

committee agenda



**Epping Forest
District Council**

***District Development Management Committee
Wednesday, 11th November, 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, 11th November, 2020**
at **7.00 pm** .

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

G. 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 virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking. The Chairman 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 such third parties).

Please could I also remind Members of the Public who have registered to speak that they will be admitted to the meeting at the appropriate time.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.”

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 - 20)

To confirm the minutes of the meeting of the Committee held on 16 September 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/1289/20 - 37 FAIRLANDS AVENUE, BUCKHURST HILL (Pages 21 - 28)

(Service Manager – Development Management) To consider the attached report for a proposed two storey side extension and loft conversion with remodelling of the garage.

9. PLANNING APPLICATION EPF/2378/20 - 2 PRINCES ROAD, BUCKHURST HILL (Pages 29 - 44)

(Service Manager – Development Management) To consider the attached report for the proposed replacement of a single dwelling with a new building consisting of x 2 no. commercial units and x 6 no. fully accessible apartments.

10. 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.

11. 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.

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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'

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Management Committee **Date:** 16 September 2020

Place: Virtual Meeting on Zoom **Time:** 7.00 - 8.55 pm

Members Present: S Jones (Chairman), R Bassett (Vice-Chairman), H Brady, 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: N Avey

Apologies: B Rolfe and J Lea

Officers Present: S Dhadwar (Senior Planning Officer), S Kits (Social Media and Customer Services Officer), A Marx (Development Manager Service Manager (Planning)), V Messenger (Democratic Services Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)

20. WEBCASTING INTRODUCTION

The Chairman reminded everyone present that this 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.

21. ELECTION OF VICE-CHAIRMAN

As Cllr B Rolfe had given his apologies for the meeting, the Chairman requested a nomination to the role of Vice-Chairman for the duration of the meeting.

RESOLVED:

(1) That Cllr R Bassett be elected Vice-Chairman of the Committee for the duration of the meeting.

22. 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 for 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.

23. SUBSTITUTE MEMBERS

The Committee was advised that the following substitute members had been appointed for the meeting:

(i) Councillor R Bassett for Councillor J Lea.

24. DECLARATIONS OF INTEREST

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

(a) Cllr H Kane declared a personal interest in item 10 (Planning Application EPF/0983/20 – Units 10, 10A, 50, 51, 52 & 60, Cartersfield Road, Waltham Abbey) of the agenda for the meeting, by virtue of being the ward Member. The Councillor had determined that her interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon.

(b) Cllr S Heap declared a personal interest in item 11 (Planning Application EPF/1287/20 – Briar House, 42 Church Lane, Loughton) of the agenda for the meeting, by virtue of being acquainted with the Applicant. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon.

(c) Cllr H Kauffman declared a personal interest in item 11 (Planning Application EPF/1287/20 – Briar House, 42 Church Lane, Loughton) of the agenda for the meeting, by virtue of being the Applicant. The Councillor had determined that his interest was pecuniary and would leave the meeting for the consideration of the application and voting thereon.

(d) Cllr C C Pond declared a personal interest in item 11 (Planning Application EPF/1287/20 – Briar House, 42 Church Lane, Loughton) of the agenda for the meeting, by virtue of being acquainted with the Applicant. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for the consideration of the application and voting thereon.

25. MINUTES**RESOLVED:**

(1) That the minutes of the meeting of the Committee held on 6 July 2020 be taken as read and signed by the Chairman as a correct record; and

(2) That the minutes of the meeting of the Committee held on 22 July 2020 be taken as read and signed by the Chairman as a correct record.

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

The Service Manager for Development Management reminded the Committee that a briefing note had been prepared to ensure that 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.

27. PLANNING APPLICATION EPF/0858/20 - AVER HOUSE, NURSEY ROAD, NAZEING EN9 2JE

The Service Manager for Development Management – A Marx – presented a report for the demolition of a commercial building and replacement with a single dwelling at Aver House in Nursery Road, Nazeing. This application had previously been considered at Area Planning Sub-Committee West with a recommendation to refuse, but the Sub-Committee had voted to grant the application as being acceptable within a Green Belt location. However, as this had contravened the Council's agreed planning policy, this application was referred to this Committee for a final decision.

A Marx stated that the application site was approximately rectangular in shape with a single storey commercial building, and fronted onto Nursery Road. Adjacent to the site was a development constructing four detached properties. The site itself was within the Metropolitan Green Belt and flood zone 2. The application sought permission to demolish the existing storage building and replace it with a two-storey property of exactly the same design as the properties being developed on the neighbouring plot. A similar planning application on this site had been refused as inappropriate development within the Green Belt and for its potential impact on the Epping Forest Special Area for Conservation, and the original Officer recommendation for this application had been to refuse it for similar reasons.

The Committee noted the summary of representations received for this planning application, whereby the Parish Council had no objection and no responses had been received from neighbouring properties. The Committee heard from the Applicant before proceeding to debate the application.

Cllr R Bassett informed the Committee that he had originally called this application to Committee for a decision. The Councillor stated that the site was effectively entirely hard standing as the foundations from the buildings previously demolished from the site were still in situ. There had been no objections from neighbours, the Parish Council or the Lee Valley Regional Park Authority, and the proposal if granted would improve the appearance of the site. Cllr S Heap agreed that there was a natural barrier which would prevent further development on the site if approved and he would support the application.

However, Cllr C C Pond agreed with the original Officer recommendation to refuse permission and would vote against the proposal. Cllr J Philip acknowledged the views of Cllr R Bassett but felt that – from a planning point of view – it was irrelevant that there used to be further buildings on the site as land within the Metropolitan Green Belt should be protected. Cllr J M Whitehouse agreed that the size of the proposed development would impact the openness of the Green Belt.

A motion to grant planning permission for the application as recommended by Area Planning Sub-Committee West was proposed and seconded, but this was lost when put to the vote. A motion to refuse planning permission as per the original recommendation by Planning Officers was proposed and seconded. A Marx suggested the potential impact of the development on the Epping Forest Special Area for Conservation should be removed as a reason for refusal.

Decision:

- (1) That permission for planning application EPF/0858/20 at Aver House in Nursery Road, Nazeing be refused for the following reason:

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.

Way Forward

None proposed.

28. PLANNING APPLICATION EPF/0897/20 - LAND AT BENTONS FARM, MIDDLE STREET, NAZEING EN9 2LN

The Senior Planning Officer – S Dhadwar – presented a report for the development of a two-storey, four-bedroomed detached dwelling on land at Bentons Farm in Middle Street, Nazeing. This application had originally been considered by the Area Planning Sub-Committee West with an Officer recommendation to refuse permission with three reasons concerning inappropriate development in the Metropolitan Green Belt, the introduction of an inappropriate pattern of development, and the potential impact of the proposal on the Epping Forest Special Area for Conservation (SAC). The Sub-Committee voted to grant planning permission, but as this was a significant departure from the Council's agreed planning policy, the application was before this Committee for a final decision.

S Dhadwar informed the Committee that the site – situated on the north side of Middle Street within Nazeing – was approximately rectangular in shape and was covered in vegetation. To the north of the site were open fields, to the east commercial buildings, and to the south was a telephone exchange and workshop. The site was located within the Metropolitan Green Belt as well as the South Roydon Conservation Area. It was proposed to construct a double garage alongside the dwelling and the existing access at Oak Tree Close was proposed to be used. An appeal to develop four dwellings on this site had been dismissed by the Planning Inspector in 2019 on the grounds of inappropriate development in the Green Belt and an adverse impact on the character and appearance of the Conservation Area.

Originally, Planning Officers had concluded that the proposal constituted inappropriate development in the Green Belt, could not be considered as limited infilling, and there were no very special circumstances to outweigh the harm from this development. It would also cause undue harm to the character and appearance of the Conservation Area, and insufficient information had been provided to demonstrate that the development would not have an adverse impact on the Epping Forest SAC. However, the Sub-Committee had voted against the recommendation and a motion to grant planning permission had been carried subject to the imposition of standard planning conditions for such a development as well as a condition for a landscaping scheme to be approved prior to the implementation of the permission.

The Committee noted the summary of representations received for this application, including no objections from one neighbouring property, support from another neighbouring property and support from the Parish Council. The Committee heard from the Parish Council and the local Ward Member before proceeding to debate the application.

The Committee acknowledged the points made by the local Ward Member, namely that the proposal had local support, should be considered as limited in-filling and the site was well shielded by trees. However, the application had to be determined on the basis of planning policy and the locations did not constitute limited in-filling within the setting of the village. Cllr D Dorrell felt that the reduction in the number of proposed dwellings did not satisfy the verdict of the Planning Inspector at the previous appeal for this site, whilst Cllr C C Pond commented that the national policy on the Green Belt was correct and he would not support this application. Cllr J Philip felt that the proposed new dwelling would be visible from local footpaths in the area and would cause harm to the appearance of the Green Belt. The Councillor supported the Planning Inspector's appeal decision and supported the original recommendation of Planning Officers.

Cllr J Philip proposed a motion to refuse permission for this application for the reasons originally given to the Sub-Committee, and this was seconded by Cllr C C Pond.

Decision:

(1) That permission for planning application EPF/0897/20 on land at Bentons Farm in Middle Street, Nazeing be refused 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.

Way Forward

None proposed.

29. PLANNING APPLICATION EPF/0983/20 - UNITS 10, 10A, 50, 51, 52 & 60 CARTERSFIELD ROAD, WALTHAM ABBEY EN9 1JD

The Senior Planning Officer – S Dhadwar – introduced a report seeking permission to demolish all of the existing units on the site and build four new commercial warehouse units. This application was before the Committee as it was considered a ‘major’ application as defined in Article 10 of the Constitution, and the District Council was an owner of the site.

S Dhadwar informed the Committee that the site consisted of two areas located south of Brooker Road in Waltham Abbey, and contained a number of steel framed low-rise workshops and store buildings. The application proposed to demolish all of the units currently on the site and replace them with four new commercial warehouses – three of which would have a height of 10.8m and the fourth would have a height of 10.2m. These warehouses would be for general industrial use as well as warehousing, distribution and repositories. A total of 57 parking spaces would also be provided as part of the development.

S Dhadwar stated that Planning Officers had concluded the proposal would protect and enhance the use of the site to meet the employment needs of the District, as well as remediate and improve the site to make it safe for all users. Its appearance would be reflective of the area in which it was situated and there would be no excessive adverse harm to neighbouring residential amenity or highway safety. The proposal complied with national and local planning policy, and was therefore recommended for approval subject to conditions.

The Committee noted the summary of representations received in respect of this application, including no objection from the Town Council, and eight letters of objection from the tenants of the current units on the site who felt that the Council should have informed them of this application. There were no public speakers registered for this application so the Committee proceeded to debate the application.

As the ward Councillor, Cllr H Kane enquired whether the current tenants were notified of this meeting so that they were able to participate. S Dhadwar stated that all of the objectors to the application had been notified of the meeting, but objectors who had not made a representation could not be notified. The Council had met its obligations from a planning point of view. Cllr S Heap added that if the tenants had not been aware of this planning application then he wanted assurances that the current tenants would not be treated unfairly. The Service Manager for Development Management – A Marx – reminded the Committee that tenancy issues were not a material planning consideration and it was the responsibility of the Applicant to inform the existing tenants. Cllr S Heap responded that the tenants should have been informed as a matter of course and it would be a regressive step if the tenants ended up with new terms which were unfavourable.

Cllr J Philip reminded the Committee that planning permissions had a duration of a number of years before they expired, which would give time to deal with any tenancy issues arising from the application. The Councillor felt that the application would improve the area and there were no planning reasons to refuse it.

Cllr C C Pond opined that the provision of 57 parking spaces was perhaps too many when the Council was trying to combat air pollution, and enquired whether the Council could insist on a substantial proportion of the parking bays being reserved for electric vehicles only? Cllr S Heap commented that it was better to retain some flexibility as there was no guarantee that a substantial proportion of visiting vehicles

would be electric, and A Marx also added that the area was currently very heavily parked with vehicles so any proposal to improve the situation would be beneficial.

Cllr D Dorrell highlighted the point made by the Objectors concerning the road junction with Sewardstone Road. The Councillor acknowledged that this was not a planning reason to justify refusal of the application, but as the Council was the Applicant then it should approach the County Council with a view to converting the existing junction into a box junction.

Decision:

(1) That permission for planning application EPF/0983/20 concerning the industrial units 10, 10a, 50, 51, 52, & 60 in Cartersfield Road, Waltham Abbey be granted, subject to the following planning 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.

30. PLANNING APPLICATION - EPF/1287/20 - BRIAR HOUSE, 42 CHURCH LANE, LOUGHTON IG10 1PD

The Service Manager for Development Management – A Marx – presented a report for the construction of a three bay oak framed car port at Briar House, 42 Church Lane in Loughton. The application was before the Committee as it had been submitted by a serving District Councillor.

A Marx informed the Committee that the site contained a large two-storey detached house with an integral garage and rear outbuildings. The proposed car port would measure 9.1m in length and 5.6m in width, and the half-hipped roof would have a height of 4.9m. It would be constructed with an oak frame and brick infill, and timber garage doors; the roof would be constructed of clay tiles. It would be set 5.5m forward of the main dwelling house and the proposal also sought to extend the current driveway eastwards by 1.7m to allow for a 6m manoeuvring space. The site was not in a conservation area, and nor was it listed either. It was proposed that an extra condition should be added for the Applicant to provide a plan for preserving the protected trees on site during construction.

After having considered the impact of the proposal on the character and appearance of the locality, and the living conditions of neighbouring properties, Planning Officers had concluded that the planning application should be recommended for approval.

The Committee noted the summary of representations received in respect of this planning application, which included no objection received from Loughton Town Council, and one letter of objection from a neighbouring property, before proceeding to debate the application.

The Committee supported the suggested extra condition to preserve the protected trees on site during the construction of the car port, but did not feel the need to add a further condition to install solar panels on the roof as well as electric car charging ports.

Decision:

- (1) That permission for planning application EPF/1287/20 at Briar House, 42 Church Lane 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: A1.1, B1.1.

3...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.

31. PLANNING APPLICATION EPF/1550/20 - 23 TOMSWOOD ROAD, CHIGWELL IG7 5QP

The Service Manager for Development Management – A Marx – presented a report for a single storey rear extension and terrace at 23 Tomswood Road in Chigwell.

A Marx informed the Committee that the site consisted of a detached dwelling, within the urban area of Chigwell. The building was not listed and the site did not lie within a conservation area, although there were preserved trees to the rear of the site. The application was before the Committee as it had been submitted by a serving District Councillor. The application sought permission to add a single storey rear extension and terrace to the existing building.

A Marx stated that the principal planning issues for consideration had been the impact of the proposal on the character and appearance of the locality, the living conditions of the neighbours, and the preserved trees on the site. Planning Officers, having considered these matters, concluded that the application should be recommended for approval.

The Committee noted the summary of representations received in relation to this application, which included no objection from Chigwell Parish Council, one letter of support and one letter of objection from neighbouring properties. The Committee heard from the Applicant's Agent before proceeding to consider the application.

Decision:

(1) That permission for planning application EPF/1550/20 at 23 Tomswood Road in Chigwell be granted, subject to 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.

32. PLANNING APPLICATION EPF/3426/18 - GARAGES TO THE REAR OF 13 - 43 CHARLES STREET, EPPING CM16 7AU

The Service Manager for Development Management – A Marx – presented a report for the release of planning permission previously agreed to develop the garages to the rear of 13 – 43 Charles Street in Epping, following the receipt of mitigation measures relating to air quality within the Epping Forest Special Area of Conservation (SAC).

A Marx reminded the Committee that this application had requested permission to demolish the existing garage buildings and construct nine two-bedroomed mews houses with associated landscaping, parking, bicycle and refuse stores. This application was granted in June 2019 by Area Planning Sub-Committee East subject to planning conditions and the requirement to enter into a legal agreement to secure a financial contribution or other mitigation measures relating to the air quality within the SAC. Further traffic assessments had been submitted for this particular application which had concluded that the new use by the application would result in a reduction in the number of vehicle movements compared to the current use of the site, and therefore would have no likely significant effect on the Epping Forest SAC. Thus, the Committee was requested to release the planning permission but remove the previous requirement to enter into a legal agreement relating to mitigation measures for the air quality within the SAC.

Cllr J M Whitehouse felt that the Council had to be cautious over data presented regarding traffic movements as one survey had different figures to another, and the Council should not rely on surveys which were subject to a wide margin of error. In addition, the more serious concern was the possible accumulative effect on the SAC from multiple planning applications being granted permission. A Marx reassured the Councillor that the possible accumulative effect mentioned was taken in account by Officers, and acknowledged the point concerning the accuracy of the data used for such surveys but this was an accepted methodology that was used for all planning applications. Cllr J M Whitehouse countered that the Council needed to be aware that methodologies had flaws.

Cllr C C Pond agreed with the views expressed and also enquired how far the site was from the SAC. A Marx stated that the distance from the SAC of the site was not relevant to the assessment as the model assumed that a percentage of vehicles from all across the District would travel through the Forest. Cllr J Philip added that the model also took account of the potential full utilisation of the site and not just the proposed use, as the Council had to satisfy the scientific approach adopted by Natural England. The Councillor felt that the assessment had demonstrated that no additional trips through the Forest would be generated to the satisfaction of Natural England, and would support the proposal to release the planning permission.

Cllr S Heap observed that the impact on the SAC would not just be generated by traffic movements through the Forest, but also from stationery traffic at various junctions throughout the District. Cllr J Philip reminded the Committee that planning permission had already been granted and it was the issue of the effect on the SAC from the application which prevented the release of that permission. The key

calculation in the methodology was the number of traffic movements through the Forest, i.e. travelling from one side of the Forest to the other; not stationary traffic within or around the Forest.

Decision:

(1) That the planning permission previously granted for planning application EPF/3426/18 at the garages to the rear of 13 – 43 Charles Street in Epping be released subject to:

(a) the planning conditions previously agreed; and

(b) the removal of the previously agreed 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.

33. ANY OTHER BUSINESS

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

34. 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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Report to District Development Management Committee



Report Reference: *EPF/1289/20*
Date of Meeting: *11 November 2020*

**Epping Forest
District Council**

Address: 37 Fairlands Avenue, Buckhurst Hill, Essex, IG9 5TF

Subject: Proposed two storey side extension and loft conversion with remodelling of the garage.

Responsible Officer: Marie-Claire Tovey (01992 564414)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations:

1. This application carried an officer recommendation to grant permission when reported to Area Planning Sub-Committee South at their meeting on 23 September 2020. The conditions are as follows:

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: Site Location Plan, FLS-002, FLS-003, FLS-004, FLS-005, FLS-006, FLS-007 Rev B, FLS-008, FLS-009 Rev B, FLS-070, FLS-072, FLS-073 Rev B, FLS-074 Rev B, FLS-075 Rev B AND FLS - 077.
3. Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
4. The window openings in the flank elevation of the dormer shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

Members of Area Planning Sub-Committee South determined to approve planning consent for the reason stated above as a majority vote. However, the item was subsequently referred to District Development Management Committee by a minority of Members, in accordance with Article 10 of The Constitution.

Original Officer Report:

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site is a detached two storey property with detached shared double garage (shared with No. 36 Fairlands), located on the north side of Fairlands within the built up area of Buckhurst Hill. The site slopes down to the west. There is an existing small dormer to the rear. The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

Proposed two storey side extension and a loft conversion with remodelling of garage, including neighbour's garage roof remodelling. This is a revised application to address concerns with regards to the remodelling of the neighbour's garage as half the garage which is to be partly demolished is in the ownership of No. 36 Fairland Avenue. This application keeps the neighbour's roof as existing but extending it towards 37.

Relevant History:

EPF/0272/20 - Proposed two storey side extension & a loft conversion and garage remodelling - Approved EPF/2958/19 - Proposed two storey side extension & a loft conversion including Juliet balcony, garage remodelling - Withdrawn

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
DBE9 Design
DBE10 Amenity

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

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 afforded
DM9 – High quality design	Significant
DM10 – Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received:

Number of neighbours consulted: 19

Site notice posted: Not required

Neighbour responses received:

36 FAIRLANDS AVENUE – Reject: The two storey structure will block the sunlight to my East facing window. The construction also looks very intrusive and totally change the structures from the front, with the narrow walkway. The proposed front looks that my garage is part of their property. Also, the height of the extension would overlook more into my garden space and invasion of privacy.

BUCKHURST HILL PARISH COUNCIL – Objection: Detrimental to the streetscene with the symmetry of the garages. Lack of sufficient elevation drawings makes it difficult to properly look at this application.

Main Issues and Considerations:

Design

With regards to the extensions to the property these remain the same design as approved under EPF/0272/20 and were previously found to be acceptable.

The difference with this application concerns only the design of the garage roof for the neighbouring properties garage roof. No. 36 and 37 currently share a double garage. As the garage for No. 37 is to be demolished, the roof for the remaining part (in the ownership of No. 36) requires addressing.

Under application EPF/0272/20 the remaining garage building had a simple gable pitched roof. It is understood due to issues outside of planning legislation this was not acceptable and agreement to a re-design of the roof is now sought. The proposal now extends the roof in a hip over the existing garage and will attach to the side wall of No. 37 (providing a covered access over the side entrance). This design (although unusual due to the ownership issues) is considered acceptable and does not disrupt the streetscene.

Neighbouring Amenity

The previous application found the extensions to the house (side extension and loft extension) acceptable in terms of amenity subject to conditions controlling the side facing windows.

The alterations to the neighbour's garage are not considered to result in any amenity concerns. It is noted that, as with the previous application, planning permission does not override ownership rights and works cannot commence on someone else property without permission. This will be made clear by way of an informative on any permission granted.

Conclusion:

The proposal results in alterations to the property which are considered an acceptable design, with limited impact to amenity. The changes to the garage roof are also considered acceptable. Given the above approval is therefore recommended.

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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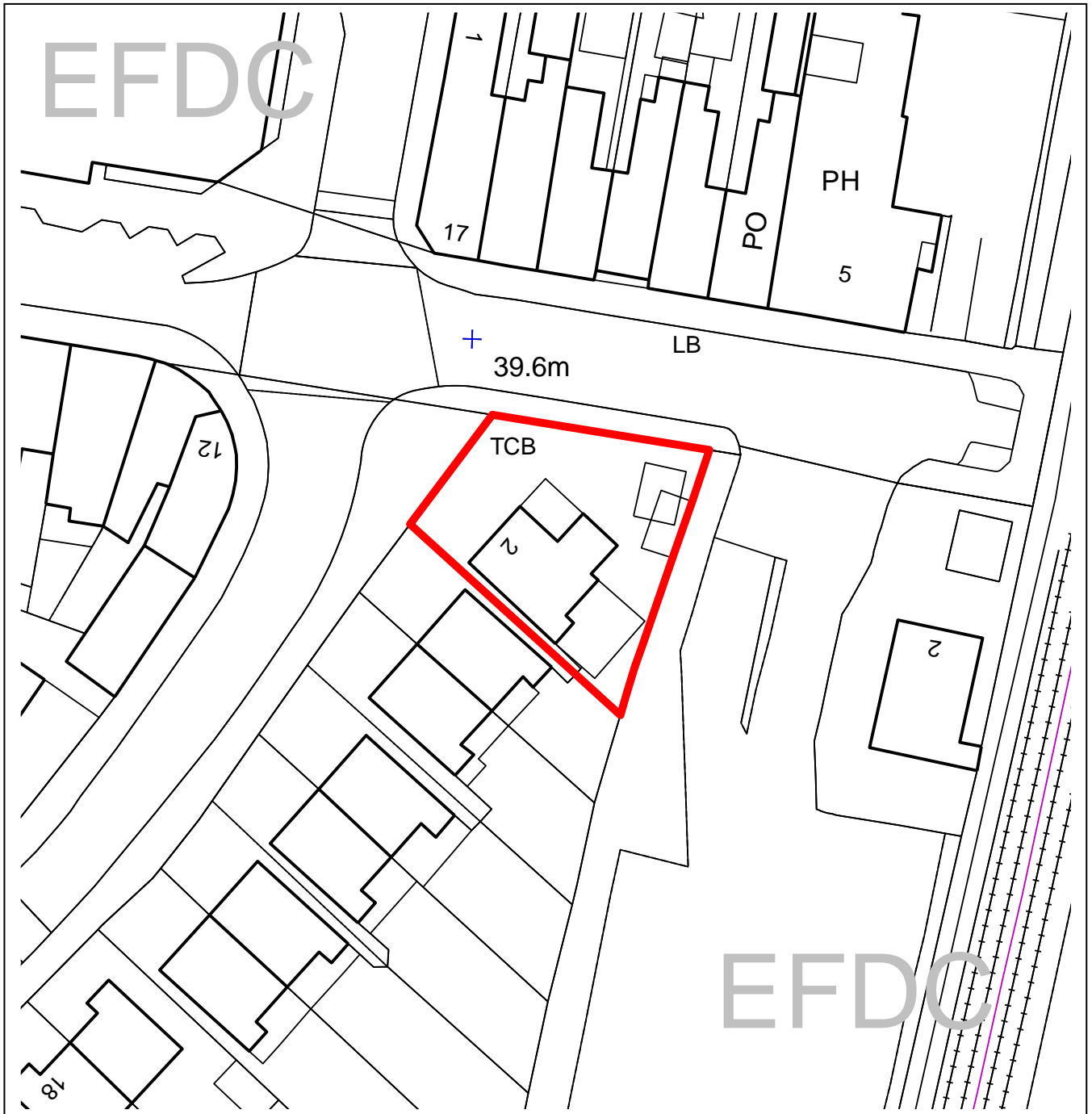
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Site Name:	37 Fairlands Avenue Buckhurst Hill IG9 5TF
Scale of Plot:	1:500

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Application Number:	EPF/2378/20
Site Name:	2 Princes Road Buckhurst Hill IG9 5EG
Scale of Plot:	1:500

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Report to District Development Management Committee



Report Reference: EPF/2378/20
Date of Meeting: 11 November 2020

**Epping Forest
District Council**

Address: 2 Princes Road, Buckhurst Hill, Essex, IG9 5EG

Subject: Proposed replacement of a single dwelling with a new building consisting of x 2 no. commercial units and x 6 no. fully accessible apartments. (Revised application to EPF/0632/19).

Responsible Officer: Marie-Claire Tovey (01992 564414)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations:

1. This application carried an officer recommendation to grant permission when reported to Area Planning Sub-Committee South at their meeting on 23 September 2020. Members proposed new/edited conditions to ensure only brickwork is used (no render), windows and doors to be timber, and the hours of delivery for the proposed commercial units inline with the proposed opening hours for these units. The conditions are as follows:

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 Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 349-PL-01 Rev B, 349-PL-02 Rev B, 349 -PL-03 Rev B, 349-PL-04 Rev B, 349-PL-05 Rev B, 349-PL-07 Rev B, 349-PL-08 Rev B and 349-PL-09

Reason: To ensure the proposal is built in accordance with the approved drawings

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. For the avoidance

of any doubt render shall not be used as a material option. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 4 **Notwithstanding the approved plans, timber shall be used for the proposed windows and doors, unless otherwise agreed in writing by the Local Planning Authority.**

Reason:- To safeguard the visual amenities of the locality, in accordance with policy DBE10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 5 **The window opening(s) in the south west elevation (marked as elevation D on plan number 349-PL-07) shall be fitted with obscured glass with a minimum Level 3 obscurity to the extent as outlined on the same plan and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.**

Reason:- To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 6 **The ground floor units shall only be used as Class A1/A2 and A3 (known as Class E from 1st September 2020) as shown on the approved ground floor plan 349-PL-02 and for no other purpose (including any other purpose of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.**

Reason:- To ensure that full consideration is given by the Local Planning Authority to any alternative in the interests of safeguarding the viability of the Queens Road area in accordance with policy TC6 of the adopted Local Plan and Alterations 1998 & 2006, policy E2 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 7 **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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 8 **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.**

Reason:- To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 9 **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.**

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 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.

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.

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.

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.

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.

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.

13

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 1. The parking of vehicles of site operatives and visitors**
- 2. Loading and unloading of plant and materials**
- 3. Storage of plant and materials used in constructing the development**
- 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate**
- 5. Measures to control the emission of dust and dirt during construction, including wheel washing.**
- 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.**
- 7. Tree protection measures.**

Reason:- To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.

14

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.

Reason:- To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with policies CP2, DBE1 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM12 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 15 **Additional drawings that show details of proposed new windows, doors, eaves, verges, fascias, cills and shopfronts by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.**
- Reason:- To ensure the proposed works honour the quality of the submitted plans and this prominent junction location. In accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, and policy DM9 and 10 of the Local Plan Submission Version 2017, and the NPPF 2019.**
- 16 **Details of privacy screens (with a minimum height of 1.7m) to the south side of the balconies serving flats 2 and 5 shall be submitted and agreed in writing by the Local Planning Authority prior to first occupation. The agreed screens shall be installed prior to first occupation and shall be permanently retained in that agreed position and form.**
- Reason:- To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF 2019.**
- 17 **The A1/A2 use hereby permitted shall not be open to customers / members or for deliveries outside the hours of 8am to 6.30pm on Monday to Saturday and 10am to 4pm on Sundays and Bank Holidays.**
- Reason:- In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.**
- 18 **The A3 use hereby permitted shall not be open to customers / members or for deliveries outside the hours of 8am to 10.30pm on Monday to Saturday and 10am to 8pm on Sundays and Bank Holidays.**
- Reason:- In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.**
- 19 **Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.**
- Reason:- To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby**

approved, in accordance with policy DM1 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 20 The cycle store hereby approved shall be retained so that it is capable of allowing the storage of bikes and shall at no time be converted into a room or used for any other purpose.

Reason:- Given the car free nature of this proposal it is essential that storage for bikes is provided in perpetuity to satisfy the requirements of the Council's adopted vehicle parking standards, in accordance with policy ST6 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 21 No air conditioning units or extraction systems shall be installed without the prior written approval of the Local Planning Authority.

Reason:- In the interests of neighbouring amenity, in accordance with policy DBE2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM10 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 22 Prior to any above ground works a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. This shall include an agreed timescale for implementation and the approved scheme shall be implemented in accordance with the approved timescale.

Reason: To ensure that the development does not result in overspill parking or excessive impact on the Epping Forest Special Area of Conservation, in accordance with policy ST1 and ST6 of the adopted Local Plan and Alterations 1998 & 2006, policy DM22 ad T1 of the Local Plan Submission Version 2017, and the NPPF 2019.

Members of Area Planning Sub-Committee South determined to approve planning consent for the reason stated above as a majority vote. However, the item was subsequently referred to District Development Management Committee by a minority of Members, in accordance with Article 10 of The Constitution.

Original Officer Report:

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site is a corner site located at the junction of Princes Road (which the site fronts) and Queens Road which sides onto the application site. The site slopes away to the rear with vehicular access to the underground carpark backing onto the site. There is an existing dwelling on the site, which is a heavily extended detached bungalow with dormers/roof extensions to three sides. The site lies just outside of the Small District Centre Buckhurst Hill boundary and is the end dwelling within a row of residential properties which extend to the south and on to the residential area of Buckhurst Hill. On the three remaining corners of the junction commercial units occupy the ground floor with flats above (except for at Waitrose). The site is not within a Conservation Area or the Metropolitan Green Belt.

Description of Proposal:

The application seeks consent for the demolition of the existing dwelling and replacement with a new building consisting of x 2 no. commercial units at ground floor and x 6 no. 1 bedroom flats at first and second floor. The proposal includes a refuse area, bike storage, private amenity area. No car parking is proposed.

Relevant History:

Various extensions to the bungalow and most recently:

EPF/0632/19 - Proposed replacement of a single dwelling with a new building consisting of x 2 no. commercial units and x 7 no. apartments – Withdrawn

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
ST01 – Location of Development
ST06 – Vehicle Parking
LL10 – Adequacy of provision for landscape retention
TC6 – Local Centres

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.

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
DM9	High Quality Design	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
E2	Centre Hierarchy/Retail Policy	Significant
T1	Sustainable Transport Choices	Significant
H1	Housing Mix and Accommodation	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 43

6 objections received:

4 and 6 PRINCES ROAD

11, 15 and 15A QUEENS ROAD

BUCKHURST HILL RESIDENTS' SOCIETY

Objections can be summarised as follows:

Overlooking and loss of privacy from windows and balconies, loss of light to windows and garden areas, disruption of construction process, inadequate parking when existing parking issues, obscures views, sense of enclosure to junction, not in keeping with surrounding bungalows, location of bin store adjacent to shared boundary, there are existing empty shops, noise from commercial deliveries.

BUCKHURST HILL PARISH COUNCIL: Objection – Overdevelopment of the site, serious impact on the streetscene, overbearing on neighbouring bungalows, concerns on loss of single storey accommodation in the Parish, inadequate size of commercial units appears to have been addressed, total lack of parking spaces for residential and commercial units.

Main Issues and Considerations:

The main issues are considered to be the principle of the development in light of the draft SVLP policies, Design, Impacts on Amenity, Highways and Parking and impact on the SAC.

Principle of Development

Loss of Bungalow

Policy H1 of the SVLP resists the loss of bungalows, and the justification behind this policy is so that bungalows are retained to meet the needs of those that require level living accommodation. In this case, although originally a bungalow, this dwelling has been extended to a significantly large degree so that it has a full first floor with bedrooms and bathroom. It is considered that this dwelling can no longer be classed as a bungalow in the definition that is the spirit of policy H1 and therefore the loss of this dwelling is not contrary to policy H1.

In addition, the proposed flats will be accessible by lift, providing an alternative level living accommodation.

Small District Centre

Within the Places chapter of the SVLP the vision for Buckhurst Hill is set out which includes:

'provide varied employment...as part of a successful and prosperous High Street. New opportunities for wider employment uses will be maximised.'

This application site located just outside of the small district boundary is considered to offer both employment opportunities (by way of the proposed two commercial units) as well as aid to the vitality and viability of the centre (by way of additional residential units) to support a more prosperous High Street. Although just outside of the small District boundary, the location is considered to complement this eastern side of Queens Road improving the general streetscape by adding animation/active frontage and a continuation of the centre along this well used pedestrian route.

It is noted that the proposed allocated site BUCK.R2 (Queens Road Car Park) is directly to the rear of the site. The proposal is not considered to prejudice the future development of this site. There is a reference within Appendix 6 of the SVLP for BUCK.R2 that states: *'Development proposals should consider incorporating retail uses at the ground floor level, where they would complement the offer of the adjacent Small District Centre'*. It is considered that this sentiment for the adjacent site is equally applicable to this application site.

Design

The design of the proposal has been amended since the previously withdrawn submission and the Council's Urban Design Officer aided discussion, through pre-application, in bringing the current proposal forward in its current form.

The proposal is considered to result in a contemporary addition to this fourth corner of the junction whilst maintaining the historic proportions and detailing evident at No. 17 Queens Road (corner with junction with Victoria Road) and No. 12 Queens Road (opposite corner with the junction with Princes Road) which it is noted is Locally Listed.

The proposal is considered to result in an acceptable addition to this part of the streetscene of Queens Road (particularly apparent on the submitted Artist Impression (349-PL-09)). The angular detail which addresses the corner positioning, is visible on all three existing corners of this junction, with the 'Queens Buildings sign at No. 17, curved façade and dormers at No. 12 and the gable and clock detailing at the Waitrose building.

This scheme addresses this corner detailing by not mimicking, but with the addition of the central projection bay with raised pediment above creating a focal point to the building in a similar form to the others on this junction.

The scale and proportion of the proposal respect the scale and form of this part of the streetscene and additionally detailing for the shop fronts has been well thought out using the traditional fanlight detailing as evident on the locally listed buildings at the lower end of Queens Road and detail such as this can be conditioned to ensure they are carried through to the end development.

Material choices have been put forward as part of the application and include multi yellow London stock brick and aluminium windows, which respect the surrounding buildings whilst appearing contemporary. Again, this can be conditioned to ensure that the materials proposed are those used in the built development.

Although the proposal is considered in proportion to and respectful to this part of the streetscene at the junction, the proposed scheme is adjacent to a bungalow (No. 4 Princes Road). Clearly there is an obvious visual difference between the bungalow at 4.8m in height to the proposal with a maximum height of 9.2m. However, this large difference is considered to have been effectively addressed by a set in from the shared boundary by 1m, with a single storey element with a eaves height of 2.7m and max height of 4.5m) with the main three storey element set in some 4.6m from the shared boundary. In addition, the site is at a lower level than No. 4 Princes Road by 0.6m (this could be ensured by a site levels condition). The proposal results in a substantial step up from bungalow to three storey property, but the above (coupled with the fact it is a flat roof (so no additional roof height) is considered to provide sufficient mitigation to prevent this proposal disrupting the appearance of the streetscene. It is also noted that the connectivity to the other three corners of this junction will help to reinforce this visual gap between the bungalow at No. 4 and the application site.

To the rear the proposal will face square onto the access to the car park. This elevation has balconies and windows with attractive detailing and provides interest to this car park area whilst providing an active frontage to this, otherwise poorly overlooked area.

Impact on Amenity

The nearest neighbouring property is No. 4 Princes Road, the adjacent bungalow. The proposal will clearly have some impact on this property given its overall size. However, the existing situation is less than ideal with the existing dwelling at two storey in height 0.8m away from the shared boundary. In addition, to the rear is a large existing first floor terrace which extends to the rear boundary. Perversely, the proposal although taller than the existing by 4m is set 4.6m from the shared boundary which is considered to improve outlook to the rear of No. 4 Princes Road. Given this distance (and the angle of the site) the 45 degree rule is met and it is considered that outlook is improved.

No. 4 has a side entrance to the bungalow, but this will remain unaffected by the proposal given there is no impingement onto No. 4's land and the 0.8m set in from the shared boundary will ensure there is no excessive sense of enclosure.

There may be a loss of light to No. 4, but given it is to the south of the proposal this is not considered significant. In terms of overlooking all side windows will be obscure glazed in full or to a height of 1.7m and this will prevent any loss of privacy to No. 4 and further along Princes Road. Although not shown on the submitted plans screens could be positioned at the southern edge of the balconies that serve Flat 2 (first floor) and Flat 5 (second floor) to avoid any potential overlooking to the rear of properties on Princes Road.

With regards to loss of light to flats on the opposite side of the road – with regards to the flats above No. 12 Queens Road, given that these are on much higher ground level, an 18m separation distance and the orientation of the application site it is not considered a significant issue. With regards to the flats above No. 17-13 again there is a separation distance of some 13m and this coupled with the lower roof form is considered to not result in an excessive loss of light to these flats.

Balconies will face the flats and commercial units and 13-17 Queens Road, but as above the separation distance is such coupled with this location within the busy local district centre is considered acceptable.

Conditions can be added with regards to opening times so that noise is controlled – the application form has suggested the following:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays
A1 - Shops	Start Time: 08:00 End Time: 18:30	Start Time: 08:00 End Time: 18:30	Start Time: 10:00 End Time: 16:00
A3 - Restaurants and cafes	Start Time: 07:30 End Time: 22:30	Start Time: 08:00 End Time: 22:30	Start Time: 10:00 End Time: 20:00

Following discussion with the Agent and with the knowledge that the two nearby Costa Coffees (Queens Road and Victoria Road) open at 8am Mon-Fri, the Agent has agreed to an 8am start time for the A3 use. Given this busy town centre location it is not considered that these opening times (with the adjustment to 8am) are unreasonable and the more modest Sunday and Bank Holiday times are considered particularly neighbourly.

Details of any air conditioning/extraction units etc which may cause any noise or nuisance can also be conditioned so that the Council has control over what may be installed in the future.

With regards to the amenity of future occupiers, all the flats have direct access to a balcony and in addition there is a small amenity area to the rear of the block which will provide extra space. The amount provided is acceptable for this town centre location and in addition there is nearby access to forest land etc for additional recreational purposes.

Highways and Parking

The application was accompanied by a Transport Statement and Transport Assessment. The proposal complies with the ethos of SVLP T1 which states reduced car parking, including car free, development in sustainable locations will be supported. This is a sustainable location, within minutes' walk to the underground station and the shops and services provided by Queens Road and surroundings.

The Highways Officer has no objection to the proposal and has noted that:

The applicant has undertaken a parking beat survey which demonstrates to the satisfaction of the Highway Authority that any off-street parking that results from the development will not have a detrimental impact upon highway safety within the vicinity. The Parking Standards Sept 2009 also state that parking provision can be reduced in urban areas well served by other sustainable modes of transport. Consequently, there are no highway grounds for objecting to the proposal.

SAC and Air Quality

The site is within the 3.2km buffer around the Epping Forest Special Area of Conservation (SAC) with Knighton Woods/Lords Bushes just some 160m from the site. Due the proximity to the SAC, a contribution towards recreational mitigation is required for any new dwelling (set at £352) and the applicant is in agreement to enter into a legal agreement for this contribution.

In addition to the requirement for a contribution towards mitigating against recreational pressures, all new developments within the District that result in additional car movements require mitigation to alleviate the air quality issues within the SAC. At present negotiations as to what this mitigation may be are ongoing with Natural England. However, in this case the proposal does not include any car parking and this in itself will discourage car ownership. A Transport Statement and Transport Assessment accompanied the application and the findings can be summarised as follows:

- The site is located less than 200m from Buckhurst Hill Station and as clear from above on the edge of the shops and services provided by Queens Road.
- The submitted reports have used the Merton Methodology which uses 200m as the maximum distance that people are normally willing to park their car to walk to their house.
- Surrounding parking within 200m is all restricted in some way (permit/chargeable).
- The nearest unrestricted parking is 350m away.
- The reports have indicated that undue parking stress would not be generated by the proposal in any event.
- The commercial units are not destinations but 'add on' so unlikely to generate significant numbers of separate car trips.

After a thorough assessment of the reports submitted, along with the specific merits of this proposal it is considered that the proposed scheme complies with SVLP policy DM22 and mitigation (beyond the circumstances of the application) is not required. This is considered acceptable on the proviso that a condition is added ensuring that future residents are made aware of the restriction (i.e. no entitlement to parking permits) and following discussion with the Applicant they are willing to implement this.

Conclusion:

Given the above discussion, approval is recommended.

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***