

**committee agenda**



**Epping Forest  
District Council**

**District Development Management Committee  
Wednesday, 20th January, 2021**

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

**Virtual Meeting on Zoom**  
on **Wednesday, 20th January, 2021**  
at **7.00 pm** .

**Georgina Blakemore**  
Chief Executive

**Democratic Services  
Officer**

G. Woodhall  
Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto: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:**

**18:30**

**1. WEBCASTING INTRODUCTION**

(Team Manager - Corporate Communications) 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). Therefore by participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.*

*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)**

(Team Manager – Democratic & Electoral Services) General advice for those persons attending the meeting of the Committee is attached as an Appendix to this agenda.

**3. APOLOGIES FOR ABSENCE**

(Team Manager – Democratic & Electoral Services) To be announced at the meeting.

**4. SUBSTITUTE MEMBERS**

(Team Manager – Democratic & Electoral Services) To report the appointment of any substitute members for the meeting.

**5. DECLARATIONS OF INTEREST**

(Monitoring Officer) To declare interests in any item on the agenda.

**6. MINUTES**

(Team Manager – Democratic & Electoral Services) The minutes of the last meeting of the Committee held on 21 December 2020 will be available for agreement at the Committee's next meeting.

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

(Service Manager – Development Management) 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](http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

**8. PLANNING APPLICATION EPF/2007/20 - Highbury Cottage, 51 Coppice Row, Theydon Bois (Pages 7 - 12)**

(Service Manager – Development Management) To consider the attached report for a rear first floor infill to extend the existing bedroom.

**9. ANY OTHER BUSINESS**

(Team Manager – Democratic & Electoral Services) 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.

## 10. EXCLUSION OF PUBLIC AND PRESS

### Exclusion

(Team Manager – Democratic & Electoral Services) 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

(Team Manager – Democratic & Electoral Services) 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](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### How are the applications considered?

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

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

The Subcommittee are required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or

- (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

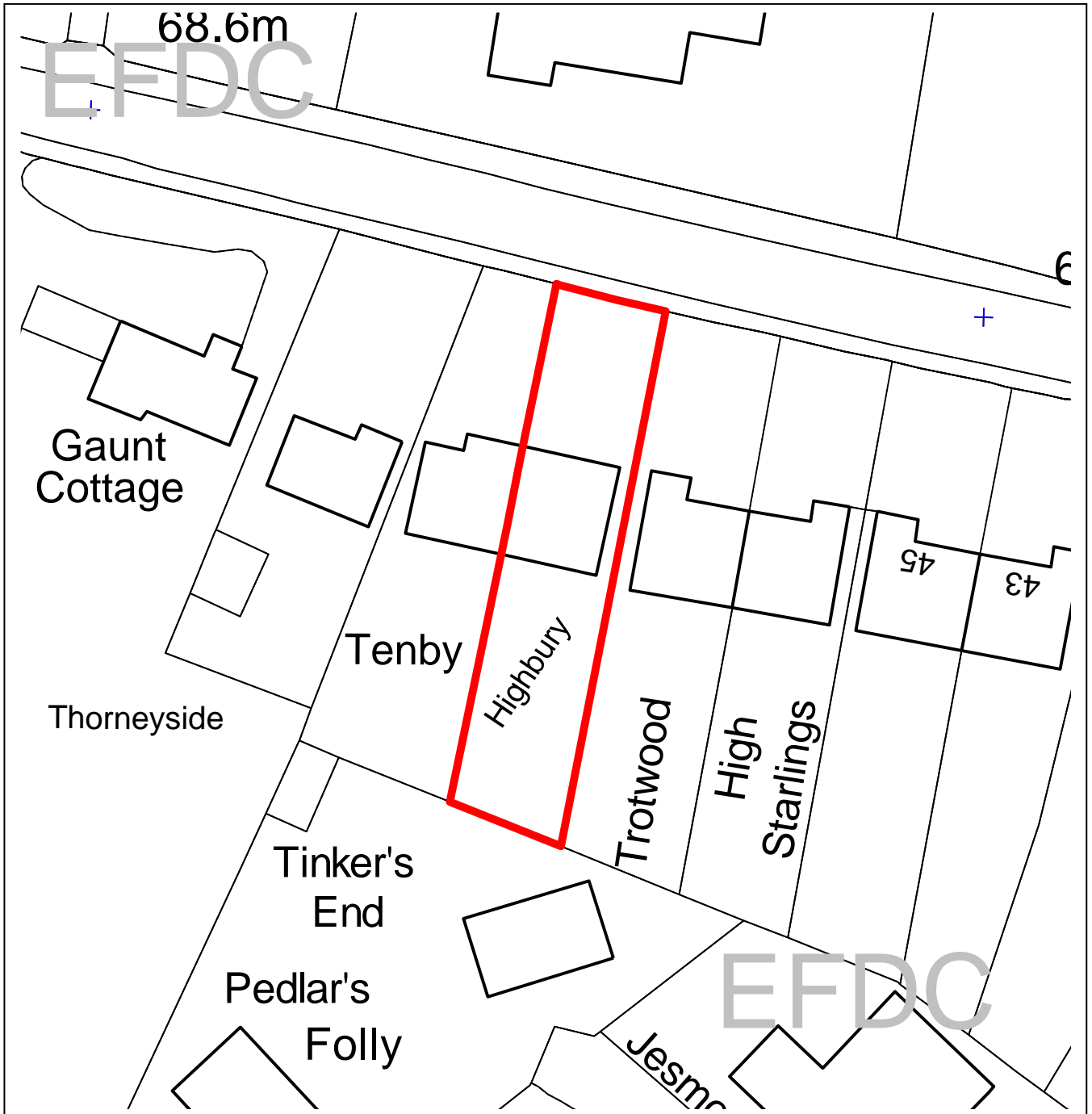
**Further Information?**

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



# Epping Forest District Council

Agenda Item 8  
Item number 7



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Application Number:	EPF/2007/20
Site Name:	Highbury Cottage 51 Coppice Row Theydon Bois Epping CM16 7DL
Scale of Plot:	1:500

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**Report to District Development  
Management Committee**



**Report Reference:** *EPF/2007/20*  
**Date of meeting:** *20 January 2021*

**Epping Forest  
District Council**

**Address:** Highbury Cottage 51 Coppice Row, Theydon Bois, Epping, CM16 7DL

**Proposal:** Rear first floor infill to extend existing bedroom

**Responsible Officer:** Muhammad Rahman (01992 564415)

**Democratic Services:** Gary Woodhall (01992 564470)

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**Recommendation(s):**

This application carried an officer recommendation to grant planning permission when reported to the Area Plans Sub-Committee East at their meeting on 25 November 2020. The application was passed on a majority vote for approval 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. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 100/001, 100/002, 100/003, 100/004, 100/005, 100/200 and 100/201. Reason: To ensure the proposal is built in accordance with the approved drawings.
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. 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.

Following the vote, a motion for the case to be considered by Members of the District Development Management Committee was passed and backed by four Members of the host Committee. Thus, this application has been included within the agenda of this committee.

Members attention is drawn to the fact that the Local Planning Authority is legally required to consider any material considerations during the application stage right until the final decision is issued, although on condition that they are known to the Decision Maker prior to the final decision being made. Thus, for clarity, if the bathroom in question as set out in the officers report has been fully converted into a bedroom, then Members would be legally required to consider the impact to this bedroom from the proposed development. (see [\*R \(on the application of Kides\) v South Cambridgeshire District Council and others, 9 October, 2002 \(Court of Appeal\)\*](#).) As, stated during the meeting, If this is the case than it would not gain officer support.

*The previous officer's report has been reproduced below.*

*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).*

## **Site and Surroundings**

The site comprises of a semi-detached dwelling, located within a built-up area of Theydon Bois. It is not listed nor in a conservation area, nor the Green Belt.

## **Proposal**

The proposal is for a rear first floor infill to extend existing bedroom.

## **Relevant Planning History**

No relevant history.

## **Development Plan Context**

### *Local Plan and Alterations 1998 & 2006 (LP)*

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

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

CP2	Protecting the Quality of The Rural and Built Environment
CP7	Urban Form and Quality
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

### *National Planning Policy Framework 2019 (Framework)*

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraphs 124 & 127

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> 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 2<sup>nd</sup> August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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

<b>Policy</b>	<b>Weight afforded</b>
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

**Summary of Representations**

Number of neighbours consulted: 3. 1 response(s) received

53 COPPICE ROW - Objections – Summarised as:

- Loss of light; and
- Overlooking.

THEYDON BOIS PARISH COUNCIL – Objection - The Planning Committee noted that the application site is one of a pair of semi-detached properties and, whilst the plans submitted do not provide a clear indication of the structure of the rear façade of the two dwellings (which we perceive should have been included), the Council was supplied with photographs of the site (as submitted to EFDC by the adjoining neighbour).

It was clear from these that, by infilling the space between the two properties, to create a new party wall on the first floor, the proposed structure would cut the 45° line from the outlook of the bedroom window of the adjoining dwelling, such that the close proximity of that flank wall would afford a detrimental sense of enclosure, which could appear overbearing, together with the likely reduction of natural light to the bedroom. It was considered that these effects would have a significantly adverse impact on the amenity of the neighbouring property, in conflict with Policies DBE9 and DBE10 of the Current Local Plan, and Policies DM9 and DM10 of the New Local Plan (2011-2033). The Committee was unanimous in its response.

### **Planning Considerations**

The main issue for consideration in this case is the impact on the living conditions of 53 (Tenby) Coppice Row.

#### *Living Conditions*

The room in question as raised by the Objector and the Parish Council is in fact a bathroom window and not a bedroom. Bathrooms are non-habitable rooms and are not afforded protection against loss of day and sunlight. Whilst the proposed development will protrude beyond the 45-degree line when measured from the bathroom window, it does not justify a sound reason for refusal based on loss of light to a non-habitable room. Furthermore, there are no flank windows proposed so there would be no material loss of privacy from overlooking to No. 53, and views from the proposed rear window would be no different than the existing two first floor rear windows.

Accordingly, the proposed development will not result in a material impact to 53 Coppice Row that would make their living conditions unbearable from the proposed development and is therefore in accordance with policies CP7 and DBE9 of the LP, policy DM9 (H) of the LPSV and paragraph 127 (f) of the Framework.

#### *Other Considerations*

There are no design issues with the proposed development.

### **Conclusion**

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

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

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

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