



# Epping Forest District Council

## **DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE** **Wednesday, 28th November, 2018**

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

**Council Chamber, Civic Offices, High Street, Epping**  
**on Wednesday, 28th November, 2018**  
**at 7.30 pm .**

**Derek Macnab**  
**Acting Chief Executive**

**Democratic Services**  
**Officer**

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

### **Members:**

Councillors B Sandler (Chairman), S Jones (Vice-Chairman), H Brady, G Chambers, I Hadley, S Heap, R Jennings, H Kauffman, P Keska, J Knapman, R Morgan, C C Pond, C Roberts, B Rolfe, D Sunger, E Webster, J M Whitehouse

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### **1. WEBCASTING INTRODUCTION**

This meeting is to be webcast. On behalf of the Chairman, the Democratic Services Officer 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 third parties).*

*If you are seated in the lower public seating area then 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 then you should move to the upper public gallery.*

*Could I please also remind Members to activate their microphones before speaking."*

### **2. ADVICE FOR PUBLIC AND SPEAKERS AT THE COUNCIL'S PLANNING COMMITTEES (Pages 5 - 6)**

General advice for those persons attending the meeting of the Committee is attached.

**3. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

**4. SUBSTITUTE MEMBERS**

To report the appointment of any substitute members for the meeting.

**5. DECLARATIONS OF INTEREST**

To declare interests in any item on the agenda.

**6. MINUTES (Pages 7 - 24)**

To confirm the minutes of the meeting of the Committee held on 1 August 2018.

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

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

[http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

**8. PLANNING APPLICATION EPF/1583/18 - 1 BUTTERCROSS LANE, EPPING (Pages 25 - 38)**

To consider the attached report.

**9. PLANNING APPLICATION EPF/1325/18 - 37 HANSON DRIVE, LOUGHTON (Pages 39 - 44)**

To consider the attached report.

**10. PLANNING APPLICATION EPF/1213/18 - TOWER NURSERY, NETHERHALL ROAD, ROYDON (Pages 45 - 52)**

To consider the attached report.

**11. CERTIFICATE OF LAWFULNESS EPF/2315/18 - LAND AT LIPPITTS HILL, WALTHAM ABBEY (Pages 53 - 56)**

To consider the attached report.

**12. 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.

### 13. 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):

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

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

#### Background Papers

Article 17 (Access to Information) of the Constitution defines background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

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

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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## Advice to Public and Speakers at Council Planning 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 Sub-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**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### Who can speak?

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

### What can I say?

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

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

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

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

### How are the applications considered?

The Sub-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 Sub-Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Sub-Committee. Should the Sub-Committee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee are 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?**

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

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** District Development Management Committee      **Date:** 1 August 2018

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.30 - 9.05 pm

**Members Present:** Councillors B Sandler (Chairman), H Brady, G Chambers, I Hadley, S Heap, H Kauffman, P Keska, J Knapman, R Morgan, C C Pond, C Roberts, B Rolfe, D Sunger, E Webster, J M Whitehouse

**Other Councillors:** J Philip, C P Pond

**Apologies:** Councillors S Jones, R Jennings

**Officers Present:** N Richardson (Assistant Director (Development Management)), S Tautz (Democratic Services Manager), S Kits (Social Media and Customer Services Officer)

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### 1. **WEBCASTING INTRODUCTION**

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

### 2. **ADVICE TO PUBLIC AND SPEAKERS AT THE COUNCIL'S PLANNING COMMITTEES**

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 Committee, during the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's Planning Committees.

### 3. **APPOINTMENT OF VICE-CHAIRMAN**

In the absence of the Vice-Chairman, who had tendered her apologies for the meeting, the Chairman requested nominations from the Committee for a member to be appointed as Vice-Chairman for the meeting.

#### **RESOLVED:**

That Councillor B. Rolfe be appointed as Vice-Chairman of the Committee for the duration of the meeting.

**4. SUBSTITUTE MEMBERS**

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

- (a) Councillor J. Philip for Councillor S. Jones (Vice-Chairman); and
- (b) Councillor C. P. Pond for Councillor R. Jennings.

**5. DECLARATIONS OF INTEREST**

Pursuant to the Council's Code of Member Conduct, Councillor D. Sunger declared a personal interest in item 9 (Planning Application EPF/0637/18 - The Lodge, Woolston Hall, Chigwell) of the agenda for the meeting, by virtue of being acquainted with the agent for the planning application. Councillor Sunger had determined that his interest was not prejudicial and indicated that he would remain in the meeting for the consideration of the application and voting thereon:

**6. MINUTES**

**RESOLVED:**

That the minutes of the meeting of the Committee held on 6 June 2018 be taken as read and signed by the Chairman as a correct record.

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

The Assistant Director (Development Management) reminded the Committee that a briefing note had been prepared to ensure that a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017.

Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for councillors, officers, applicants, planning agents and other persons involved in the development management process.

**RESOLVED:**

That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version, published on 18 December 2017, be noted.

**8. PLANNING APPLICATION EPF/0621/18 - TUTEIN FARM, GROVE LANE, CHIGWELL**

The Assistant Director (Development Management) presented a report with regard to the proposed demolition of an existing barn at Tutein Farm, Grove Lane, Chigwell and the construction of four residential dwellings, two five-bedroom detached houses and two four-bedroom detached houses.

Members noted that consideration of the application was before the District Development Management Committee because Area Plans Sub-Committee South had agreed at its meeting on 11 June 2018 that it be referred to the Committee for determination, after an equal number of members had voted for and against the development proposal.

The Assistant Director (Development Management) reported that the application site had an area of 0.28 hectares and included the existing access road from Grove Cottages. Members noted that the site was occupied by a large barn building and that the remainder of the site was largely laid to lawn with trees and hedges aligning the southern and western perimeters, with the northern and eastern boundaries being demarcated by a wooden picket fence. The Assistant Director (Development Management) indicated that a chalet style house also owned by the applicant adjoined the site, which had already planning permission for an annexe building to be built close to eastern boundary of the application site. Members were advised that further east was the Grade II listed Millers Farmhouse and that there were open fields to the north, west and south of the site. The Assistant Director (Development Management) reported that the agricultural barn was used to store animal feed, hay and wood chippings and to distribute and sell such products to nearby stables and equestrian businesses. Members noted that, prior to such use, the barn had been utilised as a cattle barn and that the site was within land designated as Green Belt.

The Assistant Director (Development Management) reported that each proposed dwelling unit would have two parking spaces each and that the proposed development would increase the volume of solid built form on the site by of 3.6% and that the height of the proposed buildings would rise from a maximum of 6.8m to 8m. Members were advised that, as the intensity of use on the site would also increase, the proposal was, by definition, inappropriate development in the Green Belt.

The Committee was advised that Paragraph 87 of the National Planning Policy Framework (NPPF) provided that inappropriate development was, by definition, harmful to the Green Belt and that it would need to be demonstrated that there were very special circumstances to clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harms. The Assistant Director (Development Management) indicated that the percentage increase in size was comparatively small and that a reduction in the size of the scheme would not materially reduce its impact. Members noted that, furthermore, the units were to be positioned in a more southerly position in comparison to the existing barn, which would move the built form away nearer to existing buildings surrounding the site and as a consequence increase its separation from the open fields and London Loop route to the north of the site.

The Assistant Director (Development Management) advised the Committee that all of the proposed units had a high standard of design and would make a positive contribution to the character and appearance of the locality and the supply of good quality housing within the District in such a sustainable location. Members were advised that it was considered that there was sufficient public benefit to clearly outweigh the harm resulting from the additional solid built form and the consequent loss of openness, subject to a pre-commencement conditions requiring further details and method statements in relation to soft landscaping on the site and that the application was therefore recommended for approval, subject to a number of conditions.

The Committee was advised that, as the proposed development would create new residential units within a distance of 6.2km of the Epping Forest Special Area of Conservation, policies DM2(C) and DM22 of the Submission Version of the Epping Forest District Local Plan required that any permission be subject to a financial contribution to towards access management and monitoring of visitors to Epping Forest in order to mitigate against the harmful impacts of development on air quality and biodiversity within the Forest. The Assistant Director (Development Management) advised members that the amount of such contribution had not currently been agreed.

**RESOLVED:**

That planning permission for the proposed demolition of an existing barn at Tutein Farm, Grove Lane, Chigwell and the construction of four residential dwellings, two five-bedroom detached houses and two four-bedroom detached houses be granted, subject to the completion within six months of a Section 106 Agreement to secure appropriate financial contributions towards: (a) access management and monitoring of visitors to the Epping Forest Special Area of Conservation (SAC); (b) mitigation of air pollution in the vicinity of the Epping Forest SAC; and subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice;
- (2) The development hereby permitted will be completed strictly in accordance with the approved drawings no's: 882.008.00, 782 004.01, dapa\_782\_200\_03, dapa\_782\_201\_03, dapa\_782\_203\_03, Flood risk and SuDS Statement by Ardent report ref: 180110 - 01A February 2018, Ecological Assessment by Ethos Environmental Planning Feb 2018, 17-602/1, Arboricultural Impact Assessment Report dated 26/1/18 re SHA 613 by Sharon Hosegood Associates, dapa\_782\_601.03 Design and Access Statement dated 15 May 2018 on EFDC Planning Database;
- (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) 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 details shall include a low level traditional picket type fence on the northern (rear) boundary of the site and the height, species and size of hedges to be installed on the side flank of each dwelling. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained;
- (6) 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;

- (7) If any tree, shrub or hedge shown to be retained in accordance with the approved 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;
- (8) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation;
- (9) The development shall be carried out in accordance with the flood risk assessment (Ardent Consulting, Ref 180110-01A February 2018) submitted with the application unless otherwise agreed in writing with the Local Planning Authority. 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;
- (10) 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;
- (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) Prior to the first occupation of the units hereby approved, One IFR Schwegler Bat Tube shall be installed on the wall of either the western or southern elevation of each residential unit. These tubes shall be a minimum of 3 metres high. In addition and at the same time, bat access tile sets shall be installed on the roof of each dwelling at either the southern or western elevation. These items shall then be permanently maintained as such thereafter;
- (17) This permission shall not be implemented unless and until the recommendations set out in section 10 of the Ecological Assessment by Ethos Environmental Planning February 2018 has been fully undertaken and these mitigation measures shall be maintained for the duration of the use;
- (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) An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation;
- (20) Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day;
- (21) 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 extensions, roof enlargements or outbuildings exceeding a volume of 10 cubic metres 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;
- (22) 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; and
- (23) 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. PLANNING APPLICATION EPF/0637/18 - THE LODGE, WOOLSTON HALL, CHIGWELL**

The Assistant Director (Development Management) presented a report with regard to a proposed residential infill comprising twelve residential dwelling houses with associated off-street parking, garden space and external landscaping at The Lodge, Woolston Hall, Chigwell.

Members noted that the application been considered by Area Plans Sub-Committee South at its meeting on 27 June 2018, at which time it had been referred to the District Development Management Committee for consideration with a recommendation that planning permission be refused in accordance with the recommendation of the Assistant Director (Development Management), on the application of the minority reference procedure set out in the Council's constitution (Rule M2).

The Assistant Director (Development Management) reported that the application site was an open parcel of land to the northwest of The Lodge, with its southwestern boundary being an access road to Woolston Manor. Members were advised that the north-eastern boundary of the site was an avenue leading to a leisure complex and that a building and a former motel accommodating flats was situated to the northwest of the site. The Assistant Director (Development Management) reported that site was off the highway of Abridge Road, between the village of Abridge and Chigwell and was within the Green Belt. Members noted that trees along the avenue to the northeast of the application site were the subject of Tree Preservation Orders and that The Lodge was a locally listed building, with the northernmost boundary of the site being 120m from the Listed Building.

The Assistant Director (Development Management) reported that the proposed dwellings would be laid out in four terraces each of three houses, running north/south, parallel with and facing the vehicular access to Woolston Hall. Members were advised that each terrace would have its own appearance, whilst also providing overall unity of design to all four and that each of the houses would have three storeys, an integral garage and four bedrooms and an area of communal open space at the southernmost end of the site.

The Committee was advised that the main issue with regard to the proposed development was considered to be Green Belt policy. Other considerations included the provision of affordable housing, the implications of the Submission Version of the Epping Forest District Local Plan, the affect of the development on the setting within the landscape, sustainability, the quality of the design in terms of appearance, highway matters, the possible affect on heritage assets, the impact on neighbouring properties and whether the proposal would offer adequate amenity to future occupiers. The Assistant Director (Development Management) reported that a financial contribution for the provision of off-site affordable housing of £1,624,533 had been offered by the applicant, which had been verified by a consultant acting for the Council. Members were advised however, that no legal agreement had been submitted as part of the application and that Policy I1A required that, in appropriate circumstances, a legal agreement be in place prior to the grant of planning permission.

The Assistant Director (Development Management) reported that the proposal was considered to be contrary to Green Belt policy, failed to provide required on-site affordable housing; and did not represent sustainable development. Members were advised that the proposal was contrary to policy set out in both the adopted Local Plan and the Submission Version and would be detrimental to public amenity by

virtue of failing to use natural resources prudently and failing to mitigate and adapt to climate change.

The Committee was advised that, as the proposed development would create new residential units within a distance of 6.2km of the Epping Forest Special Area of Conservation, policies DM2(C) and DM22 of the Submission Version of the Epping Forest District Local Plan required that any permission be subject to a financial contribution to towards access management and monitoring of visitors to Epping Forest in order to mitigate against the harmful impacts of development on air quality and biodiversity within the Forest. The Assistant Director (Development Management) advised members that the amount of such contribution had not currently been agreed.

**RESOLVED:**

That planning permission for residential infill comprising 12 no. residential dwelling houses with associated off-street parking, garden space and external landscaping at The Lodge, Woolston Hall, Chigwell be granted, subject to the completion of a legal agreement (Section 106 of the Town and Country Planning Act 1990) by 31 March 2019 that ensures a contribution towards the provision of off-site affordable housing of £1,624,000 and appropriate financial contributions towards: (a) access management and monitoring of visitors to the Epping Forest Special Area of Conservation (SAC); (b) mitigation of air pollution in the vicinity of the Epping Forest SAC; and to the following 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:

001.00 Site location plan, received 20/4/18;

200.04;

201.04;

202.03;

203.04;

205.01;

DW-2017-371 Topographical survey;

Phase 1 Habitat Survey Report by Ethos Environmental Planning dated April 2017;

Arboricultural Impact Assessment by Waterman Infrastructure & Environment Limited dated September 2017; and

Preliminary Geo-Environmental Risk Assessment by Waterman Infrastructure & Environment Limited dated February 2017

- (3) 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 carried out in accordance with the Preliminary Geo-Environmental Risk Assessment by Waterman Infrastructure & Environment Limited dated February 2017 submitted with the application unless otherwise agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with such agreed details;

- (4) Access to the flat roof to the dining area as shown on the approved plans shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area;
- (5) 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 and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority;
- (6) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include recommendations made in the Phase 1 Habitat Survey Report submitted April 2017 by Ethos Environmental Planning. The scheme shall include new native planting with new soft landscaping, provision of six bat boxes erected in suitable trees or on new buildings and bat sensitive lighting scheme during and post construction. The scheme shall be implemented in full prior to the occupation of the development hereby approved;
- (7) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority;
- (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 shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority;
- (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 accordance with the details approved in condition 10 above 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) 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;
- (13) An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation;
- (14) Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day;
- (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 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;

- (17) Details of all walls, fences, gates and other means of enclosure to the residential development shall be submitted for approval by the Local Planning Authority in writing prior to any development above ground level, and the development shall be implemented in accordance with such approved details.

Immediately following the voting on a motion that planning permission for the proposed development be granted, five members of the Committee referred the application to the Council for determination on the application of the minority reference procedure set out in the Constitution (Rule M2).

**10. PLANNING APPLICATION EPF/0826/18 - 48 RUSSELL ROAD, BUCKHURST HILL**

The Assistant Director (Development Management) presented a report with regard to the proposed demolition of an existing bungalow and the erection of three flats at 48 Russell Road, Buckhurst Hill.

Members noted that consideration of the application was before the District Development Management Committee because Area Plans Sub-Committee South had agreed at its meeting on 27 June 2018 that it be referred to the Committee for determination, after an equal number of members had voted for and against the development proposal.

The Assistant Director (Development Management) reported that the application site comprised a large single storey detached dwelling on a hillside location, which sloped downwards to the south at the rear and downwards to the east from the front elevation. Members noted that, due to the complicated levels of the site the bungalow had one non habitable room at lower ground floor level and could not be considered a two-storey dwelling. The Committee was advised that adjoining the western boundaries were three storey terraced houses and adjoining the eastern boundary was a pair of two-storey semi detached dwellings. The Assistant Director (Development Management) reported that Russell Road was made up of a mixture of a wide mixture of dwellings, with apartment buildings on either side of the road and opposite the application site and that the site was within an urban area and was not listed or within a conservation area.

Members were advised that the application followed an earlier refusal of planning permission for the redevelopment of the site for a detached two-storey dwelling house, as this would have facilitated the loss of a bungalow. The Committee noted that the proposed development had been redesigned to provide a more symmetrical and softer appearance than the previous scheme, involving the construction of a block of three flats over three floors.

The Assistant Director (Development Management) reported the revised application, with an increased number of fully accessible residential units along with the overall bulk and scale of the proposed development, was considered acceptable. Despite objection from neighbouring residents, it was considered that the proposal would not cause any undue loss of amenity to neighbouring residents or cause any parking or highway harm and would adequately serve the living conditions of future occupants. The Committee was advised that the proposal therefore complied with the guidance set out within the National Planning Policy Framework, the relevant policies contained within the adopted Local Plan and Alterations and the Submission Version of the emerging Local Plan.

The Committee was advised that, as the proposed development would create new residential units within a distance of 6.2km of the Epping Forest Special Area of Conservation, policies DM2(C) and DM22 of the Submission Version of the Epping Forest District Local Plan required that any permission be subject to a financial contribution to towards access management and monitoring of visitors to Epping Forest in order to mitigate against the harmful impacts of development on air quality and biodiversity within the Forest. The Assistant Director (Development Management) advised members that the amount of such contribution had not currently been agreed.

**RESOLVED:**

That planning permission for the proposed demolition of an existing bungalow and the erection of three flats at 48 Russell Road, Buckhurst Hill be granted, subject to the completion within six months of a Section 106 Legal agreement to secure appropriate financial contributions towards (a) access management and monitoring of visitors to the Epping Forest Special Area of Conservation (SAC); (b) mitigation of air pollution in the vicinity of the Epping Forest SAC; and subject to the following 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:
  - 318-PL-11 - Site & Location Plans;
  - 318-PL-12 - Proposed & Existing Street Elevation;
  - 318-PL-13 - Proposed Ground Floor Plan;
  - 318-PL-14 - Proposed Lower Ground & First Floor Plans;
  - 318-PL-15 - Proposed Second Floor & Roof Plans;
  - 318-PL-16 - Proposed Elevations;
  - 318-PL-17 - Proposed and Existing Section A-A;
  - 318-EX-01 - Existing Lower & Ground Floor Plans;
  - 318-EX-02 - Existing Roof Plan;
  - 318-EX-03 - Existing Elevations; and
  - Supporting Documents: Tree Constraints Plan, Arboricultural Report;
- (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, 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;
- (5) 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;

- (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) No development, including works of demolition or site clearance, shall take place until foundation details have been submitted to the Local Planning Authority and approved in writing. The foundations shall consist of piles and an above ground beam design. Drawings submitted shall include cross sectional detail of pile and beam join and the location of piles in plan form. 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;
- (8) No services shall be installed within the root protection area of the retained trees on or adjacent to the site unless the Local Planning Authority gives its prior written approval;
- (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) An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation;
- (11) Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day;
- (12) Prior to first occupation of the dwellings hereby approved measures to improve the ecological value of the site shall be implemented in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority;
- (13) No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site;
- (14) 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; and
- (15) No construction works above ground level shall take place until documentary and photographic details showing the fenestration to be completed in timber have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

#### **11. PLANNING APPLICATION EPF/1490/18 - 65 HIGH STREET, EPPING**

The Assistant Director (Development Management) presented a report with regard to the proposed installation of a new shop front at 65 High Street, Epping.

Members noted that consideration of the application was reserved to the Committee in accordance with Article 10 (District Development Management Committee (Section 1(f)) of the Council's Constitution, as it had been submitted by, or on behalf of, a Councillor of the Authority.

The Assistant Director (Development Management) reported that the application site was a three-storey property located to the north of the High Street that formed part of a shopping parade set back from the main road by a service road. Members were advised that the first and second floors of the property were residential and were set back from the ground floor front façade.

The Committee noted that the proposed new shopfront was considered to be an improvement on the existing shopfront display that would not detract from the vitality of the shopping centre and which was considered appropriate to the character and design of shop frontages in the parade. The Assistant Director (Development Management) reported that the development was not considered to result in any material amenity implications presently enjoyed by the occupiers of adjoining properties and that the alterations to the shop front were minimal and appropriate in

design and form that is not harmful and would respect the character and appearance of the property and the shopping parade and comply with the Council's relevant policies.

**RESOLVED:**

That planning permission for the proposed installation of a new shop front at 65 High Street, Epping be granted, subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice; and
- (2) The development hereby permitted be completed strictly in accordance with the approved drawings no's: S.F.1; S.F.2; Site Plan.

**12. PLANNING APPLICATION EPF/1800/18 - 25 SHOOTERS DRIVE, NAZEING**

The Assistant Director (Development Management) presented a report with regard to a proposed side and rear extension at 25 Shooters Drive, Nazeing.

Members noted that consideration of the application was reserved to the Committee in accordance with Article 10 (District Development Management Committee (Section 1(f)) of the Council's Constitution, as it had been submitted by, or on behalf of, a spouse or partner of a Councillor of the Authority.

The Assistant Director (Development Management) reported that the application site comprised a split-level dwelling set within a plot sloping to the south, located on the northern side of Shooters Drive, which was a residential area characterised by detached and semi-detached single and two-storey dwellings set on large plots. Members were advised that a two storey dwelling was situated to the west of the site and that a bungalow was located to the east of the site. The Committee noted that a sub-divided plot of land (previously part of the curtilage of the application site) already benefiting from planning permission for the construction of a three-bedroom house was situated to the north of the site and that, to the south of the site, were single storey dwellings set lower than the application site due to the sloping terrain. The Assistant Director (Development Management) reported that the site was not located within the Green Belt or Conservation Area.

The Committee was advised that the proposed development provided for the erection of side and rear extensions, with the side extension matching the footprint of the existing structure, to accommodate WC, utility room and sunroom facilities. The Assistant Director (Development Management) reported that the south (principal) elevation would incorporate three additional windows to serve bedroom 2 and that the entrance to the existing garage would be replaced by a window to serve a bedroom. Members noted that the proposal sought to replace the existing entrance steps and retaining wall with new steps and retaining wall topped with a glazed balustrade and the replacement of the fixed glazed screen behind the entrance steps. The north elevation of the existing house would replace the existing window serving bedroom 1 with double doors and the east elevation of the existing house remained unchanged.

The Assistant Director (Development Management) indicated that the main issues in the determination of the application were whether the design and appearance of the proposal was acceptable and its impact on the amenities of neighbouring properties. However, it was considered that the proposal was of acceptable design and appearance and would not be detrimental to the character and appearance of the

street scene. The Committee was advised that the proposed development would retain adequate amenity space and would not adversely impact neighbour amenities and, as such the application complied with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies. Members were advised that sine the publication of the agenda for the meeting, Nazeing Parish Council had confirmed that it had no objection to the development proposal.

**RESOLVED:**

That planning permission for a proposed side and rear extension at 25 Shooters Drive, Nazeing be granted, subject to the following 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 by the Local Planning Authority; and
- (3) 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.

**13. ANY OTHER BUSINESS**

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

**14. EXCLUSION OF PUBLIC AND PRESS**

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

**CHAIRMAN**

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## **Report to District Development Management Committee**

**Date of meeting: 28 November 2018**

**Address:** 1 Buttercross Lane, Epping



**Epping Forest  
District Council**

**Subject:** Planning Application EPF/1583/18 – Demolition of existing house and replacement with 9 apartments.

**Officer contact for further information:** J. Shingler (01992 564106)

**Democratic Services Officer:** S. Tautz (01992 564180)

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

That planning application EPF/1583/18 be granted planning permission, subject to the completion within six months of a Section 106 Agreement to secure appropriate financial contributions towards (a) access management and monitoring of visitors to the Epping Forest Special Area of Conservation (SAC); and (b) mitigation of air pollution impacts on the Epping Forest SAC; and to the following planning conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice;

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

- (2) The development hereby permitted will be completed strictly in accordance with the approved drawings no's: 1A, 2CD, 3C;

**Reason:** To ensure the proposal is built in accordance with the approved drawings;

- (3) No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself;

**Reason:** To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policies DBE1 [or DBE10 when related to a residential extension], HC6 and HC7 of the adopted Local Plan and Alterations;

- (4) Prior to first occupation of the development hereby approved, the proposed window openings in the north 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;

**Reason:** To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with the guidance contained within the National Planning Policy Framework and policy DBE9 of the adopted Local Plan and Alterations;

- (5) The Biodiversity Enhancement and Management Plan (BEMP) submitted by SES in May 2018 should be adhered to. Any changes to the document and/or working practices should be reported to EFDC by the Ecological Clerk of Works (ECoW) for consent;

**Reason:** In the interests of conserving and enhancing the natural environment, in accordance with the guidance contained within the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment and Local Plan Chapter 7: Nature Conservation;

- (6) 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;

**Reason:** The development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off, in accordance with the guidance contained within the National Planning Policy Framework and policy U2B of the adopted Local Plan and Alterations;

- (7) 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;

**Reason:** To ensure satisfactory provision and disposal of foul and surface water in the interests of public health, in accordance with the guidance contained within the National Planning Policy Framework and policy RP3 [and U3B if SUD's are required] of the adopted Local Plan and Alterations;

- (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;**

**Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations;**

- (9) Additional drawings that show details of proposed new windows and door to be used, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works;**

**Reason: To ensure the proposed works preserve the special architectural and historic interest of the building.**

- (10) Details and colours of all external pipes, extracts, grilles, flues, lights and any alarm boxes or satellite dishes to be fixed to the fabric of the building shall be submitted to and approved in writing by the Local Planning Authority prior to starting any work on site;**

**Reason: To ensure the proposed works preserve the special architectural and historic interest of the building;**

- (11) Additional drawings of the type, colour, and position of new boundary treatments shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works;**

**Reason: To ensure the proposed works preserve the special architectural and historic interest of the building;**

- (12) 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;**

**Reason- In the interests of the amenities of noise sensitive properties, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations; and**

- (13) The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority;**

**Reason: In the interests of visual and residential amenity in accordance with policies CP2 and CP5 of the Adopted Local Plan and Alterations.**

**Report:**

1. This application is presented to the District Development Management Committee following a minority reference from Area Plans Sub-Committee East following a tied vote on the recommendation to grant planning permission. The officer recommendation remains to grant consent. The original report to the Area Sub-Committee is reproduced below:

**Description of Site:**

A 0.25a site with a width of 21m and a depth of 57m located to the west of Buttercross Lane, itself a cul-de-sac accessed via a passage between the flank walls of buildings on the High Street within the built-up area of Epping. The site is currently occupied by a two-storey detached house built in the 1950's with a maximum width of 17.6m. The area is characterised by close knit two storey dwellings and flatted buildings of mixed designs and styles with narrow frontages, predominantly two-storey with tiled roofs and rendered or brick walls. The south-west of the site is screened by mature trees and hedging and backs onto a car parking area and two storey buildings to the rear of the High Street. To the immediate north of the site is a two-storey building, with a three-storey building to the east on the opposite side of Buttercross Lane. The site is within the Epping Conservation Area.

**Description of Proposal:**

Planning permission is sought for the redevelopment of the site comprising the demolition of the existing two storey house and garage and the construction of a three-storey block of 9 flats, comprising 8 two-bedroom flats and 1 one-bedroom flat, with associated parking and landscaping. The proposed building would have an L-shaped footprint with its most prominent elevation facing Buttercross Lane, the ground and first floor would each provide 3 two-bedroom flats and the second floor would provide 2 two-bedroom flats and 1 one-bedroom flat. The building to accommodate the flats would have a central communal entrance door on the principal elevation and would resemble a substantial detached house of a contemporary style. The façade of the building would be finished in red brick at ground floor level with a dentil course above ground floor lintels to separate it from the white timber cladding and jetting proposed at first and second floor level. A red clay roof tile is proposed for the roof. The building would have a maximum width of 16m and a maximum depth of 23.7m. Vehicular access to the building would be via a new crossover proposed to the right of the building on Buttercross Lane. Nine car parking spaces, an electric vehicle charging point, bicycle storage, bin storage and an amenity space would be set to the rear of the building.

**Relevant History:**

EPU/0073/58 – Erection of dwelling house: Planning Permission.  
TPO/EPF/0001/75 – (TPO/ESX/5/53). Proposed lopping of preserved tree in rear garden: Approved with conditions.

**Policies Applied:**

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

CP1 Achieving sustainable development objectives

CP2 Protecting the quality of the rural and built environment  
 CP3 New development  
 CP4 Energy conservation  
 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  
 DBE6 Car parking in new development  
 DBE8 Private amenity space  
 DBE9 Excessive loss of amenity to neighbouring properties  
 DBE11 Sub-division of residential properties  
 ST1 Location of development  
 ST2 Accessibility of development  
 ST4 Road safety  
 ST6 Vehicle parking  
 H2A Previously developed land  
 H3A Housing density  
 H4A Dwelling mix  
 LL11 Landscaping schemes  
 RP4 Contaminated land  
 NC1 - SPAs, SACs and SSSIs  
 NC4 - Protection of established Habitat

*The National Planning Policy Framework:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 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.

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

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

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

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in

arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

- SP1 Presumption in favour of sustainable development
- SP6 The natural environment, landscape character and green infrastructure
- H1 Housing mix and accommodation types
- H2 Affordable housing
- T1 Sustainable transport choices
- DM2 Epping Forest SAC and Lee Valley SPA
- DM9 High quality design
- DM10 Housing design and quality
- DM11 Waste recycling facilities on new development
- DM15 Managing and reducing flood risk
- DM18 On site management of waste water and water supply
- DM21 Local environment impacts, pollution and land contamination
- DM22 –Air quality
- HC7 Development within conservation areas

**Representations Received:**

29 Neighbours were consulted and a site notice was displayed.

**Responses:**

PETITION – Object, 196 signatures from local residents and frequent visitors to the area who all know Buttercross Lane and oppose the proposal.

2 BUTTERCROSS LANE – Object, proposal does not take previous planning appeal decisions into account, increased traffic, impact on pedestrian safety, not in keeping with the street scene, dominant and intrusive, impact on the Conservation Area.

THE LITTLE HOUSE, 3 BUTTERCROSS LANE – Object, proposal conflicts with decisions of three planning appeals regarding planning applications for residential development at No. 2 Buttercross Lane, intrusive feature within the street scene, roof will be 3 metres higher than No. 3, 9 flats will intensify development, detract from the openness of the lane, out of scale with adjoining houses, would set a precedent for similar development down the lane outside the Conservation Area, parking concerns, increased traffic, concerns regarding amenity space, does not conform with existing pattern of development, unclear plans, failure to conform to standards of design and density, no improvement or enhancement on the openness and appearance of the Conservation Area,

5 BUTTERCROSS LANE – Object, increased traffic, parking concerns, disruption due to building works, impact on Conservation Area, impact on view, overlooking, impact on character and value of property.

5A BUTTERCROSS LANE – Object, impact on area, increased traffic, parking concerns, impact on architectural and historical aspects.

6 BUTTERCROSS LANE – Object, impact on appearance of lane, dominant and overbearing, out of scale, impact on pedestrian safety.

7A BUTTERCROSS LANE – Object, impact on Conservation Area, out of keeping with the lane, overdevelopment of site, increased traffic, parking concerns, impact on pedestrian safety, impact on character of Epping, disruption to neighbouring residents and workers in the High Street.

9 BUTTERCROSS LANE – Object, increased traffic, parking concerns, impact on pedestrian safety, would set a precedent for further similar developments, impact on Conservation Area.

3 THE SADDLERY, 1B BUTTERCROSS LANE - Object, negative impact on way of life, impact on value of property, concerns regarding overdevelopment of site, increased traffic, disturbance and noise, overbearing, visual impact, loss of privacy, impact on Conservation Area, disrespects neighbouring residents.

68 RAYFIELD, EPPING – Object, impact on amenity and Conservation Area

ROSE FARM, THORNWOOD COMMON – Object, size of proposal, impact of increased traffic, drawings unclear, overdevelopment of site, potential for overlooking and loss of privacy.

14 MORRISON AVENUE, POOLE – Object, increased traffic, impact on pedestrian safety, parking concerns, noise, disturbance to residents.

EPPING TOWN COUNCIL – Object, Committee strongly OBJECT to this application. This proposal will have a dramatic and negative impact on the conservation area. The proposal is a vast overdevelopment of the site in terms of density and height, having three storeys, which would result in an overly dominant and irreversible effect on the street scene. The proposal would decimate the street scene of this historic lane and the character of the road would be lost. The whole development does not fit within this part of the conservation area.

The proposal would be excessively overbearing and turn a family home into nine flats which would constitute mass overdevelopment. The size and dominance of the building would create a tunnelling effect. The density far exceeds that which is laid out in Policy. The intensification of use from a detached family home to nine individual apartments would impact adversely on the surrounding area in terms of visual impact, noise nuisance, disturbance and additional traffic.

The vast increase in the number of vehicles using the property would have a harmful effect on Highway safety and on the character of the area through which the new traffic would move. The site is not large enough to accommodate larger scale movement of traffic. There is no allowance for visitors parking to the flats, would result in additional cars parking in the neighbouring roads which already suffer from parking and congestion problems. There are severe parking issues in Epping and the insufficient parking from this scheme will add to the problems. The generation of additional traffic and refuse in this already busy location, will result in a loss of amenity in terms of noise and disturbance. Buttercross Lane is a narrow road and this proposal would make access difficult for emergency vehicles as well as refuse vehicles.

Committee object to the loss of this large family house, which are as necessary as flats and do not feel this is a suitable location. A mix of dwelling types is required and removing large, family homes does not contribute to this objective. Constantly granting permission for flats at the expense of good quality family homes, will adversely affect the mix of dwelling types available in the town and alter the core character of this historic lane.

National policy states that the character of individual areas must be taken into consideration and this development does not respect the conservation area of the town centre. Local and national policy state that the emphasis should be improving the quality of life in urban areas, not reducing that quality for future generations. Constantly allowing flats at the expense of family houses, reduces the mix of dwelling types available and thus reduces choice. The

need for flats is being catered for within the new Draft Local Plan and building plans set until 2033 within such plan.

There would be a loss of trees and loss of greenery which would generate increased pollution.

The resulting loss of amenity for neighbouring properties in terms of its overbearing nature, visual impact, additional traffic and nuisance is not acceptable and contravenes policy.

Relevant policies: CP2, CP6, CP7, DBE1, DBE2, DBE9, H3A, H4A, ST4, ST6.

Emerging Local Plan: H1A (ii) & (iii), DM9J

NPPF: Paras 9,17, 53, 55, 64

### **Issues and Considerations:**

The key issues for consideration in relation to this proposal are the principle of development, amenity considerations, design, highways and parking, impact on the character and appearance of the Epping Conservation Area.

#### *Principle of Development:*

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

#### *Amenity Considerations:*

The proposed development would replace an existing two-storey dwelling with a considerably larger three storey block of flats. The proposed 4m gap between the proposed building and No. 3, the neighbouring property to the north-west would represent a 1.5m increase on the existing gap between the properties. No. 3 has a staggered footprint set marginally further back than the proposed building and whilst there is a 3m difference in height between No. 3 and the proposed building, the element of the proposed building immediately adjacent steps down 1.6m, to reduce the height difference. Given that the rear element of the proposed building is set 12.5 metres away from the shared boundary, the concerns regarding the difference in height and the dominant and intrusive form of the proposed building, while noted are not considered to be sufficient grounds to warrant refusal of the application. Windows on the north elevation of the proposal serve bathrooms and kitchens in the main and a condition can be imposed to obscure glaze these windows in order to prevent overlooking and loss of privacy to No. 3.

The south and west elevations of the proposal back onto a car park to the rear of the High Street and would not significantly impact the nearby properties. Whilst concerns have been raised regarding the potential for disturbance and noise as a result of construction works this is not a material planning consideration, nevertheless this has been noted and a condition can be imposed regarding construction works.

Local Plan policy DBE8 and the Essex Design Guide suggest 25 sq. m. of communal amenity space for each flat when assessing new residential dwellings. Given this requirement, the proposed development would necessitate 225 sq. m of communal amenity

space to serve this development. Whilst the amenity space indicated on the submitted plans is at variance with the requirements of policy DBE8, it is not considered sufficient grounds to reasonably refuse permission since it is generally accepted that properties within town centres can provide less amenity space and the application site is within walking distance of both Lower Swaines Recreation Ground and Stonards Hill Recreation Ground.

Design:

Paragraph 127 of the NPPF sets out that *“planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”*. With regard to the appearance of the proposal, the proposal has been designed to appear from the front as a large detached house and would continue to be set back from the road by 4.5m, increasing to 6.5m as the road progresses to the north-east. Policy DBE1 requires that new buildings *“(i) respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing; (ii) are of a size and position such that they adopt a significance in the street scene which is appropriate to their use or function; and (iii) only employ external materials which are sympathetic in colour and texture to the vernacular range of materials”*. Whilst the bulk, mass and scale of the proposed building is greater than the existing dwelling, the increase in height is mitigated by the continued retention of the existing setback from Buttercross Lane, the 1.6m decrease in width of the principal elevation and the breaking up of the elevations by use of different materials. Whilst the objections from neighbouring residents and the comments from Epping Town Council and the Epping Society regarding the visual impact of the proposal are noted, it is considered that subject to quality materials being used and appropriate detailing of eaves soffits and fenestration being submitted for approval, the development will fit well within the Conservation Area and the streetscene. (Impact on the conservation area is covered in more detail below) While it is accepted that the majority of neighbouring properties are predominantly two storey, the proposed three storey block of flats would relate well to Doubleday House, a three storey flatted building directly opposite in terms of bulk, mass and scale. As such it is considered that the proposed building and Doubleday House could function in combination to complement Buttercross Lane by serving as a ‘gateway’ from the High Street. From a design point of view, it is considered that the proposed three storey building could be accommodated without detriment to the street scene. Whilst objections have been received regarding loss of trees and greenery, there are no trees worthy of retention on the application site. As with any new development of this scale, hard and soft landscaping should be implemented and can be required by condition. Adequate space is maintained at the front of the site to secure appropriate planting to maintain the appearance of a domestic garden.

Impact on Conservation Area:

Many objections received have expressed concerns regarding the impact of the proposal on the Epping Conservation Area. The Council’s Senior Conservation Officer has reviewed the proposal and has provided the following comments:

The proposal site stands within the Epping Conservation Area to the rear of the High Street and directly behind no. 269, a grade II, largely 17<sup>th</sup> and 19<sup>th</sup> century building. The proposed scheme has been discussed at pre-application stage, although not with myself, and received positive feedback.

The site marks the start of the residential development on Buttercross Lane after the lane passes through the narrow gap between the side elevations of the buildings fronting the High Street. The existing house is late 20<sup>th</sup> century in date and stands at two storeys with a single storey garage. No objections to the loss of the existing building are raised as it is of limited

historic and architectural interest and is not considered to make a positive contribution to the conservation area (the character appraisal of 2009 identifies it as making a 'neutral' contribution to the conservation area).

The proposed building contains 9 flats over three floors. It occupies an L-shaped plan with a three-storey element to the south (behind the High Street) stepping down to a two and a half storey range to the north. The design was discussed and amended throughout the pre-application process to arrive at the current design.

The site acts as a transition point between the denser developments fronting the High Street with their service areas behind, and the lower density residential character of Buttercross Lane. Due to a drop in levels, the proposed three storey element will sit lower than the ridge height of the rear of no. 269 and will also relate to the large, imposing block opposite (Doubleday House). The drop in ridge height to two and a half storeys and its position on the same set-back building line as the existing helps to transition the proposed building into the prevailing smaller scale, lower density character of Buttercross Lane.

My attention has been drawn to two appeal decisions at no. 2 Buttercross Lane (formerly 'land adjacent to Broadbents, Buttercross Lane'). These concerned the redevelopment of an open plot of land, formerly a walled garden; the first appeal concerning the erection of two dwellings (dismissed) and the second a single dwelling (approved). In these decisions the Inspectors identified the change in character from the denser High Street to the more open feel of Buttercross Lane, partly thanks to the set-back position of nos. 1 and 3. This set back position will be preserved. Due to the position of no.1 further south down Buttercross Lane (closer to the High Street), its location opposite the huge three-storey Doubleday House, and the fact that a house already exists on the site (rather than the site being an empty, green plot), the appeal decisions relating to no.2 are not relevant in their entirety, to the current proposal, although their appraisal of the character of Buttercross Lane is.

The general form of the proposed building is traditional in character with pitched roofs, simple casement windows and materials taken from the local vernacular.

On balance, the proposal is not considered to harm this part of the conservation area as it acts as a transition between the High Street and Buttercross Lane, respecting the neighbouring building heights. It also relates to Doubleday House opposite.

It is recommended that the following conditions are attached to any planning permission:

- Details of the types and colours of all external materials shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- Additional drawings that show details of proposed new windows, doors, and rooflights, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- Details and colours of all external pipes, extracts, grilles, flues, lights and any alarm boxes or satellite dishes to be fixed to the fabric of the building shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works.
- Additional drawings of the type, colour, and position of new boundary treatments shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

This is supported by policies HC6, HC7 and HC12 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017), and paragraphs 190 and 193 of the NPPF.

### Highways and Parking:

The proposed flats would be served by nine off-street parking spaces. The Essex County Council Vehicle Parking Standards requires 2 spaces per 2+ bedroom residential units (total of seventeen in this instance) plus two visitor spaces. However, the parking standards state that “a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities”. Whilst much concern has been raised regarding increased traffic, parking implications and pedestrian safety, the town centre is well protected by parking restrictions and as such it is not considered that this proposal will be detrimental to highway safety or cause any on-street parking issues in the vicinity. Furthermore, Essex County Council’s Highway Authority has raised no objection to the proposal either on the grounds of level of provision or on highway safety grounds. Given the sustainable town centre location of the site, which is well served by local facilities and public transport, it is considered that one off-street parking space per flat is acceptable in this instance. Adequate turning space is available within the site. It is accepted that Buttercross Lane is a narrow road largely without pavements and is used as a pedestrian cut through to the high street from residential areas to the north, however it is not considered that the increase in vehicle movements at the top of the lane close to the High street will adversely impact on highway safety. It is generally accepted that narrow shared surface roads are appropriate for residential developments and do not increase highway danger (due to the driver’s and pedestrian’s perception that there is a need for care).

### **Other Matters:**

#### Housing:

Given the Council’s lack of a five-year housing supply, the proposal will provide a net increase of 8 residential units, adding to the supply of housing to the District which must be weighed against the objection regarding the loss of a family home and the Government’s objective of bringing development forward to meet the growing need for housing and to stimulate economic growth as laid out in the NPPF.

The proposal falls below the threshold which requires the provision of affordable housing, and as such there is no requirement for a legal agreement to secure affordable housing.

#### Ecology:

Epping Forest Countrycare team has commented that they have no objection to the proposal subject to the imposition of a condition.

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the applicant has confirmed willingness to enter into a S106 Agreement to assist in the funding of the mitigation measures.

#### Flooding:

The Council's Engineering, Drainage and Water Team has reviewed the application and provided the following comment:

The site lies within an Epping Forest District Council 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) is required; therefore, please add land drainage condition SCN84A.

The site does not lie within any Environment Agency (EA) Floodzones; therefore, consultation with the EA is not required.

The applicant is proposing to dispose of surface water by main sewer. However, our records do not indicate a public sewer at this location. Further details are required. Please add a condition requiring approval of surface water details by the Local Planning Authority prior to development commencing.

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

Contaminated Land:

The Council's Contaminated Land Officer has reviewed the application and provided the following comment:

I have screened readily available council records regarding former land uses and can see no evidence of a former industrial or potentially contaminating land use.

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

I would therefore recommend that the stand alone 'Unexpected Land Contamination' be attached.

Water:

Thames Water has reviewed the application and provided advice to the applicant, but has raised no objection to the proposals.

**Conclusion:**

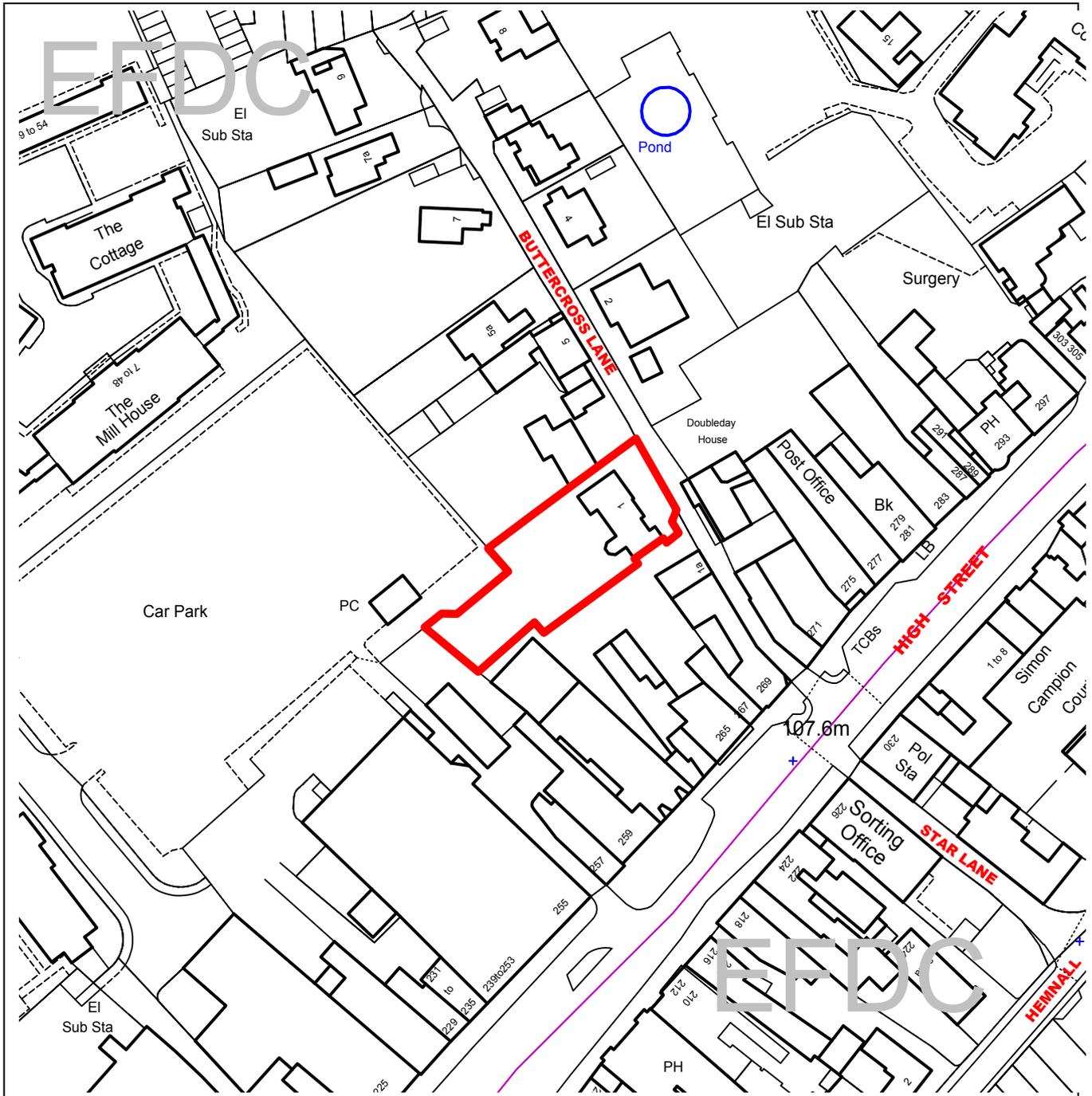
Taking all matters into account the proposed development is considered acceptable. The proposal would make more efficient use of previously developed land and would accord with the NPPF's presumption in favour of sustainable development. The proposals would sit well within the street scene and subject to conditions will maintain the character and amenity of the conservation area. A lower car parking provision is considered acceptable in this location and there are no highway objections to the scheme subject to mitigation measures that can be achieved by legal agreement there will be no harm to the Epping Forest SAC.

Accordingly, the recommendation is one of approval subject to conditions and to the required legal agreement.



# Epping Forest District Council

## Agenda Item Number



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Application Number:	EPF/1583/18
Site Name:	1 Buttercross Lane Epping CM16 5AA
Scale of Plot:	1:1250

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## **Report to District Development Management Committee**

**Date of meeting: 28 November 2018**



**Epping Forest  
District Council**

**Address:** 37 Hanson Drive, Loughton

**Subject:** EPF/1325/18 – proposed two storey side extension replacing the existing attached garage at the side, and a single storey rear extension

**Officer contact for further information:** D. Baker (01992 564514)

**Democratic Services Officer:** S. Tautz (01992 564180)

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

**That planning application EPF/1325/18 be granted planning permission subject to the following 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 by the Local Planning Authority;**
- (3) 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.**

### **Report:**

This report was submitted to the 22 August 2018 meeting of Area Plans Sub-Committee South with a recommendation for approval. However, members vote on the application was tied and the Sub-Committee resolved to refer the application to the District Development Management Committee without any recommendation. The officers report to the meeting of the Sub-Committee is reproduced below and carries forward the officer recommendation to grant planning permission subject to the three conditions set out above.

### **Report that went to Area Plans Sub-Committee South on 22 August 2018**

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

The application site is an end of terrace two storey house located in a locality of similar properties. The next terrace starting at No. 39 lies at an angle to no.37 following the line of a bend in the road. The site is located within the built up area of Loughton but the property is not listed nor does it lie within a conservation area.

### **Description of Proposal:**

The proposal is for a two-storey side extension replacing the existing attached garage at the side, and a single storey rear extension. The ground floor accommodation would provide a study and utility room to the side and a dining room to the rear. The first-floor accommodation would include a bedroom with an en suite.

### **Relevant History:**

EPF/0411/80 Front extension and porch -approved

EPF/0305/11-Two storey side extension and part single storey side/front extension, single storey rear extension and rear dormer -approved

EPF/2127/11- Amended approval of EPF/0305/11 raising roof-approved

### **Policies Applied:**

Epping Forest Local Plan and Alterations (1998/2006)

DBE9 - Loss of amenity

DBE -10 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.

### ***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.

### ***Epping Forest District Local Plan (Submission Version) 2017:***

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 216 of the NPPF.

Paragraph 216 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

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

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As

regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

DM9                High Quality Design  
DM10              Housing Design and Quality

**Summary of Representations Received:**

LOUGHTON TOWN COUNCIL: Object to the proposal on the grounds it is overbearing on the neighbours, proposal is too large for the site and it will create a terracing impact.

4 Neighbours were consulted and one reply has been received:

35 HANSON DRIVE- Object - concerned that the proposed rear extension will block light into their dining/kitchen area.

**Issues and Considerations:**

The main issues of consideration in this instance are the impact on the character of the area and the neighbouring residents. It should also be borne in mind that the lapsed planning approval EPF/2127/11 gave approval to a very similar scheme to that now proposed.

The accompanying text to Policy DBE10 of the adopted Local Plan (carried forward from the 1998 Plan) states that, for end of terrace houses, *two storey extensions may be permitted to extend to the to the plot boundary particularly if any visual gap in the street scene is maintained*. For this reason, the previous EPF/2127/11 was approved - and in any event because the neighbouring end of terrace house at no.39 had not been extended at the side a visual gap would have still been maintained. The current situation is unchanged from that pertaining in 2011 - and consequently the current proposal complies with the adopted Local Plan. Loughton Town Council have objected to this proposal for reasons including the creation of a terracing effect – however in the adopted Local Plan this terracing effect/loss of a visual gap applies to first floor side extensions to semi-detached houses – and not to end of terrace houses as explained above.

The wording of Policy DM9 in the 2017 SLVP is more generalised and less proscriptive than that in the current Adopted Local Plan with regard to this type householder extension. Given that the SVLP has not yet been adopted, that the current scheme complies with the existing adopted Local Plan, and that it is virtually the same as that approved in 2011, it would be unreasonable to refuse the proposed side extension on policy grounds. In design terms the current two storey side extension, which has a 0.5m recess at the front at first floor level, and a lower ridge height than the host dwelling, will have a more subordinate and better design compared to the scheme approved in 2011, and as the dwelling ‘turns the corner’ on the bend the proposed side extension will be less visible from long vantage points.

The proposed two storey side extension will have a limited impact on the amenity and outlook of the ‘detached’ end of terrace house at no.39.

At the rear a 3.1m depth rear extension is proposed with a lean to roof, and will have a height of 2.7m rising to 3.5m where it adjoins the main rear wall of the house. A 3.1m depth is very modest in today’s terms and while it will have some impact on the light and outlook of the objector’s house at no.35 this impact would not be significant. In addition, the extension will lie to east, north east of the rear of no.35, and hence only sunlight in the early morning hours would be affected in any way by the proposed rear extension. Finally, a similar sized

rear extension was previously approved in 2011, and the site circumstances remain much the same as they were in 2011.

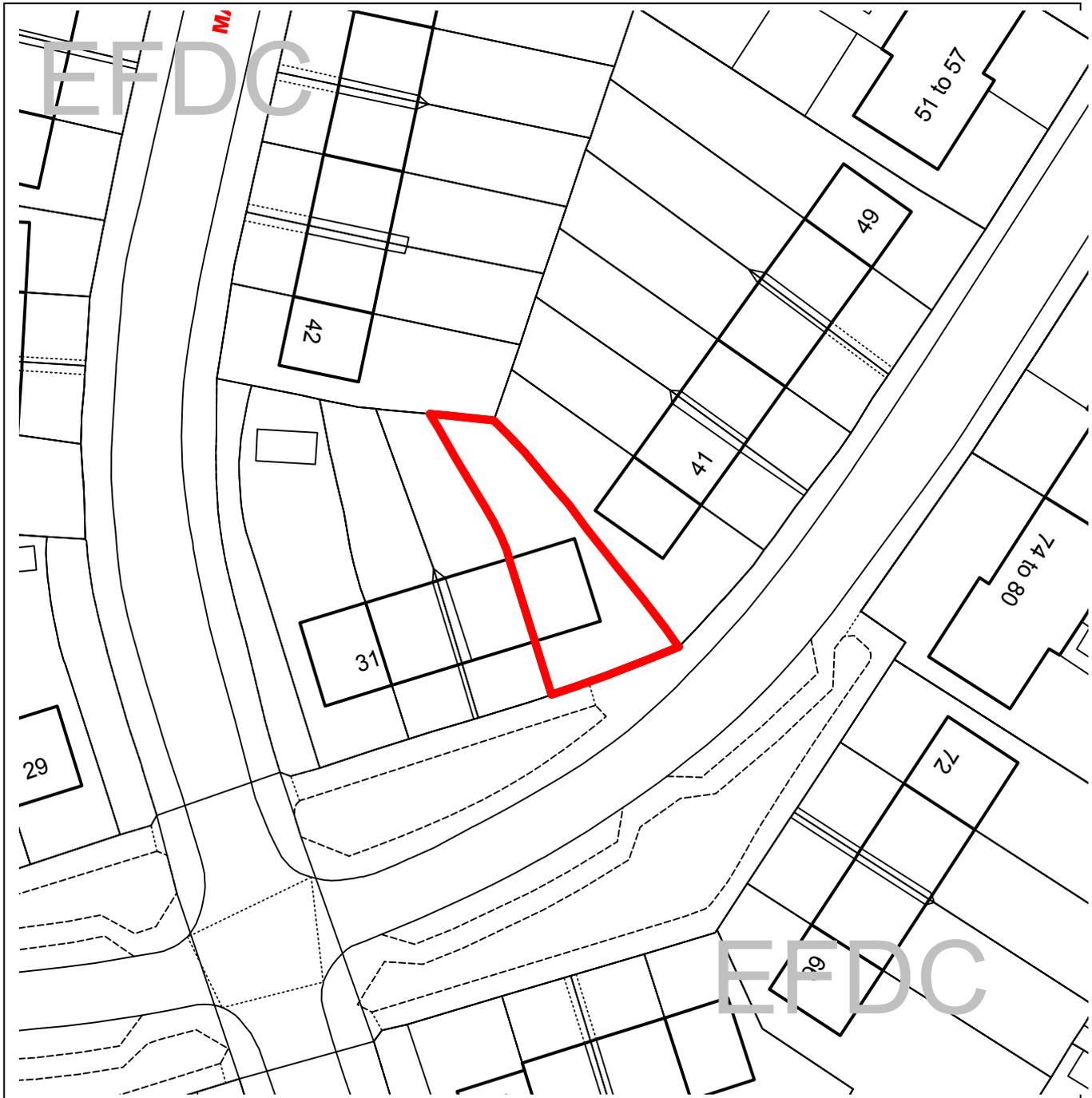
**Conclusions:**

For the reasons set out in the report above it is recommended that conditional planning permission be granted.



# Epping Forest District Council

## Agenda Item Number



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Application Number:	EPF/1325/18
Site Name:	37 Hanson Drive Loughton Essex IG10 2EF
Scale of Plot:	1:500

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## **Report to District Development Management Committee**



**Epping Forest  
District Council**

**Date of meeting: 28 November 2018**

**Address:** Tower Nursery, Netherhall Road, Roydon

**Subject:** EPF/1213/18 - Erection of replacement glasshouses in two blocks of 60m x 108m and 60m x 80m and associated water storage tanks

Officer contact for further information: J. Rogers (01992 564106)

Democratic Services Officer: S. Tautz (01992 564180)

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

**That planning application EPF/1583/18 be granted planning permission, subject to the completion within six months of a Section 106 Agreement to secure appropriate financial contributions towards the mitigation of air pollution impacts on the Epping Forest Special Area of Conservation, and to the following planning conditions:**

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended);**
- (2) The development hereby permitted will be completed strictly in accordance with the approved drawings no's: 3828/1, 18-K-079 and SK12 Rev B;**
- (3) Materials to be used for the external finishes of the proposed development shall match those contained within the application submission documents, unless otherwise agreed in writing by the Local Planning Authority;**
- (4) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed;**
- (5) The development shall be carried out in accordance with the flood risk assessment (EAS, Job number:837 Document Ref: Tower Nursery FRA May 2018) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority; and**
- (6) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.**

**Report:**

1. This application is put to District Development Management Committee since it proposes to replace a commercial glasshouse which has a floor area in excess of 10,000 sqm and therefore is required to be reported direct to this Committee.

### **Description of site**

2. The application site is comprised of a parcel of land to the east of Netherhall Road which is to the north of the main settlement of Nazeing. The site is currently in a horticultural use as part of Tower Nursery and the majority of its extent is comprised of glasshouses. The nursery is mainly used for the cultivation of tomatoes which are then sold commercially. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

### **Description of proposal**

3. The proposed development is to demolish the entirety of the existing glasshouses on the application site and to replace them with new glasshouses which would cover the same footprint as the existing but would have a higher ridge height by approximately 2m, up to a maximum 6.3m.

### **Relevant History**

EPF/0455/93 - Outline application for erection of glasshouses. - Refused

EPF/0415/94 - Erection of 418.06 m<sup>2</sup> of aluminium glasshouses. - Refused

EPF/0123/99 - Outline application for horticultural glasshouses. – Allowed on appeal

EPF/0096/00 - Proposed erection of glasshouses. – Approved

EPF/1285/01 - Erection of packing shed and loading canopy incorporating demolition of 0.13ha of glasshouses. – Approved

EPF/1451/06 - Extension to existing glasshouses. - Approved

EPF/0381/15 - Demolition of existing glasshouses, erection of rear extension to existing packing shed and provision of additional off-road lorry parking. – Approved (Area Plans West)

### **Policies Applied**

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

LL10 – Adequacy for Landscape Provision

LL11 – Landscaping schemes

ST1 – Location of development

ST4 – Road safety

ST6 – Vehicle parking

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB11 – Agricultural buildings

4. 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 District Local Plan (Submission Version) 2017:**

5. On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.
6. Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:
  - The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
7. In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Presumption in Favour of Sustainable Development  
SP6 – Green Belt and District Open Land  
E1 – Employment sites  
E3 – Food production and glasshouses  
DM4 – Green Belt  
DM9 – High quality design

**Consultation carried out and summary of representations received**

6 Neighbours consulted – NO COMMENTS RECEIVED

ROYDON PARISH COUNCIL – OBJECTION – There are still considerable parking problems in Netherhall Road which have not been alleviated by planning applications to improve parking. Vehicles are still parking in the road until they can access the site and the highway verges and continually being damaged and road repairs are only lasting a limited time before the road starts collapsing, once again, into the ditch. Higher glasshouses, as per this application will result in more produce with more lorry movements required.

**Issues and considerations**

8. The main issues to consider when assessing this application are the potential impacts on the Green Belt, the impact on the landscape, the living conditions of neighbours, the Epping Forest Special Area of Conservation and any other material considerations.

## Green Belt

9. The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.
11. The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations
12. Paragraphs 145 and 146 of the NPPF allow for certain exceptions to inappropriate development, one of which is:

### *Buildings for agriculture and forestry*

13. It is consistent with *Lea Valley Regional Park Authority Vs Epping Forest District Council and Valley Grown Nurseries Ltd* {2015} EWHC 1471 (Admin) that when considering the potential impact of agricultural buildings on the Green Belt, regardless of their size, they are by definition, appropriate forms of development. In his summary Mr. Justice Dove concluded that:
14. *The category of exception in paragraph 89 with which we are concerned, "buildings for agriculture and forestry", is entirely unqualified. All such buildings are, in principle, appropriate development in the Green Belt, regardless of their effect on the openness of the Green Belt and the purposes of including land in the Green Belt, and regardless of their size and location. Each of the other five categories is subject to some proviso, qualification or limit. Two of them – the second, relating to the "provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries", and the sixth, relating to the "limited infilling or the ... redevelopment of previously developed sites ..." – are qualified by reference both to "the openness of the Green Belt" and to the "purposes of including land within it". The five categories of development specified in paragraph 90 are all subject to the general proviso that "they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt". (Paragraph 89 of the 2012 version of the NPPF is identical to paragraph 145 the 2018 version of the NPPF regarding agricultural buildings)*
15. It therefore follows that the glasshouse as proposed in this application is appropriate in the Green Belt and not therefore harmful to its purposes.

### Potential impact on the landscape

16. The glasshouses as proposed would replace the two existing glasshouses with two modern designs which would have a maximum height of 6m to the ridge, 2m taller than the existing glasshouses on the site. Whilst this would be somewhat more prominent in the locality, particularly since the glasshouses cover a substantial area, since it would be set in the context of other similar glasshouses to the north and

south, it would not cause a substantially greater impact on the character or appearance of the area.

#### Living conditions of neighbours

17. There are no neighbours living in close proximity to the site and therefore, the increased height of the buildings would not cause any harm to living conditions.
18. It is likely that the increased volume of the glasshouses would increase the yield of the produce grown on the site and therefore it is reasonable to assume that there could be an increase in delivery vehicle movements to and from the site. Nevertheless, it is not anticipated that such movements would be substantially greater than the existing situation and as such there would be no substantial harm to the living conditions of nearby neighbours.

#### Highway considerations

19. Essex County Council Highway Team have commented that they have no objection to the application since it will not cause any harm to the safety or efficiency of the public highway.

#### Epping Forest Special Area of Conservation

20. There must be a screening assessment by the competent authority (generally the LPA) as to whether a project is likely to have "a significant effect" on a European Site whether in combination with other plans or projects or alone. The screening is carried out on a precautionary basis. The trigger for subsequent assessment via a Habitats Regulation Assessment (HRA) does not presume that the plan or project considered definitely has such effects, but rather follows from the mere possibility that such effects attach to the plan or project, so that an assessment is required if there is a probability or risk that the plan or project will have an effect on the site concerned [reg 63 and Art. 6(3)]
21. In this instance the proposed new glasshouses would be positioned on the same footprint as the existing. However, the replacement glasshouses have an increased volume and would consist of more efficient materials. It is therefore reasonable to assume that this will increase the annual yield of produce over and above the existing.
22. The applicant has not demonstrated through the application that the proposal would not cause an increased number of traffic movements to and from the site as a result of the increased yield and therefore the Council as the Competent Authority cannot be certain that it would not cause harm to the SAC through a detriment to air quality, either cumulatively with other uses or alone.
23. However, in this instance the applicant has agreed in principle to enter into a legal agreement to provide the Council with a financial contribution to assist in the funding of mitigation measures to the SAC. If secured the Council could reasonably conclude that the potential impacts would be suitably mitigated and the application is put to this committee on that basis.

#### Land Drainage

24. The Land Drainage team have assessed the submitted Flood Risk Assessment (FRA) and agree with its findings in principal. A planning condition can ensure that the development proceeds in accordance with the submitted FRA.

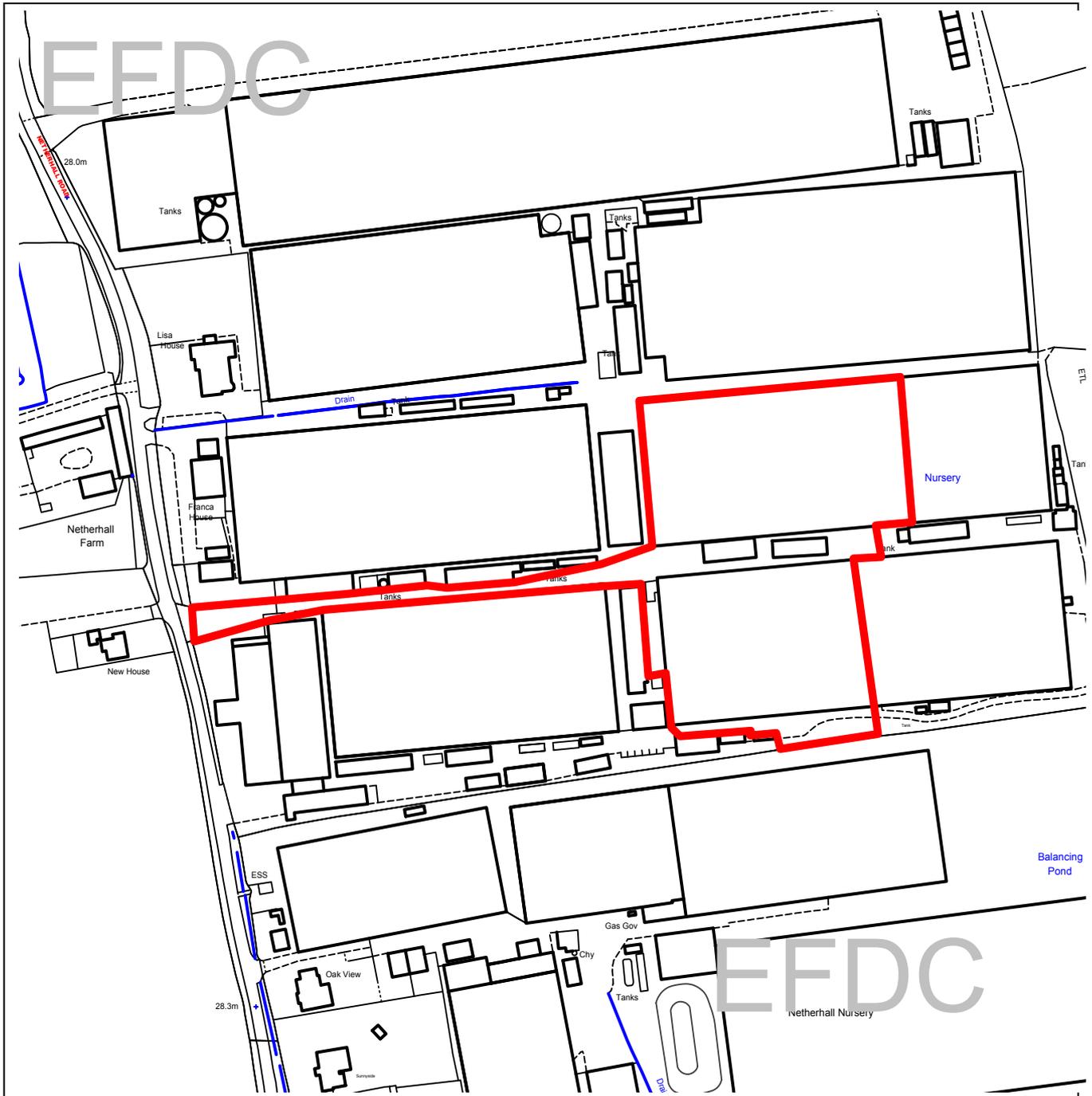
## **Conclusion**

25. The proposal is not inappropriate development in the Green Belt, would not harm the living conditions of neighbours, the character or appearance of the landscape and fulfils all other policies contained within the Development Plan. Therefore, it is recommended that planning permission is granted.



# Epping Forest District Council

## Agenda Item Number



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Application Number:	EPF/1213/18
Site Name:	Tower Nursery Netherhall Road Roydon Essex CM19 5JP
Scale of Plot:	1:2500

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## **Report to District Development Management Committee**

**Date of meeting: 28 November 2018**



**Epping Forest  
District Council**

**Address:** Land at Lippitts Hill, High Beach

**Subject:** EPF/2315/18 – Certificate of Lawful Development for existing mobile field shelter for equine use only

**Officer contact for further information:** C. Brown (01992 564514)

**Democratic Services Officer:** S. Tautz (01992 564180)

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

**That the Certificate of Lawful Development be Granted**

### **Report:**

This application is submitted to this Committee since it is submitted on behalf of Councillor S. Stavrou (pursuant to The Constitution, Part Two, Article 10(f)).

### **Description of Proposal:**

The proposal seeks a Certificate of Lawful Development for an existing mobile field shelter for equine use only.

### **Relevant History:**

None

### **Policies Applied**

The Town and Country Planning Act 1990

### **Summary of Representations:**

WALTHAM ABBEY TOWN COUNCIL: The Committee declared a non-pecuniary interest as the land is owned by a town councillor and therefore made no comment

There are no neighbour consultations.

### **Issues and Considerations:**

The issue for the determination of this application is whether or not it requires planning permission.

The mobile field shelter is sited on metal skids and incidental to the equestrian use of the land where there are 12 permanent stables. It therefore is not development by definition in the Town and Country Planning Act because it is a moveable structure

and therefore forms part of the use of the land.

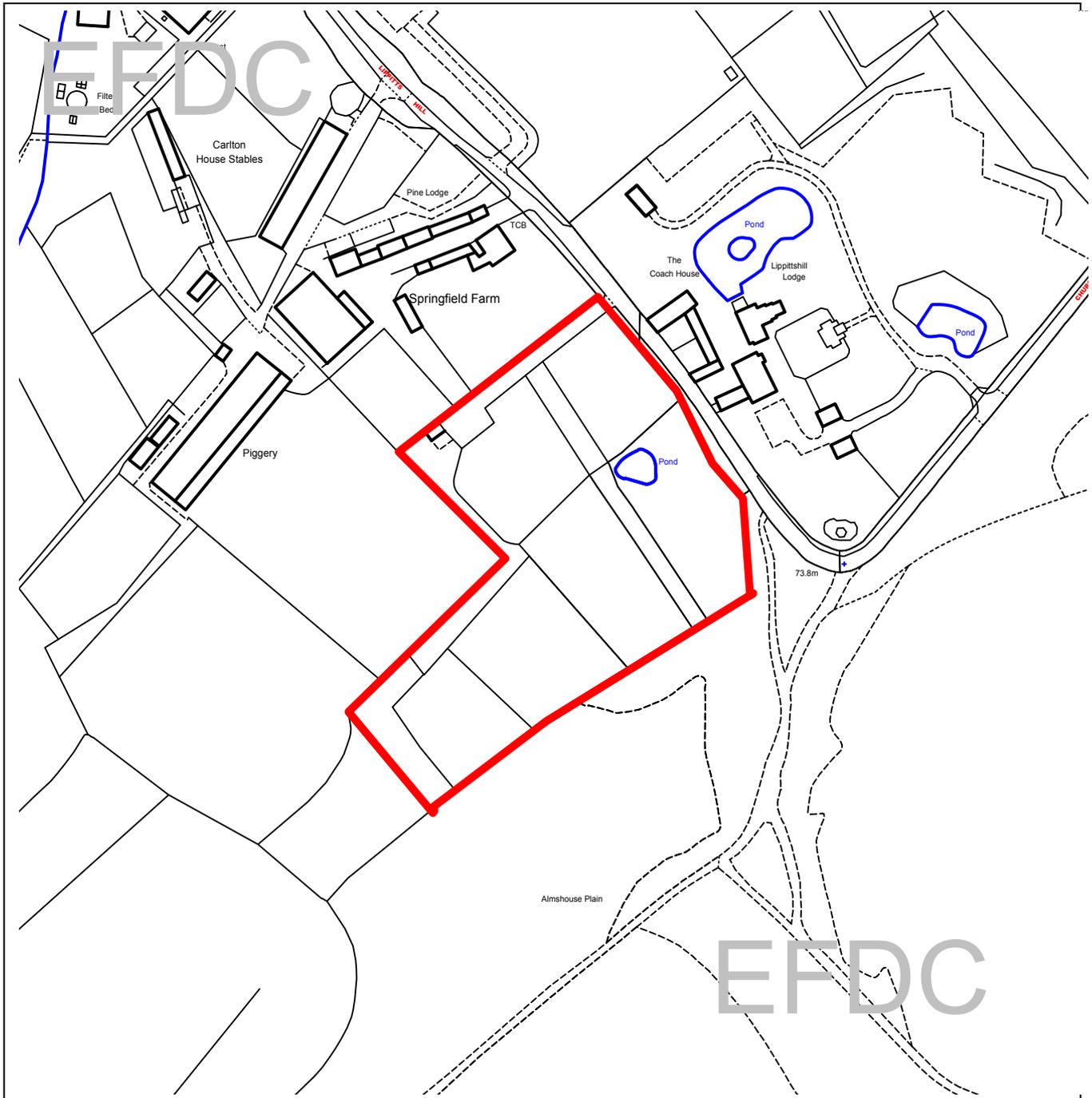
**Conclusion:**

The proposed mobile field shelter is an ancillary aspect to the main use of the land and as such would not constitute an operational development that would involve a material change of use. Planning permission therefore is not required.



# Epping Forest District Council

## Agenda Item Number



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Application Number:	EPF/2315/18
Site Name:	Land on South Side of Lippitts Hill, High Beech Loughton IG10 4AL
Scale of Plot:	1:2500

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