

AREA PLANS SUB-COMMITTEE 'WEST'

12 September 2018

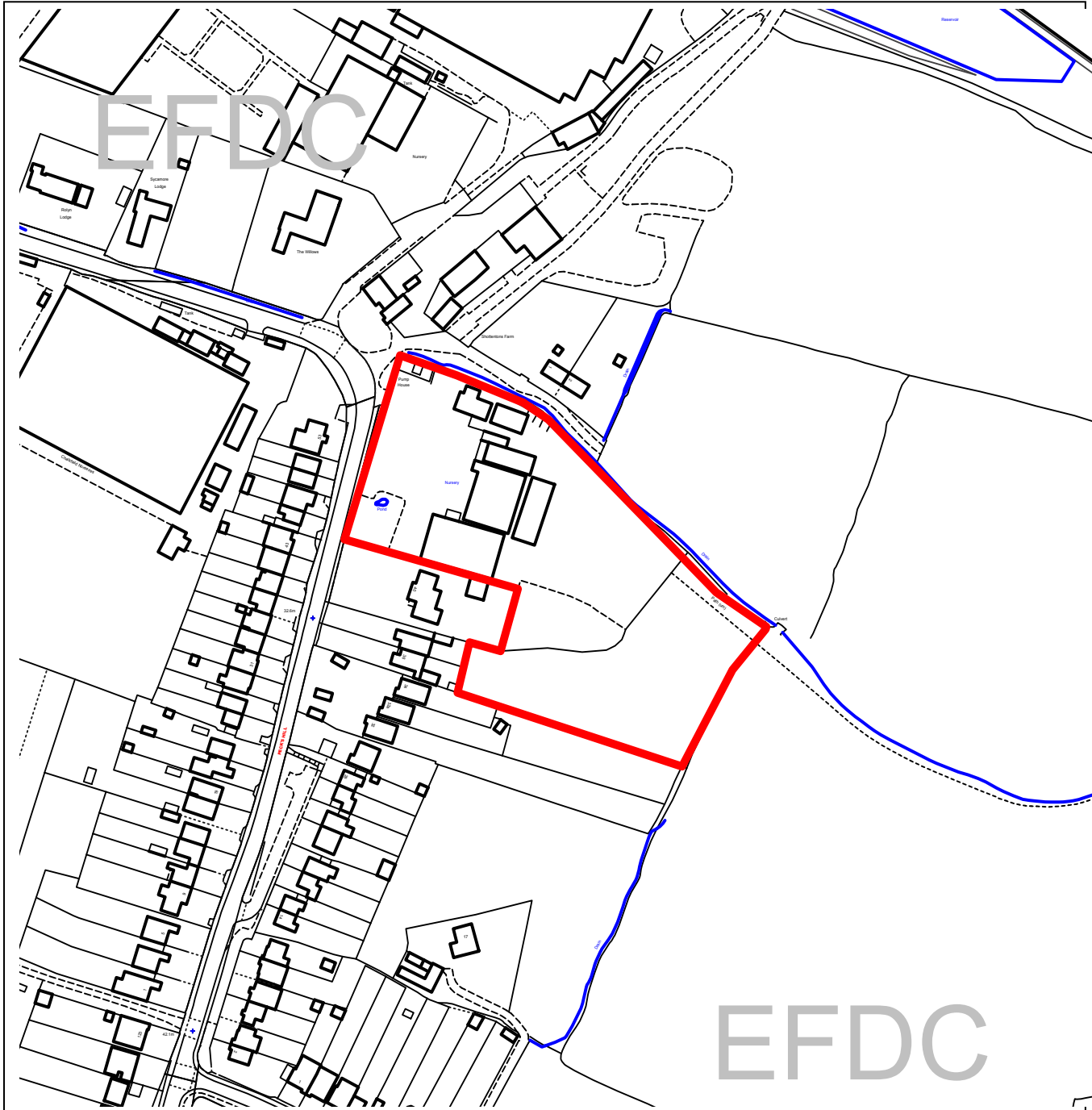
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/1067/18
Site Name:	The Fencing Centre Pecks Hill Nazeing EN9 2NY
Scale of Plot:	1:2500

Report Item No: 1

APPLICATION No:	EPF/1067/18
SITE ADDRESS:	The Fencing Centre Pecks Hill Nazeing Essex EN9 2NY
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Messrs John & James Wilkinson
DESCRIPTION OF PROPOSAL:	Outline application for residential development for 33 dwellings all matters reserved except closure of existing access and creation of a new access point onto Pecks Hill.
RECOMMENDED DECISION:	Recommend: Refuse Permission

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=608263

REASONS FOR REFUSAL

- 1 The proposed development would constitute inappropriate development harmful to the Green Belt and would also harm the openness of the Green Belt and conflict with its fundamental purpose. The case submitted is not sufficient to constitute very special circumstances that clearly outweigh the harm from the proposal. Therefore the development is contrary to the guidance contained within the National Planning Policy Framework, policies GB2A and GB7A of the Adopted Local Plan, with policy DM4 of the Epping Forest Local Plan (Submission Version) 2017 and the Green Belt objectives of the National Planning Policy Framework.
- 2 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.
- 3 The proposal fails to provide the required level of affordable housing or the reflective mix of affordable housing as required by policy H2 of the Epping Forest Local Plan (Submission Version) 2017 and no viability study has been submitted to justify that meeting the requirements of policy H2 paragraph (A) would render the development as unviable. The proposal is therefore contrary to policy H2 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.

- 3 The proposed development is expected to increase the demands on existing early years childcare and primary education facilities in the local area and mitigation measures are required to offset the increased demand. Since the required financial contributions cannot be secured, the proposal is contrary to CF12 of the Adopted Local Plan, with D1 of the Epping Forest Local Plan (Submission Version) 2017 and with the objectives of the National Planning Policy Framework.

This application is before this Committee since it has been 'called in' by Councillor Bassett (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of site and surroundings

The application site is located on the eastern side of Pecks Hill which is at the northern end of the main settlement of Nazeing. Part of the site is occupied by JW Fencing, a builders supply yard which contains various buildings, hardstanding and open air storage. The southern part of the site is currently an open, previously undeveloped field. The application site is located within the Metropolitan Green Belt and but is not in a Conservation Area.

The previously developed part of this site is proposed for allocation in the Epping Forest District Local Plan (Submission Version) 2017 (site NAZE.R2) to provide approximately 29 new dwellings. However the site in this application extends beyond the proposed allocation to encompass an 'L' shaped 6,800sqm parcel of open Green Belt land to the south and to the east, this amounts to around a third of the application site. The boundaries of the extended site abut more open Green Belt land to the north, south and east. The entirety of this site was assessed as part of the Local Plan site selection process where it was concluded that:

The site falls within an area of medium landscape sensitivity - characteristics of the landscape are resilient to change and able to absorb development without significant character change. The relevant site character context is in part urban but in part countryside with a character moderately sensitive to the impacts of development. The form and extent of any development would have to be sensitive to the location to avoid potential adverse

Turning to the potential Green Belt release, it was concluded at the site selection stage that the harm caused would be very low, or low to medium. The development would also involve the loss of the best and most versatile agricultural land.

Description of proposed development

The proposed development is for outline planning permission for the erection of 33 new residential dwellings with all matters reserved except for closure of an existing access and new access point onto Pecks Hill.

Relevant planning history

There is considerable planning history on this site with respect to planning applications; however none is directly relevant to this application.

The site was promoted through the call for sites for the Local Plan in 2016 (coded SR-0150) and the whole application site was proposed as an allocation in the Regulation 18 Draft Local Plan for approximately 33 homes. Following further detailed site assessment for the LPSV the eastern part of the site scored poorly in terms of landscape impact and the final results concluded that as a result of the sensitivity of the south eastern part of the site and the potential for harm to the character of the settlement, and in order to limit development to previously developed land, the

allocation was limited to the north western part of the site with an indicative capacity of 29 dwellings. (Refer EB805P Appendix B1.6.6. Results of identifying sites for allocation 2018).

Policies Applied

Saved Policies (2008) of the Adopted Local Plan

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 - Design in Urban Areas
DBE6 – Car Parking in New Development
DBE8 – Private Amenity Space
DBE9 – Loss of Amenity to Neighbouring Properties
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
LL11 – Landscaping Schemes
H6A – Thresholds for affordable housing
H7A – Levels of affordable housing
GB2A – Development in the Green Belt
GB7A – Conspicuous development

A revised National Planning Policy Framework (NPPF) was published setting out national policy on 24 July 2018. Paragraph 213 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The proposed development has been assessed against relevant policies in the adopted Local Plan, the NPPF and the Local Plan Submission Version.

Epping Forest District Local Plan (Submission Version) 2017 (LPSV):

On 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications 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. With regards to unresolved objections, some policies of the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight afforded to each of the relevant policies in the context of the proposed development listed below:

P 10 – Allocated site - Nazeing

SP 1 - Presumption in Favour of Sustainable Development

SP 6 – Green Belt and District Open Land

SP 7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure

DM 1 – Habitat protection and improving Biodiversity

DM 2 – Epping Forest SAC and the Lee Valley SPA

DM 3 – Landscape character, ancient Landscapes and Geodiversity

DM 4 – Green Belt

DM 10 – Housing design and quality

DM 15 – Managing and reducing flood risk

DM 19 – Sustainable water usage

DM 21 - Local Environmental Impacts, Pollution and Land Contamination

DM 22 – Air Quality

H 1 – Housing Mix and accommodation types

H 2 – Affordable Housing

D 1 – Delivery of Infrastructure

Consultation carried out and summary of representations received

49 Neighbours consulted and site notice displayed –

NAZEING PARISH COUNCIL – OBJECTION – Object to the application in its current format, as

- The number of dwellings has increased compared to the number in the Local Plan
- The footprint of the site has increased and now includes Green Belt

However if a revised application were to be submitted which includes what is detailed in the Local Plan, the Council would have no objection, save that the following are taken into consideration

- School capacity
- Increased traffic in the village
- Egress onto Pecks Hill as this is already a dangerous area for existing residents of Pecks Hill.

71 LETTERS OF OBJECTION RECEIVED FROM NEIGHBOURS – Below is a summary of the issues raised by neighbours:

- The site is in the Green Belt and would cause significant harm to its openness
- The increased traffic will have a significant impact on the area
- There is not enough infrastructure in the area to support more housing
- The proposal will cause significant impact on ecology and the environment
- The proposed access is unsafe on the bend
- Houses will overlook existing residents on Pecks Hill
- Loss of employment
- Significant sewerage issues
- Harm to existing trees

Material planning considerations

This application is for outline consent with all matters but access reserved. The main issues for considerations therefore are the principle of residential development to provide 33 new dwellings on the site and the access onto Pecks Hill.

The proposed allocation site

The previously developed part of this site is proposed for allocation in the LPSV to provide approximately 29 new dwellings (See Policy P 10 Nazeing - NAZ.R2). The part of the site which is proposed for allocation adds weight to its proposed redevelopment, however since this part of the site constitutes previously developed land it would, in any event, be appropriate for redevelopment in theory subject to it not causing material harm to the openness of the Green Belt. For the purposes of an outline planning application, this is sufficient since matters of size and layout are reserved.

Turning to the southern part of the site, the applicant contends that it was originally proposed for allocation as part of the Draft Local Plan 2016 (Regulation 18) and the proposed allocation was then reduced in size as part of the Local Plan Submission Version (Regulation 19), which is the version that the Council intends to submit to the Planning Inspectorate for examination. In response to the Regulation 19 publication, the applicant submitted representations outlining concerns regarding the change of the proposed allocation site area, which will be referred to the Inspector during the independent examination. The appointed Inspector has wide powers to remedy any shortcomings in the Plan or to alter the boundaries of any proposed allocation site. This is therefore a matter for the independent examination rather than this planning application.

Nevertheless the site selection report which was used to inform the changes to the site proposed for allocation in the Regulation 19 version of the Plan gives clear reasons to justify its removal by concluding that:

This site was identified as available within the first five years of the Plan period. Although there is no evidence of the site having been marketed, it has no identified constraints or restrictions which would prevent it coming forward for development. As a result of the sensitivity of the south-eastern part of the site and the potential for harm to the character of the settlement, and in order to limit development to previously developed land, it is proposed that the allocation is limited to the north-western part of the site. This area is proposed for allocation.

The area of land which is proposed for allocation in the LPSV has certain site specific requirements as indicated in Appendix 6 of the Plan. The first of these requirements is that the veteran tree on the northern boundary of the site should be incorporated into the development and proposals should avoid damage to it. The Tree and Landscape Team have commented that this is possible to achieve through the use of conditions.

Another requirement is that an appropriate access point onto Pecks Hill should be provided and as previously identified, the proposed access would achieve this requirement.

The other site specific requirements are that the existing public right of way should be integrated into the development and that a new defensible Green Belt boundary should be established.

Whether inappropriate development

Paragraph 133 of the NPPF identifies 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. Policy GB2A of the Adopted Local Plan presumes against the construction of new

buildings, unless they are appropriate. Policy GB7A seeks to resist conspicuous forms of development within the Green Belt, which would have an excessive impact on its openness. Policy DM4 of the LPSV reflects paragraphs 145 and 146 of the NPPF.

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.

Paragraphs 145 and 146 of the NPPF allow for some exceptions to inappropriate development, one of which is:

Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The starting point is to consider whether the site constitutes previously developed land, which is defined by the NPPF as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The northern part of the site is currently occupied by JW fencing, a well-established builders supply yard which contains various warehouse buildings, hardstanding and open air storage. This part of the site clearly constitutes previously developed land. In contrast the area to the immediate south and east of the site is currently open, undeveloped land and as such these areas do not constitute previously developed land as defined by the NPPF.

Whilst the redevelopment of the brownfield part of site may be acceptable in principle, subject to it not having a greater impact on openness and not conflicting with the purposes of including land within the Green Belt, the expansion of buildings into the undeveloped area is clearly inappropriate development in the Green Belt, since it does not fulfil any exception given by the NPPF.

The proposal as a whole therefore, must be concluded to be inappropriate development in the Green Belt which, as previously identified is, by definition, harmful to the Green Belt.

Openness and encroachment

In addition to the harm caused to the Green Belt by reason of inappropriate development, the expansion of development into the undeveloped part of the site, regardless of the fact that the size

of the houses is a matter reserved, will cause substantial additional harm to the openness of the Green Belt in both a spatial and a visual sense and conflict with its fundamental purpose to keep land permanently open by causing encroachment into the countryside.

The additional harm to the openness of the Green Belt as well as the conflict with one of its main purposes adds further substantial weight against the proposal.

Green Belt summary

In light of the above appraisal the proposal has been found to conflict with policies GB2A and GB7A of the Adopted Local Plan, with policy DM 4 of the Epping Forest Local Plan (Submission Version) 2017 and with the Green Belt objectives of the NPPF.

In accordance with paragraph 144 of the NPPF, substantial weight is attributed to the identified harm to the Green Belt.

Presumption in favour of sustainable development

Paragraph 11 of the NPPF states that:

Plans and decisions should apply a presumption in favour of sustainable development...for decision making this means:

- *Approving development proposals which accord with an up to date development plan without delay*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date⁷, granting permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷, or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework as a whole.*

An important aspect to note however are footnotes 6 and 7. Footnote 6 notes that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those listed in paragraph 176) and/ or designated as Sites of Special Scientific Interest; land designated as Green Belt....

Footnote 7 notes that:

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites...

The Council considers that the relevant Policies in the adopted development plan (and the LPSV) are in general conformity with the NPPF and should be given significant weight in decision making. However, even if this were a matter of contention, NPPF Policy 11 d) makes provision where such policies may be considered out of date to include land designated as Green Belt in its provision to protect certain assets against the presumption in favour of sustainable development. The Council considers that in principle the proposals would therefore not trigger the presumption in favour of sustainable development and be contrary to national policy including national Green Belt policy even if the adopted Local Plan Green Belt policy was deemed out of date, and the LPSV policy were given little weight

Five year housing supply

The NPPF requires Local Planning Authorities to significantly boost the supply of housing and planning decisions should apply a presumption in favour of sustainable development. The principle of additional housing is supported by the LPSV which has identified sites for new housing development to meet the objectively assessed housing need for the plan period up to 2033. The proposed allocations in the LPSV provide in excess of the identified need of 11,400 over the plan period as set out in the Strategic Housing Market Assessment. The proposed allocations provide for the required 11,400 homes with an appropriate buffer to ensure delivery, in total providing for 13,152 homes over the plan period (2011-2033).

The adopted local plan does not make provision for the development of the site subject to the proposal. LPSV Policy P 10 Nazeing sets out the proposals for development on allocated sites within Nazeing. The full site subject to the proposals was not selected and was not proposed for allocation in the Local Plan Submission Version 2017.

The sites proposed for allocation will cumulatively provide for the desired growth in the settlement of approximately 122 homes. The proposal is therefore contrary to LPSV Policy P 10 Nazeing in that it contains land outside the locations identified for development in the plan.

The context of an LPSV that is altering Green Belt boundaries and allocating land for a significant number of new homes to meet identified future housing requirements is critical to the circumstances with respect to five year housing land supply (as is the status of the land as Green Belt and potential harm to the Green Belt as outlined above). The LPSV is to be submitted to the Secretary of State for independent examination imminently. The plan will deliver a five year housing land supply throughout the period of operation as shown in the Housing Trajectory (LPSV Appendix 5) and the Housing Implementation Strategy 2017 (EB410). The Council is well advanced in bringing forward some of the strategic sites in the plan – developing master plans with promoters and engaging in Planning Performance Agreements to manage planning applications. This demonstrates that the proposed allocations in the LPSV are indeed deliverable.

In any case, should the Council be found to lack a five year housing land supply whilst the NPPF 'tilted balance' in favour of the presumption in favour of sustainable development would normally be engaged [i.e. paragraph 11(d) of NPPF 2018] this would not be the case in relation to this proposal. As noted in 'Presumption in Favour of Sustainable Development' above the NPPF also stipulates that where restrictive policy is relevant (as set out under footnote 6 of the revised NPPF 2018), the 'tilted balance' does not apply. This position is referred to and supported in the Forest of Dean V SSCLG {2016} EWHC 421 (Admin). It is therefore clear that the NPPFs 'tilted balance' toward the presumption in favour of sustainable development is not engaged in this case because the proposed development is deemed to be inappropriate development in the Green Belt, which, in accordance with paragraph 11(d)(i) of NPPF 2018, is one of the *'...protect areas or assets of particular importance provides a clear reason for refusing the development proposed.'*

Furthermore, should the Council be found to be unable to demonstrate a current five year housing land supply this does not constitute very special circumstances to relax the protection of the Green Belt and does not outweigh the material harm that would be caused by the application site to the Green Belt by virtue of its impact on openness. In any case, it has been made clear in both the Ministerial Statement of 1 July 2013 and paragraph 034 of the Planning Practice Guidance that *'unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt'*.

In conclusion with respect to the five year housing land supply, in this case any assumed lack of five year supply neither engages the 'tilted balance' in favour of the presumption in favour of

sustainable development nor constitutes very special circumstances to approve inappropriate development in the Green Belt

Very special circumstances

Very special circumstances are required to clearly outweigh the harms identified in this report; however they will not exist unless the material planning considerations advanced by the applicant clearly outweigh both the harm by reason of inappropriateness and any other harm.

The applicant submits that the proposed allocation of the site is a significant factor in this application. However as previously identified, only the previously developed part of the site has been proposed for allocation in the Regulation 19 version of the Plan and it has already been identified that in principle, this part of the site could be supported for development in Green Belt terms.

The applicant also criticises the way in which the proposed allocation site was reduced in size between Regulations 18 and 19 versions of the Plan. In this regard, as already identified the Inspector has wide powers to address shortcomings during the EIP and therefore this adds very little weight in support of this application.

The applicant also suggests that the site performs poorly against Green Belt purposes. However in the site selection report produced in 2017, it was concluded that the:

Site is within Green Belt, where the level of harm caused by release of the land for development would be very low, low or medium.

In addition to the potential for moderate harm to the Green Belt purposes as identified in the site selection report, it has also been identified previously in this report that the development as proposed would cause substantial harm to the openness of the Green Belt and its fundamental purpose of keeping land open permanently by causing encroachment into the countryside. Indeed the area of land to the south and to the east of the proposed allocation site is currently an open field, completely free from development and backs onto other open fields to the north, east and south. Clearly this contributes strongly to preventing encroachment into the countryside and in so doing, safeguarding its fundamental purpose of keeping land permanently open. Consequently the applicant's assertion that the site as a whole does not significantly contribute to the purposes of the Green Belt should be given little weight.

Provision of childcare and school places

Policy D 1 of the LPSV provides that new development must be served and supported by appropriate on and off site infrastructure. The Essex County Council Infrastructure officer has commented that:

A development of this size can be expected to generate the need for up to 2.97 early years and childcare places; 9.90 primary school and 6.60 secondary school places.

In terms of early years and childcare, whilst there is some capacity in the area the data shows insufficient places to meet the demand from this proposal. It is thereby clear that additional provisions are required. ECC therefore request a developer contribution of £17,422 per place which amounts to £51,743, index linked to April 2018 to mitigate the impact on local provision.

Turning to primary education, the site is located within the priority admissions area of Nazeing Primary School which has a capacity of 240 pupils. The school currently has 270 pupils enrolled and therefore needed temporary accommodation to meet demand. Indeed, demand for places at the school is forecast to rise to 310 by 2021/2022. A project to address the shortfall is proposed at

an estimated cost which amounts to £15,281 per place. As such a developer contribution of £151,282 index linked to April 2018 is sought to mitigate its impact on local primary school provision.

Finally, with regards to secondary school provision whilst there is significant demand for places in the local area, since the proposal is relatively small scale and having due regards to the CIL pooling restrictions, ECC are not seeking a contribution for this.

In total the Council seeks £203,025 index linked to April 2018 in developer contributions and this could be secured by way of a Section 106 legal agreement to mitigate the identified impacts.

Whilst this financial contribution could be secured through a Section 106 legal agreement, it can only be so if the Council were otherwise minded to approve the application.

Affordable housing

Policy H 2 in the LPSV requires that on development sites which provide for 11 or more homes, or residential floor space of more than 1000m² (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site.

Since this proposal proposes 33 new dwellings, the applicant would need to provide at least 14 of the overall number of homes as affordable housing, unless it can be demonstrated that such provision would make the development unviable.

The proposal is close to meeting the requirements of the Epping Forest District Local Plan (Submission Version) 2017 since it will provide 13 of the total dwellings as affordable housing. Therefore, since the affordable housing only represents 39.4% of the total number of dwellings, it is just under the minimum requirement. However, if 1 more of the market dwellings could be changed to affordable dwellings, this requirement could be met, subject to providing a reflective mix as set out below.

Housing mix

Policy H 2 part C of the LPSV requires that the mix of affordable homes reflects the mix of the market housing, in terms of the ratios of types, sizes and the overall number of habitable rooms. It should be noted that properties larger than three bedrooms are not required for affordable housing and therefore should not be included within the mix for affordable housing.

The application provides all of the proposed as 2 and 3 bed houses. However, the 18no. 4 bed houses and 2no. 3 bed houses allocated for the market housing are significantly larger than those allocated for affordable housing. Therefore the application does not meet the requirements to provide a reflective mix as required by policy H2.

Since the requirements of policy H2 have not been met, a viability appraisal is required to overcome the policy objection. No such appraisal has been submitted in this instance. In light of the above the proposal is in conflict with policy H2 of the Epping Forest Local Plan (Submission Version) 2017. This should be afforded significant weight in the decision.

Impact on the Epping Forest Special Area of Conservation (SAC)

There must be a screening assessment by the competent authority (generally the LPA) as to whether a project is likely to have “a significant effect” on a European Site (providing that the application is not directly connected with or necessary to the Site’s management) whether in combination with other plans or projects or alone. The screening is carried out on a precautionary basis. The trigger for subsequent assessment via a Habitats Regulation Assessment (HRA) does

not presume that the plan or project considered definitely has such effects, but rather follows from the mere possibility that such effects attach to the plan or project, so that an assessment is required if there is a probability or risk that the plan or project will have an effect on the site concerned [reg. 63 and Art. 6(3)]

This proposal could cause significant in combination impacts on the integrity of the SAC. At the very least, the application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest SAC and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017. This carries substantial weight in the decision.

Highway and Access

The Highway Team from Essex County Council has commented that the proposed access onto Pecks Hill offers a safe form of ingress and egress since it has a good visibility splay. There are a number of conditions which the Highway Advisor considers are necessary to ensure that the access is acceptable and these conditions are reasonable and necessary to impose.

Employment issues

Policy E 1 of the Epping Forest Local Plan (Submission Version) 2017 seeks to protect existing employment sites and this proposal would involve the loss of the established business, contrary to the aims of this policy. However in this instance, since the site is proposed for allocation in the Local Plan, its loss would be anticipated over the plan period and therefore it is not significant.

Contaminated Land

The report has identified potential risks from land contamination that require further investigation. As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

Planning balance and conclusion

The stringent test articulated by Sullivan, J in *R (Chelmsford) v First Secretary of State and Draper* [2003] EWHC 2978, which concerned national Green Belt policy in Planning Policy Guidance Note 2 (which has been replaced by the Framework however, for present purposes, current national Green Belt planning policy has not changed), states within paragraph 58:

"58. The combined effect of paragraphs 3.1 and 3.2 [of PPG2] is that, in order to justify inappropriate development in the Green Belt, (a) there must be circumstances which can reasonably be described not merely as special but as very special, and (b) the harm to the Green Belt by reason of inappropriateness and any other harm must be clearly outweighed by other considerations. Those other considerations must be capable of being reasonably described as very special circumstances. If they are capable of being so described, whether they are very special in the context of the particular case will be a matter for the decision maker's judgment."

In *R (Basildon District Council) v First Secretary of State and Temple* [2004] EWHC 2759 (Admin), Sullivan, J clarified the test for demonstrating very special circumstances by confirming that it was not necessary for each factor, of itself, to be 'very special' and that factors which individually were otherwise quite ordinary could cumulatively become very special circumstances.

Therefore, In order to amount to very special circumstances required the applicant has to demonstrate that the material considerations they rely upon clearly outweigh the harm by way of inappropriateness and any other harm.

The starting point for the overall balancing exercise is that the application as proposed amounts to inappropriate development in the Green Belt, will cause substantial additional harm to its openness, will conflict with its fundamental purpose of keeping land permanently open by causing encroachment into the countryside, does not provide the required level of affordable housing or a suitable viability appraisal to justify the inadequate provision and it has not been demonstrated there will not be significant impacts on the Epping Forest SAC. The applicant must advance very special circumstances to clearly outweigh these identified harms.

Part of the site is proposed for allocation in the Epping Forest Local Plan (Submission Version) 2017 however as previously discussed, notwithstanding the proposed allocation, the northern part of the site amounts to previously developed land and consequently its redevelopment could be supported in Green Belt terms subject to the redevelopment not causing a greater impact on openness or conflict with the purposes of including land within it.

However since the southern and eastern parts of the site are not proposed for allocation in the Plan and do not fall under the definition of previously developed land, their development in the Green Belt is clearly inappropriate. Consequently the proposed allocation of part of the site, does not add weight to the development of the open Green Belt to the south and east of the site. As such this should be given limited weight in this decision.

The applicant has also suggested that the site contributes very little to the main purposes of the Green Belt, however as previously discussed the southern and eastern parts of the site are currently open fields, backing onto other open fields and consequently they make a strong contribution to the Green Belt by protecting the countryside from encroachment. Contrary to the applicant's assertion, a development of this open land will cause significant conflict with the fundamental purpose of the Green Belt of keeping land permanently open. This should only be afforded limited weight in the decision.

All other relevant policies and considerations, including equalities have been taken into account. It is clear that the identified harm to the Green Belt is not outweighed, never mind clearly outweighed by the considerations put forward. Consequently the proposed development is recommended for refusal.

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

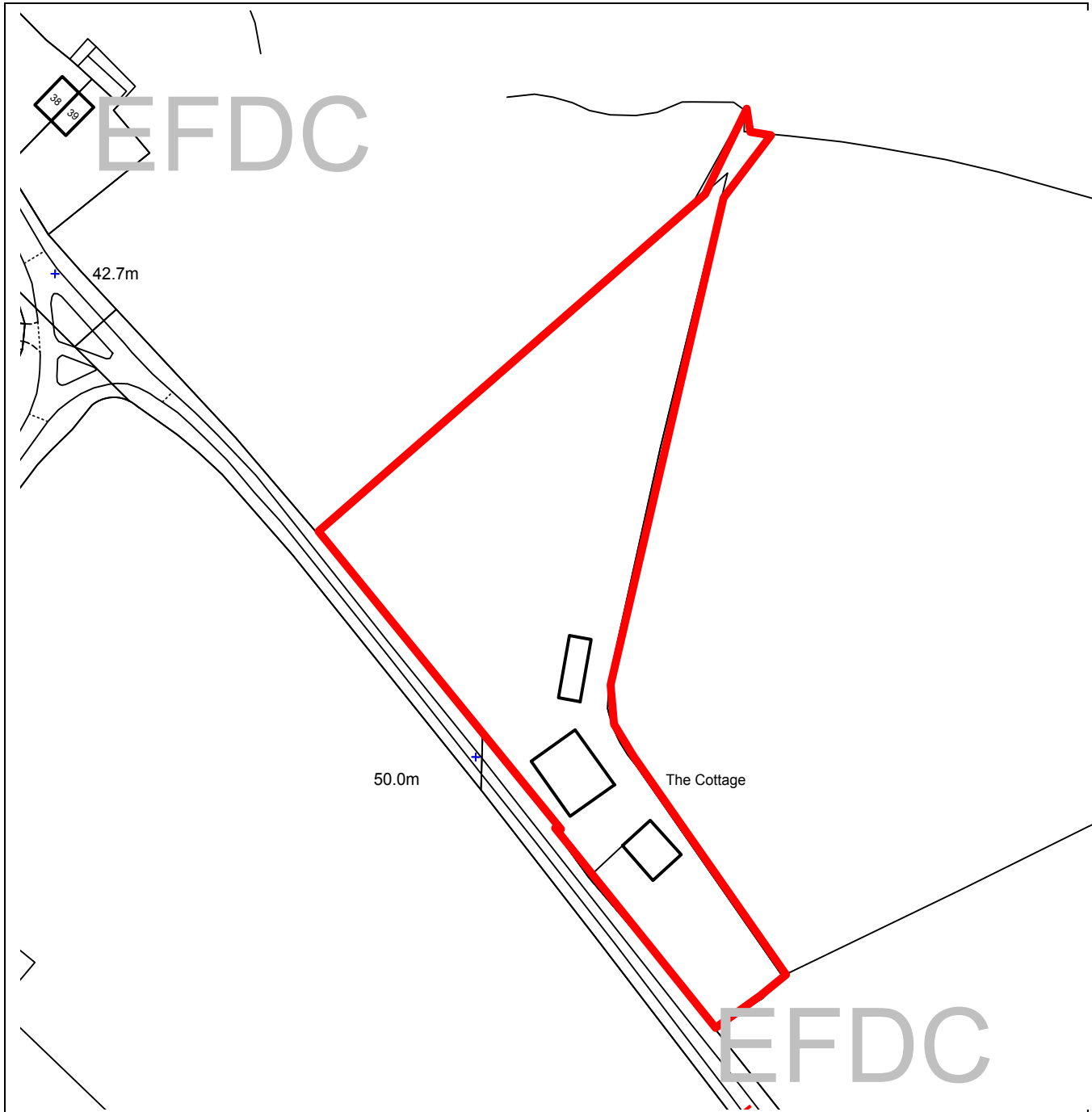
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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/1641/18
Site Name:	The Cottage, Long Street Waltham Abbey EN9 3TQ
Scale of Plot:	1:1250

Report Item No: 2

APPLICATION No:	EPF/1641/18
SITE ADDRESS:	The Cottage Long Street Waltham Abbey Essex EN9 3TQ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr C Davies
DESCRIPTION OF PROPOSAL:	Erection of a detached double garage.
RECOMMENDED DECISION:	Recommend: Refuse Permission

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=610837

REASONS FOR REFUSAL

- 1 The proposal represents inappropriate development, for which no very special circumstances have been demonstrated. In addition to the harm caused by reason of inappropriate development the proposal will also cause significant harm to the openness of the Green Belt and therefore the proposal is contrary to policies GB2A and GB7A of the Adopted Local Plan and with paragraph 143 of the National Planning Policy Framework.
- 2 By reason of its siting and detailed design the proposed outbuilding will appear as an incongruous and jarring feature within the Conservation Area, at odds with its prevailing character and appearance. The proposal is therefore contrary to policies DBE1, HC6 and HC7 of the Adopted Local Plan and with the design objectives of the National Planning Policy Framework, which requires development to preserve or enhance Conservation Areas.

This application is before this Committee since it has been 'called in' by Councillor Webster (Pursuant to The Constitution, Part Three Scheme of Delegation)

Description of site:

The application site is located on Long Street which is within the rural part of Waltham Abbey. The existing building is a two storey detached property which has a large single storey garage to the east and a swimming pool outbuilding to the north. There are no neighbours in close proximity to the site and it is located within the boundaries of the Metropolitan Green Belt and it is within a conservation area.

Description of proposal:

The proposed development is for a detached garage measuring 14 metres by 14 metres. It is intended that it will be set into the slope of the land with a "living roof" the front elevation will face

onto an existing extensive hardstanding area and present a 3.3m high 14 metre wide façade inset with two 5 metre wide garage doors.

Relevant Planning History

EPF/1079/83 - Extension and alterations - Approved

EPF/0846/85 - Single storey rear extension – Refused

EPF/1000/86 - Rear extension - Approved

EPF/0680/95 - Single storey extension, erection of boundary wall and gates and formation of residential flat within roof space of existing garage – Refused

EPF/1618/97 - Erection of a two storey rear extension - Refused

EPF/0984/11 - Single storey rear orangery extension - Refused

EPF/0643/13 - Single storey orangery extension to rear elevation – Refused

EPF/1757/15 - Two storey cart lodge with front dormer windows – Refused

EPF/1274/16 - Demolition of the existing garage/workshop and the erection of a replacement (revised application to EPF/1757/15) – Refused and dismissed on appeal

EPF/1901/16 - Single storey rear extension – Refused and dismissed on appeal

EPF/2608/17 - Erection of a detached double garage – Refused

Policies applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE2 – Effects to Adjoining Properties

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

DBE10 – Design of residential extensions

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

HC6 – Conservation Areas

HC7 – Conservation

LL1 – Rural landscape

ST4 – Road safety

ST6 – Vehicle parking

The National Planning Policy Framework:

The National Planning Policy Framework (NPPF) has been adopted as national policy since 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 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:

DM4 Green Belt

DM7 Heritage Assets

DM9 High Quality Design

Consultation carried out and summary of representations received:

3 Neighbours consulted – None received.

WALTHAM ABBEY TOWN COUNCIL – No objection.

Issues and considerations:

There are no neighbouring properties within close proximity to the proposed garage and therefore the main issues to consider when assessing this application are the potential impacts on the Green Belt, the character and appearance of the Conservation Area and any other material planning considerations.

Green Belt

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.

Paragraph 143 of the NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”* and paragraph 144 clarifies that *“Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.

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.

The proposal has been submitted following refusal of planning permission in 2017 (EPF/2608/17), in 2016 (EPF/1274/16) and in 2015 (EPF/1757/15).

The proposal was refused in 2017 for the following reason:

The proposal constitutes inappropriate development in the Green Belt for which there are no very special circumstances in order to clearly outweigh the harm caused. In addition the proposal will cause additional harm to openness and the proposal is contrary to GB2A and GB7A of the Local Plan. The proposal will also cause harm to the character and appearance of the Conservation Area and is therefore contrary to DBE1, HC6 and HC7 of the Local Plan.

The proposal was refused in 2016 for the following reason:

By reason of its excessive size over and above the volume of the original dwelling and its significant height, the proposed outbuilding cannot be considered to constitute a limited extension in the Green Belt and it is therefore inappropriate development, for which there are no very special circumstances. Inappropriate development will, by definition will cause substantial harm to the openness of the Green Belt, contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

The proposal was refused in 2015 **and dismissed on appeal** with the Inspector concluding:

"The proposed building would clearly be an outbuilding and as such would normally fail to be included as one of the exceptions set out in paragraph 89 of the Framework. I have considered whether the proposed outbuilding could be considered as an extension or alteration to the main building. However, given its significant distance from the dwelling and the fact that it would be visible as a clearly separate building, it could not reasonably be considered as a normal domestic adjunct i.e. an extension to the host dwelling, and therefore an exception as set out within paragraph 89".

The submitted design and access statement proposes that the replacement of a hardstanding with the proposed garage would constitute redevelopment of previously developed land and would therefore represent an exception to inappropriate development in the Green Belt. Notwithstanding the proposed exception to inappropriate development, paragraph 145 (g) of the NPPF clarifies that partial or complete redevelopment of previously developed land is appropriate provided that it would not have a greater impact on the openness of the Green Belt than the existing development. As the proposed garage would have a far greater impact on the openness of the Green Belt than the existing hardstanding, the development does not fall within this exception. No very special circumstances exist sufficient to outweigh the harm from the development. The proposal would be at variance with policy GB2A of the Local Plan and paragraph 145 of the NPPF.

In addition the cottage already benefits from a significant number of outbuildings including a substantial double garage building measuring in excess of 70 square metres in floor area,

Openness

The fundamental characteristics of the Green Belt are its openness and its permanence which is achieved through an indefinite absence of development. This proposal will introduce built form to an otherwise open area of the Green Belt which will detract from this fundamental purpose of keeping land permanently open. It will appear visible when viewed from public areas of the street scene and will thereby cause significant material harm to its openness in addition to the harm caused by reason of inappropriate development. The proposal is therefore in conflict with policy GB7A of the Adopted Local Plan and Alterations.

Conservation Issues

The site is located within the Upshire Conservation Area. The proposed garage by virtue of its scale, prominent modern elevation within the streetscene, and the cumulative impact alongside other large outbuildings on the site, is considered to be detrimental to the character and appearance of this part of the conservation area. This part of the conservation area is characterised by its rural setting and the open landscape containing detached, largely traditional, properties. The addition of another outbuilding on this site has an urbanising effect, and the scale of the building and its modern double garage doors detracts from the prevailing traditional form of the buildings and the open views of the farmland beyond. The proposed building's sloping green roof aims to integrate it into the landscape but it is still considered to be visually prominent. The front elevation will be clearly visible through the 13m wide open access to the site

The impact of the proposal on the conservation area has not been taken into account by the applicant as no reference is made to it within the Design and Access Statement, contrary to para. 189 of the NPPF (2018).

Due to the harm caused to this part of the conservation area the Council's Conservation Officer has recommended refusal of the application..

This is supported by policies HC6 and HC7 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017), and paragraphs 190, 193, 194 and 196 of the NPPF.

Conclusion:

The proposal constitutes inappropriate development in the Green Belt for which there are no very special circumstances in order to clearly outweigh the harm caused. In addition the proposal will cause additional harm to openness and the proposal is contrary to GB2A and GB7A of the Adopted Local Plan and Alterations. The proposal will also cause harm to the character and appearance of the Conservation Area and is therefore contrary to DBE1, HC6 and HC7 of the Local Plan. It is therefore recommended that planning permission is refused.

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:

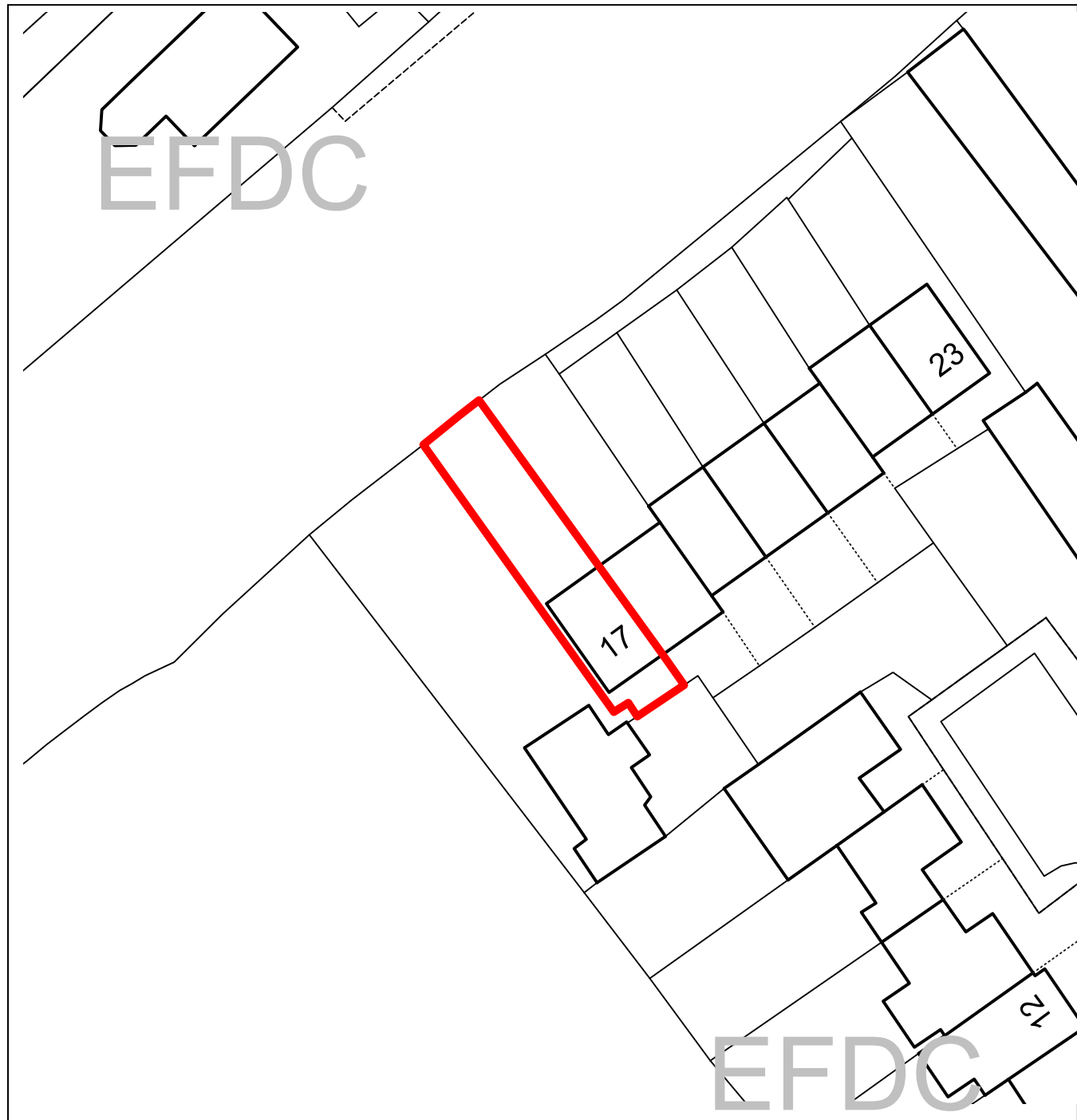
***Planning Application Case Officer: Patrick Flanagan
Direct Line Telephone Number: 01992 564101***

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Agenda Item Number 3



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Application Number:	EPF/1653/18
Site Name:	17 The Magpies, Epping Upland CM16 6QG
Scale of Plot:	1:500

Report Item No: 3

APPLICATION No:	EPF/1653/18
SITE ADDRESS:	17 The Magpies Epping Upland Epping Essex CM16 6QG
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Rick Goddard
DESCRIPTION OF PROPOSAL:	Rear dormer loft conversion and 3 x front rooflights.
RECOMMENDED DECISION:	Recommend: 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=610899

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: 17/01A, 17/02.
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and they have confirmed an intention to speak at the committee. ((Pursuant to The Constitution, Part Three: Scheme of Delegation)

Description of Site:

The site is located within a built up residential area of the small village of Epping Green and accommodates a two storey end-of-terrace dwelling located within an enclosed courtyard with private garden space to the rear. The site is not located within the Metropolitan Green Belt or a Conservation Area and is not within the setting of any listed buildings.

Description of Proposal:

Planning permission is sought for a loft conversion with a rear dormer extension and 3 roof lights in the front elevation.

Relevant History:

EPF/0764/14 - Demolition of conservatory and erection of single storey rear extension: Conditional Planning Permission.

Policies Applied:

Epping Forest Local Plan (1998) and Alterations (2006):

CP2 – Protecting the quality of the rural and built environment
GB14A – Residential extensions
DBE2 – Effect on neighbouring properties
DBE6 – Car parking
DBE8 – Private amenity space
DBE9 – Loss of amenity
DBE10 – Residential extensions

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. 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:

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 are 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
DM9 – High quality design
DM10 – Housing design and quality
DM20 – Low carbon and renewable energy

Consultation Carried Out and Summary of Representations Received:

3 neighbouring properties were consulted. No responses received.

EPHING UPLAND PARISH COUNCIL – Objection:

1. Highly visible from the Green Belt and the Long Green, an ancient highway and part of Epping Forest.
2. Overdevelopment in terms of bulk in this run of properties in an award winning development.
3. Concern regarding the effect on parking with an additional bedroom where there are already considerable parking issues.

4. Should the application be granted would request stringent conditions regarding construction and related vehicles as The Magpies is a narrow busy road and there is only pedestrian access to this property.

Main Issues and Considerations:

The proposal requires planning permission as permitted development rights were removed from all buildings in The Magpies when originally constructed otherwise the proposal could have been constructed lawfully without planning permission. The main issues to be considered in the determination of this application are the impact of the proposal on the character and appearance of the existing dwelling and the area and the impact on the amenity of neighbouring residents.

Character and appearance:

Policies CP2 and DBE10 seek to ensure that a new development is satisfactory located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and not prejudice the environment of occupiers of adjoining properties. In design terms, the proposed dormer window is fairly standard for a rear dormer window and is considered acceptable. The proposed dormer is set off the eaves and below the existing ridgeline, appearing as a subordinate addition within the roofslope in keeping with the character of the host dwelling. Although it would be visible from the adjacent fields (which are situated within the Metropolitan Green Belt), given that this would be viewed within the context of the village of Epping Upland it is not considered that this would cause any significant harm in terms of long views and the wider landscape. There is a similar dormer within the rear roofslope of number 21 which is within the same terrace of houses and is equally visible, which was approved at committee in 2014.

The insertion of three rooflights within the front roofslope would not cause any significant impact on the character and appearance of the street scene or wider area. The proposal would not detract from the character of the local area and is considered to be of acceptable design and appearance.

Living conditions:

Given the end-of-terrace location of the application site, the proposal would not result in excessive harm to the amenities of adjoining property occupiers. It is noted that the dormer will allow greater opportunity for overlooking of the rear garden of No. 18, however this is not uncommon in residential areas and is not considered sufficient grounds for refusal of the proposal.

Other matters raised:

The Parish Council have raised several issues that are either irrelevant or not material planning considerations in this application. These include:

- *Highly visible from the Green Belt and the Long Green, an ancient highway and part of Epping Forest*

Whilst Local Plan policy GB7A states that planning permission would be refused for “*development conspicuous from within or beyond the Green Belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt*” it is not considered that a rear dormer window on a small dwelling situated within a densely built up residential enclave would have an ‘excessive adverse impact’ on the adjacent Green Belt in terms of openness, character or visual amenities.

- *Plan does not show proper use of the room at the top of the building*

It is unclear what this concern relates to since the proposed loft plan clearly shows the new habitable space to be used as a bedroom, dressing room and en-suite.

- *Overdevelopment in terms of bulk in this run of properties in an award winning development*

The proposal is not considered to represent overdevelopment in terms of bulk mass or scale given its subservience to the host dwelling and minimal impact on the streetscene given that the rear dormer would not be visible from any public vantage points. Furthermore, the proposed rooflights on the roofslope of the principal elevation are conventional residential installations and are not considered to contribute to overdevelopment in terms of bulk.

- *Should the application be granted would request stringent conditions regarding construction and related vehicles as The Magpies is a narrow busy road and there is only pedestrian access to this property*

The Parish Council should be aware that matters such as this are not material planning considerations as any harm would only be temporary during the period of construction. However time constraints for construction works can be imposed in order to minimise any impact on neighbours.

Conclusion:

The proposal is considered to comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and 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: Patrick Flanagan
Direct Line Telephone Number: 01992 564101

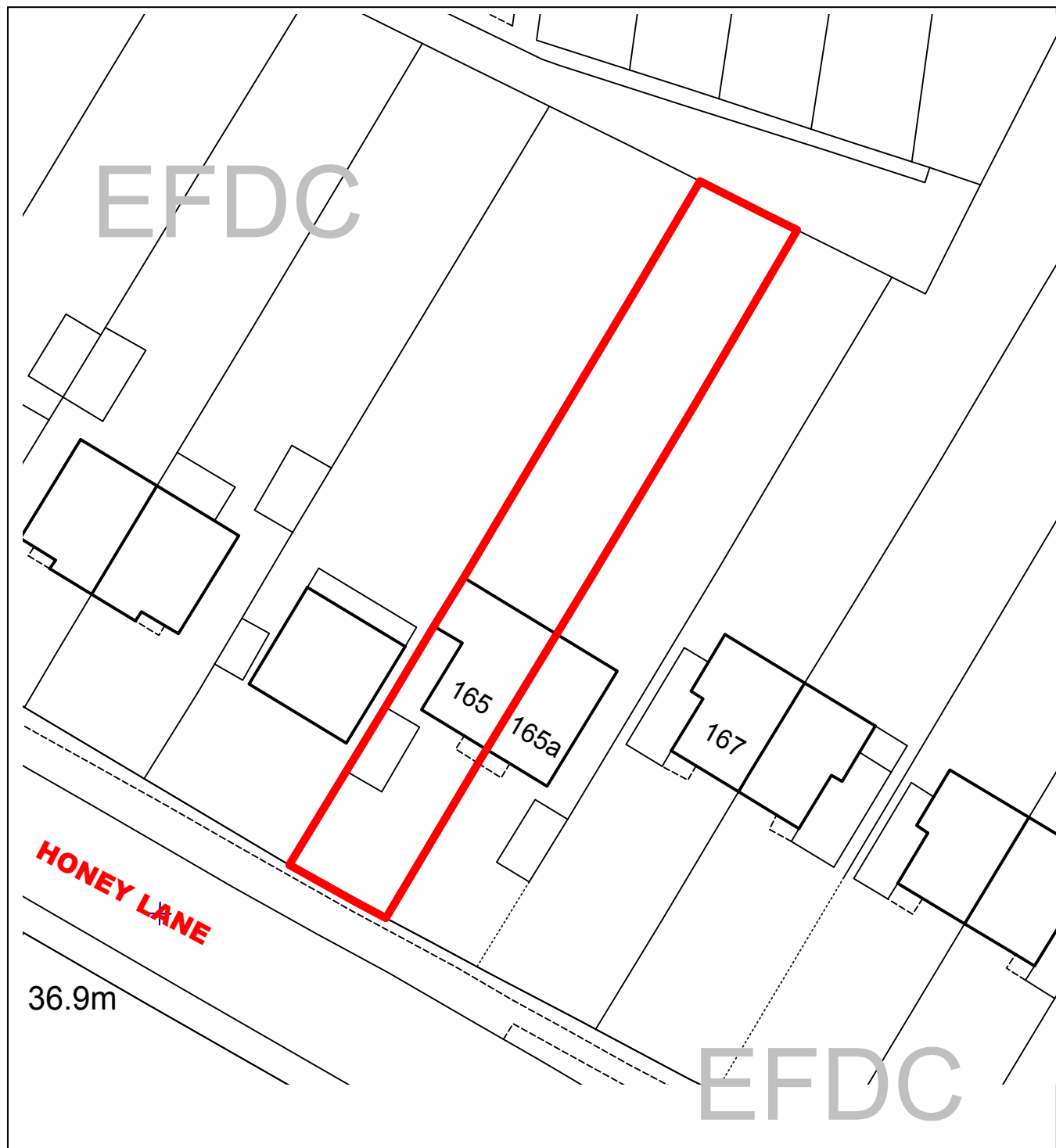
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Agenda Item Number 4



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Application Number:	EPF/1771/18
Site Name:	165 Honey Lane Waltham Abbey Essex EN9 3AX
Scale of Plot:	1:500

Report Item No: 4

APPLICATION No:	EPF/1771/18
SITE ADDRESS:	165 Honey Lane Waltham Abbey Essex EN9 3AX
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr Chellapan Jeisingh Richard
DESCRIPTION OF PROPOSAL:	Proposed single storey rear extension.
RECOMMENDED DECISION:	Recommend: 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=611377

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: PL01, PL02, PL03, PL04, PL05, PL06
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and to an objection from a resident. (Pursuant to The Constitution, Part Three: Scheme of Delegation)

Description of Site:

The site is a two storey semi-detached dwelling house located on the Northern side of Honey Lane in the built up area of Waltham Abbey. The building has an existing two storey side extension and single storey front extension incorporating a garage. The dwelling is set further back on the plot than the adjacent detached property to the west. There are no listed buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt.

Description of Proposal:

The application under consideration is for the erection of a single storey extension, to the rear of an existing 2 storey side extension. The flat roofed addition would extend 4 metres rear of the original rear elevation of the property on the shared boundary with number 263 Honey Lane, but is only the width of the side extension and does not extend across the width of the original dwelling

so would be some 4.3m from the boundary with the attached property to the east (number 165a)
The eaves height of the proposal would be 2.8metres. The proposal would provide a small study.

Relevant Site History:

EPF/1775/18 - Prior approval application for a proposed 6.0m deep single storey rear extension, height to eaves 2.8 metres and overall height of 3 metres. (Prior Approval not required)

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

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.

DBE2- Effect on neighbouring properties.

DBE9- Loss of Amenity

DBE10- Design of Residential Extensions

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:

DM9- High Quality Design

Summary of Representation:

No. of neighbours consulted: 2, 1 comment received

165A HONEY LANE: Concern regarding loss of light from the depth of the extension.

TOWN COUNCIL: Objection - The Committee believes this to be an overdevelopment of the site.

Main Issues and Considerations:

The main issues to consider for the assessment of this application are as follows:

Design

Impact on Living Conditions of Neighbours

Design:

The proposed extension would have a flat roof with externally facing brickwork and would have a rooflight inserted into the roof. Materials can be required to match the existing building. The extension would be in keeping with the dwelling and will not be visible within the streetscene..

Impact on Living Conditions:

The extension would be 4 metres in depth, 2.29 metres in width and 3 metres in overall height (2.8 metres from ground level to the eaves). The extension would be sited along the shared boundary with 163 Honey Lane.

The neighbours at 165A Honey Lane have commented on the application, expressing concern that there would be a loss of light to their property. It is considered that the proposal is not positioned close enough to 165A Honey Lane to affect them in this manner.

The Parish Council have objected to the application stating that the extension is an overdevelopment of the site. Whilst it will be attached to an existing extension the house would not be excessively extended in the past and the addition of a further 9 square metres of floor area is not considered to amount to overdevelopment. The house retains in excess of 150 square metres of private amenity space to the rear The scheme does not constitute overdevelopment.

The original dwelling already sits some 5 metres rear of the adjacent property to the west and the proposed extension means will have some limited impact on the light and outlook to that property, however at just 2.8m to eaves the proposal would not cause excessive harm to the living conditions of the neighbour, particularly bearing in mind the relatively wide plot and long depth of garden available to that property. Which means that most of the garden area would not be impacted.

No side facing windows are proposed and there would be no loss of privacy from the scheme.

Other issues

It is not clear from the submissions, but it is possible that the concerns raised by the neighbour regarding the impact of the development and indeed the objection from the Town Council relating to overdevelopment may be a result of the concurrent application for a "Larger Home extension" EPF/1775/18, which was for a 6m deep rear extension to the dwelling across the full width of the original house. Both neighbours were notified of that application but neither lodged any objection that proposal and as such under the rules governing such applications, the development is simply "permitted" under the General Permitted Development Order, and the Council can not consider the impact of the proposal but must issue a decision stating that Prior Approval is not required for the development.

The existence of that application and the ability of the applicant to build that extension does not change the planning merits of the current application.

Conclusion:

As the design is favourable and there would not be excessive harm caused to the living conditions of neighbours, it is recommended that planning permission is granted subject to conditions.

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

***Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462***

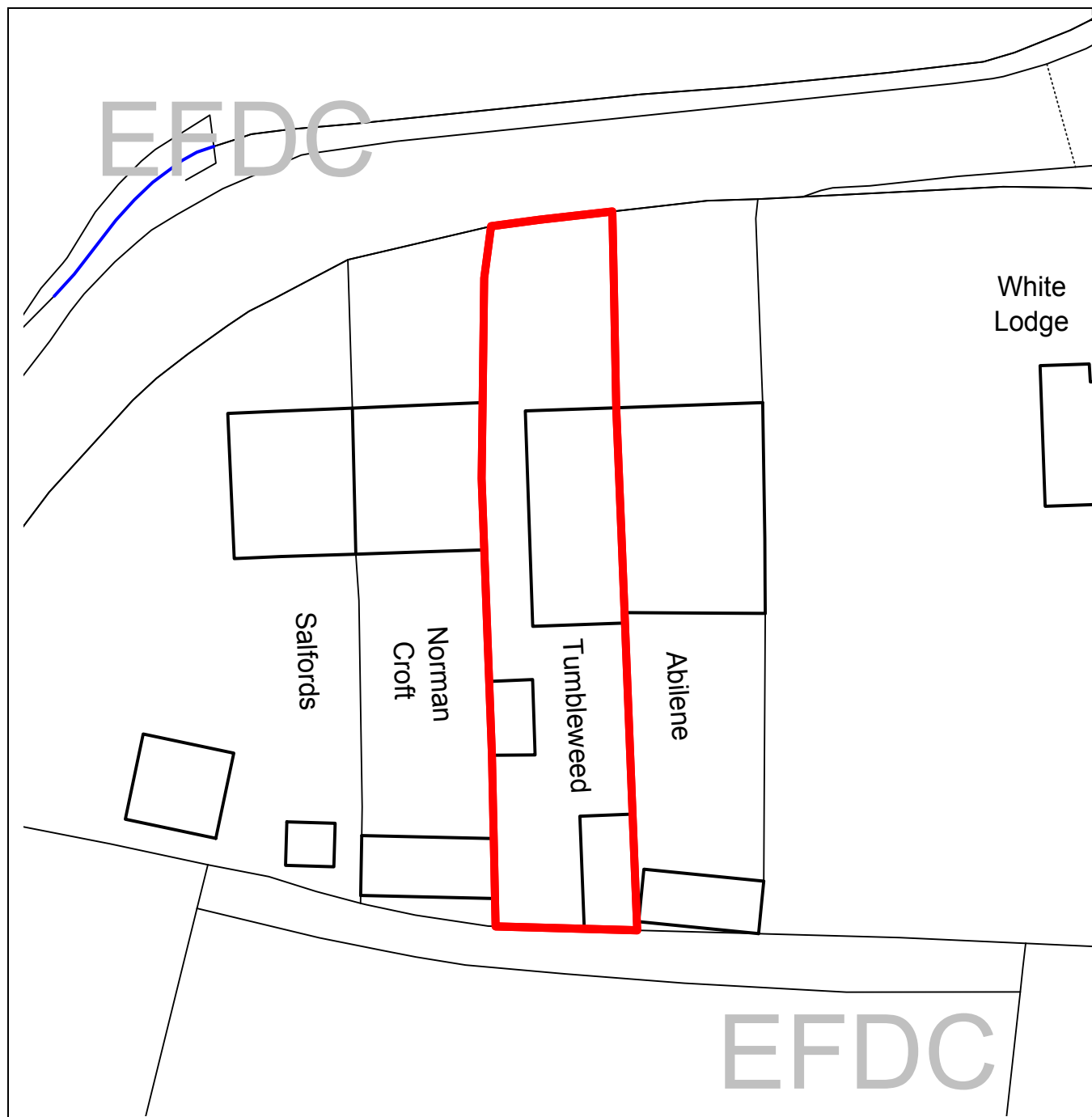
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Agenda Item Number 5



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Application Number:	EPF/1868/18
Site Name:	Tumbleweed Sedge Green Roydon Essex CM19 5JR
Scale of Plot:	1:500

Report Item No:5

APPLICATION No:	EPF/1868/18
SITE ADDRESS:	Tumbleweed Sedge Green Roydon Essex CM19 5JR
PARISH:	Roydon
WARD:	Roydon
APPLICANT:	Mr Iliadis
DESCRIPTION OF PROPOSAL:	Side and front extension, rear dormer extension, new front dormer, new rooflights.
RECOMMENDED DECISION:	Recommend: 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=611814

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: MAPS.1, 101, 201
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 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.

This application is before this Committee since it is an application that is considered by the Service Director (Planning Services) as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site

The site is a semi-detached bungalow located on the Southern side of Sedge Green in Roydon. The building has an existing loft conversion and rear extension. The site is one of a pair of semi-detached bungalows, with a pair of two storey semi-detached houses found adjacent. There are no listed buildings on the site and it is not within a Conservation Area. The site is within the Metropolitan Green Belt.

Description of Proposal

Side and front extension. Rear dormer extension. New front dormer. New rooflights.

Relevant Site History:

EPF/1416/96 – Single storey extension to rear (06/01/1997) – Grant Permission (with conditions)

EPF/0310/87 – Extension to roof (Dismissed on Appeal)

EPF/0566/80 – Single storey front extension (02/05/1980) – Grant Permission)

EPF/1262/76 – Construction of dormer window (14/10/1976) – Grant Permission)

EPF/0998/75 – Details of loft conversion to form two bedrooms (01/09/1975) – Refuse Permission

EPF/0166/75 – Proposed Rear Extension (13/03/1975) – Grant Permission

EPF/0394/74 – Details of living room extension (31/07/1974) – Grant Permission (With Conditions)

EPO/0315/64 – Details private domestic garage (07/07/1964) – Grant Permission (With Conditions)

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

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.

DBE2- Effect on neighbouring properties.

DBE4 – Design in the Green Belt

DBE9- Loss of Amenity

DBE10- Design of Residential Extensions

GB2A – Development in the Green Belt

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:

DM4 – Green Belt
DM9- High Quality Design

Summary of Representation:

No. of neighbours consulted: 2, No comments received

PARISH COUNCIL: OBJECTION. Overdevelopment and query how access to sewage discharge in rear garden would be maintained

Main Issues and Considerations:

The main issues to consider for the assessment of this application are as follows:

Development in the Green Belt
Design
Impact on the Living Conditions of Neighbours

Green Belt:

The site is located within the Metropolitan Green Belt. The National Planning Policy Framework states that the purpose of Green Belt policy is to prevent Urban Sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being its character and openness.

The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is not inappropriate development in the Green Belt. Whilst the proposed extensions do add bulk they are comparable to those that have been added to the other half of the pair of semi's and are not considered disproportionate. as such the development is considered acceptable in Green Belt terms.

Design

The proposal involves a single storey front and side extension, with an extension to the existing rear dormer and raising of the ridge line of the existing roof, which would be symmetrical to the adjoining dwelling. A front dormer would be included as well as the reconfiguration of existing rooflights.

The front and side extension would have gabled rooves that, following the raising of the roof, would be subservient to the existing dwelling. The extension to the rear dormer would be a continuation of the existing one already installed. The front dormer would not detract from the overall design. It is considered that the design of the scheme is acceptable.

Impact on Living Conditions

The proposed front and side extension would measure 12.3 metres in depth, 2.1 metres in width and 5.12 metres in height. The extension would be alongside the shared boundary with Norman

Croft, and would be 1 metre from the neighbouring dwelling. As the neighbouring dwelling is a two storey dwelling and runs alongside the length of the extension, it is considered that there would not be excessive harm to the living conditions of neighbours. The proposed dormers would not cause excessive harm in relation to overlooking, visual impact or loss of light. It is considered that the proposal would not cause harm to the living conditions of neighbours.

Other Considerations:

The Parish Council objected to the proposal stating overdevelopment and querying details regarding drainage. After assessing the application, it is considered that the proposal does not constitute overdevelopment and any drainage issues can be overcome by condition if necessary.

Conclusion

The proposed development balances up the pair of dwellings without causing harm to the openness of the Green Belt or to the character or visual amenity of the area or causing harm to neighbouring amenity. More than adequate garden is retained such that there is no overdevelopment. The application accords with the adopted Policies of the Local Plan and Alterations and the submission version Local Plan and is recommended for approval subject to conditions. It is recommended that planning permission is granted subject to conditions.

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

Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462

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