

## AREA PLANS SUB-COMMITTEE 'WEST'

17 July 2019

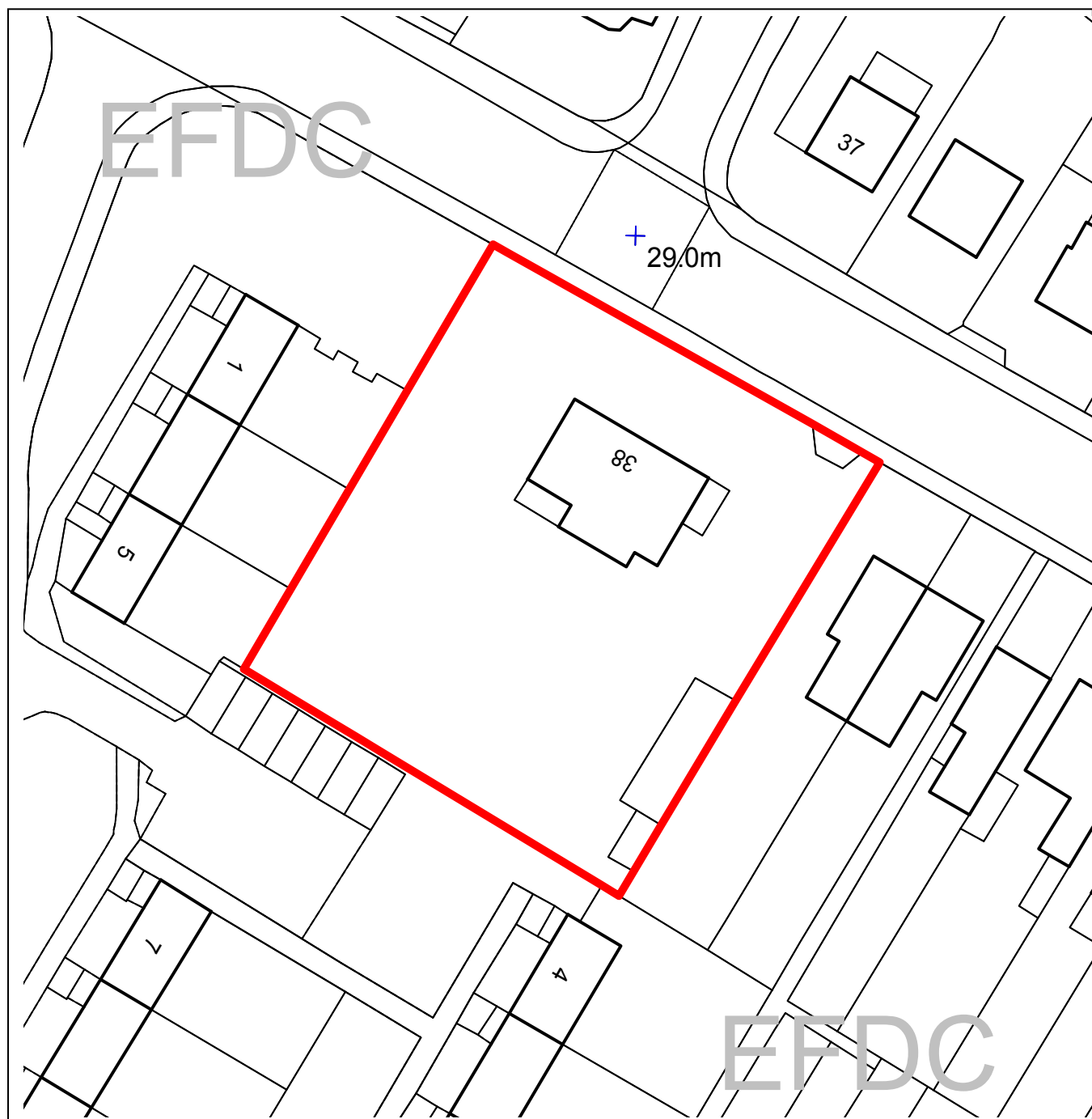
### INDEX OF PLANNING APPLICATIONS

| ITEM | REFERENCE   | SITE LOCATION   | OFFICER<br>RECOMMENDATION                           | PAGE |
|------|-------------|---|---|------|
| 1.   | EPF/0140/19 | 38 Honey Lane<br>Waltham Abbey<br>Essex<br>EN9 3BS                        | Grant Permission<br>(Subject to Legal<br>Agreement) | 18   |
| 2.   | EPF/0622/19 | Land at Epping Long Green<br>Epping Upland<br>Epping<br>Essex<br>CM16 6PU | Grant Permission<br>(Subject to Legal<br>Agreement) | 30   |
| 3.   | EPF/0686/19 | Clevedon<br>Epping Road<br>Epping Green<br>Epping<br>Essex<br>CM16 6PR    | Grant Permission<br>(With Conditions)               | 44   |



# Epping Forest District Council

## Agenda Item Number 1



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

|                     |  |
|---------------------|--|
| Application Number: | EPF/0140/19                                  |
| Site Name:          | 38 Honey Lane Waltham Abbey<br>Essex EN9 3BS |
| Scale of Plot:      | 1/500  |

**Report Item No:1**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/0140/19  |
| <b>SITE ADDRESS:</b>            | 38 Honey Lane<br>Waltham Abbey<br>Essex<br>EN9 3BS   |
| <b>PARISH:</b>                  | Waltham Abbey  |
| <b>WARD:</b>                    | Waltham Abbey Honey Lane   |
| <b>APPLICANT:</b>               | Mr R. Patel  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Demolition of existing dwelling and detached residential annexe. Removal of existing vehicular access and construction of a new residential apartment block containing 14 dwellings (revision to EPF/0530/18). |
| <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=619553](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=619553)

**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/D, (02)004/D, (02)005/C, (02)006/C, Arboricultural Report, Preliminary Ecological Appraisal, Design and Access Statement
- 3 Prior to preliminary ground works taking place, 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.
- 4 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.
- 5 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
- 6 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.

- 7 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, 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 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.
- 10 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 11 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.

- 12 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.
- 13 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.
- 14 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 15 Prior to the first occupation of the development the access arrangements, visibility splays, vehicle parking and turning areas as indicated on drawing no " " shall be provided, hard surfaced and marked out. The access, vis splays, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 16 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.
- 17 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.
- 18 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.
- 19 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.

*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 two new residential apartment block containing 14 dwellings. This would consist of 4 one-bed units and 10 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

EPF/0530/18 - Demolition of existing dwelling and detached residential annex. Removal of existing vehicular access. Construction of new residential apartment block containing 14 dwellings. (16/11/2018) – Refuse Permission

### **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:**

20 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.

The committee would prefer a more traditional design with a tiled pitched roof and with brick work that is in keeping with the surroundings.

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

39 HONEY LANE – Object due to a lack of affordable housing, overdevelopment of the site, parking issues

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

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.

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

### **Issues and Considerations:**

#### **Principle of development:**

This application site is a residential plot containing a detached dwellinghouse 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 Land 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 two buildings creates two very large properties 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 roofs, 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:

Essex Housing were consulted on the proposed and suggested that it would not be reasonable to pursue affordable housing on this scheme. 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 Council's 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 dwellinghouse 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 buildings ensures that the overall bulk of the buildings would be adequately broken up and maintain views through buildings, a feature currently in place along that part of Honey Lane.

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 dwellings 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: Alastair Prince***  
***Direct Line Telephone Number: 01992 564462***

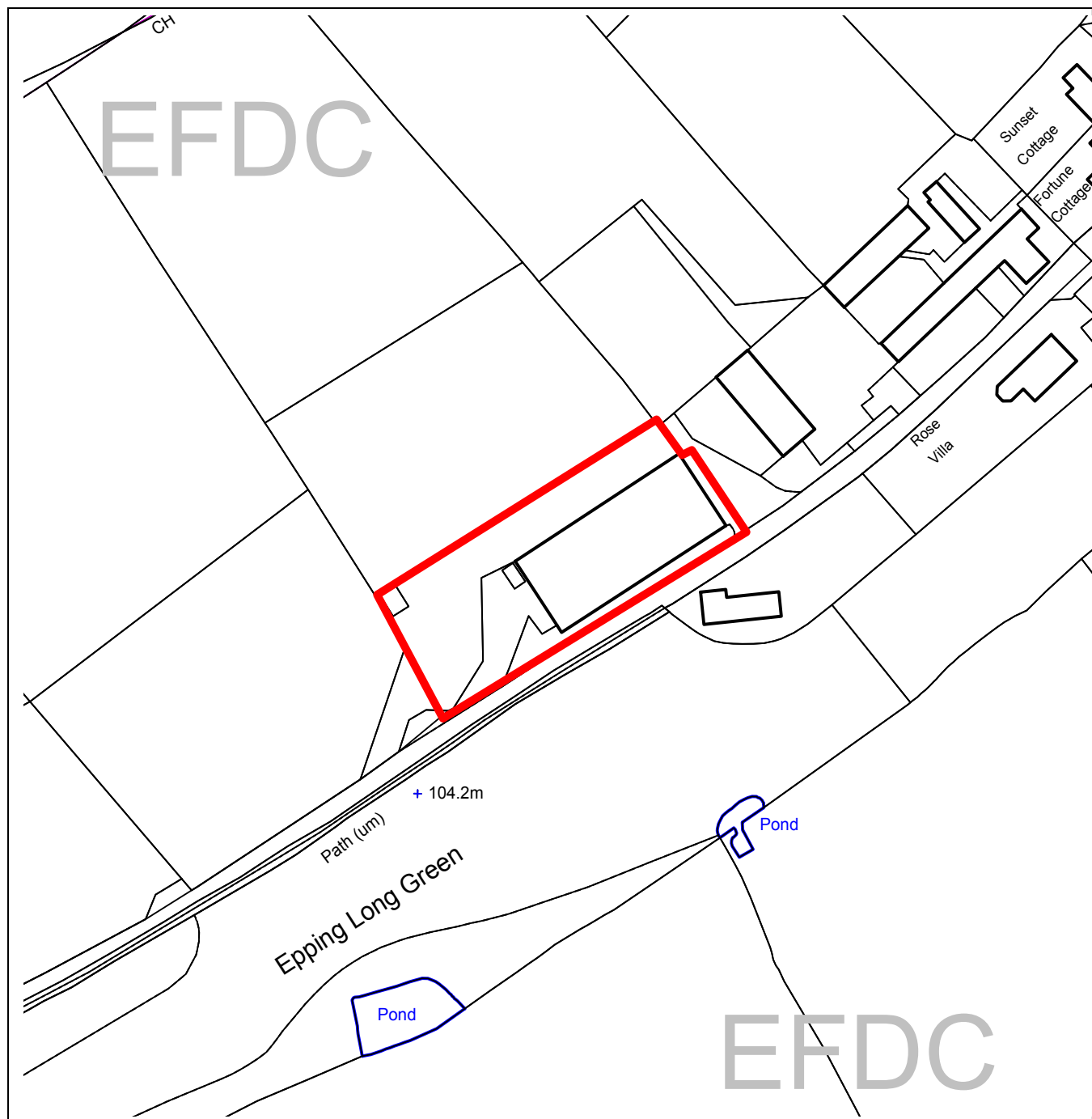
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

**THIS PAGE IS INTENTIONALLY BLANK**



# Epping Forest District Council

## Agenda Item Number 2



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

|                     |   |
|---------------------|---|
| Application Number: | 1/1250  |
| Site Name:          | Land at Epping Long Green<br>Epping Upland Epping Essex<br>CM16 6PU |
| Scale of Plot:      | 1/1250  |

**Report Item No:2**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/0622/19   |
| <b>SITE ADDRESS:</b>            | Land at Epping Long Green<br>Epping Upland<br>Epping<br>Essex<br>CM16 6PU             |
| <b>PARISH:</b>                  | Epping Upland   |
| <b>WARD:</b>                    | Broadley Common, Epping Upland and Nazeing  |
| <b>APPLICANT:</b>               | Mr Ross Smith   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Residential development of x 4 no. units with associated car parking and landscaping. |
| <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=621493](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621493)

**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:

Flood Risk Assessment by Wardell Armstrong April 2017, Phase 1 Land Contamination Preliminary Risk Assessment by Wilbourn and Co Ltd and Griff Dixon Associates Ltd ref 16-125.01 January 2017, Ecological Report Extended Phase 1 Habitat Assessment, Bat Scoping Survey and Great Crested Newt HIS Survey February 2017 170122-ED-01 by Tim Moya Associates, Design and Access Statement

180037 - PTA - ZZ - 00 - DR- A- (06) 001 P1,  
180037 - PTA - ZZ - 00 - DR- A- (06) 003 P,  
180037 - PTA - ZZ - 00 - DR- A- (06) 004 P,  
180037 - PTA - ZZ - 00 - DR- A- (06) 005 P,  
180037 - PTA - ZZ - 00 - DR- A- (07) 001 P2,  
180037 - PTA - ZZ - 00 - DR - A:(07) 002 P1,  
180037 - PTA - ZZ - 01-DR-A-(07) 003 P1,  
180037 -PTA - ZZ - 01-DR-A- (07) 007 P2,  
180037 - PTA - ZZ - ZZ - DR-A (08) 001 P2,  
180037 - PTA - ZZ - ZZ - DR-A (08) 001A P1,  
180037 - PTA - ZZ - ZZ - DR-A (08) 002 P1,  
180037 - PTA - ZZ - ZZ - DR-A (08) 003 P1,  
180037 - PTA - ZZ - ZZ - DR-A (08) 004 P1,  
180037 - PTA - ZZ - ZZ - DR-A (08) 005 P1,  
06418-D01 revision C 9-10-18,

List of External finishes by Stace Construction and Property Consultants These

include Ibstock Arden Weathered Red brickwork, Black 150mm Pre-treated Softwood Featheredge timber weatherboarding, Marley Eternit Acme Double Camber - Smooth Brindle roof tiles, Marshalls - Drivesett Tegula Priora - Traditional paving, Marshalls - Saxon Paving - Natural paving.

- 3 Prior to any above ground works, full details of 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 soft landscaping to the north western (i.e. rear) boundary and the south western (i.e. left-hand side) boundary of the site shall consist of a planting strip of a minimum width of 3 metres with garden fences on the inside edge. The landscaping along these boundaries shall consist of trees / hedges of native species. The details of soft landscaping 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 any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing. The hard landscaping details shall include details, as appropriate, 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.
- 4 The development shall be carried out in accordance with the Drainage Strategy (House Drainage Plan, ref 06418-D01, Revision C 09-10-18) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 5 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.
- 6 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.



- 7 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.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, D and E of Part 2 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 9 This permission shall not be implemented unless and until the recommendations set out within the Ecological Report Extended Phase 1 Habitat Assessment, Bat Scoping Survey and Great Crested Newt HIS Survey February 2017 170122-ED-01 by Tim Moya Associates submitted with the application have been fully undertaken and these mitigation measures shall be maintained for the duration of the use unless otherwise agreed in writing with the Local Planning Authority.
- 10 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.
- 11 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling shall be installed and retained thereafter for use by the occupants of the site.
- 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 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.

**And ...subject to the completion of :-**

- 1) **consultation with Natural England, and**
- 2) **a S106 legal agreement to be signed and completed to secure (a) an appropriate financial contribution for the monitoring of air quality,**
  - **An Electric charging point for electric vehicles**
  - **Resources relevant to the use of passenger transport and cycling/walking (e.g. Travel Plans, provision of travel packs and introductory tickets for use on public transport, cycle parking,)**
  - **The new houses to have the ability to connect to high speed broadband.**

*This application is before this Committee 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)).*

### **Description of Site:**

The application site covers an area of 2088 sqm and has a rectangular shape. The previous case officer's report for the application approved under EPF/2940/15 indicates that historically the site contained a large utilitarian building, a loose box and a manure bunker. These previous buildings have now all been cleared and only hardstanding remains.

The site is located to the north east of Epping Long Green, which is a private road serving residential dwellings, agricultural farms and the car-park for the Travellers Friend car park. This route is also a Public Right Of Way (number 45 from Nazeing) The site is within the designated Green Belt and an EFDC flood risk assessment zone. A. The site is over 3km from Epping Forest Special Area of Conservation.

### **Description of Proposal:**

Permission is sought for the construction of 4 no. units with associated car parking and landscaping.

This application is an amendment to that previously approved under reference EPF/2940/15 for the removal of existing building, loose box, hard standings etc. and redevelopment of previously developed land to provide four dwellings, including ancillary works.

The amendments include

The red line around the site has been amended so that it has been increased from approximately 1480 sqm to 2088 sqm.

Plot 1: replace Georgian style house with similar footprint barn style one and half storey house with steeply pitched roofs large windows and openings and clad in weatherboarding. Number of bedrooms are to remain the same. A detached garage is also now proposed.

The internal layout of houses within plots 2 and 4 have changed to improve head height within them. Amending the ground floor glazed screen to the front elevation containing the front door; Altering the first floor Velux window positions and numbers; reducing the width of windows to the rear elevation slightly; proposing a rear first floor balcony.

Plot 3: Internal changes to an open plan layout at ground floor; repeating the central glazed gable feature on the front elevation on the rear; creation of a balcony; adding a dormer window to the rear to second bedroom; amending the velux to the LHS of the front elevation; increasing the cill height of the kitchen window on the front elevation; and adding a side window to the third bedroom.

### **Relevant History:**

| Reference   | Description   | Decision                                |
|-------------|---|---|
| EPF/2940/15 | Removal of existing building, loose box, hard standings etc. and redevelopment of previously developed land to provide four dwellings, including ancillary works. | Approved subject to conditions 19/2/16. |

## **DEVELOPMENT PLAN**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this case:

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP7 - Urban Form and Quality  
CP9 – Sustainable transport  
GB2A - Development in the Green belt  
GB7A – Conspicuous Development  
RP4 – Contaminated land  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE4- Design in the Green Belt  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST4 – Road safety  
ST6 – Vehicle parking  
NC1 - SPAs, SACs and SSSIs  
NC3 - Replacement of Lost Habitat  
NC4 - Protection of established Habitat  
NC5 – promotion of Nature Conservation Schemes

### **The National Planning Policy Framework**

#### **NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)**

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application: The National Planning Policy Framework.

Epping Forest District Local Plan (Submission Version) 2017:

Although the LPSV does not currently form part of the statutory development plan for the district, 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.

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:

| <b>Policy</b>  | <b>Weight afforded</b> |
|--|------------------------|
| SP1 - Presumption in Favour of Sustainable Development                               | Significant            |
| SP2 - Spatial Development Strategy 2011-2033   | Significant            |
| SP6 - Green Belt and District Open Land  | Significant            |
| SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure | Significant            |
| H1 - Housing Mix and Accommodation Types   | Significant            |
| H2 - Affordable Housing  | Significant            |
| T1 - Sustainable Transport Choices   |                        |
| DM1 - Habitat Protection and Improving Biodiversity                                  | Significant            |
| DM2 - Epping Forest SAC and the Lee Valley SPA                                       | Significant            |
| DM3 - Landscape Character, Ancient Landscapes and Geodiversity                       | Significant            |
| DM4 - Green Belt   | Significant            |

|  |             |
|--|-------------|
| DM5- Green and Blue Infrastructure                                   | Significant |
| DM9 - High Quality Design  | Significant |
| DM10 - Housing Design and Quality                                    | Significant |
| DM11 - Waste Recycling Facilities on New Development                 | Significant |
| DM15 - Managing and Reducing Flood Risk                              | Significant |
| DM16 - Sustainable Drainage Systems                                  | Significant |
| DM18 - On Site Management of Waste Water and Water Supply            | Significant |
| DM19 - Sustainable Water Use   | Significant |
| DM20 - Low Carbon and Renewable Energy                               | Significant |
| DM21 - Local Environmental Impacts, Pollution and Land Contamination | Significant |
| DM22 - Air Quality   | Significant |

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

Number of neighbours consulted: 28

Site notice posted: Yes

Responses received:

**11 THE MAGPIES EPPING GREEN, 19 THE MAGPIES EPPING GREEN , 20 THE MAGPIES EPPING GREEN, EPPING GREEN HOUSE, EPPING GREEN, WALNUT COTTAGE EPPING GREEN , FORTUNE COTTAGE EPPING GREEN OBJECT:**

Situated 1/2mile up the end of the private narrow track from the main Epping road, this is a private road with restrictive access via public house car park.

A 9 bedroom family home with a working stables and pasture for horses is located half a mile up the end of the private road from the main Epping Road.

Narrow track is insufficient space for additional construction traffic and new resident activity.

No information has been provided regarding access to the proposed new developments.

The lane is owned by us and is attached to Fortune Cottage, see the attached title deed.

The lane includes a public footpath that will be affected by the additional traffic both during the development and afterwards for the additional cars that will need to use the lane.

There has been no provision for the new houses to pay a proportion of the ongoing maintenance costs related to the use of the lane Proposal will double the traffic flow.

Only one vehicle can use the lane at a time and it is not easy to reverse down this narrow track with fences and gardens marked out right up to the edge of the lane.

The field had previously had "field shelters" for the horses. This has never been the case. The (east) side of the demolished indoor riding school back straight onto the field. The stables were all within the demolished building, none were within the field.

Moving the boundary further into the field area will change the original building outline and will now be encroaching into previously undeveloped land.

The addition of 4 houses to this area represents an almost doubling of the number of properties (currently 5, new total 9 houses) to this quiet residential area and we feel this number is excessive and out of keeping with the current buildings.

2 houses with a semi-detached or a detached build would be more in keeping with the area.

Site larger than previous application

### **Flood risk issues as insufficient land drainage proposed**

#### **PARISH COUNCIL: OBJECT:**

1. car parking inhibiting access to the footpath in front of the proposed properties which would be intrusive in the Green Belt.
2. Frontage too close to footpath (45) / roadway
3. Concerns that during the build the impact and disruption to the village and adverse effect on other adjacent properties e.g. Epping Green House.

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

Paragraph 133 of the NPPF identifies that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Policy GB2A of the Adopted Local Plan presumes against the construction of new buildings, unless they are appropriate. Policy GB7A seeks to resist conspicuous forms of development within the Green Belt, which would have an excessive impact on its openness. Policy DM4 of the LPSV reflects paragraphs 145 and 146 of the NPPF.

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

Paragraphs 145 and 146 of the NPPF allow for some exceptions to inappropriate development, the relevant one in this case is:

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

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

It has already been accepted that given the lawful use of the site for equestrian purposes, the application site would constitute previously developed (brownfield) land that could be redeveloped for housing. However, in order for this to form an exception to inappropriate development any proposed redevelopment must also not have a greater impact on the Green Belt and the purpose of including land within it than the existing development.

The previous case officer in his report found

*“The existing large utilitarian building has a floor area of 730m<sup>2</sup> and a ridge height of 7m. The total volume of this building equates to 2730m<sup>3</sup>. The proposed dwellings would have a combined floor area (including car ports) of 416m<sup>2</sup> and would reach maximum heights of 8m. The combined volume of the proposed dwellings would be 2395m<sup>3</sup>. As such, whilst the proposed dwellings would be 1m higher at their highest points than the existing building they would nonetheless result in a 43% reduction in floor area and 12% reduction in volume.*

*The existing utilitarian building covers the vast majority of the site with the remaining areas being almost completely laid to hardstanding and containing other structures such as a loose box and manure bunker. The building is set back approximately 3.5m from the edge of the roadway and the only vegetated areas of the site are along the front and rear boundaries. In comparison the dwellings (approved under EPF/2940/15) would result in less site coverage, would be set back between 5m and 6m from the edge of the highway and would open up the rear of the site for use as residential gardens.” He therefore concluded that “the proposed redevelopment would clearly have a lesser impact on the openness of the Green Belt than the existing development.”*

This design statement states that the proposed volumes of the proposed houses area as follows:-

|                          |         |
|--------------------------|---------|
| Plot 1: house and garage | 771 m3  |
| Plot 2: house and garage | 453 m3  |
| Plot 3: house and garage | 503 m3  |
| Plot 4 house and garage  | 462 m3  |
| Total                    | 2189 m3 |

This is a reduction of 541 m3 from the existing building (20% reduction) and a reduction of 206 m3 from the that approved under EPF/2940/15.

Previously the Georgian style house within plot 1 had a shallow pitch hipped roof which was a maximum 8m high. This scheme proposes a ridge height of 8.7m, however the design is as a front facing gables with lower eaves level and the first floor windows inserted into the slope therefore its overall appearance will appear less bulky and will be more in harmony with the three other houses proposed.

The site area has increased by 608 sqm. The additional area has been taken from the field behind the site. It will result in a 30% increase in size. However, since this increase is predominately garden space and therefore will remain open. Given the lack of built structure within the enlarged part of the site and the overall reduction in volume from the previous lawful use and approved scheme, it is on balance considered that the harm to the openness will not be increased by the proposal. It is therefore is not inappropriate development in the Green Belt and as such accords with the requirements of paragraph 145 of the NPPF and policy GB2A of the Local Plan along with DM4 of the Submission Version Plan.

#### Highways and parking

The proposal provides 9 parking spaces. 3 can be accommodated within plot 1 (1 garage and two spaces can be accommodated on the paving area in front. All other units provide 2 spaces each. This provision accords with the requirements of ST6 of the Local Plan.

The access arrangements have not changed from the extant permission under reference EPF/2940/15 and the Highways Authority have raised no objections. The proposal therefore complies with the requirements of policy ST4 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

The proposal will impinge on the Public Right of Way adjoining the southern boundary of the site. Any breach or interference of the Public Right of Way would be a breach of the Highways Authority Act 1980 and therefore would be enforced under that legislation by the Highways Authority.

#### Design,

The principle of the design and layout of the scheme has been approved under EPF/2940/19. The proposed design changes remain in keeping with the rural character of the area. Details have been submitted of the proposed external finishes. These include Ibstock Arden weathered red bricks, black pre-treated softwood featheredge timber weatherboarding, Marley Eternit red/brown clay plain tiles, grey Upvc a windows and permeable paving and natural paving for the patio areas and walkways. It is therefore not necessary to condition this item. The proposal therefore complies with the requirements of DBE1 of the Local Plan and DM9 of the Submission Version Plan

#### Quality of resulting residential accommodation

The proposal includes houses which have a good standard of design; provide a good standard of internal space, outlook, ventilation, and access and amenity space. It is recommended that a condition be attached to any permission requiring that the windows within the upper floor side flank walls of plots 1 and 2 be obscure glazed to prevent mutual overlooking. The proposal on this basis complies with the requirements of DM10 of the Submission version Plan.

#### Trees

The proposal has resulted in the loss of some (unprotected) trees, the Tree Officer therefore recommends a condition to ensure suitable replacements are provided. These are required because the rear of the site provides open, long views of the countryside and therefore she requires that boundary treatment should consist of a post and rail fence with a native hedge and some trees. This will assist in softening the impact of the proposal when viewed from within the wider landscape.

#### Neighbouring Amenity:

The proposed new dwellings would be separated by a significant distance from neighbouring properties. This degree of separation results in sufficient distance to offset policy requirements in respect of overlooking, overshadowing or loss of privacy. The proposal therefore complies with the requirements of DBE 9 of the Local Plan.

#### Land Drainage

The Land Drainage Team find the details contained with the submitted drainage strategy to be enough to ensure that the proposal will not result in an undue risk of flooding on and around the site. The proposal therefore complies with the requirements of policies U3A and U3B of the Local Plan and DM15 and DM16 of the Submission Version Plan.

#### Contaminated Land

The Environmental Health Team are satisfied that the Phase 1 contamination assessment is acceptable. However, since contamination from the previous stables use has been identified and



the sensitive nature of the proposed residential use, further conditions are recommended to ensure that this contamination is mitigated against. It is on this basis that the proposal complies with the requirements of the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

### **S106 (Recreational pressure and Air Quality)**

The nature of the application is such that it would trigger a S106 planning obligation requirement in respect of impacts on the Epping Forest Special Area of Conservation (SAC). Since the proposal is within a settlement close to the Epping Forest Special Area of Conservation (SAC) and is likely to generate a significant amount of traffic, it is clear there will be an additional adverse impact on the special interest of the Forest and air quality in general. The Council's policies in this respect are set out below and its position with regard to protecting the SAC and the interim measures currently in place are further thereon.

Policy DM 22 requires:

*Larger proposals, or those that have potential to produce air pollution, to undertake an air quality assessment that identifies the potential impact of the development, together with, where appropriate, contributions towards air quality monitoring. Assessments shall identify mitigation that will address any deterioration in air quality as a result of the development, having taken into account other permitted developments, and these measures shall be incorporated into the development proposals. This will include an assessment of emissions (including from traffic generation) and calculation of the cost of the development to the environment. All assessments for air quality shall be undertaken by competent persons.*

This policy applies to development of all types and all locations as they all have the potential to result in increased traffic generation which would put pressure on the roads through the Epping Forest.

The Epping Forest covers a large area of land within the District and much of the Forest is designated as a Special Area of Conservation (SAC). Biodiversity features within, or associated with, these designations enjoy the highest level of protection under UK and EU Law and UK planning policy. Epping Forest SAC is designated a 'European Site' and as the Conservation of Habitats and Species Regulations 2017 as amended ("the Habitats Regulations") requires that the Council, as the competent authority, must before deciding to grant planning permission make an appropriate assessment of the implications of the development for the SAC in view of the SAC's nature conservation objectives where it is likely that the development is likely to have a significant effect on the SAC (either alone or in combination with other development) and where the development is not directly connected with or necessary to the management of the SAC. This appropriate assessment is known as a Habitats Regulation Assessment (HRA).

Under the Habitats Regulations, the Council may, if it considers that any adverse effects of the development on the integrity of the SAC would be avoided if the planning permission were subject to conditions or limitations, grant planning permission, subject to those conditions or limitations. The approach may vary depending on the scale and nature of the proposal.

The specific issue which has been identified that could result in a development having a likely significant effect on Epping Forest SAC is damage to the health of the flora, including trees and potentially the heathland habitats, from air pollution primarily generated by vehicles.

This application (4 new dwelling houses) would result in a net increase in vehicle movements and therefore a likely significant effect on air quality as it relates to the Epping Forest SAC cannot be

screened out at this point in time. It is also likely to lead to increased visitor pressure on the SAC given its location within the 6.2km Zone of Influence.

The Council is currently awaiting the views of Natural England on the findings of an updated HRA (January 2019), which has been provided to support the Examination of the Council's submitted Local Plan. This updated HRA has assessed the likely significant effect of development over the period of the Local Plan (including windfalls) in combination with other plans and projects. Until such time as Natural England confirms that it is satisfied with the findings of the updated HRA the Council cannot grant planning permission on any planning applications which would result in a net additional increase in vehicle movements within the District.

You would therefore be required to enter into a legal agreement and/or accept to agree contributions that may emerge to address this issue. members any S106 legal agreement or planning condition is likely to require the provision of, or contribution to, measures including, for example:

- Electric charging points for electric vehicles
- Resources relevant to the use of passenger transport and cycling/walking (e.g. Travel Plans, provision of travel packs and introductory tickets for use on public transport, cycle parking,)
- All new development to have the ability to connect to high speed broadband.

#### Other matters

Noise and disturbance during the construction phase of the development would fall outside the scope of planning legislation as it is already covered by Environmental Health legislation.

Access onto the site will be made possible by using the private access road from Epping Road to the site. It is currently owned by someone else who currently does not wish to allow additional access. Since this is a civil matter between the two parties (which could be overcome by financial or other incentives) and is controlled by other legislation, refusal on this ground could not be justified.

#### Conclusion:

The development is not inappropriate development which will only have a limited adverse impact on the openness of the Green Belt. The proposal has a design and appearance which is acceptable and will not impinge neighbouring amenity.

The proposal therefore complies with relevant planning policy and it is recommended that planning permission be granted subject to conditions and subject to completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and a contribution towards measures to mitigate air quality as set out in this report.

***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: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

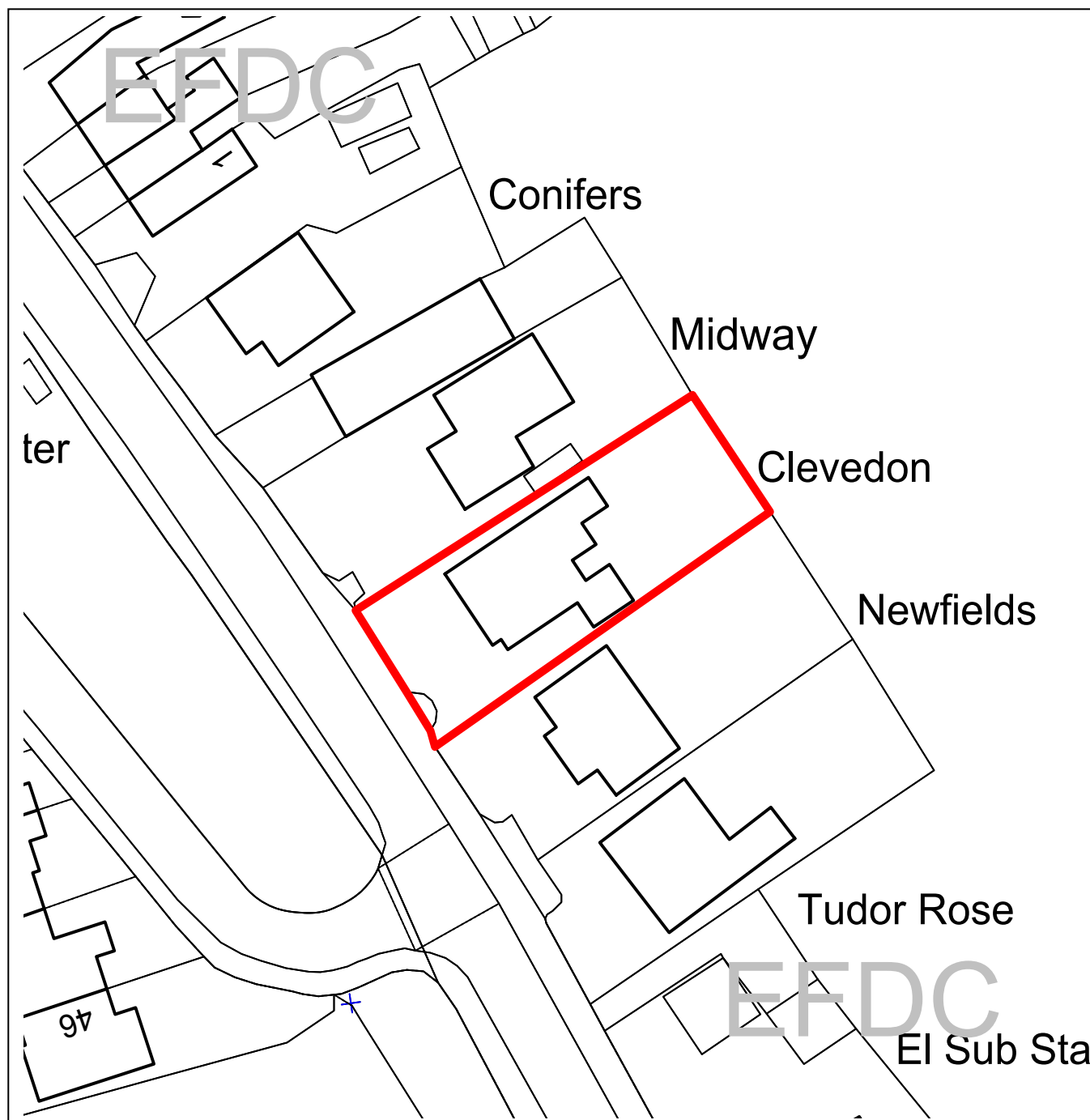
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

**THIS PAGE IS INTENTIONALLY BLANK**



# Epping Forest District Council

## Agenda Item Number 3



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

|                     |  |
|---------------------|--|
| Application Number: | EPF/0686/19  |
| Site Name:          | Clevedon Epping Road<br>Epping Green Essex<br>CM16 6PR |
| Scale of Plot:      | 1:500  |

**Report Item No:3**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/0686/19   |
| <b>SITE ADDRESS:</b>            | Clevedon<br>Epping Road<br>Epping Green<br>Epping<br>Essex<br>CM16 6PR  |
| <b>PARISH:</b>                  | Epping Upland   |
| <b>WARD:</b>                    | Broadley Common, Epping Upland and Nazeing  |
| <b>APPLICANT:</b>               | Mr Matt Clarke  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Proposed construction of a rear dormer window with juliet balcony involving a hip-to-gable roof extension for the conversion of the loft into living accommodation; single storey ground floor infill extension and conversion of garage into a habitable room involving a front bay. |
| <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=621774](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621774)

**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: PA04; PA05 A; Block Plan As Existing; Block Plan As Proposed ; Location Plan
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate - Delegation of Council function, Schedule 1, Appendix A(g)).*

**Description of Site:**

‘Clevedon’ is a 2-storey, 3 bed pitched roof detached dwellinghouse located to the northeast of Epping Road which is residential in character. The property has a flat roof side garage and an ‘L’ shaped single storey flat roof rear extension.

The properties vary in size and design with a variety of existing roof profiles.

### **Description of Proposal:**

The proposal seeks consent for the: -

- Conversion of the garage into living accommodation involving the raising of the front wall by 0.8m and the height from 2.6m to 2.7m, installation of a bay window 1.1m deep.
- A 2.9m deep flat roof single storey side/rear extension with roof lantern at a main roof height of 2.7m
- A hip roof to gable roof extension involving the construction of a rear dormer window and Juliette balcony to provide additional living accommodation with 3 front rooflights. Materials are to match the existing roof.

The proposed rear roof lantern has been reduced in size and height.

### **Relevant History:**

EPF/0752/18 - Front fence and electric gates across front of driveway - Refuse 23/05/2018

*'The proposed gates are positioned too close to the carriageway and as such would result in vehicles being unable to clear the carriageway whilst waiting for them to open. This would lead to dangerous conditions and obstruction to through traffic, on Epping Road, which is a classified road and Secondary Distributor, to the detriment of highway safety. This would therefore be contrary to policy ST4 of the Epping Forest District Council Local Plan 1998 and Alterations 2006 and policy T1 of the Epping Forest District Council Local Plan Submission Version 2017.'*

### **Applied Policies:**

#### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018 which 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 Local Plan and Alterations (1998/2006)**

CP3 - New Development  
RP5a - Environment Impacts  
DBE1 - Design of New Building  
DBE2 - Impact on Neighbouring Properties  
DBE3 - Design in Urban Areas  
DBE9 - Loss of Amenity  
DBE10 - Residential Extensions  
ST4 - Road Safety  
ST6 - Vehicle Parking

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

## Epping Forest 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:

- 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  
DM5 - Green and Blue Infrastructure  
DM9 - High Quality Design  
DM10 - Housing Design and Quality

### **Representations:**

**EPHING FOREST TOWN COUNCIL:** Object.

- Out of character with the street scene being on the main road in the middle of the village.
- Overwhelming on neighbouring i.e. Midway, a bungalow

*Should it be necessary* a member of the Planning Committee intends to attend the EFDC Area Planning Sub Committee.

2 adjoining neighbours were notified on the 04/04/2019 and no representations have been received.

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

The main issues for considerations are: design and siting of the extensions in relation to the dwelling house, the surrounding area and on the amenities of the adjoining properties.

### Design and Visual Amenity:

The National Planning Policy Framework states that: -

*'good design is a key aspect of sustainable development...and should contribute positively to making places better for people'. It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like the proposed development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. In addition, it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*

The Local Plan seeks to achieve a roof design that is appropriate in form, and which is sympathetic to the main roof and in keeping with the roof profiles of other dwellings in the road. Epping Road comprises of dwellings of a mixed design with roofs that are a mix of hip, gable pitched and hip/gable and as such the conversion of the hip roof to a gable is deemed acceptable.

The Local Plan also seeks to ensure that rear dormer windows are sympathetic in design and subordinate in appearance to the main roof slope. In this instance, the proposed rear dormer is considered of a scale and form that is appropriate in relation to the character of the property and the visual appearance of the surrounding area and which could be constructed under 'Permitted Development', as such there is no sound justification to refuse planning permission.

The proposed front rooflights are considered of a satisfactory scale and form in relation to the size of the roof slope and which again could be constructed under 'Permitted Development'.

The proposed single storey infill rear extension at a depth of 2.9m and a height of 2.7m is considered of a size, scale and form that is in keeping with the character of the property and the surrounding area.

There is no objection to the loss of the garage space, 2 car spaces with the potential for more can be accommodated in the front forecourt of the property.

### Impact on Neighbouring Amenity:

In terms of amenity, the adjoining dwellinghouse at 'Newfields' sited to the east of the application property comprises of a 2 - storey dwellinghouse with a rear extension. The scale and siting of the proposed extensions are not considered to result in any significant amenity implications in the form of overlooking, loss of privacy or intrusive impact presently enjoyed. 'Midway' the adjoining bungalow sited to the 'west' of the application is considered to be of a sufficient distance so as not to be impacted by the development the majority of which could be constructed under 'Permitted Development'.

For the reasons outlined above, the proposal is considered to have a satisfactory relationship to the adjoining properties and is in accordance with the relevant policies outlined above.



**Conclusion:**

In summary, it is considered that the proposed development is of an appropriate design and form that is not harmful, and which would respect the character and appearance of the dwelling and the surrounding area and complies with the relevant policies as set out above.

**Recommendation**

In the light of the above considerations it is recommended that planning permission is Approved subject to the attachment of appropriate conditions.

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

***Planning Application Case Officer: Caroline Brown  
Direct Line Telephone Number: 01992 564182***

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