



Epping Forest District Council

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Application Number:	EPF/3291/21
Site Name:	The Gate House Coopersale Common CoopersaleCM16 7QT

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OFFICER REPORT

Application Ref: EPF/3291/21
Application Type: Full planning permission
Applicant: Mr R Balasuriya
Case Officer: Caroline Brown
Site Address: The Gate House
Coopersale Common
Coopersale
Epping
CM16 7QT

Proposal: The demolition of the existing dwelling and extensive outbuildings and the erection of a new detached traditional brick-built house (replacement dwelling).

Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nxb0>
Recommendation: Approve with Conditions

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 Gate House comprises of a large 'L' shaped, 2- storey detached 5 bed dwellinghouse located to the west of Coopersale Common, built on a generous plot with a deep rear garden separated from other properties to the north by a Public Right of Way. The property has been previously extended.

The surrounding area is residential in character comprising of large individually designed 2 storey dwellings of a varied front building line. The property lies outside of the Metropolitan Green Belt, not listed or located within a conservation area.

Description of Proposal

The application seeks consent to demolish the existing dwelling and rear outbuildings and construct a new replacement 5 bed detached traditional brick-built house with basement.

The replacement dwelling is comparable to the siting of the approved extended scheme of 2019 involving the removal of the existing side/rear garage sited to the north boundary. The proposed side flank elevations are to be set in between 1.5-2m from the first-floor side boundaries and the front projection sited 1.5m further forward than what presently exists but no further forward than what has previously been approved in 2019 under planning ref: EPF/1988/19. The ground floor rear elevation is to extend 5m beyond the rear aspect of the existing main dwellinghouse.

A submitted structural engineers' statement with the application confirms that the existing dwellinghouse is in need of substantial repair. In order to allow good thermal performance and structural continuity the property would result in a loss of 75% of the existing footprint and that with the building costs would be disproportional, unsustainable, and uneconomic when compared to a complete rebuild.

Relevant History

EPF/1988/19 - Enlargement of existing 2 storey front projection to include double garage, replacement of rear extension with a single storey rear extension to be used as living accommodation; north boundary 1.8m high wall; a 2-storey side and first floor rear extension; first floor rear balcony; front bay; replacement windows and other minor alterations- Approved

Applied Policies

DEVELOPMENT PLAN

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).

Epping Forest Local Plan and Alterations (1998/2006)

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CP1- Achieving sustainable development objectives
CP3 - New Development
CP5 - Sustainable Building
CP6 - Achieving sustainable urban development patterns
CP7 - Urban Form and Quality
CP9 - Sustainable Transport
RP4 - Contaminated Land
RP5a Environment Impacts
DBE1 Design of New Building
DBE2 Impact on Neighbouring Properties
DBE3 Design in Urban Areas
DBE8: Private amenity space
DBE9 Neighbouring residential amenity Loss of Amenity
H2A - Previously Developed Land
ST4 Road Safety
ST6 - Vehicle Parking
LL10: Adequacy of provision for landscape retention
LL11- Landscaping schemes
ST1: Location of development
H4A: Dwelling Mix
U3B - Sustainable Drainage Systems
NC1 SPA's, SAC's and SSS1's

NPPF, 2021

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.

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

Paragraph 126 -130

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 of 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 the Inspectors final conclusion.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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, the highest weight should be afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application.

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
H1 Housing mix and accommodation types	Significant
H3A Housing Density	Significant
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant

DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 On site management of wastewater and water supply	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	Significant
T1 - Sustainable transport choices	Significant

Consultation Carried Out and Summary of Representations Received

EPPING TOWN COUNCIL: Objection and confirm their attendance at the Committee to object to the proposal

- Design not in keeping with the traditional rural village
- Detrimental to the street scene
- Demolition of a perfectly good family dwellinghouse

7 adjoining neighbours were notified, and 1 objection has been received that raises the following concerns: -

102 Coopersale Common:-

- visually intrusive, overly dominant, overbearing, and extensive development considerably higher and deeper than the existing house. sited closer to the road and with an immense roof facing and dominating our house and garden, our neighbour's properties and the public footpath.
- overshadow the public footpath as well as our houses and gardens, creating a sense of enclosure.
- Loss of daylight/ sunlight and privacy from our house and garden.
- concern about possible tremors or ground movement from the basement resulting in possible damage to our house.

Main issues for consideration

The main issues for consideration are: -

- Design, size and impact on the character and appearance of the surrounding area.
- Impact on neighbouring amenity.
- Form of Accommodation.
- Trees and Landscaping
- Parking and highway safety.
- Drainage- Contamination
- EFSAC

Design, Character and Appearance

The application site comprises previously developed land within the boundaries of an existing settlement (Coopersale) and therefore in principle could be suitable for redevelopment subject to satisfying all other relevant policies of the adopted and emerging Local Plan.

Coopersale Common is characterised by large 2-storey detached dwellinghouses that vary in design and front main building line. The proposed replacement dwellinghouse is of a different design to what presently

exists but of a similar footprint, height and siting to the approved extended scheme of 2019 and follows a similar established front building line of its nearest neighbour to the north. The principal elevation and entrance remain the same as the existing dwelling and the first-floor side elevations are set in between 1.5-2m from the north and south boundaries.

The reduced form of the dwellinghouse fits comfortably within the size of the plot and the cat slide roof with low eaves reduces its scale when compared to the existing dwellinghouse. The increase in the depth of the rear ground floor does not extend as deep as the existing rear /side garages to the north boundary and the changes have created a design that is more proportionate, sensitive, and integrated in terms of the historical context of its surroundings

Overall, the development makes a positive contribution towards conserving and respecting the setting, character and appearance of Coopersale Common and in terms of the quality of design, it is considered to comply with paragraph 126 and 130 of the NPPF and policy CP2, DBE1 and DBE3 of the Local Plan and policy DM9 and DM10 of the Submission Version, 2017.

Neighbouring Amenity and form of Accommodation.

The property is set in spacious grounds well separated from neighbouring properties which would ensure that it would not result in any harmful amenity implications in terms of loss of overlooking, overbearing or privacy. The proposed first floor side flank windows are to give light to non-habitable rooms and conditioned to be obscure glazed and non-openable above a height of 1.7m from the internal floor height of the room to prevent any overlooking or loss of privacy.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

The property provides an acceptable level of internal and external amenity space in accordance with the national prescribed space standards and policy DBE8 of the Local Plan, and policy DM9 and DM10 of the LPSV.

Comments on Representation Received.

The concerns expressed by the Parish Council and the resident are noted. There is no objection to the development of this urban location for residential which accords with the presumption in favour of sustainable development and afforded significant weight.

The proposed dwellinghouse has been amended in scale and alignment which respects the overall scale, height and relationship of the dwellinghouse to its plot boundaries and to the character and appearance of the surrounding built form and would not prejudice the amenity of the occupiers of adjoining properties in accordance with the requirements of policies DBE1, DBE2, DBE3 and DBE9 of the Epping Forest District Local Plan seeks that seeks to ensure that new development is satisfactorily located and is of a high standard of design and layout.

Parking and Highway

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021. subject to a condition regarding surface treatment of the vehicular access.

Trees and Landscaping

No objection to this application subject to the addition of conditions for the retention of trees and shrubs and the application of the submitted Tree Protection Report in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021

Land Drainage

No objection in principle but requires further surface water details to be submitted prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Contamination

The site has acknowledged potentially contaminated land due to a filled pond. As this proposal is for residential land use - a sensitive land use, it is necessary to investigate all potential land contaminative issues. Given the sensitive nature of the use it is recommended a suitable condition on any approval for the possibility of unacknowledged contamination during development/demolition. The condition is considered reasonable and necessary in compliance with RP4 of the Local Plan.

Epping Forest Special Area of Conservation

Replacement dwellings are not considered to have any additional impact on the integrity of the EFSAC, both in terms of recreational pressure and air pollution, as there would be no increase in visitors to the Epping Forest, nor an increase in vehicle movements above what is currently achievable with the existing dwelling. Therefore, as competent authority, the Council is satisfied that the proposed development complies with the Habitats Regulations 2017, policy DM2 and DM22 of the LPSV and paragraph 175 of the Framework.

Conclusion

It is concluded that in terms of design, layout, height and siting the proposal sufficiently maintains the character and appearance of the surrounding area and would not result in any amenity implications on neighbouring dwellings. Other aspects in relation to parking/highway safety and landscaping are considered satisfactory subject to the imposition of conditions. The application is considered to be in accordance with the adopted Local Plan and Alterations (1998-2006) , the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In light of the above, it is recommended that planning permission is approved 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: Caroline Brown: Direct Line Telephone Number: 01992

564182 or if no direct contact can be made, please email:

contactplanning@eppingforestdc.gov.uk

Conditions: (16)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: (02)001, (02)003, (02)005, (02)006, (02)007, (02)008, (02)009, (02)010, (02)013 Rev B, (02)014 Rev B, (02)015 Rev B, (02)016 Rev B, (02)017 Rev B, (02)018 Rev B, (02)019 Rev B, (02)021 Rev B, (02)025 Rev B

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 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 the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 9 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.

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

- 10 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, 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. 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 12 Removal of excavated material Tree Protection Tree protection shall be installed as shown on the Writtle Forest Consultancy Ltd 'Arboricultural Method Statement & Tree Protection Plan Ref No: 220115' (drawing number '220115/01 Rev A') dated 3rd February 2022. prior to the commencement of development activities (including any demolition). The methodology for

development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021

- 13 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 14 The garage hereby approved shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling(s) and their visitors along with incidental storage and for no other purposes.

Reason: It is essential that the garage be retained for the storage of a motor vehicle to satisfy the requirements of the Council's adopted vehicle parking standards, in accordance with policy ST6 of the adopted Local Plan and Alterations, Policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 15 Prior to any above ground works, 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF

- 16 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.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (3)

- 17 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 18 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- 19 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

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ii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public Footpath no.20 Epping, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure