

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 12th February, 2020**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held at:

Council Chamber - Civic Offices
on **Wednesday, 12th February, 2020**
at **7.30 pm** .

Georgina Blakemore
Chief Executive

Democratic Services
Officer

Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors D Dorrell (Chairman), J Lea (Vice-Chairman), N Avey, R Bassett, S Heather, H Kane, S Kane, Y Knight, J Leppert, A Mitchell, D Plummer, M Sartin, S Stavrou and D Stocker

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 12)

To confirm the minutes of the last meeting of the Sub-Committee held on 4 December 2019.

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

8. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

9. PLANNING APPLICATION - EPF/2449/19 - 4 CARTERS LANE, EPPING (Pages 13 - 20)

To consider the attached report.

10. PLANNING APPLICATIONS - EFP/1524/19 - SUMMER HOUSE, HAMLET HILL, ROYDON (Pages 21 - 32)

To consider the attached report.

11. PROBITY IN PLANNING - APPEAL DECISIONS, 1ST APRIL 2019 TO 30ST SEPTEMBER 2019 (Pages 33 - 40)

To consider the attached report.

12. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee West or Area Plans Sub-Committee South you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services or through our leaflet 'Your Choice, Your Voice'.

Area Planning Subcommittee West 2019-20

Members of the Committee and Wards Represented:



**Chairman
Cllr Dorrell**
Waltham
Abbey
Paternoster

**Vice-Chairman
Cllr Lea**
Waltham Abbey
North East

Cllr Avey
Broadley
Common,
Epping Upland
and Nazeing

Cllr Bassett
Lower Nazeing

Cllr Heather
Waltham
Abbey
Honey Lane



Cllr H Kane
Waltham Abbey
South West

Cllr S Kane
Waltham Abbey
Honey Lane

**Cllr Y
Knight**
Lower
Nazeing

Cllr Leppert
Waltham
Abbey
Paternoster

Cllr Mitchell
Waltham
Abbey North
East



Cllr Plummer
Waltham
Abbey South
West

Cllr Sartin
Roydon

Cllr Stavrou
Waltham
Abbey High
Beach

Cllr Stocker
Waltham
Abbey Honey
Lane

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 4 December 2019
West

Place: Council Chamber - Civic Offices **Time:** 7.30 - 8.39 pm

Members Present: D Dorrell (Chairman), N Avey, S Heather, H Kane, S Kane, Y Knight, J Leppert, A Mitchell, M Sartin and D Stocker

Other Councillors: R Morgan

Apologies: J Lea, R Bassett and S Stavrou

Officers Present: J Godden (Team Manager Planning (Heritage, Enforcement & Landscaping)), A Marx (Service Manager Planning (Development Management)), A Hendry (Senior Democratic Services Officer) and J Leither (Democratic Services Officer)

32. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

33. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

34. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 6 November 2019 be taken as read and signed by the Chairman as a correct record.

35. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Conduct, Councillor H Kane declared a pecuniary interest in the following item of the agenda by virtue of being a Town Councillor and speaking on behalf of the Town Council regarding the application detailed below. The Councillor had determined that she would speak for three minutes in her capacity as a Town Councillor and leave the meeting for the consideration of the application and voting thereon:

- EPF/1115/19 – 29 Orchard Gardens, Waltham Abbey EN9 1RS.

(b) Pursuant to the Council's Code of Member Conduct, Councillor N Avey declared non-pecuniary interests in the following item of the agenda by virtue of knowing the objector. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the item and voting thereon:

- EPF/1712/19 – Ashview, Hamlet Hill, Roydon.

36. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

37. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

38. SITE VISITS

The Sub-Committee did not propose any site visits for any items on the agenda.

39. PLANNING APPLICATION - EFP/1115/19 - 29 ORCHARD GARDENS, WALTHAM ABBEY, ESSEX, EN9 1RS

APPLICATION No:	EPF/1115/19
SITE ADDRESS:	29 Orchard Gardens Waltham Abbey Essex EN9 1RS
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
DESCRIPTION OF PROPOSAL:	Proposed two storey rear and side extension with new roof and accommodation in loft with roof lights, garage conversion to habitable room and new crossover.
DECISION:	Granted 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=623519

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 numbers: 19006: P0101, P0102/B
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, & C of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.

40. PLANNING APPLICATION EPF/1712/19 ASHVIEW, HAMLET HILL, ROYDON, ESSEX, CM19 5LA

APPLICATION No:	EPF/1712/19
SITE ADDRESS:	Ashview Hamlet Hill Roydon Essex CM19 5LA
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing Roydon
DESCRIPTION OF PROPOSAL:	Application for Removal of Conditions 2, 3 & 5 for EPF/1965/12. Condition 2 "use permitted shall be for a limited period expiring four years after date of decision", 3 "when site ceases to be occupied, all materials and equipment shall be removed" & 5 "caravans shall be occupied only by JS & TS and any resident dependants". (Change of use to mixed use consisting of stationing of caravans for occupation by a gypsy traveller family and the use of yard for general storage

	of materials including scrap metal and old cars with paddock for keeping horses).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=626139

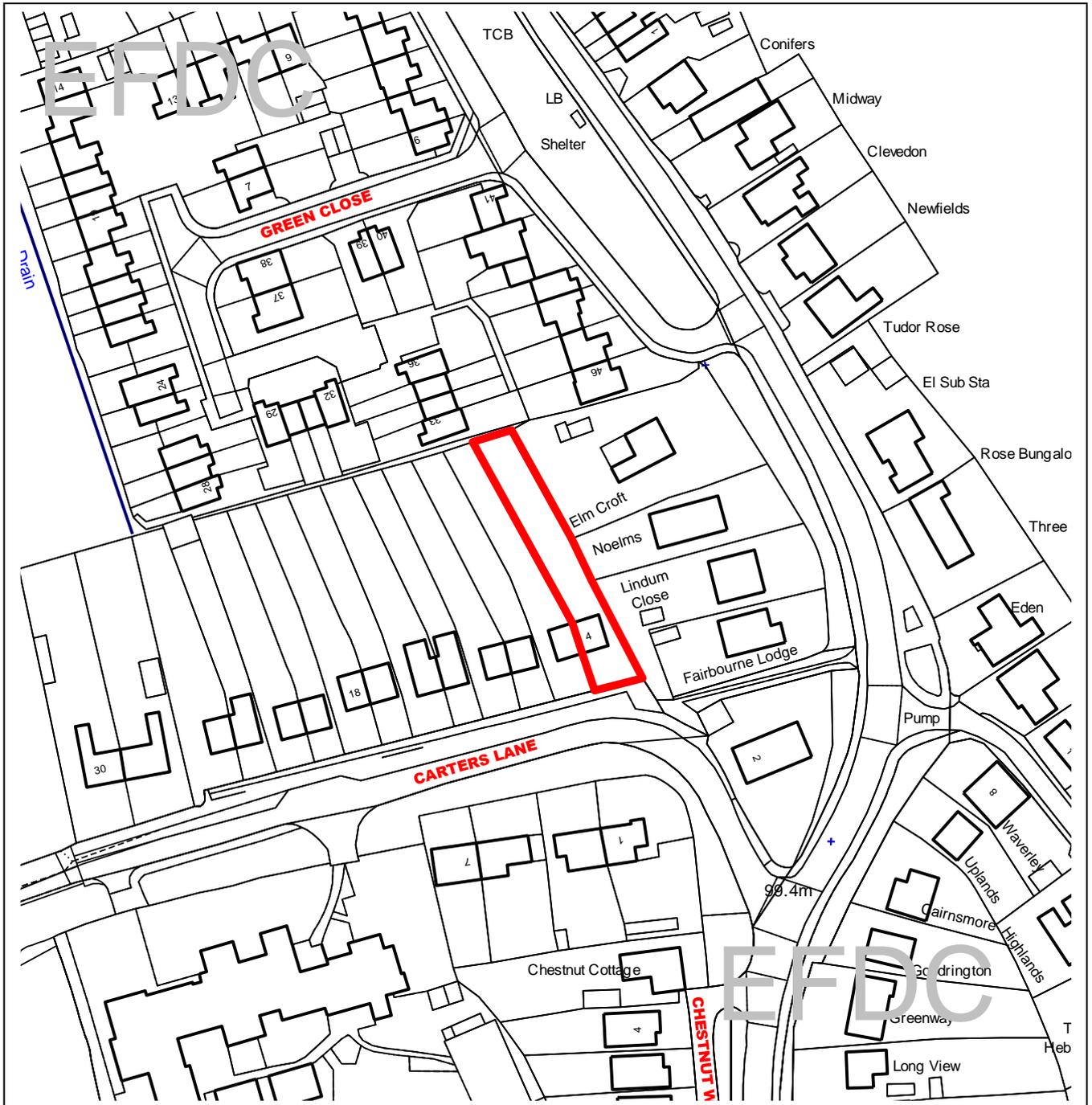
CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers:
 - a) Drawing No. Plan 1 - Location Plan
 - b) Drawing No. Plan 2 . Block Plan showing Site Layout and siting of two Residential Caravans.
- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the DCLG Document Planning Policy for Travellers Site, or any subsequent amended or replacement document.
- 3 No more than 3 Caravans, or 1 pitch as defined in the Caravans Site and Control of Development Act 1960 and the Caravan Site Act 1968 (of which no more than 2 shall be static caravans or mobile homes) shall be stationed on the site at any one time.
- 4 . Prior to the first occupation of either mobile home for residential purposes the following shall be carried out:- (i) details of foul and surface water drainage in connection with the use shall be submitted to and agreed by the Local Planning Authority; and (ii) the agreed details shall be fully implemented.
- 5 Prior to the first occupation of either mobile home for residential purposes the following shall have been carried out: (i) a contaminated land assessment shall be submitted to the Local Planning Authority to determine the risks from contaminants at the site in accordance with an agreed protocol. (ii) Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted. (iii) Following any necessary remediation, a completion report and any required maintenance programme shall be submitted to and agreed in writing by the Local Planning Authority.

CHAIRMAN



Epping Forest District Council



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Application Number:	EPF/2449/19
Site Name:	4 Carters Lane Epping Upland Epping CM16 6QJ
Scale of Plot:	1:1250

APPLICATION No:	EPF/2779/19
SITE ADDRESS:	4 Carters Lane Epping Upland Epping CM16 6QJ
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr & Mrs Tim Walker
DESCRIPTION OF PROPOSAL:	Part single, part double storey rear extension, single storey front & side extension & a loft conversion.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=630537

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 and retained strictly in accordance with the approved drawings numbers: 058; 01, 02, 03, 04, 05
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.

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, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

RECOMMENDATION

That planning permission be GRANTED for the following reason(s):

- I. The design of the proposal would be acceptable
- II. The proposal would not cause adverse harm to the living conditions of neighbours

SITE AND SURROUNDINGS

The application site is a two storey semi-detached property with front and rear gardens, located on the North side of Carters Lane. The proposal site is not located within the Metropolitan Green Belt. It is not located within a Conservation Area and it is not a Listed Building.

PROPOSED DEVELOPMENT

Part single, part double storey rear extension, single storey front and side extension and a loft conversion.

RELEVANT PLANNING HISTORY

EPF/1243/18 - Ground floor front, side and rear extension and a hip to gable loft conversion. (05/07/2018) – Grant Permission (With Conditions)

EPF/0921/17 - Ground floor front, side and rear extension and a hip to gable loft conversion (Revised application to EPF/0168/17) (23/06/2017) – Grant Permission (With Conditions)

EPF/0168/17 - Ground floor front, side and rear extension with a first floor rear extension and loft conversion. (withdrawn by applicant)

CONSULTATION AND REPRESENTATIONS

Number of neighbours Consulted: 8. 1 response(s) received
Site notice posted: No, not required

Neighbours

NOELMS: OBJECTION – overdevelopment of the site, design not in keeping with the character of the surrounding area, loss of privacy.

Statutory consultees

N/A

Internal consultees

Land Drainage – no objection however a condition should be added to provide details on how foul and surface water is to be disposed

Parish Council

OBJECTION - This would be an overdevelopment of an already extended property. Would also draw attention to previous planning (EPF/1243/18) which included a condition to retain the front hedge which has been currently been removed and should be reinstated.

Other Consultation

N/A

DEVELOPMENT PLAN

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan currently comprises the saved policies of the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006) ("the Adopted Local Plan"). The following Adopted Local Plan policies are relevant to the determination of this application:

CP1	Achieving Sustainable Development Objectives
DBE2	Effect on neighbouring properties.
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

The relevance of the identified saved Local Plan policies to the determination of this appeal and the weight to be accorded to each policy are addressed in further detail within Section 12 of this report.

NATIONAL PLANNING POLICY FRAMEWORK

The current version of the National Planning Policy Framework ("the Framework" or "NPPF") was published in February 2019. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

Reflecting the proper approach identified in the previous section of this Report, the NPPF explains (at paragraph 2) that:

"2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.²"

Paragraph 11 of the NPPF concerns the presumption in favour of sustainable development and states (so far as relevant):

"Plans and decisions should apply a presumption in favour of sustainable development.

*For **decision-taking** this means:*

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; 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."

Paragraph 11 d) ii. is often referred to as the 'tilted balance'.

The presumption in favour of sustainable development does not, however, change the statutory status of the development plan as the starting point for decision making. In accordance with paragraph 213 of the NPPF and subject to paragraph 11 d) and footnote 7 referred to above, policies in the development plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Rather, due weight should be given to such policies according to their degree of consistency with the

NPPF; in other words the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given to them).

EMERGING LOCAL PLAN

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "*may give weight to relevant policies in emerging plans according to:*

- a) *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- b) *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*
- c) *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).²²*

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant

PLANNING CONSIDERATIONS

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) The impact on the living conditions of neighbours

Character and Appearance

The rear extension will not be visible from public areas of the street scene but is conventionally designed and will therefore not cause any harm to its character or appearance.

The side and front extensions are considered acceptable and would not appear overly prominent in the street scene. Furthermore, front extensions are not uncommon along Carters Lane and, as a result, it will not appear discordant within the street scene.

The first floor extension, although large, will be on the rear elevation of the property and therefore will not cause any harm to the character or appearance of the street scene. The hip to gable roof extension is a common residential feature that does not cause any visual harm. The attached neighbour, who submitted a matching application alongside this proposal, has already undertaken the hip to gable extension and a rear dormer window under permitted development. These features are similar in design to those at nos. 6, 8 and 10 Carters Lane. The proposal would therefore comply with policies CP2 and DBE10 of the adopted Local Plan (1998) and Alterations (2006) and policy DM9 of the SVLP 2017

Impact on the Living Conditions of Neighbours

The proposed rear extension will be set on the shared boundary with no. 6 and will project 6m from the existing rear elevation and will have a height of 3.2m. The depth mirrors that which has recently been approved at the attached neighbour.

The application dwelling has a very long garden (some 40m). As a result, the attractive open outlook to the rear that no. 6 Carters Lane currently enjoys will not be compromised by the extension given its reasonable height and projection.

Weight must also be given to the fact that planning permission has already been granted for a 6m deep extension at the application site just not directly on the boundary. Furthermore a recent approval has been given to the adjoining neighbour for an identical scheme with the intention that they would be constructed together (although the neighbours extension has already been implemented).

The single storey side and front extension would be set off the eastern side boundary by 1m and wraps around the front of the dwelling for a depth of approximately 2m from the existing front elevation and will be set on the shared boundary with no. 6. It is single storey height and given its modest depth would not cause any significant harm to their living conditions. The front extension mirrors that approved at both nos. 6 and 10 Carters Lane.

The first floor extension will not cause any harm to neighbours and shall mirror the approved development at 6 Carters Lane.

Rear dormer windows are generally accepted forms of residential development. Indeed, the majority of rear dormers are permitted development and, as a result, the Government views them as developments which do not cause excessive harm to the living conditions of neighbours. The application property has full permitted development rights and therefore a rear dormer window could be built without planning permission. Nevertheless, planning permission has been sought as it forms part of the wider application and in this

case it would have no unacceptable impact on the privacy of neighbours over and above the existing situation where views can be had from existing first floor windows.

The proposal would comply with policy DBE9 of the adopted Local Plan (1998) and Alterations (2006) and policy DM9 of the SVLP 2017

Other Considerations

The Parish Council have suggested that a breach of condition has occurred in relation to the previous permission EPF/1243/18. Whilst it appears that such a condition was requested by the Parish Council on this previous application, no such condition was imposed. As such, this matter cannot be a consideration as part of this specific application.

PLANNING BALANCE & CONCLUSION

The design of the proposal would be acceptable and would not cause excessive harm to the living conditions of neighbours. Furthermore it is identical to the extension recently approved at No. 6 Carters Lane ref: EPF/2762/19.

For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission to be granted subject to conditions.

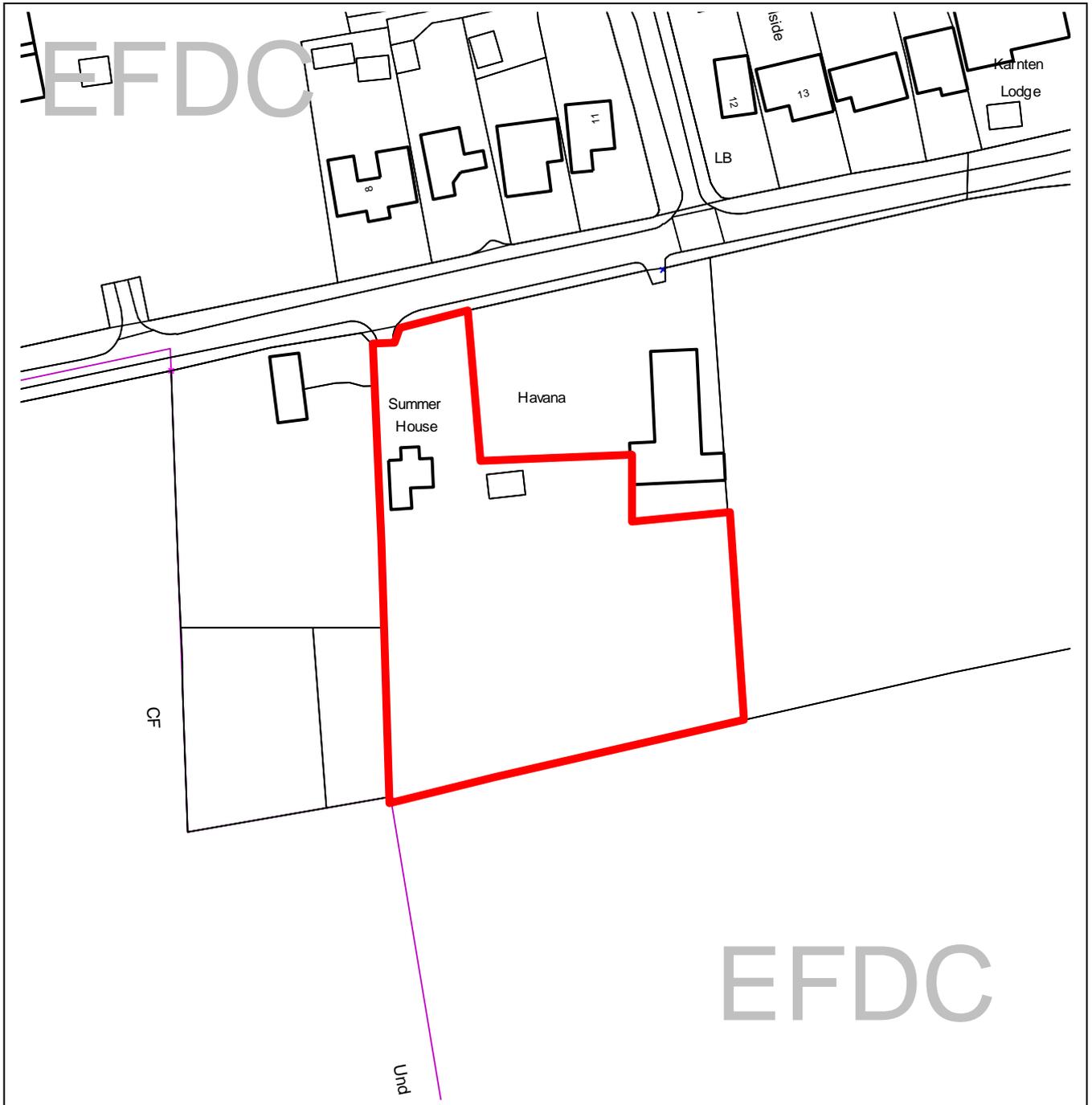
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462 or if no direct contact can be made
please email: contactplanning@eppingforestdc.gov.uk***

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Application Number:	EPF/1524/19
Site Name:	Summer House Hamlet Hill Roydon Essex CM19 5LA
Scale of Plot:	1:1250

APPLICATION No:	EPF/1524/19
SITE ADDRESS:	Summer House Hamlet Hill Roydon Essex CM19 5LA
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing Roydon
APPLICANT:	Mr Mark Wheeler
DESCRIPTION OF PROPOSAL:	Erection of x 2 no. chalet bungalow dwellings with associated parking, amenity spaces and in curtilage refuse and cycle store.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=625236

REASON FOR REFUSAL

- 1 The site is located within the Metropolitan Green Belt and does not constitute limited infilling of a village nor is it 'limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt'. It therefore constitutes inappropriate development. No very special circumstances have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework 2019, Policy GB2A of the Epping Forest District Adopted Local Plan and Policy DM4 of the Epping Forest District Local Plan (Submitted Version) 2017.
- 2 The proposed development would have a detrimental impact on the open character of the Green Belt and would be clearly discernible from the surrounding countryside. This would result in an excessive impact on the open character of the Metropolitan Green Belt contrary to policies CP2, GB2A, GB7A, DM9 and DM10, of the adopted Local Plan and Alterations and the National Planning Policy contained in the National Planning Policy Framework 2019.
- 3 The applicant has failed to demonstrate that the development will not have an adverse impact on the Epping Forest Special Area of Conservation in terms of air pollution, or that suitable mitigation for such impacts will be provided. The development is therefore contrary to Policy CP6 of the Epping Forest Local Plan, Policies DM4 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

This application is before this Committee since it has been ‘called in’ by Councillor Nigel Avey (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Site and Surroundings:

The site includes a residential property known as “Summer House” located on the southern side of Hamlet Hill towards the western side of the proposed two dwellings on the site. A detached outbuilding is located in close proximity and to the east of the existing Summer House. The Summer House is located on the western boundary of the application site and was allowed as a replacement dwelling. The house is a chalet style bungalow with the roof area being used for accommodation and served by rooflights. The dwelling has an extensive curtilage and slopes downwards in a westerly direction. The site is within the designated Metropolitan Green Belt.

Description of Proposal:

Permission is sought for the erection of two 4 bedroom chalet bungalows with associated parking, amenity spaces and refuse and cycle stores.

The proposal would generate an overall footprint (including the two carports) of approximately 314sqm, with the overall area of the plot being just below 0.5 hectares.

The proposed dwellings measure 14.2m wide by 9.8m deep, with a total height of around 7.9m with a set down of 1.10m from the ridge, with three dormer windows in the front and rear elevations. The proposed ground floor consists of a hall, W.C, living room, kitchen/dining, utility room and car port and the first floor consists of four bedrooms.

The proposed dwellings would each have private amenity space at the rear of the properties. House 1 will have 1755sq m rear garden, house 2 will have 798 sq m rear garden.

The properties are sited 1.5m apart from each other.

Relevant History:

EPF/1650/16 - Two storey extension to the east side of the property. Grant Permission with Conditions on 19/09/2016

EPF/2266/12 - Proposed two storey side extension (first floor within the roof void). Refused Permission on. Refused permission on 28/01/2013 for the following reason: The proposed extension to this dwelling would have a detrimental impact on the open character of the Green Belt which would be clearly discernible from the surrounding countryside. This, when considered in conjunction with the generous original replacement dwelling/garage at the site and the summerhouse development in an extended garden area, would have an excessive impact on the open character of the Metropolitan Green Belt at this location contrary to policies CP2, GB2A and GB7A of the adopted Local Plan and Alterations and national policy contained in the National Planning Policy Framework..

Development Plan Context

Local Plan (1998) and Alterations (2006).

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 application:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
NC1	SPAs, SACs and SSSIs
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework (NPPF) (February 2019)

The NPPF 2019 is a material consideration in determining planning applications. The National Planning Policy Framework (NPPF) 2019 section 2, advocates 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:

Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th 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 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has provided advice to the Council. This advice is given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

<u>Policy</u>	<u>Weight afforded</u>
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	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
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination.	Significant
DM22 Air Quality	Significant.

Planning Considerations:

The main issues for consideration in this case are:

- a) The principle of development;
- b) Highway safety and parking provision;
- c) The impact on the character and appearance of the locality;
- d) The impact to the living conditions of neighbours;
- e) The impact on the Green Belt;
- f) Housing Supply and Delivery; and
- g) The impact on the Epping Forest Special Area of Conservation.

Summary of Representations:

Consultation Carried out and Representations Received

ROYDON PARISH COUNCIL: No objection to the proposal providing there is no incursion in Metropolitan Green Belt

8 Neighbours were consulted and no objections were received.

The Highways and Transport were consulted and the Engineer did not comment on the application.

Main Issues and Considerations:

The main issues which are relevant to the determination of this application are:

- i) The impact on the aims and purposes of the Metropolitan Green Belt
- ii) Design
- iii) Impact on the character and appearance the area
- iv) Impact on neighbouring residential amenities
- v) Access and Parking

Green Belt

Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 145 and 146 of the National Planning Policy Framework (NPPF) and provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

The National Planning Policy Framework 2019 states that 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. Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is “*limited infill within a village*”.

The applicant argues that this scheme is in accordance with paragraph 145(e) and that it is a ‘*limited infill within a village*’.

The LPSV defines limited infilling as “*The development of a small gap in an otherwise continuous built up frontage, or the small scale redevelopment of existing properties within such a frontage*”. Limited infilling should be appropriate to the scale of the locality and not have an adverse impact on the character of the countryside or the local environment.

Impact on the aims and purposes of the Metropolitan Green Belt:

Local Plan policy GB2A is broadly in compliance with the aims and objectives of the NPPF. The NPPF paragraph 145 (e) states that one of the exceptions to inappropriate development within the Green Belt is limited infilling in Villages.

The applicant argues that this scheme is limited infilling within a village and therefore does not constitute inappropriate development. The applicant referred to a number of examples as precedent approvals within Epping Forest such examples are :

- *Land adjacent The Brambles (EPF/2483/17)*
- *Raven Brook (EPF/2629)*
- *Rosedale (EPF/0288/13)*
- *Deerhurst (EPF/1893)*
- *Pond House (EPF/2136/12)*

These examples above are at different locations and are not adjacent or adjoining this application site. Each application was considered at its own merits. Therefore the applicant cannot expect this application to be approved based on the approval of these other applications.

It is not considered that the small enclave situated at Hamlet Hill is a 'village'. Furthermore Appendix 1 of the SVLP defined infill development as 'a small gap' in an otherwise continuous built up frontage'. The application site is part of the residential garden of Summer House that dog-legs around the garden of Havana. Beyond Havana is a substantial open area that forms the curtilage of Clouds. Beyond Summer House is a Gypsy and Traveller site known as Ashview and open fields beyond this.

The proposed development would introduce two new dwellings behind the garden of Havana within a substantial gap between the two dwellings. This side of Hamlet Hill is sporadically developed and is not considered to consist of 'continuous built up frontage'. Given the location of the site the new dwellings would not front directly onto Hamlet Hill.

Due to the above it is not considered that the proposal would not be limited infilling, would not constitute an infill, and would not be situated within a village. Therefore the proposal does not meet this exception to inappropriate development and is contrary to SVLP policies SP 6 and DM 4, adopted Local Plan policy GB2A, and the NPPF 2019.

Harm to the openness of the Green Belt:

The development as a starting point is inappropriate development. The proposed two storey houses as a result of their solid presence and suburban character in a location where it is currently predominately open grass and vegetation is clearly harmful to the openness of the site.

It is acknowledged that the application site meets the definition of previously developed land, however, the proposed application is not replacing any existing buildings but constitutes new development in the open Green Belt. It is considered that the proposed development would add a significant level of addition massing and bulk of built development to the area since they would be built within an area of open, undeveloped land. It is therefore considered that this development would cause a significant substantial harm to the openness of the Green Belt and cannot meet the exception of 'redevelopment of previously developed land'.

Green Belt conclusion:

It the Council's view that the proposal does not constitute limited infilling of a village nor does it meet the exception of 'limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development'. It therefore would constitute inappropriate development in the Green Belt.

Section 143 of the NPPF 2019 states that “*inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”.

Section 144 of the NPPF 2019 states that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations*”.

No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified in this report and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework 2019 and Policy GB2A of the Epping Forest District Adopted Local Plan and Policy DM4 of the Epping Forest District Local Plan (Submitted Version) 2017.

Design and Impact on the character and appearance of the surrounding area

Paragraph 127 of the NPPF requires that “*Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting.*”

The proposed development is for two number two-storey 4 bedroom bungalows erected between ‘Havana House’ and ‘Summer House’ which are both of similar style to the existing property, being a bungalow with a similar ridge height (approx. 8m).

Whilst the orientation and position of the dwellings roughly follow the existing built form of the adjacent dwellings, these new properties would have no frontage onto Hamlet Hill and would instead be situated to the rear of the curtilage of Havana. This would therefore fail to accord with the pattern of development within the locality.

The siting of the properties is considered to be too close to each other with only a 1.5m separation gap between the proposed dwellings that would be out of character with the general pattern of development in the immediate locality, which is characterised by detached dwellings with sizeable curtilages and significant spacing between properties.

The design of the bungalows in and of themselves reflects the design of the existing bungalow known as Summer House. Nonetheless, due to the layout of the proposal this would not form any continued row of housing within this site and therefore is considered to have a detrimental impact on the distinctive local character of the area. Chapter 12 of the NPPF 2019, that states that good design is key aspect of sustainable development and contrary to Policies DBE4 and DBE10 of the Local Plan 1998 & 2006 and emerging policy DM9 of the Local Plan Submission Version 2017. The proposed development will therefore result in being out of character in the surrounding area.

Impact on neighbouring residential amenity.

The nearest neighbouring properties are the Summer House, that is 8 metres from bungalow no.2 and Havana, 2 metres away from bungalow no.1

It is considered that due to the sitting of the proposed bungalows in closed proximity of each other there will be some overlooking into the rear gardens – but this would not be significant enough to justify a refusal on loss of amenity to the future occupiers of these bungalows.

The proposed 2 houses will have no windows on the side elevations facing the side of Summer House and will therefore have a limited impact on rear garden of this neighbour.

Access and Parking

The vehicular access/egress is provided off Hamlet Hill via the existing driveway to the 'Summer House'. The new plots will have independent access to and from the 4.8metres wide drive way. It is not considered that the level of traffic produced by the new dwellings will deem the access unsuitable, and visibility splays to the main road will be maintained. Each dwelling will incorporate driveways allowing access to the carports. There is no Highway objection.

Refuse and recycling

The amenities will be provided as per the LPA requirements; typically, this includes the provision of separate refuse and recycling wheelie bins, waste food bins and garden waste bins or bags.

Epping Forest Special Area of Conservation

Biodiversity features within, or associated with, a Special Area of Conservation enjoy a high level of protection under UK and EU law, and national planning policy in England. The provisions of the EU Habitats Directive are given effect in UK law by the Conservation of Habitats and Species Regulations 2017, as amended ("the Habitats Regulations").

Under the Habitats Regulations, the Epping Forest SAC is classified as a 'European Site' and, as such, any plans and projects (including applications for planning permission) that are likely, either alone or in combination with other plans or projects, to have a significant effect on the SAC must be subject to an assessment, known as an Appropriate Assessment ("AA"). The purpose of an AA is to ascertain whether any development plan or proposal, either alone or in combination, will not harm the integrity of the European Site.

The Council has a legal duty as the 'competent authority' under the Habitats Regulations to protect the Epping Forest SAC from the effects of development (both individually and in combination). Two specific issues relating to new development within the District have been identified as being likely to have a significant effect on the integrity of the Epping Forest SAC. Firstly, the increased levels of visitors using the Forest for recreation arising from new development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the Forest, including trees and potentially the heathland habitats, from air pollution generated by increased motor vehicle usage (referred to as "air quality").

As regards visitor numbers, the adopted Interim Mitigation Strategy identifies that any additional residential development located within 3km of the Epping Forest SAC would be likely to have a significant effect when considered alone or in combination with other plans / projects. The application site is located more than 3km from the Epping Forest SAC.

As regards air quality, all proposals that result in additional residential development and / or employment development within the entire District would be likely to have an impact on the Epping Forest SAC when considered alone or in combination with other plans / projects.

Policy DM 22 of the LPSV provides the policy context for dealing with the effect of development on the integrity of the Epping Forest SAC outlined above.

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 Council commissioned a Habitats Regulations Assessment (January 2019) of the LPSV ("the 2019 HRA"), produced by AECOM, which has been published on the Council Local Plan Examination website. The 2019 HRA includes an Appropriate Assessment of the planned development within the LPSV and the effect of that development on the Epping Forest SAC.

The 2019 HRA concluded that, subject to securing the urbanisation/recreational pressure and air quality mitigation measures to which the Council, the adoption of the Local Plan will have no adverse effect on the Epping Forest SAC.

However, following their review of the 2019 HRA, Natural England maintained their objection to the Local Plan, citing a number of specific concerns about the HRA which were considered at the examination hearing held on 21 May 2019. With the assistance of its expert consultants and professional advisors, the Council robustly defended the LPSV and the 2019 HRA at the examination hearings.

Following completion of the examination hearings on 11 June 2019, in a letter dated 2 August 2019, the Local Plan Inspector provided the Council with advice concerning the changes to the Plan required to remedy issues of soundness in the form of Main Modifications ("MMs"). The Inspector's conclusion at this stage is that further MMs are required and that in some cases, additional work will need to be done by the Council to establish their precise form.

In her advice, the Inspector recorded that the 2019 HRA included an AA of the Plan's implications for the SAC, which concluded for both pathways of impact that, with mitigation, the Plan would not have an adverse effect on the integrity of the SAC, either alone or in combination with other plans or projects. At paragraph 13, the Inspector said:

"13. However, in their written representations and at the hearing itself, both Natural England and the Conservators of Epping Forest (the Conservators) strongly challenged the robustness of the HRA in terms of its methodology and conclusions. Given the uniqueness of the Forest, its high-risk status and the professed engagement between these key representors and the Council, the dispute at this stage seems most unfortunate. Nevertheless, I cannot conclude beyond reasonable scientific doubt (as the parties all agree that I must) that the Plan will not adversely affect the integrity of the SAC until steps have been taken towards resolving it."

The Local Plan Inspector has identified a number of actions which she considers necessary for the Council to take to remedy the areas of concern with the 2019 arising from Natural England and the Conservators objections

Air Quality

As regards air quality, there is currently no such agreed approach; however, the Council and other partner organisations continue to work together to identify an air quality mitigation strategy that is acceptable to Natural England, taking into account the Local Plan Inspector's advice. In the absence of such a strategy, all proposals that result in net additional residential development and / or employment development within the entire District must be considered to be likely to have an impact on the Epping Forest SAC when considered alone or in combination with other plans or projects.

As a consequence, and in light of the Local Plan Inspector's interim advice, the Council, as competent authority, cannot lawfully grant planning permission for any development proposals within the District that are likely to have an air pollution impact on the Epping Forest SAC, save where a site specific AA demonstrates that the granting permission will not have such an effect in respect of air quality.

In this circumstance, paragraph 177 and para 11(d) (i) requires that the tilted balance towards the presumption in favour of sustainable development does not apply and instead this development should be restricted.

Conclusion:

In conclusion, the site is within the designated Green Belt. Paragraph 144 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. The proposal does not meet any of the exceptions to inappropriate development and it is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harms.

The proposal would clearly impact on the openness of the Green Belt and has an unacceptable siting, location and design. There are no very special circumstances which would clearly outweigh the harm to the Green Belt or the other identified harm.

In addition, insufficient information has been provided to show that the grant of planning permission for this proposal would not be likely to have an air pollution impact on the Epping Forest SAC.

As such the proposal is contrary to the guidance contained within the NPPF as well as the policies within both the adopted Local Plan and the Epping Forest District Local Plan (Submitted Version) 2017. For the reasons set out above it is recommended that planning permission be refused.

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

Planning Application Case Officer: Francis Saayeng

Direct Line Telephone Number: 01992 564161

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

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**Epping Forest
District Council**

Report to Area Plans Sub-Committee

Date of meeting: 12 February 2020

Subject: Probity in Planning – Appeal Decisions, 1st April 2019 to 30st September 2019

**Officer contact for further information: Nigel Richardson (01992 564110).
Democratic Services: (01992 564607)**

Recommendation:

That the Planning Appeal Decisions from 1 April 2019 to 30st September 2019 be noted.

Report Detail:

Background

1. (Director of Planning) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.

Performance

3. Over the six-month period between 1 April 2019 and 30 September 2019, the Council received 56 decisions on appeals (54 of which were planning related appeals, the other 2 were enforcement related).
4. 7 appeals out of 54 were allowed (13%). Broken down further, Committee reversals performed very well with only 2 out of 14 allowed (14.3%) and there was also a good Officer delegated decisions performance of 5 out of 40 (12.5%) allowed.
5. Out of the planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following cases:

COMMITTEE REVERSALS - APPEALS ALLOWED (2):

Area Committee East

Sheering

EPF/0141/18

Erection of 3 no. new dwellings complete with garages, infrastructure, and associated works, including access from Church Lane.

Land East of Church Lane

Area Committee South

Loughton

EPF/3302/18	Erection of a one storey roof extension to provide an additional 2 no. flats (2 x 1-bedroom penthouse flats) (- as an addition to 5 storey building being erected on the site under EPF/2600/14.)	Rear of 165 High Road
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6. The 12 cases where the committees were successful are as follows:

COMMITTEE REVERSALS - APPEALS DISMISSED (12):

Area Committee East

Epping

EPF/0282/18	Demolition of existing dwelling, erection of a detached building comprising 9 self contained apartments incorporating revisions to vehicular access, associated car parking and on-site amenities	12 Station Road Epping
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EPF/1847/18	Redevelopment of existing shop (including new shopfront) with flat above, involving alteration and refurbishment of existing building plus new two storey building to the rear containing two flats.	55 High Street Epping
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EPF/2120/18	Proposed change of use of care home(Use Class C2) to 6 flats (Use Class C3), including rear extensions and side extensions.	Lindsey House 15 Lindsey Street Epping
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Moreton, Bobbingworth and the Lavers

EPF/0904/18	Proposed conversion of existing barn to form a single detached residential unit, retaining existing access and on-site car parking.	Barn adjacent Great Notts Moreton Road Bobbingworth
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Sheering

EPF/1339/18	Erection of three detached dwellings	Land adj Hoppit The Street Sheering
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Theydon Bois

EPF/0429/18	Removal of existing caravan and removal of stable building. Erection of security hut to be used as ancillary 24-hour security for the riding school.	Hydes Riding School Abridge Road Theydon Bois
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EPF/0712/18	Replacement of existing dwelling house with new single family dwelling house and new pavement crossover	Cornerways The Green
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Theydon Mount

EPF/1406/18	Demolition of barn and erection of two detached houses (Revised application to EPF/2248/17)	1 Mount End Mount End Road
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Area Committee South

Loughton

EPF/0471/18	To replace 1 existing dwelling(detached) with 2 new dwellings(semi-detached).	38 High Beech Road Loughton
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EPF/1012/17	Residential redevelopment to provide 4 x 3 bed houses.	12A Alderton Close Loughton
EPF/1893/17	The demolition of an existing 2-3 storey detached house and the development of a new 2-3 storey building consisting of 7 flats (2 x 1 bed, 5 x 3 bed) and including 9 no. car parking spaces, cycle stores and bin stores.	60 Traps Hill Loughton

District Development Committee

Epping

EPF/1583/18	Demolish existing house and replace with 9 apartments	1 Buttercross Lane Epping
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7. Out of 2 **ENFORCEMENT NOTICE APPEALS** decided, both were dismissed. These are as follows:

Dismissed

ENF/0141/18	Unauthorised installation of extraction equipment to the rear of the building in breach of condition 4 of EPF/1145/17	54 Sun Street Waltham Abbey Essex EN9 1EJ
ENF/0523/17	Without planning permission the unauthorised erection of enclosure to shop front not in accordance to approved plans EPF/1150/17	240 High Road Loughton IG10 1HA

Costs

8. During this period, there were no successful award of costs against the Council.

9. Costs can be awarded against any party who has behaved unreasonably and where this behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

Conclusions

10. Whilst performance in defending appeals at 22.6% appears modest, there is no national comparison of authority performance. Members and Officers are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for.

11. Finally, appended to this report are the appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 2 of which were allowed and 12 which were dismissed and therefore refused planning permission. Only those appeals relevant to the relevant Area Plans Sub-Committee are

attached.

12. A full list of appeal decisions over this six month measured period appears below.

Total Planning Application Appeals

Allowed With Conditions

Epping

1 EPF/0114/19 Proposed first floor side extension over existing garage with dormer windows to front and rear. 35 Bury Road Epping

Loughton

2 EPF/0332/19 Proposed single storey rear extension, two storey side extension and first floor extension with a pitched roof and rooms in void with associated crossovers and hard landscaping. 62 The Crescent Loughton

3 EPF/3302/18 Erection of a one storey roof extension to provide an additional 2 no. flats (2 x 1-bedroom penthouse flats) (- as an addition to 5 storey building being erected on the site under EPF/2600/14.) Rear of 165 High Road Loughton

Nazeing

4 EPF/2505/18 Application for Removal of Condition 4 'Removal of permitted development rights' and Condition 5 'No conversion of roofspace to living space' of EPF/2698/16 (Demolition of the existing service station and construction of 6 x 2 Bedroom Houses with amenity space, off-street Parking and landscaping. Alternative design to approved scheme EPF/0303/13 with higher roof heights). Nazeing Service Station Nazeing Road Nazeing

North Weald

5 EPF/3171/18 First floor extension to form a x 2 no. bedroom house. Forest Bungalow Woodside North Weald

Sheering

6 EPF/0141/18 Erection of 3 no. new dwellings complete with garages, infrastructure, and associated works, including access from Church Lane. Land East of Church Lane Sheering

Chigwell

7 EPF/1523/18 Two storey rear extension (part Allowed). 31 Chester Road Chigwell

Dismissed

Buckhurst Hill

8 EPF/0256/19 Proposed first floor and gable roof extension with full width box dormer assembly to rear roof pitch. 102 Forest Edge Buckhurst Hill

9 EPF/0310/19 Retrospective application for rear patio and horizontal fencing and wall to patio. 124 Queens Road Buckhurst Hill

10 EPF/2307/18 Retention of raised decking area, with addition of obscure glazed screens to sides. 31 St Johns Court Buckhurst Hill

11	EPF/2891/18	Demolition of a bungalow and construction of a two-storey block of five flats with rooms in the roof.	142 Buckhurst Way Buckhurst Hill
12	EPF/2935/18	Hip to gable and rear dormer with Juliet balcony loft conversion.	37 Forest Edge Buckhurst Hill
13	EPF/2875/18	Prior approval application for a 6 metre deep single storey rear extension, height to eaves 2/3 metres and maximum height of 4 metres.	5 Chestnut Avenue Buckhurst Hill
Chigwell			
14	EPF/2720/18	Installation of CCTV Security Mast.	86 Manor Road Chigwell
Epping			
15	EPF/0282/18	Demolition of existing dwelling, erection of a detached building comprising 9 self contained apartments incorporating revisions to vehicular access, associated car parking and on-site amenities	12 Station Road Epping
16	EPF/0893/18	Erection of detached dwelling.	66A Bower Hill Epping
17	EPF/1583/18	Demolish existing house and replace with 9 apartments	1 Buttercross Lane Epping
18	EPF/1847/18	Redevelopment of existing shop (including new shopfront) with flat above, involving alteration and refurbishment of existing building plus new two storey building to the rear containing two flats.	55 High Street Epping
19	EPF/2120/18	Proposed change of use of care home(Use Class C2) to 6 flats (Use Class C3), including rear extensions and side extensions.	Lindsey House 15 Lindsey Street Epping
Fyfield			
20	EPF/1417/18	Change of use from agricultural to residential and erection of three dwellings.	Priory Farm Norwood End Fyfield
Loughton			
21	EPF/0162/18	Erection of new dwelling and detached garage, following demolition of existing garage.	11 Crossfields Loughton
22	EPF/0174/19	Loft conversion including a new dormer extension to front and rear roof slopes including Juliet balcony to rear.	84 Lushes Road Loughton
23	EPF/0181/19	Loft conversion with dormer extensions to front and rear roof slopes including Juliet balcony to rear.	92 Alderton Hall Lane Loughton
24	EPF/0471/18	To replace 1 existing dwelling(detached) with 2 new dwellings(semi-detached).	38 High Beech Road Loughton
25	EPF/1012/17	Residential redevelopment to provide 4 x 3 bed houses.	12A Alderton Close Loughton
26	EPF/1366/18	Application for variation of condition 2'plan numbers' and 3 'use of rear double doors' on planning application EPF/0808/17 (Erection of rear	209 D/E High Road Loughton

	conservatory)		
27	EPF/1893/17	The demolition of an existing 2-3 storey detached house and the development of a new 2-3 storey building consisting of 7 flats (2 x 1 bed, 5 x 3 bed) and including 9 no. car parking spaces, cycle stores and bin stores.	60 Traps Hill Loughton
28	EPF/2585/18	Replace existing single house with a pair of semi-detached houses.	2 Carroll Hill Loughton
29	EPF/2656/17	Construction of 5 residential properties	Land adjacent to Englands Lane Loughton
Loughton			
30	EPF/2958/18	Retrospective change of use from two storey side extension into separate residential accommodation	7 Chester Path Loughton
Moreton, Bobbingworth and the Lavers			
31	EPF/0129/19	Single storey side/rear extension and front cart lodge.	Envilles Farm Abbes Road Little Laver
32	EPF/0386/18	Change of use of Coach House to offices (retrospective) with new wall, windows and replacement roof.	The Coachhouse Schwier Farms Church Road Moreton
33	EPF/0904/18	Proposed conversion of existing barn to form a single detached residential unit, retaining existing access and on-site car parking.	Barn adjacent Great Notts Moreton Road Bobbingworth
Nazeing			
34	EPF/1441/18	First floor extension to form residential flat and ground floor extension to replace store for restaurant use.	King Harolds Head Nazeing Common Nazeing
35	EPF/1710/18	Demolition of existing two storey detached dwelling and erection of four new detached houses	Ridge House Hoe Lane Nazeing
36	EPF/1831/18	Variation of condition 3 on planning permission EPF/2319/14 (Demolition of existing nursery/ commercial buildings and erection of 17 no. B1/B2/B8 commercial units with ancillary parking) to enable access by vehicles up to 18 tonnes in weight.	Leaside Nursery now Leaside Industrial Park Sedge Green Nazeing
37	EPF/2128/18	Barn/storage unit.	1 Langridge Cottages Paynes Lane Nazeing
North Weald			
38	EPF/3258/17	New vehicular access off Hastingwood Road.	Glovers Farm Barn Glovers Lane Hastingwood
39	EPF/1688/18	Proposed two storey side and rear extension and single storey front extension.	2 New House Farm Cottages Stondon Road

Ongar

Roydon

40 EPF/0885/19

Proposed first floor side and rear extension with gable roof over, a hip to gable roof extension, front canopy and alterations to the front and side of the property. (Amendment to EPF/3353/18).

Croft Cottage
Tylers Road
Roydon

41 EPF/2009/18

Retention of two residential caravans used in connection with the existing road haulage business

Ricotta Transport
Tylers Cross Nursery
Epping Road
Roydon

Sheering

42 EPF/1339/18

Erection of three detached dwellings

Land adj Hoppit
The Street
Sheering

Theydon Bois

43 EPF/0074/19

Proposed loft conversion raising the ridge of the existing bungalow allowing for bedrooms on the first floor with a proposed rear and front extension.

Sunnycroft
Loughton Lane
Theydon Bois

44 EPF/0156/19

Removal of artificial turf and retention of footpath and decking (Revised application to EPF/2169/18).

Ivy House
Coopersale Lane
Theydon Bois

45 EPF/0429/18

Removal of existing caravan and removal of stable building. Erection of security hut to be used as ancillary 24-hour security for the riding school.

Hydes Riding School
Abridge Road
Theydon Bois

46 EPF/0712/18

Replacement of existing dwelling house with new single family dwelling house and new pavement crossover

Cornerways
The Green
Theydon Bois

47 EPF/2550/18

Demolition of detached bungalow and erection of replacement with pedestrian and vehicle access from the existing private access roadway within the site. (Revised application to EPF/2528/17)

Lillicroft Nurseries
Abridge Road
Theydon Bois

Theydon Garnon

48 EPF/0864/18

Erection of one dwelling within the garden of the former farm house and creation of a vehicular access onto Hobbs Cross Road to serve the proposed dwelling and no. 2 Hobbs Cross Cottages.

Land forming part of the garden of Hobbs Cross Farmhouse and 2 Hobbs Cross Cottages
Hobbs Cross Road
Theydon Garnon

Theydon Mount

49 EPF/1406/18

Demolition of barn and erection of two detached houses (Revised application to EPF/2248/17)

1 Mount End
Mount End Road
Theydon Mount

Waltham Abbey

50 EPF/1419/18

Demolish garden centre shop/office and erect building with 10 no. affordable apartments.

Garden Centre
Crown Hill
Waltham Abbey

51 EPF/2583/18

Demolition of existing garden centre buildings and

Garden Centre

	the erection of 2 no. semi-detached houses.	Crown Hill Waltham Abbey
52 EPF/2747/18	First floor extension to side of property with a roof terrace on top of the existing ground floor extension.	158 Honey Lane Waltham Abbey
53 EPF/3280/18	Proposed first floor extension to replace existing chalet style loft extension with first floor rear balcony and side facing first floor windows.	Mousetrap Rats Lane Loughton
Willingale		
54 EPF/2744/18	The retention of existing gates and pillars to paddock.	Hill Farm Cottage Millers Green Road Willingale