

AREA PLANS SUB-COMMITTEE 'WEST'

14 November 2018

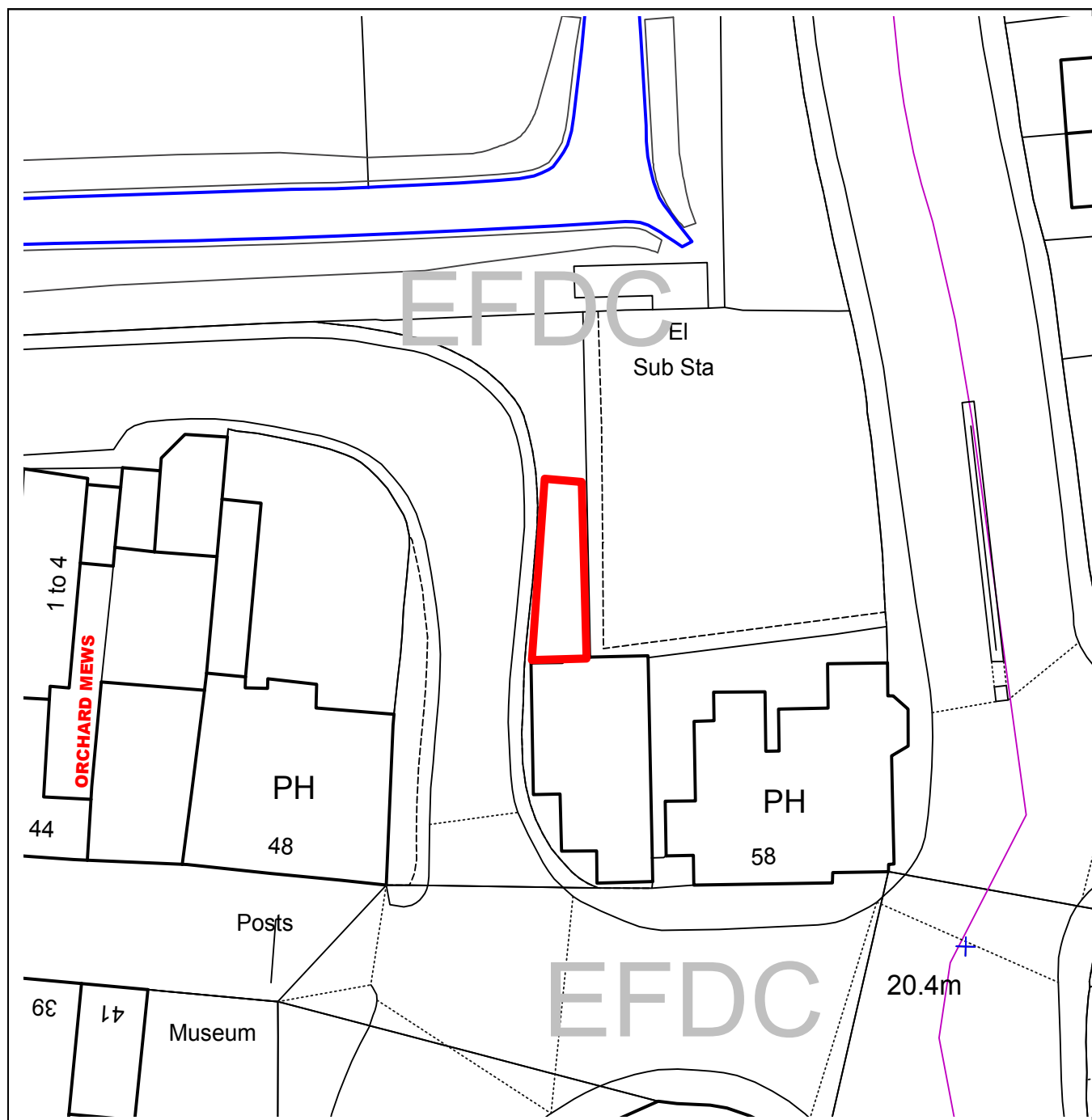
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/3359/17
Site Name:	Land to rear of 54 Sun Street, Waltham Abbey, EN9 1EJ
Scale of Plot:	1:1250

Report Item No: 1

APPLICATION No:	EPF/3359/17
SITE ADDRESS:	Land to rear of 54 Sun Street Waltham Abbey Essex EN9 1EJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mr Ben Green
DESCRIPTION OF PROPOSAL:	The erection of a one and a half storey building for a flexible A1 (retail)/A2 (financial and professional) use.
RECOMMENDED DECISION:	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=603337

REASON FOR REFUSAL

- 1 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.
- 2 The proposal will introduce a car free development into the area as well as displace existing parking used for existing business in the Town Centre, resulting in a significant demand for on street parking in the locality. As a result the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would also be harmful to highway safety. The proposal is therefore contrary to policies CP2, CP3, HC7 and DBE1 of the Adopted Local Plan and with policies DM7 and DM9 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 Mrs Kane (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

This application was deferred from a previous committee meeting for members to receive more information regarding the potential impact on the Epping Forest Special Area of Conservation. Since the previous meeting, the applicant has indicated a willingness to enter into a Section 106 legal agreement to secure a financial contribution to assist in the funding of the strategy and this could be secured with any planning consent given.

The main body of the report remains the same as the one which went to the previous meeting.

Description of site

The application site is located to the north of no.54 Sun Street which is within the centre of Waltham Abbey. The site is located to the immediate east of Darby Drive and is currently used as an area for parking for existing business units within the Town Centre. The application site is not within the boundaries of the Metropolitan Green Belt and it is within the Waltham Abbey Conservation Area.

Description of proposal

The proposed development is to erect a one and a half storey building for flexible A1/A2 Purposes.

Relevant History:

EPF/2447/11 - Outline application for the erection of a new block containing two retail units at ground floor with four flats at first and second floor, to the rear of no 54 Sun Street – refused 06/02/12 (appeal dismissed 02/10/12)

EPF/1029/13 - Phase 1 of mixed use development to the rear of 54 Sun Street, to include new office (B1) at ground floor and 1 no. one bedroom flat at first floor – refused 18/07/13 (appeal dismissed 26/06/14)

EPF/1056/13 - Phase 2 of mixed use development to the rear of 54 Sun Street, to include new office (B1) at ground floor and 1 no. one bedroom flat at first floor – refused 18/07/13

EPF/1224/15 – Outline planning permission for mixed use retail shop and office development – refused

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Protecting the quality of the rural and built environment
CP3 - New development
CP9 - Sustainable transport
TC3 - Town centre function
HC6 - Character, appearance and setting of conservation areas
HC7 - Development within conservation areas
DBE1 - Design of new buildings
DBE2 - Effect on adjoining properties
DBE6 - Car parking in new development
DBE8 - Private amenity space
DBE9 - Loss of amenity
DBE12 - Shopfronts
ST1 - Location of development
ST2 - Accessibility of development
ST4 - Road safety
ST6 - Vehicle parking

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

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District 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 217 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
DM7 – Heritage Assets
E1 – Employment sites

Consultation carried out and summary of representations received

8 Neighbours consulted – NO COMMENTS RECEIVED

WALTHAM ABBEY TOWN COUNCIL – NO OBJECTION

Issues and considerations

There would not be any significant harm caused to the living conditions of any nearby neighbour and therefore the main issues to consider are the potential impact on the character and appearance of the Conservation Area, parking provision, employment issues and any other material considerations.

Conservation Area and parking issues

The principle of erecting a building on this site has been the subject of four previous applications, all of which were subsequently refused and two of them dismissed on appeal by the Inspectorate. As part of the reason for refusal in all four applications was an identified harm to the character and appearance of the Conservation Area, however rather than being caused by the notion of a building on the site, it was rather due to the detailed design of the building proposed as well as the harm caused by the increased demand for on street parking.

Indeed the Inspector concluded within the 2013 application that:

The Council do not object to the principle of redevelopment of the appeal site and I agree that the site adds little to the Conservation Area at present apart from its openness, where the addition of a well designed building could add visual interest to Darby Drive and generally to the setting around the junction with Sun Street.

However in that instance the Inspector went on to conclude that, amongst other things, the building as proposed would cause harm to the character and appearance of the Conservation Area due to its detailed design, mass and scale.

It therefore follows that the Council may be supportive of a well-designed building within this part of the Conservation Area.

The proposed building in this application is for a one and a half storey building which has a mass and scale which is respectful to the Conservation Area. The steep pitched roof and front gables mirror those on no.54 Sun Street creating continuity between the two buildings. Subject to

conditions regarding the use of materials in the construction of the building, it is concluded that the building will preserve the character of the Conservation Area.

Turning to the parking issues, the proposed development of the site will include the loss of commercial parking on the site as well as the introduction of a new A1/A2 use with no dedicated parking provision. It is not absolutely clear on what basis the current car park is used, but from the notices which are displayed on the site; it appears to be occupied by the vehicles of several local companies. There is nothing to indicate where these vehicles would park, especially given the parking restrictions in this part of Waltham Abbey, nor would how any vehicles related to the proposed use be accommodated.

Indeed, this was also considered by the previous Inspector on the 2013 application where it was concluded that:

I appreciate that this is a town centre location, and that various non-car modes of transport would potentially be available. However the visual consequences of the proposal would be exacerbated by potentially indiscriminate parking as a result of the development.

The Inspector went on to conclude that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and would in fact cause it substantial harm. Since this proposal seeks permission for effectively the same principle, there is no substantive reason to take a different view from the previous Inspector.

As well as the harm to the Conservation Area, the displacement of existing parking which is well used by existing businesses in the locality as well as the introduction of a car free development will result in a significant demand for off street parking in the middle of Waltham Abbey, which is an area of significant demand for on street parking. Indeed the Essex County Council Parking Standards require 1 space per 20sqm on floor space created for A1 uses. A reduction in spaces can be considered as appropriate in Town Centre locations, however since it has been found there would be material harm to significant parking arrangements, the reduction of spaces is not appropriate in this instance.

Employment issues

Policy E1 of the Epping Forest Local Plan (Submission Version) 2017 seeks, amongst other things, to support and encourage development of flexible local employment space to meet the needs of the District.

In this instance the proposed unit would make a modest contribution to existing employment within Waltham Abbey and this lends moderate weight in favour of the application.

Epping Forest SAC

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

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 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

Overall balance and conclusion

The proposal has been found to cause harm to the character and appearance of the Conservation area, harm to existing parking arrangements in Waltham Abbey and it has not been demonstrated beyond reasonable scientific doubt that there will not be an in combination impact on the integrity of the SAC. These factors weigh heavily against the proposal.

On the other side of the balance, the proposed new unit will offer a modest increase in employment opportunities in Waltham Abbey and this should be afforded moderate weight.

The lack of harm caused to the Conservation Area by reason of the building itself carries neutral weight since it is policy expectation that new development would not cause such harm.

Drawing all the strands together it is clear that the benefits of the scheme do not outweigh the identified harm to the Conservation Area or the lack of information of the potential harm to the Epping Forest SAC. As a result, planning permission should be 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:

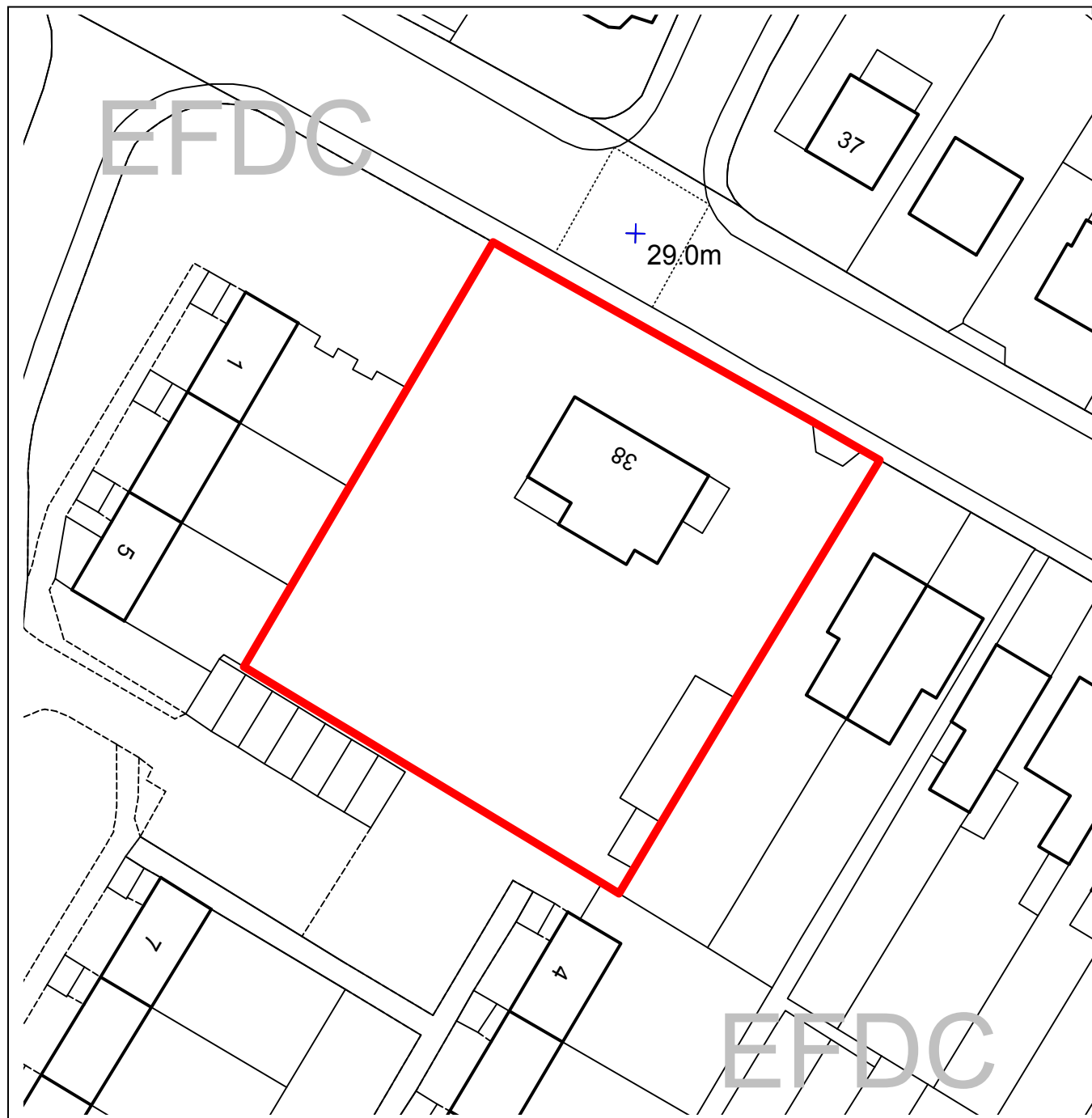
Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371

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



Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/0530/18
Site Name:	38 Honey Lane, Waltham Abbey, Essex, EN9 3BS
Scale of Plot:	1:500

Report Item No: 2

APPLICATION No:	EPF/0530/18
SITE ADDRESS:	38 Honey Lane Waltham Abbey Essex EN9 3BS
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr R. Patel
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and detached residential annex. Removal of existing vehicular access. Construction of new residential apartment block containing 14 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=606274

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: (02) 001, (02) 002, (02) 003 Rev: A, (02) 004 Rev: A, (02) 005, (02) 006, 170515-F-01
- 3 The window openings in the upper storey eastern flank elevations shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 Prior to first occupation of the development hereby approved, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

- 7 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.
- 8 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 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.
- 10 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has an allocated parking space and/or 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 11 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. 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.

- 12 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. In such instances, 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.
- 13 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. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.
- 14 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 15 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 16 Prior to the first occupation of the development the access arrangements, visibility splays, vehicle parking and turning areas as indicated on drawing no.(02) 003 Rev A, shall be provided, hard surfaced, sealed and marked out. The access, vis splays, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 17 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.

- 18 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 19 Bat bricks shall be incorporated into the building. A plan showing the type and location of bat bricks to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.
- 20 Bird boxes shall be erected on site. A plan showing the type and location of bird boxes to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

And subject to the completion of a Legal agreement to secure appropriate financial contributions for mitigation against harm to the Epping Forest Special Area of Conservation.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council), since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)), and since it is for a type of development that cannot be determined by Officers if more than five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site consists of a detached two-storey dwelling with a detached annexe that benefits from a fairly large plot and is situated on the southern side of Honey Lane close to the junction with Roundhills. To the north and east of the site are detached and semi-detached properties fronting Honey Lane. To the west is the entrance to the Roundhills estate and dwellings fronting onto this. To the south is a garage area with houses and flats beyond.

The site is located within the urban area of Waltham Abbey and is subject to a blanket Tree Preservation Order. The site slopes downwards from east to west and the existing dwelling is situated on significantly elevated land.

Description of Proposal

Consent is being sought for the demolition of the existing dwelling and annexe building and the erection of a new residential apartment block containing 14 dwellings. This would consist of 3 one-bed units and 11 two-bed units across four floors.

The development would be served by a new vehicular access central within the site that would pass through the building and leads to a parking area that contains twelve parking spaces (including two disabled spaces). A further two parking spaces would be located at the front of the site and accessed directly from Honey Lane.

Communal amenity space would be provided to the side and rear of the site and all but one of the proposed flats would have access to a small patio or balcony.

Relevant History:

EPF/0703/91 - Two storey side extension and conversion to residential units for retired persons – refused 13/12/91

EPF/1088/92 - Single storey side extension (swimming pool, changing area, w.c., sauna, pump room and gymnasium, exercise area) – approved/conditions 29/04/93

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP5 – Sustainable building
CP6 – Achieving sustainable urban development patterns
CP8 – Sustainable economic development
CP9 – Sustainable transport
H2A – Previously developed land
H3A – Housing density
H5A – Provision for affordable housing
H6A – Site thresholds for affordable housing
H7A – Levels of affordable housing
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Provision for landscape retention
LL11 – Landscaping schemes
ST4 – Road safety
ST6 – Vehicle parking
U2B – Flood risk assessment zones
U3A – Catchment effects
RP3 – Water quality
RP4 – Contaminated land

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:

SP 1 - Presumption in Favour of Sustainable Development
H 1 - Housing Mix and Accommodation Types
H2 - Affordable housing
T 1 - Sustainable Transport Choices
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 9 - High Quality Design
DM 10 - Housing Design and Quality
DM 11 - Waste Recycling Facilities on New Development
DM15 - Managing and reducing flood risk
DM 18 - On Site Management of Waste Water and Water Supply
DM 19 - Sustainable Water Use
DM 21 - Local Environmental Impacts, Pollution and Land Contamination
DM 22 - Air Quality

Summary of Representations:

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

PARISH COUNCIL – Object. The Committee strongly objects to this proposed development due to the design being completely different to the surrounding area which is primarily made up of Edwardian properties along Honey Lane. It would be out of keeping with the area. Concerns were also raised regarding the loss of architecturally interesting Edwardian property (38 Honey Lane). Due to the lack of public transport, the Committee also commented that there was insufficient off road parking. Honey Lane is one of the main road entrances into the town. The road already narrows at this point, and concerns were raised over street parking at this location.

WALTHAM ABBEY HISTORICAL SOCIETY – Object to the loss the loss of the existing building and the precedent this could set.

39 HONEY LANE – Object as this is overdevelopment, is too high, should have 1.5 parking spaces per dwellings, and due to a loss of light.

40 HONEY LANE – Object due to loss of light, overlooking, parking and highway concerns, disturbance during construction, potential loss of trees, and harm due to the poor design.

41 HONEY LANE – Object as this would be out of character with the area, insufficient parking, and impact on utilities.

42 HONEY LANE – Object due to ground stability concerns, overlooking, and design.

44 HONEY LANE – Object due to traffic and parking concerns, impact on bats, and since it would be out of character with the area.

64 HONEY LANE – Object as the development is incompatible with the area.

162 HONEY LANE – Object to the loss of the existing Edwardian house and since the proposed flats are out of character. Also the development would be a hazard to road users, would cause a loss of privacy, and the existing house is home to bats.

3 ROUNDHILLS – Object due to the impact of construction works, the potential anti-social behaviour concerns, lack of parking, and loss of privacy.

5 ROUNDHILLS – Object due to the appearance of the development, the noise, disruption, pollution, etc. during construction, the loss of preserved trees, and the disruption from the density of the scheme.

Issues and Considerations:

Principle of development:

This application site is a residential plot containing a detached dwelling house with a larger than usual garden area. Waltham Abbey is an urban, heavily built-up town that is, in principle, acceptable for additional residential development.

The Council has submitted the Epping Forest District Local Plan (Submission Version) 2017 (SVLP) for Independent Examination and this identifies a number of sites for residential development. This application site is not designated as an allocated site within the SVLP and therefore would be considered a 'windfall site'. Whilst the allocated sites within the emerging Local Plan will provide a suitable five-year land supply once the Plan is adopted, at the current time the Council cannot demonstrate a five-year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission in locations such as this. Such matters weigh in favour of the development.

The proposed development would be fairly dense at some 90dph, which is significantly higher than the minimum density of 30-50dph as laid out within the adopted Local Plan. However the Submitted Version of the emerging Local Plan recognises within paragraph 2.68 that "*the Council recognises that land is a finite resource, and that the District is subject to policy and environmental constraints. It is therefore critical that land for development is used in an efficient and effective way as set out in Policy SP 2. Consequently, it is expected that all new development will maximise densities on housing sites, whilst recognising that different density levels will be appropriate for different sites in different locations as set out in Policy SP 3*". Policy SP 3 then goes on to lay out the following density recommendations:

To ensure the best and most efficient use of land as a guide the Council will normally expect:

- (i) a greater density of development at places with good public transport accessibility;*
- (ii) densities above 50 dwellings per hectare in towns and large village centres, and along main transport routes and/or close to transport nodes;*
- (iii) in the areas outside town and large village centres, new residential development should achieve densities of between 30 and 50 dwellings per hectare, and should enhance the distinctive character and identity of the area;*
- (iv) lower density developments may be appropriate in other areas of the District. Some parts of the urban areas and some villages are particularly sensitive to the impact of intensification and redevelopment because of the prevailing character of the area and the sensitive nature of the surrounding countryside or built form.*

Whilst not the most sustainable built up area within the District there are sustainable transport modes available (bus), Waltham Abbey is within walking distance of Waltham Cross overground station, and the town centre caters for many of the residents day to day needs. Therefore a density of above 50dph or greater would be appropriate for this site.

Design:

The site is situated close to the junction of Honey Lane and Roundhills and is the first of a long row of Edwardian properties continuing southeast along Honey Lane. Concerns have been raised about the loss of the existing Edwardian dwellinghouse, however this property is not listed, locally listed or within a Conservation Area and it is not considered to be a particularly exemplary example of an Edwardian dwelling. Therefore the principle of its demolition is considered to be acceptable.

The proposed redevelopment is fairly contemporary in design and follows a pre-application submission, which initially proposed two separate contemporary blocks. This proposal follows the advice provided within the pre-application response and whilst the provision of a single building does create a very large property in comparison to the surrounding dwellings the overall height would sit lower than the neighbouring two storey dwelling that sits on higher ground. Furthermore the step down in the roof, slight set back on the fourth floor, use of different materials, and the provision of the vehicle access through the building sufficiently breaks up the overall bulk of the building.

Given the location of the site close to the junction with Roundhills, whereby the design of the neighbouring properties are far less traditional 1960's modern, it is considered that a more prominent, stand-out building could be accommodated on this site without causing harm to the overall character and appearance of the area.

The development would retain (where appropriate) and replace the existing trees along the north western boundary of the site that would enable planting/screening to be provided, which would help to soften the impact of the proposal when approached from the west.

Affordable Housing:

The applicants have submitted a viability assessment that was independently assessed and it has been accepted that the proposed development cannot provide any affordable housing on site or any affordable housing contributions and remain viable.

Neighbouring amenity:

The proposed development would not extend beyond the rear wall of the neighbouring dwelling and would be slightly lower in height than the neighbouring house. Furthermore it is situated to the northwest of this site. As such it is not considered that there would be any detrimental loss of light or outlook to the neighbouring residents at No. 40 Honey Lane. Whilst there are upper storey balconies proposed to the rear of the new development that would provide some views into the rear garden of this neighbouring property the impact from this would be no different than the overlooking that would result from upper storey rear windows. Any upper storey flank windows facing towards this neighbour can be conditioned to be obscure glazed with fixed frames to ensure that they would not cause any lack of privacy.

The proposed development would be located some 6m from the shared boundary with the dwellings on Roundhills. Given this distance, along with the provision of replacement tree screening, it is not considered that there would be any excessive harm caused to the neighbouring residents of No's 1, 3 and 5 Roundhills.

Concern has been raised about disturbance during construction, however such matters are not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works are however suggested in order to minimise any impact on neighbours.

Future resident's amenity:

The proposal would include communal amenity areas at the rear (beyond the car park) and side of the new building. Whilst the usability of these spaces is questionable all but one of the proposed flats would benefit from a small private terrace or balcony. The combination of both private spaces and a larger communal area is sufficient to meet the needs of future occupants.

The proposal would include a large bin storage area (externally accessible), bicycle store, and small additional storage area for use by future residents.

Highways:

The proposed development would be accessed by way of a new driveway off of Honey Lane that would be situated centrally to the site. This would pass through/under the new development and lead to a car park containing 12 parking spaces. A further two parking spaces would be provided to the front of the site, accessed directly from Honey Lane.

There were initial concerns about access width and visibility raised by Essex County Council and amended drawings have been provided to address these. As such there is no longer any objection from ECC highways, subject to conditions.

Given the location of the application site it within walking distance of Waltham Abbey Town Centre it is considered that one parking space per unit is sufficient.

Epping Forest Special Area of Conservation:

The Council has a duty as the competent authority under the Habitats Regulations to protect the Epping Forest Special Area of Conservation (SAC) from the effects of development. Two issues in particular have been identified as being likely to have a specific effect on the Epping Forest SAC; being visitor pressure and impacts from air quality.

An interim strategy has been agreed with regards to mitigating. This is that a contribution of £352 per dwelling is to be sought from individual residential development schemes within 3km of the boundary of the Epping Forest SAC (where there is a net increase in the number of residential units). The payment of this financial contribution would be by way of a legal agreement.

Whilst the above interim strategy has been agreed, at the current time the financial contribution requirements to mitigate against the harm from air pollution is still unknown, however discussions are ongoing regarding this. Notwithstanding the fact that this work is yet to be completed the applicant has confirmed willingness to enter into a legal agreement and recognises that the full level of contribution is to be agreed after the committee.

In addition to the above, as required by policy T 1 of the Epping Forest District Council Local Plan Submission Version, a condition is required to ensure that there is 1 Electric Vehicle Charging Point for every 10 spaces to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

Other Considerations:

Flood risk:

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a Flood Risk Assessment is required, which can be dealt with by condition.

The applicant is proposing to dispose of surface water by sustainable drainage system. Further details are required for this, which can be dealt with by way of a condition.

Contamination:

A readily available Council held desk study information for this site has been screened and no evidence can be found of any potentially significant contaminating activities having taken place historically on the site. Records indicate that the site formed part of a field until the existing house was built in the 1920s-1940s and that the site has remained in domestic use since this time.

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos in hardstanding beneath the existing footpath and the former tennis court sub base) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

Ecology:

Concerns have been raised by neighbours with regards to the potential presence of bats within the existing building. The application has been assessed by the Councils ecology officer who has raised no objection subject to the incorporation of bat bricks in the building and bird boxes on the site.

Conclusion:

This application site is an existing residential property situated within a built-up urban location. Whilst the scale of the new development would be significantly greater than the existing dwelling house and would result in a high density to the site this is considered to be appropriate for this particular location. Furthermore the design of the building ensures that the overall bulk of the building would be adequately broken up.

The new development would be more contemporary in appearance than the existing Edwardian dwelling and the other properties within Honey Lane the site is situated close to the junction with Roundhills, which is a 1960's modern estate containing dwelling that are untraditional in style. Therefore the proposal is considered to be appropriately designed for this particular site.

The impact on neighbouring residents is considered to be acceptable, subject to various conditions, and whilst there would be some disturbance and disruption during the construction of the development this harm would be temporary and is not a material planning consideration. Nonetheless, time constraints for construction works are suggested in order to minimise the impact on neighbours.

This development would provide additional housing accommodation to assist in the Council meeting its five-year land supply and proposes sufficient levels of off-street parking (for the location) and amenity space for future occupants.

The proposal meets all other policy requirements and, subject to a S106 Agreement and various conditions, complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Submission Version Local Plan policies. As such the application is recommended for approval.

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

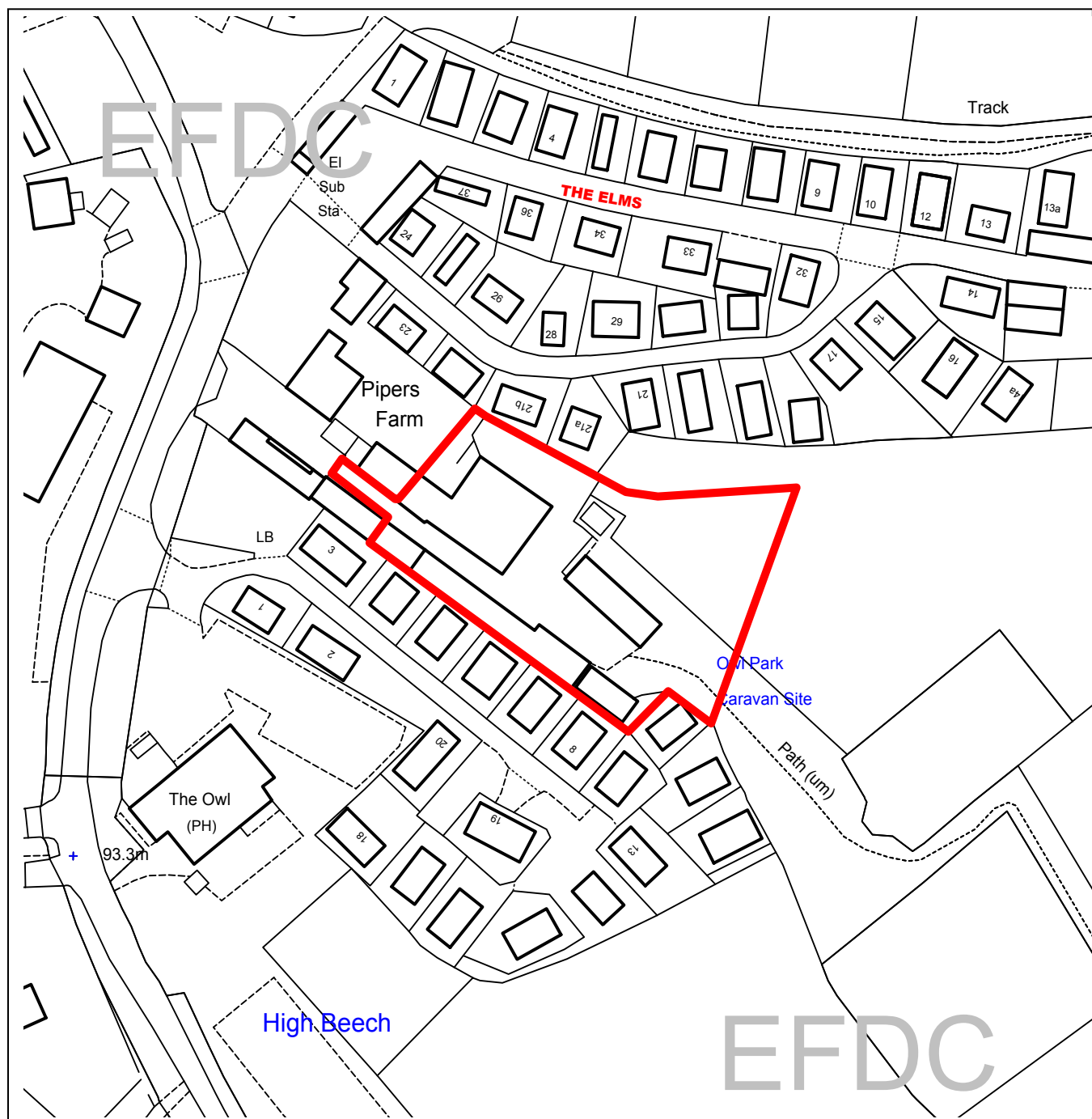
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/1169/18
Site Name:	Pipers Farm, Lippitts Hill, Waltham Abbey, Essex, IG10 4AL
Scale of Plot:	1:1250

Report Item No: 3

APPLICATION No:	EPF/1169/18
SITE ADDRESS:	Pipers Farm Lippitts Hill Waltham Abbey Essex IG10 4AL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr & Mrs E Bovis
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings and construction of 3 new detached dwellings with associated works.
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=608695

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: 1601/: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12 and 13
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the structure is demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to EFDC.
- 5 A mitigation licence for bats from Natural England will be necessary to commence demolition works. A Bat Low Impact Class Licence might be appropriate. The licence must be submitted to EFDC for confirmation.

- 6 A construction method statement for bats should be submitted to EFDC for approval confirming that a licensed ecologist will inspect the structures pre-works and that the roof will be soft-stripped to ensure no bats are harmed/killed during demolition.
- 7 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers and/or hedgehogs from being trapped in open excavations are submitted to and approved in writing by EFDC. The measures may include:
 - a) Creation of sloping escape ramps for mammals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) Open pipework being blanked off at the end of each working day.
- 8 Prior to commencement, a lighting design strategy for bats shall be submitted to and approved by EFDC. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory.
 - b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- 9 A biodiversity enhancement plan is to be submitted to EFDC. This will include bat and bird boxes, the planting of bat-friendly flowers and shrubs and hedgehog access points.
- 10 Prior to first occupation of the development hereby approved, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 11 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 12 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 13 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.

- 14 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 15 Following completion of the 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.
- 16 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 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 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of site

The application site is located on Lippitts Hill which is within the rural settlement of High Beach. There are currently stables and other associated buildings on the site. The site slopes quite steeply down from the road and there are mobile home parks to the north and the south and the Metropolitan Police Camp is opposite. The site is within the Green Belt but is not in a Conservation Area.

Description of proposal

The proposed development is for the demolition of all existing buildings on the site and the erection of three new detached dwellings.

Relevant History

There is a long history of stable related development applications and approvals which are not strictly relevant

EPF/1590/15 – Demolition of existing stable, barn, and outbuildings and the construction of 4 no. new dwellings and the conversion of the existing stable, tack room and grooms quarters to a new 3 bedroom dwelling. – Withdrawn. (Due to change in national guidance regarding Affordable housing on small sites.

EPF/3229/15 - Demolition of existing stables and storage buildings and the erection of two new dwellings and conversion of existing stable building into a separate dwelling. – Approved

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 Nature conservation

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

Epping Forest 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:

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

Consultation carried out and summary of representations received

25 neighbours consulted and site notice displayed

WALTHAM ABBEY TOWN COUNCIL – NO OBJECTION

47 LETTERS OF OBJECTION RECEIVED from neighbours on the Elms and the Owl

Below is a summary of the objections received from neighbours:

- The proposal is inappropriate development in the Green Belt and will set an undesirable precedent for future developments
- The proposal will cause significant harm to the living conditions of the neighbours
- The dwellings will not be affordable housing
- The site is unsustainable for new dwellings

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, 2012) 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 89 and 90 of the NPPF allow certain exceptions to inappropriate development one of which is the:

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The initial issue to consider is whether the site falls within the definition of previously developed land as given by the NPPF which reads:

Land which is or was occupied by a permanent structure, including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The existing use of the site is for the stabling of horses and associated equestrian purposes and the site therefore fulfils the definition of previously developed land. Notwithstanding the above designation of the site, the redevelopment of brownfield land is only considered as an exception from inappropriate development if "it would not have a greater impact on the openness of the Green Belt".

In this instance the volume of buildings to be demolished would be 4,500 cubic metres to be replaced with new buildings which amount to 2,905 cubic metres. This constitutes an approximate 35% reduction in the volume of build form in the Green Belt. In addition to this, when considering the comparative floor areas, the existing buildings have a footprint some 15% greater than the proposed redevelopment. The sum of these factors is that the redevelopment of the site would have a reduced impact on the openness of the Green Belt and thus it follows that the proposal complies with this exception to inappropriate development.

Living conditions of neighbours

The site is closely surrounded on two sides by residential mobile homes and it is notable that the dwellings on plots 1 and 2 back onto 21a and 21b The Elms. Whilst this will allow some opportunity for overlooking, the new houses will be relatively low at only one and a half storeys and whose rear gardens are a minimum of 10m to the boundary with their respective neighbour. It is therefore not anticipated that there will be any significant harm caused to the neighbours residing on the mobile home park to the north. This view follows that of the previous application in

2015 (EPF/3229/15), where planning permission was granted for the erection of two houses identical to those on plots 1 and 2 in this application.

The proposed dwelling to the east of plot 2 is a much larger building than the two dwellings on the other plots. That said, the building does not directly back onto any nearby neighbour. Whilst it is proposed to erect an garage outbuilding to the southern part of the site, this would replace an existing stable block with a similar height. As such there will not be significant harm caused to the living conditions of any neighbour.

The proposed new dwellings will each have adequate private amenity space and will provide suitable living conditions for their future occupants.

Character and appearance

As previously noted, the dwellings proposed on plots 1 and 2 have previously been approved in 2015 (EPF/3229/15). In the previous report the officer commented that:

The proposed development retains the existing stable block and grooms quarters building as a residential unit at the entrance to the site and the appearance of the site from the road will not therefore change substantially, the two proposed new houses are located on the lower part of the site and are of traditional design, materials and features appropriate to the rural location.

There is no substantive reason to take a different view in this application.

The dwelling located to the east of plot 2 however is a new element proposed in this application. The house would have a significantly larger footprint than the two dwellings on plots 1 and 2, however is set over one and a half storeys and this limits its potential to be overly prominent or otherwise harmful to the area. Indeed the dwelling has a relatively conventional detailed design and reasonable scale and therefore it is concluded that it would be respectful to the character and appearance of the area.

Epping Forest Special Area of Conservation (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.

Parking and Highway Safety

The proposed development is likely to result in fewer traffic movements and the Highway Authority has raised no objection to the scheme. The new dwellings each provide a garage space and two car parking spaces and in addition two visitor spaces are provided. The private access road meets required standards and includes a suitable turning area.

Ecology

The Ecology team consider that the proposal is acceptable subject to the measures identified in the submitted ecology report. Conditions are required in order to ensure that these measures are adhered to.

Land drainage

The land drainage team consider that the proposal is acceptable subject to two conditions required details of surface and foul water drainage. These are both reasonable and necessary conditions to impose.

Land contamination

The site has the potential to be contaminated since it was previously used as a farmyard and stables. Conditions can be imposed to ensure that any contaminants on the site are suitably dealt with.

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 conditions and a legal agreement to secure a financial contribution to fund the mitigation measures towards 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

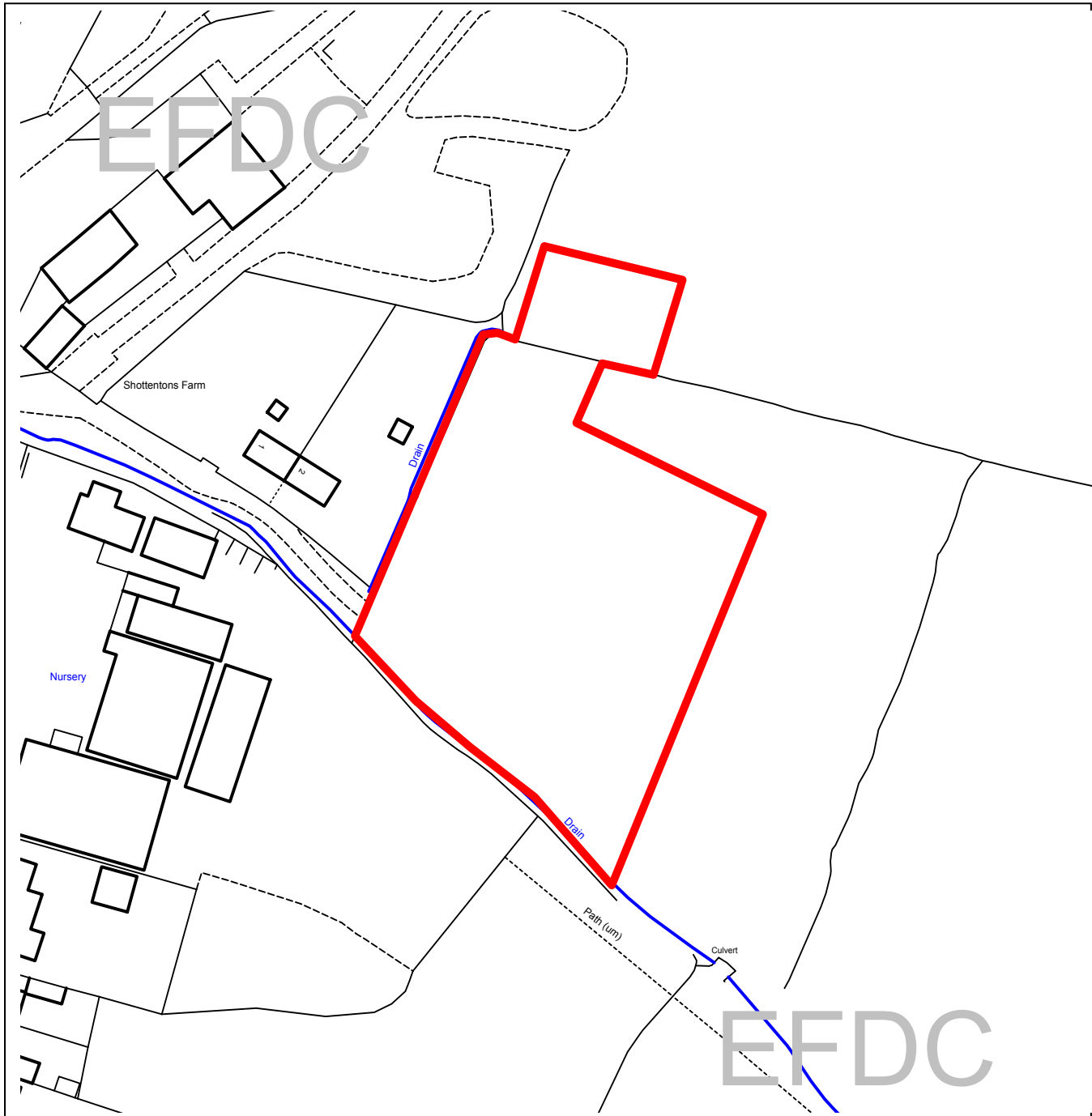
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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/2227/18
Site Name:	'Tomworld', Shottentons Farm, Pecks Hill, Nazeing, Essex, EN9 2NY
Scale of Plot:	1:1250

Report Item No: 4

APPLICATION No:	EPF/2227/18
SITE ADDRESS:	'Tomworld' Shottentons Farm Pecks Hill Nazeing Essex EN9 2NY
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr J Colletti
DESCRIPTION OF PROPOSAL:	Temporary stationing of caravans for occupation by horticultural workers for a period of three years and associated parking provision.
RECOMMENDED DECISION:	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=613473

REASON FOR REFUSAL

- 1 The proposal amounts to inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. In addition the proposal would cause additional harm to its openness. The proposal is therefore contrary to policies GB2A and GB7A of the Adopted Local Plan and with policy DM4 of the Epping Forest Local Plan (Submission Version) 2017.
- 2 The proposal fails to demonstrate to the satisfaction of the competent authority that the development as proposed would not cause a significant harmful impact on the integrity of the Epping Forest Special Area of Conservation. The proposal is therefore contrary to policy NC1 of the Adopted Local Plan, with policies DM2 and DM22 of the Epping Forest Local Plan (Submission Version) 2017, with the objectives of the National Planning Policy Framework and with the requirements of the Habitat Regulations 2017.
- 3 The proposed development will appear as a prominent and incongruous feature within the context of the existing area which is predominantly characterised by open field patterns and open landscape. The proposal is therefore contrary to policies CP2 and DBE4 of the Adopted Local Plan, with policy DM9 of the Epping Forest Local Plan (Submission Version) and with the objectives of the National Planning Policy Framework.

- 4 The circumstances advanced by the applicant do not amount to the very special circumstances required to clearly outweigh the identified harm to the Green Belt and any other harm, which in this case is the additional harm caused to the character and appearance of the area and the potential harm on the Epping Forest Special Area of Conservation. The proposal is therefore contrary to the policies of the Development Plan.

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

The application site is a 0.31Ha area of land located just off Pecks Hill, to the south east of Shottentons Farm, which is located within the relatively rural area of Nazeing. Whilst there are a large number of glass houses to the north and a farm complex to the south, currently the site is an open field which has not previously been developed. Access to the site is from a private track which comes off the transition between Pecks Hill and Sedge Green. 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 proposal is to station 24 caravans on the site and 16 associated car parking spaces.

Relevant History

There is considerable history on the main horticultural complex including various applications for glasshouses and other agricultural buildings. There are however two applications which link directly to this site which are:

EPF/0152/16 – Erection of 12 x 1 bedroom units for occupation by horticultural workers. – Recommended for refusal by Officers, recommended for approval by Area Plans West and approved by District Development Management Committee.

EPF/0232/17 - Proposed outline application for the erection of 24 x 1 bedroom accommodation units in two blocks for occupation by horticultural workers, with landscaping as a reserved matter (alternative to EPF/0152/16). – Recommended for refusal by officers, recommended for approval by Area Plans West and approved by District Development Management Committee.

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
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

GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB17A – Agricultural, Horticultural and Forestry Workers Dwellings
U3B – Sustainable drainage systems

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

Epping Forest Draft Local Plan consultation document (2016)

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

SP1 - Presumption in Favour of Sustainable Development
SP6 – Green Belt and District Open Land
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure
DM1 – Habitat protection and improving Biodiversity
DM2 – Epping Forest SAC and the Lee Valley SPA
DM3 – Landscape character, ancient Landscapes and Geodiversity
DM4 – Green Belt
DM9 – High Quality Design
SP5 – Green Belt and district open land
DM15 – Managing and reducing flood risk
DM21 – Local environment impacts, pollution and land contamination
DM22 – Air Quality

Consultation Carried Out and Summary of Representations Received

4 Neighbours consulted – NO COMMENTS RECEIVED

NAZEING PARISH COUNCIL – OBJECTION – Permission has already been granted (EPF/0232/17) for accommodation for horticultural workers (erection of 24 x 1 bedroom accommodation units). In the event that the application goes to committee the Council reserves the rights to attend the Committee meeting.

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, sustainability issues, the character and appearance of the area, parking and access, tree and landscape issues, land drainage, land contamination and affordable housing.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) 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.

When assessing applications within the Green Belt, Paragraph 88 of the NPPF also requires 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 its inappropriateness and any other harm is clearly outweighed by other considerations.

Paragraph 146 of the NPPF lists a number of exceptions to inappropriate forms of development, providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. one of these exceptions is:

The material change of use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)

The stationing of caravans on the site amounts to a material change of use of this land and so the main considerations are to whether the change of use would preserve the openness of the Green Belt and its main purposes.

Currently the site is an open, undeveloped field and so clearly the stationing of 24 caravans on the land as well as the provision of its associated hardstanding would cause substantial harm to the openness of the Green Belt when compared to the existing situation. The proposal would therefore fail to preserve the openness of the Green Belt and would cause encroachment into the countryside, contrary to one of its fundamental purposes.

The proposal is therefore concluded to be inappropriate development in the Green Belt, in accordance with paragraph 144 of the NPPF, this should be afforded substantial weight in this decision.

Openness

Turning to openness, it has already been found that the proposal would fail to preserve the openness of the Green Belt and would conflict with one of its fundamental purposes. Since the proposal would introduce 24 new caravans to the site as well as a significant amount of hardstanding, it is concluded that there would be additional harm to openness over and above the harm caused by inappropriate development.

Character and appearance of the area

The introduction of such a significant number of mobile homes onto the site as well as the proposed substantial amount of hardstanding and residential paraphernalia would be in stark contrast with the prevailing character of the area, which is mainly comprised of open fields set within a sensitive landscape. Indeed the development would clearly be visible from public viewpoints and therefore the proposal would fail to respect the character and appearance of the area and therefore it is contrary to policies CP2 and DBE4 of the Adopted Local Plan and with policy DM9 of the Epping Forest Local Plan (Submission Version) 2017.

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)]

Whilst planning permission has already been approved for the same number of residential units on this site, these decisions were taken prior to the advice received from Natural England with regards to the SAC. As such whilst the previous applications could still be implemented, they have not yet been so and therefore it would be unreasonable to conclude that the development as proposed in this application would not have a significant likely impact in the context of the existing site.

Indeed In this instance, the planning statement is silent on the matter and thus 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. This carries substantial weight in the decision.

Other matters

The Land Contamination Team has identified that the site has the potential to be contaminated and therefore a precautionary approach must be adopted. Planning conditions could be attached which can ensure that if any contaminants are on the site, they can be suitably remedied.

The Land Drainage Team consider that the proposal is acceptable in principle, but that further details are required regarding foul and surface water drainage. This can be secured through condition.

Very special circumstances

The proposal has been found to constitute inappropriate development in the Green Belt which would cause additional harm to its openness, would cause harm to the character and appearance of the area and fails to demonstrate that there would not be a significant impact on the Epping Forest SAC. The applicant points to the planning history of the site for a very special circumstances argument.

In 2016 planning permission was granted by committee for the erection of 12 x 1 bedroom apartments for the purposes of housing horticultural workers close to their place of work (EPF/0152/16). Then in 2017 planning permission was again granted by committee on the same site for the erection of 24 x 1 bedroom apartments to be erected in a two storey block, not dissimilar in appearance to a motel (EPF/0232/17). Neither of these permissions have been implemented, nevertheless are extant and the pre- commencement conditions for the latter consent (for 24 units) have been approved. As such this consent could be implemented up until July 2020.

Clearly therefore, a fall-back position exists for this application site and the Local Planning Authority must consider how much weight to attach to this position. An implementation of either the single storey or two storey block will cause substantial harm to the Green Belt, clearly an implementation of the two storey consent would cause considerably more harm to the openness of the Green Belt than the single storey. Indeed in terms of its physical openness, the two storey block of flats would also cause considerably more harm than the proposed caravans in this application.

Whilst the above is noted, the development as proposed would extend the developed area beyond what was previously permitted on the site through either of the previous consents. Most notably to the north where this application seeks permission for a large area of hardstanding for the parking of vehicles. In addition to this, the proposed caravans would cover a substantial amount of the red lined site and each caravan would require a significant amount of hardstanding. Given the proposed layout, this would likely result in the majority of the red lined site covered in hardstanding, which is in stark contrast to the previous approvals and would cause substantial harm to the character of the Green Belt. Another factor is the sheer number of mobile homes proposed. Whilst perhaps not as prominent in the Green Belt as the previously approved two storey block, the stationing of 24 caravans would extend the developed area and cause significant harm to the Green Belt.

As a combined result of these factors it is concluded that the previous planning applications as approved do not constitute the very special circumstances required in order to clearly outweigh the identified substantial harm to the Green Belt and the additional harm to openness and the character and appearance of the area.

Consideration has also been given to the notion of a temporary planning permission, in the context of the Council being able to impose a planning condition to ensure that the land is restored to its previous condition once the temporary permission has lapsed. However the substantial harm identified to the Green Belt, to the character and appearance of the area and to the Epping Forest SAC, even for a temporary period, outweighs these factors.

It is therefore concluded that very special circumstances do not exist for this application.

Conclusion

The proposal amounts to inappropriate development in the Green Belt and additional harm to its openness. It has also been found that the proposal would cause significant harm to the character and appearance of the area and fails to demonstrate that there would not be significant harm caused to the Epping Forest SAC.

The circumstances advanced by the applicant do not amount to the very special circumstances required in order to clearly outweigh the harm to the Green Belt and any other harm. The proposal is therefore 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

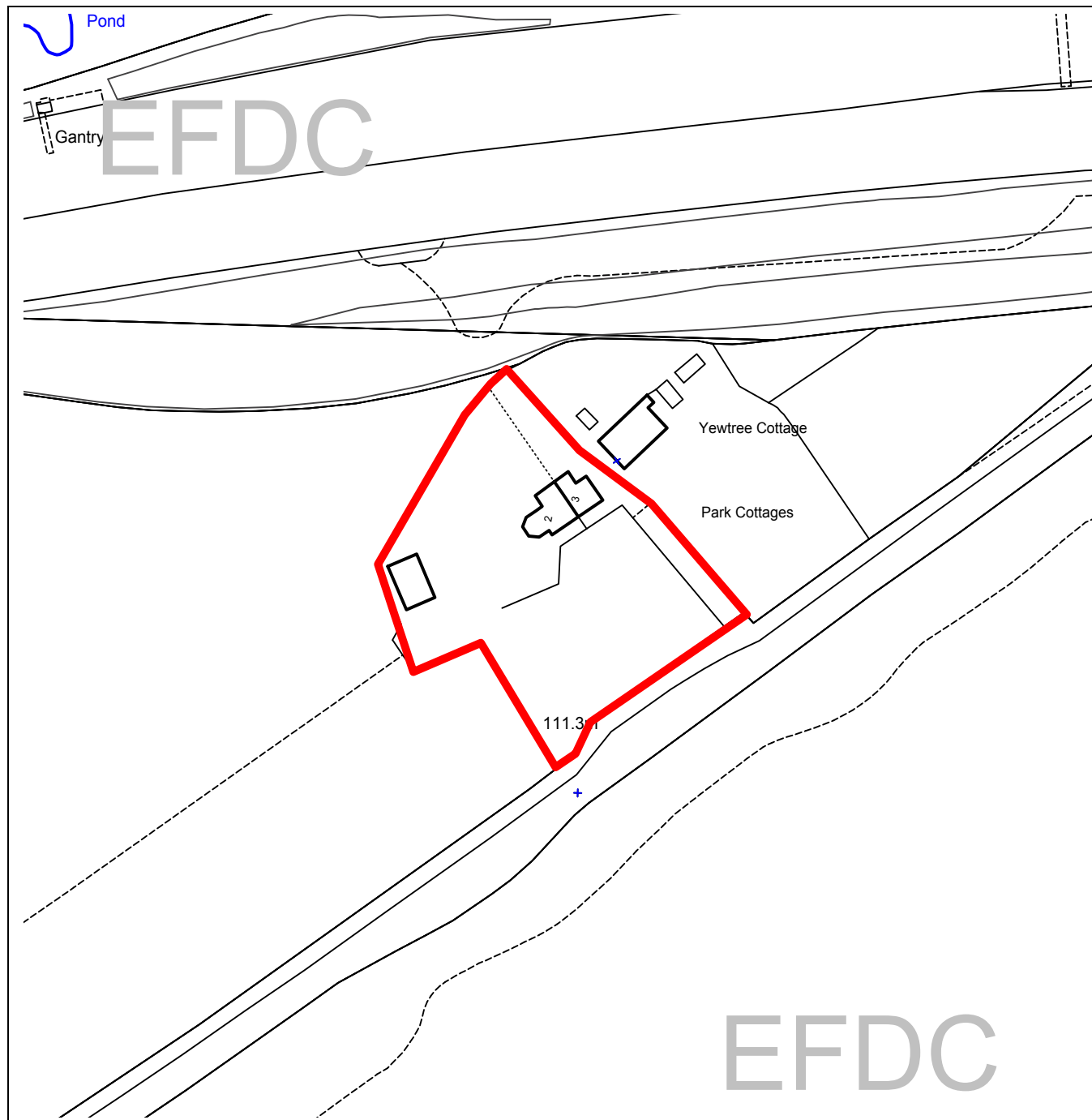
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/2240/18
Site Name:	Curtilage of Yew Tree Cottage, High Road, Epping, Essex, CM16 4DJ
Scale of Plot:	1:1250

Report Item No: 5

APPLICATION No:	EPF/2240/18
SITE ADDRESS:	Curtilage of Yew Tree Cottage High Road Epping Essex CM16 4DJ
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Keith Beekmeyer
DESCRIPTION OF PROPOSAL:	Enlargement of an existing bungalow and garage to create a new detached bungalow.
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=613515

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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: TC/0000/PP/01 dated 29 October 2018, TC/0000/PP/02 dated 29 October 2018, TC/0000/PP/03 dated 29 October 2018, TC/0000/PP/04 dated 29 October 2018, TC/0000/PP/05 dated 29 October 2018, TC/0000/PP/06 dated 29 October 2018, TC/0000/PP/07 dated 29 October 2018, TC/0000/PP/08 dated 29 October 2018.
- 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 (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 within a secluded location but on the main Epping Road which is a heavily used main road. The site contains a fairly picturesque cottage which is Grade II listed and set back from the road behind a screening of hedge. The adjacent neighbour, and only other property in the immediate vicinity, is also Grade II listed. The house is served by two outbuildings located to the rear. One which is used for the parking of vehicles and the other which is in a lawful separate residential use having been originally approved as an annexe. This is a timber clad building with a gabled roof above and front gable projection. The site is within the Metropolitan Green Belt and the Copped Hall Conservation Area. Access to the site is from a lane that runs from the road to the back of the house and serves this and Yew Cottage.

Description of Proposal:

Planning permission is sought for the enlargement of an existing bungalow and garage to create a new detached bungalow. The plans show that the building would largely share the same footprint with a small infill and front extension linking the two existing buildings. The garage element would be altered to accommodate 2 bedroom and bathroom with its roof changed to match design of the existing residential element.

The plans have been revised showing the property to be largely in line with the footprints of the existing buildings. There was concern that the originally submitted scheme could impact on the trees to the rear of the site, however the existing footprint would now not be extended to the rear.

Relevant History:

EPF/2371/17 - Conversion of a one-bedroom bungalow with ancillary garage to a three-bedroom chalet-style bungalow - Withdrawn

EPF/1408/15 - Certificate of lawful development for existing use of building as a self contained flat for more than 4 years – Lawful 09/10/15

EPF/0016/15 - Change of use from a residential annexe to a separate dwelling. Resubmission following refusal of EPF/2615/14 – Refuse permission 02/03/15

EPF/2615/14 - Change of use from a residential annexe to a separate dwelling. Refuse Permission – 23/12/14.

EPF/2543/10 - Variation of condition 4 'ancillary accommodation' of planning permission EPF/0431/10 to permit independent occupation. Refuse permission - 08/02/2011. Appeal dismissed – 20/10/11.

EPF/2543/10 - Variation of condition 4 'ancillary accommodation' of planning permission EPF/0431/10 to permit independent occupation. Refuse permission - 08/02/2011. Appeal dismissed – 20/10/11.

EPF/0431/01 - Conversion of garage to annexe. Grant permission with conditions - 04/07/2001.

Policies Applied:

Local Plan (1998) and Alterations (2006)

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

HC6 – Character, Appearance and setting of Conservation Areas

HC7 – Demolition in Conservation Areas

HC12 – Development affecting the setting of Listed Buildings

DBE9 – Loss of amenity

DBE10 – Residential extensions

The National Planning Policy Framework

The National Planning Policy Framework (The Framework) 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:

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can 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 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

DM10 – Housing Design and Quality

Summary of Representations:

TOWN COUNCIL – Objection

1. Affects the context of the Listed Building
2. Appears to be a demolition and rebuild rather than an enlargement
3. Proposed new building is too prominent and not in keeping with the existing Listed Building
4. Overdevelopment – out of proportion to the adjoining period property and shares the same driveway as the Listed Building.

6 neighbours consulted and site notice displayed – No responses received.

CONSERVATION - I am relatively happy that the incorporation of the garage footprint into the remodelled dwelling will not have an adverse impact upon the significance of the nearby listed cottages. The development is low in elevation and sited some distance away from the designated property.

Some questions remain as to how the amenity space for the new independent dwelling will be demarcated, plus the risk of surface car parking rendering the curtilage of the listed building untidy. However, these are minor issues and it will be possible to control any new boundaries / enclosures or garages on the site. The harm to significance of the historic assets is minor, and potentially justified by the public benefits of creating new accommodation in the local area. I therefore have no objection to the proposals.

Issues and Considerations:

The main considerations in relation to the proposal are the impact on the Green Belt, the overall design and impact on the existing buildings, conservation area and listed building, living conditions considerations, landscaping issues and highways.

Green Belt

Policy GB2A states that planning permission will not be granted for the use of land or the construction of new buildings in the Green Belt unless it is for the purposes of agriculture, horticulture, outdoor participatory sport and other uses that will preserve the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

Furthermore in line with paragraph 89 of the Framework, Policy GB2A states that an extension will not be granted approval in the green belt unless it is a limited extension.

The proposal would be treated as an extension to an existing building(s). Although the outbuilding has a separate lawful residential use, the buildings are both within the ownership of the applicant and the works would effectively, in physical terms, be a limited extension between the two buildings and to the front of the garage. The ridge would be altered to match the ridge of the dwelling. The front porch would be extended upwards to finish closer to the ridge.

The proposal is limited in size and would not adversely harm the openness of the green belt.

Character and Appearance

It is considered that the extensions would not materially detract from the character and appearance of the existing buildings, the conservation area or the setting of the listed building. The Council's Conservation Officer has no objections to the proposal believing the remodelled dwelling not to have an adverse impact upon the significance of the nearby listed cottages. The development is low in elevation and sited some distance away from the designated property.

He has raised some concern as to how as the amenity space for the new independent dwelling will be demarcated, plus the risk of surface car parking rendering the curtilage of the listed building untidy. However, these are minor issues and it will be possible to control any new boundaries / enclosures or garages on the site as these would require planning permission being within the curtilage of the listed building. The harm to significance of the historic assets is minor, and potentially justified by the public benefits of creating new accommodation in the local area.

Living Conditions

There would be no excessive harm caused by any elements of the proposal due to the distance between the application dwelling and neighbouring properties.

Trees/Landscaping

The tree belt is outside of the site to the rear and the proposed works are expected to largely use existing foundations. In discussion with the Council Tree Officer she is satisfied that no conditions would be required for the protection of the trees to the rear of the site.

Highways

There are two existing lawful dwellings on the site and this will not change. The smaller dwelling would be increased in the number of bedrooms and although there would be a loss of a garage there appears to be sufficient space to accommodate parking and turning space for both properties to exit the site in forward gear.

Third party representations

In response to the Parish Council objection, points 1, 3 and 4 are similar in their concerns relating to the impact on the listed building. This has been considered above. The sharing of the driveway exists currently so there is no change there. The applicant has revised the plans, reducing the depth of the dwelling behind what is currently the garage and has confirmed via email that the existing walls would be retained where possible and as can be seen on the revised proposed floor plan (drawing TC/0000/PP/05 dated 29th October 2018) the sides, front and rear elevations in terms of position would match the front and rear elevations of the existing buildings.

Conclusion:

The proposal is considered to be limited which would not materially detract from the openness of the green belt in this location. Its design would be in keeping with the Listed host dwelling and would not detract from the character and appearance of the conservation area. There would be no material harm to neighbour's living conditions or the existing landscaping and would be in line with highway policy. Therefore the proposal is considered to comply with both the NPPF and Local Plan policy and is 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: Mr Steve Andrews
Direct Line Telephone Number: (01992) 564337

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