

## **AREA PLANS SUB-COMMITTEE 'WEST'**

**12 December 2018**

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# Epping Forest District Council

## Agenda Item Number 1



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|                     |  |
|---------------------|--|
| Application Number: | EPF/1092/18  |
| Site Name:          | The Bungalow, Hoe Lane, Nazeing,<br>Essex, EN9 2RQ |
| Scale of Plot:      | 1:500  |

**Report Item No:1**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/1092/18   |
| <b>SITE ADDRESS:</b>            | The Bungalow<br>Hoe Lane<br>Nazeing<br>Essex<br>EN9 2RQ |
| <b>PARISH:</b>                  | Nazeing   |
| <b>WARD:</b>                    | Lower Nazeing   |
| <b>APPLICANT:</b>               | Mr S Downes   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Development of 3 dwellings.                             |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (Subject to Legal Agreement)           |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=608356](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=608356)

**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: A-1701-SK: 09F, 10F, 11F, 12F
- 3 The window openings in the southern flank elevation of the dwelling on plot 1 and the northern flank elevation of the dwelling on plot 3 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 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.
- 5 The development hereby approved shall be carried out in accordance with the flood risk assessment (Ken Rush Associates Flood Risk Assessment, Ref 17-6121, April 2018) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 7 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 8 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased 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.
- 9 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 10 Prior to the first occupation of the development both accesses shall be increased to a minimum width of 5 metres for at least the first 6 metres from the back edge of the carriageway and provided with an appropriate dropped kerb crossing of the verge.
- 11 No removal of hedgerows, trees or shrubs, or 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 of vegetation for active birds' nests immediately before the vegetation is cleared 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.
- 12 Prior to the commencement of any works dusk and dawn surveys for bats should be undertaken in accordance with guidelines from Natural England on the bungalow and garage. These should be submitted to EFDC for approval. Should the surveys reveal the presence of bats, or their breeding sites or resting places then an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England and submitted to EFDC for approval. Should a Natural England European Protected Species licence (EPS) be required then this should also be submitted to EFDC. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 13 A working methodology for the inspection/felling of any low or moderate potential trees for bats (if removal or significant tree work is required on these trees) should be submitted to, and approved by, EFDC.

- 14 Prior to occupation, 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 along important routes used to access key areas of their territory, for example, for foraging; and
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 15 A working methodology statement for reptiles shall be submitted to, and approved by, EFDC.
- 16 A biodiversity enhancement plan shall be submitted to, and approved by, EFDC. This will include bat and bird boxes, hedgehog box and corridors, log piles and native planting.
- 17 The Ecological Report submitted by Tim Moya Associates December 2017 and its recommendations and guidelines in section 7 and 8 shall be followed unless otherwise agreed in writing by the Local Planning Authority.

**And subject to an appropriate Section 106 legal agreement to secure a financial contribution towards mitigation measures towards the Epping Forest Special Area of Conservation (SAC)**

*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 the southern side of Hoe Lane which is within the settlement of Nazeing. Currently on the site is a relatively sprawled bungalow situated within a large plot. To the immediate east of the site is a fairly large two storey dwelling within a small residential curtilage. To the west are a number of two storey detached dwellings which front onto Sunnyside, whose rear elevations and gardens back onto the site. The application site is not located within the boundaries of the Metropolitan Green Belt and it is on the edge of the Environment Agency Flood Zone.

**Description of proposal**

The proposed development is to demolish the existing bungalow on the site and to erect three, two storey dwellings on the site. The dwellings would have a similar appearance to each other, with a projecting gable fronting the road and one half of the roof hipped and the other half gabled.

**Relevant History**

EPF/2197/17 - Development of 4 dwellings – Withdrawn

## **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  
DBE9 – Neighbour Amenity  
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  
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**

NAZEING PARISH COUNCIL – OBJECTION - The proposal is overdevelopment and it is not in keeping with the street scene. As the proposed dwellings are positioned further back into the site (to provide off street parking), it will have a serious detrimental effect upon existing neighbouring properties.

16 Neighbours consulted – 14 LETTERS OF OBJECTION RECEIVED

The comments received from neighbours can be summarised as:

- Concern regarding the flood risk
- The proposal will cause harm to the living conditions of nearby residents through a loss of light and substantial overbearing impact
- The new dwellings are out of character with the local area and would be an eyesore
- Hoe Lane is already heavily congested and this will increase this impact
- Noise pollution will cause harm to residents
- The new dwellings will overlook existing residents
- The parking offer is inadequate for this location
- There will be harm to the local environment
- There are significant concerns regarding sewerage issues
- Potential loss of trees will cause harm to the appearance of the area

### **Issues and considerations**

The main issues to consider when assessing this application are the potential impacts on the living conditions of the neighbours, the character and appearance of the area, land drainage issues, highway issues, land contamination and any other material planning considerations.

### **Living conditions of neighbours**

The dwelling which would be located on plot 1 would be approximately 1.3m from the shared boundary with no.1 Sunnyside and this neighbour has a rear garden which is approximately 12m long. The new dwelling on plot 1 would have a hipped roof design on the elevation fronting onto no.1 Sunnyside which means that the full extent of the ridge height will be approximately 4.3m from the shared boundary with this neighbour. Such a distance from the rear elevation of no.1, combined with the relatively wide, open garden of this neighbour will ensure that there would not be significant harm caused to the living conditions of this neighbour. Since this neighbour is the closest on the western side of the new development and it has been found that there would not be a significant impact on their living conditions, it is concluded that there would not be significant harm caused to any other neighbour on Sunnyside.

Turning to the neighbour on the western side, the closest new dwellings (plot 3) will leave a gap of approximately 1m to the shared boundary and project approximately 4m beyond the existing rear elevation of this neighbour. As with the dwelling on plot 1, the dwelling on plot 3 is designed so that it has a hipped roof on the elevation closest to this neighbour and therefore the full extent of

the ridge will be around 4m from the shared boundary. Whilst it is acknowledged that this neighbour has a relatively small rear garden, as a result of its reasonable height and positioning as well as limited net projection that there would not be significant harm caused to the living conditions of this neighbour.

The dwellings located on plots 1 and 3 respectively contain very small first floor windows on the elevations which front towards neighbours. To ensure that there will not be overlooking of these neighbours, it is both reasonable and necessary to impose a planning condition to ensure that these windows are fitted with obscure glass.

In light of the proximity of nearby neighbours, to ensure that their living conditions are safeguarded, it is reasonable and necessary to remove Class A Permitted Development Rights to ensure that any future extensions to the dwellings need to be considered by the Local Planning Authority.

The proposal is therefore concluded to be compliant with policy DBE9 of the Adopted Local Plan and with policy DM9 of the Epping Forest Local Plan (Submission Version) 2017.

#### Character and appearance

The site is currently heavily screened from views from Hoe Lane due to a robust line of trees on the front elevation of the existing house. Indeed, the bungalow cannot readily be seen from public viewpoints.

In contrast, the new proposals would involve the opening of part of this to allow access onto the site and this would result in the new development being visible from Hoe Lane. The dwellings are however relatively conventional in their appearance, containing traditional elements of residential design which are of a scale and size which is similar to other similar houses in the area.

As a result, subject to a high quality material which can be secured through planning condition it is concluded that the new development would respect the character and appearance of the locality.

#### Land Drainage

The original iterations of the planning application drew an objection from the Environment Agency, since some of the footprint of buildings would be within Flood Zones 2 and 3. However the extent of the proposed dwellings in terms of their footprint was subsequently reduced through revised drawings and now the Environment Agency are satisfied that the development is within Flood Zone 1 and have withdrawn their objection.

The Council's own Land Drainage Team have commented that the proposal would be acceptable providing that it is carried out in accordance with the submitted Flood Risk Assessment. This can be secured through condition.

#### Highway issues

The Essex County Council Highway Team have commented that they have no objection to the scheme providing that both accesses are a minimum width of 5m for the first 6m from the back edge of the carriageway. This can be secured through condition and will ensure that the site offers safe and suitable access to the site.

#### Land Contamination



There is no evidence 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 current dwelling was built in 1935 and the site has since remained in domestic use.

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.

### Ecology

The Ecology Team have considered the application and have concluded that the proposal is acceptable subject to 6 conditions to safeguard protected species which may be on the site. These conditions are both reasonable and necessary to impose.

### Trees and Landscaping

The new development will involve the loss of some of the existing trees on the front elevation of the site to accommodate new access onto the site. These existing trees do not benefit from legal protection, but do nonetheless add to the character and appearance of the street scene. However in this instance it is concluded that their partial loss, to allow for the new accesses would not harm the character and appearance of the area. A condition can ensure that the planting that is shown to be retained on the submitted drawings, shall be so, or suitable replacements planted if they are removed or destroyed.

### 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.

Th may increase the number of vehicles using the site and therefore it cannot be ruled out that there may be a significant, in combination impact on the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of the SAC, in terms of air quality. 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.

### Conclusion

The proposal will not cause significant harm to the living conditions of the neighbours, nor will it cause material harm to the character and appearance of the area. It satisfies all other criteria of the Development Plan and the Epping Forest Local Plan (Submission Version) 2017 and therefore it is recommended that planning permission is granted subject to appropriate conditions and a suitable legal agreement to assist in mitigating potential impacts on the SAC.

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

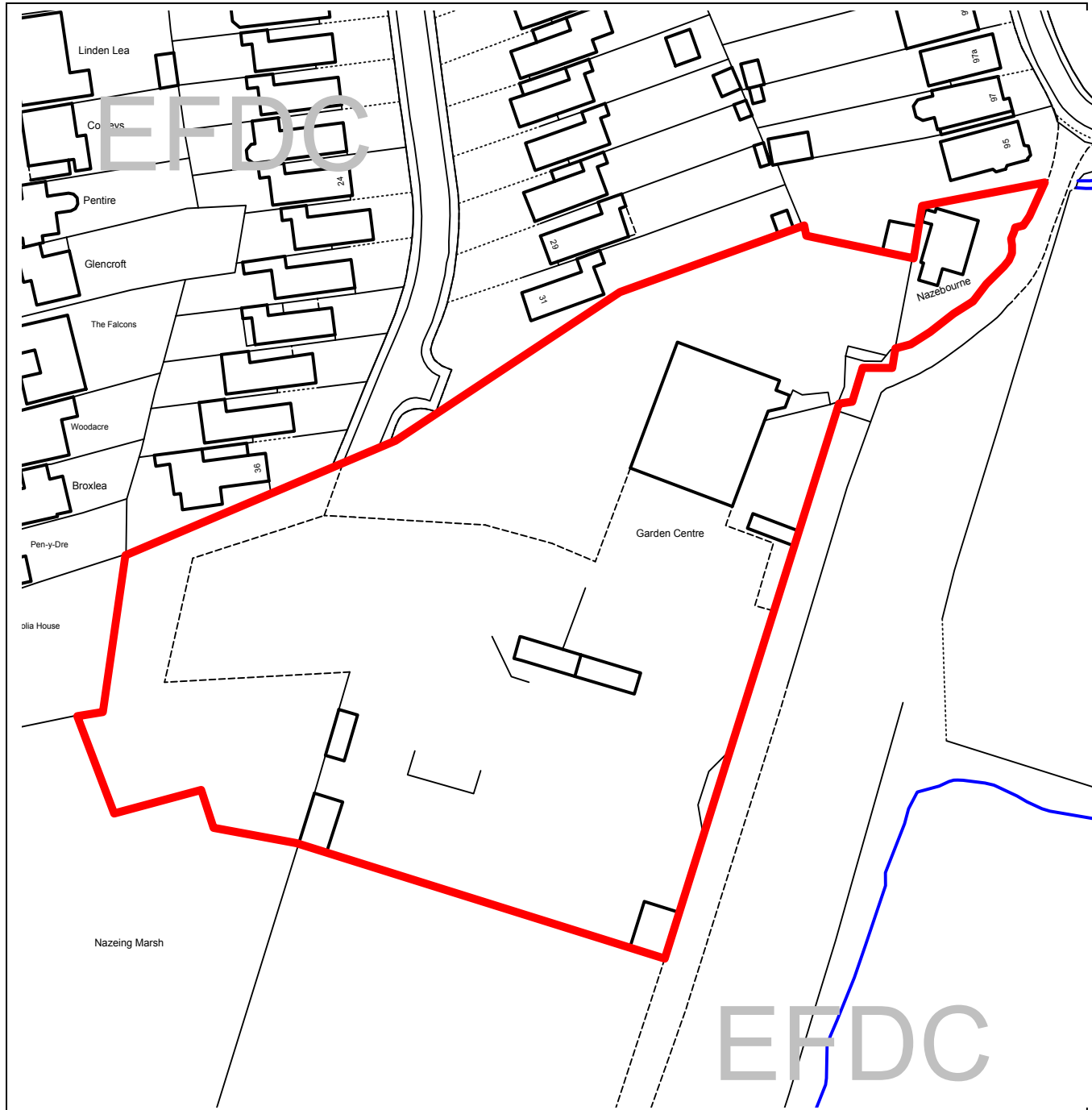
**Planning Application Case Officer: James Rogers**  
**Direct Line Telephone Number: 01992 564 371**

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



# Epping Forest District Council

## Agenda Item Number 2



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|                     |   |
|---------------------|---|
| Application Number: | EPF/1351/18   |
| Site Name:          | Former Chimes Garden Centre and<br>Nazeing (no. 93), Old Nazeing<br>Road, Nazeing, Essex EN10 6RJ |
| Scale of Plot:      | 1:500   |

**Report Item No:2**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/1351/18   |
| <b>SITE ADDRESS:</b>            | Former Chimes Garden Centre and Nazebourne (no. 93)<br>Old Nazeing Road<br>Nazeing<br>Essex<br>EN10 6RJ |
| <b>PARISH:</b>                  | Nazeing   |
| <b>WARD:</b>                    | Lower Nazeing   |
| <b>APPLICANT:</b>               | The Chimes Broxbourne Limited   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Demolition of site buildings and redevelopment to provide 33 new homes                                  |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (Subject to Legal Agreement)   |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=609536](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609536)

**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:
- 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 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.
- 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 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 8 Prior to first occupation of the development, the ecological enhancements set out in the submitted Ecological Enhancement Plan shall be carried out in full.
- 9 Prior to any above ground works, details of the proposed landscaping of the site, including retention of trees and other natural features and the proposed times of planting (linked to the development schedule), shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at the agreed times.
- 10 Prior to the occupation of any phase of the development, for its permitted use, a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.
- 11 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.
- 12 Prior to first occupation of the development, a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 13 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 14 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.

- 15 No development other than above ground demolition 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.
- 16 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.
- 17 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.
- 18 No works shall take place until the following components of the detailed surface water drainage scheme for the site, based on sustainable drainage principles and as per the submitted Flood Risk Assessment, an assessment of the hydrological and hydrogeological context of the development has been submitted to and agreed by the Local Planning Authority. The approved scheme shall subsequently be implemented in full prior to first occupation of any of the dwellings hereby approved.
- 19 No above ground works shall take place until a maintenance plan detailing the maintenance arrangements including those who are responsible for different elements of the surface water drainage system and the activities/frequencies have been submitted to and agreed by the Local planning Authority. Should any part be

maintainable by a maintenance company details of the long term funding arrangements shall be provided.

- 20 The applicant or any successor in title must maintain yearly logs of maintenance that must be carried out in accordance with the approved maintenance plan. These must be made available for inspection upon request by the Local Planning Authority.

**And subject to the applicant first entering into a legal agreement under section 106 to secure the provision of 5, 3 bed affordable rented houses on site, and a contribution towards school transport provision, within 2 months of the date of the decision or such longer period as may be agreed with officers.**

*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).*

### **Description of Site:**

The application site is a roughly triangular area of land which is predominantly hard surfaced and contains a number of buildings and is currently being used without planning permission for open storage purposes. The site is located to the south of the residential area comprising Riverside Avenue and Great Meadow. The northern boundary of the site is bounded by flank garden boundaries of residential properties. To the south and east is open land. The site is accessed from Old Nazeing Road. In addition there is currently a gated but disused access from the end of Great Meadow.

The site lies wholly within the Metropolitan Green Belt and is within the Lea Valley Regional Park. (LVRP) It is not within a conservation area.

The site includes one existing residential property known as Nazebourne.

### **Description of Proposal:**

The proposal is to remove all the existing buildings and hard standing from the site and to redevelop part of the site to provide 33 new dwellings. The proposal is for a mix of dwelling types and sizes as follows

4 x 1 bed flats

1 x 2 bed

23 x 3 bed

5 x 4 bed

They include terraced, detached, and linked detached and range from 1.5 storey chalet bungalow to 2.5 storey houses.

The dwellings are arranged off a proposed 5.5m wide estate road. Land to the south of the proposed houses, but within the red lined application site is an area that has been used for landfill and is proposed to be used as managed open space for the residents, to be maintained through a management company.

The proposals now include the provision of 5 affordable dwellings on site.

### **Relevant History:**

The site has a long and complex planning history but the most recent and relevant applications are as follows:

In 2014 application EPF/0206/14 for redevelopment of this and the adjacent land (to the south west site extending down to the river) for the erection of 43 houses was refused at District Development Control Committee for the following reasons:

1. The proposed development includes "more vulnerable" development located within Flood Zone 3. The development does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. As such the proposal is contrary to the NPPF. Para 102.
2. The development, due to the amount of built form that will intrude in to the southern half of the site which is currently free of buildings, will have a significantly greater impact on the openness of the Green Belt than the existing development and as such is inappropriate and by definition harmful. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to the NPPF.
3. The proposal fails to provide on site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to policies H5A, H6A, and H7A of the adopted Local Plan and Alterations and Para 50 of the NPPF.
4. By reason of the site's location beyond the statutory walking distance to a secondary school the proposal will generate an additional cost to the Local Education Authority, Essex County Council, for transporting children to secondary school. However, the proposal does not include any mechanism to meet those additional costs. Since the proposal fails to properly address this matter it is not a sustainable form of development and is consequently contrary to policies CP9 (iii) and I1A of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.

This decision was upheld on appeal.

Members of the District Development Control Committee however considered that there was a way forward and these were minuted as:

1. That the redevelopment of the northern part of the site could be acceptable, as this would avoid the Flood Risk Zone 3, most of the former landfill site and would likely to be acceptable in Green Belt terms;
2. That any proposed scheme should include an appropriate element of affordable housing. Although it was acknowledged that this location was not acceptable for high density housing, a suitable development which respected the character of the area could be achieved.

EPF/0570/15 for development of just the northern part of the site (the current application site) for 26 houses was approved by Committee (without any affordable units on site and contrary to the recommendation of the Director of Housing)) subject to a legal agreement requiring £500,000 towards the provision of affordable housing elsewhere and additional monies towards the provision of secondary education and school transport.

Following this approval, the applicant discovered that the decontamination works involved in removing the landfill from under the site and restoring it to the level necessary to make housing development safe, would likely make the development not economically viable. However despite

this a start on the development, in the form of some minor demolition works, has been made such that the permission remains extant.

EPF/ 1232/16 A revised scheme for 17 large detached houses which restricted the developed area to avoid building over the landfill area was approved earlier this year. That approval is subject to a legal agreement to provide a contribution towards the provision of affordable housing off site, together with contributions towards school transport and a requirement to put in place management of the open space above the landfill.

Currently the site is covered by two extant enforcement notices. The enforcement notices cover use for car repairs, B2 general industrial uses, stationing of buildings and containers and various unauthorised B1 & B8 uses.

### **Policies Applied:**

#### **Adopted Local Plan Policies**

CP1, Sustainable development objectives  
CP2 Protecting the Quality of the Rural and built environment  
CP3 New Development  
CP6 Achieving sustainable development patterns  
CP7 Urban Form and Quality  
GB2a Development in the Green Belt  
BB10 Development in the Lee Valley Regional Park (LVRP)  
RP3 Water quality  
RP4 Contaminated Land  
H1A Housing provision  
H2A Previously Developed Land  
H3A housing density  
H4A Dwelling Mix  
H5A Provision of affordable housing  
H6A Site thresholds for affordable housing  
H7A levels of affordable housing  
H8A Availability of affordable housing in perpetuity  
H9A Lifetime Homes  
RST24 Design and location of development in the LVRP  
U1 Infrastructure adequacy  
U2A Development in Flood Risk Areas  
U2B Flood Risk assessment Zone  
U3A catchment effects  
U3B Sustainable Drainage Systems  
DBE1 design of new buildings  
DBE2 Effect on neighbouring properties  
DBE3 Design in the Green Belt  
DBE5 Design and layout in new development  
DBE6 Car Parking in new development  
DBE7 Public open space  
DBE8 Private Amenity space  
DBE9 Loss of amenity  
LL1 Rural Landscape  
LL2 Inappropriate Rural Development  
LL3 Edge of settlement  
LL7 Planting protection and care of trees  
LL10 Adequacy of provision for landscape retention  
LL12 Landscaping schemes



ST1 Location of development  
ST2 Accessibility of development  
ST4 Road Safety  
ST6 Vehicle Parking  
I1A Planning Obligations  
I4 Enforcement procedures

The above policies form part of the Council's 1998 Local Plan and Alterations 2006 and are Saved Policies.

#### National Planning Policy Framework

The Revised National Planning Policy Framework (NPPF) (July 2018) 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 (LPSV) 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:

|      |   |
|------|---|
| SP1  | Presumption in favour of sustainable development                                |
| SP2  | Spatial Development Strategy 2011-33  |
| SP6  | Green Belt and District Open Land   |
| SP7  | The Natural Environment, Landscape Character, and Green and Blue Infrastructure |
| T1   | Sustainable transport choices   |
| T2   | Safeguarding of routes and facilities   |
| 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   |
| DM10 | Housing design and quality  |
| DM15 | Managing and reducing flood risk  |

|      |   |
|------|---|
| DM16 | Sustainable drainage systems                                  |
| DM19 | Sustainable water use   |
| DM21 | Local environmental impacts, pollution and land contamination |
| DM22 | Air quality   |

## **SUMMARY OF REPRESENTATIONS**

The application was advertised in the Local Press, and site notices were erected  
41 neighbours were consulted and the following consultation responses were received:

31 GREAT MEADOW- Object to height and type of houses, the inclusion of flats, loss of privacy, sunlight and tranquillity, too many properties squeezed in, additional congestion. Whilst 1 chalet bungalow is proposed, the properties close to my bungalow should be of this type to reduce the impact.

32 GREAT MEADOW - As per previous applications. No access should be into or from Great Meadow from the new site and dwellings. There should be a wall erected between the site and Great Meadow in place of the temporary structure and the pavement/footpath extended across joining the two sides of Great Meadow as it should be for a Cul-de-sac/block end road.

PARISH COUNCIL – No objection

LVRPA Officer response- The application covers the same footprint of the previous permission and is considered as 'previously developed land'. Although the application is for 33 dwellings, 7 more than the extent permission, the Authority does not wish to object despite its location in the Green Belt and Regional Park.

## **Issues and Considerations:**

The principle of residential development on this previously developed site has already been established.

The main issues for consideration are Green Belt, housing need and affordable housing provision, flood risk, contamination, layout and design, highways and parking, impact on neighbouring amenity, Impact on the Lee Valley Regional Park, impact on ecology and the Epping Forest Special Area of Conservation

### **Green Belt.**

The site lies wholly within the Metropolitan Green Belt and the first assessment must be whether the proposed development is in accordance with Green Belt policy as set out within the NPPF and the adopted Local Plan.

The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green belt Policy is to prevent urban sprawl by keeping land permanently open. Construction of new buildings is inappropriate in the Green Belt but the NPPF sets out some exceptions to this, these include

- 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 purposes of including land within it than the existing development.

The Council accepts that the majority of the area now proposed for development is previously developed land. It is largely hard surfaced and contains a number of buildings of significant size, which were previously used for commercial purposes.

Redevelopment of the site for housing is therefore not inappropriate provided it would not have a greater impact on openness than the existing built development.

The assessment of the impact on openness is normally based on the volume and spread of built development. In this instance the development will have a greater volume than the existing, but this is tempered by the significant removal of a very large area of hardstanding and the introduction of a large amount of open amenity space, but given the increase in height and volume there still need to be very special circumstances sufficient to outweigh the harm to the green belt in order to justify the increase in built development within the site.

The circumstances which are considered to carry some weight in favour of the development are:

The existence of the current consents for 26 houses and for 17 houses, which would have had a greater volume, than the current proposal.

The visual improvement of what has been a problem site for many years.

A reduction in HGV traffic through Nazeing compared to the lawful use of the site.

The provision of additional housing at a time when the Council is striving to meet its 5 year housing land supply. The context of the Local Plan Submission Version (LPSV) that is altering Green Belt boundaries and allocating land for a significant number of new homes to meet identified future housing requirements is critical to the circumstances with respect to five year housing land supply.

Based on the Council's Housing Implementation Strategy 2017 (EB410) and the Housing Trajectory (LPSV Appendix 5), the plan will deliver a five-year housing land supply throughout the period of operation and secure a 5.3 year supply for the five year period between 2017/18 and 2021/22. This takes into account sites which already have planning permission and the allocations included in the LPSV. The delivery rate is expected to further accelerate from 2022 onward. By the end of the Plan period at 2033, a minimum of 13,152 homes is anticipated to have been delivered through the Local Plan, exceeding the identified requirement of 11,400. Progress on developing masterplans for strategic sites demonstrates that the proposed allocations in the LPSV are indeed deliverable.

This site is not an allocated site but the previous consent for 26 dwellings on the land was taken into consideration in reaching the allocations and as such the site is seen as important in achieving the required housing provision.

Taken together, it is considered that the advantages of developing the site are sufficient to amount to very special circumstances that outweigh the relatively limited harm to the Green Belt that would result from the increased built form.

## Housing Issues

### *Affordable Housing*

Policy H6A of the Council's Local Plan requires that a development of this scale would require 40% of the proposed dwellings to be provided as affordable housing and states that *"the levels will apply unless it can be shown that they are inappropriate or that they make a scheme economically unfeasible"*.

The LPSV similarly requires 40% affordable housing and this is in accordance with the NPPF.

For a relatively small development such as this, all on site affordable housing should be provided on the basis of affordable rented units in line with the Council's Shared Ownership Policy.

The previous application for 17 houses consisted of predominantly 6 bed detached houses with garages. Such dwellings (i.e. in excess of 3 bedrooms) and garages are not required for affordable housing and the Council accepted in that instance that an contribution towards affordable housing provision elsewhere was accepted (contrary to the advice of the Director of Housing)

The current application has a much more appropriate mix of smaller units and a viability assessment was submitted with the application for verification. The applicant has agreed a willingness to provide an appropriate level of affordable units on site.

The Council's Consultants have carried out validation of the submitted viability assessment and following some negotiation it is agreed that the provision of 5, 3 bed affordable rented dwellings on site will meet the Council's affordable housing policy. This can be secured by section 106 agreement and the applicant has agreed to enter such an agreement.

#### Flood Risk.

The site lies within the Environment Agency's (EA) Flood Zone 2.

The NPPF seeks to ensure that new development is directed towards those sites that are at least risk of flooding. Within Flood Zone 2 the Government Guidance and the EA standing advice requires that proposals of this kind need to pass a "Sequential Test" that is, the Local Planning Authority needs to be satisfied that the development could not be provided somewhere else that has a lesser risk of flooding. At the time of the approval of 26 houses on the site, the Council did not have a Strategic Flood Risk Assessment in place, and each application received for development in a flood risk area needed to be accompanied by a sequential test, to show that there was nowhere at lesser risk of flooding and which is available and deliverable, for a development of the type proposed. At the time of the last application the sequential test submitted indicated that there were no sites of sufficient size available and deliverable for 26 houses. Essentially this is because most sites in this District are within the Green Belt and not previously developed land and residential development is therefore inappropriate. The sequential test was therefore accepted.

Since that time the LPSV has been produced and this identifies potential sites for development in order to meet the Councils future housing need. All sites within flood zones 2 and 3 were rejected as unsuitable and it is clear that there are a large number of potential sites in the District, at lesser risk of flooding, on which 33 houses could be developed. This site appears in the Draft Local Plan simply as it has been identified as having an extant consent for development. Had consent not already been granted here, it would not have been identified as a suitable site for development due to the flood risk and the presence of landfill. However at the current time there are extant approvals for 17 dwellings or for 26 dwellings. The 26 dwelling approval was taken into account in the LPSV in determining future housing supply requirements. The proposed development is in Flood Zone 2 not Zone 3 and has existing consent, which is a material consideration, on this basis it is not considered reasonable to recommend refusal on Sequential Test grounds.

#### Risk of Flooding Elsewhere

The development will result in the removal of a large area of hardstanding and the introduction of sustainable drainage which will help reduce the current level of runoff from the site and reduce the risk of flooding elsewhere.

Risk of Flooding on site;

A flood risk assessment has been submitted which shows that the new dwellings will not be at risk of direct flooding and can be flood resilient therefore The Councils land drainage team, Essex County Council and the Environment agency have no objection to the scheme subject to conditions

### Contamination.

Policy RP4 of the adopted Local Plan states:

*The Council will not grant planning permission for the development or reuse of land which it considers likely to be contaminated unless:*

- (1) prior tests are carried out to establish the existence, type and degree of contamination and*
- (2) if contamination is found, appropriate methods of treatment and monitoring are agreed with the council, pollution authorities and water companies; and*
- (3) the agreed methods of treatment include measures to protect or recreate habitats of nature conservation interest.*

The previous application for 26 houses included housing actually over the existing landfill area and permission was only granted on the basis that the applicant was willing to undertake drainage and complete removal of the landfill material and restoration in order to ensure that the housing development would be safe. He had provided unverified costings and argued that such works were feasible.

However, following further investigation the works required are more extensive than envisaged and would likely make the approved 26 house development unviable. The revised application for 17 houses was designed to avoid building over the identified landfill area, and the current application for 33 dwellings similarly avoids the landfill area.

This means that although significant work is still needed to ensure that the new houses are safe from gas and other forms of contamination from the adjoining landfill, there is no longer the costly and complex requirement to remove the landfill material. The landfill area itself is now shown to be intended for use only as an amenity area for the residents of the new housing. This will entail the removal of existing hardstanding and the introduction of landscaping, with the intention that the ongoing management of the land would fall to a resident's management company.

Although the use of the land area for open space rather than housing reduces the level of work required with regard to decontamination there will still be a need for decontamination conditions relating to this area, and the amount of work involved will be dependent on the kind of landscaping that is proposed. As yet no landscaping scheme has been put forward.

Prior to the first occupation of any of the new dwellings it will be necessary to ensure that the former landfill area, intended to be used as communal amenity space by the residents is fully landscaped and measures for the long term management and maintenance of the area are in place. It would clearly be unacceptable to allow the development of just the non landfill area of the site and leave the remaining area of the unsightly hard surfaced previously developed land in close proximity to the new dwellings and with potential long term contamination issues that could impact on the residents of the new properties. The use of this land as a communal amenity area controlled, maintained and managed by the residents of the new dwellings at their expense, is the logical solution, and can be secured by condition.

### Layout and Design

The proposed development has a relatively logical layout, given the need to avoid building on the landfill area. The development has been carefully designed to minimise inter overlooking between properties and to ensure that adequate parking and amenity space is available for the dwellings. The proposed dwellings are of a contemporary design but utilise a palette of materials that are appropriate to this location. Whilst the heights of the buildings significantly exceed those of the

adjacent Great Meadow development which is of single storey only, they are similar to those of the previously approved schemes and in this location where they do not form part of an established street scene they are appropriate.

The density is considered to make the best use of this previously developed land and this mixed scheme of smaller units is welcomed as a more suitable alternative to the previous 17 house scheme and will make better use of the site to help meet future housing need.

#### Impact on Neighbouring Amenity

The proposed dwellings are all located sufficient distance from existing properties not to result in excessive loss of light or any significant loss of outlook. Whilst the rear elevations of some of the new dwellings do face towards the sides of properties in Great Meadow and Riverside Avenue the siting is such that there is no direct overlooking into windows. There will be some overlooking of the rear garden areas of properties but the distances to the private amenity areas are considered to be sufficient that there will not be a significantly harmful loss of privacy. The proposal is considered to be acceptable in this respect.

#### Highways and Parking

The proposed development takes its access from Old Nazeing Road, via a private access track that runs past the property known as Nazebourne. As the proposals now include the redevelopment of Nazebourne itself it does allow for the widening of this pinchpoint

The highway Authority has considered the proposals and has provided the following comments:

*“ The proposed development will generate less traffic than the existing use and will reduce movement of HGV's and service vehicles to the site to the benefit of all users of the highway. The access onto Old Nazeing Road has adequate visibility and this proposal is only very slightly increasing vehicle movements over the previously approved application. Consequently the Highway Authority has concluded that the proposed development will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.*

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.”

They therefore raise no objection to the development subject to appropriate conditions.

Adequate space is provided on site for the parking of both residents and visitors in accordance with the adopted car parking standards.

Whilst a neighbour has raised concern regarding the opening of the access from Great meadow, the layout actually means that Great meadow will end at rear garden fences and there will not be any way to utilise the road as access and egress from the development once complete.

### Impact on the Lee Valley Park

The LVRPA has not objected to the application. The redevelopment would see the removal of an extensive area of hardstanding and the introduction of a green amenity area would not have any major adverse impact on the character or visual amenity of the Park, or the use of the park for recreational purposes. The housing will be viewed in the context of the adjacent residential development and will not be excessively intrusive in the landscape.

### Epping Forest SAC

The site has been considered in the context of the Epping Forest Special Area of Conservation and Policy DM2 and lies outside the 3km zone where it would be expected that the development should provide mitigation to with regard to potential impact on the SAC from increased visitor numbers. The potential impact of the development on air quality (with regard to the SAC) has also been considered, but in the light of the conclusion of the Highway Authority that the development will reduce HGV movements and lead to a reduction in traffic overall compared to the previous use of the site, it is not considered that the proposals will have any adverse impact and no mitigation measures are therefore required.

### Ecology

A comprehensive ecological survey was submitted with the application which concluded that there should be no adverse ecological impact from the development subject to best practice being followed. In addition a report setting out proposed ecological enhancements was also submitted. The Councils Country Care officer has raised no objection to the scheme subject to the imposition of a condition requiring the proposed ecological enhancements to be carried out in accordance with the report.

### Archaeology

The Archaeology of the site has been fully investigated under the previously approved scheme and no further investigation is required.

### Education Contribution

As the proposed dwellings are family houses the Education Authority were consulted with regard to the provision of education spaces and transport and the applicant has agreed a willingness to provide the appropriate contribution via a legal agreement under Section 106. At time of writing we are still awaiting the final figure to be produced by the Education Authority, but this will be reported at committee.

### **Conclusion**

In conclusion it is considered that the development will provide much needed housing on previously developed land, close to the existing residential area of Nazeing. It will remove an existing "problem" site which has had ongoing enforcement issues for many years and will provide an open green area which, if properly landscaped and managed, will enhance the openness and visual amenity of the wider site and the ecological value of the site. Whilst the development will have a greater impact on openness than the existing it is considered that there are very special circumstances sufficient to outweigh the relatively limited harm that results.

The fact that there was a previous consent for 26 houses on the site and there is an extant consent for 17 much larger properties weighs in favour of the development.

The design and layout of the scheme is acceptable, and whilst there will be some impact on surrounding residents it will not be excessive. The larger number of smaller properties compared to the 17 house scheme, is considered to make a better use of the land providing for a mixed development in accordance with the NPPF of the kind of housing that is most needed. The proposals also include the provision of on site affordable housing which again is preferable (and more acceptable in policy terms) than the monetary contributions proposed in the existing consents.

There will not be an increase in traffic over that which could be generated by the previous uses and there will be a reduction in HGV traffic which is advantageous. No highway objections have been raised.

Overall the development is considered to provide much needed additional housing without causing material harm and is recommended for approval subject to a legal agreement with regard to the provision of on site affordable housing and a contribution towards school transport provision.

***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: Jill Shingler***

***Direct Line Telephone Number: 01992 564106***

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

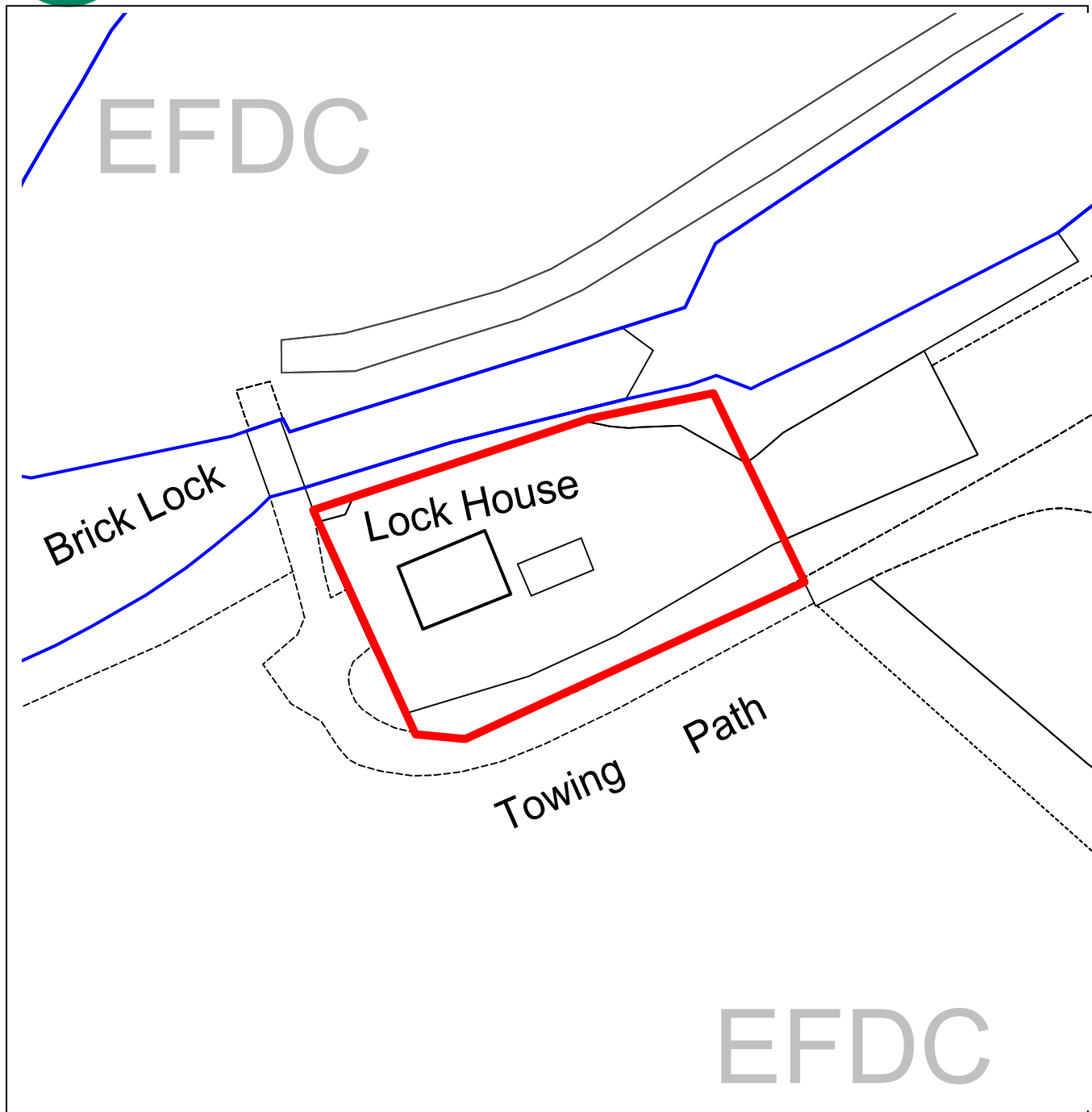


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# Epping Forest District Council

## Agenda Item Number 3



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|                     |   |
|---------------------|---|
| Application Number: | EPF/2412/18   |
| Site Name:          | Brick Lock Cottage, Glen Faba,<br>Roydon, Essex, CM19 5EW |
| Scale of Plot:      | 1:500   |

**Report Item No:3**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/2412/18   |
| <b>SITE ADDRESS:</b>            | Brick Lock Cottage<br>Glen Faba<br>Roydon<br>Essex<br>CM19 5EW                                    |
| <b>PARISH:</b>                  | Roydon  |
| <b>WARD:</b>                    | Roydon  |
| <b>APPLICANT:</b>               | Mr Mark Reynolds  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Proposed rear extension, external restoration including replacement windows to rear and logstore. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)  |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=614356](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=614356)

**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: 100.110 Rev B, 100.011 Rev A, 100.100A Rev A, 100.010 Rev A, 100.001 Rev A & 100.115 Rev A.
- 3 Before any preparatory demolition or construction works commence on site, a biodiversity enhancement statement, for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species, nesting birds and radiating mammals. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 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 measure in place to protect nesting bird interest on site. Any such written confirmation should be submitted to EFDC.

*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 (or in cases where less than 5 were consulted, a majority of those consulted object) 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:**

Brick Lock Cottage lies within the open countryside adjacent to Brick Lock on the Stort Navigation. The building is a well-preserved example of a lock keeper's cottage – built in Flemish Bond brickwork, whitewashed, and having a slate roof with dormer windows, chimneys and an adjacent annexe.

It is listed grade II, within the Metropolitan Green Belt and within Flood Zone 3b.

Historic England Description Below;

*“Cottage. C1830. Painted brick with slate roof. Two ridge chimneys, one at each end. Basically, two cell structure with central doorway with segmental brick arch and timber flush four panel door. Above the door way is an oval plaque with raised hand motif and "G.D. 1830", referring to Sir George Duckett, who was responsible for the construction of the Stort Navigation. On either side of doorway is a two-centred pointed arch window, with cast iron glazing bars in Gothic style and drip mouldings in brick above. Examples of cast iron side hung casement windows on the rear of cottage and on the small brick outbuilding to the NE. An intact example of a lock keeper's cottage standing next to a working lock”.*

The cottage is a rare example of a lock keeper's residence within this part of England from the Golden Age of canal navigation from the late C18 and early C19 – just before the advent of the railways. Though altered in a small-scale way, the cottage is well preserved, has a strong, clean linear form and enjoys a picturesque location adjacent to Brick Lock towards the start of the Stort Navigation. The purity and strong character of the building makes it vulnerable to adverse alteration.

### **Description of Proposal:**

The application was amended in terms of the materials and finishes following the advice given by the Council's Conservation Officer.

Two applications have been submitted for planning permission (EPF/2412/18) and Listed Building Consent (EPF/2414/18). This application proposes the construction of a rear extension, a new log store and minor repair and restoration works.

### **Relevant History:**

EPF/0041/86 - Listed Building application to alter and extend dwelling house – APPROVED

EPF/0861/86 - Alterations to create extension to dwelling house – APPROVED

EPF/0004/95 - Listed building application for two and single storey extension and gas tank to side – APPROVED

EPF/0110/95 - Two storey and single storey extension and gas tank to side – APPROVED

EPF/2410/04 - Erection of wooden fencing in curtilage of a listed building – ALLOWED ON APPEAL

EPF/2044/12 - Erection of glasshouse and shed on an existing concrete slab for the production and propagation of fruit, vegetables and flowers – APPROVED

EPF/2443/12 - Grade II listed building consent to install a door to the upstairs master bedroom, to replace the existing kitchen-lounge door and lounge-hallway door, to build cabinetry within the master bedroom – APPROVED

EPF/0507/13 - Application for approval of details reserved by condition 4 'materials' and condition 5 'landscaping' of planning permission EPF/2044/12 (Erection of glasshouse and shed on an existing concrete slab for the production and propagation of fruit, vegetables and flowers - APPROVED

EPF/0216/15 - Grade II Listed Building consent to replace the frame and glass of the existing first floor rear windows – APPROVED

EPF/3215/15 - To replace the front garden fencing around Grade II listed building, with the same height and length of fencing as the existing, but with an altered design and materials – APPEAL DISMISSED

### **Policies Applied:**

#### *Adopted Local Plan:*

|       |   |
|-------|---|
| CP2   | Protecting the Quality of the Rural and Built Environment |
| GB2A  | Development in the Green Belt                             |
| HC10  | Works to Listed Buildings                                 |
| DBE9  | Loss of Amenity   |
| DBE10 | Design of Residential Extensions                          |

#### *Local Plan Submission Version 2017:*

Paragraph 213 of the National Planning Policy Framework 2018 (NPPF) requires that due weight be given to the relevant policies in existing plans. However, paragraph 48 of the NPPF states that decision-takers may also give weight (unless material considerations indicate otherwise) 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council considers that the Plan is currently at an advanced stage of preparation and has been formally submitted to the Secretary of State for examination and that all the policies are consistent with the NPPF (although this will be tested through the examination). By virtue of this advanced stage of preparation, as well as the Council resolution taken on the 14th December 2017, the LPSV is a material consideration in determining planning applications. Therefore, we need to consider the weight that should be given to each of the relevant policies in the context of the proposed development listed below:

|     |  |
|-----|--|
| SP1 | Presumption in Favour of Sustainable Development |
| DM1 | Habitat Protection and Improving Biodiversity    |
| DM4 | Green Belt                                       |
| DM7 | Heritage Assets                                  |
| DM9 | High Quality Design                              |

DM10            Housing Design and Quality  
DM20            Low Carbon and Renewable Energy

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

Number of neighbours Consulted: 4. No response received

Site notice posted: Yes, 4 responses received from occupants living on the boats moored along the river.

4 UN-NAMED PERSONS – OBJECTION - Summarised as:

- Loss of historic fabric,
- Over dominant, and Detrimental to the setting of the Listed Building

1 UN-NAMED PERSON – Comments – in support of restoration works only

EFDC COUNTRY CARE – Comments - Approve with conditions

EFDC CONSERVATION – Comments - in support of the proposed works

ENVIRONMENT AGENCY – Comments – referred to the Flood Risk Standing Advice (FRSA)

ROYDON PARISH COUNCIL – No Objection

**Main Issues and Considerations:**

The main issues to be considered with this application relates to the impact on the character and appearance of the locality, whether it preserves the special interest of the listed building, the consequence for neighbouring amenities and green belt considerations.

*Special interest and character and appearance:*

During the site visit of the Conservation Officer, it was thought that using too similar a material may confuse the extension with the original work, and it was suggested that a slight departure using a lighter facing material may be preferable. The applicants kindly agreed to alter the material to traditional weatherboard cladding, and revised plans were duly prepared.

The result is an extension that harmonises with the parent building, with the slate flowing round the roof into it, but remains at the same time temporally and textually distinct due the use of weatherboard. The use of a steeper roof pitch retains the Georgian character of the original front wing, with the greater use of glazing again contributing to the lighter, airier feel of the new work.

Other slight revisions to the details include the use of steel windows for the reinstated small-pane fenestration – acknowledging the metal windows mentioned in the list description above. The windows continue to be fabricated from a traditional, low maintenance sustainable material and will complement the listed building well.

Some other minor restoration works will be undertaken, including restoration of the plaque commemorating George Duckett, pioneer of the Stort Navigation, above the door, plus a transitional repair of the fireplace, whilst designs for the reinstatement of an appropriate fire surround are being prepared. The present unsuitable plastic rainwater goods will be replaced with cast iron, constituting a real benefit to the listed building. There is to be a new log store on the site – allowing for the seasoning of timber harvested from the owner's land, and enhancing the biomass capacity of the dwelling.

To summarise, In Listed Building terms, the proposed single storey rear extension and the log store are acceptable and the minor repair and restoration works are part of a scheme of restoration and repair at the property, being undertaken by owners who have recently taken the building on. The intention is to reverse previous unsuitable renovations, and to restore features that have been lost or obscured, whilst at the same time providing some modern conveniences.

With regards to the objections raised based on the above assessment, the works will not see the loss of any historic fabric or appear over-dominant in relation to the cottage due to it being of a small scale. On the other hand, it will benefit and preserve the special interest of the existing cottage by returning it to more of a historic appearance.

*Living conditions of neighbours:*

Owing to its location, the positioning of the cottage within the open countryside, and its distance from neighbouring dwellings and occupants on the boats moored along the river, it will have no excessive material impact on the living conditions of neighbouring amenities in terms of loss of light, visual impact, overshadowing and outlook.

*Green Belt:*

The rear extension and the log store would be seen in proximity to the dwelling and can be regarded as a limited extension to the cottage by reason of its, scale, siting and form. As such it would not be inappropriate development in the Green Belt and will not result in a material reduction in openness.

**Conclusion:**

Overall, the impact of the new extension will be limited – it is small in scale and sited to the rear of the cottage. Any harm entailed by its construction is justified through the improvement in liveability that it will deliver, and adverse effects have been avoided through the use of traditional materials and high-quality design details.

Furthermore, the less than substantial harm to the designated asset is satisfactorily offset by demonstrable public benefits. The application accords with policy HC10 of the adopted Local Plan 1998 & 2006, policy DM7 of the Local Plan Submission 2017, and complies with both ss. 16 and 66 of the Planning (LBCA) Act 1990 and paragraphs 186-202 of the NPPF 2018 (as amended).

For the reasons above, it is recommended that planning permission and listed building consent be granted subject to the conditions outlined in the council's decision notice.

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

***Planning Application Case Officer: Muhammad Rahman  
Direct Line Telephone Number: 01992 564415***

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

**Report Item No:4**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/2414/18  |
| <b>SITE ADDRESS:</b>            | Brick Lock Cottage<br>Glen Faba<br>Roydon<br>Essex<br>CM19 5EW   |
| <b>PARISH:</b>                  | Roydon   |
| <b>WARD:</b>                    | Roydon   |
| <b>APPLICANT:</b>               | Mr Mark Reynolds   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Grade II Listed Building Consent for proposed rear extension, external restoration including replacement windows to rear and logstore. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)   |

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=614373](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=614373)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 100.110 Rev B, 100.011 Rev A, 100.100A Rev A, 100.010 Rev A, 100.001 Rev A & 100.115 Rev A.
- 3 Notwithstanding the approved designs, the new extension shall be clad in 8" horizontal Shiplap cladding formed from British Larch natural timber, the lower edge to incorporate a radiused fillet bead. The cladding shall be painted in an off-white oil-based cladding paint to BS colour 10 B 15. Any alternative cladding or finish must be approved in writing in advance of construction by the local planning authority.
- 4 Notwithstanding the approved designs, the new windows in the building (with the exception of the timber doors) shall be formed from W20 steel sections, painted Oyster White Ral 1013. Any alternative window sections / materials / paint colours require to be approved in writing by the local planning authority in advance of construction.
- 5 Notwithstanding the approved designs, the new rainwater goods in the listed building and extension shall be fabricated from cast iron, painted black.
- 6 Notwithstanding the approved designs, the roof covering over the new extension shall be European natural slate, of the same gauge and colour as that covering the main roof of the listed building.



*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 (or in cases where less than 5 were consulted, a majority of those consulted object) 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:**

Brick Lock Cottage lies within the open countryside adjacent to Brick Lock on the Stort Navigation. The building is a well-preserved example of a lock keeper's cottage – built in Flemish Bond brickwork, whitewashed, and having a slate roof with dormer windows, chimneys and an adjacent annexe.

It is listed grade II, within the Metropolitan Green Belt and within Flood Zone 3b.

Historic England Description Below;

*“Cottage. C1830. Painted brick with slate roof. Two ridge chimneys, one at each end. Basically, two cell structure with central doorway with segmental brick arch and timber flush four panel door. Above the door way is an oval plaque with raised hand motif and "G.D. 1830", referring to Sir George Duckett, who was responsible for the construction of the Stort Navigation. On either side of doorway is a two-centred pointed arch window, with cast iron glazing bars in Gothic style and drip mouldings in brick above. Examples of cast iron side hung casement windows on the rear of cottage and on the small brick outbuilding to the NE. An intact example of a lock keeper's cottage standing next to a working lock”.*

The cottage is a rare example of a lock keeper's residence within this part of England from the Golden Age of canal navigation from the late C18 and early C19 – just before the advent of the railways. Though altered in a small-scale way, the cottage is well preserved, has a strong, clean linear form and enjoys a picturesque location adjacent to Brick Lock towards the start of the Stort Navigation. The purity and strong character of the building makes it vulnerable to adverse alteration.

### **Description of Proposal:**

The application was amended in terms of the materials and finishes following the advice given by the Council's Conservation Officer.

Two applications have been submitted for planning permission (EPF/2412/18) and Listed Building Consent (EPF/2414/18). This application proposes the construction of a rear extension, a new log store and minor repair and restoration works.

### **Relevant History:**

EPF/0041/86 - Listed Building application to alter and extend dwelling house – APPROVED

EPF/0861/86 - Alterations to create extension to dwelling house – APPROVED

EPF/0004/95 - Listed building application for two and single storey extension and gas tank to side – APPROVED

EPF/0110/95 - Two storey and single storey extension and gas tank to side – APPROVED

EPF/2410/04 - Erection of wooden fencing in curtilage of a listed building – ALLOWED ON APPEAL

EPF/2044/12 - Erection of glasshouse and shed on an existing concrete slab for the production and propagation of fruit, vegetables and flowers – APPROVED

EPF/2443/12 - Grade II listed building consent to install a door to the upstairs master bedroom, to replace the existing kitchen-lounge door and lounge-hallway door, to build cabinetry within the master bedroom – APPROVED

EPF/0507/13 - Application for approval of details reserved by condition 4 'materials' and condition 5 'landscaping' of planning permission EPF/2044/12 (Erection of glasshouse and shed on an existing concrete slab for the production and propagation of fruit, vegetables and flowers - APPROVED

EPF/0216/15 - Grade II Listed Building consent to replace the frame and glass of the existing first floor rear windows – APPROVED

EPF/3215/15 - To replace the front garden fencing around Grade II listed building, with the same height and length of fencing as the existing, but with an altered design and materials – APPEAL DISMISSED

### **Policies Applied:**

#### *Adopted Local Plan:*

|       |   |
|-------|---|
| CP2   | Protecting the Quality of the Rural and Built Environment |
| GB2A  | Development in the Green Belt                             |
| HC10  | Works to Listed Buildings                                 |
| DBE9  | Loss of Amenity   |
| DBE10 | Design of Residential Extensions                          |

#### *Local Plan Submission Version 2017:*

Paragraph 213 of the National Planning Policy Framework 2018 (NPPF) requires that due weight be given to the relevant policies in existing plans. However, paragraph 48 of the NPPF states that decision-takers may also give weight (unless material considerations indicate otherwise) 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council considers that the Plan is currently at an advanced stage of preparation and has been formally submitted to the Secretary of State for examination and that all the policies are consistent with the NPPF (although this will be tested through the examination). By virtue of this advanced stage of preparation, as well as the Council resolution taken on the 14th December 2017, the LPSV is a material consideration in determining planning applications. Therefore, we need to consider the weight that should be given to each of the relevant policies in the context of the proposed development listed below:

|      |  |
|------|--|
| SP1  | Presumption in Favour of Sustainable Development |
| DM1  | Habitat Protection and Improving Biodiversity    |
| DM4  | Green Belt                                       |
| DM7  | Heritage Assets                                  |
| DM9  | High Quality Design                              |
| DM10 | Housing Design and Quality                       |
| DM20 | Low Carbon and Renewable Energy                  |

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

Number of neighbours Consulted: 4. No response received

Site notice posted: Yes, 4 responses received from occupants living on the boats moored along the river.

4 UN-NAMED PERSONS – OBJECTION - Summarised as:

- Loss of historic fabric,
- Over dominant, and Detrimental to the setting of the Listed Building

1 UN-NAMED PERSON – Comments – in support of restoration works only

EFDC COUNTRY CARE – Comments - Approve with conditions

EFDC CONSERVATION – Comments - in support of the proposed works

ENVIRONMENT AGENCY – Comments – referred to the Flood Risk Standing Advice (FRSA)

ROYDON PARISH COUNCIL – No Objection

### **Main Issues and Considerations:**

The main issues to be considered with this application relates to the impact on the character and appearance of the locality, whether it preserves the special interest of the listed building, the consequence for neighbouring amenities and green belt considerations.

#### *Special interest and character and appearance:*

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