

# Committee Agenda



## Epping Forest District Council

### ***Area Planning Sub-Committee East Wednesday, 6th March, 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 March, 2019  
at 7.30 pm .**

**Derek Macnab  
Acting Chief Executive**

**Democratic Services  
Officer**

A. Hendry 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 - 14)**

To confirm the minutes of the last meeting of the Sub-Committee held on 6 February 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 15 - 58)

### (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:** 6 February 2019  
East

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 8.10 pm  
High Street, Epping

**Members Present:** P Keska (Chairman), B Rolfe (Vice-Chairman), N Avey, P Bolton, L Burrows, A Grigg, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** N Bedford, H Brady, I Hadley, S Jones and M McEwen

**Officers Present:** R Fox (Principal Planning Officer), J Leither (Democratic Services Officer) and G Woodhall (Senior Project Manager)

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### 53. 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.

### 54. 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.

### 55. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 12 January 2019 be taken as read and signed by the Chairman as a correct record.

### 56. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

**57. ANY OTHER BUSINESS**

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

**58. 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)

**59. 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/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>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>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 south western 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 Schedule 2 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.
- 9 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: MP/38FD/01, 2056-01 and 2056-03 Rev G
- 10 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.

**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>DESCRIPTION OF PROPOSAL:</b> | Change of use from hair salon (class A1) to a nail bar (sui generis).              |
| <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=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.

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## AREA PLANS SUB-COMMITTEE 'EAST'

Date XX

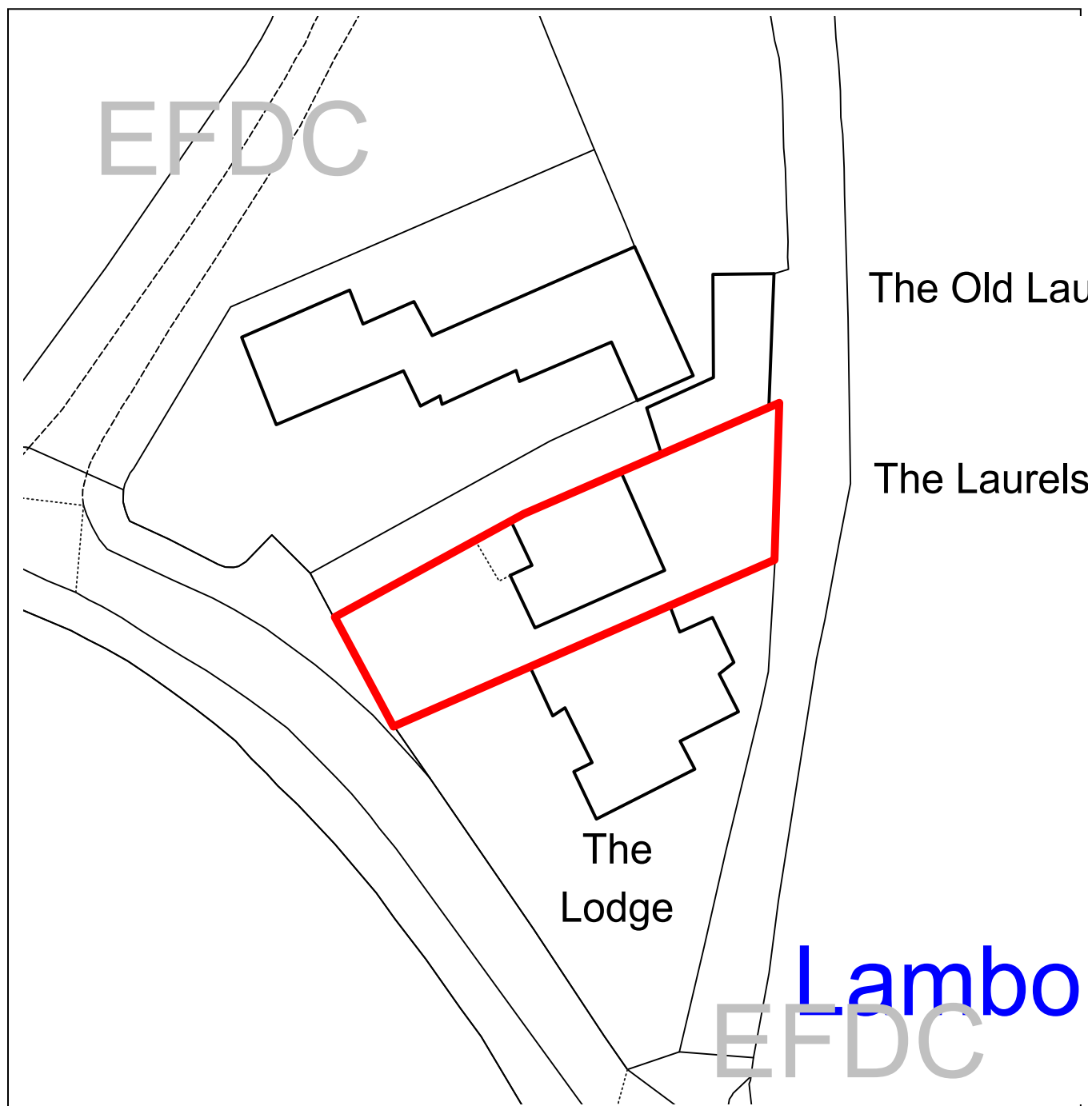
### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

| ITEM | REFERENCE   | SITE LOCATION   | OFFICER<br>RECOMMENDATION                           | PAGE |
|------|-------------|---|---|------|
| 1    | EPF/0123/19 | The Laurels<br>New Road<br>Lambourne<br>Essex<br>RM4 1DY            | Grant Permission<br>(With Conditions)               | 16   |
| 2    | EPF/1718/18 | Land at corner of Mill Lane and<br>Millfield<br>High Ongar<br>Essex | Grant Permission<br>(Subject to Legal<br>Agreement) | 22   |
| 3    | EPF/2817/18 | 80 High Street<br>Epping<br>Essex<br>CM16 4AE                       | Grant Permission<br>(With Conditions)               | 36   |
| 4    | EPF/3044/18 | Bell Cottage<br>Church Road<br>Moreton<br>Ongar<br>Essex<br>CM5 0JD | Grant Permission<br>(With Conditions)               | 42   |
| 5    | EPF/3179/18 | 34 Graylands<br>Theydon Bois<br>Epping<br>Essex<br>CM16 7LB         | Grant Permission<br>(With Conditions)               | 52   |



# Epping Forest District Council

## Agenda Item Number 1



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|                     |   |
|---------------------|---|
| Application Number: | EPF/0123/19   |
| Site Name:          | The Laurels, New Road,<br>Lambourne, Essex, RM4 1DY |
| Scale of Plot:      | 1:500   |



**Report Item No: 1**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/0123/19  |
| <b>SITE ADDRESS:</b>            | The Laurels<br>New Road<br>Lambourne<br>Essex<br>RM4 1DY   |
| <b>PARISH:</b>                  | Lambourne  |
| <b>WARD:</b>                    | Lambourne  |
| <b>APPLICANT:</b>               | Margaret Howell  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Side and rear extensions, front porch infill, raising of the ridge with a new roof form, one front dormer window and five side dormer windows. |
| <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=619474](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=619474)

**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 side dormer window openings in the flank elevations 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 Materials to be used for the external finishes of the proposed development shall match those of the existing building, except those shown in the submitted plans and stated on the application form.
- 4 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 and D shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since it has been 'called in' by Councillor Brian Rolfe (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).*

### **Description of Site:**

The property is a bungalow. The site is within the Metropolitan Green Belt.

The property is surrounded by three properties, to the south is The Lodge, immediately North is Digwe, and further to the North is a recent new build known as Stable House.

### **Description of Proposal:**

The proposal includes side and rear extensions, front porch infill, raising of the ridge with a front and side facing gable end and a new roof form, one front dormer window and five side dormer windows.

The rear element will project 2 metres from the original rear wall and will have a flat roof in the middle with a lantern that is contained within the two cat slide roofs to either sides. The first-floor window contained within the two-hipped roofs will have a Juliet balcony. A patio is also shown to be contained within the ground floor rear element.

There is an existing outbuilding to the side of the building right up to the boundary line abutting The Lodge that will be demolished and a side extension will be built in its stead, and be incorporated into the front facing gable end. Further into the property the remainder of the side extension is set in from the boundary wall by approx. 1 metre.

Materials and finishing are shown as a mix of decorated rendering, weatherboarding, powder coated grey windows and slate roof tiles.

### **Relevant Planning History:**

EPF/0956/90 – Single Storey Side Extension – Refused

EPF/0161/92 - Continued use of egg packing shed as two stables – Approved

EPF/0639/06 - Certificate of lawfulness for existing use of ex-packing shed as a residential annexe to the main house – Lawful

EPF/0454/14 - Change of use of part of former agricultural building at rear to form extension to existing residential annexe – Approved

EPF/1914/18 - Proposed first floor/roof space extension, plus single storey side extension - Withdrawn

### **Policies Applied:**

#### *Adopted Local Plan:*

|       |   |
|-------|---|
| CP2   | Protecting the quality of the rural and built environment |
| GB2A  | Development in the Green Belt                             |
| GB7A  | Conspicuous Development                                   |
| DBE9  | Loss of Amenity   |
| DBE10 | Design of Residential Extensions                          |

#### *Local Plan Submission Version 2017:*

Paragraph 213 of the National Planning Policy Framework 2018 (NPPF) requires that due weight be given to the relevant policies in existing plans. However, paragraph 48 of the NPPF states that

decision-takers may also give weight (unless material considerations indicate otherwise) 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council considers that the Plan is currently at an advanced stage of preparation and has been formally submitted to the Secretary of State for examination and that all the policies are consistent with the NPPF (although this will be tested through the examination). By virtue of this advanced stage of preparation, as well as the Council resolution taken on the 14th December 2017, the LPSV is a material consideration in determining planning applications. Therefore, we need to consider the weight that should be given to each of the relevant policies in the context of the proposed development listed below:

|      |  |
|------|--|
| SP1  | Presumption in Favour of Sustainable Development |
| DM4  | Green Belt                                       |
| DM9  | High Quality Design                              |
| DM10 | Housing Design and Quality                       |

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

Number of neighbours consulted: 3. One response received  
Site notice posted: No, not required

STABLE HOUSE – OBJECTION – Summarised as;

- Overlooking
- Loss of Privacy
- Incursion - she will not be able to use our driveway for builders to build the side of the extension we have only give her permission to MAINTAIN the wall when it's needed to be painted (Not for her to build her extension) I have a disabled son whose carers are in and out of our property all the time.

LAMBOURNE PARISH COUNCIL – No Objection

#### **Planning Considerations:**

The main issues to be considered in this case are:

- a) Whether the proposal would be inappropriate development within the Green Belt;
- b) The impact on the openness of the Green Belt;
- c) The impact on the character and appearance of the locality; and
- d) The impact on the living conditions of neighbouring occupiers.

### *Green Belt:*

The NPPF (2018) states that:

‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’

Paragraphs 145 of the NPPF allow certain exceptions to inappropriate development, the only relevant one is:

‘The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.’

The original property has a volume of some 556 cubic metres. The proposed extensions and additions to the bungalow amount to some additional 110.67 Cubic metres. This results in the original bungalow having a total volume of 666.7 cubic metres which is a 19.9% Increase. As such, it can be regarded as a limited extension to the existing bungalow within the Green Belt and the proposed works are therefore not inappropriate development.

The dormer windows, and the front and side facing gable ends plus the rear element with the flat roof contained within the two cat-slide roof ends breaks up the bulk of the bungalow, and the raising of the ridge conforms to the established character of the locality. Therefore, it will not have a material reduction to the openness of the Green Belt and does not undermine it.

### *Character and appearance:*

The rear element is contained within the two cat-slide roofs, making the flat roof less visible unless one stands directly in front of it. From the sides one would see the cat-slide roof that blends in with the rest of the bungalow. Furthermore, the dormer windows are well proportioned within the roof space and considered to complement the existing bungalow. The front facing gable end with the side dormer over the proposed side extension has a visual gap of approx. 850mm from the boundary line, which provides a visual break in relation to the roof of The Lodge.

Although much of the proposal will be readily visible from the street scene it is considered to respect it and not appear incongruous. As the adjacent properties have mixed roof forms and differing roof heights it is considered that the proposed works to this bungalow are sympathetic to its surrounding in terms of detailed design and scale of the works.

### *Living conditions of neighbours:*

The side dormer windows facing the adjacent property known as The Lodge and Digwe can be conditioned to be of obscured glass and non-opening from 1.7 metres above the floor level. This will mitigate any excessive impact in terms of overlooking and loss of privacy to both these properties.

With regards to the Stable House, it is at a distance of approx. 35 metres from the rear elevation of the application house, and the level of overlooking from the Juliet balcony will not be materially different than what can be achieved from a normal window. As such it is not considered that there will be any excessive loss of privacy or overlooking to the front garden area and the main building of Stable House.

Based on the above assessment it is considered that the proposal will have a limited impact in terms of loss of light, overbearing, visual impact and overshadowing to the neighbouring properties, and will safeguard their living conditions.

### *Other considerations:*

In terms of the land or driveway owned by Stable House being used by the applicant during the construction phase, it is not a Town Planning Matter. It is civil matter, between the parties involved and something the council have no control over.

**Conclusions:**

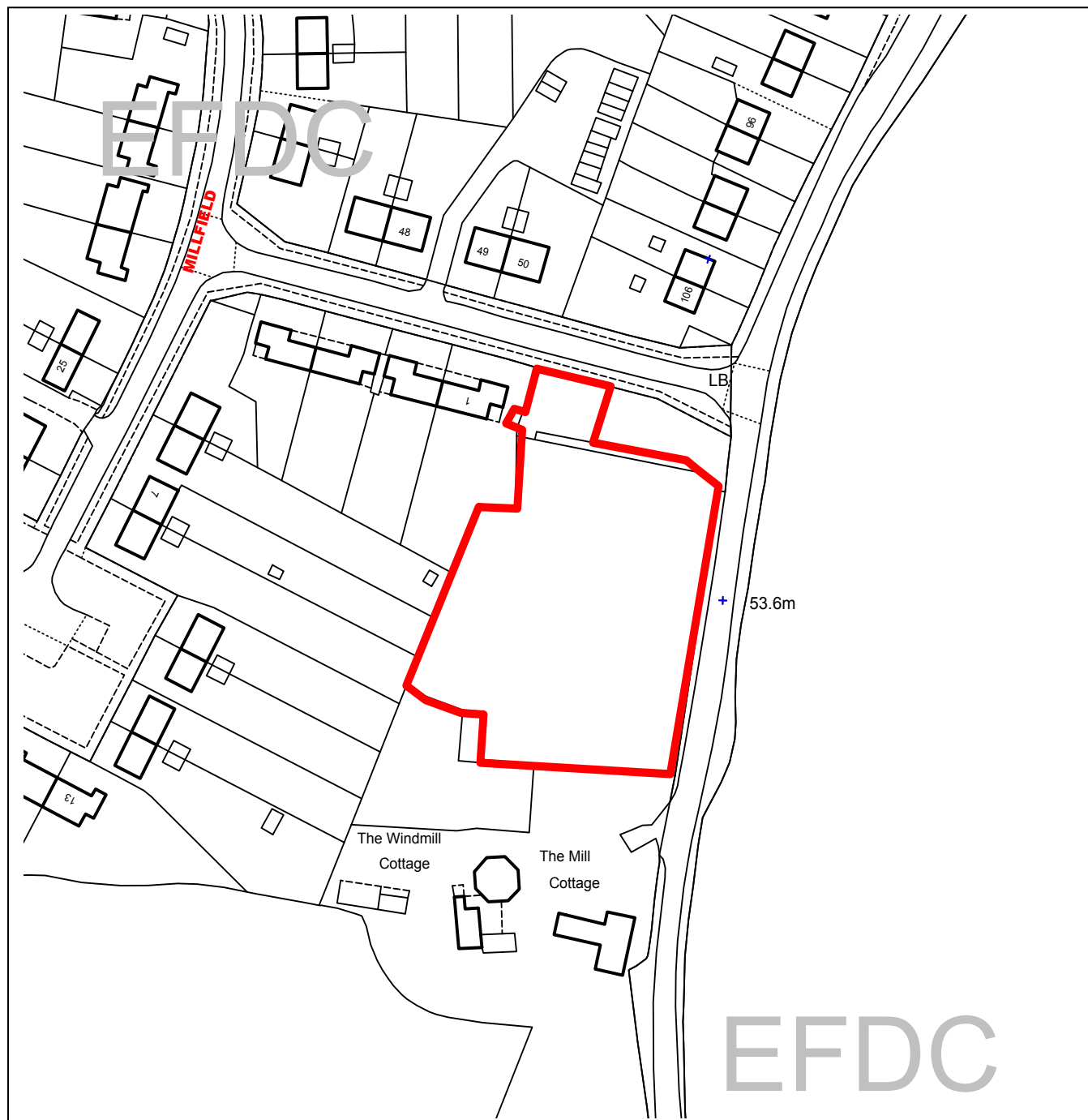
There is no conflict with councils planning policies as it is of a high-quality design, not inappropriate development within the Green Belt, does not result in a significant reduction in the openness of the Green Belt, and any harmful impact to adjoining properties is mitigated by way of condition.

For the reasons set out above, it is recommended that planning permission be granted subject to the conditions outlined in the council's decision notice. It is necessary to remove PD rights for Classes A, B and D so as to remain control of any future developments to this property in the interest of the character and appearance of the area and the living conditions of neighbouring properties.



# Epping Forest District Council

## Agenda Item Number 2



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|                     |   |
|---------------------|---|
| Application Number: | EPF/1718/18   |
| Site Name:          | Land at corner of Mill Lane and<br>Millfield, High Ongar, Essex |
| Scale of Plot:      | 1/1250  |

**Report Item No: 2**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/1718/18   |
| <b>SITE ADDRESS:</b>            | Land at corner of Mill Lane and Millfield<br>High Ongar<br>Essex  |
| <b>PARISH:</b>                  | High Ongar  |
| <b>WARD:</b>                    | High Ongar, Willingale and the Rodings  |
| <b>APPLICANT:</b>               | Mr D Sherrin  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Erection of 8 three bedroom houses including new access from Millfield, provision of parking spaces, amenity space and landscaping (revision to withdrawn application EPF/0403/17). |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (Subject to Legal Agreement)   |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=611134](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=611134)

**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: 1780/13 rev F, 1780.14, 1780.15, 1780.16, 1780.17 rev A, 1780.18 and SK01
- 3 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 4 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. A programme for phased clearance of the site to avoid disturbance of any badgers which may be present. Should evidence of badger setts be identified during clearance, setts will be left undisturbed until it can be determined if the sett is active.
- 6 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 7 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.
- 8 Prior to commencement of the development the existing disabled bay adjacent to the proposed new access shall be relocated on Millfield, in a position agreed with the highway authority and local planning authority. Such works shall include, but shall not be limited to, siting within an appropriate distance of the users address and provision of any associated signing and lining as required.
- 9 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 prior to such removal commencing.
- 10 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.

- 11 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.
- 12 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.
- 13 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 14 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 15 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 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.
- 16 Prior to first occupation of the development hereby approved, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 17 Prior to the installation of any equipment to facilitate the provision of external lighting within the development, details of all external lighting, demonstrating compliance with the Bats Conservation Trust guidance for external lighting shall be submitted to and approved by the Local Planning Authority. The works shall be implemented in accordance with the agreed details prior to first occupation of the dwellings hereby

approved.

- 18 Prior to first occupation of the development, a scheme to enhance the ecological value of the site including, but not limited to provision of bird and bat boxes, infill planting to enhance hedgerows, planting of new hedgerows and some native wildflower planting shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 19 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 20 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 21 Prior to the first occupation of the development the access arrangements, as shown in principle on drawing no.1780-13 Rev E, shall be fully implemented and shall include, but not limited to, the following:
  - Bellmouth access and appropriate radii;
  - Footway widened to 2m to the south of the site;
  - Provision of two dropped kerb crossing points and tactile paving;
  - Implement double yellow lines (parking restrictions), through a Traffic Regulation Order, approximately as shown on the plan with any associated signing and lining as required.
- 22 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 23 Following completion of the 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.
- 24 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 25 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1 Classes A, B, E and F (other than in the case of Class F a single structure of not exceeding 10 square metres) shall be undertaken without the prior written permission of the Local Planning Authority.

**And subject to the completion of a S106 Legal agreement to secure appropriate financial contributions for appropriate measures to mitigate potential impacts on air quality**

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

Members will recall that the application was included on the agenda for the meeting in November 2018 but was withdrawn from the meeting on legal advice.

**Description of Site:**

The application site lies on the south-western corner of the junction between Mill Lane and Millfield and comprises around 0.3ha site area. The site is vacant and generally overgrown, the application form refers to historic use as paddocks but no specific evidence of this has been identified. Similarly, no evidence of an existing point of access is visible.

The site lies on the edge of the Green Belt; the western site boundary and the road to the north currently forms the boundary of the designation in the adopted local plan. To the north and west, outside the Green Belt, lies the established built area, comprising primarily two storey semi-detached houses. To the south, two dwellings lie immediately abutting the site boundary and there is a sparse ribbon of street front development beyond.

Two veteran trees the subject of Tree Preservation Orders lie on the western half of the site.

**Description of Proposal:**

Permission is sought for a residential development of 8 x 3 bed houses, comprising three pairs of semi-detached dwellings and two detached. The main ribbon of development lies in the centre of the site running north – south with one dwelling in the south west corner.

A new access to the site is proposed from Millfield, serving a total of 18 parking spaces, allocated two per dwelling and two for visitors. A turning head designed for service vehicles has been specified, the access road is sited to ensure retention of the veteran trees on the site. There is no access from the site onto Mill Lane, and the hedgerow along this boundary is retained in full.

Submitted elevations indicate a mix of brick and render walls and tiled roofs. All dwellings have private gardens of a minimum of around 55 sq.m.

**Relevant History:**

EPF/0724/01 Outline application for six houses with access from Mill Lane. Refused – impact on Green Belt, affordable housing issues inadequate sight lines for vehicle access points and insufficient parking.

EPF/2475/10 Formation of vehicle access from Mill Lane (in south east corner of site). Refused – inadequate visibility splays on land within the applicants control.

EPF/0403/17 Erection of 8, three bedroom house. Application withdrawn.

## **Policies Applied:**

### *Adopted Local Plan:*

|      |   |
|------|---|
| CP1  | Achieving sustainable development objectives              |
| CP2  | Protecting the quality of the rural and built environment |
| CP3  | New development   |
| GB2A | Development in the Green Belt                             |
| GB7A | Conspicuous development                                   |
| NC1  | SPA's, SAC's and SSSI's                                   |
| NC4  | Protection of established habitat                         |
| RP4  | Contaminated land   |
| U3B  | Sustainable drainage systems                              |
| DBE1 | Design of new buildings                                   |
| DBE2 | Effect on neighbouring properties                         |
| DBE4 | Design in the Green Belt                                  |
| DBE5 | Design and layout of new development                      |
| DBE6 | Car parking in new development                            |
| DBE8 | Private amenity space                                     |
| DBE9 | Loss of amenity   |
| LL10 | Adequacy of provision for landscape retention             |
| ST1  | Location of development                                   |
| ST2  | Accessibility of development                              |
| ST4  | Road safety   |
| ST6  | Vehicle parking   |

The above policies form part of the Councils Local Plan 1998 and Alterations 2006. While policies from this plan were adopted pre-2004, they have been reviewed and found to be broadly consistent with the NPPF.

### *NPPF:*

The Revised National Planning Policy Framework (NPPF) was published in 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:*

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018, and is currently progressing through that examination. Accordingly, it can 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 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   |
| SP2   | Spatial Development Strategy 2011-33   |
| SP6   | Green Belt and District Open Land  |
| SP7   | The Natural Environment, Landscape Character, and Green and Blue Infrastructure  |
| T1    | Sustainable transport choices  |
| T2    | Safeguarding of routes and facilities  |
| DM1   | Habitat protection and improving biodiversity  |
| DM2   | Epping Forest SAC and the Lee Valley SPA   |
| DM3   | Landscape Character, Ancient Landscapes and geodiversity   |
| DM4   | Green Belt   |
| DM9   | High Quality Design  |
| DM10  | Housing design and quality   |
| DM15  | Managing and reducing flood risk   |
| DM16  | Sustainable drainage systems   |
| DM19  | Sustainable water use  |
| DM21  | Local environmental impacts, pollution and land contamination  |
| DM22  | Air quality  |
| P12   | Site selection Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbotts                           |
| App 6 | Site Specific Requirements, site HONG.R1 – the site is identified in the Submission Version Local Plan for residential development |

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

Number of neighbours consulted: 77

Site Notice Posted

Responses received: Objections have been received from residents of seven local properties – 9, 11, 13 and 23 MILLFIELD, and MILL COTTAGE, WINDMILL COTTAGE and 76, MILL LANE.

Objectors raise the following issues:

- Parking and traffic matters – all objections refer to these issues. Residents in Millfield in particular raise issues around the existing parking stress in the area due to limited on-street parking. One resident has supplied correspondence with the area housing team in respect of a review of parking capacity in the area which has been ongoing. Objectors also comment on the suitability of the proposed site entrance for service vehicles and implications for the Millfield / Mill Lane junction from increased traffic. One resident suggests if development were to be acceptable, access should be taken from Mill Lane.
- Green Belt issues, and local plan allocation – a number of residents consider the application should be refused on Green Belt grounds. One resident highlights the site allocation and considers the application premature until the plan has been through its full process.
- Intensity of development – comments refer to the development being cramped and of a high density, and detracting from the general character of the area.
- Impact on residential amenity – specifically, concerns are raised at the more direct impact of the development on the immediate surrounding occupiers. Issues raised include loss of

outlook and open views, and impact from overlooking, loss of privacy and noise and disturbance.

- Impact on existing trees on the site – Concerns are raised at the preserved trees and whether the development can proceed without damage thereto.
- Site boundaries – one objector suggests the application misrepresents the extent of the developable area of the site, which may affect the deliverability of the scheme.
- Impact on local infrastructure – while not material to the application, residents comment on the impact on the local primary school, drainage and water infrastructure.

PARISH COUNCIL: High Ongar Parish Council have objected to the application as under:

*Object on grounds of insufficient parking provision and difficulty of access and overdevelopment of the site. This will exacerbate the existing parking provision in the immediate area.*

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

#### *Development principles*

The existing adopted Local Plan and Alterations locate the site within the Green Belt. In this context, the issues are relatively clear – a proposal for new residential development would be considered inappropriate and therefore harmful to the Green Belt and would have an adverse impact on its openness. Substantial weight is given to this harm. Thus, the application must be considered in the context of paragraphs 143 and 144 of the NPPF which state that such development should only be approved where very special circumstances exist, which will not exist unless potential harm resulting from the development, particularly harm to the Green Belt, is clearly outweighed by other considerations.

The site is identified in the Local Plan Submission Version as a residential development site with capacity for up to 10 dwellings within Policy P12. This recognises that the site provides an opportunity to promote settlement rounding in a lower performing Green Belt location immediately adjacent to the settlement of High Ongar. The LPSV recognises that the site assessment establishes that it meets the criteria in the site selection process as appropriate to remove the site from the Green Belt.

The allocation of the application site under Policy P12 of the LPSV has been subject to objections from two residents which have been assessed in the Local Plan process. The points raised by the objectors were considered back in 2017 when the plan was reviewed prior to updating the site selection report and the LPSV, and after review of the Regulation 19 representations, officers consider that that the objections have been resolved in the overall planning policy context. As a result, officers consider significant weight can be given to the allocation of the site and by extension, the site specific requirements.

The site allocation recognises the constraints imposed by the protected trees and recognises the need to retain these. The absence of a vehicle access on to the site is also recognised, as is the need for such access to be provided from Millfield rather than Mill Lane on highway safety grounds. Further, an emphasis is placed on the need to establish a new defensible Green Belt boundary to be identified to the southern boundary of the site.

Paragraph 48 of the NPPF makes clear that policies at an advanced stage in the preparation process can be given increased weight taking account of the following issues – the stage the emerging plan has reached in the process, the extent of any objection to the allocation and the degree of consistency with the NPPF. Officers are satisfied that all these criteria are met – the LPSV is at a very advanced stage in the preparation process, the level of objection to the allocation is very low and the issues raised have been considered at an earlier stage, and the plan is consistent with the NPPF in terms of policies to protect the wider Green Belt.

In considering the application, Members must give substantial weight to the harm that the development has on the Green Belt by way of inappropriateness and the impact on openness. Thereafter, Members must consider whether there are very special circumstances for approving the development, as identified in this report, and whether those very special circumstances are such that they outweigh the level of harm, and need to be satisfied that the grounds supporting such an argument go beyond usual planning considerations, making them exceptional and distinct. Such circumstances would not exist where a damaging precedent would be set or where harm to the Green Belt would be significant.

Officers consider that the application coming forward at such an advanced stage in the Local Plan preparation process is key. The allocation of the site has been assessed through the various stages of the plan process and in the context of the limited objections to the allocation. Officers also consider that the proposal would not set a precedent for development in the Green Belt, other than in the case of other sites proposed to be allocated for removal from the Green Belt in the LPSV. Officers conclude therefore that while the issues are finely balanced very special circumstances exist in that the site is to be removed from the Green Belt through its allocation within the LPSV. As a result of the site's removal from the Green Belt, any harm to the Green Belt would be greatly reduced and thus outweighed.

In broader terms, it should be noted that the LPSV is altering Green Belt boundaries and allocating land for a significant number of new homes in order to meet identified future housing requirements and is critical to the Council's obligation under the NPPF in maintaining provision of a five year housing land supply.

Based on the Council's Housing Implementation Strategy 2017 (EB410) and the Housing Trajectory (LPSV Appendix 5), the plan will deliver a five-year housing land supply throughout the period of operation and secure a 5.3 year supply for the five year period between 2017/18 and 2021/22. This takes into account sites which already have planning permission and the allocations included in the LPSV. The delivery rate is expected to further accelerate from 2022 onward. By the end of the Plan period at 2033, a minimum of 13,152 homes is anticipated to have been delivered through the Local Plan, exceeding the identified requirement of 11,400 homes. Progress on developing masterplans for strategic sites demonstrates that the proposed allocations in the LPSV are indeed deliverable. The delivery of allocated sites in the LPSV are critical to the delivery of an ongoing five year supply of housing land. Obligations on local planning authorities to meet their objectives in maintaining this land supply are clearly established and should be given significant weight in determining applications.

Officers have also had regard to comments on consultation responses in respect of the previous refusal for residential development of the site under application reference EPF/0724/01. There are clear and significant changes in national and local policy since that decision, and there were material differences in the character and form of the development – principally the proposal in the earlier application to provide access from Mill Lane. As a result, this decision is considered of limited direct relevance to the current proposals.

#### *Highways and traffic issues*

The highway issues are relatively clear. Access to the site from Mill Lane would not be practical or desirable – to achieve necessary sight lines would involve the removal of a large section of the existing hedgerow which is undesirable in visual amenity terms, notwithstanding any safety issues around the faster general traffic speed on Mill Lane compared to Millfield and the lack of a pedestrian footway at this location.

The proposed access meets highway authority visibility and geometry requirements, being set sufficiently clear of the junction to allow safe access and egress. The Highway Authority are also

satisfied that vehicle generation from the development will not be detrimental to highway safety, capacity or efficiency at this location.

Some highway works are required. A disabled parking space has been installed immediately opposite the proposed site entrance and will need to be relocated, this matter can however be adequately dealt with by the highway authority and supported by Grampian condition. Parking restrictions immediately outside the site entrance will need to be introduced to ensure the access is free from obstruction. New pedestrian crossing points are proposed with dropped kerbs and tactile paving to assist residents from the development and beyond where currently none exist.

In considering the issues raised in consultation in respect of local on-street parking stress, weight must be given to the fact that the proposals provide the required level of parking on site, including the required number of visitor spaces. The developer cannot be expected to take responsibility for existing parking issues and the proposals comply fully with the adopted parking standards.

### *Design considerations*

There are a number of constraints which have materially affected the proposals, and have no doubt contributed to the proposal delivering only 8 dwellings compared to the 10 identified in the LPSV. Existing hedgerows along the southern and eastern site boundary perform a function in establishing a defensible edge to the Green Belt boundary, as well as performing an important visual and ecological function in the wider context. The retention of the existing trees on the west side of the site affects the route of any access. These factors combine to limit the developable area and create the linear form of the main parts of the development. The buildings lie off the Mill Lane frontage in a position that reflects the general siting of buildings to the north, and ensuring the appearance does not dominate the road frontages. The scale and intensity of development therefore recognises the site constraints and is considered appropriate to the location.

The buildings in terms of their finish, form and bulk raise few issues; they can be considered conventional and consistent with the wider vernacular. Internally, the proposals are consistent with national housing standards. Frontages include adequate landscaping to soften the overall appearance. The built form is therefore acceptable.

### *Impact on neighbours*

The overall level of development proposed is in fact relatively low. Measured against density standards in the existing Local Plan, the proposal would achieve only 25 dwellings per hectare and would be considered under developed. In such a context, officers suggest that the impact on neighbouring occupiers from general noise and activity would be limited.

Properties to the south, Mill Cottage and Windmill Cottage sit in a visibly elevated position above the development site, and lie a minimum of 20 metres from the common boundary. Separation distances to the west are greater, no. 1 Millfield the adjacent dwelling to the entrance is comfortably beyond 20 metres and houses due west have long rear gardens. To the north side of the Millfield junction, the flank wall of the adjacent property fronts the side road, and the site.

A low intensity development, well sited in relation to its surroundings could not therefore be considered unduly intrusive to the locality.

### *Other matters*

Officers are satisfied that the application proposals have been developed with due regard to the trees and shrubs on the site that it is desirous to protect. The siting of the access road and the buildings also allows these features to be safeguarded during construction.



In view of the suggested historic use of the site for horse paddocks and in the local area suggest there is a risk of contamination that warrants further investigation, particularly as residential uses are considered vulnerable to the presence of contaminants. These matters can however be adequately dealt with by condition.

A preliminary ecology study accompanies the application and identifies the possibility of badger activity, nesting birds and the presence of bats. Such evidence does not preclude development but does require particular safeguards in the context of current and future wildlife activity through the use of appropriate conditions to address matters relating to site clearance (in relation to the possible presence of badger setts and nesting birds, design of a bat friendly lighting scheme and biodiversity enhancements in respect of bird and bat boxes and new native planting.

The proposal results in additional vehicle activity and in accordance with policy DM22, it is appropriate that the developer makes a contribution to a programme of air quality monitoring. The developer has indicated they will enter into a legal agreement to secure this.

The site has been considered in the context of the Epping Forest SAC and policy DM2 in that regard and lies outside the identified zone where recreational use of the SAC may be impacted.

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 run-off. These matters can be dealt with through conditions, in respect of a flood risk assessment and appropriate drainage measures.

### **Conclusion:**

The allocation of the site in the Local Plan Submission Version is material to the determination of the application. The application has been submitted in advance of completion of the examination and adoption process. However, the site is specifically identified in policy P12 as being a lower performing Green Belt location, and there are evident benefits in terms of the creation of a stronger defensible boundary to the adjacent higher quality Green Belt. The allocation is subject to limited objections as part of the wider LPSV preparation process, however the objections were considered at the draft plan consultation and have not resulted in the removal of the site allocation. Significant weight is, therefore, attached to this allocation by virtue of paragraph 48 of the NPPF.

The application does fall to be determined in the context of current Green Belt policy as development that would be inappropriate and cause harm. However, officers consider that very special circumstances exist in terms of the advanced stage of the plan preparation process which removes the site from the Green Belt designation. Removing the site from the Green Belt would significantly reduce and outweigh the harm caused by the development. The importance of the site in the provision of a five year supply of housing land is also considered material to the consideration of the general planning merits..

The site specific considerations suggest this is a low intensity scheme that responds well to the identified site constraints. Veteran and preserved trees are retained along with hedgerows which perform an important screening and ecological function. The siting of the buildings within the site provides separation from the road frontages and from surrounding buildings such that the proposals could not be considered intrusive to the street scene or neighbour amenity. Habitable areas are designed to minimise direct overlooking.

It is evident from the representations that wider vehicle related issues are important to local residents. However, there is little to support the suggestion that the proposal could be considered as causing further impact. Parking provision is policy compliant, the site access meets highway design criteria and is safely located. The minor alterations to parking controls for the access road

are acceptable to the highway authority, and the introduction of a new crossing point is of benefit to pedestrians the wider context.

Therefore, taking account of all material considerations, it is recommended that planning permission be granted subject to conditions and a legal agreement to secure appropriate financial contributions for appropriate measures to mitigate potential impacts on air quality

***Should you wish to discuss the contents of this report item please use the following contact details by 3pm on the Monday preceding the meeting at the latest:***

***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

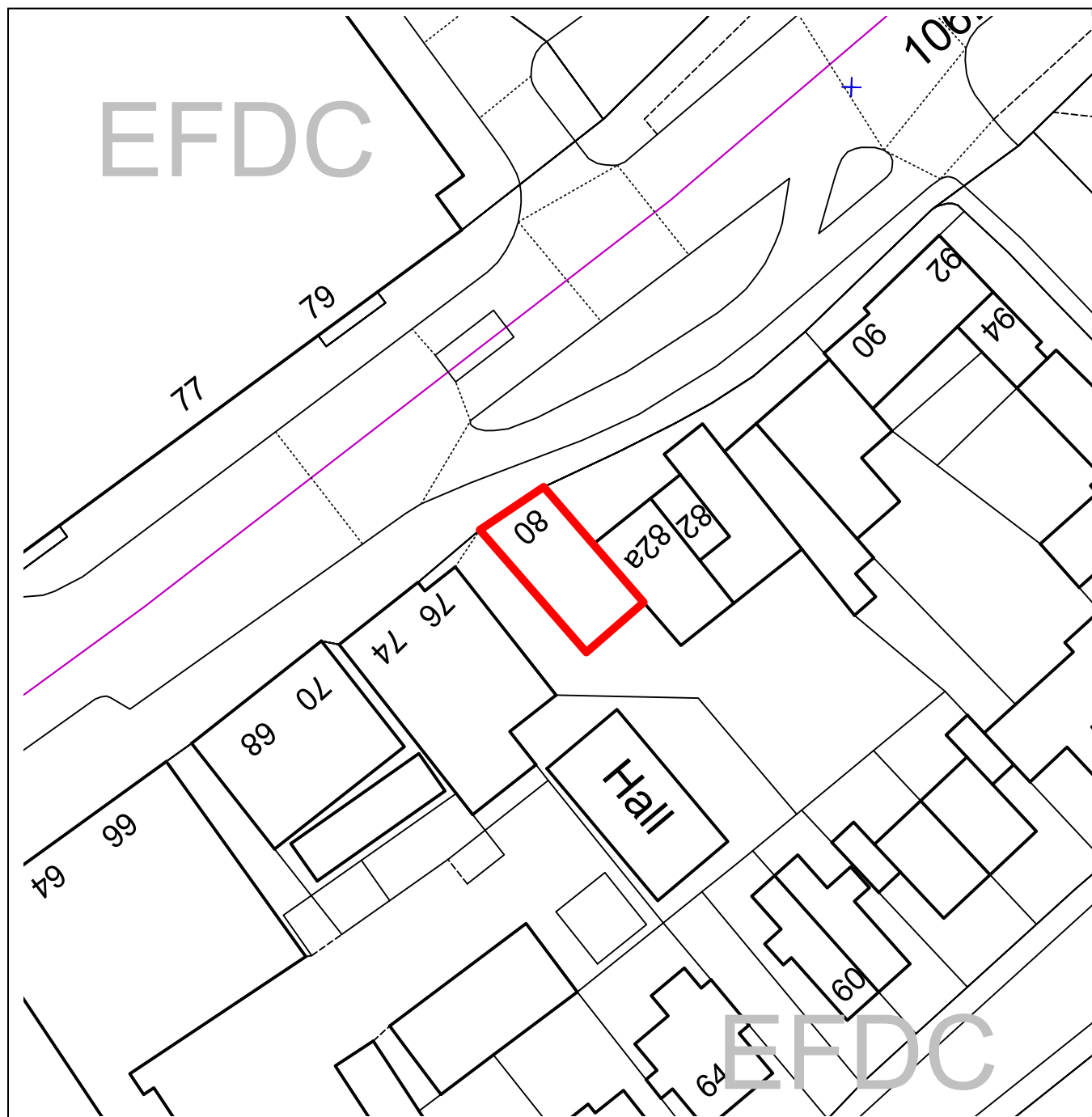
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# Epping Forest District Council

## Agenda Item Number 3



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|                     |  |
|---------------------|--|
| Application Number: | EPF/2817/18                                |
| Site Name:          | 80 High Street, Epping, Essex,<br>CM16 4AE |
| Scale of Plot:      | 1:500                                      |

**Report Item No: 3**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/2817/18  |
| <b>SITE ADDRESS:</b>            | 80 High Street<br>Epping<br>Essex<br>CM16 4AE                        |
| <b>PARISH:</b>                  | Epping   |
| <b>WARD:</b>                    | Epping Hemnall   |
| <b>APPLICANT:</b>               | Ms Thuy Nguyen   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Change of Use Application from A1 class to Sui Generis (nail salon). |
| <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=616174](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=616174)

**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: Floor and Location Plan
- 3 The use hereby permitted shall not be open to customers / members outside the hours of 9am to 6.30pm on Monday to Saturday and 10am to 6pm on Sundays and Bank Holidays.

*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.(3a)*

**Description of Site:**

The application site lies within Epping High Street. It is opposite Tesco's and is outside the primary and secondary frontages. This element of Epping High Street therefore has no policy requirement to protect A1 retail. There is a variety of uses along this stretch of the High Street such as a newsagent, dry cleaners, restaurants, takeaways, financial services and offices. It is outside the Epping High Street Conservation area and is not a Listed Building. The previous use of the premises was as an A1 retail unit operating as a florist.

**Description of Proposal:**

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

### **Relevant History:**

None recent

### **Policies Applied:**

#### *Adopted Local Plan:*

|      |  |
|------|--|
| CP2  | Quality of Rural and Built Environment |
| TC1  | Town Centre Hierarchy                  |
| TC3  | Town Centre function                   |
| DBE9 | Loss of Amenity                        |
| ST4  | Road safety                            |

#### *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:

SP1 - Presumption in Favour of Sustainable Development  
E2 – Centre Hierarchy/Retail Policy

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

Number of neighbours Consulted: 5

Responses received: 5 OBJECTIONS

46 HIGH STREET – OBJECT on the grounds of competition.

115 QUEENS ROAD NORTH WEALD – OBJECT on the grounds of there being 2 nail shops already, a third is too much.

9 WHITEHALL CLOSE, NAZEING – OBJECT as the High Street doesn't need another nail salon. A café/restaurant would be more suited.

24 PAKES WAY THEYDON BOIS – OBJECT as there are too many salons on this bit of the High Street.

1 YORK ROAD – OBJECT as there are too many on the High Street. Would lower the tone of the High Street. Variety of uses needed

13 IG10 3FD – OBJECT as the proposal is in close proximity to another nail shop, a variety Of uses needed

Town Council: NO OBJECTION

## **Main Issues and Considerations:**

### Impact on the shopping parade

This element of Epping High Street is outside the key frontage of Epping in the Local Plan (1998) and primary and secondary frontage of the Submission Version of the Local Plan (2017). As such there is no policy to retain a certain amount of A1 uses as is the case in other parts of Epping High Street. This stretch of the High Street has a variety of retail offer. It is a thriving element of the High Street with low vacancy rates and ample parking provided as a result of the nearby Tesco Supermarket. The proposed use would retain an active retail frontage akin to the A1 florists. It would generate and provide employment and would likely lead to increased footfall and custom to other shops which provide other services along the street such as the local restaurants, takeaways, dry cleaners, estate agents etc.

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

### Living Conditions of neighbours

The proposal by reason of its nature 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 amenity.

### Employment

Two members of staff would be employed as part of this proposal as stipulated in the application form. There is sufficient parking provision to the front off the premises and the site is in a sustainable location close to local bus services and a 10 minute walk to Epping London Underground 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 8am to 6pm. Visitors to the parade can park for 1 hours free of charge within the above days and times but cannot return within 3 hours. Business permit parking is deployed here. It is close to the Local Underground Station and Local Bus routes. 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 basis although some customers will arrive through walk in appointments but this would be the minority. 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 bars in the immediate locality but this is not a material planning consideration and cannot be considered as part of the assessment of this planning 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.

***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)***

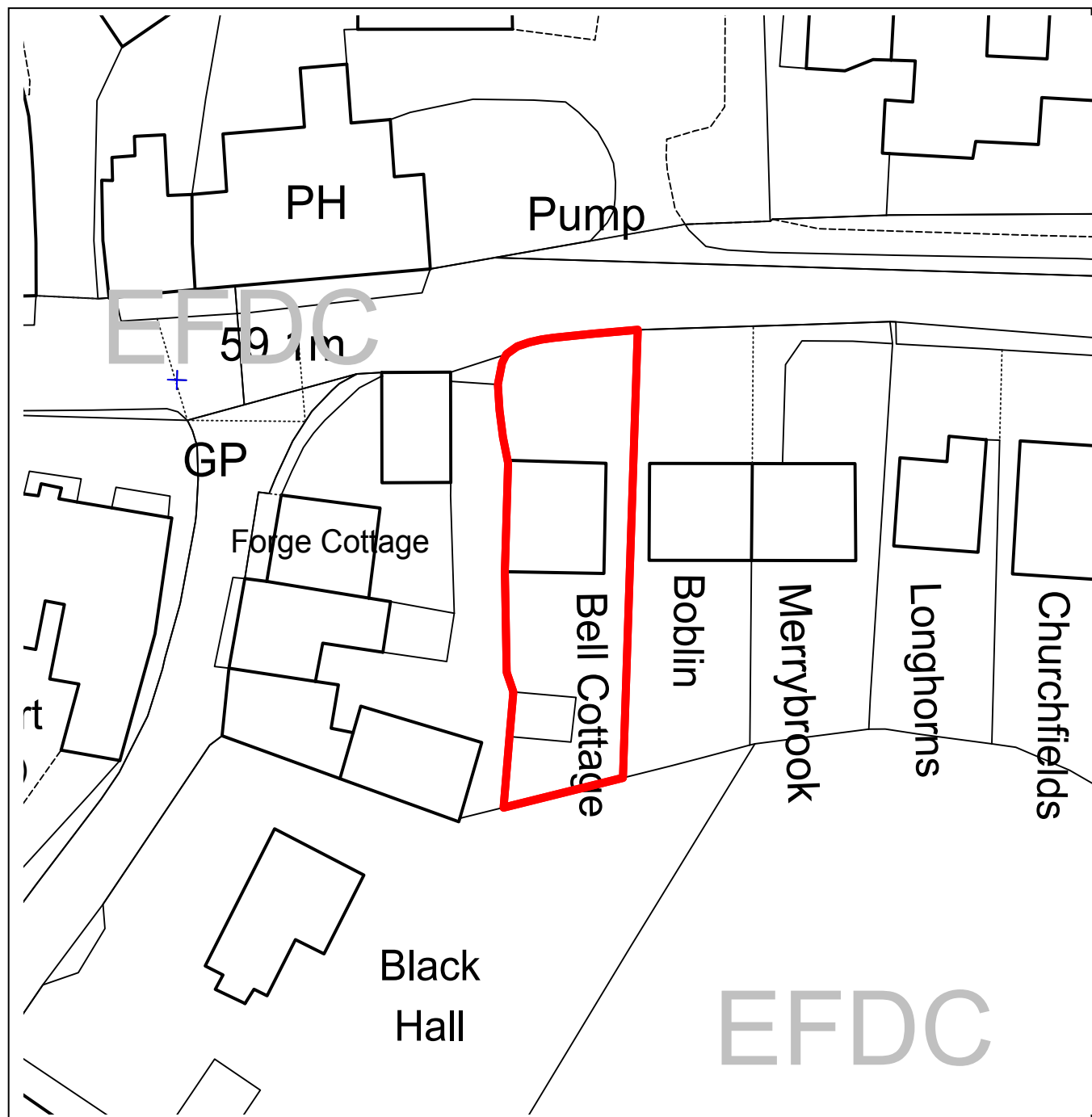


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# Epping Forest District Council

## Agenda Item Number 4



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|                     |  |
|---------------------|--|
| Application Number: | EPF/3044/18  |
| Site Name:          | Bell Cottage, Church Road,<br>Moreton, Ongar, Essex, CM5 0JD |
| Scale of Plot:      | 1:500  |

**Report Item No: 4**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/3044/18  |
| <b>SITE ADDRESS:</b>            | Bell Cottage<br>Church Road<br>Moreton<br>Ongar<br>Essex<br>CM5 0JD  |
| <b>PARISH:</b>                  | Moreton, Bobbingworth and the Lavers   |
| <b>WARD:</b>                    | Moreton and Fyfield  |
| <b>APPLICANT:</b>               | Mr Clark   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Conversion of garage into living accommodation, first floor rear extension replacement rear balustrade and external alterations to the front, side and rear of dwellinghouse |
| <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=617218](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=617218)

**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: PL01 Rev B 2019/02/24
- 3 Samples of the types and colours of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 Access to the flat roof over the extension 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.

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

### **Description of Site:**

'Bell Cottage' is a 2-storey detached dwelling built in the 1960s located to the southern side of Church Road in the built-up area of Moreton and within the boundaries of the Metropolitan Green Belt. The property has an integral garage, flat roof single storey rear extension with a balustrade surrounding its perimeter.

The building is located just outside the Moreton Conservation Area within the setting of several grade II listed buildings such as Forge Cottage, Castle House & Shop and Moreton Massey Public House.

The existing property is of an incongruous appearance featuring a mono pitch roof, half-timber clad façade with minimal windows to the front elevation which makes little contribution to the adjacent heritage assets, especially to the listed Public House which is located opposite.

### **Proposal:**

The proposal is a resubmission following the previous refusal of a first-floor rear extension involving:

- The conversion of the existing garage into a habitable room, and the replacement of the garage door with 3 front windows.
- A first floor rear extension built up the east boundary measuring a width of 3.0m, a depth of 4.58m set down 0.2m from the main ridge and set back 0.5m from the rear flank of the existing single storey rear extension.

The amendments from the previous application are:-

- The flat roof has been replaced by a pitch roof, the height has been reduced by 0.2m and the depth reduced from 5.1 m to 4.58.
- The rear spiral staircase has been removed.

### **Relevant Site History:**

EPF/2079/18 - Garage conversion, first floor rear extension and window configuration – Refused 21/09/2018

1. *The proposal by reason of its design, would be out of keeping with the surrounding area and contrary to Policy DBE10 of the adopted Local Plan and Alterations (2006 and Policy DM9 of the Epping Forest District Local Plan (Submission Version) 2017*
2. *The proposal, by reason of its design would adversely affect the setting of a Grade 11 Listed Building and therefore contrary to Policy HC12 of The Epping Forest District Local Plan and Alterations (2006) and Policy DM7 of the Epping Forest District Local Plan (Submission Version) 2017.*

3. *The proposal, by reason of its design, would adversely affect the living conditions of neighbours in respect of privacy and is therefore contrary to Policy DBE9 of The Epping Forest District Local plans and Alterations (2006) and Policy DM9 of The Epping Forest District Local Plan (Submission Version) 2017.*

EPF/0085/83 - Construction of open porch (20/04/1983) - Grant  
EPO/0042B/61 - Revised details of dwelling (05/05/1964) - Grant  
EPO/0042A/61 - Dwelling and Garage (03/10/1963) - Refuse  
EPO/0042/61 - O/A residential development (04/04/1961) - Grant

### **Policies Applied:**

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

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.

DBE2- Effect on neighbouring properties.  
DBE9 - Loss of Amenity  
DBE10 - Design of Residential Extensions  
GB2A - Design in the Green Belt  
HC6 - Character, appearance and setting of Conservation Areas  
HC12- Development of Setting of Listed Buildings

#### 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:

DM4 - Green Belt

DM7 - Heritage Assets

DM9 - High Quality Design

## **Consultations**

### Conservation

No objection

The removal of the spiral staircase to the rear and the introduction of a pitch roof to the single storey rear extension at first floor addresses most of the previous concerns. There is no objection to the use of both vertical and horizontal timber cladding.

The building is not an historic building but of modern execution so the way to lay the cladding does not have to be traditional and can reflect the modern style of the building. The proposed glass balustrade is considered acceptable but could alternatively be made in timber.

The most interesting part of the proposed scheme is the addition of both vertical and horizontal windows to the façade. The design of the proposed façade is fully supported as it will break the existing large expanse of bricks and cladding and give to the building an immediate domestic appearance.

RECOMMENDATION – The scheme is considered as an opportunity for enhancement. It is considered that it will improve the appearance of the setting of both the conservation and the listed buildings. I therefore give my support the current scheme and recommend this application for approval with the following condition:

- Materials of construction to be agreed  
This is supported by policy 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, 192, 193 and 194 of the NPPF (2018).

### Representations:

A Site Notice was displayed on the 04/12/2019

Moreton, Bobbingworth & The Lavers Parish Council: Object

- The extension is out of character with the surrounding buildings;
- The revised plan does not appear to show a minimal reduction in the size of the balcony but the projection still appears to extend to more than the 1metre shown on the application.

- A balcony this size is disproportionate and over bearing, having a significant impact upon adjoining properties, including loss of light.
- The question raised regarding the roof being both pitched and flat has not been addressed.
- Exacerbate an existing parking situation in the village
- The front elevation is an improvement to what presently exists but has removed an ancient chestnut tree, the canopy which was within the conservation area.
- Loss of light and overshadowing for 2/3 adjacent properties
- The development is not to scale vertical cladding is contrary to the design and appearance of the usual horizontal weather boarding of the village, Conservation area and Listed Buildings.

16 adjoining neighbours were notified on the 23/11/2018 and 03/12/2018 and reconsulted on receipt of amended plans 04/01/2019. 7 letters of objections have been received that raise the following concerns:-

**CHURCHFIELDS:** The rear extension projects approx. 2.5 metres clear of the building line of the adjacent run of houses. Although on the plan it shows it clearing the 45 degree sight line of the downstairs window of Boblin, it does not show how it interferes with the 45 degree sight line from the upstairs dormer window which is set back approx. 2.5 metres from the rear building line.

The proposed first floor kitchen extension is totally out of keeping with the surrounding conservation area and shows little respect for the effect it will have on neighbours.

I note that the applicant declares in item 6 that no trees will have to be removed to achieve the other changes. However immediately prior to the application being made, a horsechestnut tree aged over 100 years and which was a major feature of the village centre was felled. This was a great disappointment to many of the residents as it had been nurtured by the previous owner.

**COOPERS COURT:** As I believe the original planning permission for Bell Cottage in the 1960s was on the proviso that it was built back behind the large horse chestnut tree. They have been quoted as saying this style of renovation is very popular in Islington. Well, I believe it is not appropriate for a country village, especially on the edge of a conservation area. The EFDC leaflet about this states that the trees and hedgerows must be preserved as part of the conservation of the character of the ancient village and enhance the vistas. The official who viewed the large tree outside Bell Cottage said that although the canopy was within the boundary line of the conservation area, the trunk was not, so it could not be saved. How can the canopy of a tree exist without the trunk to sustain it?! I am concerned that having already taken liberties with our environs their plans will be of detriment to the character of our village and be totally out of keeping.

**CASTLE HOUSE, BRIDGE ROAD:** Our concern with this project is:

1. Loss of Privacy.

The applicant has already removed a large screening hedge from the garden which provided complete privacy between Bell Cottage, Forge Cottage and Castle House. The balcony as it now stands has complete sight directly into our garden and what was once a very private patio area outside of our kitchen and dining room. We will need a screen replaced as a condition.

2. Disruption. The only access to the rear of the property is along the drive to the right hand side of Bell Cottage which has pedestrian access only. The drive is the vehicular access for Castle House

and is being used regularly throughout the day. It is important that the drive is not blocked without notification.

3. Flooding: The removal of the old Ash tree at the front of the house and the levelling of the drive will result in water run-off and potential flooding down the drive and into our rear garden/patio. Heavy rain and water run-off comes down Church Road and down the drive from the Nags Head car park and crosses the road in front of Bell Cottage. The existing 4-inch drains do not cope resulting in flooding down the drive. The applicant will not be aware of this and the Planning Authority needs to ensure that the drive is resurfaced in a way to prevent water run-off down the drive thereby flooding our rear patio.

**THE WALNUTS HARLOW ROAD:** - The extension is out of keeping with the conservation area.

**2 LANDVIEW COTTAGES:** Overdevelopment on a very small site. The loss of garage will result in additional off street parking in the village already suffering from excessive car parking. Trees have already been removed from the front and back of the property with serious implications to the Moreton Village conservation area.

The amended drawing shows little significant change. All my previously submitted comments therefore still stand for this amended scheme. There has been no attempt to demonstrate that the 45 degree viewing angle from the set back bedroom windows of Bobblin has not been compromised. This projection has serious implications for the owners of Boblin and will be detrimental to the value of their property if allowed to be constructed without proper control.

**MERRYBROOK COTTAGE, CHURCH ROAD:** - Tweaking the proposed first floor rear extension plans does not alter any of my objections to the extension. It is overbearing and detrimental to the ambiance and character of the Conservation Area and the adjacent Listed Buildings. It will overshadow my house and garden causing me to lose light and will look like a first floor shed attached to the back of Bell Cottage.

I have started to research the original plans, dated 1961 and I will forward my findings to you. The council, then, was concerned about the negative impact Bell Cottage would have on neighbouring properties.

Problems that will be caused to the village of Moreton by a rear first floor extension to Bell Cottage.

It would overshadow the back of my house and small garden, dwarfing it as it would overlook the back of my property by approximately 3 metres in length, I will lose a substantial amount of light in my lounge and as my garden is south facing I would also lose much of the late afternoon and early evening light. The height of the extension including the roof would be approximately 2 1/2 to 3 metres, therefore higher than my bedroom windows. This will block the light to two of my bedrooms.

The height and the width of the proposed structure would be overbearing and dominate a small area that already has a high density of buildings. It would be unsuitable as all of the backs of the houses are squeezed into a corner plot. A neighbour has produced a photo of the back of Bell Cottage and superimposed a diagram showing how intrusive the proposed extension would be and how it would affect at least 4/5 properties to the East and West of Bell Cottage.



A large first floor, possibly wooden, construction on the back of Bell Cottage would be both unwarranted and inappropriate in the centre of a small rural village and would cause unreasonable interference to the environment of the adjacent historic properties.

The proposed extension is disproportionate and not in keeping with the proximity of The Listed Buildings and Conservation Area. It would dominate the sky line obscuring the gables, apexes and chimneys of the Listed Buildings and be clearly visible from the centre of the Conservation Area in the village and the surrounding fields at the back.

The design, the appearance and the materials for the proposed extension are not compatible with the local community and do not improve the rural environment of Moreton village. The layout of Bell Cottage does not lend itself to an upstairs extension. It was never designed to extend the first floor beyond the building line of the adjacent properties thus protecting the privacy of the residents at the back of Bell Cottage.

The drawings that EFDC have, show the balcony extending less than a metre beyond the building line of the houses to the East of Bell Cottage in Church Road. It extends at least three meters beyond the building line of these properties, impacting the whole area.

Mr. Clerck's answer in his second application to a question regarding trees said, 'there were no trees to consider', but he failed to mention the first thing he did when he acquired the property in the summer (2018) was to cut down an ancient, healthy Horse Chestnut tree, that was the focal point of the village centre, he then proceeded to remove every piece of greenery in the front garden and most of the trees and plants in the back garden.

This has caused an environmental desert to the front of the Cottage.

The Horse Chestnut tree and the shrubs that were in the front of Bell Cottage helped to protect the property and adjacent properties from flooding when there is heavy rainfall. Church Road suffers badly from 'flash flooding'. (I have film of this flash flooding)

The removal of the kerb along the entire front of the property has caused the loss of three valuable parking spaces on the road, in a village that is suffering from a shortage of parking spaces.

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

The main issues for considerations are; have the amendments addressed the previous reason for refusal, the visual impact of the development on the character and amenity of the Metropolitan Green Belt, the adjoining conservation area and amenities of the adjoining properties.

### **Impact on the Metropolitan Green Belt**

The National Planning Policy Framework, (NPPF), 2018 states that 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. There is a presumption against inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings.

Policy GB2A of the Local Plan seeks to resist inappropriate extensions to dwellings which would create a building of significantly larger size or different in character when assessed against the original house.

In this instance, the property is located within the Green Belt and where the original house has been extended in the form of a single storey rear extension.

The proposed extension by reason of its scale and form is regarded as a limited addition and as such is considered appropriate development that would not cause material harm to the openness of the Green Belt and is consistent with the Local Plan 2016, the Submission Version 2017 and the NPPF.

#### Design

The site borders the Moreton Conservation Area and is in close proximity to several listed buildings. The conservation area is characterised by clay tiled roofs, external timber weatherboarding and white rendered pebble-dashed walls.

In determining planning applications, the council is required by the NPPF to consider the desirability of new development making a positive contribution to local character and distinctiveness. Whilst the red line area of the site is not technically within the Conservation Area, the site is surrounded by it on three sides and as such the impact of the proposed design should take this into consideration.

The removal of the rear spiral staircase and the introduction of a pitch roof to the proposed first floor rear extension is considered to have addressed some of the concerns on the previous application.

The dwellinghouse as it presently stands is of a modern featureless design which takes on the appearance of a warehouse/ office building from the front facade. As such, there is no objection to the use of both vertical and horizontal timber cladding which would add character to its appearance. The building is not an historic building but of modern execution so the way to lay the cladding does not have to be traditional and can reflect the modern style of the building. The proposed glass balustrade is considered acceptable but could alternatively be made in timber.

The most interesting part of the proposed scheme is the addition of both vertical and horizontal windows to the façade. The design of the proposed façade is fully supported as it will break the existing large expanse of bricks and cladding and give the property a more domestic appearance.

Overall, the design, and form of the extension and alterations has made the property more appropriate in its context and added features and character that preserves and enhances the character and appearance of the conservation area complying with policy HC6, HC7 and DBE10 of our Local Plan and Alterations (1998 and 2006), policy DM7 and DM9 of our Submission Version Local Plan (2017), and the NPPF.

### Amenity:

There is no objection to the loss of the garage space with two replacement car spaces being sited in the front forecourt of the property. The rear terrace is already an existing feature of the property and its replacement by glass material is not considered to give rise to any additional overlooking to what presently exists. An appropriate condition to prevent the rear extension being used for recreational purposes would be attached at any approval of the scheme to prevent any overlooking or loss of privacy to neighbouring properties.

The proposed first floor rear extension is to be built up to the east flank of the main dwellinghouse which is sited within 1.0m of the shared boundary with 'Boblin', a chalet bungalow with low eaves that sits to the east of the application property. The properties are very different in design with 'Boblin' originally of a deeper rear alignment. The existing single storey rear extension to the application property has increased the depth of the property past the rear building line of Boblin but with a separation distance of over 3.0m between the properties (to the back) this would ensure that the first floor rear extension would not result in any harmful amenity implications in the form of a loss of light, outlook or overbearing impact. Furthermore, the siting and size of the rear extension would reduce the amount of overlooking and loss of privacy from the existing terrace to the rear garden of 'Boblin'.

Many of the concerns raised by residents have been addressed in the body of the report. The loss of the front garden tree is unfortunate but does not fall within the control of the planning department and the provision of off street parking falls out of the control of planning. The conversion of a garage into living accommodation does not require planning permission as long as there is no original condition of the property preventing its use as living accommodation and no external alterations proposed other than the replacement of the garage door with windows. There is no objection to the vertical and horizontal timber cladding which is considered to compliment the modern style of the property enhancing its appearance.

### Conclusion:

Having taken all material considerations into account, it is concluded that the proposed extension has satisfactorily addressed the previous reasons for refusal and is considered acceptable in respect of size and siting and would not result in any harm to the openness of the Green Belt. The design, materials and siting would preserve and enhance the character and appearance of the adjoining Listed Buildings and conservation area would not result in any harmful impact on the amenity of adjoining properties and is in accordance with the Epping Forest Local Plan (1998 and 2006) policies and, the National Planning Policy Framework, 2018.

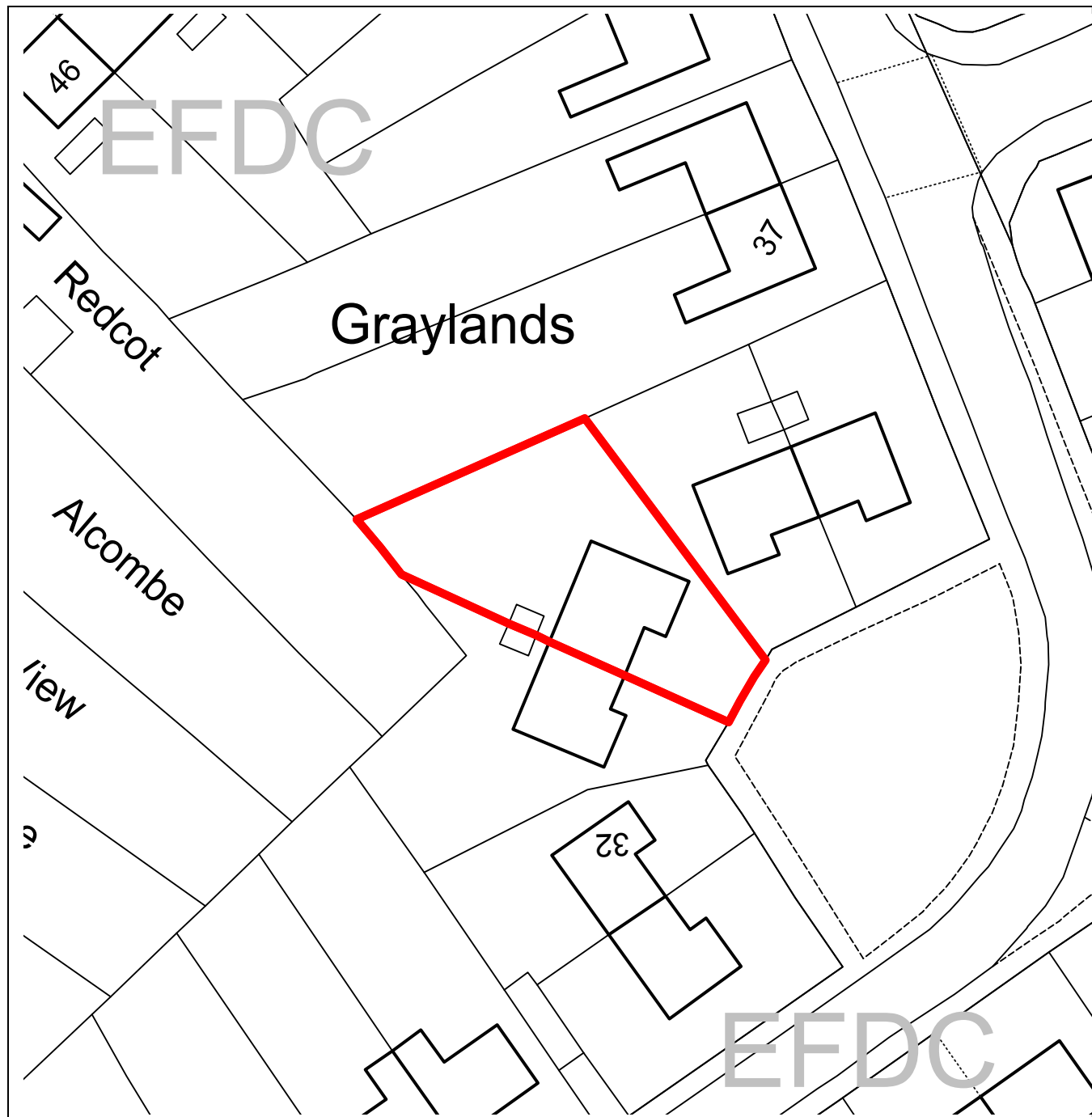
### Recommendation

In the light of the above considerations it is recommended that planning permission is Approved.



# Epping Forest District Council

## Agenda Item Number 5



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|                     |  |
|---------------------|--|
| Application Number: | EPF/3179/18  |
| Site Name:          | 34 Graylands, Theydon Bois,<br>Epping, Essex, CM16 7LB |
| Scale of Plot:      | 1:500  |

**Report Item No: 5**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/3179/18   |
| <b>SITE ADDRESS:</b>            | 34 Graylands<br>Theydon Bois<br>Epping<br>Essex<br>CM16 7LB |
| <b>PARISH:</b>                  | Theydon Bois  |
| <b>WARD:</b>                    | Theydon Bois  |
| <b>APPLICANT:</b>               | Mr Flam Cahani  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Loft and rear extension to existing house.                  |
| <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=617758](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=617758)

**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: 226\_EX-01, 02 and 03, 226\_GA-01 rev A, 02 rev A and 03 rev A, and 226\_EL-01 rev A
- 3 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.

**EPF/3179/18**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

**Description of Site:**

The application relates to a semi-detached bungalow, located in a group of three pairs of such properties around an amenity green. The property has been extended to the rear comprising a small ground floor extension with a conservatory structure behind. The site lies on sloping ground, such that the adjoining pair of dwellings to the north sit at a higher level.

The surrounding area is wholly residential in character comprising predominantly semi-detached houses, all of which abut the main road and frontages have been adapted for vehicle parking.

### **Description of Proposal:**

The application now before Members proposes a rear dormer extension at roof level and a single storey rear extension. This is a revised proposal, the original submission including a first floor extension which raised the height of the side gable to accommodate a further room in the roof but this has been deleted.

The proposed roof extension now proposes a rear dormer extension only. The extension is set 0.3m off the shared boundary and extends into to inner side face of the rear gable. The roof is set down from the ridge by around 200mm and back from the eaves line by 250mm. A window is added to the rear gable and rooflights are installed in the side and front elevations. Matching roof tiles are indicated.

The ground floor rear extension projects a maximum of 5m from the rear wall on the shared boundary and is set in from the outer flank wall by 200mm. The structure has a parapet wall around a flat roof with a raised glazed lantern in the centre. Main openings are in the rear, but there are two side windows to the living area and a bedroom in the side elevation. Materials will match, being painted render.

### **Relevant History:**

None

### **Policies Applied:**

#### *Adopted Local Plan:*

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

The above policies form part of the Councils Local Plan 1998 and Alterations 2006. While policies from this plan were adopted pre-2004, they have been reviewed and found to be broadly consistent with the NPPF.

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) was published in 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).

The Revised National Planning Policy Framework (NPPF) (July 2018) states at paragraph 213 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:*

In September 2018, the Council submitted the Epping Forest Local Plan Submission Version 2017 for examination. As such the LPSV can be treated 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 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 |

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

Date of site visit: 14 January 2019

Number of neighbours consulted: Eight

Site notice posted: No, not required

Responses received: Four responses received from neighbours – 13, 33 and 35 GRAYLANDS, and REDCOT LOUGHTON LANE. The immediate neighbours made comments on the gable extension no longer part of the application. Other comments relate to the following:

- general scale of development proposed – comments relate to the proposals altering a small two bedroom bungalow into a four bedroom dwelling.
- parking issues – comments relate to issues around parking and access in the area in general terms and impact from any increased demand.
- other matters relating to drainage capacity and construction disturbance have been raised but are not considered material to the determination of the application.

It is also noted that the immediate adjoining neighbours both comment that they do not object to the ground floor rear extension.

Parish Council: Theydon Bois Parish Council have submitted a detailed objection as under:

*34 Graylands is one of an original group of six bungalows, of a distinctive design, which overlook an attractive, shared, green communal space within this residential cul-de-sac. Each property mirrors its neighbour, in both size and scale, creating a strongly-cohesive group that adds to the visual amenity of the locality.*

*The properties were built during the 1940s, for elderly residents, and were originally reserved for council tenants of which, it is believed, two still remain. However, the proposed new design would seek to increase the height of the front-facing gable, and raise the eaves above those of the main roof, so effectively destroying the symmetry with its neighbour, and thereby creating a more prominent façade than those of the other bungalows within the group. The Planning Committee are of the view that the resultant extension would unbalance this pair of semi-detached dwellings, to the detriment of the original character, and contrary to the provisions of both policies DBE10 of*

*the Current Local Plan, and DM9 and DM10 of the Submission Version of the New Local Plan, 2017.*

*In addition, Epping Forest District Council (EFDC), having submitted its New Local Plan to the Secretary of State for examination, is advising that they consider its policies to be a material consideration when determining planning applications, so the Planning Committee made reference to Policy H1(F) of the New Local Plan, which states that: "The loss of bungalows, and specialist accommodation, will be resisted."*

*In accordance with this policy, and due to concerns raised over a number of years, the Parish Council is strongly against the loss of bungalows in the village, particularly where these provide easily-accessible accommodation on one level, it being noted that the proposed extension to this property would increase its size considerably, resulting in a four bedroom house. In this particular instance, there are also concerns that, if the present proposal were granted, it would set an unwanted precedent for the eventual loss of the remaining five bungalows within the group, thereby having a greater significance than just the re-development of one property.*

*Furthermore, there are no allocated, or on-site, parking spaces provided for these dwellings, and the likely requirement for such an additional provision would add to an already existing problem in the area.*

*(Other Matters: The Planning Committee has also been made aware of concerns raised with respect to the potential for negative impact on a local sewer, shared by a number of properties in the near vicinity, which is thought to run through the garden of this property. We would respectfully request that the relevant department at EFDC is contacted, and their report taken into account when the application is determined).*

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

The removal of the gable extension results in an application for relatively common domestic extensions. It should be noted that the roof extension by itself could be constructed as permitted development. Being located on the rear elevation, it has limited visual impact on the wider area and little direct impact on neighbours.

The attached neighbouring property has a ground floor rear extension built up to the boundary with no flank windows, the new addition will project around 500mm beyond this extension. The other neighbour lies at an angle to the application site and is set on higher ground, and as a result is not directly impacted by the extension or the proposed side windows.

As the extensions are acceptable in scale and form, comments in relation to the principle of such extensions can carry limited weight. The property retains all necessary accommodation on the ground floor.

Common to many locations, the car parking situation in the road is existing and the application does not propose a level of development that would directly and evidently exacerbate the situation.

### **Conclusion:**

Members should consider the application as a proposal for limited domestic extensions – a dormer extension which on its own could be built as permitted development and a ground floor extension that does not impact on the neighbours.

Wider issues of drainage are not material to the application and the proposal does not produce substantial additional parking stress.



In the circumstances, the application is considered acceptable.

***Should you wish to discuss the contents of this report item please use the following contact details by 3pm on the Monday preceding the meeting at the latest:***

***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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

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