this application, the existing house on the site has had an arson attack on it. It is therefore questionable whether it can now be included as an existing property? Given that the permission under EPF/2027/14 is still extant, it is considered until the expiration of this permission, this current application will continue to be assessed on the basis that this is a replacement house.

The main considerations of this application relate to whether the additional building volume would have an adverse impact on:-

- the aims and purposes of the Green Belt ;
- the character of the application site and surrounding area;
- neighbouring residential amenity; and
- parking and highway safety;

If there is harm identified whether there are any very special circumstances which would outweigh this harm?

#### Impact on the aims and purposes of the Green Belt.

Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 89 and 90 of the National Planning Policy Framework (NPPF). And provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the limited infilling or partial or complete redevelopment of previously developed sites, 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.

The approved plans under reference EPF/2027/14 was for just 10 large 5 bed houses and garaging with a total volume of 9130 cubic metres and the proposed housing development achieves 20 smaller properties with a total volume of 10,330 cubic metres. The proposal will therefore increase the volume of structures by 1200 cubic metres. This represents an increase of 12% in volume in comparison with the previously approved proposal. The number of east/west visual gaps through the proposed houses have also been reduced from 8 to 7 as a result of the terraces and semi-detached properties. Plans have also been revised so that the number of parking spaces have increased and the access road widened to accommodate emergency and service vehicles. These amendments will further encroach and suburbanise the character of this site which, with the exception of the derelict house near the northern end of the site, is currently covered in grass, thickets and trees. In addition the significant increase in the number of residents will result in an increased amount of paraphernalia associated with the increased number over and above the approved scheme. These factors combined will result in this scheme having a greater adverse impact on the character and openness of the Green Belt than the previously approved scheme. This application is therefore by definition inappropriate development and as such contrary to the requirements of chapter 9 of the NPPF and policy GB2A of the Local Plan.

### Sustainability

Whilst the nearest bus stop is on Potter Street which is within walking distance of the site, the service is limited and there is also an inadequate footpath on Harlow Road. It is therefore considered that the site is not in a particularly sustainable location for new development, in that any residents are likely to be heavily reliant on the private car for their everyday needs, but the previous lawful use as a car repair/ breakers yard related business was similarly unsustainable. Whilst the proposed houses are longer compliant with 'Code 4 for Sustainable Homes' standards as the Biomass heating system for the development no longer included within this scheme. The proposal if permitted would still need to meet energy efficiency standards contained within the requirements of the Building Regulations. Furthermore the Design and Access Statement indicates that the new scheme retains the proposal for green roofs over the single storey attached garages; rain water harvesting and the use of local materials for the construction of the dwellings. The design of the houses as terraces and semi-detached properties will also reduce the heating requirements of future occupiers. Sufficient space has also been provided for cycle provision. It is for these reasons considered that the proposal on balance provides an acceptable level of energy efficiency to meet the requirements of the NPPF.

### Design and visual amenity

Whilst the density of development is higher than previously approved, the 15 units per hectare are still significantly below the standards required by policy H3A.

The individual heights of the proposed houses are in keeping with the character of the area. The massing scale, position of the scheme is not reflective of the surrounding area, however the contemporary appearance and general position of the houses has already been approved under reference EPF/2027/1 and the scheme is reflective of the period in which it will be built (if permission is given) and remains an attractive proposal which raises the design standards within the District through its use of use natural materials, simple form and extensive soft landscaping. It is for this reason that the proposal is considered to have a positive impact of the distinctive local character of this rural location.

### Trees and landscaping

The Trees Officer is satisfied that subject to further details regarding tree protection and soft landscaping to include 'kick rails' to prevent parking on verges or open grassed areas. Additional information is also required to establish who is responsible for the public areas of land in the long term; the proposal therefore complies with the requirements of policy LL10 and LL11 of the Local Plan.

### Quality of resulting residential accommodation

The proposal includes houses which have a good standard of design; provide a good standard of internal space, outlook, ventilation, and access in accordance with the Technical Housing Standards Document March 2015.

Plans have been amended to ensure that all units have private useable amenity space which meets the space standard requirements of policy DBE 8 of the Local Plan.

### Impact on neighbouring amenity

The proposal has been designed to ensure that it is sufficiently distant from neighbouring residential dwellings to ensure that there is no overlooking of adjacent properties and that there is adequate distance between the new buildings and existing dwellings. The proposal will not have an excessive impact on neighbouring amenity in terms of light, outlook or privacy in accordance with policy DBE9 of the Local Plan.

## Ecology

The level of vegetation on the site and the close proximity of native species woodland indicates that there is a probability that protected species and / or their habitats could be present on the site, the proposal will also result in the loss of other biodiversity on the site.

The Countryside Manager has reviewed the submitted Preliminary Ecological Appraisal by Peakecology Ltd dated September 2016 and confirms that its recommendation should be controlled by condition. She also recommends that additional conditions be attached to any permission be attached to further mitigate against the harm to nature conservation through the imposition of conditions which require a construction method statement and a biodiversity enhancement plans. It is on this basis that the application is compliant with the requirements of chapter 11 of the NPPF and policies NC3 and NC4 of the Local Plan.

## Highway Issues

Plans were revised during the process of the application to now provide 2 car parking spaces for each property and 4 additional visitor spaces. Given the previous use of the site and the previous approvals made; The Transport Assessment carried out by Glanville Ltd an independent firm of Highway Engineers who conclude that the effect of the increase in traffic in comparison to the approved schemes that would result from the proposed increase in the number of dwellings on the site would be imperceptible and have no impact on the local road network in terms of operational capacity or safety.

This assessment is agreed to by the Highways Authority who have raised no objections to the proposal as it is satisfied that the scheme provides sufficient parking to meet current parking standards and will not have a significant adverse impact on highway safety. The proposal therefore complies with the requirements of paragraph 32 of the NPPF policies ST4 and ST6 of the Local Plan.

## Flood Risk

The site does not lie within an Epping Forest District Council or Environment Agency Flood Risk Assessment Zone. The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) and details of surface water drainage are therefore required by the Land Drainage Officer in order for the application to comply with Policies U2B and U3B of the Local Plan.

## Contamination

The Contamination Officer confirms that the site has previously been used for farming, vehicle repair & respraying and as a builder's yard and the presence of imported waste; there is the potential for contaminants to be present over all or part of the site. She has reviewed The Glanville Consultants Ltd's Geo-environmental report dated August 2016 which was submitted in support of the application and recommends that standards conditions should be attached to any permission to ensure that any contamination on the site is adequately controlled in accordance with RP4 of the Local Plan.

## Affordable Housing

As the number of new housing units has increased by 9, and the type of housing better reflects housing need within the District, Policy H5A requires that some provision of affordable housing should be made.

The previous scheme under reference EPF2027/14 was approved on the basis that, whilst the site was suitable for affordable housing, the previous (extant at that time) permissions for 11 residential units were approved without the requirement for the provision of onsite affordable housing. The Parish Council therefore suggested that instead of a contribution towards affordable housing a contribution of £100,000 would be better spent on local facilities within the local community, this requirement was supported by members of the East Area Planning Committee (held 12/12/14) and as a result approval was given to this scheme.

Since that decision was made only half of the required £50,000 has been paid, it is therefore recommended that the outstanding contribution be carried forward onto any future permissions relating to new housing on this site, as suggested by the Parish Council.

This application now seeks to increase the number of units on the site by an additional 9 houses; therefore the Council now requires that the contribution to affordable housing also be reconsidered. Policy H7A requires that 50% of the total number of additional units provided should be affordable. However the advice contained within the National Planning Policy Guidance on Viability requires that where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. The applicant has demonstrated through the submission of a fully costed appraisal which was assessed by the Kift Consultancy, an independent financial advisory firm on behalf of the Council that the provision of 4 to 5 units of the proposed units as affordable is unviable. After careful analysis of the data submitted the Consultants confirmed that the provision of two residential units as affordable (units 1 and 2) on site and a sum of £90,000 (which represents a percentage of the cost of a third unit) in lieu of on-site affordable housing provisions, was sufficient to strike a balance between gaining the maximum permissible contribution to affordable housing and also ensuring that the scheme remains viable for the developer. It is on this basis that the proposal complies with the requirements of policy H7A of the Local Plan. This analysis and approach has been fully endorsed by the Council's Senior Housing Delivery Officer.

#### Education Contribution

The Infrastructure Planning Officer at Essex County Council has confirmed that they do not require an education contribution as a result of any approval of this application.

#### Green Belt Balance/Conclusion.

The proposal due to its additional volume is by definition inappropriate development. Paragraph 87 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harm to justify an approval.

The special circumstances of this application are that:-

- The site is previously developed land. There is an existing extant permission for housing already on the site; however the units are large five bedroom units which do not reflect the housing need within the District. The provision of additional units will help address the current under supply of housing within the District; this issue is therefore given some weight.
- Lack of 5 year Housing land Supply. The council does not at present have a demonstrable 5 year housing land supply and there is a considerable unmet need for housing, whilst this is not in itself grounds for allowing housing on green belt sites, but it is a material consideration that weighs in favour of the development, particularly as the development achieves significantly more dwellings with a relatively small increase in volume and therefore makes better use of the land.

- The existing lawful use of the site for the repair of motor vehicles could be re-instated. There are no restrictions on the use; heavy goods vehicles could potentially use the site on a 24 hour and 7 day basis. Furthermore comments received in relation to previous applications indicate that there would be local support for the removal of this type of use from this location. This issue is therefore given some weight.
- The provision of 2, 3 and 4 bedroom units two of which are affordable and better reflect housing need within the District.
- The proposed housing will be of a high quality energy efficient housing which will complement the rural setting in which they are situated. Furthermore the units have been designed to add bulk to roughly the existing footprint of the development already approved; this together with the proposed additional tree planting will ensure that once the trees mature the additional visual bulk will not be significantly more perceptible than the already approved scheme. The proposal will also provide short term economic benefits to the local community through the creation of construction jobs.
- The securing of the outstanding £50,000 local community facility, which was required on the previous permission.

These benefits when added together are considered sufficient to clearly outweigh the limited additional harm to the aims and purposes of the Green Belt and all other harms in comparison to the previously approved scheme.

### **Conclusion**

The application is therefore recommended for approval, subject to the payment of the remaining £50,000 contribution to local community facilities (an initial £50,000 was previously paid to the Council and forwarded to North Weald Parish Council); the provision of two affordable housing units; a contribution of £90,000 towards affordable housing within the District and additional conditions controlling further extensions, flood risk, land contamination, the quality of materials, to mitigate against the loss of biodiversity, the protection of mature trees and the provision of good landscaping.

***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: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

***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 2



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Application Number:	EPF/1629/17
Site Name:	13 Vicarage Lane, North Weald Bassett, CM16 6ET
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1629/17
<b>SITE ADDRESS:</b>	13 Vicarage Lane North Weald Bassett Essex CM16 6ET
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Colin Abbott
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of games room/outbuilding to rear with pitched roof.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=595816](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=595816)

**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 specified within the submitted application, 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: Scheme of Delegation, Appendix 3)*

**Description of proposal:**

Consent is being sought for the erection of detached outbuilding within the rear garden. This measures 10m in width and 6m in depth and proposes a pitched roof with an eaves height of 2.5m and ridge height of 3.9m.

Works initially commenced on the building under permitted development however it is stated by the applicant that during construction it was revealed that the ceiling height would be fairly low and therefore, in order to improve the internal height and provide a more visually appealing building, a pitched roof has been proposed for the outbuilding. The inclusion of the pitched roof and proximity to the boundary means that the proposed outbuilding would not constitute permitted development.

**Description of site:**

The application site consists of a detached bungalow located on the northern side of Vicarage lane. The site is situated within the settlement of North Weald and is not within the Green Belt or a Conservation Area.

**Relevant History:**

EPF/1396/17 - 8m rear extension, side extension, new roof with loft rooms with dormer and porch to match other properties in area – approved/conditions 20/07/17

**Policies Applied:****Epping Forest Local Plan and Alterations (1998/2006)**

DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE9 – Loss of amenity  
DBE10 – Extensions to dwellings

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.

**Epping Forest Draft Local Plan consultation document (2016)**

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

DM9 – High quality design

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

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

PARISH COUNCIL – Objects to the application due to the size of the pitched roof and the closeness of the pitched roof to the boundary of the neighbours at No 1 Bluemans. This will cause harm to the neighbours at No 1 Bluemans due to its size and positioning.

1 BLUEMANS – Object as the proposed development has an overbearing and intrusive effect, due to a loss of light and overshadowing, noise and disturbance resulting from use, and the loss of existing views from my property would adversely affect the residential amenity.

**Main Issues and Considerations:**

The main issues with this development are the impact on neighbouring residents and regarding design.

**Amenity:**

The proposed outbuilding is situated at the very end of the rear garden directly adjacent to the shared boundary with No. 1 Bluemans, which due to the orientation of the properties adjoins the application site side on, and No. 1 St Andrews Close, which backs on to the application site.

The proposed outbuilding stretches the entire width of the property and would have an eaves height of 2.5m and a total ridge height of 3.9m. Construction of the building has already taken place however at the time of the Officers site visit the building had not been constructed above eaves level and therefore, at that time, the building was permitted development as it did not extend beyond 2.5m in height. Nonetheless the proposal is to install a roof above the building raising the overall height to 3.9m which requires planning consent since it is within 2m of the site boundary.

The proposed pitched roof building is very similar to a detached outbuilding at the rear of the adjacent neighbour at No. 12 Vicarage Lane, which also backs onto No. 1 Bluemans. Whilst the installation of a pitched roof onto the otherwise permitted development outbuilding would have some inevitable additional impact on the amenities of the adjacent neighbours it is not considered that this harm would be significant or excessive in comparison to the existing situation.

The greatest harm to the amenities of the residents of No. 1 Bluemans currently occurs from the large outbuilding within the rear garden of No. 12 Vicarage Lane dominates the first half of their rear amenity space. The proposed new outbuilding at No. 13 would be located beyond the neighbours outbuilding and would affect the furthest part of the neighbours garden, half of which is shielded by an existing garden shed located within their property.

In addition the only part of the proposed building that technically requires planning consent is the pitched roof that benefits from a hip end and pitches away from the neighbours gardens. As such it is considered that the harm from the addition of a pitched roof would not be significantly greater than that which already occurs from the permitted development 'fallback position' and therefore the pitched roof outbuilding would not have a detrimental overbearing impact or cause any excessive loss of light to these neighbours.

Concerns have also been raised by the occupiers of No. 1 Bluemans with regards to noise and disturbance resulting from the use of the proposed outbuilding and the loss of existing views. As highlighted above a 2.5m flat roofed outbuilding, as was originally going to be erected, does not require planning consent and therefore it is not considered that the principle of a residential outbuilding in this location can be considered unacceptable. In addition, given that the outbuilding would be incidental to the residential use of the existing property it is not considered that this would result in any significantly greater noise or disturbance to neighbours. With regards to the loss of existing views, there is no right to a view and therefore any loss of such views is not material to the planning merits of the case.

#### Design:

The proposed pitched roof outbuilding would be of a standard, traditional design similar to that within the neighbouring site. There are arguments that a pitched roof outbuilding would be more visually appealing than a flat roofed outbuilding however given the location of this outbuilding and the limited public views of it this matter is not given much weight in this instance.

#### Conclusion:

Whilst the proposed outbuilding would have some additional impact on the amenities of the neighbouring occupants to the rear it is not considered that the harm caused would be significantly greater than that which currently exists or that would result from the permitted development

'fallback position'. As such it is considered that the proposal complies with the guidance contained within the NPPF and the relevant policies of the Adopted and Draft Local Plans 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***

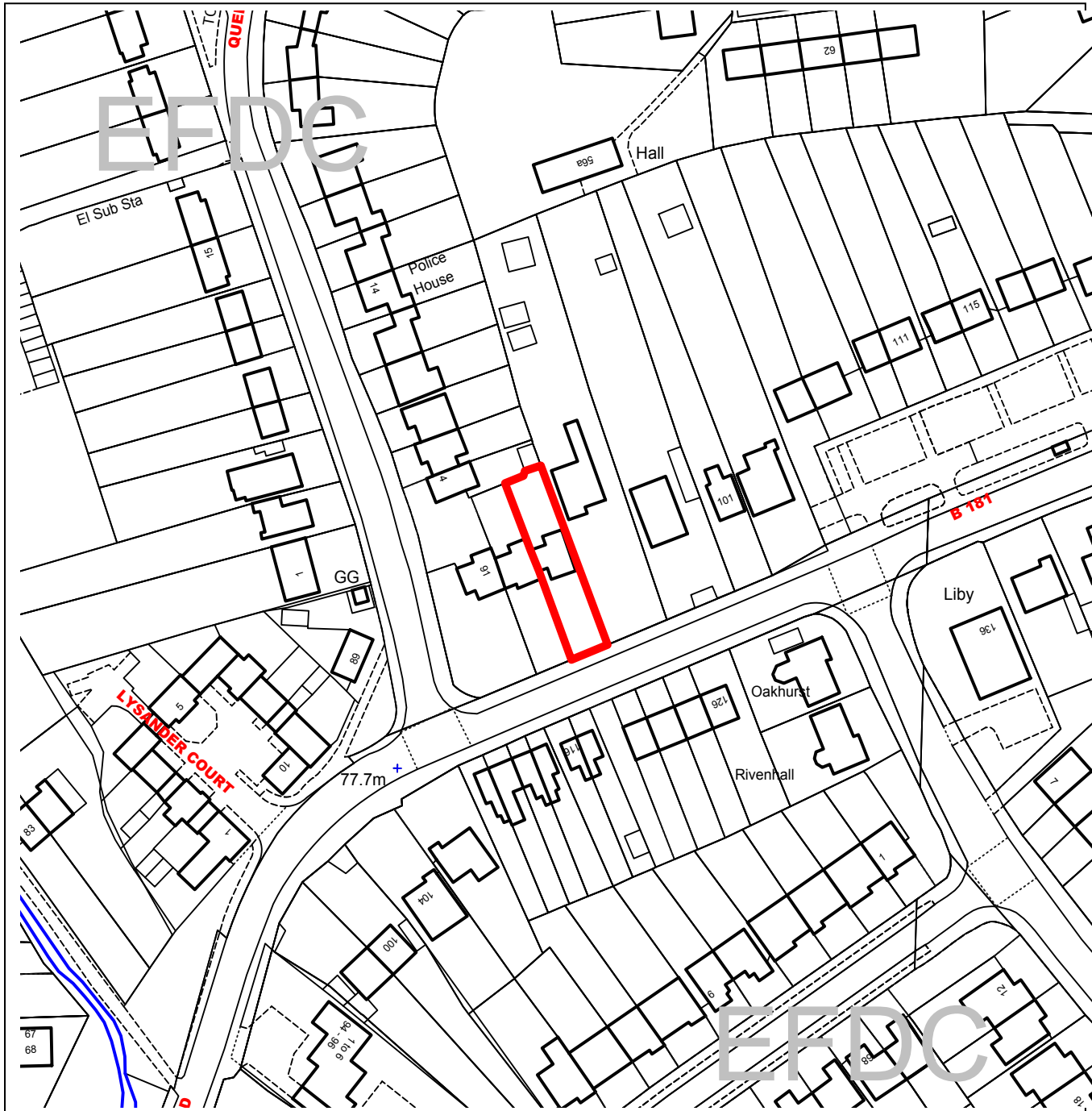
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# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/2057/17
Site Name:	95 High Road, North Weald, CM16 6HS
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2057/17
<b>SITE ADDRESS:</b>	95 High Road North Weald Epping Essex CM16 6HS
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr & Mrs R & J Berriman
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed first floor extension over existing single storey extension.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=597734](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=597734)

**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 Local Planning Authority, in line with The Environmental Protection Act 1991 requires the developer put in place measures to control the distribution of brick dust arising from construction.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5 Prior to first occupation of the development hereby approved, the proposed window opening in the west flank elevation shall be entirely 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: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

95 High Road is a two storey detached dwelling. Originally one of three identical dwellings constructed in 1959 on a vacant corner plot at the junction of High Road North Weald and Queens Road. Although conforming to the building line of High Road the principle elevation is north facing towards the crescent of Queens Road. A dropped kerb from Queens Road offers entrance to a communal driveway which provides access to link garages to all three dwellings. The property is not listed, is not within a Conservation Area and does not form part of the Green Belt.

### **Description of Proposal:**

Planning permission is sought for the construction of a first floor extension over the existing single storey extension to the front elevation.

The proposed first floor front extension would be inline with the existing ground floor addition measuring 2.7m deep and 5.4m wide creating a flush front and side elevation. The existing roof profile and ridge will be extended inline with the host dwelling. At first floor the existing triple window will be replaced with two high level windows. A double window will be introduced within the side elevation of the proposed extension at first floor. Materials will match those of the host dwelling.

### **Relevant History:**

EPF/1069/91 – Planning permission granted for a ground floor front extension.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

#### *NPPF:*

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.

#### *Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9	High Quality Design
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## **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 3

Responses received:

93 HIGH ROAD: Construction vehicles will compromise access to neighbouring dwellings. Brick dust and noise during construction will have an impact upon the terminal ill health of the neighbour. Less natural light coming in through the upstairs landing window servicing the stairwell. The new structure will block light and obscure views creating feeling of claustrophobia.

PARISH COUNCIL: Object due to the mass and bulk, over development and out of keeping with the adjacent dwellings affecting the visual amenity of the streetscene. Concerned 91 High Road was not consulted.

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

The main issues for consideration are the design and impact of the proposed development upon the streetscene and neighbour amenities.

#### **Design**

Policies CP2 and DBE10 seek to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area.

The proposed first floor extension will retain the existing narrow width and limited height of the existing and with the exception of the existing side entrance and a replacement window, is identical to the neighbouring dwellings. The limited nature of the additional bulk and massing of the proposed development is of a scale and proportion which replicates the character and appearance of to the host dwelling and adjacent neighbour. It therefore will not harm the character and appearance of the streetscene.

#### **Neighbourhood amenity**

A secondary window is located within the side elevation of the proposed first floor extension adjacent to the common boundary and side elevation of no.93. Due to the staggered building line the proposed window will be slightly forward of the front elevation of no.93 providing a clear line of sight across the front driveways of no.93 and no.91. Due to the nature of the front driveways which provide primary access to the neighbouring dwellings, it is considered prudent to impose a condition which would require obscured glazing to the proposed first floor side window in order to protect the privacy of occupant of the host dwelling and no.91 and no.93 High Road.

In respect of the stairway window to no.93, this is not a habitable room and light loss would not be supported on appeal. However, due to the location, limited scale and bulk of the proposed first floor extension combined with the orientation of the setting sun it is considered that the stairwell well window would not result in undue loss of daylight.

It is noted that combined with the staggered building line, the proposed development will project 2.5m forward of the front elevation of no.93.

When measured at a 45 degree angle from the mid-point of the protected windows at the ground and first floor of no.93, the proposed extension falls well within this criteria at 34 degrees. Together with a separation distance of 2.2m, this will not appear overbearing on this neighbour to a degree to justify a refusal of planning permission.

## Other Matters

Hours of construction can be controlled by condition in order to safeguard as much as is possible the residential amenity of surrounding residents. Given the nature of the shared access to this small collection of dwellings, it is prudent to include such a condition should planning permission be granted for this scheme.

Brick dust control sits outside the Town and Country Planning Act, but in this case, it appears that there are very special personal circumstances of the immediate neighbour to justify a condition.

Immediate neighbours are consulted, as with all applications. There is no requirement for no.91 (next door but one) to be consulted and the extension will not impact on them, other than the possibility of the construction work which is covered by the suggested conditions.

## **Conclusion:**

The proposed development is limited in terms of bulk and massing and responds well to the design of the host dwelling and character of the streetscene. It would not compromise the residential amenity of neighbouring dwellings and issues arising from construction can be controlled by condition. As such, the proposal complies with relevant planning policy and it is recommended that planning permission be granted

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

***Planning Application Case Officer: Nikki Dawney  
Direct Line Telephone Number: 01992 564136***

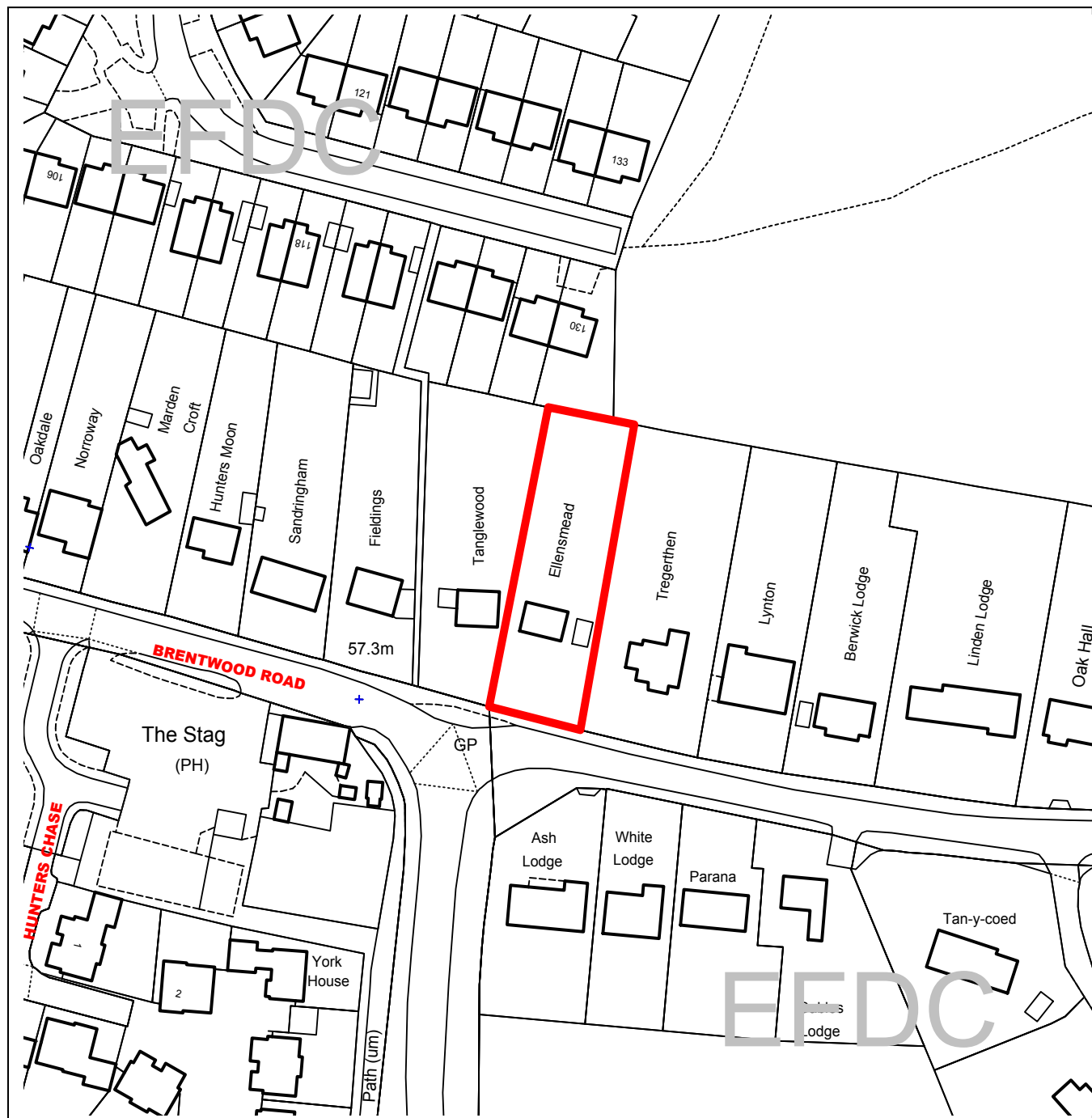
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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/1913/17
Site Name:	Ellensmead, Stondon Road, Ongar, CM5 9BU
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1913/17
<b>SITE ADDRESS:</b>	Ellensmead Stondon Road Ongar Essex CM5 9BU
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Marc Regan
<b>DESCRIPTION OF PROPOSAL:</b>	New front boundary wall and railings. New outbuilding at rear.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=597196](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=597196)

**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.

*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: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site is a two storey detached dwelling within a generous plot. The site is located within the built up area of Ongar. The site is not within the Metropolitan Green Belt or within a conservation area.

**Description of Proposal:**

Erection of front boundary wall and railings with piers rising from 1.6 to 1.8 metres. Ancillary outbuilding to the rear of the property to serve as a store and 'gym' measuring 3.4 m in height

forming an L shaped block of 8m wide and 8 m deep, narrowing to 5m deep towards the western elevation.

**Relevant History:**

None

**Policies Applied:**

CP2 – Protecting the quality of the rural and built environment  
DBE9 – Loss of amenity  
DBE10 – Residential extensions  
LL11 – Landscaping schemes  
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.

Draft Local Plan

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9 - High Quality Design  
DM10 – Housing Design and Quality  
SP6 – The Natural Environment, Landscape Character and Green Infrastructure  
T1 – Sustainable Transport Choices

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

4 Neighbours were consulted and no comments have been received.

ONGAR TOWN COUNCIL – OBJECT – as the brick wall and railings are too high and not in keeping with the area. There was no objection to the outbuilding subject to it remaining as its current use as a store and gymnasium.

**Main Issues and Considerations:**

The main issues to be considered relate to the impact on the character and appearance of development and neighbour's amenities.

**Design:**

The proposed gates and railings are in keeping with the style of the existing property and will not appear overbearing in the street scene. The piers rise in height in order to facilitate the erection of gates, set back into the driveway, this will reflect the character of the street scene which begins with higher boundary treatments and ends with much lower, more open front boundaries. The scheme will be balanced by soft landscaping to be placed behind the new wall, shown in the submitted landscaping plan. The design of the outbuilding is in keeping with surrounding policies

and is of a scale that will appear subservient to the main dwelling house and is very similar to that which could be erected under permitted development.

Amenities:

The proposed boundary wall is set well away from neighbouring properties and will not cause any significant harm to neighbouring properties. The proposed outbuilding is also set well away from neighbouring boundaries and will cause no significant harm due to its limited height and bulk.

Other Matters:

Essex County Council Highways officers have no objection to the proposal and the proposal will cause no loss of parking at the property.

Conclusion:

The proposed development will not be unduly detrimental to the character and appearance of the area or the amenities of the neighbouring residents. As such it complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies. 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:***

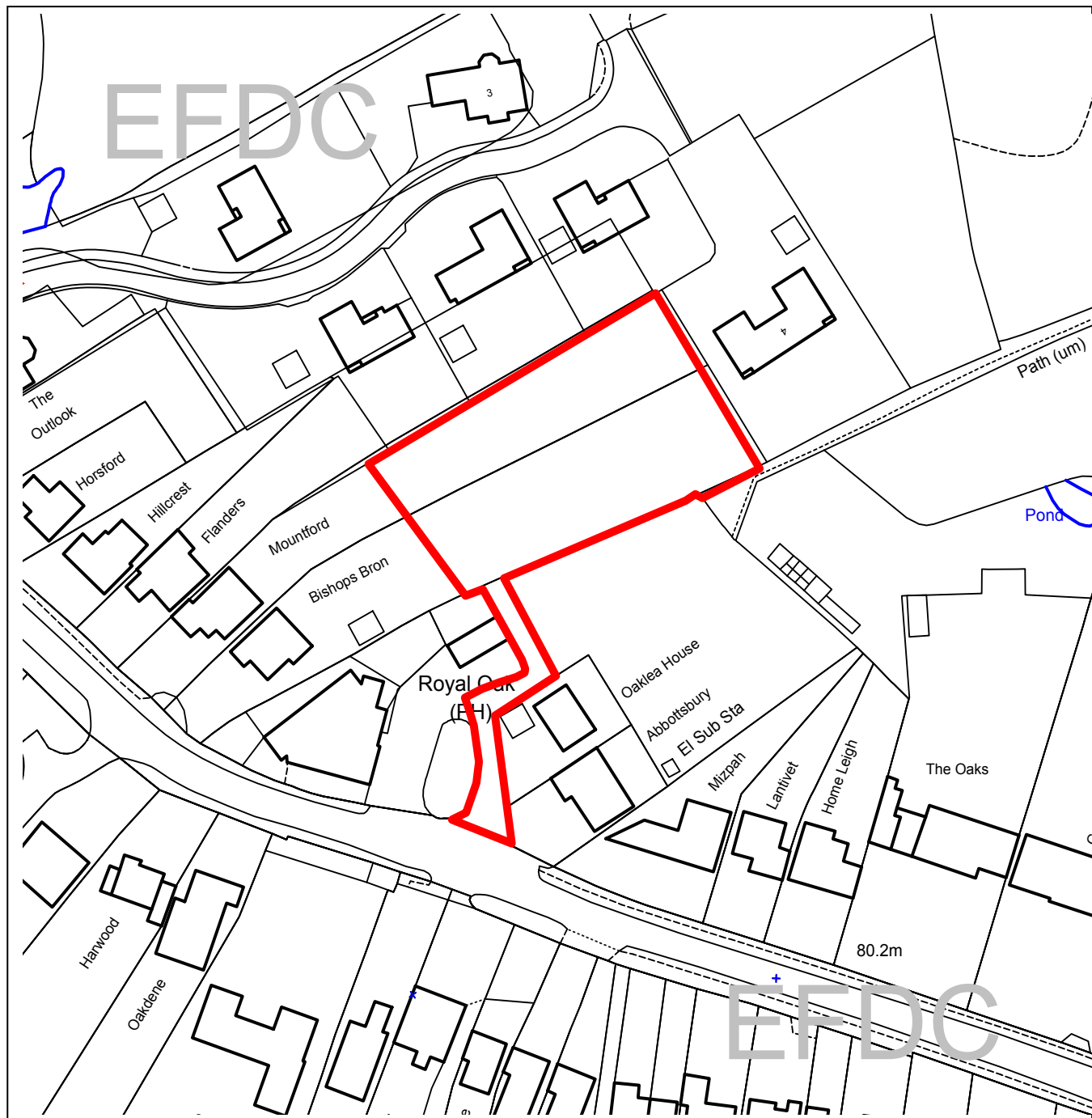
***Planning Application Case Officer: Corey Isolda  
Direct Line Telephone Number: 01992 564380***

***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/1762/17
Site Name:	Land to the Rear of Mountford and Bishops Bron, Oak Hill Road, Stapleford Abbots, RM4 1JL
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1762/17
<b>SITE ADDRESS:</b>	Land to the rear of Mountford and Bishops Bron Oak Hill Road Stapleford Abbotts Essex RM4 1JL
<b>PARISH:</b>	Stapleford Abbotts
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Gerard Higgins
<b>DESCRIPTION OF PROPOSAL:</b>	Application for eight new build houses (six semi-detached, two detached), with associated parking and amenity.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=596534](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=596534)

**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: FQB\_100, 100A, 150A, 200RevC, 201, 202, 203 and 204,
- 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed rooflight windows serving the second floor in the north facing rear elevation(s) shall be entirely 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.
- 5 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.

- 6 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 7 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.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 9 No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for the following all clear of the highway:
- Safe access into the site
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - Wheel and underbody washing facilities
- 10 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 11 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

- 12 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 14 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.
- 15 Prior to first occupation, details and construction on site of boundary walls/fences, including provision for a solid wall along the flank boundary adjacent to the rear garden of no.4 Kensington Park, Stapleford Abbots, shall be submitted and agreed in writing by the local planning authority.
- 16 The removal of trees, scrub or hedgerows shall be undertaken outside of the bird breeding season (commonly between 1st March and 31st August). If this is not possible, habitat removal shall be supervised by an ecologist.
- 17 Prior to the occupation of the development hereby approved two bird boxes shall be installed/constructed on site in accordance with details submitted to and approved in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval and the application is for residential development consisting of five dwellings (and is not for approval of reserved matters only); more than two expressions of objection have been received; 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 Services – Delegation of Council function, Schedule 1, Appendix A.(d) (f) and (g))*

### **Description of Site:**

The application site is a fenced off area that formerly was the end half of the rear gardens of two houses, Mountford and Bishops Bron, which front Oakhill Road. The application site is between the former car-park area of the Royal Oak public house to the south, which is being developed for five houses that are almost completed and the rear gardens and houses of 5, 6 and 7 Kensington Park to the north and the side garden and house at 4 Kensington Park to the east. There are high leylandii trees running east to west through the centre of the site that previously defined the boundary of these two houses at the rear.

The site is located within the Metropolitan Green Belt and within the village of Stapleford Abbots. Houses front Oakhill Road to the south and west, whilst Kensington Park is a cul-de-sac to the north of 7 detached houses in wide plots built in the early 2000's. Public Footpath no. 33 runs south of but is outside the application site.

### **Description of Proposal:**

Three pairs of a total of 6 x 3 bedroom semi-detached houses, flanked each end by a detached house (2 x 5/6 bedroom houses), that will run as a row east to west fronting onto a proposed new private road. Each house will have two parking spaces, and the plans have been revised to show provision for two visitor parking spaces and a turning area at the eastern far end for vehicle movement and turning area. Access will be from the western end, off the road serving a recent built 5 house residential development to the south, which in turn accesses off Oakhill Road that serves the car park area to the Royal Oak PH.

Design wise, these will be a mix of facing brick and render on two floors, with traditional dual pitch sloping roofs either side of a central ridge (9m high). The front roof elevations of each proposed house will face towards the recent built housing development to the south and have a small dormer, whilst on the rear roof slope, there will be a pair of flat roof lights. The roof void area will serve a pair of bedrooms.

### **Relevant History:**

EPF/1024/14 – Five detached dwellings on adjacent site (former Royal Oak PH car park) -  
Granted 19/09/2014

### **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  
CP7 – Urban Form and Quality  
CP9 - Sustainable Transport  
GB1 – Green Belt Boundary  
GB2A – Development in the Green Belt  
GB7A - Conspicuous Development  
H2A – Previously Developed Land

- H3A – Housing Density Mix
- H4A - Dwelling Mix
- H5A – Affordable Housing
- H6A - Site Thresholds for Affordable Housing
- H7A - Levels of Affordable Housing
- DBE1 – Design of New Buildings
- DBE2 – Detrimental Effect of Existing Surrounding Properties
- DBE4 – Development in the Green Belt
- DBE6 - Car Parking
- DBE8 – Private Amenity Space
- DBE9 – Excessive Loss of Amenity for Neighbouring Properties
- LL1 – Character, Appearance and Use
- LL7 – Promotes the Planting, Protection and Care of Trees
- LL10 – Adequacy of provision for Retention
- LL11 – Landscaping Schemes
- ST4 – Road Safety
- ST6 – Vehicle Parking

NPPF 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.

*Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The current draft, as at October 2017, shows the site earmarked for residential development for a potential 10 houses – ref: as site ref:

The relevant policies in this case are as follows:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy 2011-2033
- SP4 Place Shaping
- SP6 The Natural Environment, Landscape Character and Green Infrastructure
- H1 Housing Mix and Accommodation Types
- DM5 Green Infrastructure: Design of Development
- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM11 – Waste recycling facilities on new development
- DM15 Managing and Reducing Flood Risk
- DM16 Sustainable Drainage Systems

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

47 neighbours were consulted and a site notice was displayed. This resulted in 9 local neighbour objections being received.

STAPLEFORD ABBOTTS PARISH COUNCIL – Object. Overdevelopment in an already crowded site with 5 New builds under construction, with at times the Royal Oak car park overspill using the access road; properties of Kensington park in close proximity coupled with the proposed development it would appear to create a mini housing estate off of Oakhill Road; concerns of access for emergency & amenity vehicles with the possible parking problems mentioned above; provisions made for 2 cars per property but no provision for visitors.

HORSFORD, OAKHILL ROAD – Object. Increased development in the village harming overall rural look and greenbelt area, decrease house values, 3 storey houses behind existing 2 houses is overpowering, intrusive, out of character with current style of surrounding properties and harms privacy, reduced area of car park to the pub has resulted in further on-street parking so that it is hazardous which the proposal will make worse, increase in noise level, should not let a village of mainly cottages, bungalows and farms be compromised with 3 storey houses squashed into small greenbelt areas.

ROSEMOOR, OAKHILL ROAD – Object. Too extensive for very small plot of land, will reduce privacy to the houses it backs onto as are 3 stories and in close vicinity, concern will cause added parking and traffic flow on the brow of the hill of Oak Hill Rd, where drainage is not good, especially as other housing development allowed, motorists do not stick to 30mph speed limit, village is in a rural setting with mostly linear development, but development like this on previous gardens will set a precedent and ruin the village.

3 KENSINGTON PARK - Strong objection due to overdevelopment and inappropriate form of development using rear garden in the Green Belt, accepted planning permission been granted for five detached dwellings on the neighbouring Royal Oak public house site but was previously developed land, concept of a 'limited' development is multi-faceted and varies, relies on several factors such as plot size, number of dwellings, size of houses, and the relationship with the surrounding built development, out of keeping as surrounding built-up enclave primarily consists of sizeable detached dwellings in spacious plots and open character, proposal will be in contrast of this.

1, 2, 4, 5 6, and 8 KENSINGTON PARK (separate letters of but virtually the same content) - Strong objection to the application due to overdevelopment and inappropriate form of development using rear garden in the Green Belt, accepted planning permission been granted for five detached dwellings on the neighbouring Royal Oak public house site but was previously developed land, 3 storey will be significantly higher than surrounding one and two storey houses, 8 houses are not limited infill, row of dwellings proposed would not fill a gap in an otherwise continuous frontage or continue any existing built form and would therefore not constitute an 'infill' development in the Green belt, is a built-up enclave but Stapleford Abbots is not a village and appeal decisions on matter of what is and is not a village are contained in out of area and within EFDC area appeal decisions (e.g. Mott Street, Waltham Abbey), conclude therefore is not a limited infill in a village to justify this is appropriate development in the Green belt, small rear gardens and back to back housing distance not repeated in rest of the village, car dominated frontage, contrary to Essex Design Guide in respect of house distance to rear garden boundary is less than 15m, loss of light to rear gardens because of size and position, overlooking from upper floors resulting in loss of privacy, increase light and noise pollution, not sustainable location as trips rely on car journeys and village only as local store and a pub, loss of wildlife habitat through removal of many mature trees on the site, trees on the boundary to Kensington Park should be protected, removal of 70 to 100 trees will make drainage worse, under provision of parking in number and size contrary to Essex CC parking standards.

EEC HIGHWAYS – the impact of the proposal is acceptable to the Highway Authority subject to a number of measures that can be controlled by condition.

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

The main issues to be considered are the acceptability of the development within the Metropolitan Green Belt; the principle of the residential development; its impacts on the character and appearance of the area including whether it would result in excessive loss of amenity to occupants of neighbouring residential properties; highways and access; loss of trees and landscaping and parking provision.

### Green Belt

The site is located within the Metropolitan Green Belt, where development is inappropriate unless it benefits from an exception. Paragraph 89 of the NPPF sets out exceptions to when a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. One such exception is limited infilling in villages.

The proposal would infill an area of former residential gardens that is surrounded on all sides by residential properties. Exceptions to development being inappropriate in the Green Belt include limited infilling in villages and not necessarily on previously developed sites, so long as the proposal would not have a greater impact on the openness of the Green Belt. The five houses adjacent to the south that are nearing completion was on the former car park hardstanding area of The Royal Oak Public House and because of its location and similar surroundings, was considered to be infill, as well as in that case a brownfield site.

To be limited infill, it does not need to be a brownfield site. Given this is surrounded by houses, is in a village and furthermore, is included in the draft Local Plan for housing, then it is considered such limited infilling to be green belt compliant, in principle. The cases referred to by objectors are in a sporadic hamlet setting and not comparable to Stapleford Abbots. The Local Plan defines Stapleford Abbots as a small village, it does not for Mott Street (High Beech) so infill in principle is acceptable and has been allowed on this basis on the adjacent site and elsewhere in the village.

The visual impact of the proposal on the surrounding countryside and visual amenities of the Green Belt is limited by the development that surrounds it. Therefore, there would be no significant harm either to the open character of the green belt or the character and appearance of the area, including the countryside beyond.

### Character and Appearance

The pattern of development surrounding the site generally consists of good sized detached dwellings, set within fairly large plots, but there are also examples of properties in smaller, shorter rear garden plots. Although the development proposed smaller plot sizes, they would still provide reasonable size and shape of private amenity space and the development would not appear cramped. The supporting text to policy DBE8 of the current Local Plan recommends that the detached houses should be looking to provide private amenity space of about 180 square metres and the terrace houses should be looking to provide 100m<sup>2</sup>. The submitted plans show that this is provided for the two detached houses and provision is around 70 to 80 square metres for the terraces. However, this wording derives from the original 1998 version, and subsequently, when the Council has previously tried to refuse planning permission on any shortfall, then at appeal (and likely why it is not addressed as such a requirement in the 2012 National Planning Policy Framework) the Planning Inspector has not supported it and would in this case consider there is adequate living conditions for future occupants of the proposed dwelling.

Therefore, although the development proposes smaller plot sizes generally than the surrounding area, they would still provide good levels of amenity and separated from each other by about 2.5 metre distances, the development would not appear cramped.

The houses are two storey with pitched roof that will provide living space in the roof void. The 5 houses on the adjacent former car park are of similar scale and design and it is considered that the proposal represents good house types adding to the mix in the local area. They are traditional design and use external materials which prevail in the local area. Due to their backland position, they will have limited visual impact on the main road, but even if visible, they add to the built-form quality in the local area. The position of parking at the front served off a new estate road would have little visual impact and is deemed to be acceptable.

### Neighbour amenities:

The proposed dwelling would provide accommodation on three floors. Those properties therefore most affected will be the houses at the rear at nos. 5, 6 and 7 Kensington Park. These are sizeable houses in larger plots and a further distance away from the rear boundary shared than those proposed at the application site. There is also a considerable thick vegetation screen of leylandii trees along this boundary and further into the application site, which would be removed to allow the development to take place. Back to back distances will be just under 30 metres, which is more than acceptable to safeguard against loss of privacy to rooms in these neighbouring houses. Distances to the rear garden boundary are less than the 15 metres referred to in the current Essex Design Guide (9 to 10 metres) but this is not unusual in this district and does not require strict adherence – it is a guide.

Visually, there will be a significant outlook change for these three residents because of the vegetation removal, but the position, size and design of the proposed houses is acceptable and not harmful. However, the perceived overlooking from three floor levels could be controlled by conditions requiring the second floor roof lights to be obscure glazed only and remove permitted development rights to prevent replacement with dormers on this elevation. In fact, it is appropriate that permitted development rights are taken away for any future extensions or outbuildings so that they are subject to further planning control.

The existing houses to the south-west in Oak Hill Road are a further distance away, and will view the side of the nearest of the proposed houses where no windows are proposed. There will be no loss of amenity to these residents, in fact, where glimpses of the new houses would be seen between existing house gaps to the north south and west, it will not be a dominant one and would not harm the street scene.

The existing house to the north-east at 4 Kensington Park could potentially be affected by the proposed position of the road turning area, particularly with the removal of non-native trees on this boundary. The revised plans show a brick boundary wall in its place, which is considered necessary to safeguard against vehicle movement harming this neighbours amenity, given it will be close to part of their rear garden.

Finally, on this matter, the proposed houses will face forward towards the new houses almost completed on the former pub car park to the south-east. A separation distance of 25m window to window is acceptable in terms of this relationship, which will also be across the new estate road.

Concerns have also been raised with regards to disturbance and nuisance as a result of construction works, however such matters are also not material planning considerations as this harm would only be temporary during the period of construction. Conditions to control the time constraints for construction works are suggested in order to minimise any impact on neighbours.

### Trees and Landscape

Discussions have taken place with the Council's Tree and Landscape Officer, but the trees are not worthy of a tree preservation order and were looked at before the site was put in the draft Local Plan for housing. There are therefore no objections to the removal of the existing trees, despite their abundance.

### Highways, Access and Parking

Officers at Essex County Council have been consulted on the application and do not raise any objection, subject to the imposition of planning conditions. Access to the site from the main road is an existing one and previously served a large car park. Providing access to a smaller pub car park

and new housing would not result in increased highway safety concerns and was considered acceptable on previous planning approvals for this location. However, to minimise disturbance to residents in Oak Hill Road, a condition requiring details to be further agreed of a management construction plan is appropriate in this case.

Since initial submission, the plans have been amended to show not only a revised turning area so that emergency and larger vehicles can turn around at the end of the new road, but visitor parking has also been added. Otherwise, each house will off-street parking for two vehicles.

The issue of not being a sustainable location was not a reason for refusal of planning permission on the 2014 planning permission and would be very difficult to sustain now, particularly as it is an identified site for housing in the current draft Local Plan site allocation, when this and other issues were considered.

#### Drainage

Details of foul and surface water drainage can be dealt with by condition, as is normal practice, and removal of trees has not resulted in an objection raised by the Council's Land Drainage section, who have stated a requirement for a flood risk assessment, which can be dealt with by a suitable worded planning condition should planning permission be granted and is recommended as such by officers. .

#### Local Plan and 5 Year Housing Supply

The Council is currently in the process of preparing a new Local Plan where sites are being identified for residential development, however the latest figures reveal that the Council can currently only demonstrate a 1.58 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district, that a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. Whilst the local plan is currently at a draft stage, this matter is becoming increasingly a concern and in this case, the site is also shown as part of an allocated site for housing (reference SR-0873) in the draft. Whilst 10 houses have been indicated to possibly go onto this site, the 8 proposed, as well as 5 virtually built out on the adjacent site, represents a density that can be accommodated here of a size and design that offers a good mix of housing and spatial design.

#### Affordable Housing

National planning changes since the adoption of the existing Local Plan means that affordable housing can only be required where the development is for 10 or more houses and the total floor space exceeds 1000 square metres in gross internal floor area. The proposal does not come up to this threshold and therefore affordable housing cannot be required as part of this proposed development.

#### Other Matters Raised

The site was until recently the rear gardens of two residential properties and the ecology importance of the site is low. The removal of the trees may affect birds and therefore it is appropriate to control when the felling takes place by condition to prevent during nesting season. Also, some compensatory measures can be taken, again through the use of appropriate conditions, for nesting provision adaption to the design of the proposed end houses.

#### Conclusion:

It is considered that represents limited infill development in the Green Belt and within a small village, as defined in the Local Plan. It is not inappropriate development in the Green Belt, by

definition. The visual impact of the proposal on the surrounding countryside and the openness of this edge of settlement Green Belt is limited by the existing built development that surrounds it on all sides. The Council cannot demonstrate a five year housing supply and the site is allocated for housing in its current draft of the emerging new Local Plan, part of which has been built out for housing.

The site is large enough to accommodate eight houses, despite a small shortfall in amenity space for the proposed terrace houses. The design is a traditional form which will be in keeping with the relatively eclectic mix of housing in the locality. Parking and vehicle access is acceptable and is not objected to by Essex County Council Officers. A thick belt of high trees will be removed to allow the development to take place, but these are non-native types and not of preservation quality.

There will be an amenity impact on the neighbours to the immediate rear in Kensington Park, but the relative position and separation of the existing and proposed houses are such that no significant harm will be caused to the living conditions at these properties. Removal of permitted development rights and obscure glazing 2<sup>nd</sup> floor windows will help to preserve against undue harm and have further planning control.

Along with the other factors discussed above, as such, the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies 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: Jonathan Doe***  
***Direct Line Telephone Number: 01992 564103***

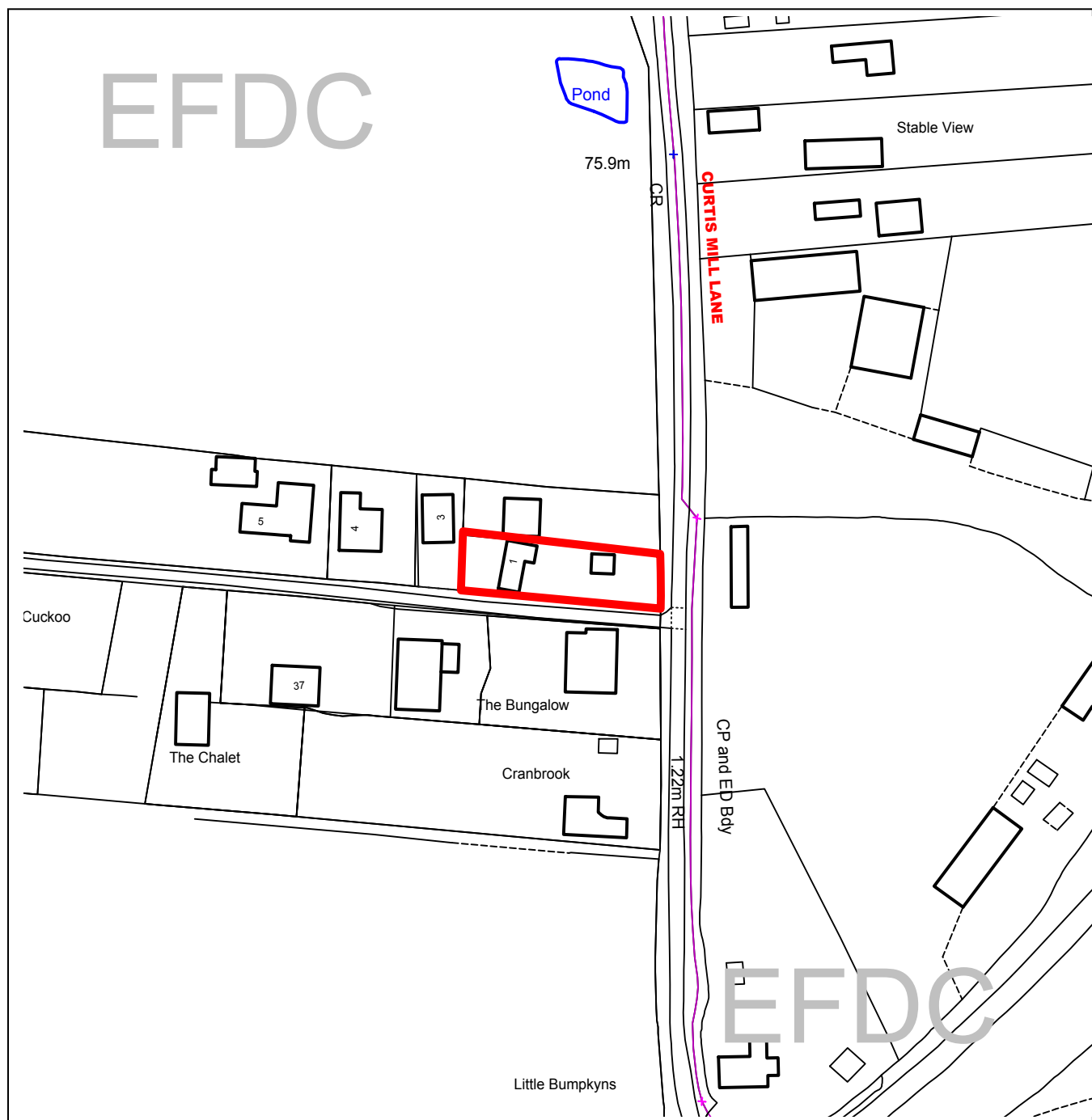
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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/2041/17
Site Name:	1 Curtis Mill Lane, Stapleford Abbotts, RM4 1HS
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2041/17
<b>SITE ADDRESS:</b>	1 Curtis Mill Lane Stapleford Abbotts Romford Essex RM4 1HS
<b>PARISH:</b>	Stapleford Abbotts
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Thomas Jefferies
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed 3 bed detached chalet bungalow. (Revised application to EPF/0794/17)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=597673](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=597673)

**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: CJEF/17/02A, 03A, 04, 05, 07, 09 and 10
- 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 by the Local Planning Authority, in writing. 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 A flood risk assessment and management and maintenance plan shall be submitted to and approved 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.

- 6 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 All the existing buildings and structures within the application site as shown on drawing no. CJEF/17/02A shall be removed together with its resultant debris prior to first occupation of the replacement house hereby approved and shall not be reinstated thereafter.
- 9 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.
- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*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: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

Extended former chalet breeze block built building, single storey in height, 12m wide and max. 8.3m deep with a detached outbuilding, 6m x 5m within its residential curtilage as well as a small store and shed buildings. It is located on the edge of a built up settlement at the beginning of a private road of former recreational chalets that are now permanent dwellinghouses. This part of Curtis Mill Lane is more built up and the site has houses on three sides, including a pair of similar height houses to the immediate south. The surrounding area otherwise is mainly fields in agricultural use. This area is within the Green Belt.

### **Description of Proposal:**

Replacement three bedroom house, 9m wide, max. 11.3m deep across two floors; the proposed first floor to be in the roof area. The new house would be moved further forward (east) than the current building, towards the centre of its plot. All existing buildings on the site to be removed.

### **Relevant History:**

EPF/1363/13 - Certificate of lawful development for existing use as residential dwelling and curtilage – granted as lawful.

EPF/0794/17 – Replacement 4 bedroom house – application withdrawn

### **Policies Applied:**

#### Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
GB2A – Development within the Green Belt  
GB15A – Replacement dwellings  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE4 – Design in the Green Belt  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
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.

#### Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development  
H1 – Housing mix and accommodation types

SP5 – Green Belt and district open land  
T1 – Sustainable transport choices  
DM2 – Landscape character and ancient landscapes  
DM10 – Housing design and quality  
DM21 – Local environmental impacts, pollution and land contamination

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

9 neighbouring properties were consulted and a Site Notice was displayed. One response received:

THE BUNGALOW, CURTIS MILL LANE - Plans inaccurate - proposed plans have claimed public land from the manhole covers to the electric pole, Built as a weekend chalet, increase from the existing buildings to the proposed building is over 100% of the allowed square footage and the height of the proposed building is over double.

PARISH COUNCIL – Revised plan from previous larger house scheme, unclear of guidance regarding the whole area of Curtis Mill as it has gone from weekend chalets to a small village, weekend dwellings are now being made permanent residences, additional safety concerns as it is a large 2 storey house in a green belt area with no regard to access for services or Emergency vehicles.

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

The key considerations are the impact on the Green Belt, the design and impact on the area, and any harm to existing amenity of neighbouring residents.

#### **Green Belt:**

Paragraph 89 of the National Planning Policy Framework states that “*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*”, however does provide a list of exceptions to this. This includes “*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*”. Within this exception the key consideration relates to whether the replacement dwelling would have a greater impact on the openness of the Green Belt than the existing building. Local Plan policy GB15A considers that the volume should not be materially greater than the one it replaces.

Whilst this was a former leisure chalet building, it is solidly constructed and its volume measures some 305 cubic metres. Including the adjacent outbuilding, which is approximately 95 cubic metres, there is currently almost 400 cubic metres of built form on this residential site.

The proposed house will be almost double the height because it will have a first floor in the roof void, but narrows vertically to a standard ridge pitched roof. Its overall volume would be 535 cubic metres. Against the existing volume on the site, the proposal would be an increase of some 33% of built form. The key issue though is whether it is materially larger and as a result, will have a greater impact on the openness of the Green Belt.

Given the surrounding area is relatively built up and on the edge of a settlement, plus it is also surrounded on three sides by houses, the proposal will read as a continuation on from an existing row of two similar appearance scaled houses to the immediate south. Unlike other chalets in the private road to the rear, this proposal in this location will be visually in keeping with the street scene it faces into. In visual amenity terms there will be no harm to the character and appearance of this part of the countryside. It will be larger than the buildings it replaces, but the footprint compared with the existing is similar and the openness impact from the increase in height is limited by the presence of adjacent similar buildings, such that it is considered this not materially

larger than the buildings it replaces. It is considered that the principle of the development is acceptable with regard to policies GB2A and GB15A.

#### Design:

The proposed new dwelling would be two storeys because of the proposed accommodation in the roof void and as such would be more visually prominent than the existing dwelling, but as stated above, it will be one building only and seen against a larger house on the adjacent site. The overall design and scale of the proposed new dwelling is considered sufficient and would not be detrimental to the character and appearance of the area.

#### Residential Amenity

The new building will come forward and sit in front of the residential building to the immediate north (2 Curtis Mill Lane). However, they have a long front garden and their rear private amenity area will not be affected. Its position will not cut across a taken 45 degree line as measured from the mid-point of their front window, which is acceptable. To the rear, upper floor bedroom windows will look west across public viewable front garden parking area of no.3 Curtis Mill Lane. Amenity loss to neighbours is therefore minimal and not a justification for refusal of planning permission.

#### Highways:

There is a current vehicular access into and out of the site with adequate sight lines, which will not change. The road in front is also a public footpath, but vehicle parking is available in the site as is manoeuvrability, so there will be no highway safety issues as a result of this proposal. There will be no access into the side private road, so emergency vehicles access beyond what is currently available, will not change.

#### Land Drainage:

The applicant is proposing to dispose of foul sewage by septic tank and surface water by sustainable drainage system/soakaway. Opportunity to improve mitigation of surface water run-off should also be required, which can all be dealt with by suitable planning conditions. The Council's land Drainage officer raises no objection to the proposal.

#### Other considerations:

In respect of the neighbours comments regarding enclosing public land at the front, this error on the plans has been removed so that the site ownership and red line does not affect this land. The parish council comment is accurate in that these original leisure plots in the local area are predominantly permanent dwellings. However, each proposal is judge on its own merits, including green belt openness, such that this would not set a further precedent that all these will be replaced because most others are low level buildings, unlike the surroundings to the application site.

#### Conclusion:

The proposed replacement dwelling and outbuilding would not result in any significant additional harm to the openness of the Green Belt and as such does not constitute inappropriate development. Visually, it will improve the appearance of the street scene and visual amenity. The design of the proposal would not be harmful to the character and appearance of the surrounding area or to neighbours amenity and there would be no impact on highway safety. As such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies 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: Jonathan Doe***

***Direct Line Telephone Number: 01992 564103***

***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 7



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Application Number:	EPF/2174/17
Site Name:	Trade Winds, Oak Hill Road, Stapleford Abbots, RM4 1EH
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2174/17
<b>SITE ADDRESS:</b>	Trade Winds Oak Hill Road Stapleford Abbotts Essex RM4 1EH
<b>PARISH:</b>	Stapleford Abbotts
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Graham Harris
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed cart lodge style garage
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=598297](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=598297)

**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 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.
- 3 The tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/Arboricultural Method Statement unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be implemented as shown on Andrew Day Arboricultural Consultancy Ltd Tree Protection Plan dated 1st August 2017.

*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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site comprises of a single storey detached bungalow, set back on the south –west side of Oak Hill Road. It is not within a Conservation area nor is it a Listed building. It is within the Metropolitan Green Belt.

**Description of Proposal:**

Proposed triple width car port in the frontage of the application site. It will have a depth of 5.9m, width of 9.2m and overall height of 4.1m to the ridge of a pitched roof.

**Relevant History:**

None

**Policies Applied:**

Epping Forest District Local Plan and Alterations

CP2 – Quality of Rural and Built Environment

DBE9 – Impact on Amenity

DBE10 – Extensions to Dwellings

GB2A – Development in the Green Belt

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.

*Draft Local Plan Consultation document (2016):*

DM9 High quality design

DM10 Housing design and quality

SP5 Green Belt and District Open Land

At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

**Summary of Representations:**

Two properties consulted and no replies received.

STAPLEFORD ABBOTS PARISH COUNCIL – OBJECT to this application on the grounds of the height of the building - it appears to be too high for a car port: we would advise that there should be a condition that this building cannot be converted into a dwelling.

**Issues and Considerations:**

The main issues with this application relate to design, impact on amenity, impact on trees and the Green Belt.

## Design

The proposal is a typical unenclosed timber clad car port, similar in design and appearance to existing car ports in Stapleford Abbots. It will be large enough for 3 cars to be parked side by side. The proposal would be subservient to the application dwelling in terms of size, scale, design and positioning. It would be sufficient screened from existing trees and would not be dissimilar to recently approved car ports in the locality such as EPF/0600/17 (Woodview, Oakhill Road, Stapleford Abbots – approved by Planning East Committee earlier this year) and align with what is present adjacent at the property, Redbridge.

## Amenity

The nature of the development as well as its siting and scale would result in no amenity impact on neighbouring properties.

## Trees

A tree protection plan was submitted with the application to show how the building can be built without harm caused to the two front trees. Subject to the two suggested conditions, the Tree and Landscape Officer has no objections.

## Green Belt

Due to the siting of the proposal from the host dwelling as well as its size and scale, it would be considered to be proportionate in size to the host dwelling and the site itself. It would not be highly visible from the streetscene due to the tree screening and it would be set back considerably from the highway. The proposal would not adversely affect the openness and the character of the Green Belt as a result.

## **Conclusion:**

The proposal is not considered to result in an excessive impact on amenity. Given the above appraisal the proposal is therefore considered acceptable and approval is recommended.

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

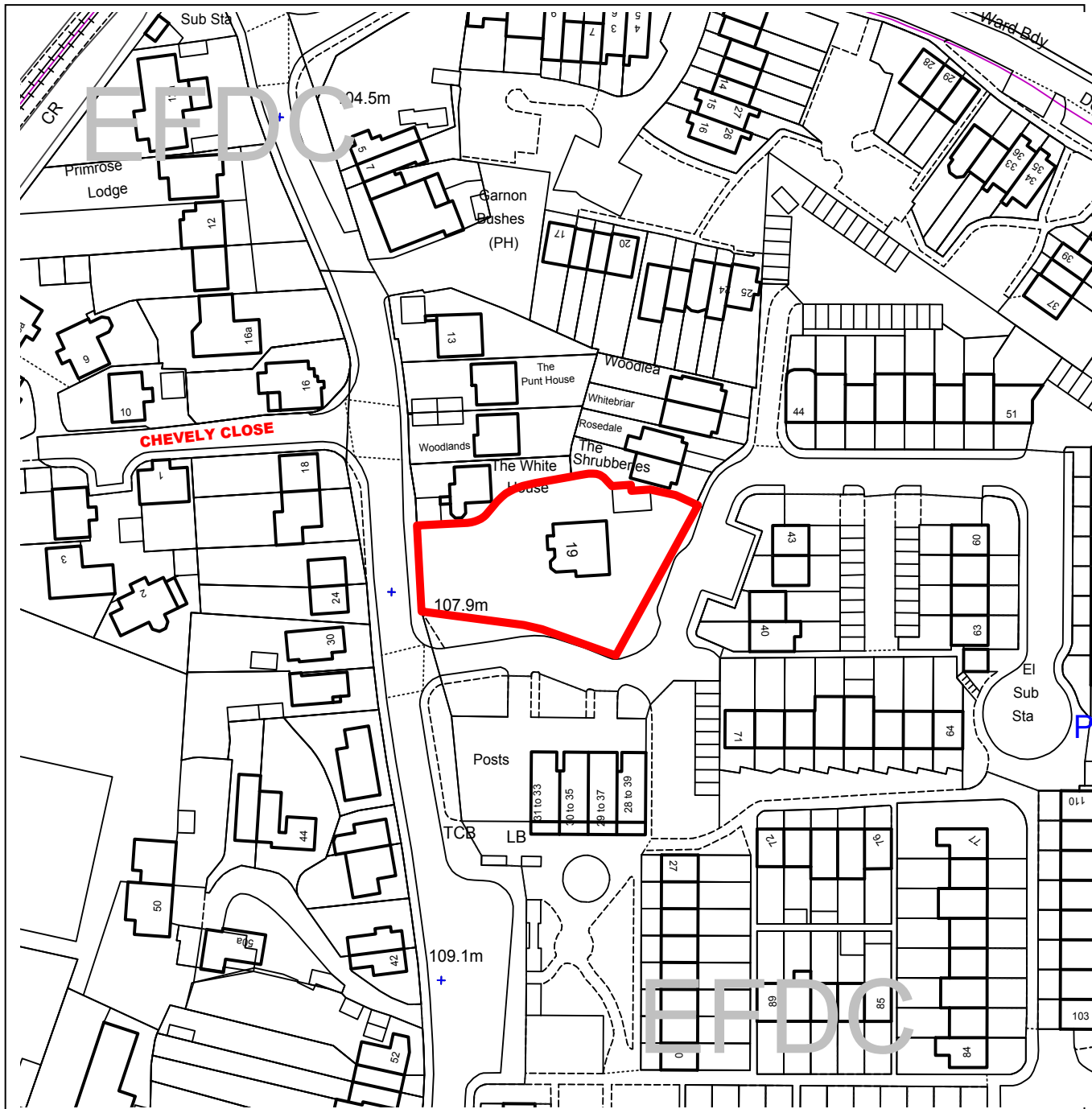
***Planning Application Case Officer: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298***

***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/1973/17
Site Name:	Newstead, 19 Coopersale Common, Coopersale, Epping, CM16 7QS
Scale of Plot:	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1973/17
<b>SITE ADDRESS:</b>	Newstead 19 Coopersale Common Coopersale Epping Essex CM16 7QS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mcap (Europe) Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	The demolition of 19 Coopersale Common and erection of six detached houses (2 x 3 bedroom and 4 x 4 bedroom) and associated amenity space, car parking, cycle storage and landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=597455](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=597455)

**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:  
  
Design and Access Statement reference CCE-DS-01-ZZ-RP-A-P650-SO-P3 dated June 2017, CCE- P022-SO-P1, CCE-DS-01-ZZ-DR-A-D350 P1, CCE - P153 - SO P1, CCE-DS-01-ZZ-DR-A-D350 P1, CCE-P153-SO P1, CCE-P 021 - SO- P1, DFCP3814 C, DFCP3814 C, Soft Landscape Strategy, CCE - P150-SO-P4, CCE P151 SO-P2, CCE- P152- SO-P2, CCE-DS-01-ZZ-DR-A-S001 PO, CCE-DS-01-ZZ-DR-A-P250 P1, CCE-DS-01-ZZ-DR-A-P251 P1, CCE-DS-01-ZZ-DR-A-P252 P1, 473/100 P, 7442/2, 7442/3, 7442/4, P6319 PLANNING STATEMENT, DF CLARK BIONOMIQUE LTD, Arboricultural Impact Assessment dated 12/7/17 reference 3814 rev C.
- 3 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the

management and maintenance plan.

- 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 The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
- 6 Prior to the commencement of any works a bat survey must be submitted to EFDC for approval. Should the survey reveal the presence of bats or their breeding sites or resting places then a detailed mitigation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to EFDC for approval. In some cases a European Protected Species Licence may be required from Natural England. All recommendations made by the ecologist in the survey shall be followed. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 7 Prior to above ground level works a plan showing the type and location of bat brick to be installed within each dwelling will be submitted to and approved by the Council. All works shall then proceed in accordance with the approved plan and maintained as such thereafter.
- 8 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.
- 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 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.
- 11 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports 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.
- 12 Prior to first occupation of the development hereby approved, the proposed window openings in the northern and southern upper floor flank elevations shall be entirely 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.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 15 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 16 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 17 Prior to the first occupation of the development the vegetation will be cleared, to ground level, to the extent of the highway boundary along Parklands, from parking space no.5 to the junction with Coopersale Common, and maintained as such in perpetuity.
- 18 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 20 Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more and is recommended for approval; It also has had more than four objections and is contrary to the views of the Town Council (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application relates to a 1420 sqm plot of land which is irregularly shaped. Currently the site contains and late Victorian/early twentieth century large detached house and garage within a generous mature landscaped curtilage. Its principle elevation faces Coopersale Common; its southern and eastern boundaries adjoin highway land at Parklands and the northern boundary adjoins the side boundaries of The Shrubberies Parklands (a semi detached house, and The

White House Coopersale Common (a detached two storey house). The site is in an urban area which is not listed nor within a conservation area.

The surrounding area is predominately defined by two storey semi detached and detached dwellings, however there is a 3 storey block of flats located further south of the site.

### **Description of Proposal:**

Permission is being sought for the demolition of 19 Coopersale Common and erection of six detached houses (2 x 3 bedrooms and 4 x 4 bedrooms) with amenity space, car parking and cycle storage.

Two of the houses will face eastwards onto Coopersale Common and four will have a staggered position looking eastwards onto Parklands. All houses will be provided with 2 parking spaces and 1 additional visitor parking space is proposed adjoining the rear garden of plot no. 3.

All units have an internal area ranging from 102 sqm and 121 sqm. They measure between 5.8m and 7.9m wide by 7.8m and 10.2m deep. All houses have a height of 9.5m to the ridge of their gable roofs. Each plot will provide between 100 and 135 sqm of garden space.

Materials include clay tiles for the roof, brick and natural orange clay tiles for the walls, Powder coated composite timber/aluminium framed fenestration.

The southern flank boundary with Parklands will be defined by a 1.8m high red brick wall.

### **Relevant History:**

Planning permission was refused under reference EPF/2113/16 for the demolition of existing structures on the site and the erection of eight x three bedroom terraced houses with amenity space, car parking and cycle storage.

The grounds of refusal were as follows:-

- (1) The proposal due to the number of units proposed; its height; size; mass; the provision of insufficient private and useable amenity space; lack of sufficient gaps between the proposed units and its position close to the neighbouring property at the White House, Coopersale Common represents an overdevelopment of the site resulting in a cramped appearance in the street scene and detracting from the distinctive local character of the group of dwellings within which it is situated and will significantly increase the sense of enclosure as a result of its dominance felt by the occupiers of The White House and for the new residents of unit 2 of the proposal. It is therefore contrary to Paragraph 17 and Chapter 7 of the NPPF along with policies DBE1, DBE 2, DBE 9 and CP2 of the Epping Forest District adopted Local Plan and Alterations.*
- (2) The site is located on a corner plot which is highly prominent visually and currently is characterised by significant greening. The proposal will result in the loss of nearly every tree on the site and will retain an unacceptably limited space for any meaningful replacement planting. The existing trees on the site have recognised amenity and nature conservation value in themselves and collectively contribute to the distinctive local character, and amenity of the area within which they are situated and as such the proposed insufficient replacement provided for within this application will have a serious detrimental impact on the character; amenity and biodiversity of the surrounding area and as such is contrary to chapter 11 of the NPPF along with LL11 of the Combined Policies of Epping Forest District Local Plan and alterations.*

- (3) *The proposal, due to the inadequate provision made for parking, is likely to lead to inappropriate kerbside parking in the surrounding vicinity and would set a precedent for future similar developments which could in time lead to additional inappropriate parking and would undermine the principle of seeking to discourage on-street parking in the locality. It is therefore contrary to chapter 4 of the NPPF and policy ST6 of the Epping Forest District Local Plan and alterations.*

This application is currently at appeal.

**Policies Applied:**

*Adopted Local Plan:*

CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP5 – Sustainable Building  
CP6 – Achieving sustainable urban development patterns  
CP7 – Urban Form and Quality  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties`  
DBE3 – Design in Urban Areas  
DBE8 – Private Amenity Space  
ST1 – Location of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
H2A – Previously Developed Land  
H4A – Dwelling Mix  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
*NPPF:*

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.

*Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1 – Presumption in favour of sustainable development  
H1 – Housing mix and accommodation types  
H2 – Affordable housing  
T1 – Sustainable transport choices  
DM9 – High quality design  
DM10 – Housing design and quality  
DM 11 – Waste recycling facilities on new developments  
DM16 – Sustainable drainage systems  
DM18 – On site management of waste water and water supply  
DM21 – Local environmental impacts, pollution and land contamination

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

Number of neighbours consulted: 66

Site notice posted: Yes

Responses received: as follows:-

THE WHITE HOUSE COOPERSALE COMMON; 18 COOPERSALE COMMON; 20 COOPERSALE COMMON; 22 COOPERSALE COMMON; 30 COOPERSALE COMMON; THE SHRUBBERIES PARKLANDS; 22 GARNON MEAD; 22 PARKLANDS; 41 PARKLANDS; 42 PARKLANDS AND 48 PARKLANDS which collectively raised the following Objections:-

-Complete overdevelopment of the site;

-Visually overbearing;

-Inappropriate design for village location especially given recent approvals for new houses on other sites in the local area;

- Coopersale Common is already a cut through route; proposal will further exacerbate traffic problems and create safety problems for other motorists. The development will be set 1m away from the house from the boundary wall of The White House. This will lead to loss of privacy and will certainly impact on the peaceful enjoyment of their home and garden;

-Loss of natural light;

-Loss of existing trees on the site;

-Loss of privacy due to the removal of existing trees on the boundary and resultant clear visibility from the 3 storey development along with the amount of development proposed;

-Overdevelopment of the site which will result in potential highway hazards given the existing number of drivers, school children and refuse lorry that pass this area;

-In adequate parking provision; Proposal will result in the loss of three layby parking spaces and is insufficient for number of houses proposed.

-Local infrastructure and services cannot handle level of development that is happening in the area;

PARISH COUNCIL: OBJECT: Whilst Committee note that the reduction in the number of proposed dwellings; many of the previous issues remain. The proposal is still a vast overdevelopment of this site in terms of its scale, height, bulk and density. The size and design of the properties do not respect the character of the surrounding area and would have a detrimental effect on the street scene and style of the village, particularly as it faces properties of traditional character on Coopersale Common. The size of both the properties and the development, which comes right up to the site boundaries, would result in a loss of amenity for neighbouring properties in terms of light, overlooking, privacy and would be overly dominant and overbearing. The size, design and materials of the proposed houses would be completely out of keeping with the street scene and change the character of this urban area irrevocably.

Committee feel that losing a perfectly good family house and such a vast loss of trees and greenery should not be permitted, as both contribute to the character of the surrounding area. Policy requests a mix of dwellings and good quality larger, family homes are an important part of

that mix. The greenery also acts as privacy screening for neighbouring properties and its removal would add to their loss of amenity.

Planning permission has recently been granted for several developments in Coopersale and Committee do not feel there are adequate facilities for yet further bulk development. This is not a commuter area and has limited shops and school facilities for yet further bulk development. The infrastructure is not sufficient for higher density living and constantly developing this area will change its character to an unacceptable level which will have a long-term negative impact. National policy states that development should be sustainable, seeking positive improvements in people's quality of life and not be detrimental to future generations. The proposal does not enhance the urban environment, will overstretch amenities and this level of development is not sustainable.

Whilst the development allows for two parking spaces for each property, in reality, multiple family homes of this size will have additional cars. There are already parking pressures in this area as there is a large, family estate and a school and any overflow parking pressures in this area as there is a large, family estate and school and any overflow parking from this bulk development will spill out into the surrounding roads and exacerbate the parking problems. Committee also note the loss of a layby, which is currently already used to capacity. This development would be located on a busy junction, with a vast increase in the number of cars accessing the site, which would be detrimental to Highway safety and the character of the area through which the new traffic will move.

New development which results in unsympathetic change, overdevelopment and loss of amenity should not be permitted.

Relevant policies: CP2(iv), CP3, CP6, CP7, DBE2, DBE9, DBE10, H4A, ST4. NPPF (paras 9 and 17). Emerging Local Plan: Draft Policy H1.

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

The key considerations for the determination of this application area:

The principle of the development;

Impact on the character and appearance of the site and surrounding area.

Impact on the living conditions of surrounding residents;

Quality of resulting residential accommodation; and

Impact on parking provision and highway safety.

#### Principle

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

#### Five year housing supply

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, paragraph 49 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate around a 1.35 year supply of land for housing purposes. Due to this, it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However, this still has to be weighed against other material planning considerations.

The proposal has a density of 43 units per hectare and is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan.

### Design and appearance

One of the core planning principles of sustainable development is that planning should decisions should seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 60 of the NPPF requires that "*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness.*"

Plans have been amended since the previous 8 terraced houses scheme under reference EPF/2113/16 to now provide 6 detached houses.

It is acknowledged that the height of the buildings remains 0.9m higher than the adjoining 'White House' and 1m higher than the Shrubberies, however, the reduced density has resulted in the position of the proposed houses now being positioned significantly southwards from these neighbours. Along with the provision of gaps between the houses, this allows views through the site and together with increased soft landscaping within the front curtilage areas and boundary areas of the site will result in sufficient verdant spaciousness to soften the appearance of the scheme in order to mitigate against the additional height of the development in comparison to neighbouring buildings.

The design of the scheme is a contemporary interpretation of the post war housing that surround the application site and the proposed materials are of good quality. (The detailed specification of materials within the application documents ensure that a condition requiring details of materials is not necessary). It is therefore considered that the proposal will preserve the distinctive local character of this area in accordance with chapter 7 of the NPPF and policies DB1 and DBE3 of the Local Plan.

### Trees and Landscaping

The proposal will remove fifteen trees and six groups (group means a cluster of more two small young spindly trees). The submitted Arboricultural Impact Assessment which has been compiled by independent tree professionals advises that of the fifteen individual trees and six groups, all have been categorised as low amenity specimens that do not significantly contribute to the surrounding landscape on an individual basis. The proposal will also not result in significant root protection area incursions of the remaining trees that are proposed to be retained.

A range of semi mature medium/large indigenous trees will then be planted in each of the front driveways where space permits. A single Oak tree is proposed for the centre of the rear gardens and near to the southern end of the site adjoining the boundary with Parklands. Smaller native

garden trees are proposed in the rear gardens and mixed native hedgerows are proposed to boundaries throughout and on the frontages of properties.

The Council's Tree Officer is satisfied that these provisions and the retention of the existing hedge adjoining the southern boundary of the site is sufficient to overcome concerns raised in the previous reasons for refusal for the scheme under reference EPF/2113/16 and therefore she has no objection to the proposed scheme subject to conditions agreeing landscaping and tree protection measures. The proposal therefore complies with the requirements of policies LL10 and LL 11 of the Local Plan.

#### Quality of resultant residential accommodation

The 4 three bedroom and 2 four bedroom dwellings are considered suitable for families, the proposal would therefore meet an existing housing need within the borough in line with the requirements of policy H4A of the Local Plan.

The proposed self - contained units have an adequate internal size outlook, layout and ventilation in accordance with principles laid out in the National Technical Housing Standards (2015) and the Essex Design Guide.

The amenity space provision is also private, useable and of sufficient size to meet requirements laid out by policy DBE 8 of the Local Plan.

Details regarding the storage of waste are also acceptable.

#### Impact on neighbouring amenity

Plans have been revised to show a gap of 2.9m between the conservatory positioned on the side elevation of The White House Coopersale Common and unit 1 within the proposed scheme. Hedgerows are also proposed on the mutual boundary between this neighbour and the application site. Given this distance, which is greater than the 2m gap that already exists between the current application house and The White House, along with the partial natural screening, it is considered that the impact in terms of loss of light, and dominance will not be excessive to this neighbour.

Proposed House Unit 1 contains a bathroom window proposed on the first floor and a secondary bedroom window within the second floor of the northern flank wall. It is recommended that a condition is imposed on any permission requiring that these windows be obscure glazed. The proposed unit number 6 is 24m away from The White House. It is therefore considered that the proposal will not result in excessive loss of privacy to this neighbour.

The proposed House Unit no. 6 extends 3.15m beyond the line of the rear elevation of The Shrubberies Parklands, however the two properties will be separated from each other by a gap of 3.8m and again the mutual boundary between the two properties will be partially screened by hedging. No windows are proposed for the northern side flank wall of unit no. 6.

Unit number 1 is separated from this neighbour by a distance of over 30m. It is for these reasons considered that the proposal will not have an excessive impact on the amenities of this neighbour in terms of light, outlook or privacy.

The proposed units 1 and 2 are positioned a minimum of 21m away from the building line of properties at 22 and 24 Coopersale Common. This separation distance is acceptable in a built-up area such as this.

The proposed units 3, 4, 5, and 6 are a minimum of 25m away from the properties at Parklands, which face the application site. It is therefore considered that they will not be excessively affected in terms of light, outlook or privacy.

All other neighbouring residential properties are sufficiently distant as to not be materially affected.

The proposal therefore complies with the requirements of paragraph 17 of the NPPF and policy DBE9 of the Local Plan.

#### Parking and Highway Safety

The Highways Authority is satisfied that the proposal now provides sufficient parking to meet the needs of the new occupiers and will not compromise highway safety. The proposal therefore complies with the requirements of ST4 and ST6 of the Local Plan.

#### Land Drainage

The site lies within an Epping Forest District flood risk assessment zone therefore the Land Drainage Officer requests that a condition be imposed requiring approval of foul and sustainable surface water drainage details prior to works commencing on the site in accordance with policy U3B of the Local Plan.

#### Ecology

The Countryside Officer is satisfied that subject to condition, the proposal will make adequate provision for the protection and enhancement of established habitats of local significance for wildlife in accordance with NC4 of the Local Plan.

#### Other matters

The layby adjoining the eastern boundary of the site is on Council owned land (as is the hedge on the southern boundary of the site). Since the Highways Authority have not raised an objection to its removal, this issue would be outside the scope of planning legislation and would instead be a civil matter between the Council's Communities Directorate and the applicant.

(The applicant will have to apply to the Highways Authority to have the layby removed. The Highways Authority would then consult the Communities Directorate on whether they should grant this consent. Any decision would then be based on the comments made by the Council's Communities Directorate).

#### **Conclusion:**

The proposal will provide much needed housing which is of a type which meets an existing local housing need within an urban area of Epping Forest District Council. This benefit outweighs the limited harm as a result of the height of the houses being higher than neighbouring properties surrounding the site (excluding the block of flats numbered 28 to 29 Parklands which is 11.3m). This additional height would only be visible as the receding apex of the roof and the space provided around the boundaries of the site alongside the provision of good quality soft landscaping will ensure that this additional height will not be stark or prominent.

It is also considered that if the height of the roof were to be reduced; it could compromise the design of the houses (i.e. the creation of crown type roofs). The design of the houses in all other terms is acceptable and is considered to preserve the character and appearance of this area. The proposal will not cause serious harm to highway safety or parking provision and will not have an excessive impact on neighbouring amenity. It is therefore considered that the proposal meets the

requirements of sustainable development in accordance with policy contained within the NPPF. 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: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

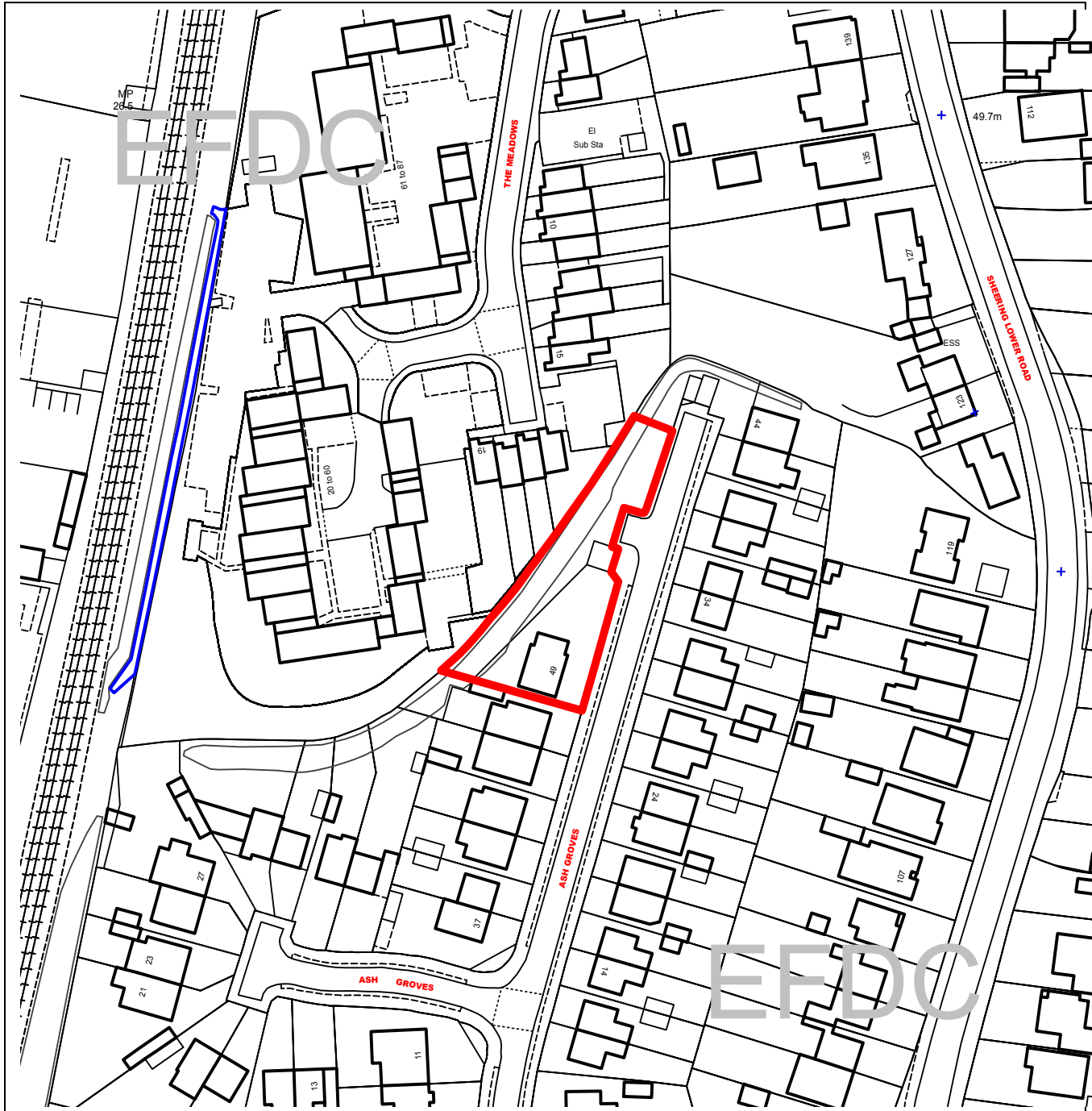
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# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/2086/17
Site Name:	49 Ash Groves, Sheering, CM21 9LN
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2086/17
<b>SITE ADDRESS:</b>	49 Ash Groves Sheering Essex CM21 9LN
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Lower Sheering
<b>APPLICANT:</b>	Mr Jack Millard
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing conservatory to no. 49 Ash Groves and erection of a detached 3 bedroomed chalet bungalow with associated car parking.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=597825](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=597825)

**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/17/030/001, BRD/17/030/002, BRD/17/030/003
- 3 Materials to be used for the external finishes of the proposed development shall match those of No. 49 Ash Groves, unless otherwise agreed in writing by the Local Planning Authority.
- 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 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.

- 5 The tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/Arboricultural Method Statement unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be implemented as shown on Open Spaces drawing number TPP-OS1454-17.1 dated July 2017.
- 6 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 7 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*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: Scheme of Delegation, Appendix 3) 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: Scheme of Delegation, Appendix 3)*

#### **Description of Proposal:**

Consent is being sought for the demolition of an existing conservatory and the erection of a detached three bedroom chalet bungalow with associated car parking. The proposed new dwelling would measure 9.4m in width and 7.75m in depth and would be one-and-a-half storeys with a

ridge height of 5.7m. The dwelling would be a three bed property with two bedrooms located within the roof area and served by two rear dormer windows. The proposed new dwelling would be served by a small area of rear amenity space and a slightly larger side garden with two off-street parking spaces beyond.

### **Description of Site:**

The application site consists of a detached chalet bungalow with a large side garden located at the northern end of Ash Groves. The site slopes steeply down to the west and contains a swathe of preserved trees.

The application site is located within the built up area of Sheering and is outside of the designated Green Belt. Whilst the belt of trees and part of the proposed rear garden is situated within an EA Flood Zone 2 the proposed new dwelling and majority of the garden area would be within Flood Zone 1.

### **Relevant History:**

EPO/0682/72 - Outline application for two dwellings adjacent – refused 12/09/72  
EPO/0199/73 - Outline application for dwelling and garage within the curtilage – refused 11/04/75  
EPF/0574/79 - Outline application for dwelling – refused 04/06/79  
EPF/1658/88 - O/A for bungalow within curtilage of 49 Ash Grove – refused 11/11/88  
EPF/1411/01 - Demolition of existing double garage and erection of 2 bedroom bungalow with parking – refused 29/10/01 (dismissed on appeal)

### **Policies Applied:**

#### **Epping Forest Local Plan and Alterations (1998/2006)**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST4 – Road safety  
ST6 – Vehicle parking  
U2A – Development in flood risk areas  
U2B – Flood risk assessment zones  
U3A – Catchment effects

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.

#### **Epping Forest Draft Local Plan consultation document (2016)**

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local

Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development  
SP6 – The natural environment, landscape character and green infrastructure  
H1 – Housing mix and accommodation types  
T1 – Sustainable transport choices  
DM2 – Landscape character and ancient landscapes  
DM9 – High quality design  
DM10 – Housing design and quality  
DM11 – Waste recycling facilities on new development  
DM15 – Managing and reducing flood risk

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

19 neighbouring properties were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object to the proposed application at 49 Ash Groves on the following grounds:

- Adverse effect on the residential amenity of neighbours, by reason of (among other factors) noise, disturbance, overlooking, loss of privacy, overshadowing, etc.
- Unacceptably high density/overdevelopment of the site, it involves loss of garden land or the open aspect of the neighbourhood (so-called 'garden grabbing').
- Visual impact of the development.

32 ASH GROVES – Object due to the impact on the preserved trees, loss of the existing view, highway safety concerns, noise and disturbance during construction, and since this would be an overdevelopment out of character with the area.

34 ASH GROVES – Object due to parking and congestion, impact on TPO trees, and loss of the open aspect to the road and subsequent impact on house prices.

36 ASH GROVES – Object as this would spoil existing views, cause overlooking, and concerned about subsidence, the presence of TPO trees and flood risk.

40 ASH GROVES – Object as this is an overdevelopment of the site as previously determined, would impact on parking, and due to the risks of subsidence.

44 ASH GROVES – Object due to subsidence concerns, overdevelopment, the presence of TPO trees and due to parking concerns.

NO ADDRESS GIVEN – Object due to the impact on parking and since the site is steeply sloped.

### **Issues and Considerations:**

Several previous applications have been refused for the erection of a new dwelling to the side of 49 Ash Groves, although these proposed the erection of a new property within the triangular sliver of land at the northern end of the site. The most recent refusal was EPF/1411/01, which was refused consent for the following reasons:

1. *The erection of a bungalow on this restricted site with severe physical limitations would be unduly prominent in the street scene and out of character with surrounding development, by reason of its positioning within the site and materials proposed. As such the proposal would be contrary to Policy DBE1 of the adopted Local Plan.*

2. *The Local Planning Authority is not convinced that the proposal would be able to provide sufficient private amenity area which can achieve privacy on a continuing basis, contrary to Policy DBE8 of the adopted Local Plan.*
3. *The proposal makes inadequate provision for the retention of trees within the site and represents a threat to these trees contrary to Policy LL10 of the adopted Local Plan.*

This planning application was subsequently dismissed on appeal.

Due to the above the main considerations in this application are the acceptability of the site for residential development and the general design of the proposal, the provision of adequate amenity space, and the impact on protected trees. However other considerations include the impact on neighbours, flood risk and the impact on parking provision.

Principle:

The application site is located within the built up area of Sheering outside of the Metropolitan Green Belt. The site is located within relatively close proximity to Sawbridgeworth train station, the limited services offered within Sheering and the wider services offered by the town of Sawbridgeworth.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.58 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district, that a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission.

Several previous applications have been refused for additional housing to the side of 49 Ash Groves, with the latest being dismissed on appeal in June 2002. However the previous applications appear to have proposed new dwellings within the northern most parcel of the site, which is the narrow triangular area opposite No's 36-42 Ash Groves. In fact the above referenced appeal was against a scheme that proposed a two bed bungalow located where the currently proposed parking area is situated (adjacent to the existing turning head) with the garden and parking area to the north of this. Within the Inspectors appeal decision it was stated that "*because of the topography of the site, the proposed bungalow would have to be set forward of the building line. In my view, this would make the proposed development appear cramped and this would be detrimental to the character of the surrounding area*".

This current application proposes to provide a chalet bungalow identical in size and scale to the existing chalet bungalow at 49 Ash Groves directly adjacent to the donor property, with just a 1.6m separation between the two properties (after the demolition of the side conservatory). Due to this re-siting the proposed new dwelling would line up with 49 Ash Groves and follow the existing building line along the western side of the road. Furthermore it would no longer create an isolated, very detached dwelling to the north of the existing dwelling and therefore would continue the existing character of the street.

Design:

The design of the proposed development would mimic the existing chalet bungalow at 49 Ash Groves and continue the general pattern created from the five bungalows along the western side of Ash Groves (No's 41-49).

Whilst the bungalow would be one-and-a-half storeys the first floor would be situated wholly within the roof area and only served by two rear dormers (similar to 49 Ash Groves). As such the dwelling would appear akin to a single storey bungalow when viewed from the road.

The external materials to be used would match those of the donor property to ensure that the new dwelling is integrated into the street scene without causing any detrimental impact.

#### Amenity space:

The proposed new dwelling would be sited immediately adjacent to 49 Ash Groves and would benefit from a small area of rear amenity space and a slightly larger parcel of side amenity space. The northern most triangle of the site is within the applicant's ownership, however due to the topography of this part of the site this area would not be utilised as amenity space.

The proposed dwelling would be a three bed chalet bungalow with a kitchen/lounge area and separate dining room/study. Policy DBE8 recommends that this size dwelling should be served by private amenity space of 100m<sup>2</sup>. The existing site is the side garden of 49 Ash Groves and is enclosed by a close boarded fence. The new dwelling would be served by a small parcel of garden to the rear and an unconnected main side garden. If just the side garden area from the proposed new flank wall onwards continues to be enclosed by a close boarded fence similar to the existing fence then the combined level of private amenity space provided would meet the recommended 100m<sup>2</sup>, however there is scope to extend this further if more of the front/side garden were to be enclosed and utilised as private garden land. As such it is considered that the proposal would provide adequate private amenity space to meet the needs of future occupants.

It should be noted that, despite the previous reason for refusal regarding insufficient amenity space on the 2001 application, the Planning Inspector nonetheless concluded that the proposed development "*would provide adequate living conditions for future occupants of the proposed dwelling*".

#### Protected trees:

The proposed new dwelling would be located within the existing side garden of 49 Ash Groves to the east of the protected trees. The Council's Tree and Landscape Officer has been consulted and has raised no objection to the proposal, subject to conditions requiring the retention of the existing trees and shrubs, the protection of existing trees, and the submission of hard and soft landscaping details.

#### Neighbour amenities:

The proposed dwelling would be one-and-a-half storey with no first floor front windows and would be constructed in line with 49 Ash Groves. As such there would be no detrimental impact on the light or privacy of the neighbours opposite.

Concerns have been raised by neighbours regarding the loss of existing views however there is no right to a view and therefore any loss of such views is not material to the planning merits of the case.

Concerns have also been raised with regards to disturbance and nuisance as a result of construction works, however such matters are also not material planning considerations as this harm would only be temporary during the period of construction. Although time constraints for construction works are suggested in order to minimise any impact on neighbours.

### Flooding:

Whilst the rear part of the application site is located within an EA Flood Zone 2 the new dwelling and majority of the garden land is situated within Flood Zone 1. The application has been assessed by the Councils Land Drainage department who have raised no objection to the proposal subject to a flood risk assessment being submitted and agreed by way of a condition.

### Parking/highways:

The proposed new dwelling would be served by the existing two car parking area directly adjacent to the turning head. The donor property would be served by the existing parking area to the front of the dwelling. As such adequate car parking would be provided for the proposal.

Essex County Council Highways have been consulted on this application and raise no objection to the development. It should also be noted that the Planning Inspector previously concluded in 2002 that *"I have noted the concerns expressed by some of the residents in Ash Groves regarding highway safety and accept that the access road is relatively narrow and that there may be a problem with kerbside parking. However, I consider that there would be a relatively small volume of additional traffic associated with the proposed bungalow and adequate off-street parking would be provided by the proposals"*.

### Conclusion:

Whilst previous schemes have been refused for a new dwelling on the site this latest application proposes a chalet bungalow adjacent to 49 Ash Groves as opposed to the northern most part of the site and due to this the development would overcome the previous reasons for refusal.

The proposed bungalow would mirror the design and scale of the existing bungalows along the western side of Ash Groves and would follow the building line of the street. Due to this, and the design and location of the property, there would be no detrimental impact on the character and appearance of the area or the amenities of surrounding neighbours.

There would be adequate private amenity space and off-street parking provided to meet the needs of future occupants and, subject to conditions, no harm to the adjacent protected trees or flood risk within the surrounding area. As such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies 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:***

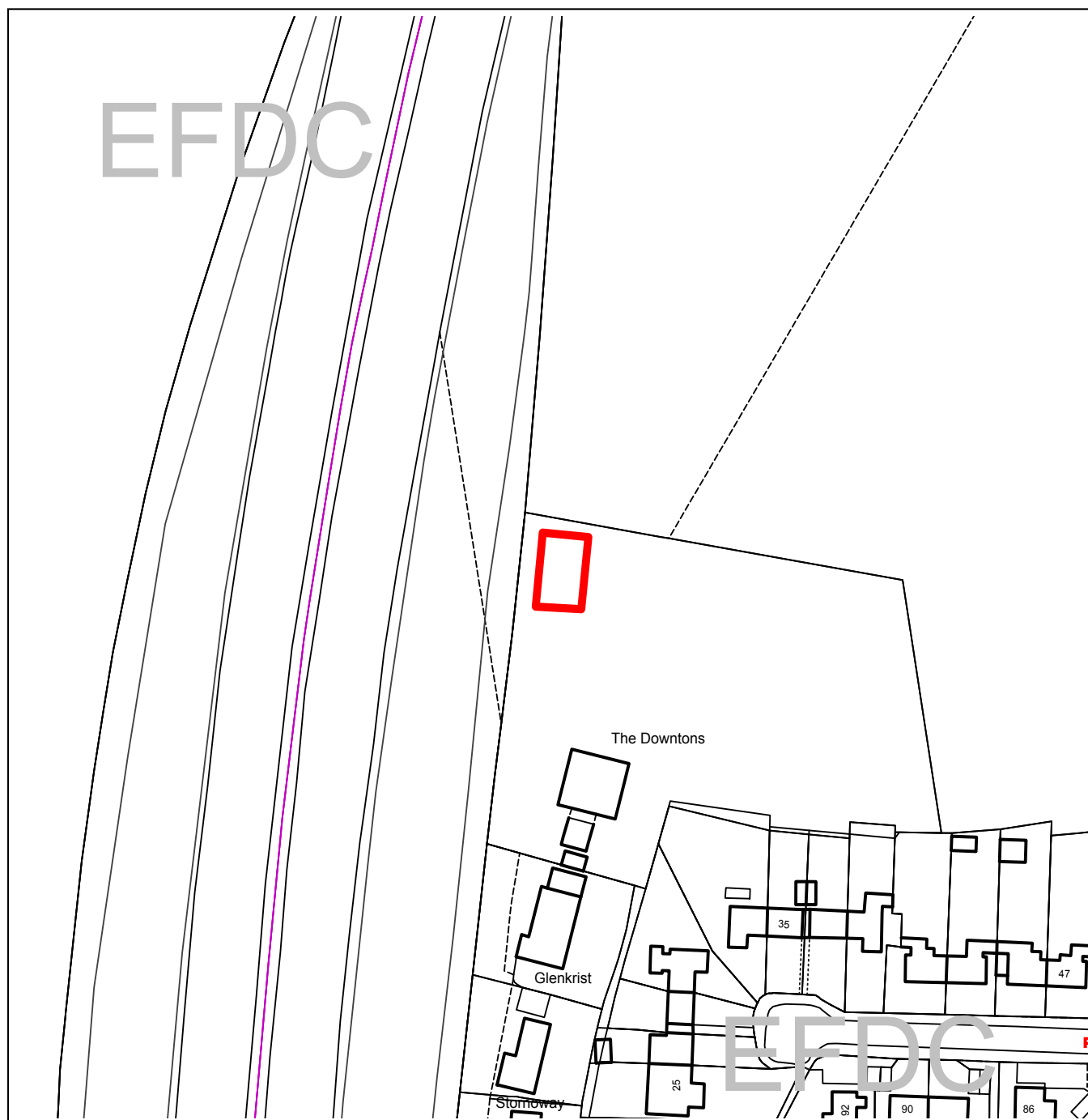
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***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 10



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Application Number:	EPF/1824/17
Site Name:	The Downtons, 114 Crown Close, Sheering, CM22 7NE
Scale of Plot:	1/1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1824/17
<b>SITE ADDRESS:</b>	The Downtons 114 Crown Close Sheering Essex CM22 7NE
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mr Nathan Welford
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of livestock building
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=596813](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=596813)

**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: Planning Statement reference 3681/17/PS, 3681/1, 3681/2, 3681/3, 3681/4.
- 3 A flood risk assessment and management and maintenance plan shall be submitted to and approved 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.
- 4 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.
- 5 The number of pigs on the site shall not exceed 25 at any time.

- 6 Prior to the installation of any lighting within the site, details of a bat friendly lighting scheme which accords with Bat Conservation Trust guidance and is positioned away from neighbouring residential dwellings shall be submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall be carried out in accordance with the details so approved, and shall be maintained as such thereafter. No other lighting shall be installed within the site.

*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: Scheme of Delegation, Appendix 3)*

#### **Description of Site:**

The application site is positioned at the northern end of a private road and consists of 4895 m<sup>2</sup> of land authorised to be used as residential curtilage of the detached house at 114 Crown Close (outlined in blue). To the north eastern corner of the garden are an assortment of low level buildings and pen used for the breeding of chickens and pigs.

The wider site adjoins 7 residential properties to the south, the M11 to the west and fields to the north and east. The site falls within land designated as Metropolitan Green Belt.

#### **Description of Proposal:**

Permission is sought for the erection of livestock building. It measures 16m by 10m and 5.5m high to the ridge of its shallow gable roof. It will be constructed using dark red profiled steel sheeting for the roof, black horizontal boarding on the walls, a brick plinth, UPVC fenestration and steel roller shutters. It will be located close to the north western corner of the site.

The building is required for the applicant's 3 breeding sows, 5 adult males and 13 piglets (21 in total) to be housed indoors. The benefits of this will be that the pigs will have warm dry accommodation which is safe from predators; keeps boars and non farrowing sows separate and which provides storage space for hay.

#### **Relevant History:**

Reference	Description of development	Decision
EPF/2300/04	Outline application for 1 no. detached dwelling.	Refuse Permission
EPF/1301/09	Two storey side extension and roof alterations including side dormer windows.	Refuse Permission
EPF/1788/09	Certificate of lawful development for existing use of land at the side/rear as domestic garden for 114 Crown Close.	Lawful
EPF/2324/09	Two storey side extension and roof alterations including side dormer windows.(Revised application)	Grant Permission
EPF/2077/16	The change of use of the site and the erection of a building	Refuse

	in order to be able to use the site for the boarding kennels for a maximum of 10 dogs.	Permission
.		

### **Policies Applied:**

National Planning Policy Framework

National Planning Policy Guidance

Epping Forest District Local Plan (1998) and Alterations (2006).

CP2: Protecting the quality of the rural and built environment.

GB2A: Development within the Green Belt

DBE1: Design of new buildings

DBE2: Effect on neighbouring properties

DBE4: Design in the Green Belt

DBE9: Loss of amenity.

RP5 Pollution

### **Consultation Carried out and Representations Received**

37 PRIMLEY LANE: OBJECT: Our garden backs onto the property. There have been pigs on there for many years now and they seem to quite happily breed without any buildings needed. The pigs themselves have caused problems they are extremely noisy and have been known to escape many times causing chaos down our road, ripping open recycling bags and leaving rubbish strewn everywhere. If there were proper breeding facilities there the noise, smell and general nuisance factor would greatly increase.

33 PRIMLEY LANE OBJECT: The premises of The Downtons 114 Crown Close, borders a highly populated residential street. It is a residential property with a large garden and I would have concerns over it being turned into a commercial pig breeding facility. There are currently only a few pigs onsite; the pigs have been happily breeding until now as we often see piglets loose in the back field. To increase to a commercial herd would impact the neighbouring homes. The animals onsite already cause disturbance by escaping and noise is a considerable problem as the pigs already squeal when they are aroused..... eating.....in distress.....playing.... The smell is a further issue. Transportable shelters like those used on pig farms or a non-permanent field shelter/ hay store would be more than adequate, without spoiling the character of the neighbourhood. As stated the pigs have been onsite for a number of years and the house has provided adequate means for toilet and hand washing requirements. Don't think it is a suitable development in a green belt area that is already having further dwellings built nearby.

SHEERING PARISH COUNCIL: OBJECT: most strongly to the application.

A • Adverse effect on the residential amenity of neighbours, by reason of (among other factors) noise\*, disturbance\*, loss of privacy .This is not a farm. B • Visual impact of the development C • Effect of the development on the character of the neighbourhood D • The proposed development is over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity

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

#### **Impact on the aims and purposes of the Green Belt**

The National Planning Policy Framework March 2012 (NPPF) defines development that is appropriate for the Green Belt as that which would not have a greater impact on the openness of the Green Belt and the five purposes of land included within it.

The NPPF defines development to facilitate the use of the site for breeding of pigs as not inappropriate. The proposal therefore accords with the requirements of the NPPF and policy GB2A of the Local Plan. It is positioned in a corner location which screened by existing conifers; the M11 and the boundary treatment of the site. It will for this reason have a less than substantial impact on the character and openness of the Green Belt in accordance with chapter 9 of the NPPF.

#### Character and appearance

The appearance of the structures are utilitarian and would not be visible from the street scene due to the high entrance gates and conifer trees on the boundaries of the site, it is therefore considered to have a neutral impact on the character and appearance of the site and surrounding area in accordance with chapter 7 of the NPPF and policy DBE1 of the Local Plan.

#### Impact on neighbouring residential amenity

The structures are proposed to house the applicants existing pigs, therefore there should be a slight reduction in noise and disturbance emanating from the site as a result of them being put in an enclosure instead of roaming around in the garden in the evening. It is on this basis that the proposal is considered to comply with the requirements of DBE 9 of the Local Plan.

#### Highways and Land Drainage

Highways England has raised concerns that they *"Because the livestock building is now nearer to the M11 we need to be sure that the disposal of surface water/slurry will not have an impact on the M11 drainage."* The Land Drainage Officer has reviewed this response and is satisfied that conditions which require a Flood Risk Assessment and details of surface water drainage will ensure that there will be no discharge of surface water or slurry onto the M11. It is therefore considered that the concerns raised by Highways England have been addressed and as a result the proposal complies with the requirements of policy U3A and U3B of the Local Plan.

The application site is served off of a private drive, therefore the Essex Highways Authority have made no comments in regards to this application.

#### Conclusion

The proposal is not inappropriate development within the Green Belt and will have a neutral impact on the distinctive local character of the area within which it is situated. It will also not excessively impinge on neighbouring residential amenity or highway safety. Conditions are suggested which ensure that suitable flood risk measures are incorporated into the proposal. The proposal is therefore considered to be sustainable development which accords with national and local policy.

***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: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

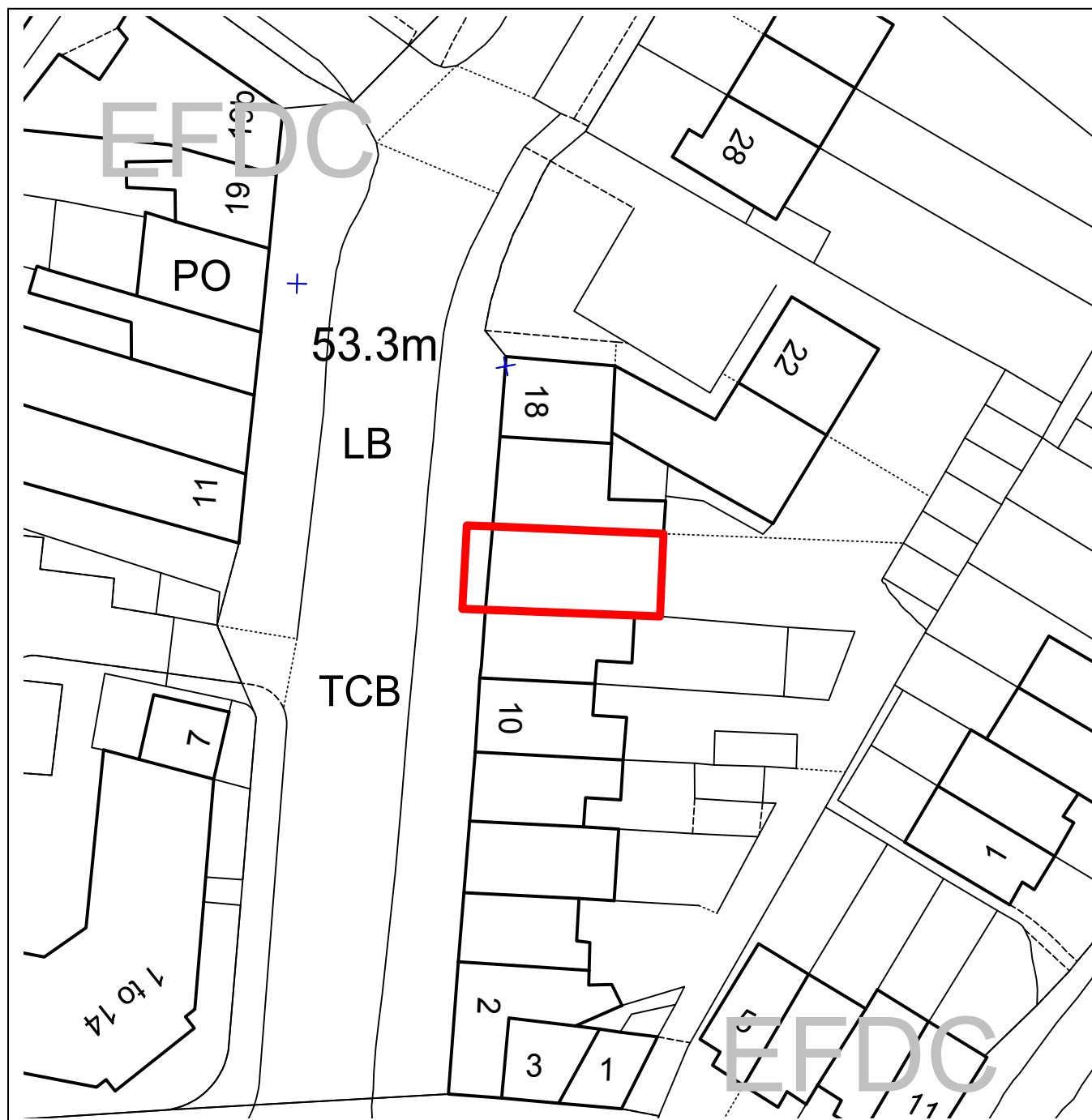
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# Epping Forest District Council

## Agenda Item Number 11



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Application Number:	EPF/2591/15
Site Name:	Belgique (Theydon) Ltd, 14 Forest Drive, Theydon Bois, CM16 7EY
Scale of Plot:	1/500

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/2591/15
<b>SITE ADDRESS:</b>	Belgique (Theydon) Ltd 14 Forest Drive Theydon Bois Epping Essex CM16 7EY
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mrs Ann Bekaert
<b>DESCRIPTION OF PROPOSAL:</b>	Use of area at front of shop as an enclosed seating 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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=579860](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579860)

**CONDITIONS**

- 1 Within three months of the date of this decision details of measures to ensure the visibility of the wall enclosing the land in front of the shop during hours of darkness shall be submitted in writing to the Local Planning Authority. The measures approved shall be implemented within 3 months of the date of the Local Planning Authority giving its written approval of such details. If the requirements for submission of details and implementation of approved details are not complied with and no appeal is made against this condition within 6 months of the date of this decision, the wall enclosing the land in front of the shop shall be demolished and a level surface formed where the land adjoins surrounding land comprising private forecourt and footway.

*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: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site comprises of an enclosed area of private forecourt associated with a shop. The shop forms part of a short parade of shops on the east side of Forest drive, between its

junctions with Buxton Road and Station Approach. It is in lawful use as a mixed use comprising of a café together with a shop selling cold food and drinks for consumption off the premises.

The forecourt is enclosed by a low wall, less than 1 metre high, that is permitted development and consequently does not require planning permission. The forecourt is used for purposes ancillary to the shop as a seating area. A number of tables and chairs are set out on the forecourt while the shop is open to customers.

### **Description of Proposal:**

The application proposes the use of the private forecourt be used for purposes ancillary to the lawful use of the shop premises. The specific ancillary use is as a seating area.

The use has been continuing for approximately 2 years. The Applicant submitted this application following a request by the Council, however, it is unclear whether the use of the forecourt for purposes ancillary to the shop requires planning permission in this case. Officers therefore sought legal advice in relation to this matter.

The sole basis for concluding that planning permission is required is that the red line identifying the application site in application EPF/0190/09 does not include the area of private forecourt. It only captures the building and yard area to the rear.

Weighed against that is the fact that it is not uncommon for shops in the District and elsewhere to use areas of private forecourt for ancillary purposes in identical situations and that is generally not taken to amount to a breach of planning control by the Local Planning Authority.

In summary, it remains uncertain whether the use requires planning permission but Officers conclude that it is more likely to than not.

### **Relevant History:**

EPF/0190/09 Continuance of use of premises as a mixed use for purposes within Use Class A1 (shops) and as a cafe within Use Class A3 (restaurants and cafes) and retention of an outside freezer unit. Approved.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
TC6	Local Centres and Corner and Village Shops
DBE9	Loss of Amenity
ST4	Road Safety

#### *NPPF:*

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.

#### *Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

T1 (C)                Sustainable Transport Choices  
DM14                Shopfronts and on street dining

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

Number of neighbours consulted: 28  
Responses received from the following:

16b FOREST DRIVE, THEYDON BOIS        If Belgique is allowed to retain this enclosed area on what I assume is its curtilage this surely sets a precedent which would allow all other businesses on this side of the Forest Drive shopping area to create their own enclosed areas thus making it ever more difficult for pedestrians to negotiate the limited space on the pavement, blocked as it already is by street furniture, parked cars, A boards, etc.

17 FOREST DRIVE, THEYDON BOIS        In its present form it is a health hazard. My elderly father in law fell over it in the dark because he couldn't see it. It is inaccessible for disabled people with a restricted entrance.

34 MORGAN CRESCENT        The proposal is a permanent structure which spreads out over half the depth of the pavement causing an obstruction to anyone trying to walk down the pavement. Tables are left outside 24 hours a day, 7 days a week....In fact the structure which has been built causes significant difficulties for any disabled person trying to negotiate the pavement, whether they are in a wheel chair or a mechanical buggy. Similar difficulties are experienced by anyone with a pram or pushchair. Apart from the obstruction caused by the structure itself, its design and appearance are totally out of keeping with the surrounding area.

THEYDON BOIS & DISTRICT RURAL PRESERVATION SOCIETY        2 letters, paraphrased as follows: The Society wishes to object to this application. We consider a public right of way has been established over the application site. We have received reports of members of the public stumbling over the wall which at night and in the unlit street is virtually invisible, even to those who may have walked past it in the daylight. For some time, before the wall was built, the daytime use of tables and chairs outside the shop was not problematic and we received no complaints. The Society urges the urgent and permanent removal of this dangerous obstruction to the free passage of pedestrians.

THEYDON BOIS PARISH COUNCIL        OBJECTION  
The Council would like to re-state its firm objection to this application. The long delay in determining this application has provided the opportunity to see what a dangerous obstruction this low black wall has become on this busy pedestrian pathway in Forest Drive, particularly when darkness falls. There have been a number of incidents where pedestrians have fallen over the wall.

The Council would also like to point out that a false statement has been made in Section 25 of the application. The attached Land Registry Search clearly shows that the land in front of the shop is not in the ownership of the applicant. No notice has been given or permission sought from the owner.

The following are the Council's original comments on this application dated November 2015:

Firstly, please note that we have had no sight of any drawings of the wall with elevations and materials or a block plan showing the wall in relation to other fixed street furniture. However, we

are familiar with this site and lodge an objection to the scheme. The positioning of the wall in conjunction with the other street furniture has proved to be a hazard. We are aware of a number of incidents, one of which was officially reported (the incident reference with Essex Highways is no:2424545). You will be aware that Theydon Bois has a Dark Skies policy and as Belgique does not open in the evening, the pathway on that side of Forest Drive is dark after daylight has finished. The fact that the walls have been painted black has only added to the problem and created an obvious hazard. Minimal lighting has recently been added but has not overcome the problem. Much higher lighting levels would be contrary to the Dark Skies Policy. May we also make you aware that the actual ownership of the shop frontages in the Village centre is in question and the Parish Council are investigating the true ownership. What is clear, is that the lease granted to Belgique by the owner of the property does not include the frontage outside the shop. We are also mindful that a Public Right of Way has been established by the public crossing over this pavement area for well in excess of 20 years.

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

In relation to the comment by the Parish Council alleging a false statement has been made in the application concerning the ownership of the site, it is noted the plan attached to the Land Registry Search does not capture the relevant area of the application site: the area of forecourt in front of the shop. In any event, Officers advise it is necessary to decide the application.

No objection is raised to the use of the land for ancillary on street dining. While the Adopted Local Plan does not deal directly with the proposal, the Draft Local Plan does in Policy DM14, which allows for such use subject to no harm being caused to the living conditions of neighbouring dwellings, the use being integral and functionally related to the business and that sufficient space is provided to ensure no obstruction of the pavement space.

In this case the only question is whether the proposal ensures no obstruction of pavement space. The land is private forecourt, not forming part of the footway. Moreover, the width of footway between the edge of the carriageway and the private forecourt is some 2.5m, more than adequate for the pedestrian flows. Accordingly, there is no conflict with the Draft local Plan policy.

Whether a permissive right of way exists over the private forecourt is not known and, in any event, is not a material consideration. What is clear is the erection of the wall enclosing the area of private forecourt does not require planning permission. It is permitted development under Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted development) Order 2015 (as amended). Consequently no planning enforcement action can be taken against it.

The difficulty with that is, having regard to representations received, pedestrians have on occasion tripped over at night it due to it being painted black and there being no street lighting in the locality. Since no planning enforcement action can be taken to secure the removal of the wall there is the question of whether measures can be taken to improve its visibility which could be secured by way of a condition on the grant of planning permission. An option could be requiring details of measures to ensure the visibility of the wall to be submitted to and approved in writing by the Local Planning Authority. This can only be achieved through the imposition of a suitable condition on a planning permission for the proposal. Weighed against that is the consequence of that for the character and appearance of the locality. While that may not be entirely satisfactory, since Officers consider the issue of safety has greater weight in this case it is concluded that is the better option.

### **Conclusion:**

The proposal complies with relevant planning policy concerning on street dining. Moreover, by giving a planning permission the Council has an opportunity to exercise some control over the wall enclosing the private forecourt which does not otherwise exist. Accordingly, it is recommended

that planning permission be granted subject to a condition requiring measures to be taken to ensure adequate visibility of the wall.

***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:***

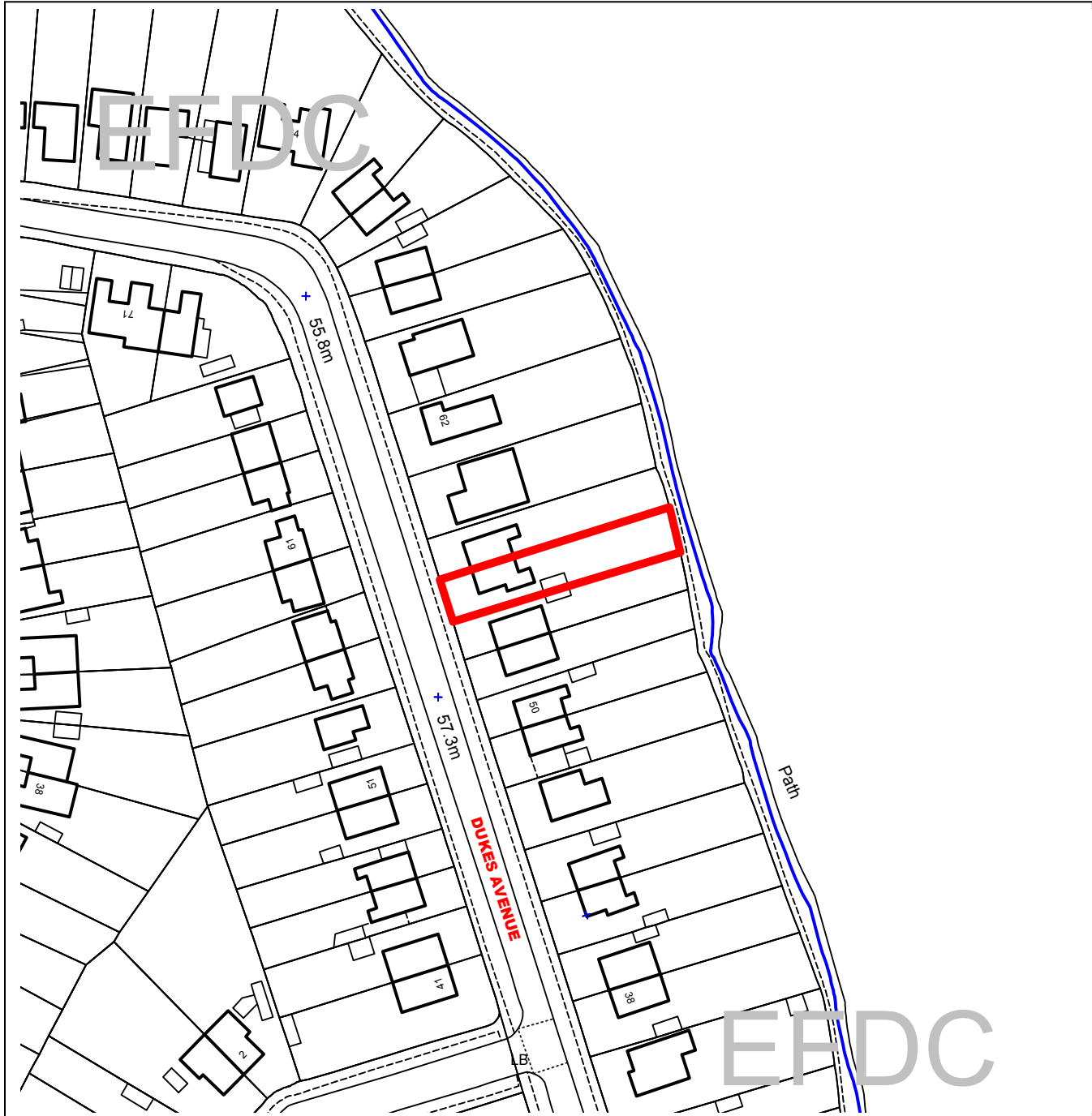
***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

***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 12



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Application Number:	EPF/1628/17
Site Name:	56 Dukes Avenue, Theydon Bois, CM16 7HF
Scale of Plot:	1/1250

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/1628/17
<b>SITE ADDRESS:</b>	56 Dukes Avenue Theydon Bois Essex CM16 7HF
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Lee Federman
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed single storey rear and side extension.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=595815](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=595815)

**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.

*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: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site is a two storey semi detached dwelling, located on within the built up area of Theydon Bois. The site is not within the Metropolitan Green Belt or within a conservation area.

**Description of Proposal:**

1 metre wide front and side extension, erection of open porch, single storey rear extension and demolition of existing garage.

**Relevant History:**

None

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment  
DBE9 – Loss of amenity  
DBE10 – Residential extensions

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.

### **Draft Local Plan**

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9 - High Quality Design  
DM10 – Housing Design and Quality

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

4 NEIGHBOURS CONSULTED – 1 COMMENT RECEIVED – 58 DUKES AVENUE – SUPPORT - We write in response to the planning application recently submitted by our adjoining neighbours for a single storey extension to their property. We have discussed the proposal with our neighbours. Their extension would significantly reduce the light to our rear reception room and cause some shadow to our garden, which is in part on a lower level than our neighbours'. However, we could mitigate this tunnelling effect by extending our property along the boundary wall to the extent of our current kitchen extension. Our kitchen extends 6m from the original rear wall of our property and we understand that the equivalent extension to our reception room would be within the permitted development scheme. Our neighbours have agreed to build along the party wall to facilitate this.

As such, to the extent that our neighbours' proposal to build extends to 6m from the original wall of our properties we are happy to support their application. It appears that the proposed extension would extend approximately 2.5m further than this. We are happy to accept the views of the planning officer as to whether permission for an extension of this length/size should be granted.

THEYDON BOIS PARISH COUNCIL – OBJECT – We note the amendments made to this application, however they are relatively minor and are not sufficient to overturn our previous objection to this application. The way forward is a joint application with the neighbouring property as was the case at the previously mentioned situation in Morgan Crescent. EFDC needs to display consistency in determining these similar applications.  
We restate our original observations on this case, as per our return dated July 21 2017:

The single-storey extension would be sited adjacent to the shared boundary with the attached neighbour at No.58 Dukes Avenue. Due to the depth of the extension, it would have an adverse impact on the outlook from the living room window/glazed doors at the rear of the neighbouring property and result in a tunnelling effect. These glazed doors would appear to be the sole fenestration providing light to the habitable room within.

The bulk of the extension would also be likely to result in an unacceptable sense of enclosure, when viewed both from within the neighbouring property at No.58, and from their adjacent patio area, to the detriment of residential amenity, and contrary to Local Plan policy DBE9.

It was noted that this application appears broadly similar to one submitted, in April 2015, at 42 Morgan Crescent (being a semi-detached, chalet-style dwelling of the same period) which was refused by the Local Authority and then dismissed at Appeal in January 2016 (APP/J1535/D/15/3132054).

That appeal decision is a material consideration with respect to the objection now raised, but it was noted that, eventually, a resolve was found to the satisfaction of both neighbouring parties (being Nos.40 & 42 Morgan Crescent), which the Planning Office may wish to consider further – as a possible way forward - in discussion with the applicants and their adjoining neighbours.

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

The main issues to be considered relate to the impact on the character and appearance of development and neighbour's amenities.

#### **Design:**

The proposed extension seeks to provide a new porch to the front of the property, a 1 metre wide single storey side extension and a 6 metre deep rear extension with a crown roof and glazed roof lantern. Similar designs have been accepted within the surrounding street scene, including at nos. 42 and 47 Morgan Crescent, when both properties have applied for an extension. In this case rather than submitting a joint application the attached property has applied for a 5.6 metre deep rear extension under the prior notification scheme, in order to mitigate costs for the neighbouring property who's extension is of a far simpler design. This will mean the properties will remain of a similar bulk and massing and the symmetry of the properties will not be removed.

#### **Amenities:**

The proposed single storey rear extension spans the width of the property, with an eaves height of approximately 2.7 metres and a total height of 3.9. The proposed development will cause no excessive harm when considering the proposed neighbouring extension submitted under EPF/2622/17 and referenced in the supporting letter above. Moreover the proposal will see the demolition of the existing garage and the removal of some 0.7 metres of its projection rearwards into the garden. The proposed 1 metre wide side extension will have no significant impact on the adjacent property and is set well away from the shared boundary.

### **Conclusion:**

The proposed development will not be unduly detrimental to the character and appearance of the area or the amenities of the neighbouring residents and is very similar to that which could be completed under permitted development. As such it complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies. 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: Corey Isolda  
Direct Line Telephone Number: 01992 564380***

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