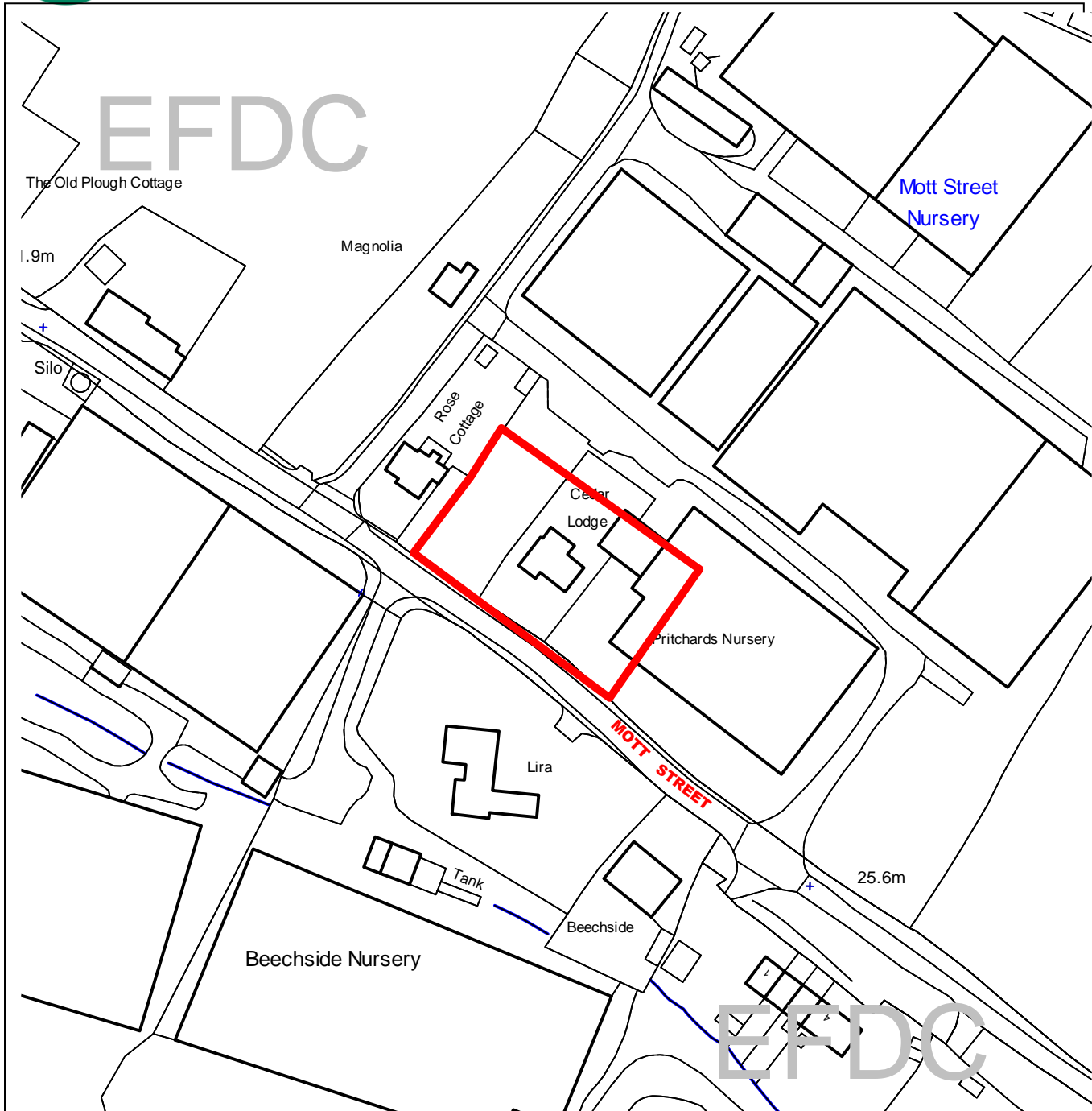




Epping Forest District Council



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Application Number:	EPF/0161/21
Site Name:	Cedar Lodge, Mott Street E4 7RW
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/0161/21
SITE ADDRESS:	Cedar Lodge Mott Street Waltham Abbey E4 7RW
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Thomas Smith
DESCRIPTION OF PROPOSAL:	Demolition of existing structures, alterations to existing vehicular access, retention of existing dwelling, construction of one detached four bedroom house and provision of associated parking and landscaping.
RECOMMENDED DECISION:	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=647273

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 shall be carried out and retained strictly in accordance with the following approved plans: TS19-157-1, 2833.2, 2833.3, 2833.4, 2833.5, 2833.9, 2833.10, 2833.12B, 2833.13A and 2833.16.
- 3 Prior to preliminary ground works taking place, details of foul & surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 4 No preliminary ground works shall take place until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved by the planning authority, in writing, and the development shall be carried out strictly in accordance with the approved scheme and programme.
- 5 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.

- 6 For the trees shown to be retained, no development, including works of demolition or site clearance, shall take place until Tree Protection (in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been installed at the edge of the calculated rooting area as shown on The Tree Bureau 'Tree Constraints Plan' drawing number TCP7600 dated 21st December 2020. It shall be retained throughout development activities unless agreed otherwise with the Local Planning Authority.
- 7 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.
- 8 No construction works above ground level shall take place until (documentary and photographic) details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9 Hard and soft landscaping shall be implemented as shown on The Tree Bureau 'structural landscape plan' drawing number LAND7600 dated 21st December 2020 and the accompanying planting schedule unless the Local Planning Authority gives its prior written approval to any alterations. 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.
- 10 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.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, 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.

- 12 The building hereby permitted shall not be occupied until the window(s) in the flank elevation(s) at first floor level and above, have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 13 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling, shall be installed and retained thereafter for use by the occupants of the site.
- 14 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.
- 15 Prior to first occupation of the development, the recommendations as set out in the Ecological Survey by John Dobson - Essex Mammal Surveys (dated April 2019) shall be implemented in full and retained as such.
- 16 Prior to first occupation of the building hereby permitted, the buildings/extensions shown to be demolished on the approved plans, shall be removed from the site.
- 17 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 19 There shall be no discharge of surface water onto the Highway.
- 20 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.
- 21 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A & E of Part 1 to schedule 2 shall be undertaken.
- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

24 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.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if 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).

Site and Surroundings

The site consists of a detached dwelling located on the north eastern side of Mott Street and is surrounded by various properties including residential dwellings, horticultural nurseries, and commercial sites (that are former horticultural nurseries). The site is located within the Metropolitan Green Belt. It is not listed nor in a conservation area.

Proposal

The proposal is for the demolition of existing structures, alterations to existing vehicular access, retention of existing dwelling, construction of one detached four-bedroom house and provision of associated parking and landscaping.

This is an amended application to EPF/0180/20 & EPF/0530/20.

Relevant Planning History

EPF/2877/15 - Certificate of Lawful Development for proposed single storey side extensions (x2) and 2 storey rear extension - Lawful

EPF/0431/16 - Certificate of Lawful Development for existing use of land as residential garden - Lawful

EPF/0176/17 - Outline application with all matters reserved for proposed demolition of existing dwelling and outbuilding and erection of 2 new build dwellings - Approved

EPF/2432/19 - Demolition of existing 1 no. 4-bed house & associated outbuildings & erection of two pairs of 4-bed semi-detached houses – Refused & Dismissed on Appeal on Green Belt Grounds, Impact on Character and EFSAC.

EPF/0180/20 - Outline Planning Permission for demolition of existing dwelling and outbuilding, and construction of 2 new dwellings (Renewal of previous approved consent EPF/0176/17) - Approved

EPF/0181/20 - Application for a Lawful Development Certificate for a Proposed new access & an outbuilding – Lawful

EPF/0530/20 - Demolition of x1 no. 4-bed house (Cedar Lodge) & associated outbuildings, and erection of one pair of 4-bed semi-detached houses and one detached 4-bed house – Refused on Green Belt Grounds, Impact on Character and EFSAC.

Development Plan Context

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
U3B	Sustainable Drainage Systems
GB2A	Development in The Green Belt
GB7A	Conspicuous Development
DBE1	Design of New Buildings
DBE4	Design in the Green Belt
DBE8	Private Amenity Space
DBE9	Neighbouring Amenities
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework (Framework) (2019)

The Framework is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraphs	108 - 110
Paragraph	117

Paragraphs 124, 127
 Paragraphs 133, 143 – 146
 Paragraph 175

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight Afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Some
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Some
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM19 Sustainable Water Use	Significant
DM20 Low Carbon and Renewable Energy	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Some

Summary of Representations

Number of neighbours Consulted: 12. 6 response(s) received
Site notice posted: No, not required

MOTT STREET NURSERY – Comments on non-planning merits

ROSE COTTAGE, BEECHSIDE, BRIGADOON, MAGNOLIA COTTAGE, LIRA (BEECHSIDE NURSERY) – Objections – Summarised as;

- Inappropriate development;
- Impact on neighbouring amenities;
- Impact on the Green Belt;
- Poor Quality Design, out of character, cramped & visually Intrusive.

WALTHAM ABBEY TOWN COUNCIL – No objection

Planning Considerations

The main issue is whether the previous reasons for refusal have been overcome for EPF/0530/20. The reasons for refusal are:

1. The proposed development, by reason of the increased scale, mass and bulk of the built form, would represent inappropriate development in the Green Belt which would be harmful to the character and openness of the Green Belt, contrary to policies GB2A and GB7A of the adopted Local Plan and Alterations, policies SP6 and DM4 of the Local Plan Submission Version (2017), and the NPPF.
2. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.
3. The proposed development introduces an inappropriate urban form to the site in its built form and the extent and finish of the hard surfacing to the frontage, out of character with the surrounding area and thereby intrusive to the amenities of surrounding residents and to the general street scene, contrary to policies CP1, CP2, DBE2, DBE4 and DBE9 of the adopted Local Plan and Alterations, policies DM9 and DM10 of the Local Plan Submission Version (2017), and the NPPF.

Reason for Refusal 1

The principle of the development for two dwellings (1 replacement dwelling and an additional dwelling) on this site has already been established under an outline application with all matters reserved (EPF/0180/20). As part of this outline application, the volume of the proposed development were shown on the plans, so only the spatial impact of the development on the openness of the Green Belt was considered and found to be acceptable, however as no elevations

of the proposed dwellings were provided, no assessment on the visual impact to the openness of the Green Belt was carried out.

In light of the above, as the scale and bulk of the proposed additional dwelling is shown on the proposed elevation plan, it is considered that there would be a limited reduction to the openness of the Green Belt, in visual terms. Spatially whilst the host dwelling will no longer be demolished as per EPF/0180/20, the other elements as shown on the plans would be demolished and taken together with the fallback LDC (EPF/2877/15), any spatial impact would be negligible. Thus, the proposed development would not have a greater impact to the openness of the Green Belt than the current development.

Thus, it is considered that the first reason for refusal has been overcome.

Reason for Refusal 2

As there is an extant outline permission (EPF/0180/20) for an additional dwelling on this site, it is considered that the proposed development will have no additional impact to the EFSAC, in terms of air quality and recreational pressure.

Thus, it is considered that this reason for refusal has been overcome.

Reasons for Refusal 3

In terms of the design of the proposed dwelling, it would have a neutral impact to the character and appearance of the locality. There is sufficient spacing around the proposed dwelling, including a visual gap from the host house, and the common boundary with Rose Cottage. A suitable hard and soft landscaping is also proposed, so officers consider that the proposed development is acceptable.

Thus, it is considered that the final reason for refusal has been overcome.

Other Considerations

It is considered that the provision of the access points as shown on the plans would be sufficient enough to enable the proposed redevelopment of the site, and no objections have been raised by the Highways Officer.

Furthermore, there is no material impact to the living conditions of the adjoining neighbour (Rose Cottage) and the host house from the proposed dwelling, in terms of loss of light, overshadowing, loss of privacy, overbearing and visual impact that warrants a reason for refusal.

Also, there is ample amenity space retained for the host house, and that available for future users of the proposed dwelling.

Conclusion

For the reasons set out above having regard to all the matters raised, it is recommended that conditional planning permission be granted.

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

Case Officer: Muhammad Rahman - Direct Line: 01992 564415

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk