

AREA PLANS SUB-COMMITTEE 'EAST'

8 August 2018

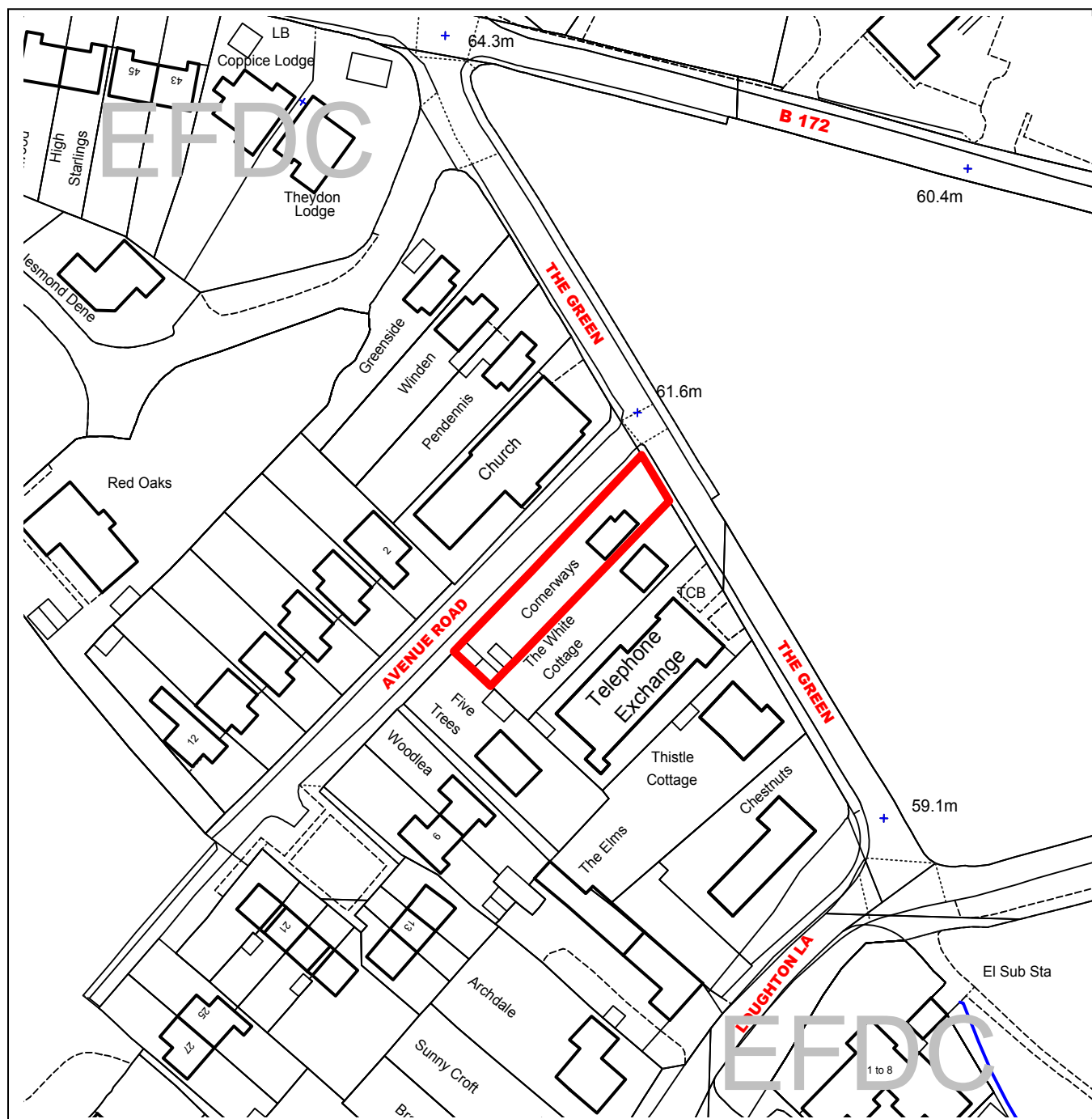
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/0712/18
Site Name:	Cornerways, The Green, Theydon Bois, CM16 7JH
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/0712/18
SITE ADDRESS:	Cornerways The Green Theydon Bois Epping Essex CM16 7JH
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr & Mrs Gillespie
DESCRIPTION OF PROPOSAL:	Replacement of existing dwelling house with new single family dwelling house and new pavement crossover
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=606853

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: A001, A-02, A-06a, A07a, A08a and A09a
- 3 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.
- 4 No development shall take place until details of 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.
- 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 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.

- 8 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.

- 9 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.

- 10 A screen not less than 1.8m high measured from the balcony floor level, constructed in etched or otherwise obscured glazing or similar, shall be fitted to the south-east side (facing the White Cottage) of the balcony hereby approved prior to its first use. The screen shall thereafter be retained and maintained in the built form unless otherwise agreed by the Local Planning Authority

- 11 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 Classes A - D inclusive of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 12 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 13 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

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:

The application site comprises a two storey detached dwelling on a corner plot located on the south west side of The Green with a return frontage to the south side of Avenue Road. The existing building has a simple brick and tile form with a hipped roof and projecting front bay section and a small lean-to extension at the rear. A single garage is located in the back of the garden with access onto Avenue Road.

Properties in The Green comprise a mix of uses which include predominantly residential properties as well as the church on the opposite corner of the Avenue Road junction and the telephone exchange building which abuts the neighbouring house to the south. Buildings have a range of architectural styles, indicating a piecemeal pattern of original development.

Description of Proposal:

The application is a resubmitted proposal for the demolition of the existing house and a replacement dwelling. Permission is sought for a two storey, 4 bedroom dwelling. The building aligns at the front with the existing built frontage and the two storey element includes a crown roof, projecting over the staircase in a cat slide feature above the staircase which terminates 1m from the side boundary. The ground floor extends a further 3m at the rear, part of which is set back to create a covered canopy. At first floor, there is a half width balcony set 5m from the boundary with the adjoining house. A flat roof single storey element wraps around the front and side forming part of a porch and garage/store.

The application proposes a white painted render finish to the external walls, and a zinc cladding to the main roof. Solar panels are shown on the rear, south west facing roof slope. There are two parking spaces on the frontage, with a new crossover, and the existing garage at the rear is shown as retained.

Relevant History:

EPF/3403/16 Replacement of existing dwelling house with new single family dwelling house and new pavement crossover – refused on design, bulk and proximity to boundary; resultant appeal dismissed.

Policies Applied:

Adopted Local Plan:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP7	Urban form and quality
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of Amenity
LL11	Landscaping schemes
ST6	Vehicle parking

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.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in favour of sustainable development
SP7	Natural Environment, Landscape Character and Green Infrastructure
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM9	High Quality Design
DM15	Managing and reducing flood risk
DM16	Sustainable drainage systems

DM20	Low carbon and renewable energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 22

Responses received: Three responses have been received, as follows:

WHITE COTTAGE, THE GREEN –The immediate neighbour has made a number of detailed comments covering:

- The design is not significantly different to the refused scheme
- Design out of keeping with the street scene, resulting in significant change
- Garage at front not designed for parking and intended for living space (Comment – this is indicated as a motorcycle/ cycle/ garage, not intended or sized for vehicles)
- Crossover is too close to Avenue Road junction.
- Level of parking would allow future rental to commuters
- Roof height too high and higher than objector's property (Comment –the height has been reduced since consultation)
- Future extensions should be restricted
- Rear projection is excessive
- Balcony at rear causes overlooking (Comment – at the time of consultation, the balcony extended across the full width, this has now been reduced to half width)
- No Right of Light Assessment has been undertaken (Comment – not a material planning consideration)
- Materials and finishes out of character; the zinc roof finish is not appropriate
- Industrial boiler flue inappropriate (Comment – this type of flue is becoming common with wood burners. It is located between the buildings and set around 10m back from the frontage with minimal visual impact).
- No asbestos survey of existing building (Comment – not relevant to this application)

The objector makes other speculative comments wholly irrelevant the application.

2 THE HEIGHTS, FOREST DRIVE – This objector comments that the development would not blend with the surrounding area and that the balcony would result in overlooking. Comments are also made that there is no need to replace the existing dwelling which only needs refurbishing, and the frontage could be retained with improved parking at the rear, but these are personal views not relevant to the application.

27 AVENUE ROAD – Raises concerns at the new vehicle access to the frontage, concerned at the potential hazard close to the junction in light of the overall level of parking on The Green.

PARISH COUNCIL -: Theydon Bois Parish Council objected to the application, commenting:

The Parish Council acknowledges that the design of this proposal is an improvement over the previously refused application. However, it still fails to overcome the reasons for refusal of that application.

The overall height, scale and bulk of the proposal has not been addressed, in fact the bulk of the roof has increased since the split roof would now be replaced with a fully-hipped crown roof, being 3.5m high from the eaves to the ridge. The total height of the property would be 9m, as opposed to 7.8m of the existing property. The height and design of the side elevation, which was previously criticised, still generally reflects that of the previous proposal.

The non- vernacular materials proposed, particularly the zinc roof which was highlighted in the reason for refusal of the previous application, still remains.

Due to the above, the proposal still fails to respect its setting and would lead to an overly visually prominent dwelling, out of keeping with the street scene and harmful to the character and visual amenity of this sensitive location overlooking the Village Green.

Main Issues and Considerations:

Material considerations from previous refusal / appeal; decision

In considering the application, the decision in respect of the earlier application, and particularly the subsequent appeal decision are material to the determination of the latest proposal. The application was refused for one reason, as follows:

Due to the design, detailing, size, bulk and proximity to the side boundary of the plot with Avenue Road and the non vernacular materials proposed, (in particular the zinc roof), the replacement dwelling fails to respect its setting and will be overly visually prominent, out of keeping with the street scene and harmful to the character and visual amenity of this sensitive location overlooking The Green. The development is therefore contrary to policies, CP2, CP7, and DBE1 of the Adopted Local Plan and Alterations and Paragraph 64 of the National Planning Policy Framework

The Inspector at the subsequent appeal identified two key issues in the design of the building and its impact on Avenue Road. The Inspector commented on the proposed built form; *"Whilst the height of the proposal would remain in keeping with the adjoining dwelling, the split level roofing would contrast with the more traditional rooflines and due to the prominence of the site, would create a development which would detract from the existing focal buildings and would not reflect the existing character and appearance of the dwellings along this part of The Green."*

On the latter, the Inspector commented: *"It would also introduce elements of the first floor which would be set in from the side boundary and a sloping pitch feature. Whilst the overall increase in the scale over and above the existing dwelling would be relatively minimal in terms of its depth, the proposal would result in a wider dwelling. The combination of the contemporary design of the side elevation facing onto Avenue Road and the increased proximity to the side boundary would result in a dominant building which would be overly prominent within, and harmful to, the street scene. Although the side boundary treatment would remain, the proposal would include the blank flank wall of the garage sited up to, and forming part of, the side boundary which would also result in a dominant feature."*

The Inspector concluded as follows|:

"Whilst the dwelling would remain in line with the front elevation of the existing dwelling, which would retain a sense of openness when viewed from The Green, when viewed from within Avenue Road the increase in built form of the proposed dwelling would have an enclosing effect given the prominence of the site and the overall design of the proposed dwelling. This would be harmful to the visual character when looking towards the open space and would result in a loss of openness from this viewpoint which would not be sufficiently mitigated by the retention of the trees within the site.

The proposed development would utilise timber and render for the external elevations and zinc roofing, which would contribute to giving the dwelling a lighter appearance. The use of timber and render are present on other properties in the surrounding area and materials in the wider area are varied. However, the acceptability of the materials would not be sufficient to mitigate against the harm to the character and appearance of the area as a result of the contemporary design and dominance of the proposed side elevation.

The proposed design, particularly in terms of the front and side elevations facing The Green and Avenue Road, would introduce a contemporary feature which would fail to integrate with the

existing street scene. As a result it would be harmful to the character and appearance of the surrounding area.”

Design response and considerations

The revisions to the proposals should be considered in the context of the Inspectors comments. The contemporary, split level roof design is replaced by a crown roof. Timber cladding panels are replaced by a more consistent rendered finish, painted white like the neighbouring house. The overall height of the building has been reduced since the Parish Council commented and is now consistent with the height of the neighbouring house.

The whole building is now set back from the Avenue Road boundary – the two storey staircase element is a minimum of 1 metre from the footway and the remainder of the first floor is 2m from the boundary; the ground floor garage on the corner is a minimum of 600mm.

In the context of the Inspectors comments, officers consider that these aspects of the revisions address the issues of wider architectural form, scale and massing and the enclosing nature of the development in relation to the side boundary.

The application does retain the zinc roof finish. In this regard, it is noted that the Inspector does not argue against this, commenting that the zinc cladding gives the building a lighter appearance, and further comments on the ‘acceptability of the materials’. While officers have sought, consideration of a more traditional tiled form, the applicants have argued that this approach is highly sustainable, and a reasonable approach in the broader context.

Consideration of issues such as materials are subjective and finely balanced. Officers acknowledge that a zinc finish would introduce a different element to the street scene but in the context of the site not being in a conservation area or close to listed buildings, question whether such diversity has a harmful or detrimental effect. Your officers take the view on balance that the other changes to the form and siting of the building are such that they overcome the previous objections to development.

Impact on neighbouring occupiers

In noting the specific comments from the immediate neighbour, the proposed building follows the rear building line of the previous application with the bulk of the rear projection beyond the neighbours extension at single storey only. The proposed rear balcony, on half the width of the building, is similarly located and sized to the previous scheme. It is some 5 metres from the boundary and includes a screening panel to the side. Thus having previously accepted this aspect of the development had no substantive adverse impact, there is no reason to change this view.

Parking considerations

As to parking, the application indicates parking for three vehicles, above the requirement in adopted standards for a dwelling of this size. The front vehicle access lies a minimum of 6 metres from the junction which allows for safe access and egress notwithstanding existing highway parking arrangements on street. It is noted that the Highway Authority do not object to the application.

Other considerations

The site lies within 3km of the Epping Forest Special Area of Conservation, and the application has been assessed in the context of policies DM2 and DM22. However, the requirement for contributions under these policies applies to additional dwellings only, not to proposals solely replacing buildings on a one-for-one basis.

Conclusion:

Having regard to the Inspectors appeal decision and all material considerations, officers take the view that the alterations to the overall size, general form and siting of the building have addressed the principle reasons for refusing the previous application which were supported by the appeal inspector.

The use of a zinc roof still evidently divides opinion and requires an element of subjective assessment. The key questions are whether the introduction of a different roof material has a significant impact on the character of this non-designated location, whether zinc cladding is an inappropriate material for a dwelling, and whether this finish has a particular adverse impact on the building. If, as officers conclude, the answer to all three is no, then the application should be approved.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

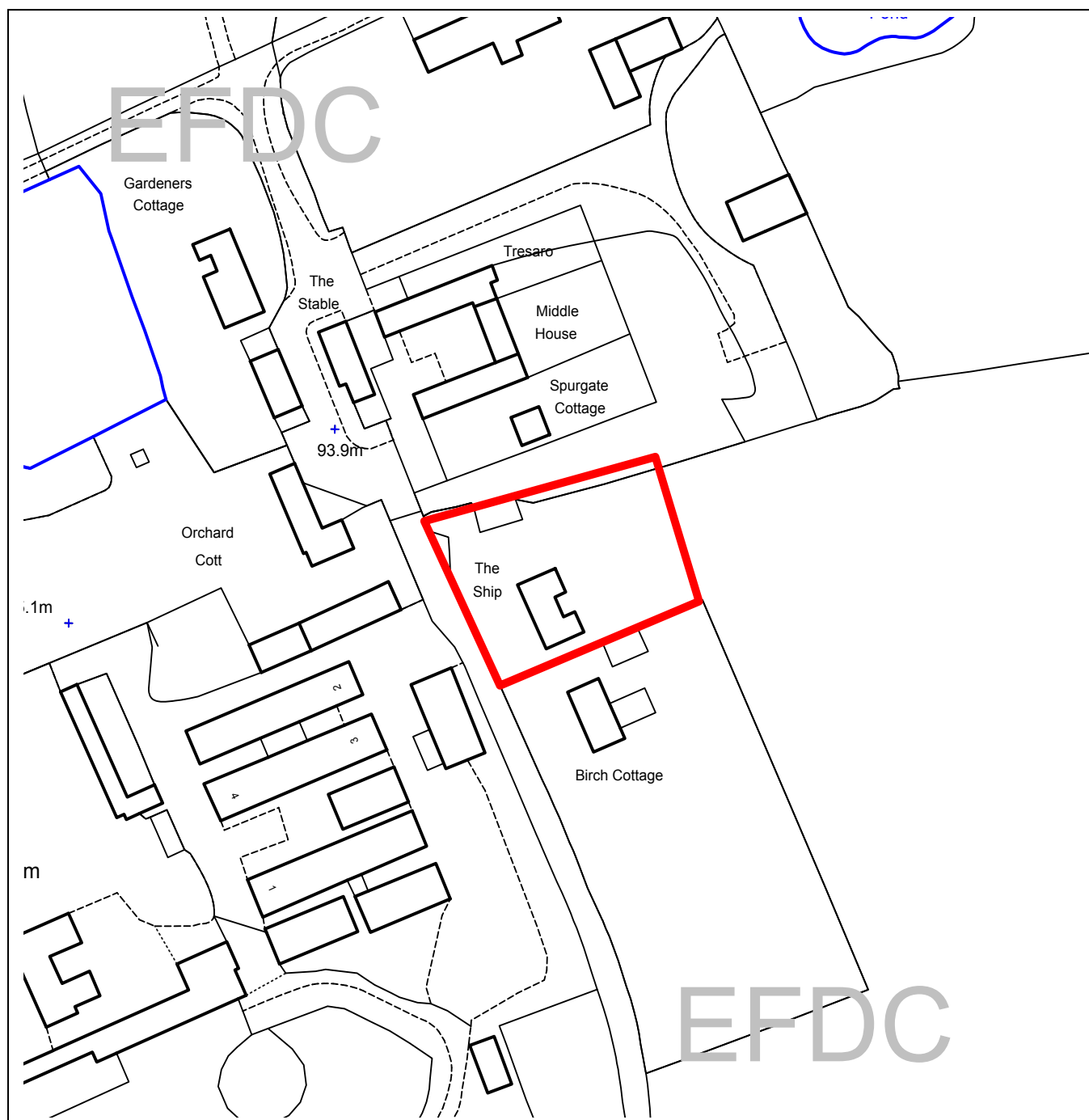
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/0859/18
Site Name:	Ship Cottage, Off New Road, Lambourne End, RM4 1AJ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0859/18
SITE ADDRESS:	Ship Cottage Off New Road Lambourne End Essex RM4 1AJ
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr Ricky Jordan
DESCRIPTION OF PROPOSAL:	Demolition of existing house and the erection of a five bedroom detached dwelling.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=607513

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: JSEF/18/01, JSEF/18/02, JSEF/18/03, JSEF/18/04 Scheme 3 RevA, JSEF/18/05 Scheme 3, JSEF/18/06 Scheme 3, JSEF/18/07 Scheme 3 RevA, JSEF/18/08, JSEF/18/09 Scheme 3.
- 3 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.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 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 and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

6 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 and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

7 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.

8 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.

9 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.

- 10 No development shall take place until details of 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.
- 11 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 12 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 13 Prior to first occupation of the dwelling hereby approved the outbuildings shown on drawing no. JSEF/18/08 shall be demolished and all resultant debris removed from the site and not be reinstated thereafter.

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:

The application site comprises of a detached, two storey, dwelling within a small ribbon of development off an unmade track from New Road, Lambourne End. The track leads to the former Dews Hall farm complex, where a number of buildings have been converted into dwelling in recent years. The proposal is entirely within the Green Belt.

Description of Proposal:

The application is for the demolition of the existing house and the erection of new house in a modern vernacular, with gable features replicating some of the features of the existing property on site.

Relevant History

EPF/3220/17 - Proposed change of use of former field access to residential curtilage – granted.

Policies Applied:

Adopted Local Plan:

- CP2 – Protecting the Quality of the Rural and Built Environment
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- GB2A – Development within the Green Belt
- LL10 – Adequacy for Provision of Landscape Retention
- LL11- Landscaping Schemes

ST6 – Vehicle Parking

NPPF:

The National Planning Policy Framework 2018 (NPPF) Paragraph 213 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.

NPPF paragraph 145 – Green Belt.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 48 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 - Presumption in Favour of Sustainable Development
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure
H1 - Housing Mix and Accommodation Types
T1 - Sustainable Transport Choices
T2 - Safeguarding of Routes and Facilities
DM3 - Landscape Character, Ancient Landscapes and Geodiversity
DM4 – Green Belt
DM9 - High Quality Design
DM10 - Housing Design and Quality
DM11 - Waste Recycling Facilities on New Development
DM18 - On Site Management of Waste Water and Water Supply
DM21 - Local Environmental Impacts, Pollution and Land Contamination

Consultation Carried Out and Summary of Representations Received:

Number of neighbours consulted: 6

Responses received: 1

BIRCH COTTAGE, NEW ROAD – OBJECT – Summarised as: Impact on character and appearance of the area, impact on privacy, impact on sewage pipe, removal of trees prior to application.

LAMBOURNE PARISH COUNCIL: OBJECT – the proposal represents a 54% increase in volume, the council feels that outhouses should not be included in the volume of the building, the design of the house is not in keeping with the local area.

Main Issues and Considerations:

The main issues to be addressed are as follows:

- Green Belt

- Design
- Neighbouring amenities

Green Belt:

The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment. The Framework explains that the construction of new buildings as inappropriate development within the Green Belt apart from some exceptions. Policy GB2A of the Epping Forest Adopted Local Plan is broadly in accordance with these objectives. Policy CP2 seeks to protect the quality of the rural and built environment.

Moreover the National Planning Policy Framework states that the replacement of a dwelling in the Green Belt is acceptable as long as:

“the new building is in the same use and not materially larger than the one it replaces”

Therefore the replacement of the dwelling is acceptable in principle. However, the proposed new building will have an increased volume over the existing dwelling.

In certain cases outbuildings, such as garages, stores etc. may be considered as limited extensions to a house within the Green Belt. In this case, a pair of outbuildings are located close to the side of the main dwelling and are an ancillary use, with a combined volume of 200 cubic metres. Whilst there is a greenhouse at the end of the rear garden, this is too remote and not a substantial permanent structure to offset the volume increase in the replacement house. So long as the two outbuildings close to the house are conditioned to be removed and not reinstated, it is considered that the outbuildings in this case can be included as part of the volume of the existing property.

The proposed new dwelling would have a volume of approximately 1100 cubic metres, which is an increase of some 200 cubic metres above the combined volume of the existing house and outbuildings; an increase of some 25%. The Local Plan and the NPPF states that replacement of a building in the same use should not be materially larger than the one it replaces. There is no definition of “materially larger”, but as the outbuildings are ancillary and look to have been in situ for many years judging from aerial photos, it is considered that the new house will not materially larger than the house and ancillary buildings it replaces.

As the existing outbuildings have been taken as extensions of the existing dwelling it is required that all necessary permitted development rights be removed from the new dwelling, so as to prevent future buildings being built that would create a materially greater impact than the exiting property and harm to the Green Belt. .

Visually, the-siting of the proposed dwelling would have no greater impact on openness and would not have an adverse impact on the surrounding area.

Design

The replacement dwelling would implement a modern style, with a tall central glass element to the front and rear elevations. However, the use of brick, render and brick lintels above windows would reflect design features of the existing and adjacent properties and on balance is of acceptable appearance, which would conform with the character of the surrounding area.

Neighbouring amenities

The building is located away from other properties and would not cause harm to neighbouring amenity greater than the existing dwelling on site. There are no first floor windows proposed in the side elevation facing Birch Cottage and the proposed balcony would be a sufficient distance from neighbouring properties as to not cause any significant overlooking of neighbouring properties.

Other Issues

Neighbours have concerns about sewerage to the site, this would be controlled by building regulations and is not a material planning consideration. Although there are some concerns about trees which have been removed there are no protected trees on site and a site visit did not reveal any evidence of significant trees within the site. However, it would still be appropriate to place a condition on any approval for a proposed landscaping scheme for the site in order to benefit the character and appearance of the surrounding area.

Conclusion

The proposed replacement dwelling will have a limited effect on the openness of the Green Belt and is considered as not 'materially larger' than the existing building, also replacing existing outbuildings on the site. The design is vernacular with a contemporary appearance, but it would not harm the visual amenities of the countryside and this part of the Green Belt. There will be no loss of amenity to neighbours. Therefore the proposal meets the requirements of the NPPF and the adopted and emerging policies of the Local Plan. The application 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: Corey Isolda
Direct Line Telephone Number: 01992 564481***

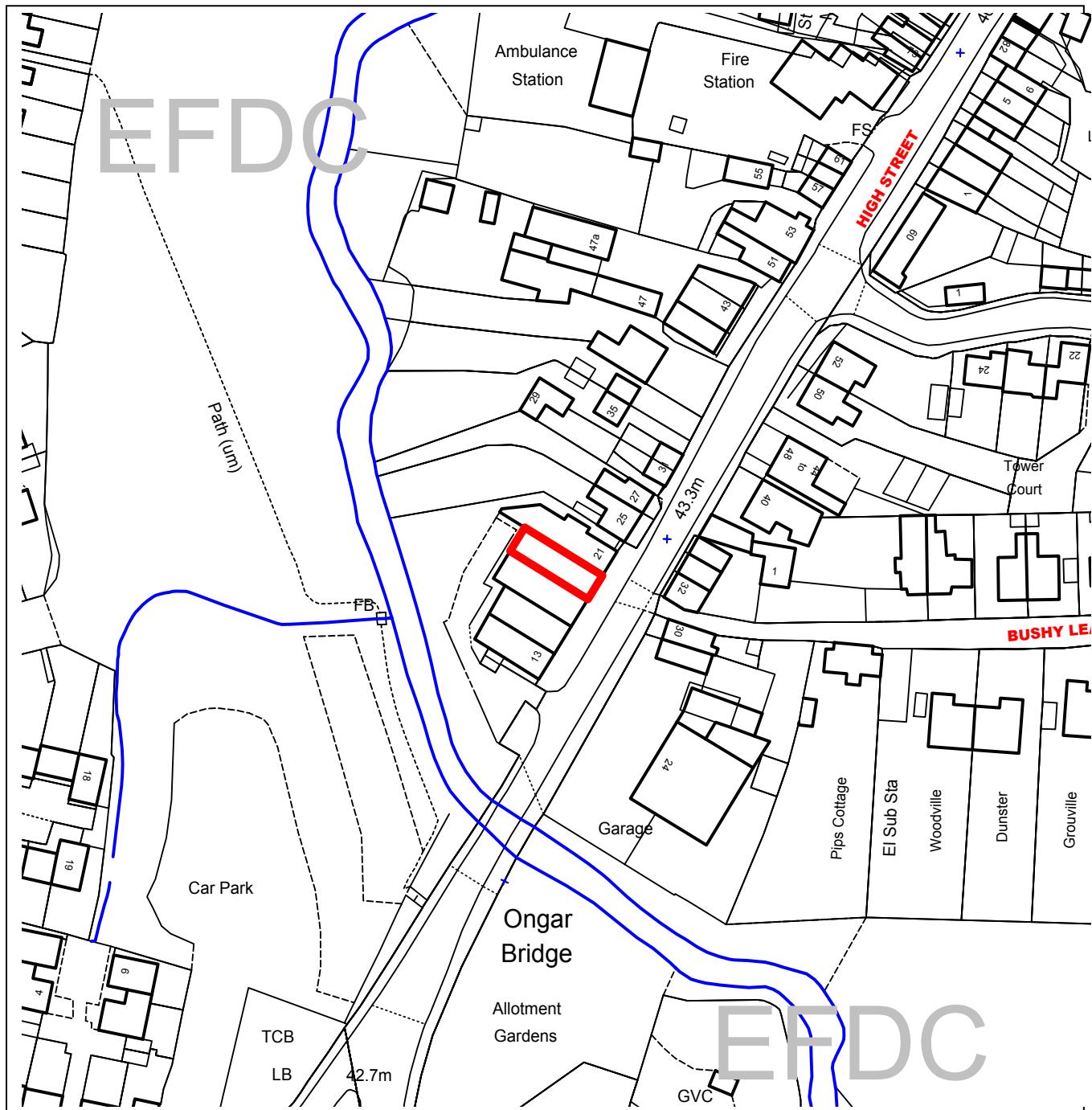
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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/1320/18
Site Name:	19 High Street, Ongar, CM5 9DS
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1320/18
SITE ADDRESS:	19 High Street Ongar Essex CM5 9DS
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Ms Sharon Britton
DESCRIPTION OF PROPOSAL:	Conversion of hairdressers A1 use to cafe A3 use and alterations to shopfront.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609373

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: 2037/01, 02 and 03, and 1301/M01
- 3 The cafe hereby permitted shall not be open for customers other than between 0730hr and 1400hrs Mondays to Saturdays, 0930hrs to 1400hrs on Sundays, and at no times on Sundays and Bank Holidays. No food preparation within the premises shall take place more than 30 minutes before the opening time above.
- 4 Details of the type and colour of the external finishes to the proposed shopfront shall be submitted to and approved by the Local Planning Authority prior to its installation. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 5 The extract ventilation system shown on the plans hereby approved, and incorporating anti-vibration mountings and incorporating filters as set out in the application supporting documents (in particular specification letter by W>G>Ford (Ventilating Ltd dated 8th April 2018) shall be fully installed and functioning prior to the use commencing, and shall thereafter be maintained in full accordance with the said details.

- 6 Prior to the commencement of the use, details of grease separators to be fitted to any drainage serving the kitchen shall be submitted to and approved by the Local Authority. The agreed separators shall be fully installed prior to first use and thereafter maintained in working order in accordance with the .said details.

This application is before this Committee 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: Scheme of Delegation, Appendix 3)

Description of Site:

The site comprises a ground floor shop in a mid-terrace location on the west side of the High Street, at its southern end. The property comprises a two storey building with a commercial unit on the ground floor and two flats above independently accessed. The ground floor was last used as a hairdressers salon which ceased trading earlier this year.

The parade comprises five units – a glaziers (13), launderette (15), pet shop (17) and newsagent (21) all with flats above; Nos 17 and 19 each have two flats, and are extended beyond the rear of the terrace, the others one residential unit. Access to the flats is at the rear; a rear yard is used for parking by residents and businesses. There is a parking layby in front of this parade of shops

The site lies in a fringe town centre location, Ongar Brook abuts the southern edge of the car parking area and this and adjoining land remains in the Green Belt. Opposite is a car sales site and veterinary surgery adjacent and there are residential units to the north.

The site lies in the Chipping Ongar Conservation Area.

Description of Proposal:

The application proposes the change of use of the premises from retail to a café within use class A3. The application also includes alterations to the shopfront and an extractor at the rear.

The application drawings show a standard layout seating area at the front, although it was noted on a recent site visit that fixed booths are being built whereas the plan shows free standing tables. The servery and kitchen lie to the rear. An extract ventilation system is proposed, discharging above the rear exit doors. The extractor system incorporates appropriate grease and odour filters and is attached with anti-vibration mountings,

The existing shopfront is removed and replaced by recessed bi-folding doors recessed into the building by 2.5m to allow an external seating area to be created.

The application proposes trading hours of 0730hrs- 1400hrs Monday to Saturday and revised hours of 0930 – 1400 hrs on Sundays; the premises will not open on Bank Holidays.

The applicants have previously operated from premises at 1-3 Coopers Hill, around 200m to the south, trading as Delimores Sandwich Bar. The premises have recently ceased trading due to the termination of their lease. The application states that the applicants are keen to continue operating in the locality .

Relevant History:

EPF/0518/17 Change of use from hairdressers to pizzeria restaurant and takeaway with extraction unit to rear. This application proposed trading hours of noon-11pm seven days a week and was refused for the following reason:

The introduction of a restaurant / take away use in a location outside the designated centre of Ongar and in an area of predominantly residential use would have a significant adverse impact on residential amenity by reason of noise, activity and general disturbance particularly in the evening and night, and is thereby contrary to policy DBE9 of the adopted Local Plan and the NPPF

Policies Applied:

Adopted Local Plan:

CP2	Protecting the quality of the rural and built environment
RP5a	Adverse environmental impacts
TC3	Town Centre function.
DBE9	Loss of Amenity

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.

NPPF:

The Revised National Planning Policy Framework (NPPF) was published on 24 July 2018. Paragraph 213 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.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the revised NPPF.

Paragraph 48 provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards

unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

E2	Employment – centre hierarchy / retail
DM9	High Quality Design
DM21	Local environmental impacts, pollution and land contamination
P4	Ongar

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 18

Responses received: A number of issues have been raised in relation to representations submitted in respect of the application, including suggestions that individuals may have been coerced. A number of objections have been received, and a petition in support of the application.

Objections have been received, from-

27, 35 and 37 HIGH STREET, ONGAR, THE COACH HOUSE < CHURCH LANE GREENSTED and the ONGAR NEIGHBOURHOOD PLAN COMMUNITY GROUP. Seven other objectors have been received from individuals who do not wish their details to be divulged but include addresses in High Street, Kettlebury Way and Coopers Hill . Objectors raise the following issues:

- Noise and disturbance to residents above – in particular concern is raised at the hours of use (particularly in the morning and at weekends), impact from fumes and smells, and the impact of the frontage seating area including use by smokers.
- Parking issues – no parking is available in the immediate vicinity, other than the shared space at the end of the building, and in the layby, parking is not permitted on the road. This will create traffic problems.
- Concerns at the extractor ducting in the Conservation Area
- Loss of retail space – both in the context of Ongar as a centre and in terms of future demand.
- Refuse storage is inadequate
- Description in application form is misleading. COMMENT – this issue was addressed at validation stage and the description of use as a café clarified before consultation took place
- Other issues not material to the application relating to local issues with blocked drains and vermin.

The applicants have submitted a petition signed by around 250 individuals. However, the petition has evidently been collected from customers at the Coopers Hill premises before it closed, Details of signatories are limited to name, signature and postcode with no further address details or comment. Accordingly, officers have attached limited weight to this in considering the proposals.

ONGAR TOWN Council – no comments.

Main Issues and Considerations:

The proposals before Members are materially different to the scheme refused previously. The proposals are evidently seeking a daytime use only and must be considered as such.

Amenity considerations

The site is somewhat detached from the core of the Ongar centre in an area that displays a much broader mix of uses, including a more prominent residential presence. The previous application for a similar use was rejected on grounds of the evening and late night use and this is no longer proposed.

The proposal does propose trading hours commencing at 7.30am. Some activity in terms of food preparation can be anticipated for a short time before but this would be low key in the overall context. It should be noted that the neighbour shop sells newspapers and is likely to be open around the same time. The site also lies on a major thoroughfare with significant vehicle movements during the broad morning peak period. In this context, it is not considered that the proposed opening time of 7.30am would of itself be inappropriate in this location.

Further concerns are raised at the general level and pattern of activity, particularly around the frontage seating area. It should be noted however that not only is this recessed into the building, a 1m deep canopy runs along the length of the parade, further screening residents above from any activity.

The proposed extraction system is fitted with appropriate grease and odour filters and will be set on anti-vibration mountings. The proposals are considered to meet relevant standards for emissions.

Thus officers consider that insufficient grounds now exist to justify refusal on residential amenity grounds.

Parking and traffic

There are parking controls in place and in most surrounding roads from 8am which are not compromised by the application. The parking area at the southern end of the shopping parade is not restricted but is used primarily by residents and shop staff, and additional parking will similarly be practice to the limited extent that the existing use allows.

The Highway Authority do not object to the application, in light of this being a relatively small scale local service use and having regard to the extent of parking restrictions in place.

Loss of retail and other development plan issues

Policy E2 of the Local Plan Submission Version promotes in secondary frontages non- A1 class uses where these encourage active shopfronts, attract a high footfall and contribute positively to the function of the centre. Policy P4, specifically relating to the Ongar centre, seeks to restrict the level of non A1 frontage in secondary frontages to not less than 45%.

It is noted that the parade contains a mix of uses, including a launderette and as glaziers (a retail use, but one which is unlikely to generate such footfall as to be viable in a more primary location). In this context, the parade evidently displays the characteristics of a secondary frontage where the location of a reasonable level of non-retail use can be supported in order to relieve pressure on more important core frontages. In this instance, the proposal does not affect the retail function of the immediate group and can be expected to generate a level of footfall that will support the retail and general commercial function in this location.

Conclusion:

While it is noted that the applicants are an established local business seeking new premises and have an existing customer base, this has little weight in the context of other material considerations around amenity issues and retail policy.

It should also be noted that the primary grounds for refusal of the 2017 application related to the concerns at impact from evening and night time activity, at times when ambient noise and related activity in this part of the centre would be significantly reduced.

The current proposal evidently addresses these concerns and proposes a clearly defined daytime use. In the context of the location, the proposed hours of use are reasonable and would not have a disproportionate impact on amenities, either from general activity or the proposed extract system. Parking controls are already in place to control widespread indiscriminate parking.

The proposal complements other users in the parade and is not as a result considered to have an adverse impact on the retail viability of the immediate surroundings or the wider centre.

The proposal accordingly complies with relevant planning policy and it is recommended that planning permission be granted subject to conditions, including confirmation of the agreed trading hours and detailed matters relating to the installation of the extract system and the method thereof, drainage controls advised by the Environmental Health Officer and shopfront finishes in light of the location within the Conservation Area.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

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Report Item No: 4

APPLICATION No:	EPF/1339/18
SITE ADDRESS:	Land adj Hoppit The Street Sheering Essex CM22 7LR
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Founthill Ltd
DESCRIPTION OF PROPOSAL:	Erection of three detached dwellings
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609436

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: P01 Rev 1, P02 Rev 1, P03 Rev 2 and E01
- 3 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.
- 4 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.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Prior to the 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 site maximum, as measured from and along the nearside edge of the carriageway in both directions. Such vehicular visibility splays shall be maintained as such in perpetuity.
- 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 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]
- 9 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]
- 10 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]

- 11 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.
- 12 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.
- 13 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 14 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 15 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 16 Two *Acer pseudoplatanus* 'Worleii' (Golden sycamore) of 14-16cm girth at time of planting shall be placed as shown on Arbol Euro Consulting Ltd 'Tree Protection Plan (drawing number 101224 dated 13th July 2018 – TR1 and TR2)

within one month of the implementation of the felling of T11 and T12 (Arbol Euro Consulting Ltd 'Tree Protection Plan (drawing number 101224 dated 13th July 2018)), unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, 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 its written consent to any variation.

- 17 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 and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 18 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.

And subject to the completion of a S106 Legal agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and appropriate measures to mitigate potential impacts on air quality.

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: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

And 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))

Description of site

The application site is located on a parcel of land directly adjacent to a large dwelling known as the Hoppit on the Street, within the settlement of Sheering. The site is an open gap in an otherwise built up frontage which has a large number of protected trees within its boundaries. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation area.

Description of proposal

The proposed development is for the erection of three detached dwellings.

Relevant History

None relevant

Policies applied

Local Plan policies
CP2 Protecting the quality of the environment
GB2A Green Belt
DBE1 Design of new buildings
DBE2 Effect on neighbouring properties
DBE4 Design in the Green Belt
DBE8 Private Amenity Space
DBE6 Parking in new development
ST4 Road safety
ST6 Vehicle Parking
LL2 Inappropriate Rural Development
LL10 Adequacy of landscape retention
LL11 Landscaping Schemes
U3B Sustainable drainage
NC4 Protection of Existing Habitat

The above policies form part of the Councils Combined Local Plan (1998) and Local Plan Alterations (2006). 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 Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 48 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 – Presumption in favour of sustainable development

SP6 – The natural environment, landscape character and green infrastructure
T1 – Sustainable transport choices
DM1 – Habitat protection and improving biodiversity
DM4 – Development in the Green Belt
DM2 – Landscape character and ancient landscapes
DM9 – High quality design
DM11 – Waste recycling facilities on new development
DM15 – Managing and reducing flood risk
DM18 – On site management of waste water and water supply
DM21 – Local environment impacts, pollution and land contamination
DM22 – Air Quality

Consultation carried out and summary of representations received

152 Neighbours consulted -

SHEERING PARISH COUNCIL – OBJECTION – It is Green Belt. The development would adversely affect highway safety and another driveway onto the Street would be dangerous. The proposed bridge would need to cross a wide brook and it was suggested that if the scheme goes ahead a better access point would be the driveway already in place.

2 CHERRY TREE COTTAGES – OBJECTION - The dwellings are an overdevelopment of the site and will harm the character of the area. The bridge is incongruous and the ecology of the site would be harmed.

10 THE STREET – SUPPORT – The dwellings are thoughtfully designed and will add to the harmony of the village.

CROWN CLOSE RESIDENT (formally 10 THE STREET) – OBJECTION – This proposal would be dangerous in terms of highway issues and inconvenient for road users.

12 THE STREET – OBJECTION - The proposal is an overdevelopment of the site and the houses are too prominent and would harm the character of the area.

12A THE STREET - OBJECTION – The new dwellings are an overdevelopment of the site and would cause substantial overlooking into our property. The vehicular bridge will cause disruption to the flow of traffic. We will also suffer a substantial loss of light. There will be significant pollution.

FAVARDALE – OBJECTION – The proposal is an overdevelopment of the site and the houses are too prominent and would harm the character of the area.

WOODLANDS FARM – SUPPORT – This type of small scale development is exactly what is needed in the village and the design is good.

WESTLETON – OBJECTION – The proposal is an overdevelopment of the site and the houses are too prominent and would harm the character of the area.

DELMAR – OBJECTION -The proposal is an overdevelopment of the site and the houses are too prominent and would harm the character of the area.

TREETOPS – OBJECTION – The proposal is an overdevelopment of the site and the houses are too prominent and would harm the character of the area.

SOUTHBURY – OBJECTION - Concerns around a new driveway being built via a bridge for entry / exit to the dwellings. This will cause considerable inconvenience to us during the building process

as well as disturbing the wildlife that live on and around the marshes and within the trees and hedgerows that will have to be destroyed to make way. An existing driveway is already in place which gives ample access to the land.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the living conditions of the neighbours, the design of the proposal, ecology issues, land drainage and any other material planning considerations.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2018) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

However paragraphs 145 and 146 of the NPPF allow certain exceptions to inappropriate development one of which is the:

Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)

The first stage of this assessment is to consider whether the site can be reasonably considered to fall within the boundaries of a village. To the east of the site is the main settlement of Sheering which is a rather substantial settlement which has a school, two pubs and a large number of dwellings, easily fulfilling a definition of a village for the purposes of planning policy. The application site is located somewhat detached from the main settlement, however is still connected to it through a continuous row of dwellings fronting onto the Street. It is therefore concluded that the site does fall within the village boundary.

The next stage of this assessment is to consider whether the proposal would be limited infilling within the village. The Epping Forest Local Plan (Submission Version) 2017 assists decision makers by defining 'infill development' at Appendix 1 as:

The development of a small gap in an otherwise built up frontage or the small scale redevelopment of existing properties within such a frontage.

In terms of context, the site is located directly adjacent to the Hoppit to the east and to Farm cottage to the west and would fill a small gap in an otherwise built up frontage. It is therefore reasonable to conclude that the proposal constitutes limited infilling within an existing village and therefore it is not inappropriate development in the Green Belt.

Since the site is within the Green Belt, it has been considered whether it is necessary to remove Householder permitted development rights to ensure that the Local Planning Authority retains control over future development on the site. However Government guidance advises that permitted

development rights should not be removed unless there are exceptional circumstances. In this instance, the scope for further development under permitted development rights is limited and in any event the Council would need to be generally supportive of limited extensions in future applications. As such it is not considered necessary to remove such rights.

Living conditions of neighbours

The front elevation of the dwelling on the eastern most part of the site will be some distance behind the rear elevation of Farm Cottage located adjacent to it. However Farm Cottage is orientated away from the position of the closest dwelling, has a large wide garden and is a substantial enough distance from the front of the new house to ensure that there will not be significant harm caused to their living conditions.

On the other side, the Hoppit is directly adjacent to the western most dwelling however there is a substantial gap between their respective side elevations and the rear projection does not exceed the rear elevation of the Hoppit. As a result there will be no significant harm caused to the living conditions of this neighbour.

Trees and landscaping

The Tree and Landscape team consider that the proposal is acceptable subject to conditions to ensure the retention of existing trees and the replacement of trees as shown on the submitted landscape plan. These are reasonable and necessary conditions to impose.

Design

The new dwellings are set back from the road in a similar way as the Hoppit located directly adjacent. The site is currently very significantly screened from public views from the Street by significant number of trees and vegetation; however the application involves the creation of a new access, which will allow oblique views into the site from directly in front of the new access. Since the dwellings have a reasonably conventional design, are set back from the front of the site and will only be obliquely visible from public viewpoints they will not cause harm to the character and appearance of the area.

Parking and Highway safety

The Essex County Council Highway Team has commented that they have no objection to the application since the new access has good visibility splays and will therefore offer a safe form of access onto the site. The parking offer is suitable for the dwellings proposed and raises no concerns.

Land Drainage

The land drainage team have raised no objection to the application subject to conditions requiring details of foul and surface water drainage. These are reasonable and necessary conditions to impose.

Epping Forest SAC

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the

securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a S106 Agreement to assist in the funding of the mitigation measures.

Contaminated Land

The Contaminated Land officer has commented that the site has the potential to be contaminated and has suggested conditions to minimise the risk to new residents. These are reasonable and necessary conditions to impose.

Conclusion

The proposal is not inappropriate development in the Green Belt, the design is satisfactory, there will not be significant harm to the living conditions of the neighbours and it satisfies all other criteria. Therefore it is recommended that planning permission is granted subject to the applicant first entering into a legal agreement to ensure appropriate mitigation for the SAC.

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:

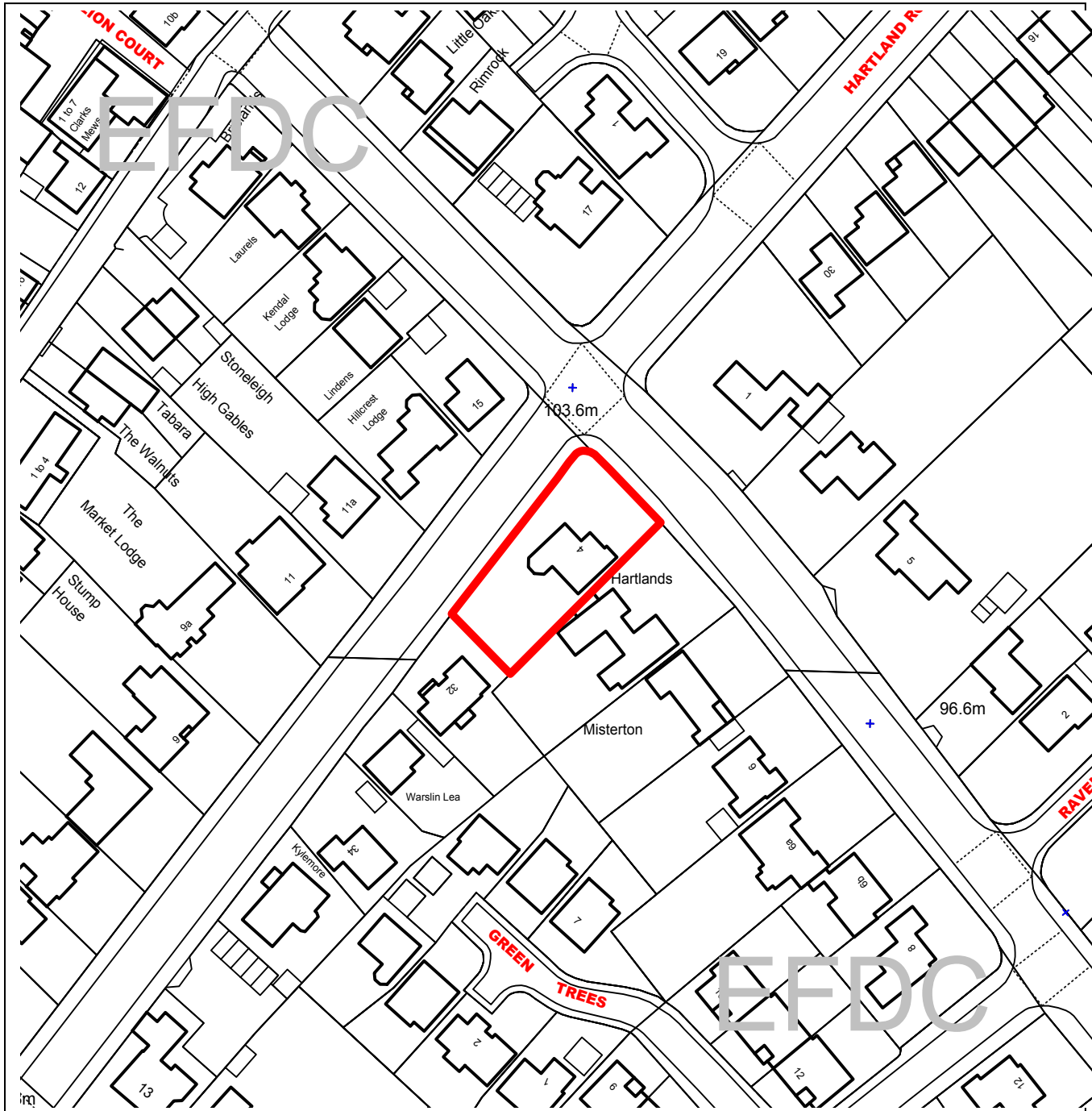
Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371

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



Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/1348/18
Site Name:	4 Kendal Avenue, Epping, CM16 4PN
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1348/18
SITE ADDRESS:	4 Kendal Avenue Epping Essex CM16 4PN
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr & Mrs Virk
DESCRIPTION OF PROPOSAL:	Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 5, 2 bedrooms flats, with allocated parking, cycle store and bin store.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609533

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: 1919/: 03C, 04E, 05B, the submitted location plan, the block plan and the existing plans and elevations
- 3 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.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 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 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.
- 7 Prior to the first occupation of the development the existing access off of Kendal Avenue shall be permanently closed off incorporating the reinstatement of the footway and kerbing to full height.
- 8 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 10 No development shall take place until details of 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.
- 11 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 and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 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.

- 13 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 14 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 15 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

And subject to the completion of a S106 Legal agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and appropriate measures to mitigate potential impacts on air quality.

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: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

And 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))

Description of site

The application site is located on the Corner of Kendal Avenue and Hartland Road which is within the built up area of Epping. Currently on the site is a relatively large single dwelling house situated within a large plot. Kendal Avenue slopes from west to east and the dwelling is therefore in a somewhat prominent position in the street scene. The adjacent neighbour on Kendal Avenue is a currently a small dwelling with a footprint that projects beyond the south western elevation of no.4. The majority of the dwellings in the surrounding area are single dwelling houses, although some have been converted into flatted developments. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not within a Conservation Area.

Description of proposal

The proposed development is for the demolition of the existing four bedroomed dwelling and the erection of a three storey block of flats to accommodate five new units, with associated parking,

cycle store and bin store. This is a revised proposal for a reduced scheme following refusal of a 6 unit proposal.

Relevant History

EPF/2335/17 – Demolition of existing building and erection of new building to accommodate six new residential units - Refused

Policies Applied

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
H2A – Previously developed land
H3A – Housing density
HC6 – Character, appearance and setting of conservation areas
HC7 – Development within conservation areas
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

The above policies form part of the Councils Combined Local Plan (1998) and Local Plan Alterations (2006). 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 Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 48 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 – Presumption in favour of sustainable development
SP6 – The natural environment, landscape character and green infrastructure
T1 – Sustainable transport choices
DM1 – Habitat protection and improving biodiversity
DM2 – Landscape character and ancient landscapes
DM9 – High quality design
DM11 – Waste recycling facilities on new development
DM15 – Managing and reducing flood risk
DM18 – On site management of waste water and water supply
DM21 – Local environment impacts, pollution and land contamination
DM 22 – Air Quality

Consultation carried out and summary of representations received

44 Neighbours consulted –

THE EPPING SOCIETY – OBJECTION – overdevelopment of the site, significantly prominent in the street scene, not enough parking, loss of house, overlooking to neighbours.

3 and 5 KENDAL AVENUE – OBJECTION – The proposal is overly prominent and harmful in the street scene. The development is too dense and out of keeping with the area. The design is poor and looks like a block of flats.

6A KENDAL AVENUE - OBJECTION – The loss of trees will be harmful, the access is dangerous and highway cannot cope with more users.

7 KENDAL AVENUE – OBJECTION – The scale and prominent appearance of the building is completely out of character with existing properties on Kendal Avenue and Hartland Road. The loss of the existing house would be detrimental.

18A KENDAL AVENUE – OBJECTION – The proposal is overly prominent in the street scene and out of character with the surrounding area. The parking is unsuitable as is the access and the loss of trees will be harmful.

6 AMBLESIDE – OBJECTION – The development is an overdevelopment of the site, is overly prominent and the design is out of character. The parking is insufficient and the road does not have the capacity for additional vehicles.

8 AMBLESIDE – OBJECTION – The development will cause a precedent. It will overshadow the neighbours, not enough parking, access dangerous, loss of trees and land drainage issues.

10 AMBLESIDE – OBJECTION -. It is an overdevelopment of the site and the design is out of keeping with the road. The parking plans are not sufficient for the number of proposed properties and the design is dangerous with the Hartland Road junction so close.

11 AMBLESIDE – OBJECTION – The access is unsatisfactory and dangerous.

17 AMBLESIDE – OBJECTION - This is an over development of the site. This obviously increases the pressures on traffic, pollution, parking and local services. The parking entrance is also very poorly situated on Hartland road with parked cars nearby making visibility very limited on what is now a heavily used road.

2 RAVENSMERE – OBJECTION - This construction at this position will irrevocably spoil the character and perspective of this residential area.

3 RAVENSMERE – OBJECTION – loss of the house is harmful, the proposal is an overdevelopment of the site, the access is dangerous and the proposal is overly prominent.

32 HARTLAND ROAD – OBJECTION - The proposal is completely out of scale and out of character with the existing street. It will be overbearing and cause substantial overlooking and the access is inappropriate and dangerous and the parking is insufficient.

HILLCREST LODGE – OBJECTION -. The access is dangerous

LINDENS, KENDAL AVENUE – OBJECTION -This part of Epping is characterised by houses of all sizes, not by small flats. There are too many blocks of small flats in Epping with inadequate

parking facilities. it is important to preserve the character of this part of Epping, that is Hartland Road and Kendal Avenue and this proposal will harm that character.

BARTON WILMORE BUT NO ADDRESS GIVEN– OBJECTION – The development is out of character with the existing street scene and overly prominent. The proposal will cause overlooking to the neighbours. The parking is inadequate and the access is dangerous.

88 THEYDON GROVE - This planning application was correctly refused in 2017 and it is for the same reasons the duplicate application should be too. This application is totally out of keeping with the location as Kendal Avenue is a long-established street of impressive detached, semi-detached and terraced houses. There can be no justification for creating such an eyesore in this location. It will completely change detrimentally the outlook of the street and if allowed to go ahead, will set an unnecessary precedent for Epping.

78 THE BROADWAY, LOUGHTON – OBJECTION – The proposal is out of character with the street scene, will result in the loss of a family home, there is not enough parking, there will be significant overlooking.

5 GREEN TREES – OBJECTION - The proposal is out of character with the street scene, will result in the loss of a family home, there is not enough parking, there will be significant overlooking.

6 GREEN TREES – OBJECTION - The proposal is out of character with the street scene, will result in the loss of a family home, there is not enough parking, there will be significant overlooking.

Issues and considerations

The main issues to consider when assessing this proposal are the principle of the site for the development, the living conditions of the neighbours, the potential impact on the street scene, parking and access considerations, landscaping, land drainage and any other material planning considerations.

Principle of development

The application site is located in the town of Epping, within walking distance of the designated Town Centre and also to Epping Underground Station which provides regular services into London. Epping is a town with a large number of shops, services and facilities such as restaurants, schools, doctor's surgeries, a hospital and local transport links. There are also a number of open spaces in and around the town and easy access to Epping Forest. The result of this is that the site is within a very sustainable area and would offer an attractive place to live for potential residents. There is also a general presumption in favour of sustainable development running through the Framework and this adds weight to this proposal.

It is also pertinent to note that there are already flatted developments within Kendal Avenue and the surrounding area (no.3 opposite the site, 17 Hartland Road, Honeysuckle Mews, the former courthouse on Hemnall Street recently completed).

A further consideration of principle is that the Council cannot currently demonstrate a five year housing land supply as required by the Framework. Whilst the Council is in the process of formulating a new Local Plan to address the issue, currently the Council submits it can only demonstrate a 1.58 year supply of housing. In these circumstances paragraphs 11 of the Framework advise that planning permission should be granted unless any adverse impacts on

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, thereby adding weight to an approval.

Strong objections have been raised by local residents that, amongst other things, an approval of this application will create an undesirable precedent for other similar future schemes which would further harm the area. 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 allow a development. The Local Planning Authority would retain control over future development.

Drawing all the strands together it is considered that this proposal would allow the opportunity for a more efficient use of an existing brownfield site within a sustainable urban area and therefore the principle of flattened development in this location is acceptable.

Living conditions of neighbours

The new block of flats would have a ridge height of 8.7m, a relatively small increase of 0.7m over the existing dwelling and it would leave a gap of approximately 11m to the shared boundary with no.32 Hartland Road to the east. In addition no.32 does not have windows on its North West flank and the new block would be entirely set against this blank elevation. As a consequence of these factors, it is not anticipated that there would be significant harm caused to the living conditions of this neighbour.

Hartlands, the other adjacent neighbour located on Kendal Avenue, is currently a relatively small dwelling which has a ridge height well below the existing ridge height of no.4. There are a number of windows on its side elevation which would be impacted by the increased height and scale of the new block. However given the gap between the dwellings it is not considered that there would be excessive harm to their living conditions.

Character and appearance of the area

This scheme is a revised proposal following a refusal of planning permission in 2017 (EPF/2335/17) which was refused due to the harm which would be caused to the street scene as a result of its incongruous design and excessive bulk and scale. This revised proposal seeks to address these issues and overcome this reason for refusal.

The application site currently contains a detached, two storey dwelling. The area, both Hartland Road and Kendal Avenue are predominantly residential and are characterised for the most part by large detached two storey dwellings set within spacious plots. There is a variety of architectural styles in the area and a range of different materials used in their construction including brick, render, timber boarded and uPVC cladding and this results in a street scene which has a varied appearance. In terms of its context, the application property sits in a very prominent position on the corner of the junction between Kendal Avenue and Hartland Road. This prominence is accentuated by the fact that Kendal Avenue slopes from east to west with the application property near the highest point of the road, clearly visible from public viewpoints.

Policy DBE1 of the Adopted Local Plan requires that the scale of new buildings must respect the context of its setting; particular attention must be given to, amongst other things, the height of the building and its width in relation to the size of its plot. The previously refused application proposed a building 2.5m higher than the existing house and a width of 21.5m across Hartland Road. A combination of these factors as well as the particular prominence of the application site from public viewpoints resulted in identified harm to the street scene.

In contrast this revised scheme proposes a building only 0.7m higher than the existing house and a width of 18.7m across Hartland Road. Whilst the new building would have a width substantially greater than the existing house, the substantial 11m gap to the boundary with no.32 Hartland Road as well as the relatively small increase in ridge height over the existing house results in a building which would not appear overly prominent in the street scene, nor at odds with the prevailing character and appearance of the area.

A number of neighbours have pointed to the high density of the proposal being out of character with the area. Whilst it is acknowledged that the density of the new development exceeds the existing single house, it is difficult to argue that this will result in any material harm to the character or amenity of the area, given that adequate space is maintained around the building for parking, amenity space and bin storage, and the design is appropriate to the streetscene.

It is therefore concluded that the proposal is compliant with policies DBE1, CP2(iv) and CP7 of the Adopted Local Plan, with policy DM9 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the NPPF.

Parking and access

The proposal has been assessed by the Council's Highway advisor who has commented that there is no objection to the principle of this proposal. Access onto Hartland Road will be through an already existing access and whilst this will be more utilised than the existing situation, it will not cause any harm to the safety or efficiency of the carriageway. The parking provision of one space per dwelling is also considered to be acceptable within a sustainable area such as this for flats of this size.

Landscaping issues

The trees and landscape team have not raised an objection to the scheme, subject to a condition ensuring the protection of existing trees on the site and details of hard and soft landscaping. Given the position of this dwelling on Hartland Road and Kendal Avenue, such conditions are considered to be both reasonable and necessary.

Land Drainage

The applicant is proposing to dispose of surface water by a sustainable drainage system. Further information will be required on this and these can be secured through the use of a planning condition.

Epping Forest SAC

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a S106 Agreement to pay an appropriate sum towards the mitigation measures as and when the requirements are finalised, such that the development will not result in harm to the integrity of the SAC.

Conclusion

This proposal constitutes a sustainable development which would contribute to housing numbers within the District and would not cause harm to the living conditions of the neighbours. The reduced scale of the development and improved design are sufficient to overcome the previous reason for refusal and the development would not have an adverse impact on the street scene or the character and amenity of the area. The development is therefore considered to be in accordance with the adopted Local Plan, the Submission Version Local Plan and the NPPF and is recommended for approval subject to the applicant first entering into a legal agreement to secure appropriate mitigation of any possible impacts on the Epping Forest SAC.

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:

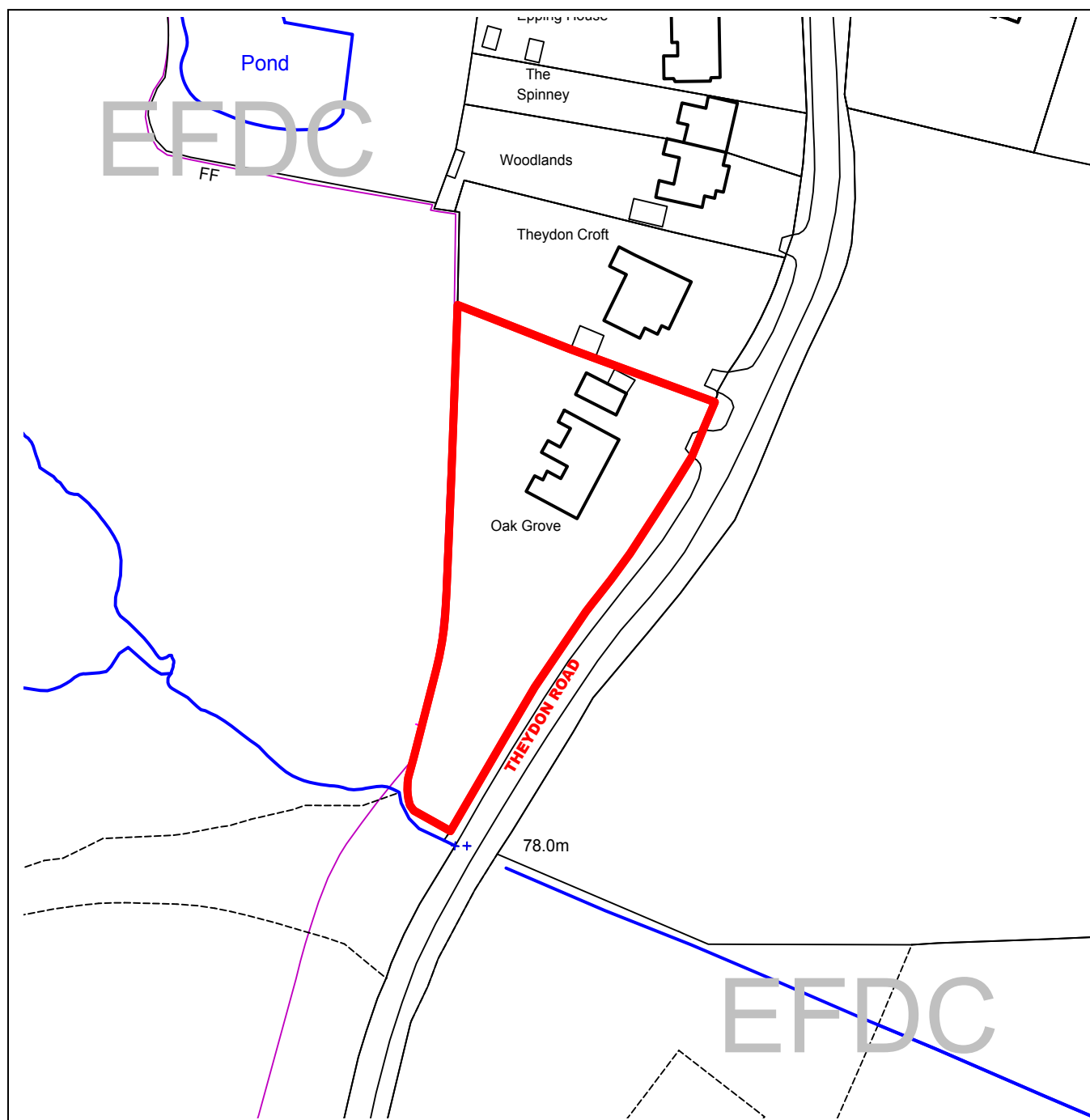
Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371

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



Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/1374/18
Site Name:	Ambresbury House, Theydon Road, Theydon Bois, CM16 4EF
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/1374/18
SITE ADDRESS:	Ambresbury House Theydon Road Theydon Bois Essex CM16 4EF
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Scott Kyson
DESCRIPTION OF PROPOSAL:	Redevelopment of garage (previously approved under EPF/0534/16) and new wall and gates to boundary.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609614

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 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.
- 3 No excavations of any kind (eg services/foundations) shall be undertaken within the root protection area of the lime (T30 on MWA Arboriculture - Arboricultural Survey and report dated July 2018) unless the Local Planning Authority gives its prior written approval.
- 4 The existing laurel hedge at the front of the property shall be retained and maintained in perpetuity at a height of not less than 2 metres.
- 5 No works to the protected (TPO'd) Lime tree on the boundary of the property shall be undertaken unless it is agreed in writing by the Local Planning Authority prior to the work being carried out.

- 6 Within 3 months of the date of this permission the amendments to the front boundary gates and gateposts shown on the approved drawings shall be carried out. and any gates erected at any time at the vehicular access shall be inward opening and set back a minimum of 6 metres from the back edge of the carriageway.

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:

The property is a large two storey detached house with a detached garage. The site is within a built up linear enclave in the green belt. It is not within a conservation area and PD rights are intact. Preserved trees lie to the north of the garage on the property of Theydon Grove. The land levels drop gradually to the south of the property.

Description of Proposal:

The application proposes a single storey side extension in place of the existing triple garage.

Planning permission exists for a similar scale side addition approved under EPF/0534/16, which was for replacement garaging.

The current proposal however is no longer for garaging, but for a gym, storage and utility room. It is also proposed to create a roof terrace with a metal railing to the front elevation.. With the overall height of the garage to be 4.4 metres, the previous approved scheme had the overall height of the garage at 6.2 metres.

The application also includes the erection of boundary walls and railings and gates to the front boundary of the property. Some works have already been carried out but it is proposed to reduce the pillars from the height they have been built at such that they are at most 2.1metres. In addition, it is proposed to set the vehicular access gates further back into the site to enable a vehicles to safely pull off the road whilst the gates are opened. The wall and railings the subject of this application are only for a short section of the frontage; to the right of the house. The remaining frontage is hedged..

Whilst there is a brick wall behind the existing hedging; there is legal opinion that it is permitted development and lawful due as it does not lie adjacent to the highway and is not higher than 2m, so does not form part of the current application..

Relevant History:

EPF/0623/06 – Detached replacement garage building with covered pool and gym – REFUSED

EPF/0534/16 – Rebuilding of Garage with linkage to house with accommodation over garage with sloping roof – APPROVED

EPF/0948/16 – Front Boundary Treatment – REFUSED

EPF/1275/18 – Front Boundary Treatment – REFUSED

EPF/1839/16 – Front Boundary Treatment – APPEAL DISMISSED

EPF/1840/16 – CLD 1metre Front Boundary Treatment - LAWFUL

Policies Applied:

Adopted Local Plan:

CP2	Protecting the Quality of the Rural and Built Environment
GB2A	Development in the Green Belt
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions
ST4	Road Safety
ST6	Vehicle Parking
LL10	Landscape Retention

NPPF:

The Revised National Planning Policy Framework (NPPF) has been published as of 24th July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in Favour of Sustainable Development
DM9	High Quality Design

Consultation Carried Out Summary of Representations Received

Number of neighbours Consulted: 1. No response received
Site notice posted: No, not required

THEYDON BOIS PARISH COUNCIL – OBJECTION -

The property is located in a sensitive location, outside the main urban settlement of Theydon Bois, being directly opposite open fields and adjacent to Forest land.

Although the application is described as the “re-development of the garage”, the proposal now submitted would, in effect, result in a substantial ‘extension’ to the host dwelling and, unlike that previously-approved under EPF/0534/16, would not retain any provision for the garaging of vehicles.

Given the size of the existing house, there would be a likely further requirement for another garage to be constructed on the site, which would adversely impact on the openness of the Green Belt in this vicinity. Objection was, therefore, raised to the loss of the garage by way of this newer proposal.

With respect to the proposed gates to both the pedestrian, and vehicular, entrances in front of the dwelling, it was noted that these have already been constructed. However, Councillors recalled the dismissal of two recent appeals on the same site, relating to the construction of a brick wall (or fence) along the outer perimeter fronting the highway, neither of which were permitted.

(APP/J1535/D/16/3164442 and APP/J1535/D/16/3164435).

It would appear that a similar brick wall, mostly of some 2m in height, together with brick pillars that support the gates, has also now been built, but that this structure is mostly screened by the laurel hedge presently in front of it, and by the native trees and hedging along the further, southern, part of the site adjoining Epping Forest.

The existing “green and verdant street frontage” and the “particularly sensitive position given the open countryside to the south and east” were directly referenced by the Planning Inspector, who also expressed concern that a visually-apparent wall would be an “unduly harsh” and “an unacceptably dominant and intrusive feature”. Therefore, the retention of this hedge, and the further native planting, should be essential components in the consideration of any potential grant of permission.

Consequently, given the above-mentioned appeal decisions, if the application is recommended for approval, the Parish Council would wish to see a specific Condition to ensure that the laurel hedge (and further boundary planting to the south) is retained, and maintained, in perpetuity, in order to preserve the visual amenity of this Green Belt location.

Main Issues and Considerations:

The main issues to be considered with this application relates to the impact on the character and appearance of the locality and neighbouring amenities and if it is acceptable from a highway safety point of view and if it is inappropriate development in the Green Belt.

Character and appearance:

The proposed boundary treatment would be of a height, design and scale that would appear appropriate to the application dwelling. Boundary treatment is varied along this extensive street and whilst the previous proposals here have been refused, these were for the whole road frontage and were solid walls of excessive height, this revised scheme which is only for a short section of wall and introduces railings to lessen the impact. Extensive hedging is shown for the remainder of

the frontage and the overall impact is considered appropriate in keeping with the street scene in this area

The Parish Council have suggested a need for a condition to maintain the hedge along the frontage to ensure that the wall behind it remains hidden and it is considered logical that this is added given that a wall in that position without the screening would be visually intrusive.

The proposed extension is appropriately designed and will not be harmful to the existing dwelling or the street scene.

Highways:

The proposed gates are to be set back from the highway such that waiting vehicles will not overhang the highway, and there are no objections on highway safety grounds. A condition is required to ensure that the gates are repositioned as shown on the plans.

Green Belt:

The proposed extension and front boundary treatment are considered to be a 'limited extension' which is not disproportionate over and above the size of the original dwelling and as such is not inappropriate development in Green Belt terms. The impact on openness is limited and acceptable. And indeed is less than the impact from the previously approved scheme.

Referring to the parish council's comments there is enough space for approximately 5-6 cars to park on the drive and therefore this mitigates the loss of the garage. In addition to the speculation that a future garage will likely be required, each planning application is based on its own planning merits, should an application be made in the future to construct a garage that will be dealt with on its own planning merits and therefore limited weight is given to objection.

Living conditions of neighbours:

The proposal by its nature would not cause excessive harm and detract from neighbouring amenities and given the position, land levels and the level of screening that exists on the boundary to Theydon Croft there would ensure that there would be no overlooking into the neighbouring property from the proposed roof terrace. terrace.

Trees

There is a preserved Lime Tree at the site but the Council's Tree Officer is happy that the works can be carried out without harm to the health of the tree and has suggested conditions to ensure this..

Conclusion:

The proposed extension is well designed and is not inappropriate in the Green Belt. The revised boundary proposal that retains hedging for the majority of the road frontage and introduces just a small element of wall with open railings between piers is considered to maintain the character and amenity of the area.

For the reasons above, it is considered that the development accords with current adopted Policy and the NPPF and the application is recommended for approval subject to the conditions outlined in the council's decision notice.

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: Muhammad Rahman
Direct Line Telephone Number: 01992 564415***

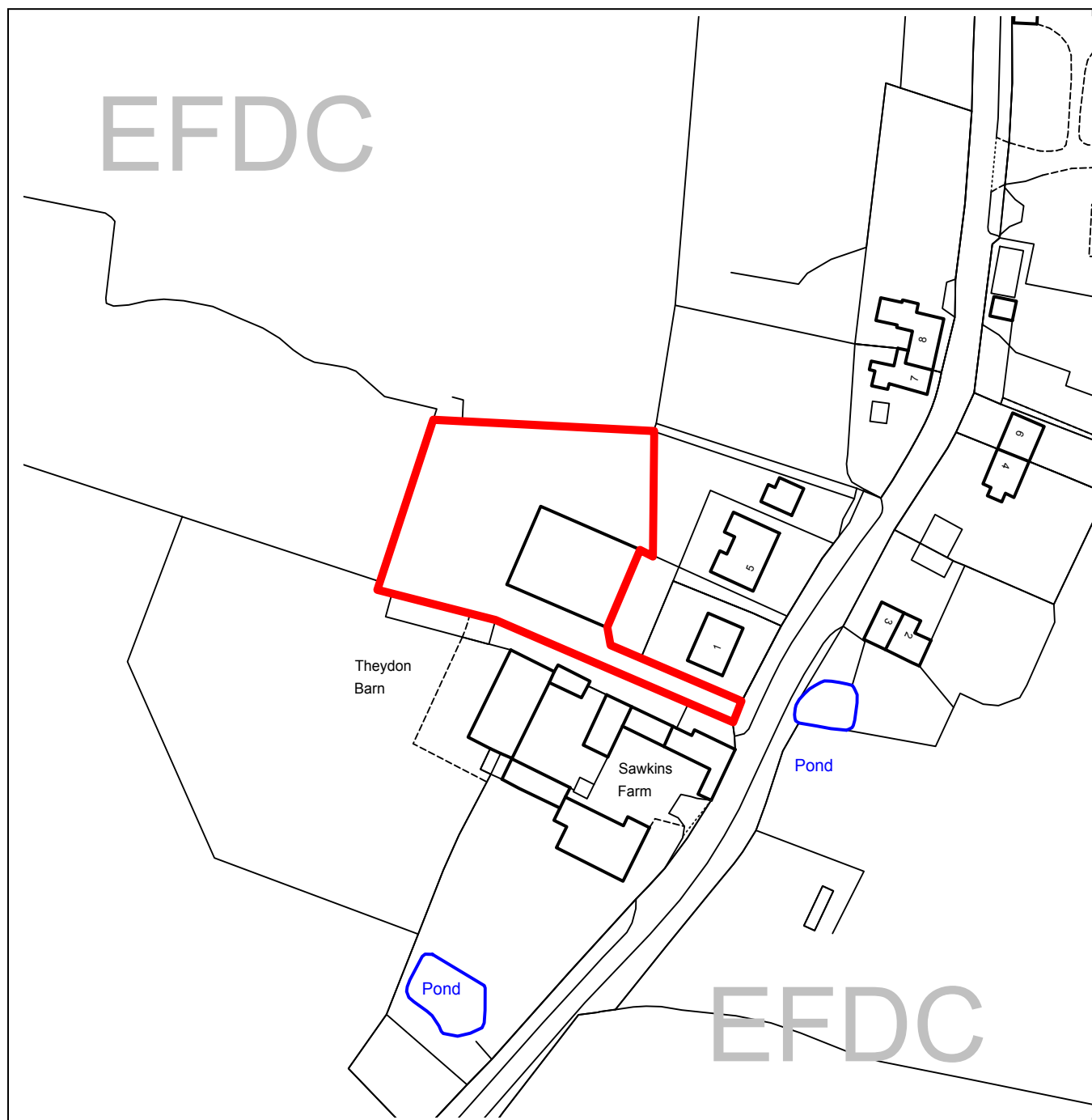
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/1406/18
Site Name:	1 Mount End, Mount End Road, Theydon Mount, CM16 7PS
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/1406/18
SITE ADDRESS:	1 Mount End Mount End Road Theydon Mount Epping Essex CM16 7PS
PARISH:	Theydon Mount
WARD:	Passingford
APPLICANT:	Mr Robert Shaw
DESCRIPTION OF PROPOSAL:	Demolition of barn and erection of two detached houses (Revised application to EPF/2248/17)
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609733

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: 1A, 2A and 3A
- 3 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.
- 4 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.
- 5 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]

- 6 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]

- 7 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.

- 8 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.

- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Measures to control the emission of dust and dirt during construction,
 4. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 5. Precautionary measures for minimalizing effects on great crested newts, reptiles, badgers and hedgehogs.
-
- 10 Prior to the commencement of development other than groundworks, a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
 - 11 Prior to the commencement of development, other than groundworks, a biodiversity plan including, but not limited to, provision of bird and bat boxes, shrubs of benefits to bats and nectar rich planting to encourage invertebrates shall be submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented fully in accordance with the agreed details.
 - 12 Prior to the commencement of development other than groundworks, details of the proposed surface materials for the building frontage courtyard and patio areas have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
 - 13 Prior to the commencement of development other than groundworks, details of all walls, fences, gates and other means of enclosure shall be submitted to and approved by the Local Planning Authority. The works shall thereafter be completed in accordance with the agreed details
 - 14 Prior to the commencement of development other than groundworks, details of all external lighting to the site, including freestanding lighting columns and exterior lights attached to the building shall be submitted to and approved by the Local Planning Authority. The works shall be completed only in accordance with the agreed details.
 - 15 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.

- 16 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 17 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.
- 18 No vents, grilles or ducting shall be fixed to any elevation of the buildings visible from the road without the prior written approval of the Local Planning Authority.
- 19 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 Classes A, B, C E (other than a single freestanding building not exceeding 10 sq.m.) and F of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 20 Other than as indicated on the plans hereby approved, there shall be no increase in the area of the residential gardens on the site nor any increase in roadways, parking areas, patios or other hard surfaced areas without prior consent from the Local Planning Authority.
- 21 No additional windows beyond those shown on the approved plans shall be installed in any elevation of the buildings hereby permitted without the prior consent of the Local Planning Authority.

And subject to the completion, within 6 months, of a Section 106 Legal agreement to secure appropriate financial contributions towards a) access management and monitoring of visitors to the Epping Forest Special Area of Conservation (SAC) and b) mitigation of air pollution in the vicinity of the Epping Forest SAC.

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:

The application site lies to the west side of Mount End Road currently forming part of the curtilage of 1 Mount End, a two storey detached house fronting the road . The land the subject of the application comprises around 0.21ha including access from the existing gravelled drive along the southern boundary, a timber clad barn building and land to the rear extending north behind 5 Mount End (the neighbouring house on the frontage)

The existing building is partly open on three sides and was most recently used as stables. It occupies an area of around 415 square metres and the main gable roof is 5.5m high at eaves and 8m high at ridge, with a mono-pitch cat slide roof on the rear part falling to single storey. The remainder of the site curtilage is enclosed by a mix of post and rail fencing and gates, and hedging all around 1metre high.

There is a ribbon of built development concentrated primarily along the road frontage of Mount End Road predominantly consisting of two storey dwellings, no.5 incorporates chalet style dormers. To the south lies the Grade II listed buildings originally part of Sawkins Farm but now converted into two dwellings (Sawkins Farm and Theydon Barn). The whole area is located within the Green Belt.

Description of Proposal:

The application is a resubmission of a proposal for redevelopment as two x 4 bed houses, being part two storey, part single. The main element of each has an off-centre ridge line with a cat slide roof to the rear and single storey projections on two faces. The front elevations include a double height window as the only opening , within the rear faced elevation is a central two storey projecting bay. The buildings are arranged at right angles to each other to create a central courtyard.

Two parking spaces are provided for each dwelling, within the courtyard for Unit1 and at the rear for Unit 2. Private gardens are formed within the existing, retained outer boundary fence.

Relevant History:

Historic applications for works to the frontage house indicate that around 2000, the barn building was part of Sawkins Farm. An application in 2004 shows the building as having been separated from the farm and within the demise of 1 Mount End. Aerial photographs support this. The land and building were subsequently used for stabling horses and associated storage until 2016 / early 2017.

EPF/2248/17 - Demolition of barn and erection of two detached houses. - granted

Policies Applied:

Adopted Local Plan:

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP5 Sustainable buildings
- GB2A Development in the Green Belt
- GB4 Extensions to residential curtilages
- GB7A Conspicuous Development
- HC12 Development affecting the setting of listed buildings
- RP4 Contaminated land
- U3B Sustainable Drainage Systems

DBE1 Design of new buildings
 DBE2 Effect on neighbouring properties
 DBE4 Design in the Green Belt
 DBE8 Private amenity space
 DBE9 Loss of amenity
 LL11 Landscaping schemes
 ST6 Vehicle parking
 NC4 Protection of Established Habitat

The above policies form part of the Councils Adopted Local Plan (1998) and Local Plan Alterations. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004 (with alterations adopted in 2006)) 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.

NPPF:

The National Planning Policy Framework 2018 (NPPF) Paragraph 213 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.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open land
SP7	Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM7	Heritage Assets
DM9	High Quality Design

DM10	Housing design and quality
DM16	Sustainable Drainage Systems
DM21	Local environmental impacts, pollution and land contamination
DM22	Air Quality

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: Six

Responses received: Two responses have been received from neighbours.

2 MOUNT END – The neighbour objected to the previous application and comments: Plot 2 still sits primarily outside of the footprint of the existing barn, encroaching into open Green Belt beyond the building line and increasing site cover and sprawl. In my opinion, this is over development of the site and will have a greater impact on the openness of the Green Belt than the existing barn. I still consider that a single dwelling, not extending beyond the footprint of the barn, would be more appropriate.

5 MOUNT END – The objectors detailed comments are summarised below:

1. Overdevelopment - We cannot see any planning merit or justification in replacing the current barn with two large properties, only one of which is on the footprint of the present built structures and with the other protruding into the open field beyond.
2. Impact on Openness of the Green Belt - Plot 2 (furthest from 1 Mount End) remains outside of the footprint of the existing barn, further adding to the impact on openness of the green belt. At present this a rural agricultural locality and ultimately this development constitutes not the conversion of an existing structure but two additional dwellings in the Green Belt for which no special circumstances have been shown.

There is a public footpath running alongside the boundary of the property and the field beyond which presently enjoys views across the skyline to Epping. The addition of two large properties, crammed in, will undoubtedly have an impact on the openness of the Green Belt in this rural location. The built form will comprise not only the actual dwellings but, with modern living, there will be other residential paraphernalia such as garden sheds, outdoor eating areas etc. etc., and all this will introduce a residential element/sprawl into an open area of the countryside in the Green Belt.

This side of Mount End in our hamlet of Theydon Mount comprises a ribbon development of houses all of which front the road. There is no existing “back land” development and the building line is consistently one of road frontage. The only exception is the Grade II listed Theydon Barn which is set back from the road. The applicant makes reference to the annexe to Theydon Barn and the depth of this structure being used as justification for the proposed “back” development in this application. However, it is not an appropriate comparable. The annexe to Theydon Barn is the conversion of an existing single storey structure of a rural nature, it is not two wholly new large and bulky structures in the Green Belt. Importantly, nor does it have any fenestration/openings in the flank wall facing north. Building as is proposed would introduce a residential element where presently there is none and constitute and lead to further residential sprawl in the Green Belt and countryside.

3. Loss of residential amenity – Plot 1 (nearest to 1 Mount End) remains adjacent to our boundary, and re-orientated towards us from the original application, increasing the overlooking. In the Design & Access Statement, page 14, Advice 3 states “Particular attention needs to be given to how the form of the building impacts on the adjoining property to the north”, i.e. our house at 5 Mount End, and the revised plans continue to significantly impact on our residential amenity. We note the applicant has reduced the height of part of Plot 1 to single storey, but this is inconsequential as the remainder of Plot 1 continues to be significantly higher than the existing roofline of the extension to the barn and this would be materially intrusive to our residential amenity. The Applicant has therefore not addressed the third reason for refusal of their previous application.

4. This revised application has done nothing to address our concern about the proposed drainage. There is no mains drainage here. The plans show the new plots draining into the ditch on adjacent land both for foul and surface water. This ditch will not take any intensification of current use – it is often brimming full from current discharge run offs. Any additional use is likely to lead to overflowing and will exacerbate the flooding across the adjacent land and out to Mount Road where water gathers extensively after rainfall.

THEYDON MOUNT PARISH COUNCIL Object to the application, considering it an overdevelopment of the site and an intrusion into the openness of the Green Belt.

Main Issues and Considerations:

Impact on Green Belt

In considering the primary Green Belt issue, regard has to be had to the position around the existing building. There is sufficient evidence to support the contention that this has been used for non-agricultural purposes for at least 10 years. The use of stables also now appears likely to be lawful. As a result, the built area must be regarded as previously developed land when assessing the application of Green Belt policy.

The land identified as the proposed gardens for the dwellings lies largely beyond the built form and its status is relevant. The whole area is indicated in a 2004 planning application as being part of the residential curtilage of 1 Mount End. A visual inspection supports the argument that this land is materially different from the open fields beyond in form, appearance and function, it is apparent that this area has been maintained by regular mowing as a domestic garden or paddock as opposed to the more natural agricultural character of the fields beyond. Thus no extension to the domestic curtilage is proposed.

Assessment of the impact on the openness and function of the Green Belt needs to consider whether the application would have a fall back position of an application that follows the footprint of the existing building. Such a scheme would involve a single large dwelling or more likely a pair of semi-detached houses and was discouraged at pre-application stage as being unduly bulky in its appearance and out of keeping with the scale and pattern of local domestic architecture. The proposal to create two detached buildings thus inevitably results in some of the building falling outside the footprint of existing building (around 35% of the built footprint) but a number of good planning reasons exist for doing this;

- This allows the dwellings to be efficiently designed and for built development to be reduced in overall scale. As a result there are reductions to both the built footprint in the volume of built development of around 11%, and in the maximum height at eaves and ridge levels of around 1m .
- A visual break between the buildings reduces the impact of the mass.
- The built form is more appropriate to the location (see below design issues).

Taking the above into account, officers consider that these benefits would constitute very special circumstances that would support a limited extension on the existing built footprint.

Design

Consideration of the design and form is influenced by a number of factors – the character of the location, the adjacent listed buildings and the layout of the existing building.

In terms of the general local character, the settlement generally follows a ribbon pattern with residential buildings running along the road frontage although the adjoining plot to the south is a notable exception.. Here however the history of the farm site dictates the form and it is evident that the rear buildings are generally subordinate to the frontage.

The application proposes a similar approach and demonstrates a good understanding of its context. The layout of the proposed houses in a courtyard plan has been clearly informed by the adjacent farm complex and the strong rural character of the area. In addition, the proposal makes evident references to the scale, massing, forms, design and detailing of the adjacent agricultural buildings. The proposed material palette featuring vernacular materials such as timber cladding and red plain clay tiles will match the materials and textures of the adjacent buildings and allow the new dwellings to blend in with its immediate surroundings.

The type, scale and materials of boundary treatments are crucial elements in the design of new buildings. The proposed boundary treatment including 5-bar gates, post and rail fencing and indigenous hedges and shrubs are typical of farm complex and therefore fully supported. The proposed use of gravel as a surfacing for the courtyard is also considered appropriate.

Amenity

The immediate neighbour lies at 5 Mount End, to the north of the application site. The proposal has been designed to ensure the new buildings do not project beyond the northern most boundary of the existing building, thereby ensuring direct views over the surrounding countryside are not compromised. The proposed building closest to the neighbour is designed to have a sloping roof falling to single storey at the rear (with a central gable feature at two storey), the eaves on the rear main wall is lower and further from the boundary than the existing building. Taking into account that the nearest dwelling is around 5 metres from the shared boundary and 17 metres from the property at no.5, officers accordingly consider that the impact is not materially greater than currently exists.

Impact on listed buildings

While the development lies outside the curtilage of the adjacent listed buildings to the south, inappropriate development would still have the potential impact on their setting. The listed buildings present a blank facade to the boundary such that habitable areas are not directly impacted. The proposals also reflect on certain characteristics of the adjoining site, with the buildings arranged a courtyard and of comparative height and scale to Theydon Barn. Taking account the design considerations discussed above, the development is considered appropriate within the context of the listed building.

Other matters

Development has to be considered in the context of the Habitat Regulations Act. As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The application site lies within the 6.2km zone around the SAC where mitigation measures are required. The applicants have confirmed their willingness to enter into an appropriate s106 agreement to secure an appropriate contribution to such mitigation, a strategy for the management and monitoring of visitor pressures on the SAC is currently being developed with strategic partners. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2.

Such measures are distinct from any issues that may affect habitats within and adjacent to the application site. Any such assessments can be reasonably undertaken post determination of the application.

Historic agricultural uses of the site make it likely that contaminants could be present on the site. This is confirmed by a Phase One contaminated land study that accompanies the application.

Suggested conditions to the recommendation that are relevant in this case include removal of permitted development rights, biodiversity plan requirement to consider whether there are bat habitats.

Conclusion:

The existing building meets the relevant criteria to be considered as previously developed land. In this context, replacement buildings to provide residential accommodation are not inappropriate provided they do not have a greater impact on the Green Belt.

The proposals involve a decrease in both the footprint and volume of buildings on the site, and a reduction in the maximum ridge height. The buildings are arranged in a courtyard style that reflects a more traditional layout to subsidiary buildings and reflects the context and form of the adjoining listed building. Where the building impacts on the neighbouring property to the north, the form reflects that of the existing structure in falling to a single storey eaves height and its impact is not significantly greater. As such, the development is not considered to have a materially more substantial impact on the character and openness of the Green Belt in this location.

Taking all of the above in the context of relevant development plan policies, officers consider the development to be of an appropriate scale and siting. Subject therefore to an appropriate legal agreement if required to secure a contribution to mitigate the impact of the development on the Epping Forest SAC and wider air quality, and to appropriate conditions, it is recommended that planning permission be granted

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

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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