

## AREA PLANS SUB-COMMITTEE 'EAST'

28 April 2017

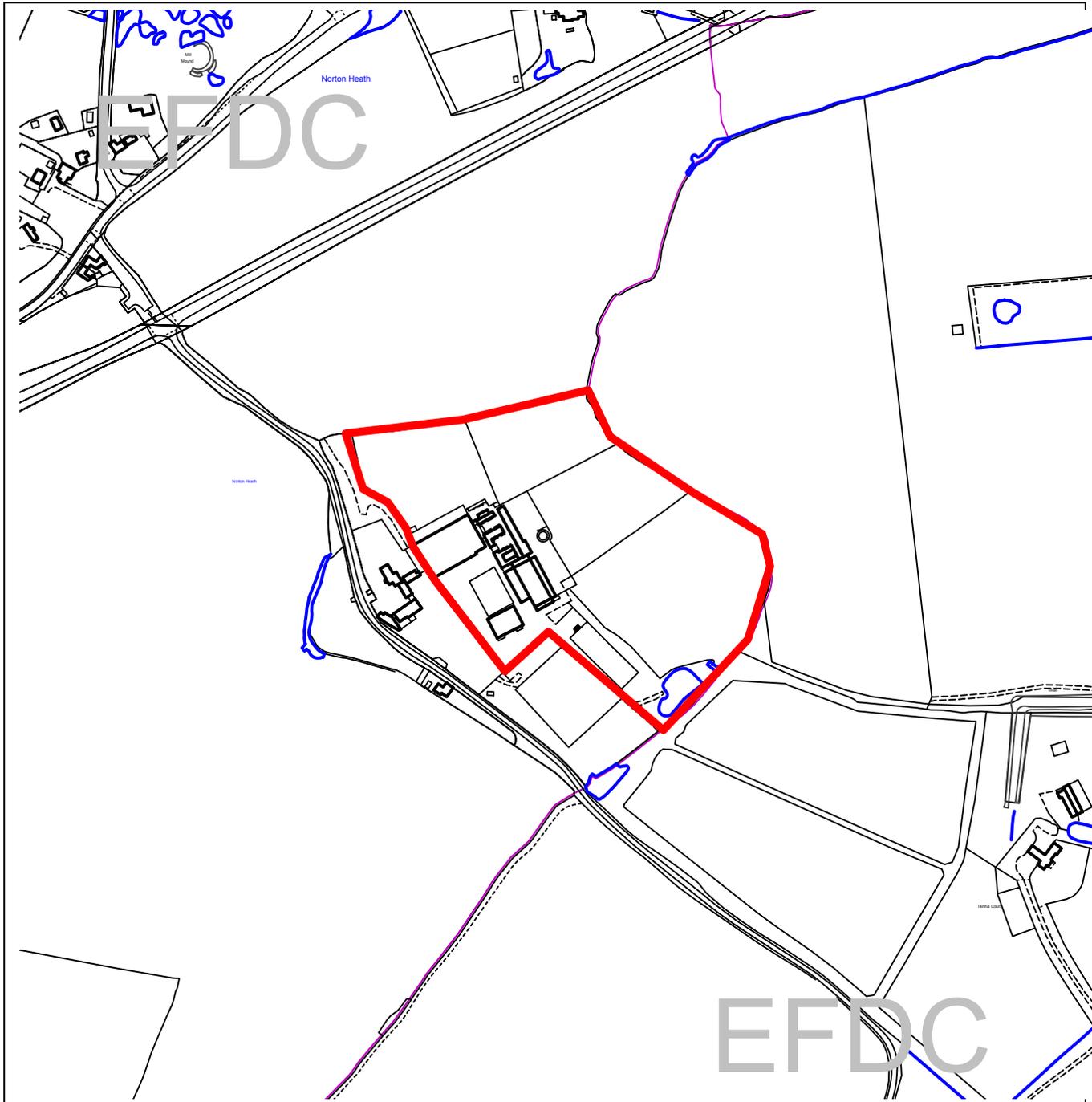
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/3034/16
Site Name:	Norton Heath Riding Centre, Fingrith Hall Lane, High Ongar, CM4 0JP
Scale of Plot:	1/5000

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/3034/16
<b>SITE ADDRESS:</b>	Norton Heath Riding Centre Fingrith Hall Lane High Ongar Ongar Essex CM4 0JP
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Norton Heath Developments Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of all existing buildings and apparatus and redevelopment of the site comprising the construction of 30 no. new dwellings together with associated car parking, garden space, access improvements onto Fingrith Hall Lane, soft landscaping and associated development
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=589433](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589433)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FLU.354.2.02 Rev A, FLU.354.2.04 Rev A, FLU.354.2.06 Rev A, FLU.354.2.07 Rev A, FLU.354.2.08 Rev A, FLU.354.2.09 Rev A, FLU.354.2.10 Rev A, FLU.354.2.11 Rev A, FLU.354.2.12, FLU.354.2.13 Rev L, FLU.354.3.14, FLU.354.3.15, FLU.354.3.16, FLU.354.3.17, FLU.354.3.18, FLU.354.3.19, FLU.354.3.20, FLU.354.3.21, FLU.354.3.22 Rev A, FLU.354.3.23, FLU.354.3.24, FLU.354.3.25, FLU.354.3.26, FLU.354.3.27 Rev A, FLU.354.3.28 Rev A, FLU.354.3.29 Rev A, FLU.354.3.30 Rev A, FLU.354.3.31 Rev A, FLU.354.3.32 Rev A, FLU.354.3.33 Rev A, FLU.354.3.34 Rev A, and FLU.354.3.35 Rev A
- 2 No construction works above ground level shall take 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. The development shall be implemented in accordance with such approved details.
- 3 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 4 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 5 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.
- 6 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 9        Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
  
- 10       Following completion of 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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
  
- 12       No preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
  
- 13       No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an 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.

- 14 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 15 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 16 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 17 No development shall take place until details of tree planting for the 'buffer' zone on the northern edge of the site have been submitted to and approved in writing by the Local Planning Authority. This shall, including positions or density, species and planting size(s) and a timetable for implementation (linked to the development schedule) These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it's written consent to any variation.
- 18 No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for the following all clear of the highway:
  - Safe access into the site
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development

- Wheel and underbody washing facilities.

- 19 Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 60 metres to the east and west, as measured to a 1m offset from the carriageway edge. Such visibility splays shall be maintained as such in perpetuity.
- 20 Prior to first occupation of the development the access arrangements, as shown in principle on drawing no.FLU.354.2.13 Rev E, shall be fully implemented and retained as such in perpetuity.
- 21 Compensation for the loss of bird nesting habitat shall be made following the recommendations at 8.1 in the Ecology Assessment by Ethos Environmental Planning in August 2016. This involves bird boxes for house sparrow, house martin, swallow and pied wagtail. A plan of where these boxes will be erected and their design shall be submitted to the Local Planning Authority for approval prior to commencement of works and implemented in accordance with such approved details.
- 22 No demolition of buildings or structures that are used by breeding birds shall take place between 1st March and 31st August inclusive, unless a qualified ecologist has undertaken a careful, detailed check for active birds' nests immediately before demolition and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and approved by the Local Planning Authority.
- 23 An enhancement plan following 8.2 in the Ecology Assessment by Ethos Environmental Planning in August 2016 shall be submitted to the Local Planning Authority for approval and implemented in accordance with such approved details. This plan shall include bat boxes, bird boxes for great and blue tits, new planting, bee- friendly wildflower planting, habitat piles, permeable fencing and covered trenches at night.
- 24 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 25 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 A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 26 Prior to commencement of development details of the proposed air source heat pumps and water butts including specification and location shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with such approved details.
- 27 Details of external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan and a schedule of equipment in the design (luminaire type and mounting height). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**And subject to the completion by the 30<sup>th</sup> June 2017 (unless otherwise agreed in writing for a further extension of time with the Local Planning Authority) of a legal agreement to secure the provision of 15 affordable homes and a financial contribution towards education places and education transportation.**

**In the event that the developer/applicant fails to complete a Legal Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing.**

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only); since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

#### **Description of Site:**

The application site is an equestrian centre located on the north east side of Fingrith Hall Lane which is located some 260m south of the A414. The site is surrounded by open fields, and is in a relatively rural location with two nearby residential dwellings, one on the site itself and one on the opposite side of the road. The rear of the site forms the boundary between Epping Forest District and Brentwood Borough Council. The site itself consists of a number of large barn/indoor riding buildings, stable buildings, a large area of hardstanding to the front of the site and a large manege area to the south east of the site. The site is well screened from Fingrith Hall Lane due to a row of established trees along the front boundary. The site is not within a Conservation Area.

#### **Description of Proposal:**

This application seeks planning permission for the demolition of the existing buildings and apparatus and the redevelopment of the site comprising the construction of 30 no. new dwellings together with associated car parking, garden space, access improvements onto Fingrith Hall Lane, soft landscaping and associated development.

The proposal has been amended since first submission reducing the number of units on site from 38 to 30, reducing the overall heights of the dwellings and reducing the spread of development across the east of the site.

The proposal results in the provision of 15 affordable housing units (9 x 2bed and 6 x 3bed) and 15 market housing units (9 x 4 bed and 6 x 5 bed). All dwellings are proposed with two parking spaces. The dwellings will be a mix of detached, semi-detached and terrace properties.

An area of open space is to be proposed to the east of the site replacing existing manege/horse training areas.

**Relevant History:**

No relevant history

**Policies Applied:**

Adopted Local Plan and Alterations

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  
DBE1 Design of New Buildings  
DBE2 Affect on Neighbouring Properties  
DBE4 Design in the Green Belt  
DBE6 Car parking in new development  
RP4 Contaminated Land  
U3B Sustainable Drainage Systems  
H6A Site Thresholds for Affordable Housing  
H7A Levels of Affordable Housing  
LL1 Rural Landscape  
LL2 Inappropriate Rural Development  
LL10 Adequacy of provision for landscape retention  
LL11 Landscaping Schemes  
ST1 Location of Development  
ST2 Accessibility of development  
ST4 Road Safety  
ST6 vehicle parking  
GB2A Development in the Green Belt  
GB7A Conspicuous Development in the Green Belt

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

*Draft Local Plan Consultation document (2016):*

DM2 Landscape Character and Ancient Landscapes  
DM5 Green Infrastructure: Design of Development  
DM9 High quality design  
DM10 Housing design and quality  
DM16 Sustainable Drainage Systems  
SP5 Green Belt and District Open Land  
SP6 The Natural Environment, Landscape Character and Green Infrastructure  
H1 Housing Mix and Accommodation Types

## H2 Affordable Housing

At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

### **Summary of Representations:**

Notification of this application was sent to High Ongar Parish Council, Brentwood Borough Council (as the neighbouring Authority), to 19 neighbouring properties and a site notice was erected. Following receipt of the revised plans a re-consultation took place.

**HIGH ONGAR PARISH COUNCIL:** The Parish Council wish to object on the grounds of overdevelopment of the site and lack of sustainability. We are also concerned about the provision of social housing in an area without safe access to public transport. There is no garage or parking provision for social housing which means those residents must rely on an inadequate public transport system and a dangerous route to the nearest bus service.

The Parish returned the following comments to the re-consultation: **OBJECT ON THE GROUNDS** of overdevelopment of the site and lack of sustainability. We are also concerned about the provision of social housing in an area without safe access to public transport

**BRENTWOOD BOROUGH COUNCIL:** It is noted that the site lies within the greenbelt where the National Planning Policy Framework (NPPF) states that permission should only be granted for development not considered to be inappropriate or where there are very special circumstances. The reduced quantum of development in the revised plans would appear to fail the test in paragraph 89 of the NPPF i.e. that it would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It is not clear that 'Very special circumstances' exist in this case such that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Representations have been received from the following addresses:

ORCHARD VIEW, FINGRITH HALL LANE – No objection, could enhance the area, concern over construction processes/times

JACQUIN, CHELMSFORD ROAD, BLACKMORE – Strong Objection – increase in traffic and concerns regarding highway safety, located in the Green Belt, centre is part of areas history

32 MEADOW RISE, BLACKMORE – Strong Objection – limited infrastructure to support new dwellings, roads are dangerous and unlit, large and high numbers of construction vehicles needed to detriment of highway safety

34 MEADOW ROAD, BLACKMORE – Objection – strain on services, limited public transport

37 MEADOW ROAD, BLACKMORE – Objection – impact on the Green Belt, not a sustainable location, highway safety issues,

THE MANOR HOUSE, ROOKERY ROAD, BLACKMORE – Objection – Lane is not suitable for traffic, located in the Green Belt, out of character with rural area

BLEWGATES FARMHOUSE, ROOKERY ROAD, HIGH ONGAR – Comments – increase in traffic, concern over accuracy of Transport Statement

4 NINE ASHES FARM COTTAGES, NINE ASHES – Objection – sustainability of the site, increase in traffic, impact on the Green Belt, set a precedent, loss of equestrian facilities

THE VINES, NINE ASHES ROAD, NINE ASHES – Objection – highway safety issues, increase traffic, unsustainable location, reliance on private car, negative visual impact on rural area

IVY LODGE, NINE ASHES, NINE ASHES ROAD – Strong Objection – Highway safety, impact on existing facilities

MILESTONE, CHELMSFORD ROAD – No parking for affordable houses, transport links not sufficient

CLLR. ROGER KEEBLE, BRENTWOOD BOROUGH COUNCILLOR – Objection No reason for development on valuable Green Belt site. Local infrastructure already overloaded, highway safety concerns

HELEN CANNON, BLACKMORE PARISH COUNCILLOR – Objection – pressure on existing road network

PITCHWOOD STUD, EWHURST, SURREY – Objection – loss of sports venue, no social housing mentioned

HILLBROOK, SCHOOL HILL, SUFFOLK – Objection – loss of equestrian facility

NO ADDRESS GIVEN – Objection – loss of equestrian facility

NO ADDRESS GIVEN – Objection – very poor access, no mains drainage, increased run-off, mains water insufficient

### **Issues and Considerations:**

The main issues to be considered with this application relate to Green Belt issues, sustainability, trees and landscaping, design, highways and parking, amenity and affordable housing provision.

#### **Impact on the aims and purposes of including land within the Green Belt**

The site is located within the Metropolitan Green Belt in a relatively rural location. Government guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions as set out in paragraphs 89 and 90 of the National Planning Policy Framework (NPPF). Additionally any new development should not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

THE NPPF states that one of the exceptions to inappropriate development within the Green Belt is the limited infilling or partial or complete redevelopment of previously developed sites, whether redundant or continuing use which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The site is an equestrian centre with stables, indoor riding arenas, large expanse of hardstanding and maneges. Although similar to an agricultural use, equestrian uses are classed as previously developed land and therefore redevelopment of this site can be acceptable.

The proposed development proposes the demolition of the 22,369m<sup>3</sup> of existing buildings on the site, many of which are two storey in height (maximum height 9.3m) and the removal of 13, 711m<sup>2</sup> of hardstanding on the site. The proposal results in 30 new dwellings with a total volume of 17,801m<sup>3</sup> and a hardstanding total (roads/driveways) of 6,156m<sup>2</sup>, the maximum height of the proposed dwellings is 8.75m. The proposal therefore results in a 20% reduction in volume and a 55% reduction in hardstanding. Based on these figures alone the proposal shows a reduction in the built form within the Green Belt which clearly shows the proposal in terms of the figures will not have a greater impact on the openness of the Green Belt than the existing development. The removal of the large expanse of hardstanding is very welcome.

The proposal will result in a larger concentration of development that will spread across the north part of the site towards the front boundary, however the built form will be broken up into four rows of houses, which will be quite spacious and well landscaped rather than large expanses of built form as is existing (one existing building has a width of some 55m). In addition the proposal includes the removal of the large manege areas to the south of the site which are also classed as previously developed land and the replacement with green open space, further improving the openness of the Green Belt. When the scheme was revised during the application process,

development was moved out of this area so that built form is contained solely on the hardstanding/built up areas.

Although classed as previously developed land the existing equestrian use is an 'expected' use within a rural area and the form of the buildings appear similar to agricultural buildings in this context and therefore it could be argued have limited visual impact. Clearly the domestic design of this residential development will be obvious when viewed from surrounding Green Belt locations, however as stated above the proposal will break up the massing of the built form, will permanently open up the land to the south, and in addition a 5m landscape buffer zone is to border the site (discussed in further detail below) which will aid the softening of this development within this Green Belt location. Therefore, although such a development may not be 'expected' in such a location, it has been designed in a way to avoid a greater impact on the Green Belt than the existing development.

To avoid excessive external communal lighting illuminating this Green Belt location a condition can be added requesting a lighting plan to control any excessive illumination and this is considered reasonable. Additionally, it is considered reasonable to restrict permitted development rights for extensions, roof additions and outbuildings and also the retention of garages so the Local Planning Authority retains control on any pressure of additional built form within the Green Belt.

### Sustainability

Paragraph 14 of the NPPF is clear with regards to its stance on sustainability: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

The site is not in a sustainable location, it is not easily accessible by public transport, nor are there any public amenities or schools within walking distance of the site. Approval of this proposal will therefore result in the requirement for almost all journeys to and from the residential dwellings to be carried out by car.

However, a Transport Statement that accompanied the application provided comparison of the traffic movements between the existing equestrian use if operating at full capacity and the proposed use. This report has shown that the proposed use will result in comparable traffic movements to the existing use and is likely to reduce the slower moving trailers/etc of the current use (discussed in further detail within the Highways section below).

To counteract the sustainability issues surrounding the location the proposal also includes air source heat pumps and water butts for each property and this could be covered by condition to ensure they are implemented. This adds some weight to the sustainability credentials of the proposed scheme and offsets some of the harm which will result from the heavy reliance on unsustainable modes of transport by new residents of the site.

### Trees and Landscaping

There are a number of mature trees along the front site boundary but improvements to the sight splays will result in the loss of some of these trees however a robust planting to this front boundary screen is proposed in lieu of the loss of the trees. In addition, the rest of the existing site is fairly devoid of any landscaping and a substantial landscaping scheme is proposed which will soften the appearance of the development within the rural landscape.

Crucially a 5m landscape buffer strip (with boundary fencing placed on the formal garden edge) has been proposed around the eastern and southern built up boundaries at the request of the Landscape Officer. It is not the intention that this buffer 'hides' the development but rather softens the transition between built form and open, predominantly agricultural green belt land.

The Tree and Landscape Officer has no objection to the proposal subject to conditions requiring tree protection, further details of hard and soft landscaping, submission of a landscape management plan, submission of a landscape maintenance plan and the retention of the buffer landscaping.

### Design

The proposed layout of the scheme results in a series of cul-de-sacs located to the sides of a main spur road from the entrance, although commonly a more urban layout, this proposed scheme results in a fairly spacious development which will retain a degree of openness and rural character particularly with the large area of open space to the south.

The design of the dwellings has been revised since first submission and a simpler, more rural design is now proposed and heights have also been reduced. In addition Officer comments with regards to 'extension like' elements which resulted in the loss of a cohesive design have been taken on board and these elements have been replaced and/or altered to ensure unified dwelling designs.

The houses are a mix of terrace, semi-detached and detached and follow a similar design theme and have a mix of features such as pitched roof canopy porches, flat roof porches, gable features and brick detailing to avoid a bland appearance to the development as a whole.

The spans of the proposed dwellings are on the large side, however not uncommon in other locations. With no strong residential character in the locality it is considered that the design approach is generally acceptable as a stand alone development and the design and layout is in accordance with local policy

### Highways and Parking

The proposal includes at least 2 parking spaces for each dwelling (both affordable and market housing), with the larger detached properties benefitting from a double garage and ample space for off-street parking to the front. In addition 10 visitor parking spaces are proposed which is 2 above the policy requirements of the Essex Parking Standards and the scheme more than meets the requirement of the parking standards as it should in this more rural location.

The Essex County Council Highways Officer has no objection to the revised proposal and has assessed the findings of the Transport Statement. Thirty dwellings at this location will generate a comparable or only slight increase in the level of vehicle movements to what the lawful use of the site could generate, but will have the benefit of removing slower moving larger vehicles currently associated with it which have highway safety and efficiency impacts. Furthermore the applicant is providing significant improvements to the visibility at the access which is currently very poor. Consequently the proposed development will not have a detrimental impact upon highway safety, efficiency or capacity at this location.

### Amenity

The proposal is fairly isolated from surrounding residential properties with the host property and Orchard View, on the opposite side of the road, the closest residential properties. With regards to both of these dwellings the proposal certainly involves a change from the existing use.

With regards to the host property known as The Orchard the nearest built form will be some 15m from the side/rear of this property and therefore it is not considered to result in any significant loss of light or outlook to this property. No side windows are proposed in plot 1, which is to the side of

The Orchard and although views may be possible from plots 10-15 towards The Orchard these will be far reaching (minimum distance of 15m) and will be partly screened by proposed landscaping.

Orchard View is located on the opposite side of Fingrith Hall Lane, at a lower level than the road and the proposed front row of properties is within 20m of this property. Given this distance coupled with the retained and proposed planting along this boundary it is not considered that any significant loss of privacy, outlook or light will result.

There will be a change to the activity on the site with the development of 30 homes which may result in some noise and disturbance but this is unlikely to be comparable to the noise and disturbance when the equestrian centre was operating at full capacity on event days.

With regards to amenity concerns during the construction process this can be controlled by condition, although this may not remove all disruption.

Other properties are some distance away, which although may be able to view the proposal this will be from some distance and therefore no significant issues arise.

### Affordable Housing Provision

Under Policy H6A of the Council's Local Plan, in settlements with a population of 3,000 or less, the Council will seek affordable housing on developments comprising 3 or more dwellings on a previously developed (i.e. "brownfield") site (subject to the site area being 0.2Ha or larger). On such sites, under Policy H7A of the Local Plan, 50% of the total number of dwellings will be sought as affordable housing on either greenfield or brownfield sites.

Since this proposal is on previously developed land in Norton Heath, which is a settlement with a population of less than 3,000, the application meets the requirements of the Local Plan since it will provide 15 no. of the total 30 no. dwellings as affordable housing.

The Housing Officer supports this scheme with regards to the provision of affordable housing. The Council currently has approximately 1,500 applicants on its Housing Register, and the proposed provision of affordable housing at this location would assist in providing much-needed affordable rented housing. The Housing Officer confirms that the location is sustainable in terms of the provision of affordable rented housing for sufficient numbers of applicants already on our Housing Register (a need in the area).

In addition, property prices are very high in the Epping Forest District. Indeed, as evidenced by the National Housing Federation in their annual "Home Truths" studies, the ratio of average property prices (and lower quartile property prices) to average earnings is consistently the highest in Essex - and is within the highest 4 local authority Districts in the East of England. Therefore, the inclusion of an element of shared ownership would be welcomed by the Housing Officer.

There is no requirement for affordable housing to be only located in urban areas, there is a need for such housing in all locations.

### Other Matters

#### *Loss of equestrian facility*

Although the loss of this equestrian facility is regrettable, there is no policy requirement for a use to be redundant prior to a proposed redevelopment.

### *Contaminated land*

Due to the previous uses of the site as an orchard, haulage yard and commercial stables there is the potential of contaminants to be present on the land. The Contaminated Land Officer has recommended the standard phased conditions which are considered reasonable.

### *Education Provision*

Given the size and location of the development, Essex County Council Growth and Development Infrastructure Officer have requested financial contributions towards education in the County as the development is likely to result in the need for additional education places. The proposal is likely to result in the need for up to 2.70 early years and childcare places, 9 primary school places and 6 secondary school places.

The data available for early years places is currently being audited and therefore the Infrastructure Officer cannot state a specific sum for early years places at present but this will be reported verbally provided this information is available at the Committee.

Due to oversubscribed Primary Schools, the Infrastructure Officer has requested £109,962 developer contribution to mitigate the impact of the development on local primary school provision.

It is considered that there will be sufficient school places in the area to provide secondary school education. However, due to the distance to the nearest secondary school the Infrastructure Officer has requested a secondary school transport contribution for pupil attendance to Ongar Academy of £25, 308.

This request is considered reasonable given the distances and impacts to the nearest schools and if agreed can be secured by a legal agreement.

### *Land Drainage*

The site does not lie within an Epping Forest District Council flood risk assessment zone. The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. The Land Drainage Team have requested a Flood Risk Assessment to be submitted.

The applicant has provided a flood risk assessment with the application, and although the Land Drainage Team agree with some of the findings in principal, in order to approve a condition relating to a flood risk assessment further details are required. The Land Drainage Team have also requested a condition requiring further information on the disposal of foul and surface water drainage and this is considered acceptable.

### *Wildlife Conservation*

The application was supported by an ecological survey which the Countryside Team have no objection to subject to conditions mitigating any potential harm to existing wildlife and providing enhancements.

### *Archaeology*

Essex County Council Historic Environment Advisor has requested a full archaeological condition as the site is adjacent to a historic farm shown on 1777 maps and this is considered reasonable.

### *Five Year Land Supply for Housing*

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However, this still has to be weighed against other material planning considerations.

### **Conclusion:**

In light of the above appraisal, it is considered that this proposal on previously developed land within the Green Belt is acceptable. Although not in a sustainable location, the development is likely to generate less traffic than the existing use if working at capacity and renewable energy is proposed to offset this harm. Although visible in the landscape the proposal has been designed to soften the impact with a proposed good level of landscaping including a buffer strip at the boundary and there are no highways or parking issues raised. On balance, approval subject to a legal agreement requiring the provision of affordable housing and a monetary contribution for education is recommended for a development that would make a meaningful contribution towards new homes within the District (both market and affordable homes) and the scheme has been designed to have a lesser impact on the Green Belt than the current use of the site.

***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: Marie-Claire Tovey  
Direct Line Telephone Number: (01992) 564414***

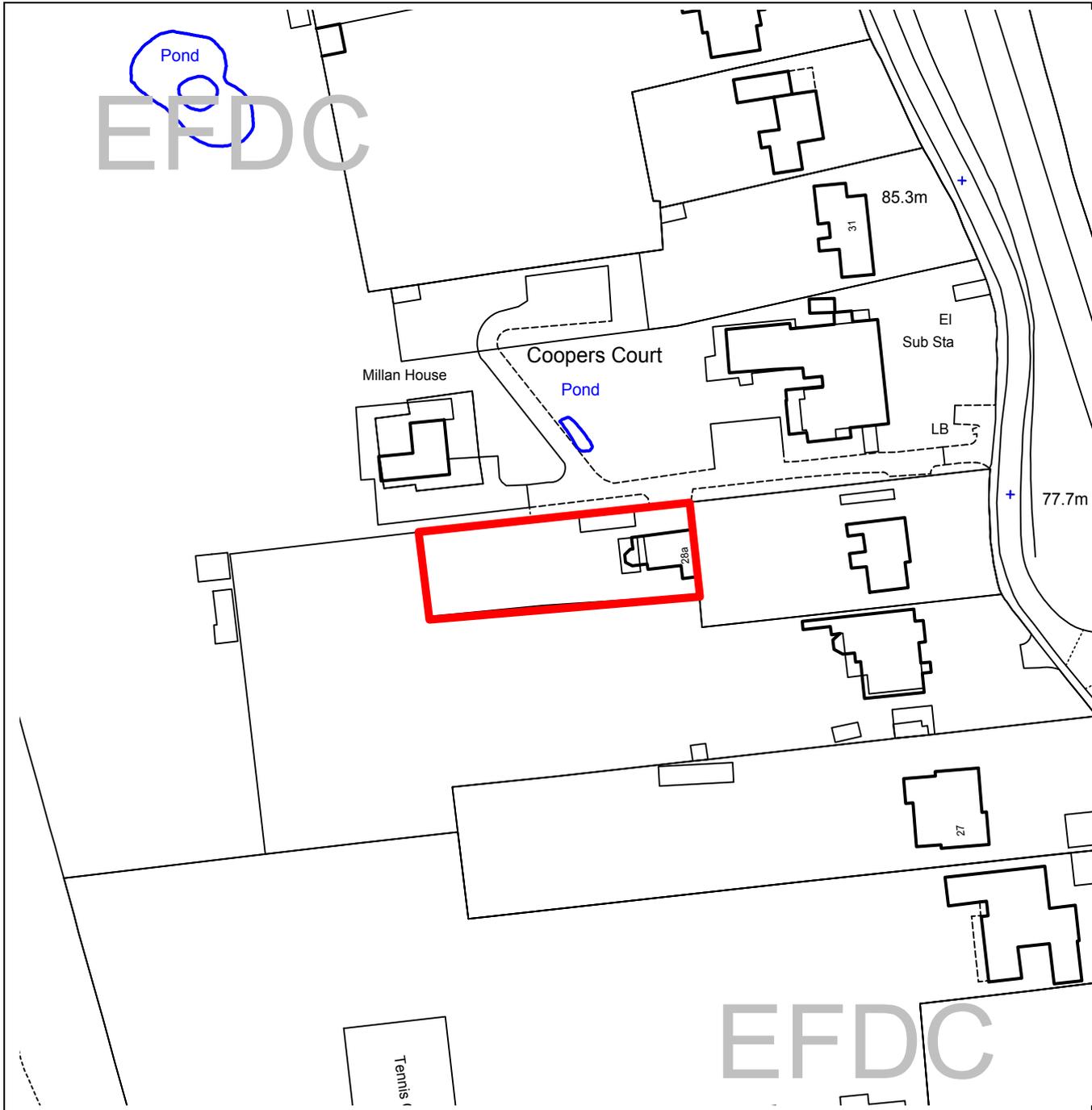
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# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/3156/16
Site Name:	Rothwell, 28a Piercing Hill, Theydon Bois, CM16 7JW
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/3156/16
<b>SITE ADDRESS:</b>	Rothwell 28A Piercing Hill Theydon Bois Epping Essex CM16 7JW
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr K McLeish
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective planning approval to extensions to dwelling (alternative to those approved under EPF/0375/12).
<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=589759](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589759)

**CONDITIONS**

- 1 The black-out blind installed under the lantern-style roof light to the kitchen, as referred to in the agent's email of 7 April 2017 with photograph attached, shall be retained in place, unless the prior written approval of the local planning authority is granted for its removal or modification.
- 2 No new window or door openings shall be formed in the east flank elevation of the existing dwellinghouse or single storey extension hereby approved.

*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 (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

28a Piercing Hill is a one-and-a-half storey house located to the rear of 29 Piercing Hill. The property forms part of an enclave of residential development within the Metropolitan Green Belt. Immediately to the north of the site, at a higher level is a loose surfaced private access road that serves this site and the adjacent Coopers Court (recently converted flats) and Milan House.

The rear garden of 29 Piercing Hill is at a lower level, approximately 1m below the level of the application site. The depth of the garden, some 25m, separates the house from the site boundary.

To the south is a very large secondary rear garden of 28 Piercing Hill which wraps around the western end of the application site.

Both 29 Piercing Hill and Coopers Court, are locally listed buildings.

The application site is not within or adjacent to a conservation area.

### **Description of Proposal:**

Retrospective planning approval to extensions to dwelling (alternative to those approved under EPF/0375/12).

The application seeks planning permission for the retention of extensions as built to an existing dwelling. The current design as built is a modification of the design given planning permission in 2012 (EPF/0375/12) principally by virtue to the change to the roof to the single storey arm.

This principle change relates to the eastern elevation which is adjacent, and almost adjoins, the rear boundary of the house at no. 29. The single storey extension to the dwelling, projecting to the south, approved under EPF/375/12 was to have had a pitched roof with a half hip end. As built, this element of the dwelling has a flat roof set behind a parapet, though nearly all the flat roof is taken up by a lantern style roof light. Three rain-water down-pipes, each with a hopper at the head and lead flashing behind each hopper, now appear on this elevation and a door has been deleted on this elevation.

Other changes from the approved design are:

- When viewing the front, north, elevation, a small ground floor window to the right hand side has been replaced by a wider window slightly further to the left
- The front porch was to have had a mono-pitch roof; it has been built with a front gable
- When viewing the rear, south, elevation, glazed doors have been replaced with a window
- Chimney stack deleted from rear, south facing, roof slope
- Small dormer window added to rear elevation
- When viewing the west elevation, changes to fenestration at ground floor of single storey extension.

### **Relevant History:**

EPF/0820/83 - Conversion to dwellinghouse and garage. - Approved

EPF/0375/12 - Demolish side conservatory and replace with two storey extension, demolish kitchen and utility shed and replace with single storey extension. (Revised application) – Granted 10/08/2012

EPF/2900/14 - Demolition of existing house and detached garage. Erection of replacement four bedroom house with basement, rear balconies and rear terrace. – Withdrawn 27/02/2015

ENF/0364/16 – Enforcement Complaint that development not built in accordance with approved drawings EPF/0375/12

### **Policies Applied:**

*Adopted Local Plan:*

CP2	Quality of Rural and Built Environment
GB2A	Development in the Green Belt
HC13A	Local List of Buildings
DBE4	Design in the Green Belt
DBE9	Loss of Amenity

*NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

*Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP5	Green Belt and District Open Land
DM2	Landscape Character and Ancient Landscapes
DM7	Heritage Assets
DM9	High Quality Design

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

Number of neighbours consulted: 18

Site notice posted: 16/12/2016

Responses received: 29 PIERCING HILL – Comment, we leave consideration of the present building in relation to planning permission to the appropriate authorities.

COOPERS COURT MANAGEMENT (THEYDON BOIS) LIMITED and MOUNTCHARM LIMITED (owners of Coopers Court and owners of the vehicular access land adjoining the application site and of the leaseholds of flats at Coopers Court respectively) – Comment, request that retrospective planning permission be granted because of chaos caused by construction, a condition should be imposed removing permitted development rights for any extension, a condition is needed for a full drainage report and appropriate mitigation measures.

30A PIERCING HILL – Objection, applicant is not the owner of this property, the existing house has been enlarged and to an unapproved design contrary to Green Belt policy, visually intrusive and overbearing, would cause noise.

PARISH COUNCIL: Objection due to insufficient information. There is a lack of clear and succinct information online to enable the Parish Council to take a view on this application. We therefore request an extension and clarification of what has been built compared with the planning permission granted in 2012. We note that the planning application submitted in 2014 was withdrawn.

**Main Issues and Considerations:**

The main issue is considered to be whether the change that is apparent to the east elevation has a materially adverse impact to the residential amenity of the occupiers of neighbouring properties, principally no. 29. The lantern style roof light appears to have less bulk than the solid roof, with half hipped end form, that was previously approved. Accordingly, impact on openness of the Green Belt is considered to not be an issue in this instance.

As built the right hand side appears as the approved plans (except a door has been deleted which gives the occupiers of no. 29 greater privacy). However, to the left hand side the extension as built has a parapet wall of an average height (the wall is on sloping ground) of 4m. A lantern style roof light is visible above the parapet. The approved drawings were for this part of the house to be 1.8m in height to the eaves and then with a roof slope extending up and away from the boundary to a maximum height, at the ridge, of 4m. This roof would have had a half hipped end. The extension as built has a more imposing and an angular, block-like impression, however, the parapet wall is set some 30m from the rear windows of no. 29, albeit on higher ground. It is understood that the lantern style roof light caused some disturbance to neighbours from light spilling out of it during the hours of darkness. An email from the agent states that blinds have now been fitted to the roof light. Officers are of the opinion that, whilst the design as approved would have had a better appearance at this aspect, the house as built is still of a design that is acceptable in its setting. A previous condition preventing the insertion of additional windows in this elevation facing number 29 can be applied to the new consent to prevent loss of privacy in the future.

With regard to the comments of the Parish Council, the application documentation has been examined and it has been concluded that the documentation; essentially drawings FED-100; -200 site plan as built; -200 elevations as built; and, -200, First and Roof Plan as Built have recorded the extensions as built. The application documentation includes the approved originally approved plans and the plans to an application which was withdrawn (EPF/2900/14) and it is these withdrawn and hence irrelevant plans which have understandably been counterproductive.

The appropriate certificate has been completed with regard to ownership of the property. The extensions as built is not considered to have a significantly greater impact on openness of the Green Belt than the previously approved scheme. As described above, the east elevation as built has more visual impact than the approved plans, it is not excessively overbearing given its distance from the only house from where it can be seen with any ease.

29 Piercing Hill and Coopers Court are locally listed buildings. Due to the backland nature of the application site, isolation distances and screening by vegetation in the locality, it is considered that development as built has no adverse impact to the character of either locally listed building.

### **Conclusion:**

The changes to the design of the extensions, whilst adding a small amount of bulk and height to the single storey element, are still limited additions within the Green Belt and are not inappropriate development. The design is in keeping with the house and there is no harm to the character or visual amenity of the area or neighbouring amenity. Whilst the submitted plans and the description of development were confusing, the proposal as shown on drawings FED 100 and 200, and as built, is clear and is in accordance with adopted policies. The application is therefore recommended for approval. As the application is retrospective no standard conditions are required, however a condition requiring the retention of a blackout blind to minimise the possibility of light pollution from the roof lantern is suggested. Together with a condition to prevent new windows in the elevation facing number 29..

***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: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

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

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# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/0082/17
Site Name:	5 Bluemans, North Weald Bassett, CM16 6EU
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0082/17
<b>SITE ADDRESS:</b>	5 Bluemans North Weald Bassett Epping Essex CM16 6EU
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr & Mrs Kelly
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side extension and single storey rear extension. New front porch. Demolition of existing outbuilding, and creation of new double garage. Widening of drive. Internal alterations.
<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=590873](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590873)

**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 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No construction works above ground level shall take place on the new boundary wall 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. The development shall be implemented in accordance with such approved details.

*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 (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)) and since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*

### **Description of Proposal:**

Consent is being sought for the erection of a two storey side extension, single storey rear extension, new porch and replacement garage. The proposal has been amended from the original submission.

The proposed two storey side extension would be 3.8m in width and 6.4m in depth at ground floor level and stepped back 1m from the existing front elevation at first floor level with a stepped down pitched roof and a small pitched roof over the projecting ground floor. The proposed single storey rear extension would measure 4m in depth and would stretch across the entire width of the dwelling (inclusive of the additional side extension). It would be flat roofed to a height of 2.9m with a roof lantern above the new dining room addition. The proposed front porch would measure 1.25m deep and 2.4m wide with a pitched roof to a ridge height of 3.3m and would be open sided. The proposed new double garage would replace the existing detached garage to the rear of the site and would measure 6.2m x 6.2m. It would have a pitched roof to an eaves height of 2.2m and a ridge height of 4.3m. The application also proposes an increase in the width of the existing crossover on St Andrews Close in order to serve the new double garage and a 1.8m high brick wall along the side boundary of the rear garden.

### **Description of Site:**

The application site is located on the corner of Bluemans and St. Andrews Close, on the western side of the road. To the rear of the site sits No. 6 St. Andrews Close at a right angle to the application site. The existing property sits within a large corner plot and consists of a two storey semi-detached house. The application site is not located within the Green Belt or a conservation area.

### **Relevant History:**

EPF/2339/11 - New dwelling – refused 03/01/12

EPF/0225/12 - New dwelling (revised application) – refused 11/05/12

EPF/1197/12 - Two bedroom dwelling – refused 16/08/12

EPF/2076/13 - Two bedroom dwelling (resubmission of EPF/1197/12) – refused 12/11/13 (appeal dismissed 26/02/14)

EPF/2889/15 - Construction of a 2 bed bungalow on the land adjacent to 5 Bluemans – refused 11/01/16 (appeal dismissed 28/06/14)

### **Policies Applied:**

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

ST4 – Road safety

ST6 – Vehicle parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where

they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

DM9 – High quality design

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

10 neighbours were consulted on this application. No Site Notice was required.

PARISH COUNCIL – Objects to this application due to its massing and it being out of keeping it goes against the openness of the whole of the Bluemans estate, that it would have a detrimental effect on the street scene and is visually intrusive.

2 ST. ANDREWS CLOSE – Object as the proposed extension does not fit into the housing scheme of the area and is large, out of place, overbearing and dominant and would overlook the front of their house.

3 ST ANDREWS CLOSE – Object as the development would result in the loss of openness to this junction, would restrict views and overlook their property, as the extension would be detrimental to the character and appearance of the street scene and as it would bring extra cars into St Andrews Close.

4 ST ANDREWS CLOSE – Object as the extension is large and not in symmetry with other houses, it intrudes into St Andrews Close and will result in overlooking of neighbours. The green nature of the site would be lost.

5 ST ANDREWS CLOSE – Object as the extension would be overbearing and dominant, would be unsympathetic and detrimental to the appearance of the local environment, would be out of line with the building line in St Andrews Close, and the new brick wall would be visually intrusive.

7 BLUEMANS – Object as it would be detrimental to the character and appearance of the street scene, the revised roof line would be inconsistent with surrounding properties, it would affect the green nature of the junction, the proposed garage is twice the size of the existing garage and would overshadow the neighbouring site, and since the porch and relocated path would conflict with the style of the road.

8 BLUEMANS – Object as the extension is large and out of proportion to surrounding houses and the openness of the junction would be lost. The relocated porch and path is out of keeping with the houses opposite.

10 BLUEMANS – Object as the extension is large and out of character with the street scene and the proposed wall would impact on the green and open nature of the junction.

**Issues and Considerations:**

The key issues in this consideration are the design and impact on the street scene and with regards to amenity considerations.

There is a long planning history to this site with several previous attempts to obtain consent for a new attached dwelling adjacent to the existing house. These have all been refused consent primarily due to the overbearing and dominant form of the development or because they are out of keeping with the character and appearance of the street scene. Some of the previous decisions have been appealed and dismissed by the Planning Inspectorate.

Whilst the history of the site and the material considerations that were assessed within the previous applications are relevant to this current application it should be noted that this proposal is not for the erection of a new dwelling but simply for a residential extension to the dwelling. The previous attempts to obtain a new dwelling on the site are not in themselves material to this assessment, although many of the issues considered continue to be relevant.

### Design:

As highlighted above this proposed application is for a householder extension and not for a new dwelling and as such the assessment differs greatly, however the physical impact of the development still needs to be assessed in a similar way to the previous applications.

Within the appeal decision regarding EPF/2076/13 it was noted by the Planning Inspector that:

- 4. The [Bluemans and St Andrews Close] junction has a relatively open and exposed character, with the adjacent houses set well back from the edge of the highway, and is visible for some distance in views from Bluemans. The entrance into St Andrews Close is flanked by the appeal site and by No 3, with each providing splayed boundaries from Bluemans opening into the cul-de-sac. The properties in the cul-de-sac are arranged in neatly spaced pairs and the side flanks to both No 3 and No 5 generally follow the main St Andrews Close building line. These factors all combine to give a fairly uniform and well-balanced pattern of development at the junction affording significant views into the cul-de-sac, and this appearance is generally consistent with the wider pattern of development in the adjoining Bluemans.*

The Inspectors decision on the later appeal regarding EPF/2889/15, which was for a single storey dwelling, continues to highlight that *“although I acknowledge it would be single storey in height the proposal would extend development beyond the building line with No 6 [St Andrews Close] and be of a significant depth, very close to its side boundary. This would result in the introduction of an overly prominent building that would appear cramped on the site and unduly dominant at this junction”*.

The originally submitted proposal was for a very deep two storey side/rear extension that would have followed the existing roof of the dwelling and been a prominent addition to this junction. However following the concerns being raised with the applicant's agent, revised plans were submitted and a re-consultation was undertaken. These revisions significantly reduced the depth of the proposed two storey extension such that it would be stepped in 1m from the existing front elevation and would not extend beyond the existing rear elevation. This also allowed for a stepped down ridge roof similar to the two storey side extension that can be seen at No. 19 Bluemans.

Although the proposed two storey side extension would continue to extend beyond the front building line of the properties in St Andrews Close this would now be just 2.5m beyond the front elevation of No. 6 St Andrews Close and would retain a 3.65m gap between the flank wall of the extension and the side boundary of the application site. It is considered that such an encroachment for a residential extension such as this would not cause a significant detrimental impact on the character and appearance of the street scene.

It is noted that the introduction of a 1.8m high brick wall along the side boundary of the rear garden would further enforce this sense of enclosure on the junction however such boundary treatments are commonplace at road junctions and necessary to protect the privacy of site occupants. As such it is not considered that this element would be unduly harmful to the character of the area.

The proposed single storey rear extension would not extend beyond the rear wall of the neighbours extension and would be flat roofed to a height of 2.9m. This would not appear prominent within the street scene or harmful to the appearance of the surrounding area.

The proposed double garage would replace an existing, albeit smaller, outbuilding to the rear of the site and is set back a significant distance from the highway boundary. This, combined with the modest height and appropriate design of the garage, would ensure that this would not be detrimental to the appearance of the streetscene.

Concern has been raised with regards to the relocation of the front door more centrally to the (extended) dwelling and the provision of a canopy porch. Whilst the dwellings on the western side of Bluemans all benefit from uniform entrance locations the dwellings on the eastern side of Bluemans all have centrally located entrance doors. Other properties in the locality have had porch extensions in a variety of styles and as such it is not considered that this alteration would be unduly detrimental to the character of the area.

#### Neighbouring amenities:

The proposed two storey side extension would be located a significant distance from the shared boundaries of any neighbouring properties. Concerns have been raised about possible overlooking and loss of privacy to properties in St Andrews Close however the only areas overlooked would be to the front of these houses at quite some distance. As such it is not considered that this would cause any undue loss of amenity to the nearby residents.

The proposed single storey rear extension would not extend beyond the rear wall of the attached neighbours rear extension and as such would not have any detrimental impact on the amenities of any surrounding residents.

The proposed new double garage would be located within the north western corner of the site immediately adjacent to the shared boundaries with No. 6 St Andrews Close and No. 7 Bluemans. Nonetheless the proposed garage would largely replace an existing outbuilding and would be a moderately sized building with a pitched roof reaching an eaves height of 2.2m and a ridge height of 4.3m. Given the size of the outbuilding and location in relation to neighbouring dwellings it is not considered that the new garage would cause any excessive loss of amenity to neighbouring residents. Concerns have been raised with regards to the possible presence of asbestos in the

existing garage however this is not a material planning consideration since the safe removal and disposal of asbestos is dealt with by other legislation.

Other considerations:

The provision of a double garage and the access serving this would enable the retention of more than sufficient off-street parking to serve the dwelling. The enlargement of the existing access onto St Andrews Close does not require planning consent in and of itself since this road is unclassified, however consent from Essex County Council Highways is needed.

Whilst concerns have been raised that the proposed extension would enable a new dwelling to be erected on the site, despite the previous refusals, any such works would require planning consent and would be assessed at that time and any possible or suspected future proposals for the site are immaterial to the current planning application being assessed.

**Conclusion:**

The previous history and considerations on this site have been taken into account however it is considered that the significantly reduced scheme for a residential extension as proposed (and amended) would not have an undue detrimental impact on the character and appearance of the street scene or the amenities of neighbouring residents. As such it is considered that the proposed would comply with the guidance contained within the NPPF and the relevant Local Plan policies and is therefore recommended for approval.

***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](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0512/17
Site Name:	42 Forest Drive, Theydon Bois, CM16 7EZ
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0512/17
<b>SITE ADDRESS:</b>	42 Forest Drive Theydon Bois Epping Essex CM16 7EZ
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Keith Sambridge
<b>DESCRIPTION OF PROPOSAL:</b>	Brick wall with railings (1.5m high) to front boundary of house, with 1.6m high railings to side boundary.
<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=592106](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592106)

**CONDITIONS**

- 1 The laurel hedge to be planted behind the proposed front wall and railings shall be planted within one month of the completion of the construction of wall and railings. One laurel per linear metre shall be planted. The hedge shall be maintained thereafter on a permanent basis.

*This application is before this Committee since the recommendation for approval is contrary to an objection from a local council which is material to the planning merits of the proposal, (pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A(g)).*

**Description of Site:**

On of six bungalows on the east side of Forest Drive. The property is not listed nor does it lie in a conservation area.

**Description of Proposal:**

Erection of a front boundary wall 0.8m high with railings above to an overall height of 1.4m and brick piers up to 1.6m, together with wrought iron gates. The proposal includes the provision of a laurel hedge to be planted behind the wall to be visible through the railings.

### **Relevant History:**

None.

### **Policies Applied:**

#### *Adopted Local Plan:*

DBE9 – Loss of amenity.

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Draft Local Plan*

At the current time, only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

- DM9 - High Quality Design

### **Summary of Representations:**

THEYDON BOIS PARISH COUNCIL – object – The property is one of six original bungalows that, with a distinctive roofscape, are widely on view, being located in a residential area that leads from the centre of the village. It is also sited directly opposite the turning into Elizabeth Drive and there are further long views of the frontage when travelling from this direction. The surrounding estate retains a feeling of openness, characterised by mature front gardens, whose hard standings are bordered by shrubbery and bounded by low walls or hedges. Where replacement walls have been constructed, these are of a simple, or scalloped, design such that their height does not exceed 1 metre. When the proposal to extend the bungalow was granted in 2013, the plans clearly showed that the existing boundary hedge was to be retained (with no other structure indicated) together with a garden area within. However, the brick pillars of the newly-proposed wall are intended to project to a height of 1.6m, with railings in-between, creating a continuous span of some 15.5m that would fully enclose the frontage with the addition of new gates across the entrance. The height and width of the structure would make it visually intrusive and overly-dominant, given especially the more modest scale of the bungalow, whilst the assertive, urban design would be significantly out-of-keeping with the other boundary treatments that generally typify the locality. Insufficient allowance has been made to establish any planting within the site to soften the impact, and any such could be removed by a future owner. Structures of the height, design and span now proposed are without precedent in the vicinity, and would neither preserve nor enhance the essentially open character of frontages within the estate, contrary to Local Plan policy DBE1. The Parish Council has always encouraged the retention of lower boundary treatments within the main residential areas of the village and, as a way forward, would suggest that the height of the pillars are reduced to that of the brick wall below (with the removal of the railings), so that the new boundary does not noticeably exceed a height of 1m.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY- objects on similar grounds as the Parish Council above

NEIGHBOURS - 6 consulted and no replies received.

### **Issues and Considerations:**

The front enclosure (wall and piers) has been partly erected since the applicant states that he was unaware that planning permission was required. Work has now stopped pending determination of this application.

The proposed front boundary would contain 5 brick piers up to 1.5m in height, interspersed by 3 sections of wall of 0.8m in height with railings on top up to 1.4m in height, and a set of curved metal gates (across the vehicular access) with a maximum height of 1.4m. The brick piers are relatively narrow at just 33cm square and the brick is similar to that utilised at the property next door.

This height and form of enclosure is generally acceptable in urban locations in the District – indeed it is lower than many front walls/enclosures approved and built in recent years - which have been constructed mainly to provide householders with greater security to protect their houses from being burgled and/or their cars being stolen from front drives.

The Parish Council argue however that within this road in Theydon Bois the proposed enclosure would be over dominant and out of keeping in the street scene. In response the applicant has amended his plans and a Laurel hedge is now shown to be planted behind the wall and railings and a planting bed has already been constructed to facilitate this. He adds that he has suffered two burglaries at the property, and that it was always his intention to provide a low wall with piers and railings to provide a more secure front boundary but which would be softened by hedge planting.

Officers are of the opinion that the enclosure, with hedging behind, is of a relatively modest height, and is of an appropriate design which will not detract from visual amenity in the street scene, particularly bearing in mind that the bungalow itself is set at a higher level than the front boundary, so it is not obscured by the development. The neighbouring property at no. 40 has a wall with brick piers that are only slightly lower than that proposed, and this was considered by an appeal inspector in 2012 to be acceptable despite local objections, given the “varying means of enclosure fronting the footway”.

The development, particularly with the proposed planting, will not look out of place in this location. It is not considered that this well designed scheme will set an undesirable precedent.

### **Conclusion:**

For the reasons outlined above this householder proposal, as amended, will fit well with the streetscene and cause no harm to the visual amenity or character of the area and therefore complies with relevant policies. It is therefore recommended that planning permission be granted subject to a condition which will require a Laurel hedge to be planted within one month of the completion of the front wall and railings and retained thereafter.

***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: David Baker  
Direct Line Telephone Number: 01992 564514***

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



# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/0576/17
Site Name:	3 Kendal Avenue, Epping, CM16 4PN
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0576/17
<b>SITE ADDRESS:</b>	3 Kendal Avenue Epping Essex CM16 4PN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr D Hunt
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a detached building comprising 4 No. self contained apartments with associated car parking
<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=592315](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592315)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: BRD/17/013/001-B, BRD/17/013/002, BRD/17/013/003
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an 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.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
  
- 6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.  
  
Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.  
  
Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
  
- 7 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.
  
- 8 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
  
- 9 There shall be no discharge of surface water onto the Highway.
  
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
  
- 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.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Proposal:**

Consent is being sought for the demolition of the existing dwelling and the erection of a detached building comprising four self-contained apartments with associated car parking. The proposed new dwelling would measure a maximum of 17.4m in width and 15.9m in depth and would be two-and-a-half storeys with a maximum ridge height of 10m. The proposed development would provide 4 no. large two bed apartments.

**Description of Site:**

The application site consists of a large detached dwelling located on the north eastern side of Kendal Avenue. The dwelling sits in a larger than average plot within the urban area of Epping and contains some preserved trees towards the front of the site.

**Relevant History:**

EPF/2749/15 - Demolition of existing dwelling and erection of a replacement dwelling along with the erection of a pair of semi-detached properties – withdrawn 19/01/16

EPF/0393/16 - Demolition of existing dwelling and erection of a replacement dwelling – granted/conditions 18/04/16

EPF/1231/16 - Proposed detached dwelling with associated car parking and vehicular access to rear of 3 Kendal Avenue – approved/conditions 16/08/16

EPF/2452/16 - Construction of a pair of 2 bedroom, semi-detached, one and a half storey dwellings and carport – approved/conditions 14/11/16

EPF/3128/16 - Minor material amendment application to EPF/2452/16 (Construction of a pair of 2 bedroom, semi-detached, one and a half storey dwellings and carport) to enable amendments to the layout and external detailing of the two dwellings – approved/conditions 20/01/17

**Policies Applied:**

Epping Forest Local Plan and Alterations (1998/2006)

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- CP3 – New development
- CP6 – Achieving sustainable urban development patterns
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE3 – Design in urban areas
- DBE9 – Loss of amenity
- LL10 – Adequacy of provision for landscape retention
- LL11 – Landscaping schemes
- ST4 – Road safety
- RP4 – Contaminated land

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

## Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development  
SP6 – The natural environment, landscape character and green infrastructure  
H1 – Housing mix and accommodation types  
T1 – Sustainable transport choices  
DM2 – Landscape character and ancient landscapes  
DM9 – High quality design  
DM10 – Housing design and quality  
DM11 – Waste recycling facilities on new development  
DM21 – Local environment impacts, pollution and land contamination

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

11 neighbouring properties were consulted and a Site Notice was displayed.

TOWN COUNCIL – No objection.

6A KENDAL AVENUE – Object as this would be out of character with the area, harmful to the street scene, would have inadequate parking provision and will result in the loss of a preserved tree.

20 KENDAL AVENUE – Object as it changes the nature of the street.

26 HARTLAND ROAD – Comment that the density of housing is inappropriate and would result in greater disturbance and noise pollution.

30 HARTLAND ROAD – Object as the development would bring more people and cars to the site resulting in additional noise pollution and disturbance.

2 RAVENSMERE – Object as this will spoil the character and appearance of this residential area and will add to traffic pollution.

3 RAVENSMERE – Object as the proposed flats are too large for the site and with the two houses at the back would result in overcrowding and high traffic entering and leaving the site. The proposed building would upset the balance of the road and protrude into their outlook.

5 RAVENSMERE – Comment that there is no objection to the development but comment that more residents in the area would necessitate additional infrastructure to support the extra people, cars and homes.

6 AMBLESIDE – Object as this will detract from the character of the area, will set a precedent for similar applications in Kendal Avenue, and since as this will exacerbate parking problems in the area.

10 AMBLESIDE – Object as the density of housing is inappropriate, it would put a strain on infrastructure and would increase traffic and parking problems.

13 AMBLESIDE – Object as flats should not be introduced to Kendal Avenue.

5 GREEN TREES – Object as this is inappropriate in Kendal Avenue and changes the nature of the street, it would set a precedent, and since it would add to the parking and traffic problems.

SAWKINS FARM, MOUTH END, THEYDON MOUNT – Object as the development is not in keeping with the area, will cause additional noise nuisance, disturbance, and light pollution, and since this would result in a significant increase in vehicle movements that would be detrimental to highway safety.

### **Issues and Considerations:**

The main considerations in this application are acceptability of the site for a flatted development, the general design of the proposal, the impact on neighbours, and with regards to highway safety.

#### *Principle:*

The application site is located within the urban town of Epping approximately 300m walk from the designated Epping Town Centre. The site is also less than 500m from Epping train station, which is an average 6 minute walk and provides trains into London by way of the Central Line. Epping is considered to be a self-sustained town that is served by a full complement of local amenities and facilities (such as schools, shops, doctor's surgeries and a hospital) and local transport links (such as Epping Station and several bus routes). There are also a number of open spaces in and around the town and easy access to Epping Forest.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the District, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission.

Concerns have been raised by surrounding residents that the provision of flats would be an overdevelopment of the site (particularly when taking into account the two approved dwellings to the rear currently under construction) and set a precedent for similar schemes elsewhere in Kendal Avenue.

The scale and height of the proposed block of flats would be almost identical to the single detached replacement dwelling previously granted consent under EPF/0393/16, albeit with a reduced bulk due to the use of a hip ended roof rather than the previously approved gable ended roof. The current density of the entire site (including the land to the rear containing the two new dwellings) is 17 dwellings per hectare. The proposed new development would increase this to 33 dwellings per hectare that would be at the lower end, but within, the recommended net site density of at least 30-50 dwellings per hectare as outlined within policy H3A.

Despite the concerns about a precedent being set by this proposal there are already flatted developments within Kendal Avenue, although these have been designed to resemble large detached dwellings similar to this proposal so are not immediately obvious as apartment buildings. These include No. 17 Hartland Road (on the junction with Kendal Avenue), which was altered into five apartments in the 1970's, and Glen House, which is a custom built block of multiple flats designed to appear as a single dwelling.

A recent planning application for the replacement of No. 16 Kendal Avenue with a block of four flats was refused (EPF/1783/15) and subsequently dismissed on appeal. However it should be noted that the reason for refusal on this nearby application was regarding the overdevelopment and impact on the appearance of the area due to the size of the proposed development rather

than the principle of providing a flatted development in place of a single dwellinghouse. Within the Committee Report regarding this application it is stated:

*In the view of Officers, the character of the road would not be significantly altered and any decision maker should clearly identify the harm. This should no doubt relate to the overall bulk and scale of the building. A refusal on the actual principle of flats being out of character would be difficult to sustain other than to argue that the associated parking and comings and goings were out of character.*

*The issue of precedent has also been raised by objectors. As previously stated it is a long recognised principle of planning that precedent is not for the most part a valid reason to refuse consent. Although a Local Planning Authority may withhold consent if there are concerns about the cumulative impact of similar decisions this should not lead to refusal if there are sound planning grounds to allowing a development. In this case it does not necessarily follow that the granting of consent would result in further developments of this nature in the vicinity.*

Whilst the Planning Inspector dismissed the appeal they recognised that “*the appeal proposal has been designed to give the appearance of one large dwelling. This would in principle be appropriate for the area*”. Similarly the suggested way forward for this nearby site, as printed within the minutes of the Committee meeting, clearly state that “*if flats were proposed then a smaller building better related to the scale of surrounding buildings and maintaining greater separation from flank boundaries would be more likely to be considered acceptable*”. As such it is clear that the principle of flats within Kendal Avenue is not unacceptable.

#### Design:

The proposed development would replace the existing detached dwelling with a new, larger detached building, however the overall scale, mass, height and general design is almost identical to that previously granted consent as a single replacement dwelling. The 4 proposed flats each provide relatively spacious living space, with a good standard of amenity for future occupiers.

Aside from the internal layout and overall use of the building the only alterations to the design of the proposed building is the provision of a hip ended roof rather than the previously agreed gable ended roof, the infilling of the first floor and roof area within the rear elevation, and some alterations to the fenestration on the building. As such the overall appearance and design of the building is similar to that previously granted consent and is still considered to be acceptable and appropriate on this site.

There are two trees within the front garden of the site and an acer within the rear garden of No. 5 Kendal Avenue, all of which are protected by Tree Preservation Orders. The originally submitted plans proposed the removal and replacement of one of the preserved trees, however following discussions with the Councils Tree & Landscape Officer amended plans have been submitted rearranging the car parking layout in order for this tree to be retained. Based on these revised plans there is no objection with regards to the impact on the preserved trees and existing landscaping on the site.

Bin storage is proposed in a position between the side elevation and the existing 2m high side boundary wall and will not be visually intrusive or cause harm to neighbouring amenity.

#### Amenities:

The proposed block of flats would be no larger than the previously approved replacement dwelling on the site and as such the new development would not result in any greater impact on the amenities of the adjacent neighbours than previously approved.

The upper storey flank windows would directly front onto the flank walls of the neighbouring properties and would not overlook any of the neighbour's amenity space. The previously approved rear roof terrace would not be included in this proposal and as such the development would not result in any undue loss of privacy or overlooking to surrounding neighbours.

#### Highways:

The new block of flats would be served by the existing driveway and would benefit from seven off-street parking spaces laid out within the front garden, the integral garage and the rear cartlodge.

Essex County Council Highways have been consulted on this application and raise no objection subject to conditions. Given the sustainable location of the site the development would provide adequate off-street parking to serve the future occupants of the apartments.

#### Other issues

Concern has been raised by neighbours that the development will put additional strain on infrastructure. Whilst it is accepted that any increase in dwellings will likely result in an increased demand on facilities, it is not considered that the increase here of just 3 small households would cause significant harm or be grounds to resist the application. The Council is currently working on an Infrastructure Plan to address the infrastructure issues that will arise from the allocation of a large number of sites for housing development in the Draft Local Plan.

Concern has also been raised with regard to additional traffic pollution. Given the location of the development, it is likely that many local trips will be by foot or by public transport and whilst there will be more cars associated with the site than at present, the impact on pollution levels from this development is likely to be minimal.

#### Conclusion:

The proposed development will result in an intensification of use of the site but given the size and nature of the site it is not considered that this would result in any significant harm to neighbouring amenity. Visually the development would appear as a single dwelling and due to the careful design of the parking and bin storage the flatted development will not harm the existing character of the street scene, as such there will be no different visual impact to the previously approved replacement dwelling. The provision of additional housing in this sustainable urban location would comply with the presumption in favour of sustainable development and would assist in the Council meeting its five-year supply for the provision of land for housing. The density of the proposed development complies with the recommendations of policy H3A and the provision of a flatted development would not be out of character in Kendal Avenue. As such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

***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](mailto:contactplanning@eppingforestdc.gov.uk)***