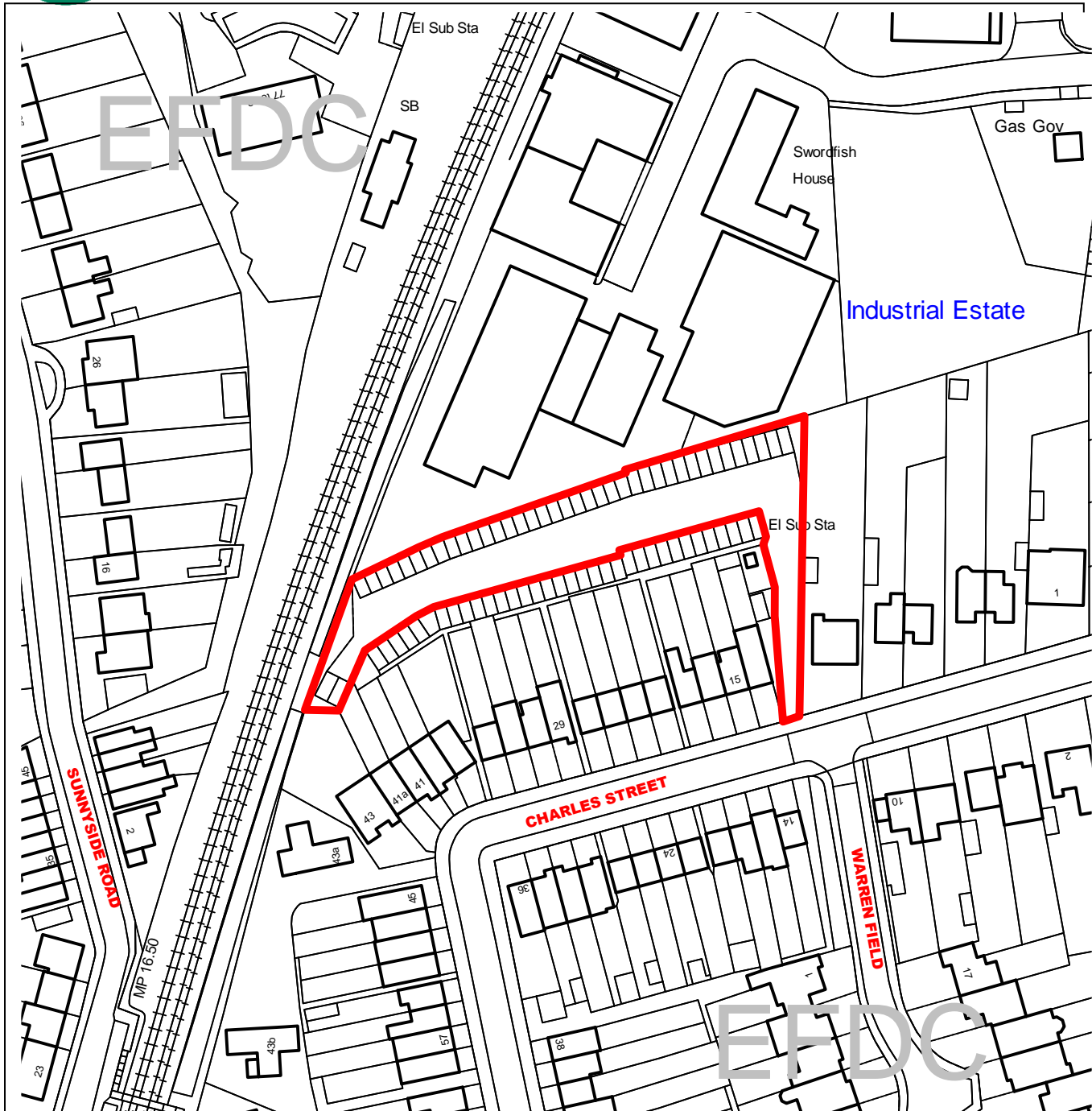




# Epping Forest District Council



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Application Number:	EPF/0281/21
Site Name:	Garages to the rear of nos. 13-43 Charles Street Epping CM16 7AU
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0281/21
<b>SITE ADDRESS:</b>	Garages to the rear of Nos. 13-43 Charles Street Epping CM16 7AU
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Russell Tomkins
<b>DESCRIPTION OF PROPOSAL:</b>	Application for Variation of conditions 2 'plan numbers' and 21 'No new windows in southern walls' for EPF/3426/18. (Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores).
<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=647856](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=647856)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than 15 December 2023.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:  
  
CHSs\_EX\_100\_A, CHSs\_EX\_200\_A, CHSs\_PL\_100\_D, CHSs\_PL\_120\_D, CHSs\_EX\_121\_D, CHSs, CHSs\_EX\_200\_D, CHSs, CHSs\_PL\_220\_D, CHSs\_PL\_320\_D, CHSs\_PL\_322\_D, RCT Construction Limited Transport Statement ref A110371-1 December 2018, Planning Statement, Noise and Vibration Impact Assessment Technical Report 31503 R2 by Sound Solution Consultants, Flood Risk Assessment by Tree Counties Flood Risk Assessment, Energy and Sustainability Statement by Integration dated 12 December 2018, Tim Moya Associated Ecological Report Extended Phase 1 Habitat Survey Bat Scoping Assessment, Great Crested Newt HSI Assessment Nov 2017, Report on a Phase 1 Desk Study by Ground Engineering ref C14638 Dec 2018, Tim Moya Associates Arboricultural Impact Assessment ref 180920-PD-10 Dec 2018.
- 3 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.

- 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 tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 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 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.
- 7 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.

- 8 Prior to preliminary ground works taking place, 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.
- 9 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.
- 10 The development permitted by this planning permission shall be carried out in accordance with the recommendations made in the submitted Noise and Vibration Impact Assessment Technical Report reference 31503 R2 by Sound Solution Consultants.
- 11 The development permitted by this planning permission shall be constructed in accordance with the details listed in the Energy and Sustainability Statement by Integration dated 12 December 2018.
- 12 The development permitted by this planning permission shall be carried out in accordance Recommendations made in Tim Moya Associated Ecological Report Extended Phase 1 Habitat Survey Bat Scoping Assessment, Great Crested Newt HSI Assessment Nov 2017,
- 13 Access to the flat roof over the extension hereby approved 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.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class B of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 15 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of aa residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 16 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.
- 17 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has an allocated parking space shall be installed and retained thereafter for use by the occupants of the site.
- 18 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.
- 19 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

***This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council 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 proposal site is located to the north of residential properties numbered 13-43 Charles Street. Access to the site is between 11 and 13 Charles Street. It originally served the post war housing along this part of Charles Street. The site area is 2400 square metres. It contains garages. Trees line parts of the perimeter of the site. The ground levels on the site slope downwards in a southerly direction.

To the north of the site is the Bower Hill Industrial area; to the east are residential properties; to the south, on lower ground is a mixture of 20th century semi-detached and terraced residential properties, an electricity sub-station is located adjacent the south-eastern corner of the site. and to the west is the railway line.

The site is within the built-up area of Epping. It has no heritage designation attached to it.

**Description of Proposal:**

Permission is sought for to vary the approved planning application EPF/3426/18 with the following amendments:

1. A study room has been added to the loft space of each house, creating a second floor, with associated stairs and ground floor lobby added.
2. A rooflight and small front window have been added to serve the new study room.
3. House Type B has been removed, and the other House Types rearranged in the terrace.
4. The roof forms of House Types A and C have been slightly adjusted.

**Relevant History:**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
EPF/3426/18	Demolition of the existing garage buildings and the erection of 9 x 2-bedroom mews houses, with associated landscaping, parking, bike and refuse stores.	Granted subject to conditions and S106.
EPF/0236/21	Application for approval of details reserved by condition 3 'External materials', condition 4 'Flood Risk Assessment', condition 8'Hard and Soft Landscaping' and condition 9 'Surface Water details' on planning approval EPF/3426/18 (Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores)	Pending

EPF/0409/21	Application for approval of details reserved by condition 5 "an assessment of the risks posed by any contamination" for EPF/3426/18. (Demolition of the existing garage buildings and the erection of 9 x 2-bedroom mews houses, with associated landscaping, parking, bike and refuse stores).	Pending
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## **DEVELOPMENT PLAN**

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
CP7	Urban Form and Quality
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping schemes

## **NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)**

The revised NPPF 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.

## **EPHING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)**

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 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.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

<b>Policy</b>	<b>Weight afforded</b>
SP3 - Place Shaping	Significant
H1 - Housing Mix and Accommodation Types	Significant
T1 - Sustainable Transport Choices	Significant
DM5 - Green and Blue Infrastructure	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant

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

Number of neighbours consulted: 43  
Site notice posted: No, not required

Responses received as follows: -

9 CHARLES STREET, 11 CHARLES STREET, 13 CHARLES STREET, 15 CHARLES STREET  
23 CHARLES STREET, 33 CHARLES STREET, 35 CHARLES STREET –.

- Insufficient parking
- Highway Safety Issues
- Narrow access unsuitable for construction, refuse and emergency vehicles
- Overdevelopment
- Site contaminated
- Existing problems with sewerage will be exacerbated
- Concern regarding the safe removal of asbestos roofs
- Further loss of privacy
- Refuse area is far too small for its purpose. The current plans have allowed for nine bins to be placed next to our garage and in front of the substation. The reality however will be very different as each household has a black bin for general waste, a green lidded bin for garden/food waste, a blue box for glass recycling and as many recycling bags as needed for collection.

Following a conversation with the Architect Chris, on 18<sup>th</sup> February 2021. He was under the impression that each house only has two bins, one black bin and one for recycling so he did not factor in the correct number of bins into the design plans for the bin store outside of each property and the waste collection area. The reality is that there will be double the amount factored in, if not more in recycling bags. The houses do not have gardens or garages, so we are wondering where they are going to store their recycling bags since there isn't sufficient space in the bin stores being built. Further information on this is below.

Week 1 = One black general bin and one green food waste

Week 2 = One green food waste, one blue glass bin and as much recycling as needed for collection – on average we have 6 recycling bags for just a two-person household. There are 9 houses so we can assume that there will be at least 50 recycling bags.

- Additionally, with larger families likely to occupy these properties we fail to see how the refuse area selected will be nearly big enough to accommodate this huge amount of waste. The refuse areas in front of each property proposed also only include space for 2 bins, without sufficient space for recycling:
- As an asthma sufferer and with young children am concerned by the dust pollution resulting from the construction works.
- The bin storage will pose a huge fire risk when placed in front of an electrical substation
- Location of bin storage an arson risk
- Vermin nuisance
- Loss of outlook proposed tall trees will not screen development.

EPPING SOCIETY: OBJECTION: The extra window and study application under a “variation of conditions” is potentially an extra bedroom. It must be conditioned that they are not being sold as such.

The lack of self-contained private space will only work if the owners like living within a community. The ownership should only be given to those who share the co-housing community ethos.

We remain concerned that these quasi-industrial, prefabricated units do not meet the Essex Design Guide and do not sit well with the neighbouring properties.



The residents of these will need to get on well with neighbours. This is already very high density – by the time the wheelie bins, cars, etc are in it will be crammed.

There will be issues with the dust cart, delivery and other vehicles accessing the site. Any increase in accommodation and consequent occupancy will make an already cramped site unsustainable. It will have a negative impact on the amenity of its neighbours.

**PARISH COUNCIL: OBJECTION:** The Committee originally objected to the proposals for this site on two previous occasions in particular as regards the design of the nine London houses, lack of car parking and concerns regarding access of traffic to the site. Epping Forest District Council granted permission to this previous application subject to a number of conditions. This new application is requesting a variation of two of these conditions which the Committee agreed would be even more detrimental to the streetscene.

Condition 2 is a variation of a number of drawings which adds in an additional second floor to the nine houses proposing to add a study room which could in future be converted into a bedroom and each of the nine dwellings could become three-bedroom houses. The new drawings also include stairs to the new floor and a ground floor lobby area for each of the nine houses. Committee felt that these larger houses could allow for greater numbers of occupants in each of the nine dwellings on the site. Another key change to the drawings is the adjustment of the roof lines of the nine Type A and C houses making the proposal much higher across the streetscene. Committee considered this to be an even bigger overdevelopment of the site than the previous application and greatly affects the character of the current urban environment.

The other Condition 21 included on this planning application refers to 'No new windows in southern elevation walls of the nine dwellings and this new application adds a rooflight and front window to serve the new study room of each of the nine proposed dwellings. The reason why the District Council added this condition was 'To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with the guidance contained within the National Planning Policy Framework, DBE9 of the adopted Local Plan and Alterations and Policy DM9 of the Epping Forest District Council Local Plan Submission Version 2017.' Committee agreed that there should not be a loss of amenities for surrounding neighbours as a result of adding these extra windows.

The Committee also received new information from neighbours to this site regarding the lack of waste facilities and collection location. The neighbours have concerns that the lack of refuse and recycling facilities which are proposed so close to the dwellings on site and the location would also affect surrounding residents. Committee heard that the applicant proposes to have two different bins provided in the small store for each of the nine dwellings. Committee heard that the Fire Service have issued advice to nearby residents about this potential site and that there are a number of possible concerns such as a fire risk, targeted arson, vermin from overflowing rubbish from these new dwellings.

Overall, Committee continue to uphold their objection to this development and consider that this new variation of the application would be a much worse proposal than the previous application to the streetscene. Most importantly, Committee feels that the proposal does not consider the loss of amenities for existing neighbouring properties and does not allow adequate amenities for the potential residents who could be living at this new development.

Relevant policies: CP2 (iv), CP3 (i) and (v), CP5, CP6 (i), CP7, DBE1, DBE2, DBE8, DBE9, DM9A, H3A, ST2, ST4, ST6.

NPPF: Para 55, 122(e), 127 (f), 128

Emerging local plan: H1A (ii), (iii), DM2, DM9A, DM9F, DM9J, DM10A, DM11A, DM21B (i).

Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

## **Main Issues and Considerations:**

### Background

Approval has been given under reference EPF/3426/18 for the demolition of the existing garage buildings and the erection of 9 x 2-bedroom mews houses, with associated landscaping, parking, bike and refuse stores.

It is for this reason that the number of dwellings, their overall bulk, form and position; impact on parking, highway safety, construction, refuse and emergency vehicles, land contamination, sewerage cannot be reassessed. Assessment can only be made on the changes for which permission is sought.

This application seeks to vary the consent in order provide a study room on the second floor, with associated stairs and ground floor lobby; a rooflight and small front window to serve the new study room.

### Principle

The proposed study cannot be considered a bedroom because whilst it meets the minimum width requirements it has less than 7.5m in floor area (It has a total internal area of 7.4m) and has a sloped ceiling with a height range from 2.67m at its peak and 1.84m at the lowest part of the sloped ceiling. The minimum floor to ceiling height for a bedroom is 2.15m for the entire room. Given that the proposed room would not meet the National Space Standards definition of a bedroom, it is unlikely to increase the occupancy of the houses.

The study would facilitate the ability of future occupiers to work from home and as result reduce the need to travel and as a result their carbon footprint.

### Design

The height of the of all the houses are proposed to be increased by between and 0.2m and 1.3m to create the additional headroom. The existing northern boundary of the site contains warehouse buildings which remain as high or taller than the height of the proposed houses and therefore will remain a background to the views of the houses. Given that the increase in height is limited and the proposed new fenestration is in keeping with the contemporary appearance of the homes already approved, it is considered that the additional changes will not materially alter the appearance of the approved scheme, they therefore have a neutral impact on the distinctive local character of the area in accordance with chapter 12 of the NPPF, CP7 and DBE 1 of the Local Plan along with DM 9 of the SVLP.

### Impact on the living conditions of neighbouring residential occupiers

The application site is on land which is 1.9m higher than that which the nearest existing properties on Charles Street. However, the upper floor habitable room to habitable room distance between the proposal and the rear elevation windows of properties within 13-35 Charles Street is between 29m and 36m. This distance is enough to ensure that the internal rooms of these neighbours will not be overlooked. It also reflects window to window distances of existing properties within Epping.

The upper floor windows new dwellings will have views into the private gardens of these neighbours; however, it is not more than that already perceived by existing neighbouring properties.

It is for these reasons considered that neighbouring amenity will not be excessively affected in terms of loss light, outlook, privacy or dominance.

Loss of a private view is not a material planning consideration.

### Other matters

The Senior Waste Management Officer was consulted on this application in regard to concerns raised in relation to the refuse and recycling facilities proposed. Since the entrance to the site is via a narrow road, no commercial waste vehicle will be able to drive onto the site. He therefore advises that the approved plans are the best solution to this issue. Future occupiers will be provided with sturdy plastic bins and caddies for all refuse and recycling by the Neighbourhood Team. Future occupiers will then have to bring their bins out to the original storage point by the electricity substation on the day of collection before 7am. Then after the receptacles are emptied, they will be required to collect them and bring them back to their own properties on the same day. This practice is similar to that carried out for other backland sites within the District and has not previously found to be problematic.

In any case since the refuse and recycling provision has already been approved, it is not material to the determination of this application.

### Conclusion

The variation to the design of the scheme already approved under reference EPF3426/18 will not materially alter the appearance of the approved houses and will not impinge neighbouring residential amenity excessively more than what has already been approved. It is therefore considered that the proposal meets the requirements of sustainable development in accordance with policy contained within the NPPF, adopted Local Plan and Submission Version Local Plan. Approval is therefore recommended.

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

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

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