



***District Development Management Committee
Wednesday, 16th September, 2020***

You are invited to attend the next meeting of **District Development Management Committee**, which will be held at:

Virtual Meeting on Zoom
on **Wednesday, 16th September, 2020**
at **7.00 pm** .

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

Gary Woodhall
Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors S Jones (Chairman), B Rolfe (Vice-Chairman), H Brady, D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, J Lea, R Morgan, J Philip, C C Pond, C Roberts, J Share-Bernia and J M Whitehouse

SUBSTITUTE NOMINATION DEADLINE:

18:00

1. WEBCASTING INTRODUCTION

This meeting is to be webcast. On behalf of the Chairman, the Democratic & Electoral Services Manager will read the following announcement:

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

If you are seated in the lower public seating area then 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 then you should move to the upper public gallery.

Could I please also remind Members to activate their microphones before speaking."

2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES (Pages 5 - 6)

General advice for those persons attending the meeting of the Committee is attached as an appendix to this agenda.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

4. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

6. MINUTES (Pages 7 - 16)

To confirm the minutes of the meeting of the Committee held on 6 July 2020 and 22 July 2020.

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. PLANNING APPLICATION EPF/0858/20 - AVER HOUSE, NURSEY ROAD, NAZEING EN9 2JE (Pages 17 - 30)

(Development Management Service Manager) To consider the attached report for the demolition of a commercial building and replacement with a single dwelling.

9. PLANNING APPLICATION EPF/0897/20 - LAND AT BENTONS FARM, MIDDLE STREET, NAZEING EN9 2LN (Pages 31 - 52)

(Development Management Service Manager) To consider the attached report for the development of 1 two storey, four bedroom detached residential dwelling house together with double garage, utilising the existing access from Oak Tree Close.

**10. PLANNING APPLICATION EPF/0983/20 - UNITS 10, 10A, 50, 51, 52 & 60
CARTERSFIELD ROAD, WALTHAM ABBEY EN9 1JD (Pages 53 - 68)**

(Development Management Service Manager) To consider the attached report to demolish all existing units on site and redevelop with four new commercial warehouse units.

**11. PLANNING APPLICATION - EPF/1287/20 - BRIAR HOUSE, 42 CHURCH LANE,
LOUGHTON IG10 1PD (Pages 69 - 74)**

(Development Management Service Manager) To consider the attached report for a proposed three bay oak framed car port.

**12. PLANNING APPLICATION EPF/1550/20 - 23 TOMSWOOD ROAD, CHIGWELL IG7
5QP (Pages 75 - 82)**

(Development Management Service Manager) To consider the attached report for a single storey rear extension and terrace.

**13. PLANNING APPLICATION EPF/3426/18 - GARAGES TO THE REAR OF 13 - 43
CHARLES STREET, EPPING CM16 7AU (Pages 83 - 88)**

(Development Management Service Manager) To consider the attached report for the release of planning permission previously agreed by Committee, following recommendations to GRANT permission subject to conditions and contributions or mitigation measures relating to air quality within the Epping Forest Special Area of Conservation.

14. 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.

15. 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):

<u>Agenda Item</u>	<u>Subject</u>	<u>Paragraph Number</u>
Nil	None	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) of the Constitution defines 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 one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

Advice to Public and Speakers at Council Planning 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 Sub-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.** Ring the number shown on the top of 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 allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

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 Sub-Committee members.

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

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 through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Sub-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 Sub-Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Sub-Committee. Should the Sub-Committee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee are 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?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 6 July 2020

Place: Virtual Meeting on Zoom **Time:** 7.05 - 8.00 pm

Members Present: S Jones (Chairman), B Rolfe (Vice-Chairman), D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, R Morgan, J Philip, C C Pond, C Roberts, J Share-Bernia and J M Whitehouse

Other Councillors:

Apologies: H Brady and J Lea

Officers Present: A Marx (Development Manager Service Manager (Planning)), S Bell (Solicitor for the Senior Legal Officer), V Messenger (Democratic Services Officer), R Moreton (Corporate Communications Officer), A Prince (Trainee Planning Officer) and G Woodhall (Democratic & Electoral Services Manager)

1. WEBCASTING INTRODUCTION

On behalf of the Chairman, the Democratic & Electoral Services Officer reminded everyone present that the virtual meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

2. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

3. SUBSTITUTE MEMBERS

The Committee was advised that no substitute members had been appointed for the meeting.

4. DECLARATIONS OF INTEREST

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

(a) Cllr S Heap declared a personal interest in item 8 (Planning Application EPF/0018/20 – Maltings Farm, Church Road, Moreton) of the agenda for the meeting, by virtue of having corresponded with some of the objectors. The Councillor had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

(b) Cllr C C Pond declared a personal interest in item 8 (Planning Application EPF/0018/20 – Maltings Farm, Church Road, Moreton) of the agenda for the meeting, by virtue of being Chairman of the Epping Forest branch of the Essex Association of Local Councils. The Councillor had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

5. MINUTES

Resolved:

- (1) That the minutes of the meeting of the Committee held on 18 March 2020 be taken as read and signed by the Chairman as a correct record.

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

The Development Management Service Manager reminded the Committee that a briefing note had been prepared to ensure a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

Resolved:

- (1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version be noted.

7. PLANNING APPLICATION EPF/0018/20 - MALTINGS FARM, CHURCH ROAD, MORETON

The Development Management Services Manager, A Marx, presented a report for a reserved matters application at Maltings Farm in Church Road, Moreton, in connection with the granting of outline planning permission for the removal of the existing outbuildings and an existing dwelling to be replaced with three new dwellings, a new highway access and ancillary works.

A Marx reported that this application had originally been considered at Area Planning Sub-Committee East on 18 May 2020 with an Officer recommendation to grant planning permission. The Sub-Committee refused the application due to the scale of the proposed dwellings and their impact on the openness of the Green Belt. Four members of the Sub-Committee then invoked the Minority Reference rules within the Constitution to refer this application to this Committee for a decision.

A Marx stated that the original outline planning application was allowed on appeal, and therefore the general principle of development at this location was not considered unacceptable. Planning Officers had concluded that the proposal was acceptable in terms of access, appearance, landscaping, layout and scale, and had largely followed the indicative plan submitted and considered as part of the original outline application. Consequently, it had been originally recommended that planning permission be granted subject to conditions.

The Committee noted the summary of representations received in respect of this application, including objections from four neighbouring properties and an objection from Morton, Bobbingworth & The Lavers Parish Council. The Committee heard from the Parish Council and the Applicant's Agent before proceeding to debate the application.

The Committee noted that a discussion had ensued at the meeting of Area Planning Sub-Committee East regarding the legal status of the Neighbourhood Plan for Morton, Bobbingworth & The Lavers in relation to this application. The outline planning consent had been granted on appeal in March 2019, whereas the Neighbourhood Plan was not adopted until October 2019.

S Bell of Birketts LLP advised the Committee that it should only consider the reserved matters within the application before it as outline planning permission had already been granted on appeal by the Planning Inspector. In addition, Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 provided that, if regard was to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the provisions of the Development Plan unless material considerations indicated otherwise. The Development Plan for these purposes meant the relevant documents within the Development Plan at the time of the making of the decision which, in this case, included the Moreton, Bobbingworth and The Lavers Neighbourhood Plan. If there were conflicts between the Neighbourhood Plan and other documents within the Development Plan, then the Neighbourhood Plan, being the most recent policy, would prevail (S38(5) PCPA 2004).

However, S Bell added that the outline planning consent was a material consideration that was given significant weight in this application, and in this case this would constitute an exceptional circumstance sufficient enough to outweigh the failure to comply with the adopted Neighbourhood Plan.

As the ward member, Cllr I Hadley commented that the site had roads and other houses in the vicinity, and although the site was in the Metropolitan Green Belt it had also been previously developed for residential purposes. The Prime Minister had indicated in a recent speech that the national policy was to build more houses, and the Local Plan for the District envisaged 12,000 new houses to be built by 2033. The Planning Inspector was in favour of development at the site, and the proposed development would be better than what was currently on the site, and therefore the Councillor would support granting planning permission for this application.

Cllr C C Pond highlighted a recent decision by the Secretary of State to uphold the requirements of the Neighbourhood Plan for a planning application in Waverley, and also felt that a speech by the Prime Minister could not be considered a material consideration in planning terms. Cllr R Morgan added that the proposal was appropriate for the site, the Planning Inspector had approved the principle of developing the site and the Planning Officers had recommended that the application be granted. Therefore, the Councillor would be supporting the proposal.

Cllr J Philip accepted the legal argument that the Neighbourhood Plan could be superseded by the outline planning permission already granted, but reminded the Committee that it had a duty to protect land within the Green Belt and the attractiveness of the site was not a material consideration. The Planning Inspector had made their views on the site clear at the appeal, and Green Belt issues could be considered at the reserved matters stage. The Councillor felt these would be significantly larger dwellings and their impact on the openness of the Green Belt would also include the residential paraphernalia such as bin stores and not just the

size of the dwellings themselves. The Councillor had heard nothing to vote against the decision previously reached by Area Planning Sub-Committee East, and therefore he would support the refusal recommended by the Sub-Committee.

Cllr R Morgan proposed a motion to grant planning permission in accordance with the original recommendation of the Planning Officer, and this was seconded by Cllr I Hadley. This motion was lost when put to the vote.

Decision:

- (1) That permission for planning application EPF/0018/20 at Maltings Farm in Church Road, Moreton be refused due to the scale of the proposed dwellings and their impact on the openness of the Metropolitan Green Belt.

Way Forward

To reduce the size and scale of the dwellings due to their location within the Metropolitan Green Belt.

8. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Committee.

9. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press.

CHAIRMAN

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 22 July 2020

Place: Virtual Meeting on Zoom **Time:** 7.00 - 7.50 pm

Members Present: S Jones (Chairman), B Rolfe (Vice-Chairman), D Dorrell, I Hadley, S Heap, H Kane, H Kauffman, R Morgan, J Philip, C C Pond and J M Whitehouse

Other Councillors: -

Apologies: H Brady, J Lea, C Roberts and J Share-Bernia

Officers Present: S Kits (Social Media and Customer Services Officer), J Leither (Democratic Services Officer), A Marx (Development Manager Service Manager (Planning)), M Rahman (Planning Officer) and G Woodhall (Democratic & Electoral Services Manager)

10. WEBCASTING INTRODUCTION

On behalf of the Chairman, the Democratic & Electoral Services Manager reminded everyone present that the meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

11. ADVICE FOR PUBLIC & SPEAKERS AT PLANNING COMMITTEES

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee in relation to the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at meetings of the Council's planning committees.

12. SUBSTITUTE MEMBERS

The Committee was advised that no substitute members had been appointed for the meeting.

13. DECLARATIONS OF INTEREST

The following interests were declared by members of the Committee pursuant to the Council's Code of Member Conduct:

(a) Cllr J Philip declared a personal interest in item 8 (EPF/0542/20 – Rear of 165 High Road, Loughton) of the agenda for the meeting, by virtue of having been contacted by members of the public in connection with this planning application. The Councillor had expressed no opinion in these discussions, had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

(b) Cllr C C Pond declared a personal interest in item 8 (EPF/0542/20 – Rear of 165 High Road, Loughton) of the agenda for the meeting, by virtue of having been slightly acquainted with some of the residents who had made representations. The Councillor had determined that his interest was not pecuniary and indicated that he would remain in the meeting for the consideration of the application and voting thereon.

14. MINUTES

The Democratic & Electoral Services Manager apologised to the Committee as due to the short turnaround between the last meeting and this, the minutes of the previous meeting were not yet ready for the Committee to agree. The Committee was reassured that the minutes for this meeting would be ready for agreement at the Committee's next meeting in September.

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

The Development Management Service Manager reminded the Committee that a briefing note had been prepared to ensure a consistent approach was taken to the provision of planning policy advice, following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017. Members were advised that the primary purpose of the briefing note was to inform development management activities and to provide assistance for Councillors, Officers, Applicants, Planning Agents and other persons involved in the development management process.

Resolved:

(1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version be noted.

16. PLANNING APPLICATION EPF/0542/20 - REAR OF 165 HIGH ROAD, LOUGHTON IG10 4LF

The Planning Officer, M Rahman, presented a report for revisions to a rear building on the site, previously approved under planning application EPF/2600/14, to include a penthouse as allowed under appeal as well as internal and external alterations.

M Rahman reported that this application had been considered by Area Planning Sub-Committee South at its meeting on 1 July 2020, with an Officer recommendation to grant permission. The Sub-Committee had granted permission with the addition of an extra condition to erect privacy screens no less than 1.65m high to prevent any harmful overlooking to the properties on Station Road from the Roof Terrace, and a modification to condition 6 to ensure that the windows met the relevant British Standard. This application was before the Committee following a minority reference as a result of a discrepancy in counting the votes at the meeting on 1 July 2020, and was recommended for approval with the new and amended conditions.

M Rahman reminded the Committee that the site was to the rear of 165 High Road, within the built-up area of Loughton. It was not within the Metropolitan Green Belt, nor was it listed. The site had planning permission for a six-storey development of 14 flats, which had been implemented, and the skeletal frame of this development was being erected. The proposal sought to amalgamate the previously approved scheme (EPF/3176/18) and the recent permission for a penthouse allowed under appeal

(EPF/3302/18) along with the internal and external alterations. The main issues for consideration in this instance were: the impact on the character and appearance of the locality; and the impact to the living conditions of the neighbouring properties.

M Rahman informed the Committee that Planning Officers had concluded the proposed materials and external finishes were acceptable, and that there would be no further impact on the character and appearance of the locality. In addition, the proposed amendments would have no material impact on the amenities of neighbouring occupiers and would provide an acceptable standard of accommodation for future occupiers of the flats therein. As the application did not increase the number of dwelling units than that previously approved, there would be no additional impact on the Special Area of Conservation within the Epping Forest, in terms of recreational pressure and air quality.

The Committee noted the summary of representations received for this application, including four letters of objection from neighbouring properties, objections from the Loughton Town Council and the Loughton Residents Association Plans Group, and no objection from the Essex Fire & Rescue Service. The Committee heard from the Applicant's Agent before proceeding to debate the application.

Cllr C C Pond opined that he considered the building to be ugly and intrusive, but it had already been approved by the Planning Inspector. The Councillor welcomed the inclusion of an informative in the decision notice to alert prospective residents of the location of the two flues for 165a and 167 High Road, being in close proximity to the flats, and that they might cause some noise and odour disturbance.

Cllr J Philip felt that the privacy screens at 1.65m would be reasonable and necessary, and supported the recommendation of the Sub-Committee. Cllr S Heap felt that there was now no reason not to allow this scheme to proceed.

Decision:

(1) That permission for planning application EPF/0542/20 at the rear of 165 High Road in Loughton be granted, subject to the following 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: 2K19/1/HRL/PL02, 2K19/1/HRL/PL03, 2K19/1/HRL/PL04, 2K19/1/HRL/PL05, 2K19/1/HRL/PL06, 2K19/1/HRL/PL07, 2K19/1/HRL/PL08, 2K19/1/HRL/PL09, 2K19/1/HRL/PL10, 2K19/1/HRL/PL11 and 2K19/1/HRL/PL12.
- 3...Materials to be used for the external finishes of the proposed development shall match those stated on the approved plans, 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...Prior to the first occupation of the development, the Developer shall be

responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, as approved by the local planning authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each flat free of charge.

6...The window opening(s) serving the flats (Habitable rooms) in the side elevation facing the rear of No's 167 & 169 shall be non-openable and meet the British Standard BS 8233: 2014 - Guidance on Sound Insulation and Noise Reduction for buildings - Code of practice (or such other standard which may supersede it from time to time) and shall be permanently retained in that condition in perpetuity.

7...The commercial units shall not be open to customers / members outside the hours of 8am to 6pm on Monday to Saturday and 10am to 5pm on Sundays and Bank Holidays.

8...Prior to the first occupation of the development, details of a privacy screens to the roof terraces of no lower than 1.65 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.

17. PLANNING APPLICATION EPF/0891/20 83 BELL COMMON, EPPING CM16 4DZ

The Development Management Service Manager, A Marx, presented a report for alterations to an existing side roof dormer window at 83 Bell Common in Epping.

A Marx reported that this application had been considered at Area Plans Sub-Committee East on 8 July 2020, with an Officer recommendation to refuse planning permission. Following a discussion on the history of the site, the impact of the dormer window, and the setting of the surrounding area, the Officer recommendation was upheld. However, four members of the Sub-Committee invoked the minority reference rules within the Constitution to refer the application to this Committee.

A Marx informed the Committee that the site contained a newly built four-bedroom dwelling, and was within both the Bell Common Conservation Area and the Metropolitan Green Belt. The application sought permission to reduce the size of the existing unauthorised side roof dormer window. The key consideration for the determination of this application was the impact of the proposal on the character and appearance of the property and the wider Bell Common Conservation Area.

The Committee noted the history of this site, and that a retrospective application (EPF/2955/17) had been submitted as the side roof dormer window had not been constructed in accordance with the original planning permission (EPF/2829/16). This application had been refused, and an appeal against the enforcement notice had been dismissed by the Planning Inspector as the dormer window was not considered subordinate to the roof slope and protruded significantly.

Planning Officers had concluded that the proposed dormer window – due to its size, position and appearance – was out of character with the neighbouring properties and was therefore harmful to the character and appearance of the street scene and the Conservation Area. In addition, the revised scheme failed to address the concerns raised by the Planning Inspector when dismissing the appeal against the enforcement notice. Consequently, the application was recommended for refusal.

The Committee noted the summary of representations received in relation to this application, which included no objection from the Town Council and an objection from the Council's Conservation Officer. The Committee heard from the Applicant's Agent before proceeding to debate the application.

Cllr J Philip acknowledged that the site had a long planning history, and that the dormer window was very prominent from the road. The Councillor did not feel that the modifications were sufficient as the dormer window was now significantly further forward than in the original plans, and consequently would be supporting the Officer recommendation to refuse permission. Cllr C C Pond cautioned the Committee to guard against granting permission to a succession of minor changes as this would undermine the appearance of the Conservation Area. The Councillor felt that the reasons for refusal offered by Planning Officers were sound and he would support the Officer recommendation.

Cllr J M Whitehouse countered that the dormer window was not particularly noticeable as he often ran down this road, and also found it difficult to identify any harm to the Conservation Area from it. The Councillor respected the recommendations of the Planning Officers but highlighted that the Town Council had not objected to the proposal, and therefore was minded to support the proposal. Cllr S Heap agreed with the principle outlined by Cllr C C Pond, and concurred that the dormer window was noticeable, but its purpose was to provide light for an internal stairway so he would support the application.

Cllr R Morgan opined that the dormer window was too prominent, too large, and not in accordance with the approved plans. Cllr D Dorrell stated that the dormer window was very obvious and prominent, and that the proposal did not go far enough to address concerns previously raised. Both Councillors stated that they would support the Officer recommendation to refuse planning permission.

Decision:

(1) That permission for planning application EPF/0891/20 at 83 Bell Common in Epping be refused for the following reason:

1...The proposed dormer, by virtue of its prominent siting, size, bulk and design will result in a dominant incongruous and unattractive feature which will undermine the appearance of the dwelling, street scene and the wider local character and appearance of the Bell Common Conservation Area. There are no public benefits which would outweigh this harm. The proposal is therefore contrary to the requirements of S72(1) of the Planning and Listed Building and Conservation Areas Act 1990; Chapters 12 and 16 of the NPPF; policies HC6, HC7, DBE1, DBE3 of the Local Plan and Alterations along with policies DM7, DM9 and DM10 of the Epping Forest District Local Plan (Submission Version) 2017.

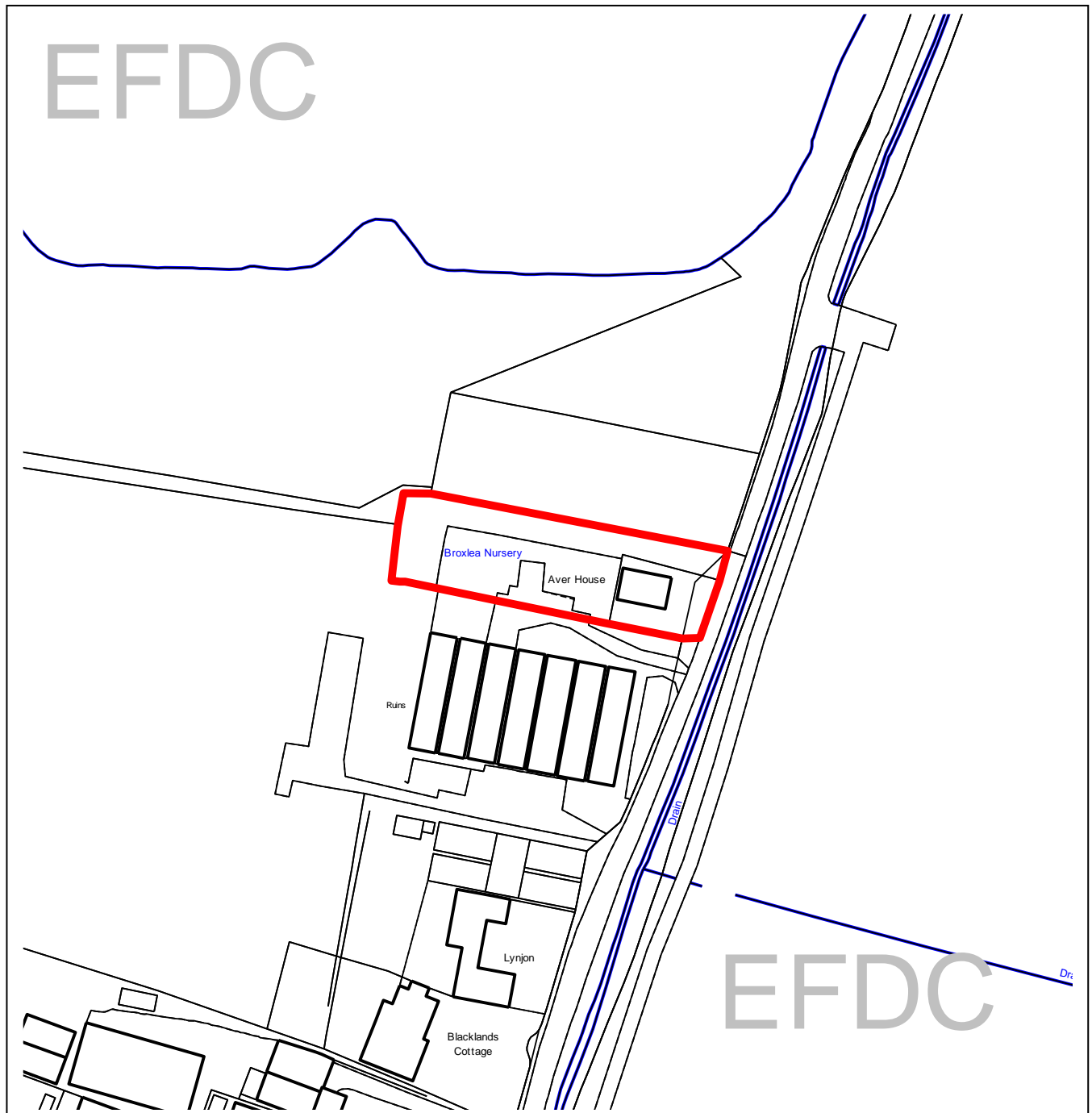
18. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Committee.

19. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN



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Application Number:	EPF/0858/20
Site Name:	Aver House Nursery Road Nazeing EN9 2JE
Scale of Plot:	1:1250

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***Report to the District Development
Management Committee***



**Epping Forest
District Council**

Report Reference: **EPF/0983/20**
Date of Meeting: **16 September 2020**

Address: Aver House, Nursery Road, Nazeing, EN9 2JE

Subject: Demolition of a commercial building and replacement with a single dwelling. (Revised application to EPF/0196/19).

Responsible Officer: Marie-Claire Tovey (01992 564141)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

That planning application EPF/0858/20 be recommended for approval following a recommendation by Area Planning Sub-Committee West with the following conditions:

[Note: As this application is for a new house, mitigation for air quality will be required. As the air quality mitigation measures have not been agreed, , should Members agree with the recommendation of Area Planning Sub-Committee West the application will be held in abeyance until such time as an air quality mitigation strategy has been agreed at which time a decision may issued with mitigation requirements as necessary.]

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: ELA/1, 22, 400 Rev P, 401 Rev L, 500 Rev K, 901 and 1400
3. No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
4. Prior to 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.
5. The development shall be carried out in accordance with the Flood Risk

Assessment (MTC Engineering – For the Proposed Development of Additional Residential Dwelling, 1671, March 2020) unless otherwise agreed in writing with the Local Planning Authority.

6. 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.
7. 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.
8. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, D and F of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
10. 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.

11. 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.
12. 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.
13. No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
14. 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.
15. Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

This application was considered at Area Planning Sub-Committee West on 15 July 2020 with a recommendation from Officers to refuse consent for the following reasons:

1. The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Moreover, by reason of its

scale, height and siting, the proposal would result in a significant reduction in the openness of the Green Belt. Consequently, the development is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, policy DM4 of the Submission Version of the Local Plan (2017) and the objectives of the National Planning Policy Framework.

2. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.

Discussion took place at Area Planning Sub-Committee West regarding the recommendation and a motion was made to recommend approval on the basis the application was acceptable within this Green Belt location. As a recommendation for approval is a departure from planning policy the application has been referred to District Development Management Committee with the revised recommendation.

Original Officer Report:

This application is before this Committee since it has been 'called in' by Councillor Richard Bassett (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site is a roughly rectangular plot with a single storey building (last in use as a B8 Storage building) fronting onto Nursery Road within the rural area of Nazeing. Directly to the south of the site is a development site in the latter stages of construction for 4 detached dwellings that replaced mushroom farm buildings. To the south of this is a ribbon of detached properties all on the same side of the road as Aver House. Nursery Road is a private road, and has the appearance of a country lane with properties only on one side opposite a robust hedge/tree line which reinforces the rural appearance. The site is within the Metropolitan Green Belt and flood zone 2.

Description of Proposal:

The application seeks consent for the demolition of the existing storage building and replacement with a 2 storey property with front and rear projections and attached double garage (exactly the same design as the four properties to the south). This application is in effect the same as the previously submitted application EPF/0196/19 which was refused with the only addition for this submission an Addendum Planning Statement.

Relevant History:

EPF/0196/19 - Demolition of a commercial building and replacement with a single dwelling – Refused

The application was refused for the following reasons:

- 1. The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Moreover, by reason of its scale, height and siting, the proposal would result in a significant reduction in the openness of the Green Belt. Consequently, the development is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, policy DM4 of the Submission Version of the Local Plan (2017) and the objectives of the National Planning Policy Framework.*
- 2. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.*

EPF/1582/18 - Prior approval for proposed change of use from storage unit (Class B8) to residential dwelling (Class C3) – Prior approval granted

Policies Applied:

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:

CP2 – Protecting the quality of the Rural and Built Environment
DBE1 – Design of new buildings
DBE2 - Effect on neighbouring properties
DBE5 – Design and Layout of new development
DBE8 – Private amenity space
DBE9 – Loss of amenity
GB2A – Development in the Green Belt
GB7A – Conspicuous development in the Green Belt
ST01 – Location of Development
ST06 – Vehicle Parking
LL10 – Adequacy of provision for landscape retention

NPPF:

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:

Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131
Paragraph	144- 146
Paragraph	170

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 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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her 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:

Policy		Weight
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
T1	Sustainable Transport Choices	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 18 - No responses received
 NAZEING PARISH COUNCIL: No objection

Main Issues and Considerations:

Green Belt

The site is wholly within the Metropolitan Green Belt, located some 600m+ outside of the defined village of Nazeing with no development connecting the two areas. As described above the site is within an area that is more rural and distinct in character than the built up area to the south east which is within the defined built up area of Nazeing.

The supporting information states that the development is an infill proposal within the Metropolitan Green Belt, however it is the Council's view that firstly the proposal is outside of the village enclave due to the separation of this small ribbon of development from the main built up and this small ribbon is not classed as a village in its own right. Secondly the application site is not considered an 'infill' site as it is at the end of a small row of properties, with development only on one side so therefore this does not meet the Councils definition of infill since it does not infill an 'otherwise continuous row of built development'.

The NPPF is clear that an exception to Green Belt policy is 'limited infilling in villages', however as outlined above it is not considered that this site is within a village or classed as limited infill.

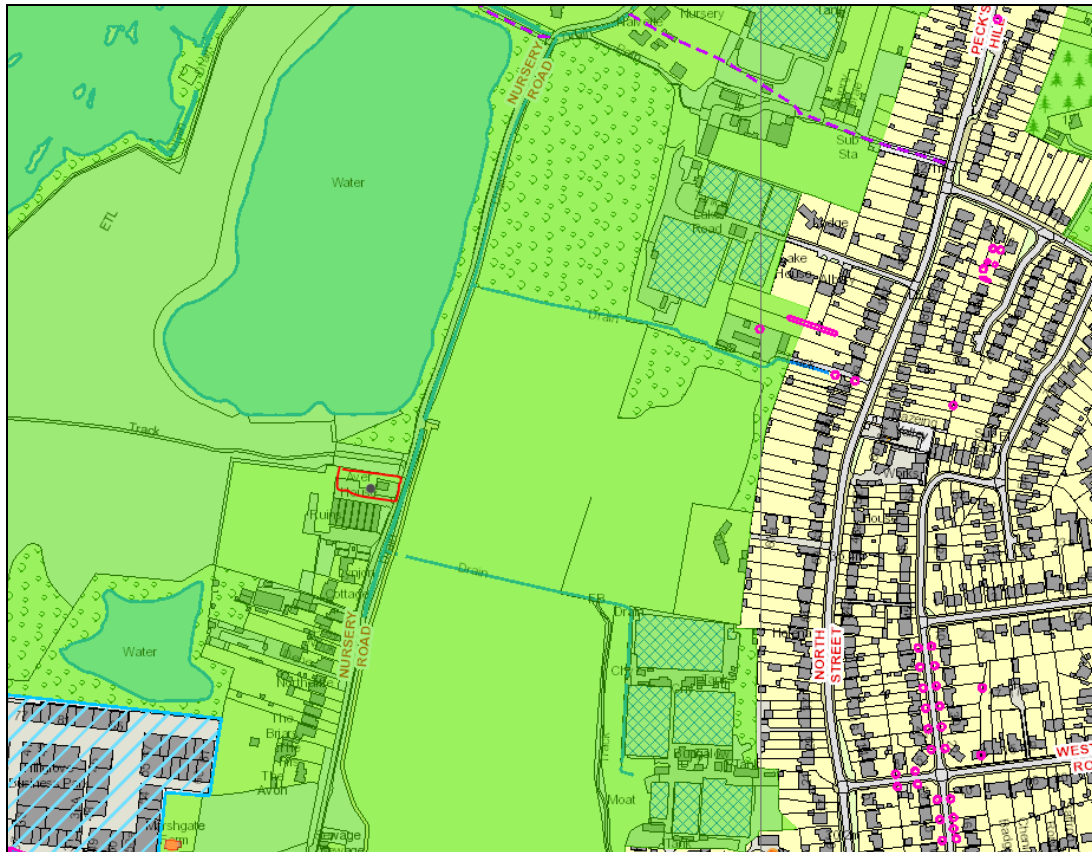


Fig.1 Showing site outlined in red within Green Belt (shaded green) in relation to village envelope (not shaded green)

Notwithstanding the above infill discussion, and although not used as an argument by the applicant, it is clear that the site would constitute previously developed land. Nonetheless it does not fall within the second exception of the NPPF:

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;’.

The proposed two storey dwelling scheme is far larger than the existing single storey building, extending up to the side boundaries, two storey in height and with a far greater depth and overall projection into the site and therefore the proposal will have a far greater impact on the openness of the Green Belt than the existing built form.

The adjacent site gained approval at Committee as it was considered an infill site between this current application site and the residential properties to the south, although Officers did not promote this given it is outside of the village envelope. The current application site cannot benefit from this same circumstance as there is no site to the north to make it an infill.

Information submitted cites the ‘mushroom farm’ development directly to the south of the site being approved due to the very special circumstances (VSC) and these should also apply to this site, the following very special circumstances have been put forward for this site:

1. The Application will remove an existing commercial use in a residential area.
2. There will be a reduction of traffic by the removal of the commercial use.
3. The replacement dwelling has secured additional space from the adjoining landowner to provide amenity space for the property when there is none at the present.
4. The redevelopment of this commercial building with a new residential building will provide a vastly improved vista from the adjacent Lea Valley land.
5. Whilst visually the redevelopment of the site would be beneficial since this proposal would remove numerous buildings, unsightly 2.5m high metal palisade fence, hardstanding and commercial activity.
6. The previous 'fallback' planning consent as detailed in the previous section is a very material consideration to determine this Application.

Taking each point in turn:

1. It is not known that the commercial site is causing any issue to the residential properties and in any event is of a very small scale. Clearly commercial units in proximity to residential dwellings are not an uncommon occurrence.
2. As above, the unit is very small, details of traffic movements are not known but given the small size are unlikely to be significant.
3. The additional space for amenity, although welcome for future occupiers could also presumably be secured for the prior approval conversion. Again this is not an uncommon situation
4. Although the site looks unkempt it is not considered that this would be a VSC, in addition if the prior approval proposal goes ahead then it is presumed the site would be 'tidied' in any event.
5. The removal of the fencing, commercial activity etc could all be achieved through the prior approval application
6. The fallback consent is a material consideration but not a VSC as the prior approval can go ahead but this is separate legislation and does not allow for a dwelling as large as that proposed.

A site in Crown Hill, Upshire has been identified by the Applicant (by email) as a relevant example (EPF/1709/19) however, it appears that the main reason this was considered an infill site was a) because two previous planning applications had confirmed the site falls within a village and b) that the southern boundary of the site was demarcated by the concrete bridge containing the M25 so this physical (and very, very obtrusive within the Green Belt) barrier would act as a 'natural' barrier to any further development. No such situation is present in this instance.

This example has been noted again within the revised addendum to the planning statement stating that: *The Village boundary is determined by the "hard boundary" to the North of Aver House delineated by both the Lea Valley Regional Park and the Public Right of Way.* However, it is not considered that these soft, more natural boundary markers are comparable to a concrete bridge the width of 8 vehicle lanes.

Various appeals have been quoted within the supporting statement supplied as part of the application including *Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314 which relates specifically to the fallback position (in this case it was a Class Q conversion agricultural to residential). The applicant's findings relating to this Court of Appeal case state:

The fallback position of having a residential planning consent in place for the conversion of the existing building is a very material consideration to be taken into account by the LPA to determine this Application.

The Council agree that the previous history is a material consideration as the conversion can take place, however it does not provide any weight for allowing a new, much bigger dwelling within this Green Belt, rural area.

Design

The design of the proposal is the same as those properties being built to the south. Although not rural in character, the proposal will not disrupt the streetscene as it will match the neighbouring properties.

Impact on Amenity

The proposed dwelling will be located within 1m of the shared boundary with the adjacent plot 4. Given the layouts will be similar and the sufficient separation, the proposal is not considered to raise any amenity concerns.

SAC and Air Quality

The site is not within the 3.2km buffer around the Epping Forest Special Area of Conservation (SAC) and therefore a contribution towards recreational mitigation is not required for any new dwelling. However, as with any new dwelling in the District, a contribution is required with regards to air quality mitigation. At present negotiations are still taking place to finalise the required contributions for this element, the submitted documents do not make provision for improvements to air quality and therefore on this basis the application is contrary to policy CP1 (i) and NC1 of the Local Plan and Policy DM2 and DM22 of the Submission version.

The Addendum to the planning statement expresses surprise that impact on the SAC formed a refusal. Due to ongoing negotiations with Natural England this situation has existed since June 2018. The addendum continues that there will be no impact as the current use is a commercial use. No further information has been supplied with regards to traffic frequency or routes and therefore this statement holds little weight. In addition given the commercial units size it does not appear as if traffic movements would be comparable to a large dwelling, although this is unknown due to the insufficient information provided.

It is understood that works have not commenced on the Class Q approval and therefore the change is from commercial to residential whereby impact on Air Quality will apply.

The addendum submitted suggests the applicant is willing to enter into a S106, however this does not overcome the previous reason for refusal relating to the SAC and air quality.

Flood Risk

The Council's Land Drainage Engineer has no objection subject to conditions.

Conclusion:

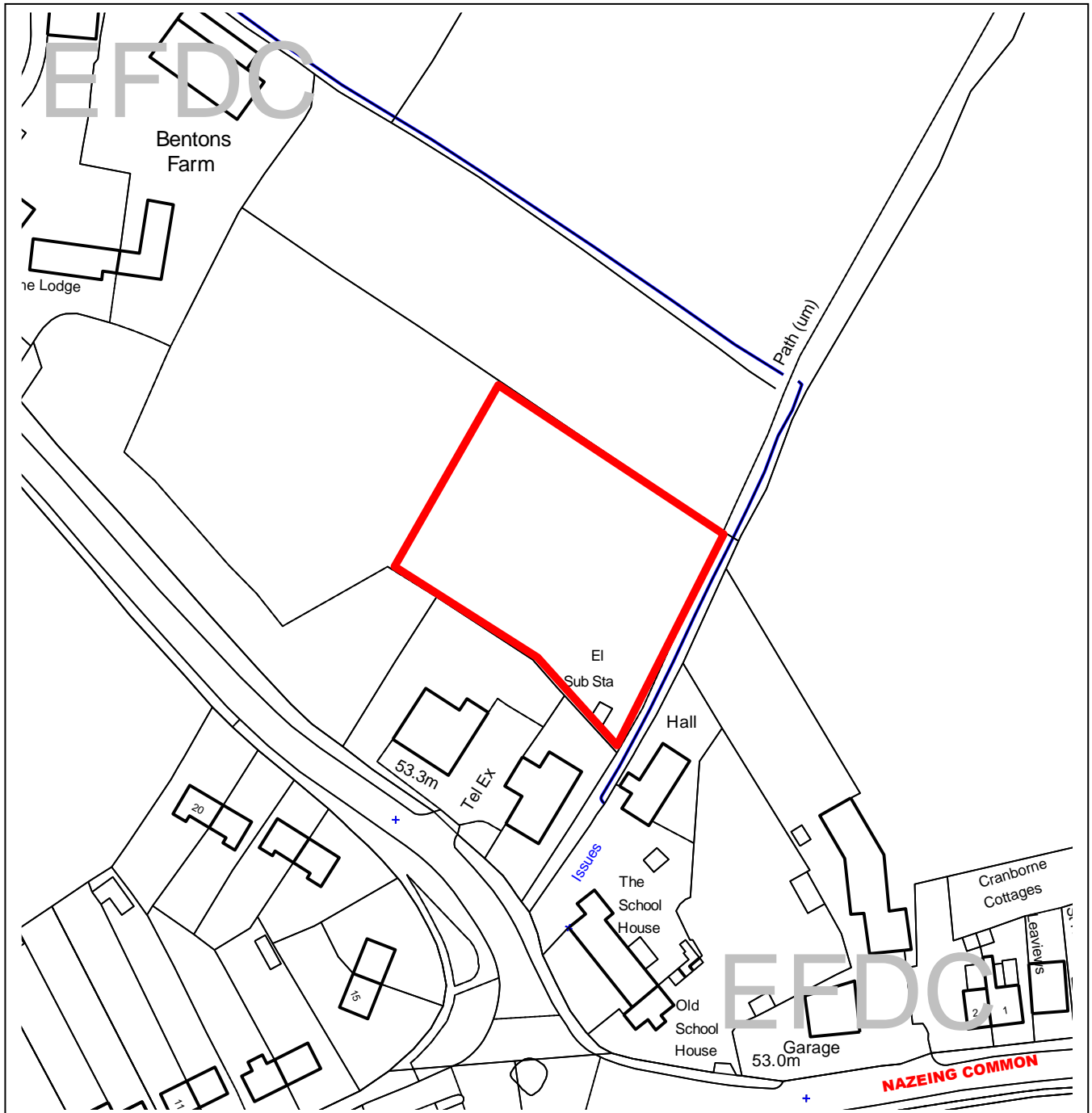
Given the above discussion, it is recommended that planning permission is **refused**.

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

Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414

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

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Application Number:	EPF/0897/20
Site Name:	Land at Bentons Farm Middle Street Bumbles Green Nazeing EN9 2LN
Scale of Plot:	1:1250

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Report to District Development Management Committee



Report Reference: **EPF/0897/20**
Date of meeting: **16 September 2020**

**Epping Forest
District Council**

Address: Land at Benton's Farm, Middle Street, Bumbles Green, Nazeing, EN9 2LN

Subject: Development of 1 no. two storey, four bedroom detached residential dwelling house together with double garage. Utilising existing access from Oak Tree Close.

Responsible Officer: Sukhi Dhadwar (01992 564597)

Committee Secretary: Gary Woodhall (01992 564470)

Recommendation:

That planning permission be **GRANTED** subject to the prior completion of a s106 obligation to secure the following:

- 1) No objections being raised by Natural England, and
- 2) subject to the completion of:
 - (a) An Electric charging point for electric vehicles
 - (b) 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,)
 - (c) The new home to have the ability to connect to high speed broadband.
 - (d) Appropriate mitigation of air pollution from the development to the Epping Forest SAC.

In the event that the required s106 obligation is not satisfactorily completed then the Assistant Director (Development Management) is authorised to refuse planning permission for appropriate reasons.

And the following 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:

HD20010 100 B, HD20010 101, HD20010 102 B, B, HD20010 103 B, HD20010 104, HD20010 105, HD20010 106 A, HD20010 107, Arboricultural Report Phase 2 Rev 1 and Tree Protection Plan 15th May 2020 by Andrew Day Associates, Surface water storage requirements for sites by HR Wallingford, SuDS Management Plan, Phase 1 and Phase II Geo-Environmental Investigation by Land

- 3 Samples of the types and colours of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 The development permitted by this planning permission shall be carried out in accordance with the detailed drainage plan (HD20010 101, Revision B April 2020 unless otherwise agreed in writing with the Local Planning Authority.
- 5 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Andrew Day Arboricultural Consultancy Ltd 'Tree Protection Plan' dated 15th May 2020.
- 6 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations.
Tree protection shall be installed as shown on Andrew Day Arboricultural Consultancy Ltd 'Tree Protection Plan' dated 15th May 2020.
- 7 Prior to any above ground works, full details of 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 rear boundaries of the site shall consist of a planting strip of a minimum width of 3metres with garden fences on the inside edge. The landscaping shall consist of trees / hedges of native species. 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.
- 8 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.

- 9 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.
- 10 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.
- 11 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.
- 12 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.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A-E of Part 1 of Schedule 2 to the Order shall be

undertaken without the prior written permission of the Local Planning Authority.

- 14 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
- 15 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.

This application is before this Committee since the Area Plans Sub-Committee West's proposed decision is a substantial departure from the development or other approved plan for the area; (Pursuant to Article 10 of The Constitution).

This application carried an officer recommendation to refuse planning permission when reported to the Area Planning Sub-Committee West at their meeting held on 12 August 2020 for the following reasons:

- 1 The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt and therefore the proposal is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, DM4 of the Submission Version Local Plan and with the objectives of the National Planning Policy Framework.
- 2 The proposed dwelling is significantly recessed from the public carriageway which introduces an inappropriate pattern of development, in stark contrast to the prevailing character of the Conservation Area. The pattern of development is an important aspect of the Conservation Area and the proposal fails to preserve or enhance this pattern. Furthermore, the grain of development would extend a cul-de-sac, which is suburban in character, into a rural hamlet setting. The suburban character of the development would be reinforced by the repetitive design of the proposed new dwelling, mirroring the ones previously granted. The proposal is therefore contrary to policies HC6 and HC7 of the Adopted Local Plan and Alterations, DM 7 of the Submission Version Local Plan and with the objectives of the National Planning Policy Framework
- 3 The application does not provide sufficient information to satisfy the Council, as competent authority, that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such, the development is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017.

Members voted against this recommendation (6 against the refusal and 4 for the refusal). Cllr Avey instead put forward a motion that planning permission for the proposal should be granted subject to the same conditions as those imposed on EPF/0292/17 and other standard conditions usually imposed on this type of application (this list should include the requirement made by Cllr Sartin for details to be submitted and approved of a landscaping scheme prior to the implementation of any permission.) The motion was subsequently seconded by Cllr Bassett. Members voted in favour of this motion by 7 votes (2 abstained 1 against).

Original Report

This application is before this Committee since it has been 'called in' by Councillor Avey (*Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council*).

Description of site

The application site is located on the northern side of Middle Street which is within the settlement of Nazeing. The site has a roughly rectangular shape and measures 0.19 hectares. The site is currently covered in vegetation. Adjoining the western boundary is a cul-de sac of 4 houses approved under reference EPF/0292/17. To the north are open fields, to the east are commercial uses and to the south is a telephone exchange building and workshop.

The application site is also located within the boundaries of the Nazeing and South Roydon Conservation Area and Metropolitan Green Belt.

Description of proposal

Permission is sought for the development of 1 no. two storey four bedroom detached residential dwelling house together with a double garage. Access will be from the existing access at Oak Tree Close.

Relevant History

Planning permission was granted under reference EPF/0292/17 for the construction of 4 no. detached four-bedroom residential dwellings. This permission is west of the application site on land owned by the applicant.

Planning permission was refused under reference EPF/0510/19 for an extension to four residential dwellings on an adjoining site. Infill comprising of x 2 no. four bedroom residential dwellings on the grounds that: -

- (1) The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt and therefore the proposal is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, DM4 of the Submission Version Local Plan and with the objectives of the National Planning Policy Framework.
- (2) The proposed dwellings are significantly recessed from the public carriageway which introduces an inappropriate pattern of development, in stark contrast to the prevailing character of the Conservation Area. The pattern of development is an important aspect of the Conservation Area and the proposal fails to preserve or enhance this pattern. Furthermore, the grain of development would introduce a cul-de-sac, which is suburban in character, into a rural hamlet setting. The suburban character of the development would be reinforced by the repetitive design of the proposed new dwellings, mirroring the ones previously granted. The proposal is therefore contrary to policies HC6 and HC7 of the Adopted Local Plan and Alterations, DM 7 of the

Submission Version Local Plan and with the objectives of the National Planning Policy Framework.

An appeal on this application was later dismissed on the same grounds. (A copy of the decision notice is attached to the bottom of this report.)

Policies Applied

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP7- Quality of development

DBE10 – Design

DBE9 – Residential amenity

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

HC6 – Character, appearance and setting of Conservation Areas

HC7 – Development within Conservation Areas

RP4A – Contaminated Land

RP5A – Adverse Environmental Impacts

DBE1 – Design of New Buildings

DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

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

The revised National Planning Policy Framework (NPPF) has been adopted as national policy since February 2019. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017:

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Presumption in Favour of Sustainable Development

SP6 - Green Belt and District Open Land

H1 - Housing Mix and Accommodation Types

T1 - Sustainable Transport Choices

DM1 - Habitat Protection and Improving Biodiversity

DM2 - Epping Forest SAC and the Lee Valley SPA

DM3 - Landscape Character, Ancient Landscapes and Geodiversity

DM4 - Green Belt

DM5 - Green and Blue Infrastructure

DM7 - Heritage Assets

DM9 - High Quality Design

DM10 - Housing Design and Quality

DM11 - Waste Recycling Facilities on New Development

DM15 - Managing and Reducing Flood Risk

DM16 - Sustainable Drainage Systems

DM17 - Protecting and Enhancing Watercourses and Flood Defences

DM19 - Sustainable Water Use

DM20 - Low Carbon and Renewable Energy

DM21 - Local Environmental Impacts, Pollution and Land Contamination

DM22 - Air Quality

Number of neighbours consulted: 26

Site notice posted: Yes

Responses received:

20 Long Green, 1 email: No objection

The Lodge Benton's Farm, Bumbles Green Farm 1 email: Support Applicants building behind the telephone exchange so previous reasons for refusal no longer apply.

NAZEING PARISH COUNCIL – NO OBJECTION and that the Council supports the application and considers that it should be considered by Area Plan West Committee and not dealt with by the officers under delegated powers. The Council supports the application because

- i. The application reduces the scale of the development from two dwellings to one dwelling, which limits it to a small-scale development.
- ii. The house is positioned at the end of the cul-de-sac so it does not seek to extend it.
- iii. The position of the proposed dwelling means that it does not affect the views of the open countryside.
- iv. There have been no objections from immediate neighbours of the proposed development.

Main considerations

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the character and appearance of the Conservation Area, integrity of the Epping Forest Special Area of Conservation, the living conditions of neighbours. highway issues, land drainage considerations and contaminated land.

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.

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

The first justification for the application is that it is in accordance with paragraph 145(e) 'limited infill within a village.

The case officer dealing with the previous application approved at West Area Planning Committee under reference EPF/0292/17 was satisfied that the site falls within a village.

The second limb of this exception is whether the proposal constitutes 'limited infilling'.

Once the site is considered to fall within a village, the next stage of this exception to inappropriate development is whether the proposal can be considered to constitute 'limited infilling'. (This view is supported by the overturned officer recommendation under reference EPF/0292/17)

Policy DM4 of the SVLP 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. It also includes infilling of small gaps within built development. 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."

The proposal will extend the cul-de-sac to an area of land which is not bound by built development but is instead currently open. It would also create an additional row of development behind the existing the single line of development fronting Middle Street.

It would therefore not be filling in a gap but would instead further extend the suburban cul-de-sac development beyond the linear ribbon development along Middle Street. It is therefore considered to be a backland development and not an infill development and as a result will further encroach built development and associated household paraphernalia into the open countryside. This is urban sprawl. The fundamental purpose of Green Belt policy is to prevent urban sprawl.

When assessing the impact of the proposal on openness, the NPPG on Green Belt advises that openness is capable of having both spatial and visual aspects. This means what impact the proposal will have on the visual amenity of this location in the Green Belt and its general volume. Volume relates to the proposal's presence, irrespective of whether this volume can be seen or not.

The size, bulk and presence of the two storey, 4 bedroom detached dwelling will block public long views between and above the part single storey telephone building of the fields further north of the site from the street scene as well as harm public views looking south towards the garage and house on the site from the public right of way to the north of the site. It is for these reasons considered that the proposed development will encroach on the countryside and rural setting of this location. It is therefore considered that the proposal is not an infill development and as such is inappropriate development which is contrary to the requirements of policies GB2A and GB7A of the Adopted Local Plan, and DM 4 of the Submission Version Plan.

Conservation Area Issues

S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

In determining planning applications, the Council is required by the NPPF to consider the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF requires that “When considering the impact of a proposal on the significance of the designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater weight should be given to its conservation. Significance can be harmed or lost through (inter alia) development within its setting”.

Paragraph 194 of the NPPF requires where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

The proposal was reviewed by the Conservation Officer who made the following comments:
-

“The site stands within the Nazeing and South Roydon Conservation Area; a wide area designated to protect the surviving historic landscape and patterns of settlement, which includes the medieval 'long green' settlements of Middle Street. Although development within this part of the conservation area was rapid in the 20th century, until then, Middle Street consisted of only a handful of properties. Development in the 20th century has predominantly been linear and is characterised by detached properties occupying large plots which front the highway.

In 2017, a planning application (EPF/0292/17) was submitted for the erection of 4 no. detached four-bedroom residential dwellings on a similar and adjacent site at Benton’s Farm. The application was recommended for refusal by officers, but permission was granted at the Area Plan West Committee. The Conservation Team objected to this application as we believed that the general principle of the development would harm the significance of this part of the conservation area which largely derives from open landscape and historic pattern

of development. Significantly recessed from the highway it has been considered that the new dwellings would introduce an inappropriate pattern of development with a proposed building line greatly deviating from the existing. We also believed that such development would result in unnecessary and harmful encroachment of unbuilt land.

Early in 2019 an application for the erection of two more dwellings, ref. EPF/0510/19, on the adjoining site, to the east has been refused for the same reasons that were previously raised. In addition, the proposal was found to go even more against the grain of development as it would introduce a cul-de-sac, which is suburban in character, into a rural hamlet setting. In this well-established rural context, detached properties, such as proposed, should sit within a large plot. An appeal was lodged and dismissed in October 2019.

In his report the Inspector states that:

“I find the significance of this part of the CA largely derives from its open landscape and historic pattern of development which goes on to cover the majority of the CA.

While I accept that a development within the CA should not be considered unacceptable in principle, it is essential that great weight is given to assets conservation as stated at paragraph 193 of the Framework. In this instance, although development exists surrounding it, the appeal site nonetheless contributes towards the open landscape that is an important and fundamental character of the CA. The introduction of built development would suburbanise the site, thereby further eroding the open character of the CA.

Moreover, the siting of the dwellings behind existing frontage development would result in a discordant form of development that would be out of keeping with the prevailing character of the area, resulting in additional harm to the CA.”

The current application is for the erection of one detached four beds dwelling with associated garage in place of the refused two detached dwellings. Given that the context is identical, the reasons for refusal given in references to previously submitted schemes are still considered to be relevant. The proposed scheme raises the same concerns as it will cause the same level of harm to the character and appearance of the conservation area. This was well expressed in reports by the LPA officers and the Inspector.

I still believe that the general principle of the development would harm the significance of this part of the conservation area and fail to preserve or enhance it. This application is, therefore, recommended to be REFUSED as it is contrary to policies HC6 and HC7 of our Local Plan and Alterations (1998 and 2006), policy DM7 and DM9 of our Submission Version Local Plan (2017), and paragraphs 189, 190, 194, 196 and 201 of the NPPF (2019).”

Living conditions of neighbours

The new dwelling relates well to each other and will provide a good standard of accommodation. They are set well away from existing neighbours and therefore it is not considered that there will be any harm to the living conditions of neighbours. The proposal therefore complies with the requirements of policy DBE 9 of the Local Plan.

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.

Trees and Landscaping

The site is within the Conservation Area and therefore all trees are afforded legal protection. The Tree and Landscape officer is satisfied that given the position of the dwelling there will be no in principle harm to the proposal, subject to conditions.

Highway considerations

The access has good visibility onto Middle Street and has appropriate geometry for the development. Consequently, there will be no detriment to the highway's safety or efficiency at this location.

Land Drainage

The development is of a size where it is necessary to avoid generating run off and therefore a Flood Risk Assessment is required. Details of foul and surface water drainage will also be required, and these elements can be secured through the use of planning conditions.

Land Contamination

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 within the existing building & hardstanding) 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.

Conclusion

No appropriate assessment has been submitted to demonstrate that the proposal will not have an adverse impact on the integrity (either alone or in combination) of the Epping Forest Special Area of Conservation.

The changes made to this proposal compared with the previously refused scheme under reference EPF/0510/19 are insufficient to overcome the in-principle objections. It still

constitutes inappropriate development in the Green Belt, as it cannot be considered as limited infilling for the reasons listed above, and there are no very special circumstances sufficient to outweigh this and any other harm from the development. In addition, due to the uncharacteristic positioning of the dwelling and elements of its detailed design it will also cause undue harm to the character and appearance of the Conservation Area and therefore 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: Sukhi Dhadwar

Direct Line Telephone Number: 01992 564597

or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk



Appeal Decision

Site visit made on 24 September 2019

by **Graham Wyatt BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/J1535/W/19/3232917

Land at Bentons Farm, Middle Street, Bumbles Green, Nazeing EN9 2LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by R & V Bray against the decision of Epping Forest District Council.
 - The application Ref EPF/0510/19, dated 20 February 2019, was refused by notice dated 2 May 2019
 - The development proposed is described as "The development is proposed as an extension of a recently constructed plot of four residential dwellings on an adjoining site. The limited infill will comprise of 2 four bedroom residential dwellings, utilising the existing access and retaining the character and form of the existing dwellings".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refer to policies within the Epping Forest Local Plan Submission Version 2017 (the LPSV) which was submitted for examination in September 2018 but has yet to be formally adopted. Thus, while it forms a material consideration, I afford it limited weight in this appeal.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the development would conserve or enhance the character or appearance of the Nazeing and South Roydon Conservation Area; and
 - if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The appeal site is a roughly square parcel of land that is currently laid to grass and lies within the Metropolitan Green Belt. The Framework states that inappropriate

<https://www.gov.uk/planning-inspectorate>

development is harmful to the Green Belt and should not be approved except in very special circumstances.

5. Policy GB2A of the Epping Forest District Council Local Plan 1998 (the Local Plan) deals with exceptions where new buildings would not be inappropriate development within the Green Belt. Policy GB7A also seeks to restrict conspicuous development in the Green Belt that should not have an excessive adverse impact on the openness, rural character or visual amenities of the Green Belt.
6. However, in considering the construction of new buildings that are inappropriate development within the Green Belt, exceptions to this are at paragraph 145) of the Framework and includes limited infilling at paragraph 145 e) which is not reflected in Policy GB2A or GB7A of the Local Plan. Thus, these policies are not entirely consistent with the Framework and having regard to paragraph 213 of the Framework, in this particular instance, I afford them limited weight. Policy DM4 of the LPSV aligns more closely with the Framework, but as noted above, I only afford this limited weight. I have therefore considered this issue in relation to Section 13 of the Framework.
7. The appellant leans towards paragraph 145 e) of the Framework which states that limited infilling in villages need not be inappropriate development within the Green Belt. The Framework does not define what is considered to represent 'limited' or 'infilling' in villages' and the Council's policies within the Local Plan are of no assistance either. The Council agree that the site is within a 'village' and satisfies this particular element of paragraph 145 e). Given the location of the site in respect to surrounding development, I have no reason to disagree with that assessment.
8. In considering whether the development could be considered limited infilling or not, I find it a reasonable approach to rely on the definition that it would constitute a small-scale development that fills a gap in an otherwise built-up frontage. This would concur with the definition that the appellant has provided from paragraph 4.34 of the LPSV, which states that infilling is defined as the development of a small gap in an otherwise continuous frontage and includes infilling of small gaps within built development.
9. Firstly, one has to consider whether the development can be considered to be limited. It is clear that the site is not a small gap in that it is capable of accommodating two, four bedroom detached dwellings, separated by some 5m, and a detached double garage building. Additionally, neither can the development of two, four bedroom dwellings be regarded as small-scale. Consequently, the development cannot be considered to be 'limited'. Secondly, notwithstanding that the site to the west contains four recently erected dwellings and to the east the site has planning permission to extend and erect a workshop, the appeal site is not part of a continuous frontage development being set behind Nazeing Telephone Exchange and the commercial workshop building, in contrast to the recent development of four dwellings at Oak Tree Close which are not set behind frontage buildings. Accordingly, the proposal does not constitute limited infilling and thus is inappropriate development within the Green Belt, contrary to Section 13 of the Framework.

Openness

10. Paragraph 133 of the Framework tells us that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that openness is an essential characteristic of the Green Belt. The appeal site is currently undeveloped and the erection of two large dwellings and double garage

on the land, where no development currently exists, would inevitably mean that there would be a reduction to openness. This harm would be clearly visible through the gap between Nazeing Telephone Exchange and the commercial workshop and from the recent development on Oak Tree Close.

11. Thus, the development would erode the openness of the Green Belt and would be contrary to one of its purposes which is to safeguard the countryside from encroachment.

Nazeing and South Roydon Conservation Area (CA)

12. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.
13. I find the CA to display an open and loose knit character that is reinforced by the open layout of development along Middle Street and is complemented and softened by the presence of mature landscaping. Although development towards the centre of the village is more closely knit, it nonetheless displays a degree of openness as a result of spacing about and between dwellings that is reinforced by the open character of the surrounding countryside. I find the significance of this part of the CA largely derives from its open landscape and historic pattern of development which goes on to cover the majority of the CA.
14. While I accept that a development within the CA should not be considered unacceptable in principle, it is essential that great weight is given to an assets conservation as stated at paragraph 193 of the Framework. In this instance, although development exists surrounding it, the appeal site nonetheless contributes towards the open landscape that is an important and fundamental character of the CA. The introduction of built development would suburbanise the site, thereby further eroding the open character of the CA. Moreover, the siting of the dwellings behind existing frontage development would result in a discordant form of development that would be out of keeping with the prevailing character of the area, resulting in additional harm to the CA.
15. While I accept that a cul-de-sac development in itself would not be harmful, the suburbanisation of the site would neither preserve or enhance the CA and the significance that is derived from the open landscape. This harm would be clearly visible from surrounding properties, including those that have recently been constructed along Oak Tree Close. Additionally, from the submitted plans although unit five would be sited effectively behind the telephone exchange, the gap between it and the commercial building allows oblique views of the countryside beyond. Therefore, I am not persuaded that the development would not also affect long views of the fields beyond the appeal site, further harming the character of the CA.
16. Given the size of the CA and as the proposed development would only result in harm to part of the significance of the heritage asset, I find it to be less than substantial. Accordingly, the Framework requires at paragraph 196 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
17. In this case the development would make a contribution to housing provision. However, this would not amount to more than moderate weight as a public benefit.

Nevertheless, given the harm I have identified to the setting of the CA as a designated heritage asset, the benefits do not outweigh the great weight that the Framework requires at paragraph 193 to be given to the conservation of heritage assets. Thus, the proposal would be in conflict with policies HC6 and HC7 of the Local Plan and the Framework which seek, amongst other things, to ensure that developments are sympathetic to the character and appearance of a Conservation Area.

Other Matters

18. I acknowledge that the design of the dwellings is acceptable, following the Essex Design Guide and that suitable materials could be employed. I also note that the Parish Council supported the development and that neighbouring occupiers did not object or make a representation regarding the development. I accept that as a windfall site the development would boost the supply of housing within the District which would support local services and facilities. While these matters are material considerations that weigh in favour of the proposal, I do not consider that either individually or cumulatively they outweigh the harm identified above.
19. The appellant also refers to an appeal decision¹ which allowed a development on Middle Street. Although planning policy has moved on considerably since this decision was made, notwithstanding that the inspector did not find the landscape to be outstanding, it was nonetheless recognised as being pleasantly rural. Moreover, while the inspector did not comment specifically about the effect of the proposal on the CA, the development sought was a double garage and not for two detached dwellings within the Green Belt. Thus, I do not find that this particular decision represents an irresistible precedent to find in favour of a proposal that would cause harm or lead me to alter my findings on the main issues. In any case, I have considered the appeal on its own merits, which is a fundamental principle that underpins the planning system.

Other Considerations

20. Paragraph 144 of the Framework requires decision makers to 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.
21. The appellant puts forward a range of benefits that are considered to amount to very special circumstances to justify the development. However, all of the benefits would not only flow from dwellings in this location, they would apply equally to new dwellings within those areas that are identified as appropriate for development or outside of the Green Belt and thus, are not related to this specific site or proposal. Consequently, I only afford the benefits limited weight and they are not considered to be the very special circumstances required to outweigh the substantial weight given to any harm to the Green Belt.
22. Furthermore, having regard to footnote 6 of the Framework, as the development would result in harm to a designated heritage asset and is located within the Green Belt, and I have found that the policies within the Framework provide a clear reason to dismiss the appeal, even if the Council is unable to demonstrate a five year supply of deliverable housing sites and the policies which are the most important for determining the appeal are out-of-date, the 'tilted balance' would not

¹ T/APP/5215/A/80/04145/08 dated 21 August 1980

be engaged and the presumption in favour of sustainable development anticipated in paragraph 11 of the Framework does not apply.

Green Belt Balance

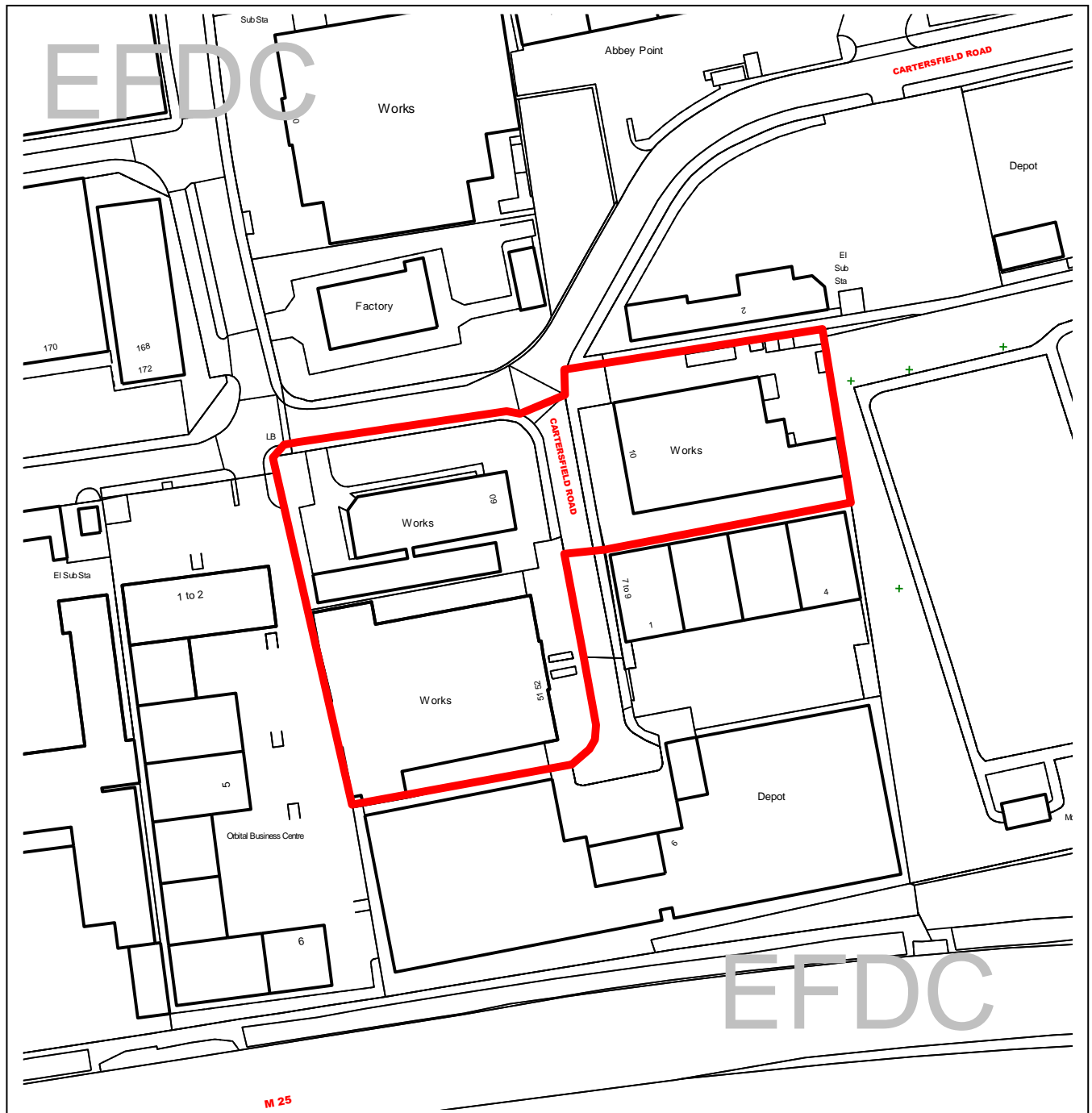
23. In accordance with the Framework, I attach substantial weight to the harm to the Green Belt by reason of inappropriateness and the loss of openness of the Green Belt resulting from the development. Against this, I attach little weight to the appellant's assertion that the benefits of the proposal amount to the very special circumstances required to justify the development.

Conclusion

24. I therefore conclude that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist. I have also found that the development would fail to preserve or enhance the CA. Thus, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR



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Application Number:	EPF/098320
Site Name:	Units 10, 10a, 50, 51, 52 & 60 Cartersfield Road Waltham Abbey EN9 1JD
Scale of Plot:	1:1250

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***Report to District Development
Management Committee***



**Epping Forest
District Council**

Report Reference: EPF/0983/20
Date of meeting: 16 September 2020

Address: Units 10,10a,50,51,52 & 60 Cartersfield Road, Waltham Abbey, EN9 1JD

Subject: Demolish all existing units on site and redevelop with four new commercial warehouse units A/ B/ C/ D.

Responsible Officer: Sukhi Dhadwar (01992 564597)

Committee Secretary: Gary Woodhall (01992 564470)

Recommendation:

Grant permission subject to the following 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:
Design and Access statement - Rev 1
HD19025-1001-Rev2
HD19025-1002-Rev2
HD19025-1003-Rev4
HD19025-1004-Rev3
HD19025-1005-Rev3
HD19025-1010-Rev4
HD19025-2001-Rev2
HD19025-2002-Rev2
HD19025-2003-Rev2
HD19025-2004-Rev2
HD19025-2005-Rev3
HD19025-2006-Rev3
HD19025-2007-Rev3
HD19025-2008-Rev3
HD19025-4000-Rev1
Cartersfield Road SuDS Report, Ref 2728/2020, April 2020 by EAS
Phase I Geo-Environmental Investigation reference LS4719 V.1.0 dated 17 March 2020 by Land Science
Transport Statement April 2020 rev A by EAS
Preliminary Ecological Appraisal Incorporating Bat Survey
Inspection Reference MH1099 Version 1-Dated 11/03/20 by T4 Ecology Ltd

- 3 The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (Cartersfield Road SuDS Report, Ref 2728/2020, April 2020 by EAS) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 4 No development approved by this permission shall be commenced until details of proposed flood risk mitigation works (which shall demonstrate that adequate flood routing will be incorporated within the development to accommodate overland flows arising from both within the site and externally as a result of extreme rainfall conditions) have been submitted and approved by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.
- 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 Prior to the removal of any existing landscape features on the site, details of the retained landscaping (trees/hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.
- 9 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.
- 10 Details of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the residential development. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation and shall thereafter be retained as such for the duration of the permitted use.
- 11 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point per every 10 spaces on industrial, commercial or leisure developments shall be installed and retained thereafter.
- 12 Prior to the first occupation of the development the vehicle parking, including cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 13 The development permitted by this planning permission shall be

carried out in accordance Recommendations made in Preliminary Ecological Appraisal Incorporating Bat Survey Inspection Reference MH1099 Version 1-Dated 11/03/20 by T4 Ecology Ltd.

- 14 The B2 (Industrial) and B8 (Storage and Distribution) use hereby permitted shall not be open to customers / members outside the hours of 7:30 to 22:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and not at any time on Sundays and Bank Holidays.
- 15 No deliveries shall be undertaken at, or despatched from the site outside the hours of 7:30 to 22:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and not at any time on Sundays and Bank Holidays.
- 16 No refuse collection shall be carried out from the site outside the hours of 7:30 to 22:00 on Monday to Friday and 08:00 to 13:00 on Saturday, and not at any time on Sundays and Bank Holidays.
- 17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.

This application is before this Committee since it is a "major" application as defined in Article 10 of the Constitution, and the District Council is an owner of the application site (Pursuant to Article 10 of The Constitution).

Description of Site:

The application site is made of two areas and includes properties addressed as 10,10a, 50, 51, 52 & 60 Cartersfield Road, Waltham Abbey, together they cover an area of 0.57 hectares.

Both areas are located south of Brooker Road, fronting the eastern and western side of Cartersfield Road. They contain a number of steel framed low-rise workshops and store buildings. The buildings were constructed in the middle of the 20th Century. Access to the site is via Cartersfield Road.

The larger site is on the western side of Cartersfield Road and covers an area of 3862 sqm. It includes units 50, 51, and 53 Cartersfield Road within its southern end, parts of which have been fire damaged. It is currently being used as a car repairs

workshop. Unit 60 Cartersfield Road is located in the northern section of this area.

Unit 60 has a maximum height of 5.6m. The highest part of units 50-52 Cartersfield Road is 7.4m and the average height is 5.7m

The smaller site to the east of Cartersfield Road covers an area of 1923 sqm and currently contains units 10 and 10a Cartersfield Road. This building has a maximum height of 6m.

The existing buildings on the site provide a total of 2850 sqm of gross internal floorspace and are currently in a mixture of use classes E (office and gymnasium) (as of 1 September 2020), B2 (industrial) and B8 (storage and distribution).

Description of Proposal:

Permission is sought for the demolition all existing units on site and redevelop with four new commercial warehouse units A/ B/ C/ D. Consisting of use classes B2 - General industry and B8 – (Warehousing, distribution centres and repositories).

Unit A will provide 752 sqm and 14 car parking spaces

Unit B will provide 531 sqm and 11 car parking spaces

Unit C will provide 624 sqm and 13 car parking spaces

Unit D will provide 934 sqm and 19 car parking spaces

This is a total of 2841 sqm and 57 car parking spaces.

Units A, B and C will have a maximum height of 10.8m are proposed to be located on the western side of Cartersfield Road.

Unit D will have a maximum height of 10.2m and is proposed to be located within the eastern side of Cartersfield Road.

Materials include grey steel composite cladding for the roof and walls, aluminium framed double-glazed windows and steel insulated doors. Brindle herringbone block paving for the areas of hardstanding.

Most Relevant History:

	Reference	Description	Decision
10 Cartersfield Road	EPF/2073/05	Change of use to include classes B1, B2 and B8.	Granted
10 Cartersfield Road	EPF/2301/16	Change of use of part of building from B1/B2/B8 to use as D2 (gymnasium)	Granted
60 Cartersfield Road	WHX/0146/60	EXT TO FACTORY	Granted
60 Cartersfield Road	WHX/0132/66	STORAGE AND WORKING SHED FILE A	Granted
60 Cartersfield Road	EPF/1139/85	Office extension.	Granted
60 Cartersfield Road	EPF/0400/92	Extension to store and car parking amendments.	Granted

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 application:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP3	New development
CP4	Energy Conservation
CP7	Urban Form and Quality
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of amenity
E1	Employment Areas
E2	Redevelopment / extension of premises for business and general industrial uses
E3	Warehousing
E4A	Protection of employment sites
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST1	Location of development
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

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.

EPHING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017)
(LPSV)

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 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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her 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:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Some
SP3 - Place Shaping	Significant
E1 - Employment Sites	Significant
T1 - Sustainable Transport Choices	Significant
T2 - Safeguarding of Routes and Facilities	Significant
DM1 - Habitat Protection and Improving Biodiversity	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
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant
P3 - Waltham Abbey	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 23
Responses received:

10 CARTERSFIELD ROAD, 1 THE COBBINS, 80 HONEY LANE, 181 BROOKER ROAD, SOUTHDOWN HOUSE 13A HIGHBRIDGE STREET, 10A CARTERFIELD ROAD, 50 CARTERSFIELD ROAD, 51 CARTERSFIELD ROAD OBJECT:

No communication from the Council about the application. We as tenants should have been informed.

This would also close 6 established local businesses and 30 local jobs. Protect the environment and locals, keep big business out of villages there are industrial estates purposely built for them. Moving to other locations is not viable for some businesses.

Proposal is contrary to the Local Plan's support of small and medium sized businesses. Policy SP2 (i) and (iv).

4 warehouse units would inevitably cause more traffic congestion. This along with traffic from Lidl, would increase pollution, and ingress and egress of heavy vehicles onto Sewardstone Road would further cause queuing traffic and further increase pollution.

Junction not able to cope with existing traffic, proposal will make situation worse.

Insufficient parking provision

Lack of landscaping, more trees and bushes need to be provided

WALTHAM ABBEY TOWN COUNCIL: No objection. It is understood that there are still tenants within these properties.

Main Issues and Considerations:

EFDC estates department comments

The following comments have been received by the Council's Estates department:

Following the significant fire damage and demolition on this site in 2018 and in light of the upcoming expiry of some of the tenancies there is an opportunity for re-development and re-generation of the site.

Given the age of the properties still standing and the requirement to undertake construction work in any event following the fire, EFDC are to re-develop this part of the estate (i.e. Units 10, 50, 51/52 and 60) to bring it up to modern standards in a similar fashion to the properties to the rear (20-30 and 40-49 Cartersfield Road), subject to planning.

This is in line with the adopted Asset Management Strategy under the Corporate Plan, and in accordance with the Local Plan.

If planning is granted, works could commence as early as December 2020 to demolish and clear the site and commence construction of a scheme of modern warehouses for light industrial and business use.

Where existing tenancies expire prior to December 2020, the Council have agreed to enter into a new 6-month lease which is outside the security of tenure provisions of the Landlord & Tenant Act 1954. Tenants have been formally written to by EFDCs solicitors in this regard.

Tenants with occupation rights beyond this period will be governed by the terms contained within their individual leases.

With regards asbestos, we understand some of the properties may contain asbestos due to the age and construction of the buildings, and if planning is granted, ACMs will need to be removed as part of the demolition process.

Local Policy

The site is located within an existing Employment Area under policy E1 of the adopted Local Plan. This policy states that: -

The Council will grant planning permission for the redevelopment or extension of existing premises for business, general industrial and warehouse uses. The redevelopment of existing sites or premises or their change of uses other than business, general industry or warehousing will not be permitted.

Policy E 1 of the SVLP also seeks to protect and enhance existing B Class use employment sites, the employment designation of the site is also protected within the Local Plan Submission Version (LPSV). Under reference WAL.E4 Cartersfield Road/ Brooker Road Industrial Estate.

The application is proposing to replace existing dilapidated buildings with up to date alternatives in order to meet current building control and fire safety legislation. The proposal will improve the usability and attractiveness of units within this part of the Carterfield Industrial Estate and therefore the proposal is an enhancement of this

Employment Area and as such is supported by these policies.

Character and Appearance

The proposal will tidy up and modernise the appearance of the site and reflect the recently built industrial buildings to the north of the site at Abbey Point.

Whilst the proposed buildings will cover a similar footprint to the buildings, they are replacing they will have a significantly greater height (10.2m to the roof level.) This additional height will allow them to be suitable for a range of B2 and B8 uses and is reflective of existing units within the Industrial units within the estate.

It is recommended that further details are submitted and approved by the Council of how existing trees are to be protected during construction and of new soft landscaping (including mature native trees) to be planted on the site prior to any works commencing. It is on this basis that the proposal complies with the requirements CP7, LL10, LL11 DB1 and DBE3 of the Local Plan along with DM 5 and DM 9 of the Submission Version Local Plan.

Highways

The Strategic Development Engineer for the Highways Authority advises in his consultation response that *“the Highways Authority has assessed the submitted information, and is familiar with the site, and is satisfied that the proposal is not contrary to local/national transport policy.”* It is for this reason that he is *“satisfied that there will be no detrimental impact on capacity or efficiency of the highway at this location or the wider highway network.”*

It is on this basis that the proposal complies with the requirements of policy ST4 of the Local Plan. There will be an 8 sqm reduction in floorspace and no change in the existing provision of car parking spaces. It is on this basis that the proposal complies with the requirements of policy ST6 of the Local Plan.

Epping Forest Special Area of Conservation

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV)

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Impact Pathways whereby development within the Epping Forest District is likely to result in significant effects on the EFSAC. The Impact Pathways are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of

parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Impact Pathways identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Impact Pathways to be assessed in relation to the likely significant effects of development on the EFSAC alone and in combination with other plans and projects are:

Recreation activities arising from new residents (recreational pressures); and Atmospheric pollution as a result of increased traffic using roads through the EFSAC (air quality).

As this application is for non-residential development it has been screened in relation to the air quality Impact Pathway only. Since the proposal will result in an overall reduction in floorspace (-8sqm) and no additional parking spaces will be created. The development would therefore not result in a net increase in traffic using roads through the EFSAC. Furthermore, condition can be imposed which requires that all car parking spaces have electric charging points to help encourage the use of alternative energy sources other than fossil fuels.

Consequently, the Council is satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal. It is on this basis that the proposal accords with the requirements of policy NC1 of the Local Plan and DM 22 of the SVLP.

Ecology

Plans indicate that bat boxes are proposed to be located within the east side of unit D.

The Preliminary Ecological Appraisal by T4 Ecology Ltd submitted as part of the application has found no evidence of bats using the existing building for roosting purposes. Furthermore, given the site's location and existing uses on the site there is very little likelihood that it could form part of any potential commuting / foraging network. The assessment carried out also found no evidence of other protected species living on the site, (including Great Crested Newts and badgers).

The proposal will therefore not conflict with policies NC 3 and NC4 of the Local Plan.

In order to improve the biodiversity on the site, the report recommends that 2 integral bird boxes are including within the structure of each new building; new trees along with hedgerow planting as and where appropriate. The assessment also advises on suitable habitat boxes and plant species. These recommendations are supported as they will promote biodiversity within the site in accordance with policy NC 5 of the Local Plan and DM 1 of the SVLP and therefore are recommended to be controlled by condition to ensure that they are delivered.

Impact on the living conditions of neighbouring residential occupiers

The site is located within a wider Abbey Mead Industrial Estate and is bounded on all sides by commercial units. Beyond to the south is the M25. It is for this reason considered that there will be no material impact on neighbouring residential amenity. The proposal therefore complies with the requirements of policies DBE2 and DBE9 of the Local Plan along with DM 9(H) of the SVLP.

Land Drainage

The Land Drainage team are satisfied that the submitted flood risk assessment is acceptable in principle and therefore they recommend that any permission should require that the development is carried in accordance with this document. They also require that details of what procedures will be put in place to mitigate against any future flood risk.

They also recommend that a condition be attached to any permission, requiring details of what procedures will be put in place to mitigate against the harm of an actual flood. It is on this basis that the proposal complies with the requirements of policies U3B of the Local Plan along with DM 15 and DM 16 of the SVLP.

Land Contamination

The Environmental Health Officer has reviewed the Phase I report submitted with the application and is satisfied with its findings. He advises that

Following the site walkover on 2nd March 2020, domestic and commercial fly-tipped waste, heavy machinery, storage containers, scrap metal, scrap cars and a metal reworking factory includes a spray room and the use storage of oils/degreasers were identified. Corrugated roofing was a potential asbestos containing material (ACMs) observed during the site walkover. Asbestos may exist within buildings on site, including for instance in cement boarding. An appropriate survey is recommended to be undertaken to assess the presence of asbestos within the building fabric.

There are recommendations in the report that are agreed with in full. A Phase 2 investigation should be completed in accordance with current best practice to determine more accurately the effect of the identified hazards on the development.

The scope of ground investigation works should be agreed with the council Contaminated Land Officer prior to commencement to prevent any need for additional sampling. Due to the requirements for further site investigations, I recommend that land contamination conditions be attached to any approval.

It is on this basis that the proposal complies with the requirements of policy RP4 of the Local Plan and DM 21 of the SVLP.

Other matters

The existence of current tenancy agreements and the identity of current or future occupiers are not matters that are within the remit of planning controls, and therefore do not in this instance constitute material planning considerations relevant to the determination of the application.

Conclusion:

The proposal will protect and enhance the use of the site to meet the employment needs of the District; the development of this proposal will remediate and tidy up the site, making it safe for all users of the site; its appearance is reflective of the area within it is situated; there will be no excessive adverse harm to neighbouring residential amenity or highway safety. The proposal therefore complies with national

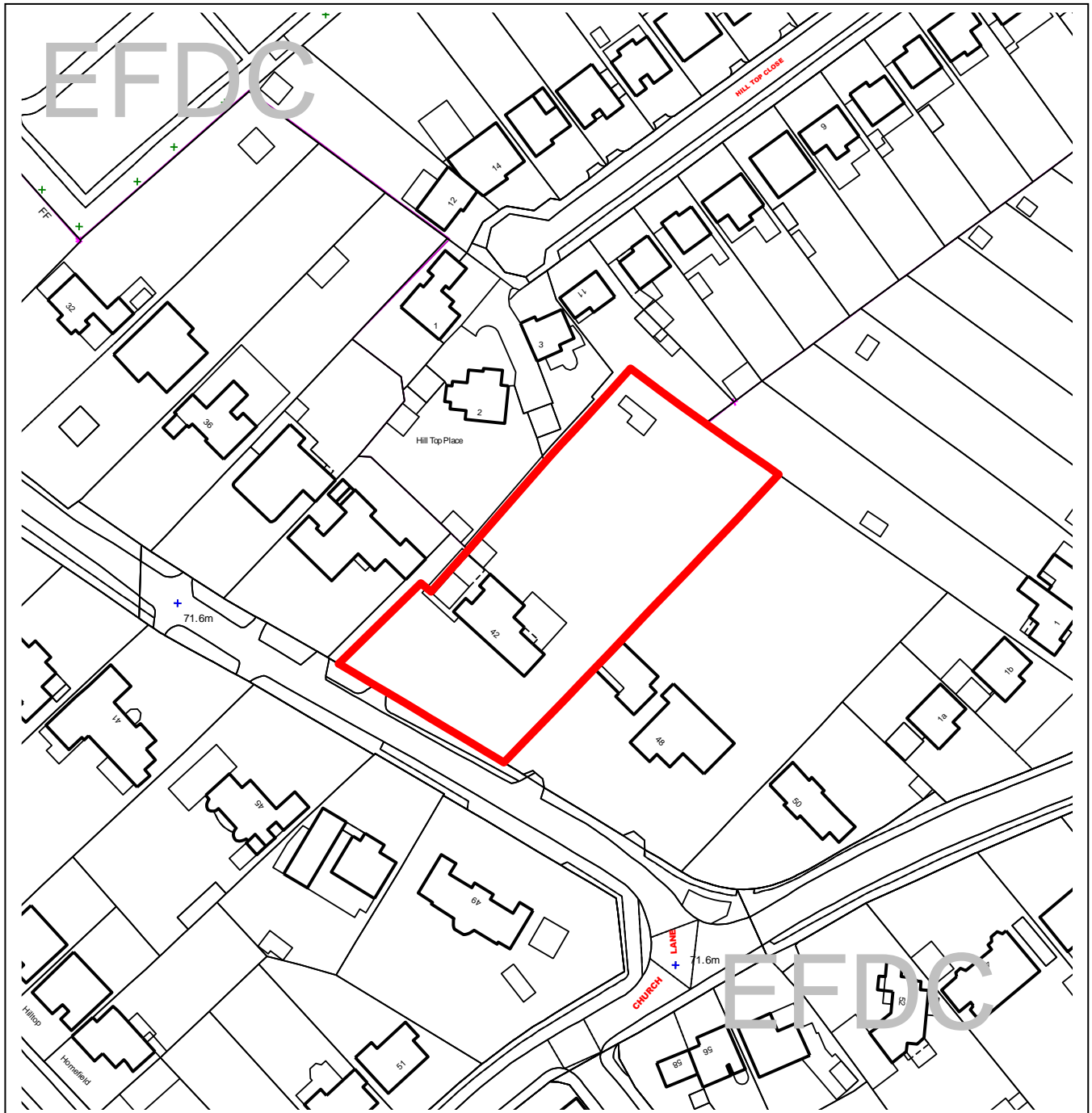
and local policy and as a result is recommended for approval subject to conditions.

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

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

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Application Number:	EPF/1287/20
Site Name:	Briar House 42 Church Lane Loughton IG10 1PD
Scale of Plot:	1:1250

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***Report to District Development
Management Committee***



**Epping Forest
District Council**

Report Reference: EPF/1287/20

Date of meeting: 16 September 2020

Address: Briar House, 42 Church Lane, Loughton, IG10 1PD

Subject: Proposed 3 bay oak framed car port

Responsible Officer: Brendan Mead (01992 564078)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

That planning permission be granted for this application subject to the following 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: A1.1, B1.1**

This application is before this Committee since it has been submitted on behalf of Councillor Kauffman (Pursuant to The Constitution, Part Two, Article 10 (f))

Site and Surroundings

The application site contains a large two storey detached house with an integral garage and rear outbuildings. Church Lane comprises of large dwelling houses set back from the main road with large front gardens. Briar House is located on the eastern side of Church Lane where it occupies an extensive, well landscaped plot in verdant surroundings. There are established roadside hedges and the site is well screened by trees and vegetation along the common boundaries with 40 and 48 Church Lane. It is not in a conservation area nor is it listed.

Proposal

The proposal is for a three-bay car port with a half-hipped roof. It would measure approx. 5.6m in width, 9.1m in length with an overall height of some 4.9m. It would be constructed of an oak frame with brick infill; the roof will be of clay tiles and the garage doors of timber. It will be sited 5.5m forward of the main dwelling house, set in approx. 3.3m from the common boundary with 40 Church Lane and 4.9m from the front boundary abutting Church Lane. The proposal also seeks to extend the driveway eastwards by 1.7m to allow for a 6m manoeuvring space.

Relevant Planning History

EPF/0581/06 - Demolition of garage and outbuilding and construction of two storey side extension to include garage, rebuild rear extension, loft conversion with rear dormer windows and roof and elevational changes – GRANTED

EPF/3142/15 - Detached single storey garage to the side of the house, but behind the building line - GRANTED

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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:

CP2	Protecting the Quality of the Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

National Planning Policy Framework 2019 (Framework)

The Framework 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:

Paragraphs 124 & 127

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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:

- 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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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
DM10 Housing Design and Quality	Significant

Summary of Representations

Site notice posted: Not required

Number of neighbours consulted: Nine neighbours consulted; one representation received

48 Church Lane – objection – summarised as;

- Proposal is too large and of a considerable mass;
- Overdevelopment of the site;
- Lack of information on how trees will be impacted on the boundary of no.40 Church Lane; and
- Not In keeping with the streetscene.

Loughton Town Council – No objection

Planning Considerations

The main issues for consideration in this case are:

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

Character and appearance

The proposal is of a suitable design which does not compromise the verdant surroundings the property currently enjoys. The car port will be sited to the west of the driveway partially screened by mature trees and vegetation. Although the proposal will be visible from the streetscene, it is considered that the 4.9m distance between Church Lane and the proposal, and its partial concealment by a natural boundary ensures that the car port does not appear as an incongruous addition to the streetscene or one that is harmful to the character and appearance of the wider area or setting of the host property.

There are several outbuildings on the site including a garage to the west of the main dwelling house, however the application site is set in large grounds which allows for the inclusion of a three-bay car port without constituting over development.

Therefore, this complies with policies CP2, CP7 & DBE10 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017)* and the NPPF.

Living conditions of neighbours

The proposal is sited approx. 3.3m from the boundary of 40 Church Lane. The boundary is formed by high mature trees and vegetation which screens the proposal from 40 Church Lane and this ensures that the proposal would not significantly harm the living conditions of the occupiers of this property or any other.

Therefore, this complies with policies DBE2 & DBE9 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 (H) from the *Epping Forest District Local Plan Submission Version (LPSV) (2017)* and paragraph 127 (f) of the Framework 2019.

Conclusion

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

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: Brendan Meade
Direct Line Telephone Number: 01992 56 4078

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



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Application Number:	EPF/1550/20
Site Name:	23 Tomswood Road Chigwell IG7 5QP
Scale of Plot:	1:1250

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***Report to District Development
Management Committee***



**Epping Forest
District Council**

Report Reference: EPF/1550/20

Date of meeting: 16 September 2020

Address: 23 Tomswood Road, Chigwell, IG7 5QP

Subject: Proposed single storey rear extension and terrace

Responsible Officer: Muhammad Rahman (01992 564415)

Committee Secretary: Gary Woodhall (01992 564470)

Recommendation:

This application is recommended to grant permission with the following conditions;

1. The development hereby permitted must be begun no 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: 001, 100 Rev A, 101 Rev A, 102 Rev A, 110 Rev A, 111 Rev A, 200 Rev A, 201, 202, 210 and 211.
3. No storage of building materials, mixing of cement or any other activity related to this proposal shall be undertaken within 15 metres of the stems of the three oak trees within the rear garden unless agreed otherwise with the Local Planning Authority.
4. 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 because it a planning application submitted by a Council Member of the Authority (Pursuant to Article 10 of the Constitution).

Site and Surroundings

The site comprises of a detached dwelling, within a built-up area of Chigwell. It is not listed nor in a conservation area. Preserved trees lie to the rear of the site. Permitted development rights have not been removed.

Proposal

The proposal is for a single storey rear extension and terrace.

Relevant Planning History

EPF/1321/12 - Demolish existing bungalow and erection of a two-storey dwelling with loft, and erection of front boundary wall and gates. (Amended application to EPF/1901/11 to

include two dormer windows to the front elevation) - Approved

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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:

CP2	Protecting the Quality of the Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Residential Extensions

National Planning Policy Framework 2019 (Framework)

The Framework 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:

Paragraph 124, 127

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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:

- 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).

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 indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

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
DM10 Housing Design and Quality	Significant

Summary of Representations

Number of neighbours Consulted: 5 - 2 responses received
Site notice posted: No, not required

25 TOMSWOOD ROAD – Support - My application to demolish my house and build a two-storey house has been approved and we have already served and signed off the party wall agreement to commence works in October 2020. My new plans on the ground floor exceed the neighbours existing extension boundary line and the above proposals will have no impact to my home. I strongly support this application.

102 LAMBOURNE ROAD – Objection – Summarised as:

- Loss of outlook; and
- Overshadowing.

CHIGWELL PARISH COUNCIL – No objection - The committee did declare a personal and non-prejudicial interest on the grounds that the applicant whilst not a member of the committee is a Member of the Parish Council.

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 to the living conditions of neighbours; and
- c) Trees.

Character and Appearance

The proposed works are of a size, scale and design that complement the appearance of the existing building and given the scale of development approved and built within the wider area along with the plot size of the host site, it would not appear as an overdevelopment of the site, nor out of character. Works are located to the rear, so they are not visible from the street or public areas.

Accordingly, the proposal is considered to comply with policies CP2 and DBE10 of the LP, policies DM9 & DM10 of the LPSV and paragraphs 124 & 127 of the Framework.

Living Conditions

Due to the limited size and scale of the proposed works abutting No. 21, there would be no material impact on living conditions, in terms of overbearing and visual impact that justifies a reason for refusal.

With regards to the impact on No. 25, permission has recently been granted on appeal for a replacement dwelling (EPF/2806/18), larger in size and scale to that of the host house. The occupiers of No. 25 have confirmed they will be commencing works in October 2020. Notwithstanding this, the proposed rear extension will project approx. 5 metres from the rear extension of the existing bungalow at No. 25 and given its limited size and scale there would be no material impact in terms of overbearing and visual impact to their amenities that warrants a reason for refusal.

Accordingly, the proposal is considered to comply with policies CP7 & DBE9 of the LP, policies DM9 (H) of the LPSV and paragraph 127 (f) of the Framework.

Trees

The Council's Tree Officer has given her comments below;

The oaks on / adjacent to the rear boundary of this property are protected by a Tree Preservation Order. Drawings have now been submitted that show the presence of the trees in relation to the whole site. Given the distance between the trees and the development area, it has been adequately demonstrated that the proposal could be implemented without a detrimental impact on these important trees.

Accordingly, the proposal is considered to comply with policy LL10 of the LP, policies DM3 & DM5 of the LPSV and paragraph 175 of the Framework.

Conclusion

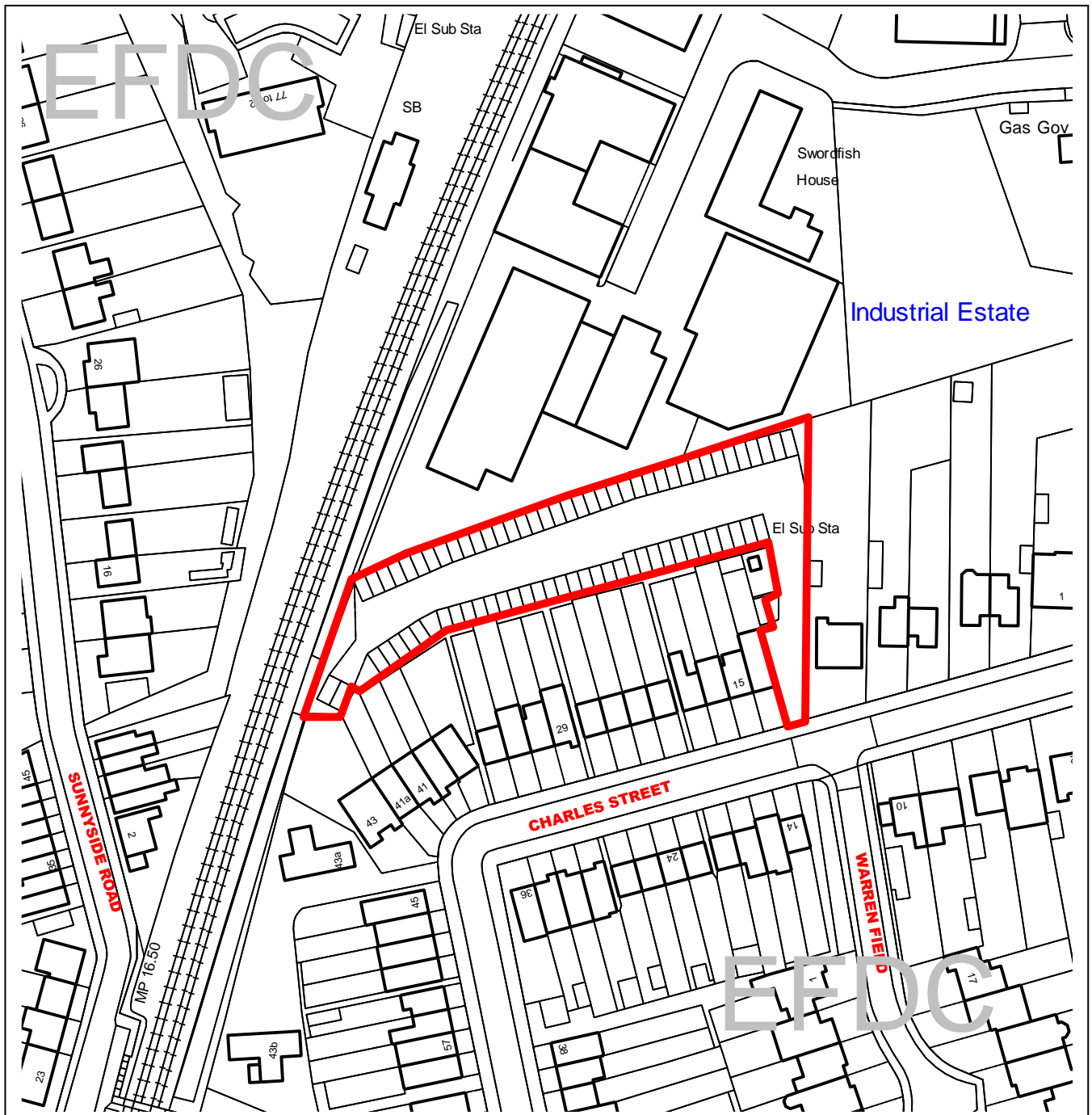
For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

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

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

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

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Application Number:	EPF/3426/18
Site Name:	Garages to the rear of nos 13-43 Charles Street Epping Essex CM16 7AU
Scale of Plot:	1:1250

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Report to District Development Management Committee



**Epping Forest
District Council**

Report reference: *EPF/3426/18*
Date of Meeting: *16 September 2020*

Address: Garages to the rear of 13-43 Charles Street, Epping, Essex, CM16 7AU

Subject: Release of planning permission previously agreed by Committee, following recommendations to GRANT permission subject to conditions and contributions or mitigation measures relating to air quality within the Epping Forest Special Area of Conservation (EFSAC).

Responsible Officer: Andrew Marx (01992 564000)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

It is recommended that the Committee Members note the content of the report, and:

- Agree to the granting of planning permission for the development on the site as mentioned in the report, without the requirement to enter into a Legal Agreement to secure a financial contribution or other mitigation measures relating to the air quality within the Epping Forest Special Area of Conservation; and
- Agree to the granting of planning permission for the development on the site mentioned in the report, subject to the conditions previously agreed by Committee.

Report:

Background to Epping Forest Special Area of Conservation and impact on the issuing of planning permissions

The Council has legal obligations under the Conservation of Habitats and Species Regulations 2017 (As Amended) ("the Habitats Regulations"), specifically, its duties as the 'competent authority' under Regulation 63 concerning the assessment of the implications of plans and projects for the Epping Forest Special Area of Conservation ("EFSAC").

As local planning authority, before deciding to grant planning permission for a project involving development likely to have a significant effect on the EFSAC (either alone or in combination with other plans or projects), the Council must make an Appropriate

Assessment of the implications of the development for the EFSAC in view of its conservation objectives as a European site. For the purposes of that Appropriate Assessment, the Council must consult Natural England, as the appropriate nature conservation body, and have regard to any representations made by Natural England about the project within such reasonable time as the Council specifies.

Applying the precautionary principle and taking account of the conclusions of the Appropriate Assessment, the Council may grant planning permission for the proposed development only after having ascertained that it will not adversely affect the integrity of the EFSAC. When considering whether a proposal will adversely affect the integrity of the EFSAC, the Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which permission may be granted.

In respect of development management decision-making in the District, Natural England's current advice is that applications proposing new development anywhere within the District which involving an increase in vehicle movements on roads within 200m of the EFSAC are likely, in combination with other plans or projects, to have a significant effect on the EFSAC. As such, before granting planning permission, the Council must undertake an Appropriate Assessment of the project in accordance with its legal obligations under Regulation 63 of the Habitats Regulations.

Natural England has strongly advised that any identified in combination impact on the EFSAC is best dealt with by a plan-led strategic solution, as the level of assessment required is considered overly onerous to be dealt with on a case-by-case basis and the most effective forms of mitigation are unlikely to be deliverable by individual applicants.

Consequently, in the absence of mitigation and/avoidance measures agreed with Natural England, currently, the Council cannot lawfully grant planning permission for new development that would result in a net increase in vehicle movements. which has resulted in planning applications being held in abeyance pending the identification of an acceptable air quality mitigation strategy to manage the adverse effects of atmospheric pollution arising from additional vehicles using roads in the vicinity of the EFSAC.

Taking account of the Inspector's recent advice, the Council has been working hard to identify whether an interim approach can be identified to address the backlog of planning applications pending completion of the additional HRA.

The Council has undertaken a comprehensive review of all the applications held in abeyance and, following a detailed consideration of the development proposed in each application, the Council has concluded that some of the proposals can be screened out as having no likely significant effect on the EFSAC. Decisions relating to a number of developments, subject to decisions under Delegated Authority, were issued during December 2019 and January 2020.

The applications mentioned below were subject to past decisions to grant permission by the District Development Management Committee or one of the Area Planning Sub-Committees, but subject to legal agreements requiring financial contributions and/or mitigation measures relating to the air quality of the EFSAC. These applications are therefore being presented to this Committee to NOTE the result of the further assessment undertaken, resulting in a conclusion that the proposals can be screened out as having no likely significant effect on the EFSAC and AGREE to the removal of the requirement to enter into a legal agreement relating to

contributions or mitigation measures relating to air quality within the EFSAC.

It is pointed out to Members that the planning merits of the applications are not being reconsidered, but Members are in effect being asked to agree to the removal of the previously agreed requirement for air quality mitigation contributions for these projects.

Application site and relevant Committee dates

As part of the comprehensive review of planning applications being held in abeyance, the following application with recommendation to GRANT planning permission and agreed by a Committee was identified:

- EPF/3426/18 (Garages to the rear of nos 13-43 Charles Street, Epping, Essex, CM16 7AU): Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores (Area Planning Sub-Committee East 12/06/2019) Minutes for item from page 16 [Link to Minutes](#);

Results of further Assessment

- (i) EPF/3426/18 (Garages to the rear of nos 13-43 Charles Street, Epping, Essex, CM16 7AU):

Demolition of the existing garage buildings and the erection of 9 x 2 bedroom mews houses, with associated landscaping, parking, bike and refuse stores:

- In this proposal the TRICS data provides information based on people trips rather than vehicle trips. Based on the TRICS information the application scheme would generate 3 people trips per day per dwelling. This means that the application scheme would provide a total of 27 people trips. Of the 3 people trips per day, 2.5 of these people trips would occur between the hours of 7:00 am – 10:00 am and 4:00 pm – 7:00pm. These time periods are reasonable to count as travel to work hours. This results in 22.5 two-way people trips (2.5 people trips x 9 dwellings). The modal share that the applicant uses has been derived from the Census 2011 data. This identifies that 46% of travel to work trips are made by car and that all other travel to work trips are by sustainable transport means (e.g. walking, cycling, public transport). The census information has been checked and this figure is considered acceptable. When the 46% modal share for car trips is applied this would equate to 10.35 vehicle trips (i.e. 46% of the 22.5 two-way people trips would be by car). Recognising that there is not modal split data for the people trips outside of the hours set out above then, taking a precautionary approach to assessing the remaining trips, those trips have been assessed as being by vehicles only (i.e. not walking, cycling or public transport). Taking this approach the scheme would generate 4.5 non-travel to work vehicle trips (i.e. 0.5 trips x 9). This would therefore give a total of 14.85 two-way vehicle trips per day for the proposed development, compared to the 16 two-way vehicle movements that occur within the comparable time period for the existing use. Conclusion is, based on the above the proposal would not result in a net increase in AADT and therefore can be screened out as having no Likely Significant Effect on the EFSAC in relation to the air pollution impact pathway.

Conclusion

Members are asked to note the content of the report, and to agree to the release of the planning permission mentioned, subject to planning conditions as agreed, but NOT subject to legal agreements relating to air quality mitigation only.