

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee East Wednesday, 6th February, 2019**

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

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 6th February, 2019  
at 7.30 pm .**

**Derek Macnab  
Acting Chief Executive**

**Democratic Services  
Officer**

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

#### **Members:**

Councillors P Keska (Chairman), B Rolfe (Vice-Chairman), N Avey, N Bedford, P Bolton, H Brady, L Burrows, A Grigg, I Hadley, S Jones, M McEwen, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

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

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

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

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

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

**1. WEBCASTING INTRODUCTION**

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

2. The Chairman will read the following announcement:

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

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

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

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

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 12)**

To confirm the minutes of the last meeting of the Sub-Committee held on 9 January 2019.

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**6. ANY OTHER BUSINESS**

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

**7. 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](#)

## 8. DEVELOPMENT CONTROL (Pages 13 - 28)

### (a) Site Visits

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda for consideration under Section (b) (Planning Applications) below, prior to consideration of the application.

This opportunity for members to identify and agree requirements for formal site visits to be held prior to consideration of a planning application is being operated on a trial basis from the commencement of the 2018/19 municipal year, until 30 November 2018. The success of this arrangement will be reviewed by the Constitution Working Group at the end of the trial period.

### (b) Planning Applications

To consider planning applications as set out in the attached schedule.

#### Background Papers:

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

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

## 9. EXCLUSION OF PUBLIC AND PRESS

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

| Agenda Item No | Subject | Exempt Information Paragraph Number |
|----------------|---------|-------------------------------------|
| Nil            | Nil     | Nil                                 |

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

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

(a) disclose any facts or matters on which the report or an important part of the report is based; and

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

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

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

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

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

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

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

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

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

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

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

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

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

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

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

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

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

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

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

#### **Further Information**

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

Area Planning Subcommittee East 2018-19  
Members of the Committee and Wards Represented:



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

**Vice-  
Chairman  
Cllr Rolfe**  
Lambourne

**Cllr Avey**  
Epping  
Hemnal

**Cllr Bedford**  
Shelley

**Cllr Bolton**  
North Weald  
Bassett



**Cllr Brady**  
Passingford

**Cllr Burrows**  
Epping  
Lindsey and  
Thornwood  
Common

**Cllr Grigg**  
North Weald  
Bassett

**Cllr Hadley**  
Moreton and  
Fyfield

**Cllr Jones**  
Theydon Bois



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

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

**Cllr Philip**  
Theydon Bois

**Cllr Stalker**  
Lower Sheering

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



**Cllr C  
Whitbread**  
Epping  
Lindsey and  
Thornwood

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

**Cllr J H  
Whitehouse**  
Epping Hemnal

**Cllr J M  
Whitehouse**  
Epping  
Hemnal

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 9 January 2019  
East

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 8.15 pm  
High Street, Epping

**Members Present:** B Rolfe (Vice-Chairman, in the Chair), P Bolton (Vice-Chairman), N Avey, N Bedford, H Brady, L Burrows, A Grigg, I Hadley, S Jones, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

**Other Councillors:** None.

**Apologies:** P Keska, M McEwen and R Morgan

**Officers Present:** C Isolda (Planning Officer), R Fox (Principal Planning Officer), V Messenger (Democratic Services Officer) and A Hendry (Senior Democratic Services Officer)

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### 45. WEBCASTING INTRODUCTION

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

### 46. WELCOME AND INTRODUCTION

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

### 47. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 5 December 2018 be taken as read and signed by the Chairman as a correct record.

### 48. APPOINTMENT OF VICE-CHAIRMAN

In the absence of the Chairman, Councillor B Rolfe, the Vice-Chairman acting as the Chairman, sought nominations for the role of Vice-Chairman.

**RESOLVED:**

That Councillor P Bolton be elected Vice-Chairman for the duration of the meeting.

**49. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a non-pecuniary interest in the following item of the agenda by virtue of the applicant being known to him. The Councillor had determined that as his interest was personal, non-prejudicial and he had not expressed any opinion on this application, he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2578/18 – 34 Theydon Park Road, Theydon Bois CM16 7LP

**50. ANY OTHER BUSINESS**

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

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

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

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

**52. DEVELOPMENT CONTROL**

**(a) Site Visits**

It was noted that there were no formal site visits requested by members prior to the consideration and determination of the following applications.

**(b) Planning Applications**

The Sub-Committee considered a schedule of applications for planning permission.

**RESOLVED:**

That the planning applications numbered 1 – 2 be determined as set out in the schedule attached to these minutes.

**CHAIRMAN**

**Report Item No:1**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/2578/18  |
| <b>SITE ADDRESS:</b>            | 34 Theydon Park Road<br>Theydon Bois<br>Epping<br>Essex<br>CM16 7LP          |
| <b>PARISH:</b>                  | Theydon Bois   |
| <b>WARD:</b>                    | Theydon Bois   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Two storey side extension, ground floor side extension and replacement roof. |
| <b>DECISION:</b>                | Grant Permission (With Conditions)   |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=615055](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=615055)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Schedule 2 Part 1, Class B shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**Report Item No:2**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/2917/18   |
| <b>SITE ADDRESS:</b>            | Ivy House<br>Coopersale Lane<br>Theydon Bois<br>Epping<br>Essex<br>CM16 7NT |
| <b>PARISH:</b>                  | Theydon Bois  |
| <b>WARD:</b>                    | Theydon Bois  |
|                                 |   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Proposed entrance wall and gates.   |
| <b>DECISION:</b>                | Refused   |

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=616613](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=616613)

**REFUSAL**

1. The development falls within land designated as Metropolitan Green Belt. The proposed height and solid materials of the gates and walls will result in them falling outside of the forms of development listed in either paragraphs 145 or 146 of the NPPF which are exceptions to inappropriate development within the Green Belt and works that can be carried out under permitted development legislation under the Town and Country Planning (General Permitted Development) (England) Order 2015. The excessive height and design of the gates and walls will result in the development having a visually intrusive appearance. This will have an urbanising effect on the character and appearance of the surrounding rural area. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework and Policies GB2A, GB7, DBE4 and CP2 of the Combined Policies of Epping Forest District Local Plan and alterations 2008 and policy DM4 of the Submission Version Local Plan.”

Members gave no way forward.

Members discussed the merits of the application and raised a number of concerns surrounding the impact on the character of the protected lane and the surrounding Green Belt. Members discussed the urban nature of the proposed design and how it would cause harm to the character of the area, as well as their inappropriate nature within the Green Belt. It was therefore decided to refuse the application based on the harm that the proposed design would cause to the rural character of the area and its inappropriate nature within the Green Belt. Members could not see an appropriate way forward for the application.

## AREA PLANS SUB-COMMITTEE 'EAST'

6 February 2019

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

| ITEM | REFERENCE   | SITE LOCATION  | OFFICER<br>RECOMMENDATION             | PAGE |
|------|-------------|--|---------------------------------------|------|
| 1    | EPF/2012/18 | 38 Forest Drive<br>Theydon Bois<br>Epping<br>Essex<br>CM16 7EZ                     | Grant Permission<br>(With Conditions) | 14   |
| 2    | EPF/3286/18 | Revival Hair Ltd<br>16 Forest Drive<br>Theydon Bois<br>Epping<br>Essex<br>CM16 7EY | Grant Permission<br>(With Conditions) | 22   |



# Epping Forest District Council

## Agenda Item Number



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|                     |   |
|---------------------|---|
| Application Number: | EPF/2012/18   |
| Site Name:          | 38 Forest Drive, Theydon Bois,<br>Epping<br>Essex, CM16 7EZ |
| Scale of Plot:      | 1:500   |

**Report Item No: 1**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/2012/18  |
| <b>SITE ADDRESS:</b>            | 38 Forest Drive<br>Theydon Bois<br>Epping<br>Essex<br>CM16 7EZ   |
| <b>PARISH:</b>                  | Theydon Bois   |
| <b>WARD:</b>                    | Theydon Bois   |
| <b>APPLICANT:</b>               | Mr Peter Larcher   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Demolition of existing garage and store in order to construct extensions to the side, rear and roof. ** Amended plan - amendments include reduction in size of extensions ** |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)   |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=612413](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=612413)

**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 roof light window openings in the eastern flank elevation shall be entirely fitted with obscured glass with a minimum Level 3 obscurity 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.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B, C and D shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 Prior to this part of the proposal commencing on site, details of the height, area and materials of the proposed raised patio area shall be submitted to and approved in writing by the Local Planning Authority. The patio area shall be carried out in accordance with the approved details and maintained as such thereafter.
- 5 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. 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 The evergreen hedge planted behind the proposed front boundary wall shall be retained, at an approximate height of 1.4 metres, on a permanent basis. If any plant dies it shall be replaced with another of the same, or similar, species.
- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.
- 8 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.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

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

The proposal site comprises a detached bungalow on the eastern side of Forest Drive. The land on the site falls in an easterly direction.

The application bungalow is situated within a group of 7 similar types of properties. It appears that 6 of the bungalows were built around the 1920's and 32A was built more recently, it however it has a design which follows the principles of the previous bungalows. The wider street is characterised by two storey dwellings.

The site falls within the urban area of Theydon Bois. It has no heritage designation.

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

Permission is sought for the demolition of existing garage and store to construct extensions to the side, rear and roof.

Raising the height of the central hipped roof by between 0.15m and 0.35m depending on its position on the land.

The existing garage and store to be removed are attached to the western side flank wall. In their place will be a 3.8m wide single storey side extension which runs the full depth of the house. It will have a maximum height of 4.1m.

The eastern side of the house will be extended by 1.7m and has a maximum height of 4.4m.

The single storey rear extension measures 5m deep by 6m wide and 6m high to the central ridge of its gable roof. It has an eaves height of 3m.

## **Relevant History:**

None

## **Policies Applied**

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

CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP7 – Urban Form and Quality  
DBE10 – Design of Residential Extensions  
DBE9 – Loss of amenity  
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:

H1 - Housing Mix and Accommodation Types  
DM9 - High Quality Design

### *Adopted Local Plan:*

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

Number of neighbours consulted: 3  
Site notice posted: No, not required

Responses received:

1. 36 FOREST DRIVE: OBJECT: The bungalow is being turned into a house.
2. The bedroom windows in the roof that are being built would obscure my privacy and would look directly into my two bedrooms.
3. The proposed new building will come right up to my boundary. My view will just be a large brick wall, blocking my light and encroaching on privacy.
4. The plans show the proposed back patio is going to be five metres out from their bungalow without a proper fence erected this also will encroach on both our privacies.
5. Could I have confirmation that a fence will be erected to ensure our privacy is sustained?

PARISH COUNCIL: OBJECTION Revised Scheme: Objection dated 3 December 2018.

The bungalow at 38 Forest Drive is one of an original group of six, of a distinctive design, which are well-known locally. Dating from the 1920s, they share a number of architectural features the unusual steep pitch of the hipped roof, the smaller side gables, and the fenestration of the front projecting bay window. The design and proportions of these features are repeated in each property, such that they form a cohesive group.

No.32A is a modern addition, but fits well with the character of the group and, whilst all but two have seen a further ground floor side extension, the main features, materials and detailing of the frontage have been carefully retained in each newer development.

The current proposal, to extend the property, has recently been subject to a further amendment, with Drawing No. 03F having been entered on Epping Forest District Council's iPlan system on 20<sup>th</sup> November 2018. Having viewed this new plan, the Parish Council Planning Committee was pleased to see that the structure of the roof has been amended, being both hipped to the front and rear facades, so decreasing the perceived depth and retaining a similar form to that of the original. The roof-scape of these properties affords much of their distinctive character, and serves to delineate the group when viewed from either end of the road.

In addition, it was noted that the side extension, adjacent to No.36 Forest Drive has been stepped back from the principal elevation to retain the small gable and to maintain a greater depth of relief in the frontage, which was also viewed as a considerable improvement.

The remaining concern of the Committee, however, comes from the use of replacement materials referenced in the Application Form, which would not complement the vernacular use of materials within the group nor within the vicinity generally. A slate roof and grey aluminium windows would clearly be out-of-keeping, as would some of the fenestration on the front façade. It was also felt that the design of the front bay window should be retained by condition, to ensure that the development accords with the plans now submitted.

The Planning Committee recalled that when the respective applications for new extensions to Nos.40 and No.42 were granted (under EPF/0087/12, and EPF/0135/13, respectively), further conditions were added to ensure that the developments were carried out without further alteration to either the form, or materials, without the prior written approval of the Local Authority, due to the particular sensitivity of the site.

Therefore, the Parish Council would strongly recommend that, should the application be considered for approval, Conditions are also added with respect to similar aspects to those previously addressed with respect to the adjacent bungalows:

- Removal of Permitted Development Rights generally permitted under Part 1, Classes A, B, C and D of the General Permitted Development Order of 2015, and that
- The external finishes of the development shall match in material, colour, style, bonding, tile and texture those of the existing building (to ensure a satisfactory appearance to the development).

In order to preserve the privacy of the neighbour at No.36 Forest Drive, and to ensure that the original hedge to the front boundary (which was entirely removed in recent clearance work) is reinstated, we would also wish to see a further Condition added to secure a robust, and sympathetic, landscaping scheme. The Committee recommends that an evergreen front boundary hedge be implemented to partially screen any new hardstanding, which should then be permanently retained and maintained. (This is a similar Condition to that added to a grant for a new boundary treatment, in 2017, at No.42 Forest Drive, being in the interest of visual amenity).

Finally, we would like to acknowledge the improvements to the proposal, when compared with that initially submitted, and the positive response to comments made by ourselves, and other residents who clearly value the traditional character of these dwellings and their contribution to the streetscene. We therefore hope that our further concerns can be addressed, and appreciate the time and effort undertaken to seek a similar successful outcome as was previously achieved with the developments at Nos.34, 40 and 42 Forest Drive.

THEYDON BOIS and DISTRICT RURAL PRESERVATION SOCIETY: The Society is familiar with this site in the centre of our village where the present property forms part of an original attractive group of six bungalows dating from the 1920's.

While nearly all of these bungalows have over the years seen further side extensions, the general character of the buildings has been kept, in particular with regard to the front elevations where the original bay windows and hipped roofs have been retained. There has been the addition of a more modern property at 32A, but in general this is sympathetic and sits reasonably well within the present group.

The proposals in this application really seek to redesign the existing bungalow rather than produce a sympathetic extension and these changes would not sit well within the present street scene. The roof span and height would be greatly increased, creating a bulky look to the property from both front and side and the extension would be very close to number 40 creating a very 'cramped' look. The choice of materials for the finish is also unsympathetic to those within the present street scene.

Proposals were made in 2010 at number 40 Forest Drive, EPF/0250/10 and EPF/0888/10, for the demolition of the existing bungalow and the erection of a replacement bungalow where we also objected because of the detrimental impact to the street scene. These applications were refused by EFDC and the subsequent appeals were also dismissed. An earlier application at the rear of nearby 21 and 23 Forest Drive EPF/0574/06 for a chalet bungalow was also refused by EFDC and subsequently dismissed at appeal as 'bulky, cramped' and 'out of character with the present pattern of development and detrimental to the visual amenity of the street scene'.

Overall the bulk of the proposed extension and in particular the lack of a sympathetic roof design and a proposed redesign that is out of character with the adjacent properties is out of keeping with the streetscene and we respectfully urge refusal of this application.

## **Main Issues and Considerations:**

The key considerations for the determination of this application are the proposal's impact on the character and appearance of the area and neighbouring residential amenity.

### Loss of a bungalow

Policy H1 criterion (F) of the Submission Version Local Plan seeks to prevent the loss of bungalows in order to meet the needs of older people within the District. This policy accords with the requirements of paragraph 50 of the NPPF which requires provide housing which meets the needs of different groups within the community.

Advice was sought regarding the definition of a bungalow for the purposes of determining whether an application for residential extension involving the conversion of the roof space would result in the loss of a bungalow or not.

Based on a dictionary definition, 'A low house having only one storey or, in some cases, upper rooms set in the roof, typically with dormer windows' or 'a house that usually has only one storey, sometimes with a smaller upper storey set in the roof and windows that come out from the roof'.

Since the enlarged bungalow as proposed would still meets this dictionary definition of a bungalow, it is considered that this policy has been complied with.

### Character and appearance

Paragraph 127 of the NPPF requires that decisions should ensure that development will add to the overall quality of the area as well as respond to the local character, history and reflect the identify of local surroundings.

The current plans are the third set of plans submitted since the original application was submitted.

Amendments made include:

- Removal of the rear gable to create a fully hipped main roof with a ridge length of 4.9m.
- Reincorporation of one of the side gables, which matches a couple of the other neighbouring bungalows which have just one side gable.
- As well as a 2m high fence, the agent has shown some slightly larger trees along the boundary to number 36 Forest Drive to avoid any overlooking.
- The bay window restored to the original and the right-hand side extension set back.
- The structure of the roof has been amended, being both hipped to the front and rear facades, so decreasing the perceived depth and retaining a similar form to that of the original.
- the side extension, adjacent to No.36 Forest Drive has been stepped back from the principal elevation to retain the small gable and to maintain a greater depth of relief in the frontage
- Improvements to the front elevation fenestration to better reflect the character of the existing bungalow and neighbouring properties.

These changes remove all incongruous elements of the original scheme and as a result ensures that it better reflects the distinctive local character of the group of bungalows within which the application site is situated. The additional height of the roof is minimal and does not significantly alter the presence of the building within the streetscene. The proposed plain clay tiles for the roof, timber composite windows and white painted render are considered by officers to complement the existing house and locality which are outside of any conservation area. It is for these reasons that the proposal complies with the requirements of chapter 12 of the NPPF, DBE10 and DBE3 of the adopted Local Plan and DM9 of the Submission Version Plan.

### Impact on the living conditions of neighbouring properties

The existing situation between the application site and the neighbouring dwelling at 36 Forest Drive is that they both have second bedroom windows which face each other.

The proposal will retain a minimum gap of 1.2m between the extended chalet bungalow and the north-eastern flank boundary. The bedroom window within the side flank of the bungalow at 36 Forest Drive facing the application site is positioned a further 3.9m away. A 2m high fence is proposed on the shared boundary and a condition is recommended which requires that the two rooflights on the eastern roof slope are both obscure glazed to prevent any undue over looking to this neighbour. These measures are considered sufficient to ensure that the additional impact of the proposal in terms of its impact on privacy, light and dominance will not be excessive.

Number 40 has no windows on its south-western flank wall facing the proposal site and is on higher ground. It also has its own side, rear and front extension (approved under reference EPF/0087/12). It is for these reasons considered that this neighbour will not be materially affected by the proposal.

The proposal therefore accords with the requirements of policy DBE9 of the Local Plan and DM9 of the Submission Version Plan.

### **Conclusion:**

The amendments made have ensured that the proposal retains many of the key external features which reflect the application property's architectural history and are in keeping with the group of dwellings within which it is situated. It is for these reasons that the proposal will have a positive impact on the local distinctive character of the surrounding area. It is also considered that the impact on neighbouring amenity will not be so excessive as to justify refusal of the scheme. It is therefore recommended that planning permission be granted subject to conditions.

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

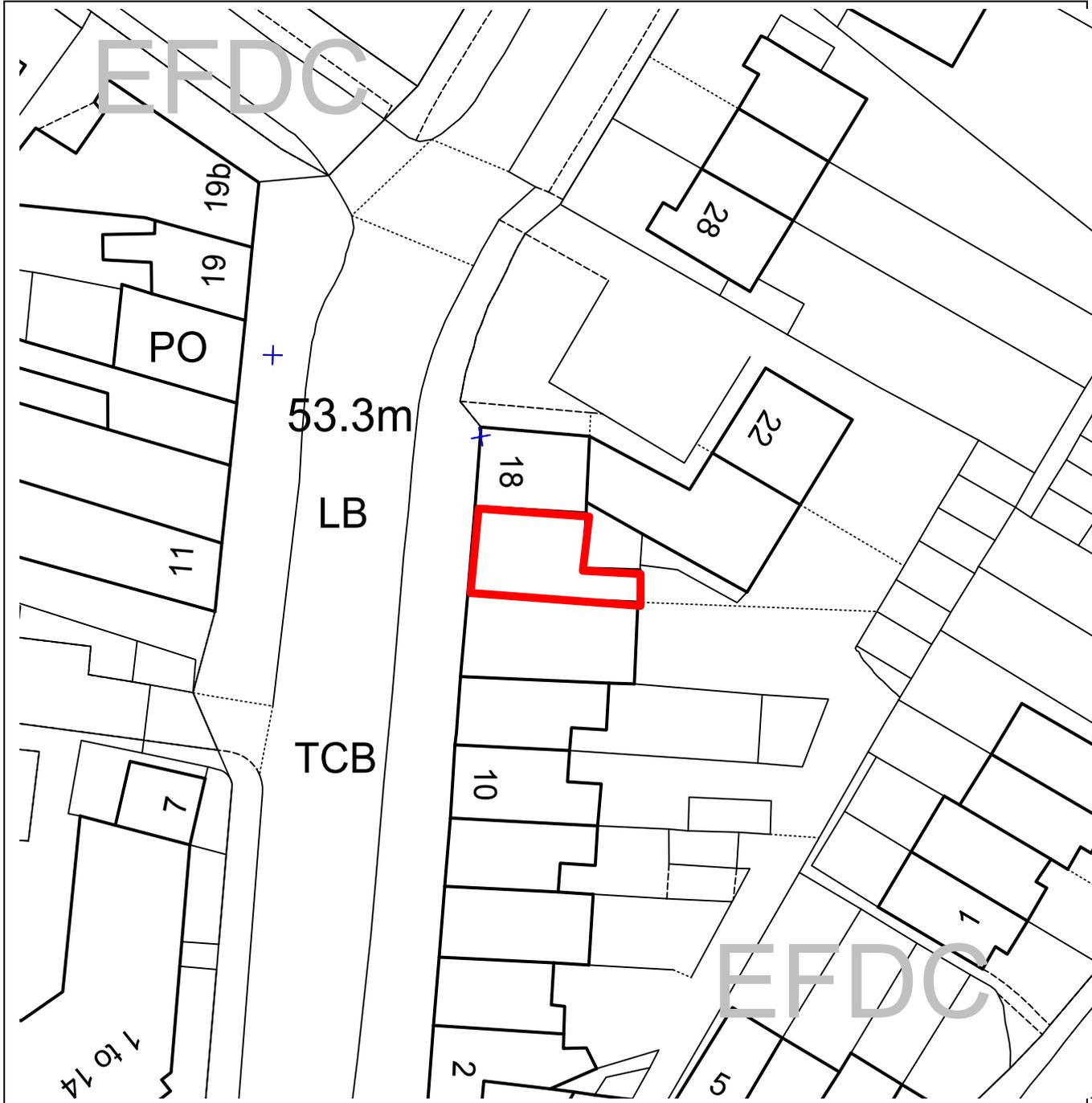
***Planning Application Case Officer: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

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



# Epping Forest District Council

## Agenda Item Number



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|                     |  |
|---------------------|--|
| Application Number: | EPF/3286/18  |
| Site Name:          | Revival Hair Ltd, 16 Forest Drive, Theydon Bois, Epping, Essex, CM16 7EY |
| Scale of Plot:      | 1:500  |

**Report Item No: 2**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/3286/18  |
| <b>SITE ADDRESS:</b>            | Revival Hair Ltd<br>16 Forest Drive<br>Theydon Bois<br>Epping<br>Essex<br>CM16 7EY |
| <b>PARISH:</b>                  | Theydon Bois   |
| <b>WARD:</b>                    | Theydon Bois   |
| <b>APPLICANT:</b>               | Miss Thu Nguyen  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Change of use from hair salon (class A1) to a nail bar (sui generis).              |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)   |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=618293](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=618293)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Floor Plan
- 2 The development hereby permitted shall not be open to customers / members outside the hours of 09:00 to 18:30 on Monday to Saturday and 09:00 to 17:30 on Sundays and Bank Holidays.
- 3 No internally illuminated signage and/or external lighting may be fitted inside, or outside, the premises without the prior written approval of the Local Planning Authority in the form of an advertisement consent application.
- 4 No built structures are permitted to be erected, or seating provided, within the forecourt to the front of the property without seeking the prior approval of the Local Planning Authority in the form of submitting a planning application.
- 5 No parking is to be permitted on the forecourt of the premises.

*This application is before this Committee since the recommendation is for approval and 5 or more objections material to the planning merits of the proposal have been received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix 1.(3c))*

### **Description of Site:**

The application site lies within the Village of Theydon Bois and within the local parade known as Forest Drive. Forest Drive generally comprises of small shops, family housing, Theydon Bois London Underground Station and other amenities such as a dentist surgery and The Bull Public House. The site is in an existing A1 use as a beauty salon. The applicant is already operating their nail bar business without planning consent. Enforcement action is pending the outcome of this application. They are operating at their own risk and have been informed of this by the planning enforcement team.

### **Description of Proposal:**

Change of use from existing A1 (beauty salon) to Sui Generis (nail bar).

### **Relevant History:**

EPF/1875/12 Change of use from A1 retail shop to a mixed use as A1 use (Hairdressers) combined with beauty treatment use. Approved.

EPF/1388/07 New shopfront. Approved.

EPF/1269/82 Single storey rear extension. Approved.

EPO/0216B/59 Shop 2 No 16 Forest Drive Theydon Bois Detailed plans for shop front. Plan No. 2911 approved 7.6.60. Approved.

### **Policies Applied:**

#### *Adopted Local Plan:*

|      |  |
|------|--|
| CP2  | Quality of Rural and Built Environment |
| TC1  | Town Centre Hierarchy                  |
| TC4  | Non-retail frontages                   |
| DBE9 | Loss of Amenity                        |
| ST4  | Road safety                            |
| ST6  | Vehicle parking                        |

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) has been published as of 24<sup>th</sup> July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

#### *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:

DM9 – High Quality Design

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

Number of neighbours Consulted: 7

Responses received: 10 OBJECTIONS

11 FOREST DRIVE- OBJECT I've been established 18 and half years and this salon has opened opposite me with NO planning permission. They are taking my trade away and offering the same treatments as me. This is a small village and does not have enough footfalls for two salons. I think this is totally unfair and should not be allowed. With parking being an issue already in the village. This is going to make the matter worse, as people are parking for 1-2 hours while having treatments done. With 3 hairdressers, restaurants, pubs and eateries, there is nowhere for shoppers to park, as they are staying in the village for several hours. This is just going to add to the parking problem. There is not enough business for two beauty salons in such a small village.

30 PIERCING HILL - I object to this application on the grounds that the applicant is already trading. There is already a beautician/nail salon in Forest Drive trading as Theydon Beauty. A garish neon sign has been erected at No.16 Forest Drive, has this been approved by Council? Would cause harm to the vitality and viability of the shopping area.

NO ADDRESS GIVEN – OBJECT as the proposal would be to the detriment of the existing nail bar business named Theydon Beauty which has operated for 19 years. Would cause harm to the vitality and viability of the shopping area

NO ADDRESS GIVEN – OBJECT Theydon is not big enough to have two nail salons. Would cause harm to the vitality and viability of the shopping area

NO ADDRESS GIVEN – OBJECT would cause harm to the existing nail bar business named Theydon Beauty. Would cause harm to the vitality and viability of the shopping area

NO ADDRESS GIVEN- OBJECT. Proposed would cause harm to existing nail bar business named Theydon Beauty opposite the site. Parking concerns. Unfair the business has set up without seeking consent beforehand.

NO ADDRESS GIVE – OBJECT. Would cause harm to the vitality and viability of the shopping area.

NO ADDRESS GIVEN – OBJECT. Forest Drive/Theydon Bois is not large enough for two nail salons i.e. Theydon Beauty and this nail bar. Would cause harm to the vitality and viability of the shopping area.

64 Woburn Avenue OBJECT –

1. First, because I see that the Application is made by Revival Hair Limited who are no longer at the premises and that the Application is for a change of use from Hair Salon to a Nail Bar whereas it is actually operating as a Nail and Beauty Salon. It begs the question as to whether this is a valid Application?
2. Secondly, because the business should not be trading without Planning Permission. The Nail Bar (actually trading as a Nails and Beauty Salon) is directly opposite the long established (19 years) Theydon Beauty Salon. Theydon Bois is a small village and I believe cannot support two such businesses. One could go under and I trust it will not be Theydon Beauty Salon – much used and respected by local residents.
3. Thirdly, Nail Bars are not in keeping with the existing excellent quality businesses in the village.

No address given – OBJECT as the proposal would cause harm to the existing nail bar business opposite the site called Theydon Beauty which has operated for 19 years. Would cause harm to the vitality and viability of the shopping area.

Parish Council: No Objection, subject to the provisions below:

The Parish Council raise no objection to this application provided that the permitted use is clearly indicated on the grant to be that for a Nail Bar only, and for no other use whatsoever (including those uses within 'sui generis'), without the prior written approval of the Local Authority.

Additionally, we would wish to see Conditions added to the effect that:

- No internally illuminated signage and/or external lighting may be fitted inside, or outside, the premises, and that
- No built structures are permitted to be erected, or seating provided, within the forecourt to the front of the property  
(In both cases, without the prior written approval of the Local Authority).

Due to concerns relating to the use of the forecourt, we would also wish to ensure that no parking would be allowed in this area.

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

#### Impact on the shopping parade

Forest Drive is not a designated shopping centre according to the Submission Version of the Local Plan (2017) nor has it been given any special policy designation in the adopted Local Plan (1998). As such there is no policy to retain a certain amount of A1 uses as is the case in Loughton High Road, Buckhurst Hill – Queens Road, Epping High Street and Waltham Abbey – Sun Street. There is another nail bar opposite this site but no others. The parade has a number of different shops of a diversity of uses and it is not dominated by one particular use/retail offer, thus retaining its vitality and viability. Forest Drive is vibrant with low vacancy rates and the proposed use is

would retain an active retail frontage akin to the existing A1 beauty salon use. It would generate and provide employment and could lead to increased footfall and custom to other shops provide other services along the street such as the local Bakers, Butchers etc.

It is noted the planning application is purely being assessed on the proposed use.

### Living Conditions of neighbours

The proposal by reason of its proposed use would not result in excessive noise or smells which would justify refusal of approval. Hours of operation have been conditioned in the Council's Draft Decision Notice in order to ensure the proposal is not operating at anti-social hours to the detriment of residential and visual amenity.

### Employment

Three members of staff would be employed as part of this proposal as stipulated in the application form. It is in a sustainable location close to the tube station, therefore reducing the need for staff to travel to work by car.

### Parking

Parking is available outside the premises. There are no parking restrictions outside Monday to Saturday 9am to 6pm. Visitors to the parade can park for 2 hours free of charge within the above days and times but cannot return within 2 hours. It is close to the Local Underground Station. As such, it would not be justifiable to refuse the proposal on lack of parking provision within this sustainable location. The vast majority of customers for this type of business would usually arrive on an appointment only basis although some customers will arrive through walk in appointments. As such, the flow of customers to the premises is likely to be steady throughout the day and is unlikely to result in significant parking stress.

### Other Matters

The proposed use would result in a degree of competition with the existing nail bar situated opposite the site but this is not a material planning consideration and cannot be considered as part of the assessment of this planning application.

Works have commenced and the proposed nail bar is up and running. This is at the applicants risk and an enforcement investigation has been lodged but enforcement action is on hold pending the outcome of this planning application.

Illuminated signage has been erected which requires advertisement consent, the applicant has been made aware of this. The signage is not being assessed as part of this application.

Licenses for the proposed use would be required in addition to planning consent. Licensing is regulated by separate legislation notably the Licensing Act 2003. The applicant may need to acquire licenses from the licensing department at the District Council if they have not done so already.

### **Conclusion:**

The proposed development is acceptable for reasons outlined above is and accordingly recommended for approval subject to conditions. A standard three year condition has been omitted from the Council's Draft Decision Notice as the use has commenced.

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

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

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