

APPLICATION No:	EPF/1111/19
SITE ADDRESS:	Wyldingtree 66 The Plain Epping Essex CM16 6TW
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Manor Properties (Bishops Stortford) Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing chalet bungalow and construction of 2 x pairs of semi-detached houses with associated parking and gardens.
RECOMMENDED DECISION:	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=623515

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 numbers: 03, 10 B, 11 B, 12, L9120/1, L9120/2
- 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 The first and second floor 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.
- 5 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.
- 6 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.
- 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 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.
- 9 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.
- 10 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.
- 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.

And subject to the completion of a Legal Agreement to secure appropriate financial contributions to mitigate against any harm to the Epping Forest Special Area of Conservation in respect of air quality and recreation pressure.

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

The application site contains a detached one-and-a-half storey chalet bungalow situated on the eastern side of the private road section of The Plain that serves a block of flats and five dwellings and runs adjacent to the rear of the New Kingswood Park Estate.

The site is located outside of the designated Green Belt in the very north-eastern part of Epping. To the immediate north of the site is the garage court serving a block of apartments known as The Lodge. There are residential properties on all other sides, including detached bungalows to the south.

Description of Proposal:

Permission is sought for the demolition of the existing chalet bungalow and the erection of four new two-and-a-half storey dwellings. These would be laid out as two pairs of semi-detached properties, each measuring 6.2m in width, 11.2m in depth, and 8.6m in height with 500mm projecting parapets. Each dwelling would benefit from a single front and single rear dormer window set behind the parapet and be served by two off-street parking spaces and a rear garden area.

Relevant History:

Reference	Description	Decision
EPU/0053/55	Dwelling house	Approved
EPF/0989/79	Re-construction of four dormer windows and alterations to front storm porch	Permitted development

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
- CP6 – Achieving sustainable urban development patterns
- CP7 – Urban Form and Quality
- CP9 – Sustainable transport
- RP4 – Contaminated land
- H3A – Housing density
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE3 – Design in urban areas
- DBE8 – Private amenity space
- DBE9 – Loss of amenity
- ST1 – Location of development
- ST4 – Road safety
- ST6 – Vehicle parking
- NC1 – SPAs, SACs and SSSIs

National Planning Policy Framework (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.

Epping 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. 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:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Significant
H1 - Housing Mix and Accommodation Types	Significant
T1 - Sustainable Transport Choices	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant

Consultation Carried Out and Summary of Representations Received

TOWN COUNCIL – Object. The proposal is an overdevelopment of the site in terms of its height, scale, bulk and density, which would result in a detrimental effect on the street scene. The proposal will result in a loss of amenity for neighbouring properties in terms of invasion of privacy.

There would not be enough parking provided for four houses. Epping suffers from extreme parking pressures and allowing additional residences with insufficient parking will exacerbate those parking problems and have a detrimental effect on the surrounding area, resulting in unsympathetic change.

This area is in a unique location on a private road. The design of the proposal will have a detrimental effect on the appearance of the properties around it, affecting the character of the street scene and the surrounding area. National policy recognises the importance of taking into consideration the character of different areas, which is crucial in this location, as they all follow a similar style.

The importance of bungalow accommodation has been recognised in the emerging Local Plan. The constant development of bungalows into multiple houses is eroding the stock of bungalows in a town where there is an identified need for people wishing to downsize, adversely affecting the mix of dwelling types available, contravening evidence and the emerging Local Plan.

30 neighbouring residents were consulted.

Responses received: 12 as follows:-

64 THE PLAIN – Object due to loss of privacy and overlooking, possible noise pollution due to increased activity, this is out of scale with neighbouring properties, and due to safety concerns relating to the increase in cars on the footpath.

66A THE PLAIN – Object due to the impact on parking, the quality of the road, the drainage and water supply, overlooking and loss of light, possible ground work concerns, and because this would be detrimental to the character of the lane.

68 THE PLAIN – Object. Whilst redevelopment of the site is welcomed this scheme is overdevelopment and would cause parking and highway problems.

70 THE PLAIN – Object due to overdevelopment, the impact on this unmade road, parking problems, and the impact on infrastructure.

78 THE PLAIN – Object due to overlooking by the new houses, over development of the plot, loss of light and view to neighbours, increased noise, impact on parking within the surrounding roads, the environmental impact due to the proximity to the SSSI and the removal of trees that has already taken place, disturbance during construction, and due to a reduction in property value.

82 THE PLAIN – Object due to loss of privacy to themselves and future occupiers of the new dwellings, these are out of character with the street, loss of light and view, potential increase in noise, inadequate parking provision, and due to the detrimental impact on vegetation and wildlife.

6 KINGSWOOD PARK – Object as the bulk and density is excessive, as this is an unneighbourly development that would result in overlooking, and due to parking and highway safety concerns.

8 KINGSWOOD PARK – Object as this is out of keeping with The Plain, due to insufficient parking provision, it proposes too many houses, existing trees have already been removed, there are concerns about disturbance during construction, and due to highway safety concerns.

10 KINGSWOOD PARK – Object due to loss of privacy and insufficient parking.

2 KINGS WOOD ROAD – Object due to overdevelopment, impact on existing parking problems, and highway safety.

4 PYE GARDENS – Object due to overlooking and loss of privacy and an increase in road congestion and reduction in road safety.

NO ADDRESS PROVIDED – Object since this would amount to overdevelopment, due to the loss of privacy, light and view, since this would result in increased noise, would impact the SSSI, and would cause parking problems in the surrounding area. Also concerned about construction impact and because existing trees have already been removed from the site.

Main Issues and Considerations:

Principle of the Development:

The application site is located within the urban town of Epping, outside of the designated Green Belt. It is not situated within a conservation area nor is the dwelling listed, locally listed or a non-designated heritage asset.

Whilst at the very north-eastern edge of Epping the site is located approximately 1km from the designated town centre, is well served by buses, and is close to various facilities including St Margarets Hospital and Stonards Hill recreation ground.

The site is too small to be allocated within the LPSV and for this reason was not considered as part of the site selection exercise that informed the LPSV. As such the proposal would constitute a 'windfall site' as recognised within the LPSV.

Whilst LPSV policy H 1 seeks to resist the loss of bungalows, which has been raised within the Town Councils objection, the existing dwelling on the site is a one-and-a-half storey chalet bungalow and therefore does not meet the definition of a 'bungalow' as previously agreed by the Council. Furthermore the replacement of this single property with four new dwellings would make more efficient use of this site and assist the Council in meeting its five-year land supply.

Due to the above it is considered that the principle of demolishing the existing chalet bungalow and replacing this with four new homes in this urban location is considered to be appropriate and does not undermine the LPSV.

Design:

The proposal would demolish the existing detached chalet bungalow on the site and replace this with two pairs of identical semi-detached dwellings. These would be two-and-a-half storey properties (incorporating rooms in the room space) finished in yellow London stock brick with a slate roof. Whilst crown roofed the dwellings would benefit from 500mm projecting parapets to screen the flat roof section. There would be a single front and single rear dormer window in each dwelling and a front canopy over the entrance door.

Concerns have been raised about the impact of the development on the character and appearance of the road, with accusations of 'overdevelopment' being made. In terms of the character of the road, it is accepted that the three dwellings to the south of the application site are all detached bungalows set within reasonably sized plots, however to the immediate north of the site is a large three storey block of flats known as The Lodge. Whilst some attempt has been made to create a 'mansard roof' on this neighbouring property, the bulk and scale of the adjacent flats gives the overall appearance of a flat-roofed, three storey structure of significantly larger scale than any of the surrounding properties.

The proposed erection of two-and-a-half storey dwellings, with crown roofs that pick up some of the detailing from the adjacent flats (such as the projecting parapets), would 'bridge the gap' between

this large, densely populated three storey block of flats and the lower height, low density bungalows. The overall design of the new dwellings would reflect surrounding developments, including the two-and-a-half storey gambrel roofed houses at The Gables (located at the northern end of the other offshoot known as The Plain, fronting on to Epping Road) and the two-and-a-half storey new dwellings situated within the Kingswood Park development to the west.

In terms of the site being considered as 'overdevelopment'; the gross internal floor area for each dwelling would measure 165 sq. m., which exceeds the minimum requirement as laid out in the Nationally Described Space Standard (130 sq. m. for a 4b8p three-storey dwelling); each house would be served with a private amenity area measuring between 87 sq. m. and 95 sq. m., which would adequately serve future residents; each house would have two off-street parking spaces provided; and there would be a minimum of 1m between each semi-detached dwelling and the shared boundary with the detached neighbour. The proposal would have a density of 44.4 dph, which falls within the 30 to 50 dph range for "*areas outside town and large village centres*", as set out within LPSV policy SP 3. I(iii). Since the proposal meets all necessary physical requirements and would be of an appropriate density to the area, this would not constitute overdevelopment of the site.

Amenity considerations:

The proposed new dwellings would be situated immediately adjacent to a parking area to the north. To the south is a detached bungalow with an attached (former) side garage that forms the shared boundary and extends back to the end of the rear gardens. Whilst upper storey flank windows are proposed in the new dwellings these can be conditioned to be obscure glazed with fixed frames. Due to this there would be no immediate physical impact on the amenities of the immediately adjacent dwellings within this unmade lane.

To the rear of the application site are two storey dwellings situated within the adopted highway section of The Plain. The rear gardens of the new houses would be 10m long and new planting is proposed along the shared boundary. The neighbour's rear gardens are a minimum of 10m in depth, extending to 15m in places. As such the total window-to-window distance between the new and existing houses would be 20m-25m.

Whilst the Essex Design Guide recommends that a minimum window-to-window distance of 25m should be obtained, and a distance of 15m window to shared boundary should be achieved, in densely populated built-up areas such distances are often not achievable. Given that at present the two storey dwellings in the adopted highway section of The Plain are currently situated just 10m at their closest point from the existing rear boundary of the site and other properties within the unmade section of The Plain, assumedly without causing a detrimental loss of amenity through overlooking, it is considered acceptable for the proposed two-and-a-half storey houses to be situated 10m from the same shared boundary without causing significant loss of privacy to these neighbouring residents. Additional landscaping could be sought by condition to ensure additional screening is achieved for the benefit of both existing and future residents.

The distance between the front windows of the proposed dwellings and the rear boundaries of properties in Kingswood Park is some 14m and again would not be considered unacceptable in this location.

The distance between the new dwellings and all shared boundaries would be sufficient to ensure that there is no undue loss of light or outlook to neighbouring residents. Some objections have been received about the loss of the existing open view as a result of the development, however there is no right to a view and therefore any loss of such views is not material to the planning merits of the case.

Concerns have been raised about potential additional noise nuisance through the provision of four new 4-bed houses in place of the existing chalet bungalow. Whilst it is accepted that there would be some additional vehicle and pedestrian movements and general activity on the site as a result of the redevelopment, given the context of the site (including the 132 dwellings erected on the adjacent former hospital site), it is not considered that this would cause any significant additional impact.

Concerns have also been raised with regards to disturbance, nuisance and parking problems as a result of construction works, however such matters are not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works can however be secured by way of a condition in order to minimise any detrimental impact on neighbours during construction.

Highways:

Several objections have been raised about insufficient parking provision on the development. The ECC Vehicle Parking Standards requires two off-street parking spaces for any 2+ bed dwelling, which is being provided on the site. There is also a requirement for 1 visitor parking space for this scale development, which has not been provided on the site, however visitors to any of the individual properties could park in front of the designated parking spaces if necessary.

Notwithstanding the above, given the location of the site within the urban town of Epping and its proximity to sustainable transport links and various facilities, it is not considered that the lack of a single visitor parking space in this instance would be sufficient to justify refusal of the planning application.

Concern has been raised about the detrimental impact that the development would have on capacity and road safety both within The Plain itself and at its junction with Epping Road. Essex County Council Highways have been consulted on the application and have raised no objection to the development. It is not considered that the additional traffic associated with this small development would cause any significant additional harm to traffic or highway safety and, as stated above, sufficient off-street parking provision is provided to ensure that there would not be excessive overspill onto on-street parking within the locality.

In accordance with policy T 1 of the LPSV, a condition is required to ensure that an electric charging point is provided for each of the new dwellings to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

Epping Forest SAC:

There must be a screening assessment by the competent authority (generally the LPA) as to whether a project is likely to have “a significant effect” on a European Site (providing that the application is not directly connected with or necessary to the Site’s management) whether in combination with other plans or projects or alone. The screening is carried out on a precautionary basis. The trigger for subsequent assessment via a Habitats Regulation Assessment (HRA) does not presume that the plan or project considered definitely has such effects, but rather follows from the mere possibility that such effects attach to the plan or project, so that an assessment is required if there is a probability or risk that the plan or project will have an effect on the site concerned [reg 63 and Art. 6(3)]

The Councils Interim Approach to Managing Recreational Pressure identifies a number of costed schemes and the resources needed to support the implementation of avoidance and mitigation measures that have been identified in partnership with the Conservators of Epping Forest. To fund these mitigation measures over the Local Plan period (ending on 31 March 2033), the total financial contribution to be secured from new residential development within Epping Forest District is £1,347,837. The Interim Approach apportions the costs of implementing the strategy, including the measures identified, on a proportional basis, having had regard to the findings of the 2017 Visitor Survey, national planning policy and practice guidance, and the relevant legislative and legal framework.

The application site lies within 3km distance from the Epping Forest SAC and therefore, in accordance with the Councils Interim HRA for recreational pressure, a contribution should be sought at £352 per dwelling, which equates to £1,056 (based on three additional dwellings).

On the issue of air quality impact on Epping Forest SAC, it is likely that the erection of three additional dwellings would result in an increase in vehicle movements and therefore additional impacts on air

quality. Notwithstanding the fact that the HRA for air quality is ongoing, the applicant has confirmed willingness to enter into a legal agreement if required to mitigate against any identified harm. As such only a 'resolution to grant' can be agreed at the current time.

Other matters:

Contaminated Land:

Following initial comments received from the Contaminated Land consultants, a desktop study was submitted and has been reviewed. The report satisfactorily addresses the requirements for submission of a desktop study, in that it is signed, countersigned and dated, contains: relevant information following a site walkover; background information for the site and surrounding area; a written conceptual site model (CSM) and preliminary risk assessment; conclusions and recommendations. Following review of the report the concluding comments that no further site investigations are required have been agreed. However, given the sensitivity of the development and the possibility of asbestos containing materials in the building planned for demolition a condition is required to ensure adequate testing is undertaken should any land contamination not previously identified be found on site during the works.

Land Drainage:

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity of new development should be taken to improve existing surface water runoff. Therefore a Flood Risk Assessment should be sought by way of a condition.

The applicant is proposing to dispose of surface water by sustainable drainage system. Further details are required of this by way of a condition.

Conclusion:

Despite the objections received, the proposal would not constitute overdevelopment of the site, would successfully 'bridge the gap' between the three-storey block of flats to the north and the single storey bungalows to the south, and would reflect the scale and detailing found on surrounding properties.

The new dwellings exceed the minimum GIA requirements as laid out within the Nationally Described Space Standards, would provide sufficient private amenity space, and meet the requirements for on-site residential parking provision. The development would not result in any significant detrimental impact on the amenities of surrounding residents or cause harm to highway safety or the free flow of traffic.

Subject to the imposition of conditions, and adequate mitigation measures regarding the Epping Forest SAC secured by way of a legal agreement, the proposal complies with relevant planning policy and it is recommended that a resolution to grant planning permission be given.

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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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