

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 10th November, 2021

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 10th November, 2021
at 7.00 pm .**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer:**

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

Members:

Councillors P Keska (Chairman), H Brady (Vice-Chairman), R Balcombe, N Bedford, P Bolton, L Burrows, I Hadley, S Jones, C McCredie, J McIvor, R Morgan, J Philip, B Rolfe, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

WEBCASTING/FILMING NOTICE

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

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

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

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

1. WEBCASTING INTRODUCTION

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

2. The Chairman will read the following announcement:

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

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

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

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

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 20)

To confirm the minutes of the last meeting of the Sub-Committee held on 13 October 2021.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

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

7. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

This briefing note, dated October 2021, 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 ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

8. SITE VISITS

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

9. PLANNING APPLICATION - EPF/1403/18 ENVILLES, LITTLE LAVER, ONGAR CM5 0JH (Pages 21 - 30)

To consider the attached report on the development proposes the erection of a purpose-built agricultural building for use in association with chicken farming.

10. PLANNING APPLICATION - EPF/1080/19 LAND REAR OF 287-291 HIGH STREET, EPPING CM16 4DA (Pages 31 - 48)

To consider the attached report for a proposed 1 no. 3 storey and 1 no. 2 storey buildings to accommodate x 3 residential units (2, 1 bed units and 1, 3 bed dwellinghouse) with communal open space, landscaping and associated works.

11. PLANNING APPLICATION - EPF/0160/21 SUNNYSIDE PT OS 956, KENTS LANE, NORTH WEALD BASSETT, EPPING CM16 6AX (Pages 49 - 56)

To consider the attached report for the change of use of hobby workshop and storage building to dwelling.

12. PLANNING APPLICATION - EPF/1061/21 55 PANCROFT, LAMBOURNE, ROMFORD RM4 1BX (Pages 57 - 66)

To consider the attached report for the demolition of existing rear extension / conservatory, erection of rear extension and adjoining two storey 3 bedroom dwelling.

13. PLANNING APPLICATION - EPF/1304/21 2 CHAPEL VIEW, 90 A HEMNALL STREET, EPPING CM16 4LY (Pages 67 - 72)

To consider the attached report for the removal of existing conservatory and erection of single storey rear extension in an orangery style.

14. PLANNING APPLICATION - EPF/1357/21 11 WOODLAND WAY, ONGAR CM5 9EP (Pages 73 - 84)

To consider the attached report for a proposed new dwelling.

15. PLANNING APPLICATION - EPF/1624/21 LAND BETWEEN 42 AND 44 ONGAR ROAD, LAMBOURNE, ROMFORD RM4 1UH (Pages 85 - 98)

To consider the attached report for a 2 x 4 bedroom new detached houses on infill site.

16. PLANNING APPLICATION - EPF/1716/21 23 THORNWOOD ROAD, EPPING CM16 6SY (Pages 99 - 104)

To consider the attached report for a single storey side and rear extension and loft conversion with front and rear dormers.

17. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

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

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

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

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

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

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

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

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

How are the applications considered?

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

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

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

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

Further Information

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee East 2021-22
 Members of the Committee and Wards Represented:

				
Chairman Cllr Keska	Vice Chairman Cllr Brady	Cllr Vaz	Cllr McCredie	Cllr J H Whitehouse
Chipping Ongar, Greensted and Marden Ash	Passingford	Chipping Ongar, Greensted and Marden Ash	Epping Hemnall	Epping Hemnall
				
Cllr J M Whitehouse	Cllr H Whitbread	Cllr Burrows	Cllr C Whitbread	Cllr Morgan
Epping Hemnall	Epping Lindsey and Thornwood Common	Epping Lindsey and Thornwood Common	Epping Lindsey and Thornwood Common	Hastingwood, Matching and Sheering Village
				
Cllr Balcombe	Cllr Rolfe	Cllr Stalker	Cllr Hadley	Cllr Bolton
High Ongar, Willingale and the Rodings	Lambourne	Lower Sheering	Moreton and Fyfield	North Weald Bassett
				
Cllr Mclvor	Cllr Bedford Shelley	Cllr Jones	Cllr Philip	
North Weald Bassett		Theydon Bois	Theydon Bois	

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee East **Date:** 13 October 2021

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.10 - 9.30 pm

Members Present: P Keska (Chairman), R Morgan (Vice-Chairman), R Balcombe, N Bedford, P Bolton, I Hadley, S Jones, J McIvor, J Philip, B Rolfe, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

Apologies: H Brady, L Burrows, C McCredie and P Stalker

Officers Present: S Dhadwar (Senior Planning Officer), J Godden (Heritage, Enforcement & Landscaping Team Manager), A Marx (Development Manager Service Manager (Planning)), J Leither (Democratic Services Officer), V Messenger (Democratic Services Officer) and P Seager (Chairman's Officer)

35. WEBCASTING INTRODUCTION

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

36. WELCOME AND INTRODUCTION

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 Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

37. MINUTES

RESOLVED:

That the minutes of the meeting held on 15 September 2021 be taken as read and signed by the Chairman as a correct record.

38. APPOINTMENT OF VICE-CHAIRMAN

In the absence of the Vice-Chairman, Councillor P Keska sought nominations for the role of Vice-Chairman.

RESOLVED:

That Councillor R Morgan be elected as Vice-Chairman for the duration of the meeting.

39. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Members' Code of Conduct, Councillor R Morgan declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant for many years. The Councillor had determined that he would remain in the meeting but would not take part in the consideration of the application and would not be voting:

- EPF/1290/20 – Land adjacent Horse Shoe Farm, London Road, North Weald, Harlow CM17 9LH

(b) Pursuant to the Council's Members' Code of Conduct, Councillor H Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of the applicant being known to her. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0583/21 – 8 Boleyn Row, Epping CM16 0FF

40. ANY OTHER BUSINESS

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

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

It was noted that the briefing note, dated October 2021, had been produced by the Planning Policy team to ensure that a consistent approach was taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version (LPSV), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021.

The Planning Policy Briefing Note (October 2021) was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

42. SITE VISITS

There were no formal site visits requested by the Sub-Committee as a vote on a proposed site visit to 2 Chapel View, 90 A Hemnall Street, Epping CM16 4LY regarding planning application EPF/1304/21, was lost.

43. PLANNING APPLICATION - EPF/2705/19 GREAT OAK, COOPERSALE STREET, EPPING CM16 7PG

APPLICATION No:	EPF/2705/19
SITE ADDRESS:	Great Oak Coopersale Street Epping CM16 7PG
PARISH:	Epping

WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Demolition of two existing outbuildings & erection of separate dwelling & garage, proposed new entrance arrangement to improve site ingress & egress to improve highway safety. (Revised application to EPF/0503/19).
DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=630278

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

18066_SK001, 18066_SK002A, 18066_SK003, 18066_SK001, 18066_SK002A, 18066_SK003, 18066_SK004B, 18066_SK005B, Air raid shelter volume, Canteen Volume, Preliminary Ecological Appraisal including Extended Phase 1 Habitat Assessment, Bat Scoping Assessment, Great Crested newt HS1 Survey by Tim Moya Associates May 2019 190310-ED-01, Arboricultural Report by Tim Moya and Associates 190310-PD-11a dated 3/9/19, Bio and Geodiversity data by Essex Field Club ref: EFC3558, 24 Apr 2019, Planning Statement, Phase I Environmental Desk Study by Sequoia Environmental 3 April 2019 and Heritage Statement Revision A - 06-04-2020by Paul Saggars.
- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 5 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree,

shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.
- 8 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.
- 9 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
 - Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;

- c) The process and the triggers for identifying when additional passive charging points will become activated; and
- d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.
- 10 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 11 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.
- 12 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 14 The proposed development shall be undertaken in accordance with the recommendations made in chapter 8 of the Preliminary Ecological Appraisal including Extended Phase 1 Habitat Assessment, Bat Scoping Assessment, Great Crested newt HS1 Survey by Tim Moya Associates May 2019 190310-ED-01.
- 15 Prior to the first occupation of the development the access arrangements, visibility splays, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 16 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.

- 17 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.
- 18 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.
- 19 No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 20 Prior to the first occupation of the dwelling hereby approved the air raid shelter and canteen building shall be demolished and all debris removed from the site.

44. PLANNING APPLICATION - EPF/1290/20 LAND ADJACENT HORSE SHOE FARM, LONDON ROAD, NORTH WEALD, HARLOW CM17 9LH

APPLICATION No:	EPF/1290/20
SITE ADDRESS:	Land Adjacent Horse Shoe Farm London Road North Weald Harlow CM17 9LH

PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	New Agricultural Barn with additional Hardstanding area
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=638219

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: JS-2018 001 Rev C; Supplementary Planning Statement 9th October 2020; Design & Access Statement.
- 3 The building shall be used solely for the purposes of agricultural as defined in Section 336(1) of the Town and Country Planning Act 1990 and for no other purpose.
- 4 No development including site clearance shall take place until details of tree planting, including positions or density, species and planting size(s) and a timetable for implementation (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. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it's written consent to any variation.
- 5 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 the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site

boundary, shall take place on the site other than between the hours of 08:30 to 17:30 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

- 8 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 9 The hardstanding hereby permitted shall not be used for the external storage of materials and shall be maintained free from obstruction to enable vehicles to wait, load, unload and turn so that they may enter and leave the site in forward gear
- 10 There shall be no open storage of any type on the site as delineated by the red line on the approved site location plan.

45. PLANNING APPLICATION - EPF/3022/20 ELMS FARM, EQUINE LIVERY YARD, WAPLES MILL ROAD, ABBESS BEAUCHAMP AND BERNERS RODING, ONGAR CM5 0TE

APPLICATION No:	EPF/3022/20
SITE ADDRESS:	Elms Farm, Equine Livery Yard Waples Mill Road Abbess Beauchamp And Berners Roding Ongar CM5 0TE
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Re-submission of application for three livery yard mobile homes for two year temporary siting and associated additional grazing.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=646297

CONDITIONS

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plan: 1905-400 Rev C.
- 2 The use hereby permitted shall cease, the caravans together with any associated works shall be removed from the site and the land restored on or before 06 October 2023.
- 3 Within 3 months of the date of this permission, three single caravans shall be placed at the locations shown on the plans hereby approved. Any other

caravan currently located within the site boundaries shall by this date be removed from the site. Thereafter, no further caravans shall be sited or stored within the site without prior consent from the Local Planning Authority.

- 4 The occupation of the caravans hereby approved shall be limited to a person solely or mainly working within the application site and to any resident dependants.

46. PLANNING APPLICATION - EPF/0504/21 PURLIEU HOUSE, 11 STATION ROAD, EPPING CM16 4HA

APPLICATION No:	EPF/0504/21
SITE ADDRESS:	Purlieu House 11 Station Road Epping CM16 4HA
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Additional storey to facilitate the creation of six flats and change of use of part ground from B1 office to retail for the building to comprise of a retail unit on the ground floor and retained under croft parking, offices to first floor, and the flats on the second and newly created third floor.
DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=648775

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Location plan, 20102; 001, 002, 003, 004, 005, 101, 102, 103, 104/A, 105/A, 106/A, 107/A, 108/A, 109/A, 110/A, 111/A.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in colour, style, bonding & texture those shown on plan numbers: 20102; 001, 002, 003, 004, 005, 101, 102, 103, 104/A, 105/A, 106/A, 107/A, 108/A, 109/A, 110/A, 111/A.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

- 5 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 6 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
- Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.
- 7 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.
- 8 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.
- 9 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required

remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

47. PLANNING APPLICATION - EPF/0583/21 8 BOLEYN ROW, EPPING CM16 6FF

APPLICATION No:	EPF/0583/21
SITE ADDRESS:	8 Boleyn Row Epping CM16 6FF
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Part single/two storey rear/side extensions, replacement larger roof window on rear elevation, conversion of rear half of existing garage. (Revised application to EPF/0052/21).
DECISION:	Deferred

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=649063

DEFERRED

To DDMC with a majority recommendation to grant.

48. PLANNING APPLICATION - EPF/1304/21 2 CHAPEL VIEW, 90 A HEMNALL STREET, EPPING CM16 4LY

APPLICATION No:	EPF/1304/21
SITE ADDRESS:	2 Chapel View 90 A Hemnall Street Epping CM16 4LY
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Removal of existing conservatory and erection of single storey rear extension in an orangery style.
DECISION:	Deferred

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

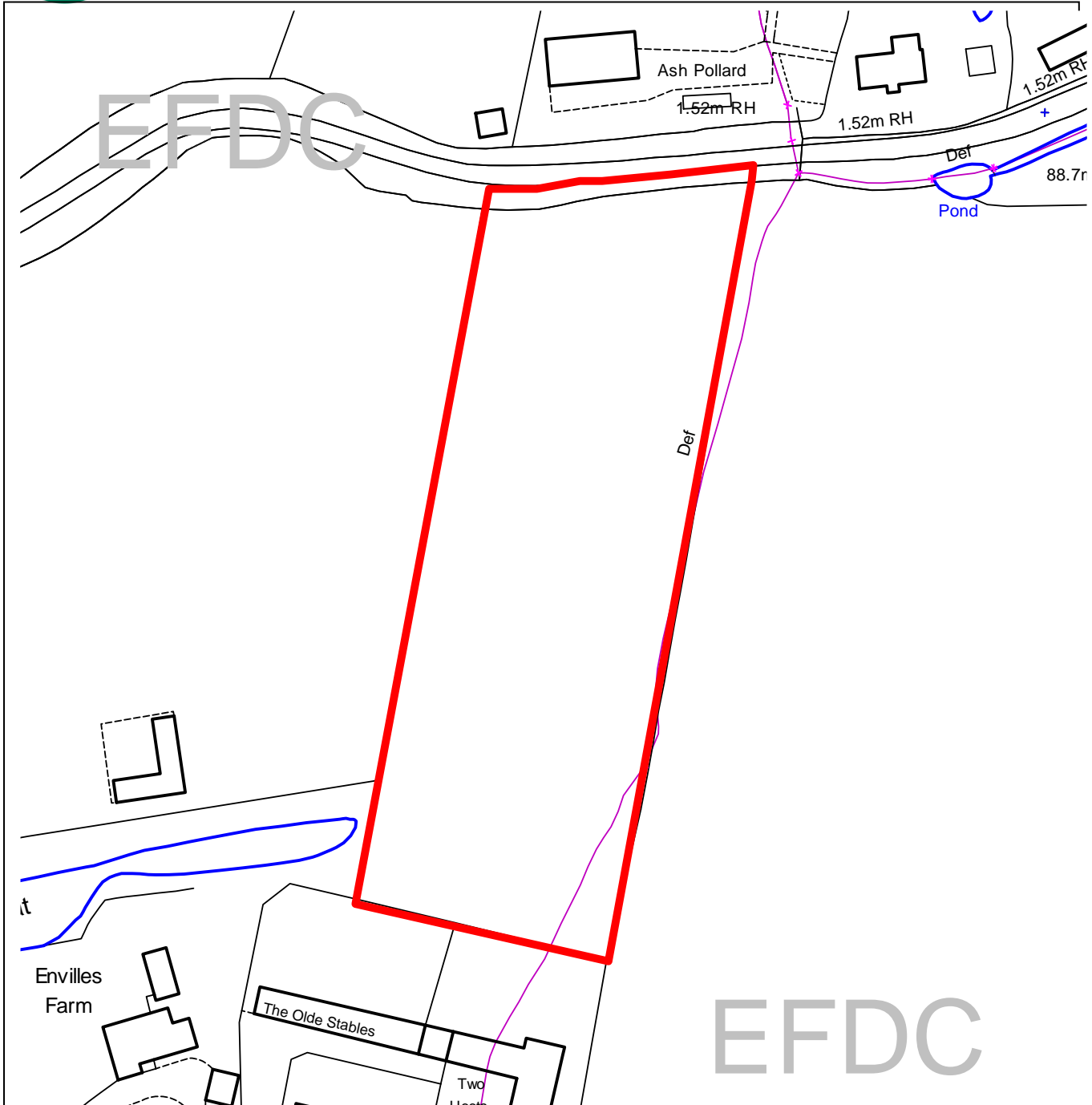
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=652276

DEFERRED

For a site visit.

CHAIRMAN

Epping Forest District Council



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Application Number:	EPF/1403/18
Site Name:	Envilles Little Laver Ongar Essex CM5 0JH
Scale of Plot:	1:2500

Report Item No: 9

APPLICATION No:	EPF/1403/18
SITE ADDRESS:	Envilles Little Laver Ongar Essex CM5 0JH
PARISH:	Fyfield Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr J Donovan
DESCRIPTION OF PROPOSAL:	The development proposes the erection of a purpose-built agricultural building for use in association with chicken farming.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609687

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawing nos: Proposed site plan & block plan, Proposed Ground floor plan, Side elevations, Front and rear elevation & 3D views. Site location plan and block plan.
- 3 The building shall be used solely for the purposes of agricultural as defined in Section 336(1) of the Town and Country Planning Act 1990 and for no other purpose.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

7 Once no longer necessary for the purposes of agriculture, the building hereby approved shall be removed and the land shall be reinstated.

And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to air quality.

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) and since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The site currently comprises a farmhouse with land that extends to the north of the farmhouse and abuts Abbess Road. The farm had numerous outbuildings which have been converted into residential units and sold off.

Along the frontage of Abbess Road is a mature landscaped hedge. The character of the area is rural with scattered dwellings along the lane.

The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of Proposal:

The proposal is for the erection of a purpose-built agricultural building for use for chicken farming measuring 18 metres deep, 9 metres wide with a shallow pitched roof comprising a ridge height of 6 metres. The building would have three bays and a mezzanine floor.

Relevant History:

EPF/1338/16 Storage building replaced by three dwellings - Approved - 29/07/2016
EPF/1532/14 - Barn conversion to dwelling - Approved - 21/08/2014
EPF/1029/14 - Proposed stable block and ménage. - Approved - 02/7/2014
EPF/0754/08 - Barn conversion to one dwelling n Approved - 11/06/2008
EPF/1316/04 - Barn conversion to form to form three dwellings - Approved
17/11/2004

Applied Policies

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning

applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

Local Plan (1998) and Alterations (2006)

CP2 Protecting the Quality of the Rural and Built Environment

GB2A Development in the Green Belt

GB7A Conspicuous Development

GB11 Agricultural Buildings

DBE1 Design of new buildings

DBE9 Loss of amenity

DBE2 Effect on Neighbouring Properties

DBE4 Design in the Green Belt

LL1 Rural Landscape

LL4 Agricultural/Forestry related development

RP5A - Adverse environmental impacts

ST1: Location of development

ST2: Accessibility of Development

ST4 Road Safety

ST6 Vehicle Parking

NC1 SPA's, SAC's and SSS1's

NPPF, 2021

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 81 & 84

Paragraph 137- 138 and 147-149

Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

Policy	Weight Afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
DM4 - Green Belt	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM9 - High Quality Design	Significant
DM21- Local environmental impacts, pollution and land Contamination	Significant
DM22 - Change in air quality management area	Significant
T1 - Sustainable transport choices	Significant

Consultation Carried Out and Summary of Representations Received

The Parish Council - OBJECTION

- The applicant has failed to provide any evidence of the need for such a building in the context of farming chickens.
- The application is unclear in terms of what the agricultural barn is needed for (housing the chickens, housing machinery, the need for a mezzanine, etc) and as such the Parish Council is unable to fully consider the appropriateness of this proposal.

- The site is within the Green Belt, and on an area of designated agricultural and green belt land and sees no justified reason for the creation of any associated hard standing drive leading to this building.
- Concern is expressed that this may be exploitation of the current planning system which can allow the erection of agricultural buildings in the green belt, and subsequently the conversion of such agricultural buildings into habitable dwellings.

Site Notice Displayed

6 neighbours notified and 3 objections have been received although only one included an address.

- The Olde Stables, Envilles Barns - the field used to be wild grass now rented and looks a complete mess. The people renting the field have no respect for any neighbours.
- if permission is granted a change of use for residential will follow. The field is green belt and I believe it should remain as such with all the wildlife.
- It is a commercial enterprise. Size of the proposed development is not in proportion to its current use nor potential agricultural use in the future. The small parcel of land was partitioned off from the main field at Envilles Farm when it was sold. It is only 2 acres in size and not of sufficient scale for any commercially viable agriculture. This use does not require such a huge building. It is Greenbelt land and would be a significant development that is not required for agricultural purposes.
- The applicant has in the last 10 years developed the surrounding site from one house to what is now 6. He obtained planning permission last year to convert the large agricultural barn he owns at the back of the site currently used by the applicant for B8 industrial storage into three more dwellings bringing the total to 9.
- As part of this application the applicant stated that he '*no longer requires the storage space for personal use*' 12 months later, he is applying to build another barn on essentially the same site. To me, this seems part of a long-term plan to develop the site further in a piecemeal fashion.
- This is a small parcel of land close to 6 residential dwellings. The size of building is completely disproportionate to the stated intended use. You do not need a two-story barn of these dimensions to support the level of activity that is could be undertaken on such a small piece of land, and in particular in the stated use of chicken farming. The design will significant impact the visual amenity from neighbouring buildings. A smaller/single story barn would be much less intrusive and would seem much more proportionate to the agricultural need. The application does not justify why such a large building is required for the hobby farming of a few small livestock, what will it be used for, machinery to be stored.

Main issues and Considerations:

- Impact on the Green Belt
- Impact on the character and appearance of the surrounding area,
- Impact on neighbour's amenities
- Highway and Parking
- Environment Protection and Drainage
- Special Area of Conservation

Appropriateness of the development on the Green Belt

The proposal is for a purpose-built agricultural building to be used for accommodating chickens and would be sited in the Green Belt.

National Planning Policy Framework states that "*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*".

Paragraph 149 of the Framework states that new buildings in the green belt are inappropriate, with a number of exceptions. One of the exceptions are buildings for agriculture and forestry. Therefore, the proposal is not inappropriate development in the Green Belt and in principle is acceptable.

Of relevance are two Local Plan policies GB2A and GB11. The proposed development would constitute an agricultural building and use and by its very nature is not regarded as harmful either to the openness or the Green Belt or to the purposes of including land in the Green Belt and falls within the exception to inappropriate development as laid out in the National Framework and complies with Policy GB2A and GB7A of the adopted Local Plan and DM4 of the Local Plan Submission Version, 2017.

Policy GB11 of the adopted Local Plan relates to agricultural buildings and states that planning permission will be granted for agricultural buildings provided that the proposal meets the following requirements.

- (i) are demonstrably necessary for the purposes of agriculture within that unit;
- (ii) would not be detrimental to the character or appearance of the locality or to the amenities of nearby residents;
- (iii) would not have an unacceptable adverse effect on highway safety or, with regard to water quality and supply, any watercourse in the vicinity of the site;
- (iv) would not significantly threaten any sites of importance for nature conservation

In assessing the proposal against Policy GB11 the applicant has included an appeal decision in Harlow where the need for such a building did not form part of the inspector's assessment. However, it is important for the applicant to be able to demonstrate on the balance of probability that the objective test as to the building's being reasonably necessary for the purposes of agriculture within that unit has been met. The commercial viability of the agricultural unit may well be a factor in relation to this question, although viability might not be the determinative factor in the circumstances of a particular case.

At the moment the applicant has not commenced the chicken business, therefore viability is not an issue in this case. However, the applicant appears to be a long-standing farmer and the site forms part of an agricultural unit. Furthermore, the building appears to be for the function of rearing chickens. The applicant has in the past sold off a number of buildings close to the farmhouse for residential use and more recently has removed a storage building and replaced it with three dwellings.

The location of the storage building in close proximity to residential dwellings would not have been an alternative for a building to be used for accommodating chickens due to the potential noise and smells. Therefore, a purpose-built building remote from residential properties is a preferred location. The need for the building has therefore been demonstrated. The site is not located within or near any areas of nature conservation.

The proposed building is considered of an appropriate scale and form in association with and in context with its setting amongst other agricultural barns and therefore not considered incongruous or harmful to the character or appearance of the countryside. The barn is to be incorporated within an earth banking with native planting to help screen the development when viewed from the north boundary of the site. The planting proposed can be adequately dealt with by the imposition of appropriate landscaping conditions.

The proposal is not considered harmful to the character and appearance of the surrounding area and accords with Policy GB11 of the adopted Local Plan

Impact on Neighbouring Amenity

The location of the building is remote from neighbouring residential properties. In terms of the impact on the landscape, the building would be set in a field close to the lane. There is mature vegetation along the roadside frontage which would largely screen the building from public vantage points.

The Parish Council object on the grounds that the building and drive is not justified and there is no need for the creation of any associated hard standing drive leading to this building. The issue for the need for the building has been dealt with above. The need for the drive is required as vehicles can then enter/exit the site from the lane rather than construct a new drive south towards the farmhouse which would have more of an impact in the Green Belt. They have also raised concerns that the building would be converted into further dwellings can be dealt with by the imposition of a condition restricting the use of the building for agricultural purposes.

In terms of the neighbour objections part of them are historical. The issue of vermin would be dealt with by the environmental health department. Having regard to the nature of the proposed use and its surroundings, it is not considered that the size of the barn and the activities associated with such a use would give rise to any significant demonstrable harm to neighbour's amenity in the form of noise, disturbance or overbearing impact.

The main function of the barn is for agricultural purposes and appropriate conditions would be imposed at any approval ensuring that the building is only for agricultural use and for no other purposes. The proposal is sited at some distance from the nearest residential property and therefore not give rise to any significant impact on residential amenity in the surrounding area. Overall, the proposed use is considered to comply with the requirements of policies DBE9 and DM9 of the adopted Local Plan and emerging Local Plan.

Highway and Parking

From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to no unbound material to be used in the surface treatment of the vehicular access within 6 metres of the highway boundary to avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

Environment Protection & Drainage

The Environment Protection team have no objection to the application in principle subject to the approval/implementation of the requirements as set out below above by this team. The applicant has no proposal to dispose of foul sewage, but the proposals will produce a slurry from the poultry. Further details are required to be submitted to the Local Planning Authority of the disposal of surface water and drainage prior to preliminary groundworks commencing in accordance with the appropriate policies which are considered reasonable and necessary.

Special Area of Conservation.

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended). A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the

Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV.

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

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified.

Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

1. The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.
2. Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to the atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

Atmospheric Pollution

The proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS.

In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusion

The proposed agricultural barn has been supported by information regarding the requirement and need for the additional storage within the farm unit. The barn is considered to be both appropriate and necessary for the purposes of agriculture and therefore would not unduly harm the openness of the Green Belt. The design, scale and location of the proposed barn would ensure that there would be no detrimental harm to the character and appearance of the wider countryside setting or the amenities of nearby residents and as such it is considered that the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies.

In the light of the above considerations it is recommended that planning permission is approved subject to conditions and a Section 106 legal agreement to secure appropriate financial contributions to measures to mitigate potential impacts on air quality and for the management and monitoring of visitors to the Epping Forest Area of Conservation.

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

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

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



Epping Forest District Council



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Application Number:	EPF/1080/19
Site Name:	Land rear of 287-291 High Street Epping Essex CM16 4DA
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/1080/19
SITE ADDRESS:	Land rear of 287-291 High Street Epping Essex CM16 4DA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	GS8 Epping High Street Limited
DESCRIPTION OF PROPOSAL:	Proposed 1 no. 3 storey and 1 no. 2 storey buildings to accommodate x 3 residential units (2, 1 bed units and 1, 3 bed dwellinghouse) with communal open space, landscaping and associated works.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=623394

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

1519- LS-DR-500-P1; 1519- LS-DR-2004-P1;
1519- LS-DR-1002-P2; 1519- LS-DR-1003-P2;
1519- LS-DR-2001- P2; 1519- LS-DR-2003 - P2;

1519- LS-DR-1000-P3; 1519- LS-DR-1001-P3;
1519- LS-DR-2002-P3; 1519- LS-DR- 2005--P3
1519- LS-DR-4000-P3;
- 3 No preliminary ground works shall take place until a written scheme and programme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out strictly in accordance with the approved scheme and programme.
- 4 Prior to their installation, samples of the type and colours of the external finishes of the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.

- 5 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 the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 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.
- 7 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A-E of Part 1, to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
 - Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and

d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

- 11 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependent upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 12 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.
- 13 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.
- 14 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.
- 15 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling and at no cost to the occupier, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

- 16 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 17 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to recreational use and air quality.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

No. 287-291 is a 3 storey mid terrace building located to the northwest of Epping High Street comprising of a retail unit at ground floor and residential at first and second floor.

The rear of the site comprises of a vacant neglected parcel of land, both long and narrow, situated between a modern flat roofed building of similar scale to the southwest. Brick walls form the side elevations of adjacent buildings demarcate the boundaries. There is a substantial mature tree towards the southwestern boundary, sited part way down the land parcel.

The site lies within the key frontage of the Epping Town Centre and within Epping Conservation Area characterised by its medieval linear settlement and distinctive layout featuring two or three storey buildings fronting the High Street with 1 to 3 - storey outbuildings to the rear. The site is within the setting of a 17th Century, grade II listed 'Black Lion' PH with outbuildings to the rear. The black Lion particularly illustrates the principle of building hierarchy as it is part two storeys (facing High Street), part single storey (at the back).

The topography of the site is where the area to the rear of the shops slopes down from the Southwest to the Northeast with a steeper drop to the rear of the site and also South to the North.

The surrounding area is of a mixed use comprising of retail at ground floor and residential/commercial/ offices at first floor fronting onto the High Street with a mixed variety of urban building types and heights with residential and commercial/storage to the rear aspects. The site is bound to the rear by brick walls and 3 car parks.

The car park to the northwest of the site is also identified in the site selection process for residential development in the Local Plan Submission Version, 2017.

Description of Proposal:

Planning permission is sought for the development of the rear parcel of the site abutting the ground floor rear extension to the existing retail unit to accommodate 2 detached buildings to provide x 3 residential units accessed by a side pedestrian entrance walkway from the main High Street shop front unit.

This application is a resubmission following a previous refusal, ref: EPF/2246/17 for the infill of the rear aspect with 2 detached buildings linked by communal walkways comprising x 6 units which was refused due to its scale and massing and Dismissed at Appeal.

Following the Appeal, the applicant took advice from the Councils Urban Design Team and the Quality Review Panel and the scheme has been significantly reduced by half from 6 units to 3 involving an increased distance of the first building from the rear flank elevation of the main front building and a larger separation distance to the proposed rear most second building where the design has been altered and the height, depth and scale reduced. The internal arrangement of the units have been reconfigured with the introduction of more space and the reorientation of the main habitable rooms windows to the rear northeast elevations to give more light. Other changes has involved the removal of the linked walkways and a proposed shared communal amenity space and recessed balconies to the ground floor of both buildings.

This proposed built form of development comprises of two buildings separated by a communal amenity area.

First Building - 2, 1 bed units -

The first building is 3 stories in height, set below the ridge of the host building with a shallow gable roof measuring a depth of 13m, a width of 5m at a height of 10.5m accommodating 2 units, both with their own separate entrances from the communal walkway. -

- A duplex one bed apartment sited over 2 floors, with a floor area of 99m². The ground floor is the main living accommodation with the habitable room windows to the rear north flank elevation and a recessed balcony with screen. The first floor comprises of a bedroom, bathroom and ensuite with the windows located to the east elevation.
- A one-bedroom unit is located on the second floor with a floor area of 51m² with the main habitable windows to the north elevation and 3 dormer windows located to the east roofslope.

Second Building - 3 bed dwellinghouse -

The proposed rear most 2 storey, 3 bed dwellinghouse has a separation of 6.5m from the front building and stepped down at a lower level of 1.1m, due to the slope of the land with the ground floor at the lower ground level and accommodates the bedroom space with the upper floor as the main living area and kitchen with a recessed balcony area to the northeast elevation. The building measures a depth of 11.5m, a width of 6m and height of 8.5m (7.5m from ground level) with a green roof and an internal floor area of 115m².

The communal refuse storage and cycle area is sited to the southern most aspect of the site integrated into the first part of the development

Traditional materials are to be used involving brick and timber slate shingles for the roof to the first building and an intensive green roof for the rear building

Relevant History:

EPF/2246/17 - Redevelopment of site to provide 6 residential units - 3 x 2 bed, 2 x 1 bed, 1 x 1 studio - Refused October 2017 -

- The proposal has a density of 60 dwelling per hectare. This figure exceeds standards of 30-50 set out in policy H3A of the Local Plan and if built, would not secure a good standard of amenity for all future occupiers of land and buildings within and surrounding the site. It therefore conflicts within the requirements of the paragraph 17 of the NPPF along with policies CP3 and H3A of the Local Plan.
- The proposed development by reason of its scale, height, bulk and mass would constitute an overdevelopment of the site and appear incongruous and unacceptably dominant and visually intrusive particularly in relation to the adjoining Listed Building and would fail to preserve or enhance the special character of this part of the Epping Conservation Area contrary to the NPPF and Local Plan policies CP7, DBE1, HC6, HC7 and HC12.
- The proposed development would, by reason of its height, scale, bulk, massing and proximity to the donor building, adversely affect the outlook and daylight and sunlight to the adjacent neighbours and would create an excessive sense of enclosure to future occupiers contrary to council policy CP7 and DBE9.
- The proposed development does not appear to provide adequate functional, attractive and safe access for future occupiers of the development. contrary to policies DBE3 of the Local Plan and Alterations.
- The proposed development does not appear to provide a functional bin store which provides adequate and practical service space to the detriment of future occupiers of the development contrary to policies DBE3 of the Local Plan and Alterations.

Dismissed at Appeal 22nd August 2018

EPF/2928/15 - Extension and change of use to A1 (retail) at ground floor level - Appr.
EPF/2795/15 - Change of use of upper floors from office to 3 flats - Approved.

DEVELOPMENT PLAN CONTEXT

*Local
Plan*

(1998) and Alterations (2006)

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

- CP1: Achieving Sustainable Development Objectives
- CP2: Protecting the Quality of the Rural and Built Environment
- CP3: New Development
- CP6 Achieving sustainable urban development patterns
- CP7 Urban Form and Quality
- DBE1: New Buildings
- DBE2: Effect on neighbouring properties
- DBE8: Private amenity space

DBE9: Neighbouring residential amenity
LL11 Landscaping schemes
ST1: Location of development
ST2: Accessibility of Development
ST4: Road safety
ST6: Parking provision
H2A: Previously developed land
H4A: Dwelling Mix
H3A Housing Density
HC6 Character, Appearance and Setting of Conservation Areas
HC7 Development within Conservation Areas
HC12 Development Affecting the setting of Listed Buildings
HC13A Locally Listed Buildings

NPPF, 2021

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 51, 86, 104 - 111

Paragraph 118- 121, 126 - 132, 194

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue	Significant
H1 Housing mix and accommodation types	Significant
H3A Housing Density	Significant
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM7 Heritage Assets	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 On site management of waste water and water supply	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant

DM20 - Low Carbon and Renewable Energy	Significant
DM21 Local environmental impacts, pollution and land Contamination	Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

EPPING TOWN COUNCIL - OBJECT - confirm that they will attend Plans East to speak

- overdevelopment of the land, little amenity space and no parking.
- Cannot support residential accommodation at ground floor to the rear of a retail premises to protect vitality and viability of the Epping High Street

A Site Notice was Displayed - 14/06/2019 and Advertised - 16/6/2019

EPPING SOCIETY - OBJECT

- no parking

31 adjoining neighbours were notified, and 6 objections have been received that raise the following concerns:

- Scale, height
- Insufficient open space. Massing
- Removal of trees and infilling of an open space
- Overlooking
- Intrusive
- Narrow access
- Flats sited close to Black Lion which is of special architectural significance

Main Issues and Considerations:

- The principle of residential
- Design, Character and Appearance
- Impact on the amenity of surrounding residents; Form of Accommodation;
- Impact on existing trees
- Provision of parking and highway safety.
- Contamination
- Special Area of Conservation

Principle of Development

The Council is currently in the process of adopting a new Local Plan where sites have been allocated for residential for residential development. No. 287-291 High Street is one of the sites that has been identified in the site selection process for development in the Local Plan Submission Version, 2017, reference EPP.R10 for up to 6 residential units. Three of the units have already been implemented above the ground floor commercial building.

The allocation of the site in the Local Plan Submission Version is material to the determination of the application and which carries substantial weight in favour of the development from the Government to maximise the use of urban sustainable locations.

Epping Town Centre, is one of the larger built up towns within the District well served by local services and amenities. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development.

The site is located within an existing mixed use area of commercial/retail and residential area; within a sustainable urban location where accessibility is good and the infrastructure has been developed so there local services, facilities and good public transport links are available within walking distance of the site and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, subject to all other parameters.

Design, Character and Appearance

The plot is sited within the key frontage of the Epping Town Centre and Conservation Area. The main front building within the plot is 3 storey in height with the surrounding buildings fronting onto the High Street comprising two and three storey in height. The rear of the plots feature a mix variety of buildings, predominantly large 2 and 3 storey in height in such uses as offices, commercial/ storage and residential. The site is bound to the rear by brick walls and car parks.

The piece of land is long, narrow and undeveloped, situated between a modern flat roofed building of similar scale to the southwest and the Listed public house to the northeast.

The application follows a previous refusal for the infill of the rear aspect with 2 detached buildings comprising 6 units which was refused due to its scale and massing and was Dismissed at Appeal.

The Inspector in his decision raised no objection to the development of the site for residential recognising that the, *'setting is of a densely, developed mostly urban area with, in some cases much taller modern buildings nearby'* and that. *'the new housing would be added to the area and whilst I shall come onto this in more detail later, it would add to a supply that is currently lacking when compared to the requirements of the Framework.'* I give this factor some weight.

The Inspector also noted that the *'The site would also benefit from a general tidy up which would be positive'* and that, *'the public house aside, some other buildings surrounding the appeal site are not of significant architectural value in themselves but that the scheme's shape, height and extent of projection would simply appear too much for the site and how it would be juxtaposed with other buildings..... As a result, the proposed development would fail to either preserve or enhance the character or appearance of the ECA'.*

The Conservation Officer comments at the time of the application were that, *'the development demonstrated that it is possible to associate traditional building form and modern materials in order to create a building which is at once modern and of high architectural quality, but that the scale and massing raised strong concerns. The first part of the proposal situated immediately behind the existing building is perfectly acceptable at 3 storey, I believe the proposed second part of the building would make it overly dominant alongside the lower listed building and irreversibly alter and diminish its setting, the way it is experienced. For the same reasons the proposed scheme would also harm the character and appearance of the conservation area'.*

The Inspector also considered that, *' Whilst the immediate setting of the Black Lion is a densely developed mostly urban area with, in some cases, much taller modern buildings nearby, there is a sense of openness around its rear elevations which allow appreciation of its particular architectural features and acknowledgement of the positive contribution it makes to the history of the High Street. The opposing scale of the appeal scheme would dwarf the public house, significantly reducing the openness around it and have something of a looming presence, dominating the Black*

Lion. The difference in scale would be readily identifiable and obvious given the nature of available views as I have described them above. For these reasons, the proposed development would be harmful to the listed building and its setting'.

Following the appeal and various negotiations, the scheme has been substantially amended involving a reduced number of units. The gap between the rear flank of the existing front building and the proposed first building has been increased and the first building is contained within the cluster of existing buildings so as not to project beyond the rear line of the adjoining buildings or the height to the immediate northwest.

The amended design, reduced height, scale and massing of the second rear most building incorporating a pitched roof and lower eaves with a combined intensive planted green roof has removed the schemes original bulk and hard edge appearance. The increased separation distances, landscaped central communal courtyard and the removal of the linked communal walkways has simplified the scheme; the roof form has substantially reduced the overall mass and visual dominance and intrusiveness of the previous scheme; created more space and light externally and internally to the living accommodation. The changes have created a design that is considered more proportionate and sensitive, resulting in a less conspicuous, more respectful and integrated development in terms of its historical context.

The design and form of the development is of significant merit, sympathetic and comparable in context with the spatial pattern of development in the surrounding area and accords with the policies of the Local Plan that seeks to ensure that development meets the requirements of the NPPF and policy CP2 and DBE10 of the Local Plan and DM9 and DM7 of the emerging Local Plan.

Amenity to Neighbours Amenity and Form of Accommodation

In terms of the form of living accommodation, the Inspector in his decision raised no objection to the main entrance to the buildings. *'The access to the development would be via a gated pedestrian route from the High Street. The access way is narrow but would be lit and by virtue of the gate secure. Whilst I accept that there would be better and more inviting ways to access the flats in the proposed extension the treatment of the access as proposed would, to my mind, sufficiently mitigate a perceived lack of quality and sense of unwelcome enclosure. With this in mind, the nature and design of the proposed access would not harm the living conditions of future occupiers'.*

The Inspector also considered that, 'there would not be a loss of light of any great significance to the point that the living conditions of existing neighbours would be adversely affected'. The alterations to this application has created more space within and between the 2 buildings, with additional skylight windows and the reoriented to the majority of the main habitable room windows to the rear elevations to increase the amount of light to the internal space. A larger outside central landscaped communal area is also provided for the occupiers with rear recessed balconies to 2 of the units.

The buildings would look out over onto the existing car park. The closest residential property to the northwest and east of the proposed buildings is No. 2 Buttercross and it is considered that the separation distance and topography of the land would prevent any demonstrable harm from the first part of the development and the second part of the development is where again the distance, height and the lower level of the ground would prevent any harm to the living conditions of neighbouring properties in terms of loss of light, overlooking or privacy. It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the Local Plan and policy DM9 of the emerging Local Plan.

The main habitable rooms of the units have sufficient daylight and outlook and are considered of a satisfactory form of living space that meets the Nationally Prescribed Space Standards as set out in Policy DM10 of the Submission Version Local Plan, 2017, providing a good quality of accommodation for future occupants.

It is generally accepted that properties within town centres provide less amenity space. The plans indicate the provision of amenity space and both Lower Swaines Recreation Ground and Stonards Hill Recreation Ground are within walking distance of the site. Although this would not meet the recommended standards as laid out within the Essex Design Guide and Local Plan policy DBE8, given the town centre location and that the majority of the units are one bedroom, it is not considered that there are sufficient grounds to justify a refusal of permission on this basis.

The Inspector in his appeal decision stated, ‘ *communal bin stores are not uncommon in this type of development and that the number of units is not substantial in itself to have to rely on a communal bin store and the distances between it and each unit and the kerbside would not be excessive to the point that the living conditions of future occupiers would be compromised unacceptably. This application has provided a refuse storage area which is considered sufficient for the reduced number of units* ‘

Comments on Representations Received.

The issues raised by the Parish Council, Epping Society and residents are noted. The development has been significantly amended in design and scale terms from its original submission of 6 units to 3 and where many of the concerns of the Council and Inspector on the previous refusal have been addressed.

There is no objection to the development of the site for residential, which is an allocated site in the emerging Local Plan. The Inspector raised no objection to the provision of residential use within this urban, town centre location and accords with the presumption in favour of sustainable development.

The intensification of use of this site would accord with this presumption and should be afforded significant weight. Residential uses are also recognised as being beneficial to town centres as it increases activity, security and custom. This is highlighted within Paragraph 86 of the NPPF which states that,

“Local Planning Authorities should, amongst other factors, “*recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites*”.

The site is located within an existing mixed use area of commercial/retail and residential area where accessibility is good and the infrastructure in the vicinity has been developed so there are local services, amenities and a good public transport links available within walking distance of the site.

The development has been designed to ensure that it is appropriate in its context within a mixed use supported by the NPPF and would not prejudice the amenity of the occupiers of adjoining properties. The site provides a quality, sustainable residential development that brings forward the growing need for additional housing.

The principle of residential development is therefore acceptable which is consistent with the requirements of policies CP1, CP3 and H3A of the Local Plan and with the NPPF which seeks to boost significantly the supply of housing. Policies DBE1, DBE2 and DBE4 of the Epping Forest

District Local plan seeks to ensure that new development is satisfactorily located and is of a high standard of design and layout.

The concerns expressed by Epping Town Council, the Epping Society and neighbouring residents regarding overdevelopment of the site must be balanced against the carefully thought out design of the proposal that respects the overall scale, height and relationship of the building to its plot boundaries and to the surrounding built form.

Trees and landscape

The site is within the Conservation Area, and therefore all trees are afforded legal protection. The Inspector in his decision noted that the site had a substantial mature tree towards the southwestern boundary, part way down the land parcel but was of the opinion that the tree on site should not be seen as a constraint to development of the site.

'The tree on the site has been assessed and found to be not worthy of retention in the long term. I agree with the Council that in any event it would unlikely survive the extensive nature of the works on the site, particularly the excavation for the lower ground floor element. It is unclear as to the appellant's intentions with exactly what age and type of tree they would intend to place on the site as part of the scheme but equally it seems eminently possible to agree this element by planning condition. All matters considered, I have no objection to the proposed development from the perspective of its effect on trees.'

The development accords with the requirements of policy LL10 of the Local Plan subject to conditions which are considered reasonable and necessary.

Highways & Transport

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority. Parking can be reduced in urban areas and this location is considered to be acceptable given the proximity to other modes of sustainable transport and the town centre. Further to this the town centre is well secured with parking restrictions so there will be no detriment to highway safety as no on-street parking can occur within the vicinity subject to the following:

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling and at no cost to the occupier, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Land Drainage

No objection in principle. The site lies within an Epping Forest District Council Flood Risk Assessment Zone and of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. The applicant is proposing to dispose of surface water by main sewer. Further details require approval of land drainage, surface water details and a FRA by the Local Planning Authority prior to

preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Contamination

The site has the potential to be contaminated as a result of its previous uses. To ensure that future residential occupiers are not put at risk from this contamination, it is recommending that contamination mitigation measures are secured through conditions which are considered reasonable and necessary in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

Archaeological Advice:

The Essex Historic Environment Record (EHER) shows that the proposed development is located in close proximity to known archaeology in the centre of the historic town of Epping. The settlement dates to the medieval period, located north of Cobbins Brook on the medieval route from London to Cambridge. Previous excavation, to the south of the proposed development, identified post – medieval remains (EHER 48762). There is therefore the potential of archaeological deposits within the proposed development area and an appropriate condition should be attached at any planning permission granted which is considered necessary and reasonable for a programme of archaeological trial trenching and excavation.

Epping Forest Special Area of Conservation:

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

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. . Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS.

The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusion:

The allocation of the site in the Local Plan Submission Version is material to the determination of the application. It is considered that the Inspectors and other concerns raised in the previous application have been satisfactorily addressed.

The proposed development is an efficient use of the land, sufficiently maintaining the character, appearance and spatial pattern of development of the surrounding area and would not result in any amenity implications on neighbouring dwellings; other aspects in relation to parking/highway safety and landscaping are considered satisfactory. The application is considered to be in accordance with the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In light of the above considerations it is recommended that planning permission is approved subject to conditions and a Section 106 legal agreement to secure appropriate financial contributions for measures to mitigate potential impacts on air quality and for the management and monitoring of visitors to the Epping Forest Area of Conservation.

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

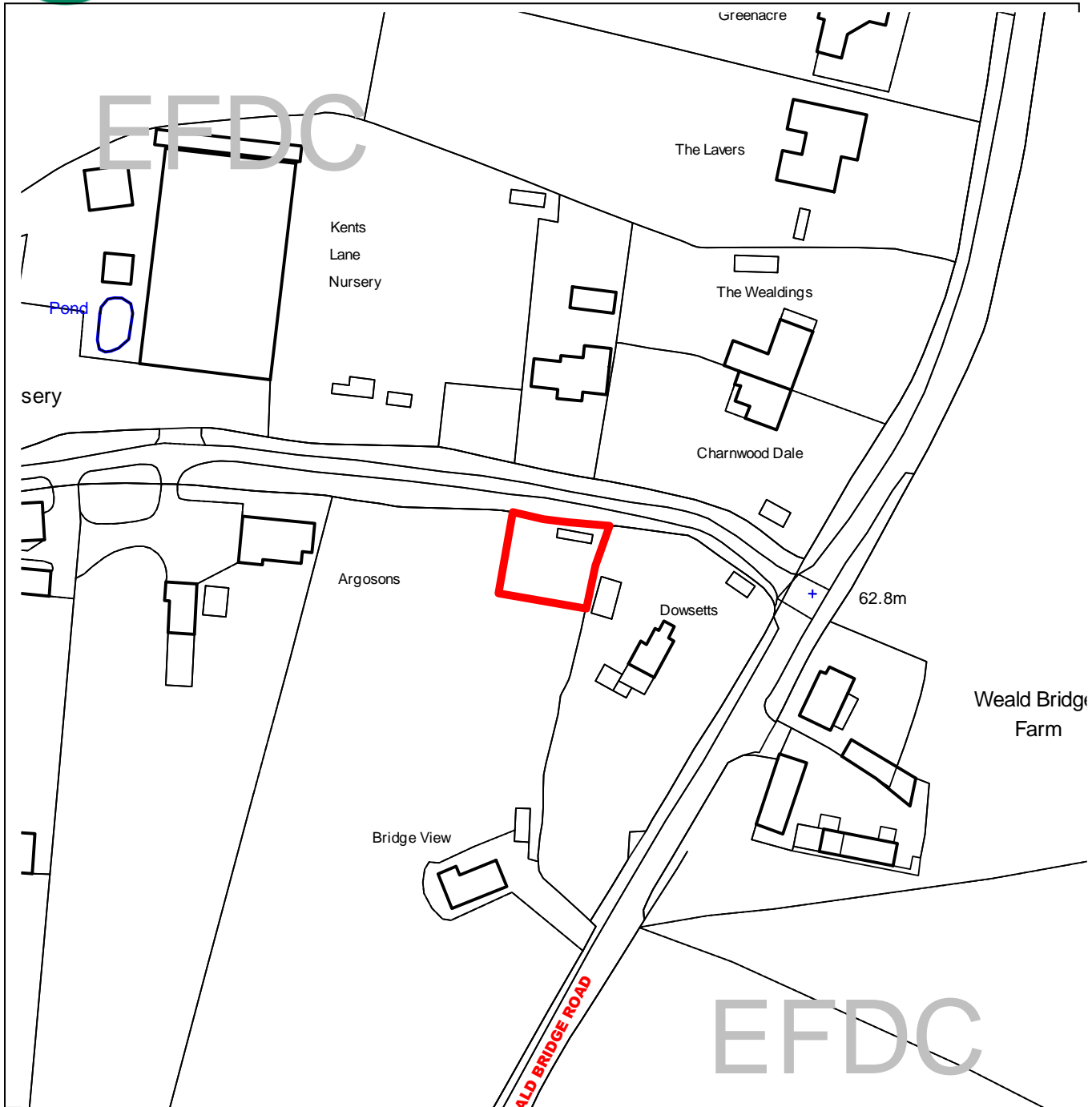
***Planning Application Case Officer: Caroline Brown
Direct Line Telephone Number: 01992 564182***

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

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Application Number:	EPF/0160/21
Site Name:	Sunnyside Pt OS 956 Kents Lane North Weald Bassett Epping CM16 6AX
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/0160/21
SITE ADDRESS:	Sunnyside Pt Os 956 Kents Lane North Weald Bassett Epping CM16 6AX
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Kevin Fletcher
DESCRIPTION OF PROPOSAL:	Change of use of hobby workshop and storage building to dwelling.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=647260

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 01 Rev D and 02 Rev C.
- 3 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.

- 4 Prior to preliminary ground works taking place, details of foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5 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 the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
- 7 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to air quality.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council, material to the planning merits of the proposal, whereby the Local Council confirm in writing their intention to attend and speak at the meeting where the proposal will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site is a single storey building situated on the Southern side of Kents Lane.

The site is located within the Metropolitan Green Belt. It is not within a Conservation Area and is adjacent to a Grade II Listed Building.

Description of Proposal:

Change of use of hobby workshop and storage building to dwelling.

Relevant History:

EPF/0141/83 - Horse shelter for leisure purposes – Refuse Permission.

EPF/1673/19 - Application for a Lawful Development Certificate for an Existing use of building and land for workshop and storage purposes. – Unlawful

EPF/1786/20 - Application for a Certificate of Lawful Development for Existing use of a building for non-commercial workshop & storage purposes (revised application). - Lawful

Policies Applied:

Adopted Local Plan:

CP2	Protecting the Quality of the Rural and Built Environment
DBE9	Loss of Amenity
HC12	Development affecting the Setting of Listed Buildings
RP5A	Adverse Environmental Impacts

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 afforded
SP7 – The Natural Environment, Landscape Character and Green Infrastructure	Significant
DM7 – Heritage Assets	Significant
DM9 – High Quality Design	Significant
DM21 – Local Environmental Impacts, Pollution and Land Contamination	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 8

Responses received: 1 –

Bridge View, Weald Bridge Road: Comment:

- Concerns over the open watercourse (not relevant to this application)

MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL: OBJECTION:

Paragraph 146 of the NPPF advises that certain other forms of development are not inappropriate in the green belt provided they preserve its openness and do not conflict with the purposes in including land within it, including d) the reuse of buildings provided that the buildings are of permanent and substantial construction. The applicant is using this paragraph to justify the conversion to a dwelling, however the Structural Inspection Report submitted with the application clearly identifies that the building is not of substantial construction for the following reasons:

- Sporadic timber studs with no foundation (para 3.01 of the report which states studs forming the wall were at very large centres with corrugated sheeting fixed to them. There is no concrete floor in this area with just bare ground being used’).
- Sporadic timber studs with no foundation (para 3.02 of the report which states of the timbers were turned on their side so only 50mm deep. No guttering was noted. Timbers studs forming the wall were at very large centres with corrugated sheeting fixed to them. There was no concrete floor in this area with just bare ground being used’).

- The property has no structural integrity and therefore cannot be of substantial construction, thus meeting the test of the NPPF (para 4.02 of the report which states 'Various means of strengthening and repair would be required to provide structural integrity and requirements to the building regulations').
- The structure has no foundations, and as such cannot be of substantial construction, thus meeting the test of the NPPF (para 4.03 of the report states 'We expect from a structure of this type and age that no or very shallow existing foundations are likely to have been used' and 'This could be done by a mini piling rig internally to a suitable depth with a concrete beam formed below the walls').
- The structure does not have enough framing to make it of substantial construction (para 4.04 of the report states 'We would suggest that there are not currently enough timber studs in the wall or sheathing to prevent racking. We would suggest that additional timbers are added to the external walls along with plywood sheathing to prevent the structure racking.
- The current building is unable to take the load of any new roof covering or insulation, and as such therefore cannot be of substantial construction thus meeting the test of the NPPF (para 4.05 of the report states 'The roof timbers are currently undersized and new roof coverings and insulation are likely to slightly increase the load. Therefore, new roof timbers would be required. These could be laid in between the existing rafters and should be sized by a qualified structural engineer. Full strapping to outside walls for stability would need to be added'.)

These buildings are small, rickety sheds used for storage. They are not buildings of substantial construction, and therefore do not meet the qualifying criteria of paragraph 146 of the NPPF, and as such any conversion to a dwelling should be deemed inappropriate development in the Green Belt.

ECC Highways: No objection

Contaminated Land: Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition be attached to any approval.

Main Issues and Considerations:

The main issues to consider are the design, impact on neighbouring amenity and impact on the Green Belt.

Design

There are minimal changes in terms of design, these are fenestration changes and are found to be acceptable. The Listed Building and Conservation officer verbally commented on the application raising no in principle objection, however it should be noted that the site is not within the curtilage of the Listed Building.

Impact on Neighbouring Amenity and Setting of Nearby Listed Building

There would be no adverse impacts on neighbouring properties as a result of the development. The proposal therefore complies with the Adopted Local Plan policy DBE9, SVLP 2017 policy DM9 and NPPF 2019.

Green Belt

Paragraph 150 of the NPPF considers the re-use of buildings as not inappropriate development within the Green Belt provided the building is of permanent and substantial construction. Whilst concern has been raised from the Parish Council regarding the structural integrity of the building, the Structural Inspection Report does conclude that "*Following our inspection, we believe that the structure can be converted into a domestic dwelling*", albeit subject to some strengthening. This planning application is only for the conversion of the existing building and therefore would not allow for the demolition and rebuilding of the existing building. Such works would require a fresh planning consent. As such, it is not considered that there is sufficient evidence to refuse on the basis suggested by the Parish Council.

In addition, whilst further consent would be required for demolishing and rebuilding the building, since the land is previously developed the 'like for like' replacement of the existing building with a new building would potentially meet the exception to inappropriate development as laid out in paragraph 149 of the NPPF.

Due to the above, the proposal is considered to comply with policies GB2A of the Adopted Local Plan, DM4 of the LPSV 2017 and the NPPF 2021.

SAC and Air Quality

Following the adoption of the APMS, a contribution of £335 is required per dwelling, due to the additional vehicle movements as a result of the development. The applicant is willing to enter into a legal agreement for this contribution, inclusive of a 5% monitoring fee of £16.75.

Conditions will be added requiring an electric vehicle charging point and high-speed broadband facilities are provided.

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Conclusion:

The proposal complies with relevant planning policy and it is recommended that 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:

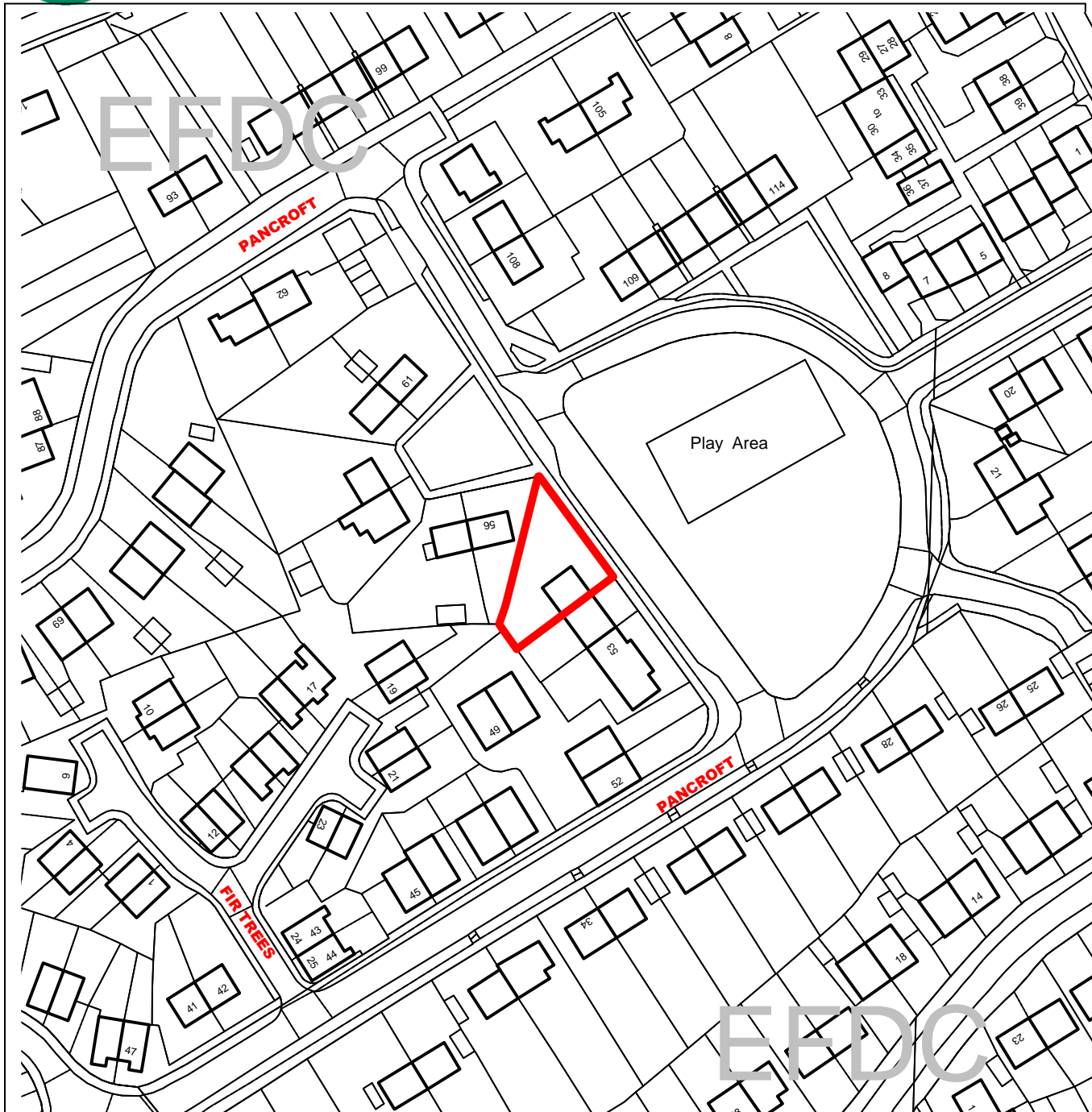
***Planning Application Case Officer: Zara Seelig
Direct Line Telephone Number: 01992 564379***

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

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Application Number:	EPF/1061/21
Site Name:	55 Pancroft Lambourne RM4 1BX
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/1061/21
SITE ADDRESS:	55 Pancroft Lambourne Romford RM4 1BX
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr A Spaicys
DESCRIPTION OF PROPOSAL:	Demolition of existing rear extension /conservatory, erection of rear extension and adjoining two storey 3 bedroom dwelling.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=651155

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

101; 102; 201; 202.
- 3 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A and Class E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 5 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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.

6 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. 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. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

8 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided

as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

- 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.

And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to recreational use and air quality.

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:

Site and Surroundings

55 Pancroft is a two-storey end-of-terrace house with a rear extension / conservatory and a garden to the side and rear. It is situated in a built-up area in Abridge. There is on-street parking available at the front of the property and there is a public green space with a play area across the road. 55 Pancroft is not listed and it does not lie in a conservation area. The site is situated just outside the 3km zone of influence, but within the 6.2km zone of influence to the Epping Forest Special Area of Conservation.

Proposal

The applicants propose to demolish the existing rear extension / conservatory, to erect a new full-width rear extension of three metres in depth, and to add an adjoining two-storey three-bedroom dwelling to the terrace, to be situated in the existing garden to the side. The materials proposed for the additional dwelling are red brick and a tiled roof to match the existing dwelling at 55 Pancroft. No additional off-street parking is proposed, with future occupiers of the new dwelling to use on-street parking.

Relevant Planning History

None

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:

- CP1 Achieving sustainable development objectives
- CP2 Protecting the quality of the rural and built environment

CP3	New development
CP4	Energy conservation
CP5	Sustainable building
CP6	Achieving sustainable urban development patterns
CP7	Urban form and quality
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE6	Car parking in new development
DBE8	Private amenity space
DBE9	Excessive loss of amenity to neighbouring properties
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle parking
H2A	Previously developed land
H3A	Housing density
H4A	Dwelling mix
LL11	Landscaping schemes
RP4	Contaminated land
NC1	SPAs, SACs and SSSIs
NC4	Protection of established Habitat

National Planning Policy Framework 2021 (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 126, 130, 134.

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

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

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

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
SP3 Place Shaping	Significant
SP7 Landscape Character and Green and Blue Infrastructure	Significant
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM1 Habitat Protection and Improving Biodiversity	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM6 Designated and Undesignated Open Spaces	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM20 Low Carbon and Renewable Energy	Significant
DM21 Local Environmental Impacts, Pollution and Contamination	Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received:

Site visit: 08/10/21

LAMBOURNE PARISH COUNCIL – OBJECT The application is overdevelopment and considered to be garden grabbing'. They state, 'It is felt that the neighbour at 56 will lose light and we agree with their concerns. It should be noted that the neighbour has planning permission for a rear extension but now wonders whether to go ahead. Parking on the road is already extremely overcrowded and a danger for children crossing to the play area. This application will cause issues with construction traffic and then with the new householders' vehicles. The Council also feel that this should be two separate applications as it will be two properties.

Ten neighbours were consulted.

56 PANCROFT – OBJECT to the application citing concerns about privacy and loss of light. In their view, 'all first floor windows looking out to the rear would be looking straight over and into our garden leaving us with very little to no privacy any longer'. They express that they have had, 'plans agreed to build a rear extension that would involve the use of skylights to increase the amount of light flooding into the new extension area. However, with a new dwelling being erected to the east there would be an impact of reduced light coming in.' They state their view that the proposed development will negatively impact upon the symmetry of the close and be damaging to the street scene. They are also concerned that the development would create further pressure on parking. Non-material issues, such as concern about detrimental impact on property value, are also cited in the objection.

Essex County Council Highways comment, 'From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.'

Cadent Gas and National Grid have no objection to the proposed activities. They state that searches have identified that there is no record of apparatus in the immediate vicinity of the application site.

EFDC Land Drainage officers have no objection to the planning application in principle, subject to the submission of further details of the surface water drainage system.

EFDC Contaminated Land officers recommend that a land contamination condition be attached to any approval.

The applicants have submitted a Vehicle Trip Generation Assessment as part of the proposal. Following appraisal of this report EFDC Transport Planning consultants are, '*content that the proposal for one additional residential unit in this location is unlikely to present a material impact within the EFSAC based on the data presented in the attached assessment.*' They state, '*While the assessment does not specifically assign the 5 additional AADT onto the highway network, it is reasonable to accept that the additional 3 predicted AADT movements within the EFSAC or the associated 200m buffer do not need to be modelled further and that the developer contribution would be acceptable to mitigate the predicted impact.*'

Main Issues and Considerations:

The main issues for consideration in this case are:

- a) The design of the proposal and its impact on the character and appearance of the locality;
- b) The impact on the amenity and living conditions of neighbours;
- c) The potential impacts on the integrity of the Epping Forest Special Area of Conservation;
and
- d) Highway safety and parking.

Design, character and appearance

The external appearance of the additional house proposed is in proportion with and in keeping with the houses in the terrace and it would relate positively to its context and the street scene. The proposed rear garden space is of a triangular shape, which is somewhat unconventional, and measures circa 50 cubic metres. Although the rear garden appears somewhat cramped, there is substantial amount of additional garden and amenity space available to the side and front of the property, plus a park and play area across the road. The proposal also reduces the size of the garden at the existing property 55 Pancroft. However, it is considered that the remaining garden amenity space will be adequate for existing and future occupiers. Constrained private gardens such as this can be seen within the immediate locality and are balanced out by the presence of public open space.

The proposed new property will have two double bedrooms and a small third single bedroom. Overall, the new property will have a gross internal area of circa 88 square meters. Officers consider that the proposed new dwelling is appropriately located and that the existing plot is large enough to facilitate the development of a new house in the row. Rather than perceiving the proposal as 'garden grabbing' officers are of the view that the proposal takes a rational approach to infilling, in order to deliver a new home. Officers are satisfied that the rear extension to the back of 55 Pancroft is sufficiently in keeping with the character and appearance of the existing house. Basic landscaping details have been provided by the applicant, and further hard and soft landscaping details may also be requested by condition. It is recommended that Class A and Class E permitted development rights should be removed from the proposed new dwelling, in order to safeguard the amenity space at the property and in order that the Local Planning Authority can exercise some control over potential future extensions on the site.

Amenity and living conditions of neighbours

At the narrowest point, the proposed new dwelling maintains a minimum gap of circa 1.2 metres to the boundary with number 56. The neighbour at 56 Pancroft has recently received Prior Approval for a larger home rear extension of six metres in depth (EPF/0046/21). This extension is not represented on the plans submitted with this application, however the extension was under construction when the case officer visited the site. According to the block plan submitted with EPF/0046/21, the single storey rear extension at number 56 would build right up to their boundary, leaving no space at the side, also creating a relatively small near-triangular rear garden at the back of this property. Having visited the site, officers are satisfied that the proposed new dwelling will not result in a harmful loss of daylight / sunlight for the neighbour at number 56 and also that the remaining light will be adequate. While there may be a degree of overlooking to the rear garden at number 56 from the first floor rear windows of the new dwelling, officers do not consider that this would be detrimental to the amenity and living conditions of these neighbours to such an extent that the planning application should be refused on these grounds. Due to the orientation of the proposed development and due to its spacing from the boundary at the side, officers are satisfied that the development is not over-bearing or overly enclosed in form.

Impacts on the integrity of the Epping Forest Special Area of Conservation

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development

proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Impact Pathways to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

- 1) The site lies within the 3km - 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
- 2) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC. As the application proposal lies more than 3km from the boundary of the EFSAC there is

no requirement to make a financial contribution. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusions

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Highway safety and parking

No on-site parking is proposed as part of this scheme and the site lies in a location with relatively poor access to public transport. It is therefore expected that the future occupants of the new dwelling will require the use of at least one, and possibly two cars.

Nonetheless, on-street parking is available, and at the time of the site visit there were enough parking spaces available in the vicinity to accommodate another two vehicles. Essex County Council Highways Division have no objection to this application as it is not contrary to relevant policy.

Conclusion

The proposal is a logical addition to the site. The scheme is of an acceptable standard of design and it acceptably safeguards the amenity and living conditions of neighbours. It is recommended that planning permission is granted, subject to conditions and subject to completion of a Section 106 agreement to secure the appropriate financial contribution in accordance with the EFSAC Interim Air Quality Mitigation Strategy.

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

***Planning Application Case Officer: David Maguire
Direct Line Telephone Number: 01992 564 166 (ext. 2375)
or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***



Epping Forest District Council



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Application Number:	EPF/1304/21
Site Name:	2 Chapel View, 90 A Hemnall Street Epping CM16 4LY
Scale of Plot:	1:1250

Report Item No: 13

APPLICATION No:	EPF/1304/21
SITE ADDRESS:	2 Chapel View 90 A Hemnall Street Epping CM16 4LY
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Dr & Dr Hicks & Ying-Li
DESCRIPTION OF PROPOSAL:	Removal of existing conservatory and erection of single storey rear extension in an orangery style.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=652276

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 shall be carried out and retained strictly in accordance with the following approved plans: 7230-01 Rev A
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building [or those specified on the approved plans, or those specified in the submitted application form], unless otherwise agreed in writing by the Local Planning Authority.
- 4 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

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:

Additional information:

This application was deferred at Area Planning Sub-Committee East dated 13th October 2021 for a Member Site Visit. A visit has been arranged for 2nd November 2021.

Description of Site:

No.2 is a 2-storey detached dwellinghouse with integral garage and front and rear gables located to the north of Hemnall Street which is residential in character with properties of varying design and sizes.

The property forms one of a row of 3 dwellings built at the same time with similar characteristics with a slight staggered building line where No. 3 is slightly forward than No. 2 and No. 1 is set further back than No. 2.

The east flank of the properties are built on the shared boundary, leaving no gap and the west flank elevations maintain a gap of some 1.7m from the side boundary.

The 3 properties are built with half width rear conservatories.

Description of Proposal:

The proposal seeks consent for the removal of the existing rear conservatory which projects to a depth of 2.97m and its replacement by a full width, flat roof single storey rear extension with roof lantern in an orangery style built within 0.2m of the east boundary with no. 3 and 1.7m from the shared boundary with no. 1 measuring a depth of 3.5m and a height of 3.15m.

Relevant History:

EPF/1466/21- Conversion of a garage & erection of a single storey front porch. approved - 16/07/2021 - Not Implemented

EPF/1469/08 - Demolition of two dwellings and erection of three detached dwellings-Approved 02/10/08

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) and Alterations (2006)

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

CP1- Achieving sustainable development objectives

CP2 - Protecting the quality of the rural and built environment

CP3 - New Development

DBE2 - Impact on Neighbouring Properties

DBE9 - Loss of Amenity

DBE10 - Residential Extensions

NPPF, 2021

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 (LPSV), (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1 Presumption in Favour of Sustainable Development
DM9 High Quality Design
DM10 Housing Design and Quality.

Consultation Carried Out and Summary of Representations Received

EPPING TOWN COUNCIL- OBJECTION

- Overdevelopment, on the edge of the conservation area
- The properties in the street scene are close together and have small gardens
- Loss of natural light; visual impact to neighbour
- Increase in the height.

Epping Town Council – Objection - confirm that they will attend and speak at the Plans East Committee

6 neighbour consultations were undertaken, and 1 objection has been received:

- Object to the proposal extending onto the shared boundary thus necessitating the removal of the existing boundary fence and the construction of a brick wall over 1 metre higher than the existing fence.
- Out of scale, visually intrusive and detract from the small scale of the existing development of the immediate area. The additional height will result in loss of light into our property. Our gardens are very small.
- The 3 houses were approved some years and were designed to give all owners privacy and light into their property.

Main issues and Consideration:

The main issues to consider relate to: Character and Appearance and Residential Amenity

Design and Character

The proposed extension is to replace an existing rear conservatory which is to be 0.5m deeper at a limited height of 3.0m, set in 0.2m from the east boundary and 1.7m from the west boundary and considered of an acceptable proportional addition, appropriate in design, scale and siting.

It is considered that the extension would not result in any harmful impact on the character or appearance of the property or surrounding area and is therefore acceptable in this respect complying with policy DBE3 of the Local Plan and Alterations, (1998-2006) and policy DM9 and DM10 of the Submission Version, 2017 and the National Planning Policy Framework, 2019 that seeks to ensure that development is of a high standard of design and layout.

Impact on Neighbouring Amenity:

No.1-3 Chapel View are dwellings built at the same time and where the east flanks are built on the shared boundaries leaving a gap of some 1.7m between the west flank of the properties and the west boundary. No. 1 extends beyond the rear flank of no. 2 and the west flank of No. 3 is set in from the shared boundary with No. 2.

It is considered that the siting and separation distance of the adjoining properties is such that the proposed extension would not result in any significantly harmful impact on their amenity in terms of loss of light or outlook.

The objection and comments from the Parish Council and neighbour are noted. No. 3 has a rear conservatory and the proposed extension would only extend an additional 0.5m in depth than the existing conservatory taking it up to the existing hardstanding area of the garden. The property could be extended further into the rear garden under the 'Permitted Development' criteria. The east flank is to be set in 0.2m from the shared boundary (as amended) at a height of 3.15m and the existing boundary fence is to be retained. The development is not considered as resulting in any demonstrable harm to the living conditions of neighbouring properties and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

Conclusion

The proposed extension is considered of an appropriate design and scale that is in keeping with the character and appearance of the dwellinghouse and maintains an acceptable level of amenity to adjoining properties and is supported by the relevant policies of the adopted Local Plan and Alterations (1998 - 2006), and of the Local Plan (Submission Version), 2017 and, the guidance as set out in the National Planning Policy Framework, 2021. In the light of the above considerations it is recommended that planning permission is approve subject to conditions.

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

Planning Application Case Officer: Caroline Brown

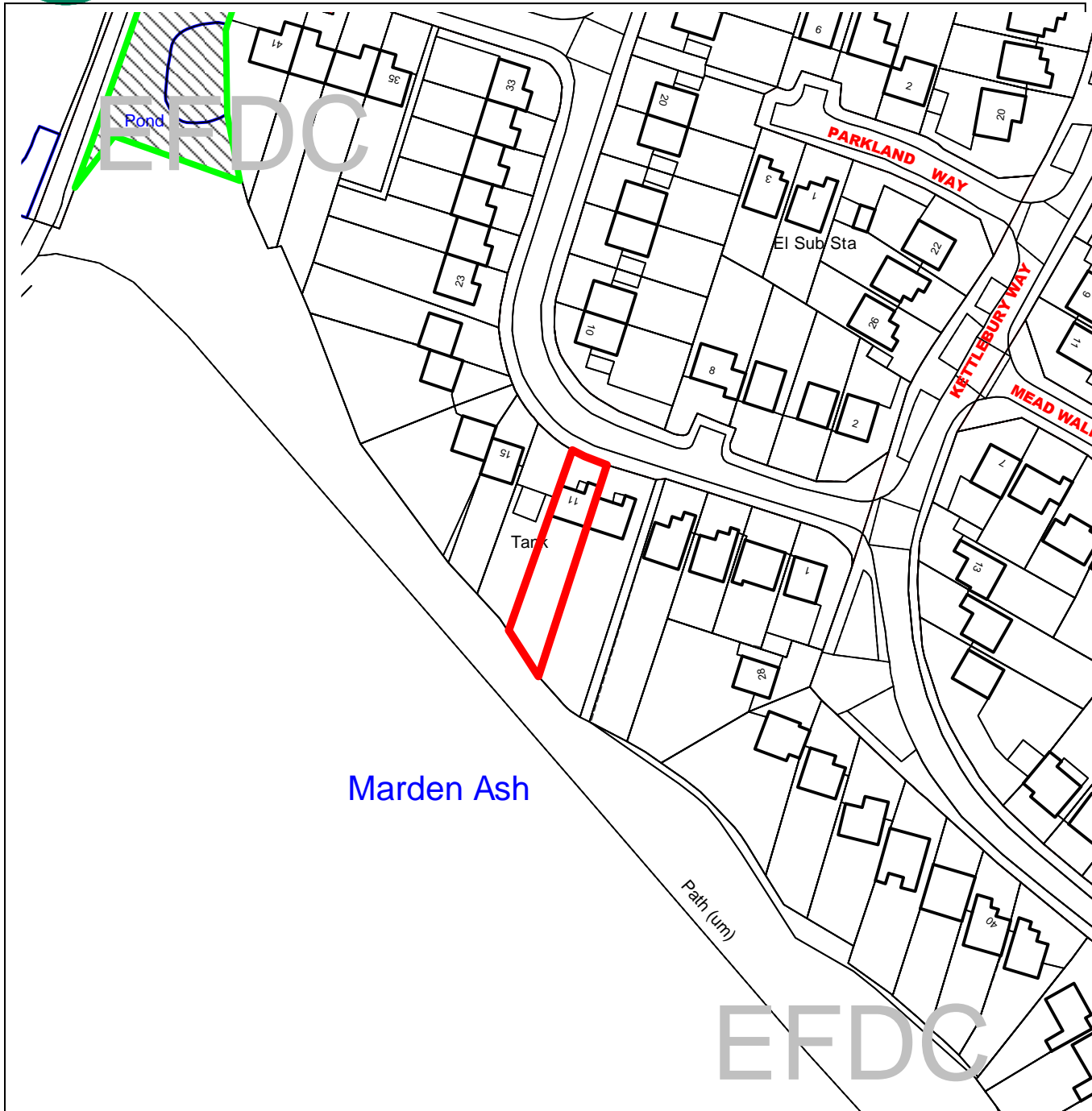
Direct Line Telephone Number: 01992 564182

or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk



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Application Number:	EPF/1357/21
Site Name:	11 Woodland Way Ongar CM5 9EP
Scale of Plot:	1:1250

Report Item No: 14

APPLICATION No:	EPF/1357/21
SITE ADDRESS:	11 Woodland Way Ongar CM5 9EP
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Nicola Horst
DESCRIPTION OF PROPOSAL:	Proposed new dwelling.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=652458

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
21.02.WW 10; 21.02.WH 11; 21.02, WH.12; 21.02.WH.13A
- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Prior to first occupation of the dwellinghouse hereby permitted the window(s) in the west flank elevation and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 5 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 the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A-E , of Part 1, to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

- 7 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
- Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.
- 8 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 9 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority
- 10 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

11

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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.

And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to recreational use and air quality.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site comprises of a two-storey semidetached dwellinghouse located to the south of Woodland Way which is residential in character. The property has a side detached garage

Description of Proposal:

The application is seeking consent for the sub division of the plot involving the replacement of the existing detached side garage with a 2-storey terrace dwellinghouse measuring a width of 5m, a depth of 9.65m with a gable roof featuring a rear gable and a maximum ridge height of 6.84m. The dwelling would be served by 2 off-street parking spaces from an existing vehicle access with refuse storage area provision.

Relevant History:

EPF/0939/21 - Application for a Lawful Development Certificate for a proposed single storey rear extension & a garage conversion - Lawful - 27/05/2021

Policies Applied:

DEVELOPMENT PLAN CONTEXT

*Local
Plan*

(1998) and Alterations (2006)

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

CP1: Achieving Sustainable Development Objectives
CP2: Protecting the Quality of the Rural and Built Environment
CP3: New Development
CP6 Achieving sustainable urban development patterns
CP7 Urban Form and Quality
DBE1: New Buildings
DBE2: Effect on neighbouring properties
DBE8: Private amenity space
DBE9: Neighbouring residential amenity
LL11 Landscaping schemes
ST1: Location of development
ST2: Accessibility of Development
ST4: Road safety
ST6: Parking provision
H2A: Previously developed land
H4A: Dwelling Mix
H3A Housing Density

NPPF, 2021

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 - 11-14
Paragraph - 124 - 126

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant

SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue	Significant
H1 Housing mix and accommodation types	Significant
H3A Housing Density	Significant
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 On site management of waste water and water supply	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 Local environmental impacts, pollution and land Contamination	Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

Ongar Parish Council - Objection - Overdevelopment and change of street scene

5 neighbouring properties were consulted, and 2 objections have been received that raise the following concerns:-

- Loss of light. imposing rear dormer, loss of privacy,
- Change the character and appearance of the current rear elevation building line of existing properties

Main Issues and Considerations:

- The principle of residential
- Design, Character and Appearance
- Impact on the amenity of surrounding residents; Form of Accommodation;
- Parking and highway safety.
- Drainage
- Contamination
- Special Area of Conservation

Principle of Development

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the efficient and effective use of land close to town centres by re-using land that has been previously developed provided that it is not of high environmental value.

The application site is located within an existing residential area where accessibility is good and the infrastructure in the vicinity has been developed so there are services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable in terms of criteria set out in Policies DBE1 and DBE3 subject to an assessment of the scheme against policies and the parameters governing residential development.

Design and Siting

Epping Forest Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design.

Woodland Way principally comprises of two storey dwellings with a section of bungalows sited to the west of the property. The contemporary proposed development is of a scale, height and depth that would respect and harmonise with the row of houses it would adjoin, featuring a gable roof that marries up with the existing properties. The proposed west flank elevation would be set in 3m from the shared boundary with no. 15 that is a bungalow.

In terms of its design and form the development is sympathetic and comparable in context with the spatial design and pattern of development in the surrounding and complies satisfactorily with policy CP2 , DBE1 and DBE10 of the Local Plan and DM9 of the emerging plan that meets the requirements of the NPPF.

Amenity and the form of accommodation:

The proposed new dwelling is to be attached to the existing dwellinghouse of No. 11 Woodland Way and is to have the same front building line as Nos 9-11. No. 11 has consent (under 'Permitted Development') for a 3m deep rear extension and the proposed dwellinghouse is proposing to add an additional 2 storey, 3m deep rear extension aligning with No. 11's proposed rear extension with the first floor of a reduced width, set in 1.2m from each side boundary.

No. 15 is a bungalow sited to the west of the proposed dwellinghouse which is sited further forward than nos. 9-11 and does not project as deep, with their front door located in the east flank. The west flank of the proposed dwellinghouse is to be set in some 3m from the shared boundary with No. 15 and the siting and distance would result in minimal demonstrable harm to the amenity of No. 15 in terms of a loss of light or outlook. The first-floor rear aspect of the proposed dwellinghouse is also to be set in an additional 1.2m from the west flank going a total gap of 4m with eaves of a lower height than the main dwellinghouse which substantially reduces its scale and bulk.

It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

Comments on Representations Received.

The issues raised by the Parish Council, Epping Society and residents are noted.

Concern has been raised by neighbours over the size, design and character of the proposed dwellinghouse in relation to the street scene.

The development has been designed to ensure that it is appropriate in its context and would not prejudice the amenity of the occupiers of adjoining properties. The site provides a quality, sustainable residential development that brings forward the growing need for additional housing.

The appearance of the dwellinghouse would be compatible with the character of the surrounding area.

The concerns expressed by the Parish Council and neighbouring residents must be balanced against the design of the proposal that respects the overall scale, height and relationship of the property to its plot boundaries and to the surrounding built form.

The form of accommodation is acceptable with each room having sufficient daylight, outlook and ventilation and a satisfactory form of living space for future occupiers.

The proposed dwelling provides amenity area which is functional and usable in terms of its width, depth, shape and orientation to meet the needs of future occupants and would not suffer from any direct overlooking or loss of privacy and accords with the requirements of DBE8 of the Local Plan and DM10 of the Submission Version.

Parking and Highway

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Drainage:

The applicant is proposing to dispose of surface water by mains sewer. Further details are required. Please add condition SCN16 requiring approval of surface water drainage details by the Local Planning Authority prior to preliminary groundworks commencing

No objection to planning application in principle but is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. Therefore, a flood risk assessment is required, which can be dealt with by condition. Details of surface and foul water drainage will also be required by way of condition.

Contaminated Land

The Phase I Report, dated 7th May 2021, satisfies the requirements for submission of a Phase I desktop study, in that it is signed, countersigned and dated, contains: relevant information and evidence of a site walkover performed; background information for the site and surrounding area; a detailed conceptual site model (CSM); and a preliminary risk assessment identifying and assessing potential contaminant linkages.

The site is generally moderate risk in terms of contaminated land. The Phase I Desk Study has identified that some plausible contaminant linkages that have the potential to become active through the proposed development as a result of the historical land uses on the site.

To ensure that future occupiers are not put at risk from this contamination, it is recommending that contamination mitigation measures are secured through conditions which are considered reasonable and necessary in accordance with Paragraphs 120 -124 of the NPPF and policy RP4 of the Local Plan.

Special Area of Conservation

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats

Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC.

The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial

contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition, the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC and the applicant has confirmed the willingness to enter into a S 106 Agreement to assist in the funding of the mitigation measures.

Conclusion:

The proposed dwellinghouse is an efficient use of the land that sufficiently maintains the character, appearance and spatial pattern of development of the surrounding area and would not result in any amenity implications on neighbouring dwellings; other aspects in relation to parking/highway safety and landscaping are considered satisfactory in accordance with the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In light of the above considerations it is recommended that planning permission is approved subject to conditions and a Section 106 legal agreement to secure appropriate financial contributions to air quality and for the management and monitoring of visitors to the Epping Forest Area of Conservation.

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

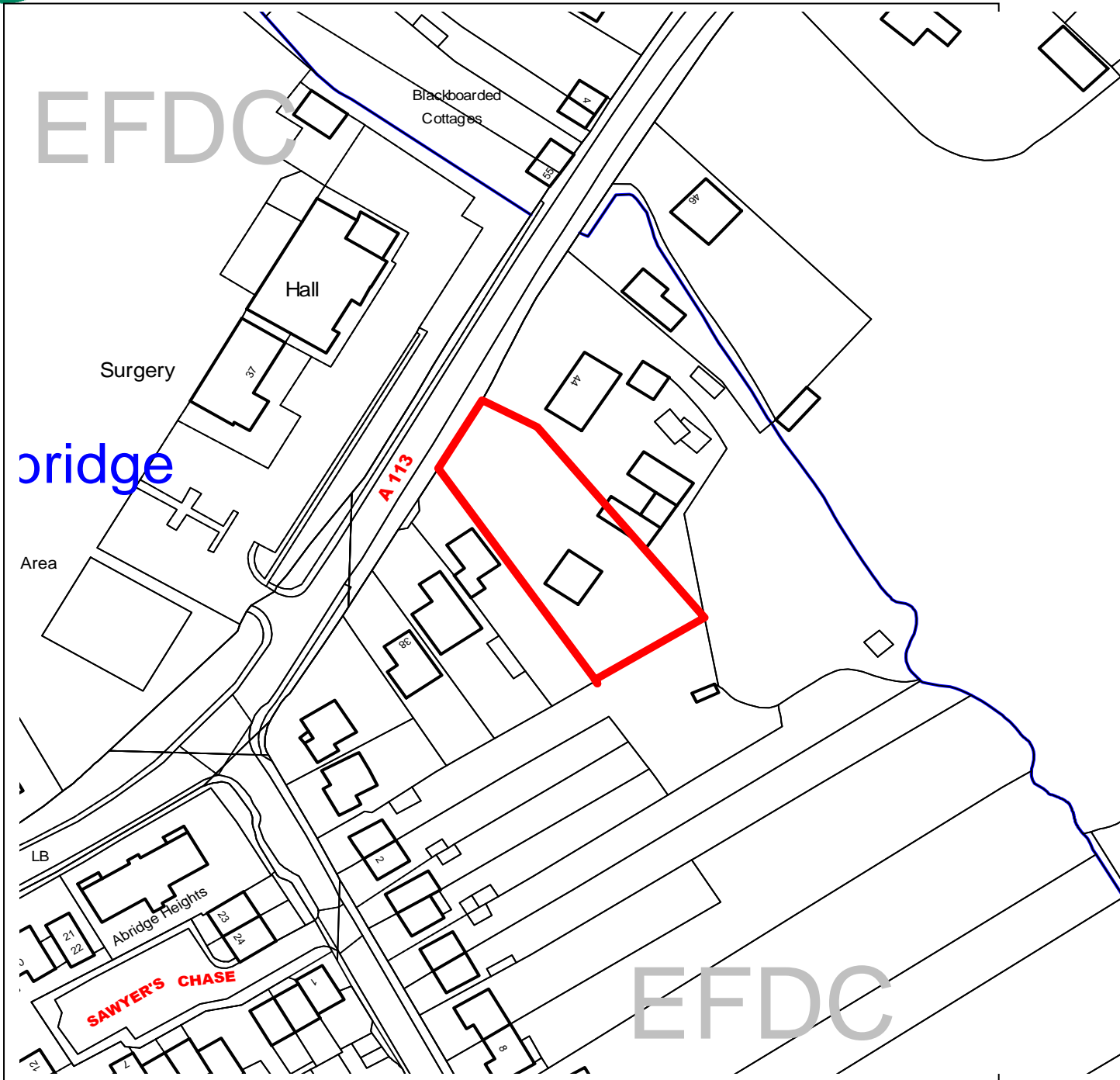
***Planning Application Case Officer: Caroline Brown
Direct Line Telephone Number: 01992 564182***

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

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Epping Forest District Council



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Application Number:	EPF/1624/21
Site Name:	Land Between 42 And 44 Ongar Road Lambourne RM4 1UH
Scale of Plot:	1:1250

Report Item No: 15

APPLICATION No:	EPF/1624/21
SITE ADDRESS:	Land Between 42 And 44 Ongar Road Lambourne Romford RM4 1UH
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr Rory Anderson
DESCRIPTION OF PROPOSAL:	2 x 4 bedroom new detached houses on infill site.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=653655

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Drawing No. TCT-001 - Site Location Plan
Drawing No. TCT-101 Rev A dated 19/07/21 - Site Plan Proposed
Drawing No. TCT-102 Rev A dated 19/07/21 - Site Block Plan - Proposed
Drawing No. TCT-103 - House Plans
Drawing No. TCT-104 - House Elevations
Drawing No. TCT-105 - Streetscape elevation, site photos
Drawing No. TCT-106 - 3D Visualisation Sheet 1
Drawing No. TCT-107 - 3D Visualisation Sheet 2
Drawing No. TCT-108 - 2D Visualisations Elevations
Drawing No. TCT-111 - Topographical Survey
Drawing No. TCT-112 - Site Block Plan - Existing
Drawing No. 30070IPLS-02A - Measured Building Survey Elevations
Planning, Design and Access Statement, Thompson Planning Ltd, May 2021
Covering Letter, landdiplomacy, undated
Surface Water Drainage Statement, stomar, May 2021
EFSAC Technical Note, Ardent, 4th June 2021
Phase I Geoenvironmental Assessment, GEMCO, May 2021
Low Impact EclA, Hybrid Ecology Ltd, May 2021
Arboricultural Impact Assessment, Roberts Arboriculture Ltd, 24th May 2021
Draft Unilateral Undertaking.

- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 5 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.
- 6 The dwellinghouses hereby approved shall not be occupied until after the existing structures in the rear gardens shown on drawing number TCT-101 Rev A (Site Plan Proposed) have been demolished and are removed in their entirety from the application site.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, E, F of Part1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 Prior to first occupation of the dwellings hereby permitted the windows in the flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 9 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 10 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

- 11 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.
- The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.
- 13 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.
- 14 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Roberts Arboriculture Ltd drawing number RA.021.TPP Rev C dated 24th May unless the Local Planning Authority gives its prior written approval to any alterations.
- 15 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 16 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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.

- 17 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. 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. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.
- 18 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 the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 19 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter on each new property for use by the occupants of the site.
- 20 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.

And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to and air quality.

This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

Description of Site:

The application site is Metropolitan Green Belt land between Nos 42 and 44 on the eastern side of Ongar Road.

The application site along with what is now a detached dwelling known as 44 Ongar Road formerly comprised Rodingbrook Poultry Farm.

The site falls just outside of the Abridge Village settlement boundary as defined by the Local Plan 1998 Abridge Inset Map 13 but is within the developed area and directly opposite the Abridge Village Hall.

Description of Proposal:

2 x 4 bedroom new detached houses on infill site.

Total 4 cars parking spaces (2 per house).

Relevant Planning History:

EPF/0897/10 - Erection of detached two storey building providing garage and residential accommodation annexe (in a more recessed position to that approved under EPF/0350/10.) Refused 6th July 2010.

EPF/0350/10 - Conversion of rear conservatory to an extension with roof terrace above, provision of porch and alterations to front elevation. Demolition of portakabin, shed and garage/garden room. And erection of detached two storey building to be used as a garage and additional living accommodation as an annexe to the existing dwelling. Approved 20th April 2010.

Condition 3 – The existing garage and garden room, timber shed and portacabin shall be demolished before the hereby approved detached two storey building is first occupied.

Condition 4 – The two storey building shall only be used as an annexe and garaging in connection with the existing house at No. 44 Ongar Road.

Condition 5 – The garage space shall be used for garaging of vehicles and domestic storage and not additional residential accommodation.

Condition 6 – The development shall be carried out in accordance with amended plan 3/5740 Rev A received 16/4/10.

EPF/2352/02 - Outline application for one detached dwelling. Refused 14th February 2003

Reasons for refusal:

1. The site is in the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, the policies of the adopted Local Plan and the Replacement Structure Plan. The latter state that within the Green Belt permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries or similar uses which are open in character. In the view of the Local Planning Authority the application does not comply with these policies.
2. The proposed development would perpetuate and intensify an undesirable ribbon of development intruding into an attractive area of open country. This would be contrary to Policy DBE4 of the adopted Local Plan.

Appeal (Hearing) dismissed 14th November 2003.

EPF/0068/02 - Retention of vehicular access. Approved 24th April 2002.

EPF/1134/99 - Outline application for the erection of two detached dwellings. Refused and Appeal dismissed.

EPF/1133/99 - Outline application for the erection of two detached dwellings. Refused and Appeal dismissed.

Policies Applied:

Adopted Local Plan:

CP2 Protecting the quality of the rural and built environment
GB2A Development in the Green Belt
GB7A Conspicuous Development
H3A Housing Density
H4A Housing Mix
DBE1 Design of New Buildings
DBE2 Effect on Neighbouring Properties
DBE4 Design in the Green Belt
DBE6 Car Parking in New Development
DBE8 Private Amenity Space
DBE9 Loss of amenity
LL10 Adequacy of Provision for Landscape Retention
LL11 Landscaping Schemes
ST1 Location of Development
ST4 Road Safety
ST6 Vehicle Parking
U1 Infrastructure Adequacy
RP4 Contaminated Lane
CP1 Achieving Sustainability Objectives
C1 Protecting the Quality of the Rural and Built Environment
CP3 New Development
CP4 Energy Conservation
CP5 Sustainable Building
I1A Planning Obligations

NPPF (July 2021):

The National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

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

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
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The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

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The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1: Presumption in Favour of Sustainable Development
SP6: Green Belt and District Open Land
H1: Housing mix and accommodation types
DM2: Epping Forest SAC and Lee Valley SPA
DM4: Green Belt
DM9: High Quality Design

DM10 Housing design and quality
DM11: Waste Recycling facilities in New Development
DM16: Sustainable Drainage Systems
P13: Rural Sites in the East of the District

Consultation Carried Out and Summary of Representations Received

Lambourne Parish Council (14th July 2021) - Objection:

1. Over-development of the site with there not being enough room for 2 x 4 bedroom properties.
2. Not in keeping with street scene.
3. The Council feels that the development would set a precedent for building on Green Belt on other sites locally around the Parish.

Number of neighbours Consulted: 21

4 objections received (42, 46 and 57 Ongar Road and 3 New Farm Drive). All comments were from one of the 21 neighbours consulted.

42 Ongar Road - Objection:

Concerns relating to loss of light, views and privacy.

46 Ongar Road - Strong Objection:

Concerns relating to precedent being set for future infill development, Green Belt impact, highway safety, drainage, loss of trees, impact on wildlife.

57 Ongar Road - Objection:

Concerns relating to precedent being set for future infill development, Green Belt impact, highway safety, drainage, loss of trees, impact on wildlife.

3 New Farm Drive – Objection:

Concerns relating to character and appearance.

Consultation Responses

Essex Highways:

No objection subject to conditions.

EFDC Land Drainage:

No objection subject to conditions.

EFDC Trees (7th July 2021):

No objection subject to conditions.

EFDC Contaminated Land comments 20th July 2021:

No objection subject to conditions.

Main Issues and Considerations:

Green Belt

There is a long planning history associated with the application site including residential proposals which have been refused and dismissed at appeal on Green Belt grounds, the most recent example being in 2003.

Since the previous refusals and appeal dismissals, the limited infilling in villages exception has been introduced to Green Belt policy in the form of the NPPF 2012 and its subsequent iterations.

The most recent version of the NPPF (July 2021) states that:

Paragraph 149:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

e) limited infilling in villages;”

Whilst the NPPF provides no formal definition of ‘limited infilling’, the LPSV does provide a definition as follows:

Infill Development

Infill development refers to the development of a small gap in an otherwise continuous built up frontage, or the small scale redevelopment of existing properties within such a frontage.

The application site falls just outside of the Abridge Village settlement boundary as defined by the Local Plan 1998 Abridge Inset Map 13, however, in physical terms it is considered that the site falls within the Village of Abridge as it is located between two existing residential dwellings No. 44 and No. 42 and within the developed village envelope area, directly opposite the Abridge Village Hall.

Case Law has determined that development can be considered limited infilling even where the application site falls outside of the Village boundary as defined by the Local Plan.

In *Wood v SSCLG and Gravesham Borough Council* [2015], the Court of Appeal held that, in considering the question of limited infilling, a village boundary as defined in a local plan would be a relevant consideration. However, the court also held that this factor is not necessarily determinative, particularly where a defined boundary does not accord with the Decision Maker’s assessment of the real extent of a village on the ground.

It is considered that the proposed two detached dwellings can be satisfactorily accommodated on the application site and that the proposed development itself amounts to ‘limited infilling’ in a village.

In this context the proposed development is considered to amount to limited infilling for planning policy purposes meeting the exceptions test of Paragraph 149 e) of the NPPF and as such would not constitute inappropriate development in the green belt and, by definition, would not have an adverse impact on openness or the purposes of including land within Green Belt.

The proposed development is therefore considered to be acceptable in Green Belt terms.

Design, Character and Appearance

Two detached dwellings are proposed and it is considered that the proposed development can comfortably be accommodated on the application site in footprint / site coverage terms.

The dwellings are orientated to be slightly staggered but square to the building line of the neighbouring property No. 42 and this is considered to be acceptable. The front and rear building lines are generally consistent with the immediate neighbouring properties Nos. 42 and 44.

The submitted Street Scene Elevation drawing shows that the ridge and eaves height of the proposed dwellings would be below the respective ridge and eaves height of the neighbouring No. 44. The eaves height would match that of the neighbouring property No. 42 with the ridge height some 85cm higher. The height of the proposed dwellings is acceptable set in the context of these immediate neighbouring properties.

The proposed dwellings have a pitched roof with a gable element fronting the road for visual interest but with a partial hip to reduce bulk and to reflect the design of neighbouring properties.

Materials - The houses would be traditional brick build with mock-tudor cream and brown detailing. The proposed design is considered to be acceptable and materials would be subject of a condition in the event of an approval.

Impact on the Residential Amenity of Occupiers of Neighbouring Residential Properties

House 2 would be angled away from the neighbouring No. 44 and would not extend beyond its rear building line. First floor windows are proposed in the facing northern flank elevation serving the staircase and bathroom but it is not considered that any harmful loss of privacy would arise from these windows or from the rear facing bedroom windows of House 2 which would allow some overlooking of No. 44's rear garden but only in the usual way that a neighbouring rear garden can be seen from bedroom windows.

House 1 would be the immediate neighbour to No. 42. First floor windows are proposed in the facing southern flank elevation serving the staircase and bathroom but it is not considered that any harmful loss of privacy would arise from these windows or from the rear facing bedroom windows of House 1 which would allow some overlooking of No. 42's rear garden but only in the usual way that a neighbouring rear garden can be seen from bedroom windows.

The rear building line of House 1 is set back from the rear building line of No. 42 which has been extended into the rear garden by way of the recently approved extension which is currently being built out.

Care has been taken to ensure that sufficient outlook and light are maintained to the flank of No. 42 with a flank to flank distance of over 4m and a hipped roof form.

It is considered that the proposed development would not have a harmful impact on the visual or residential amenity (including loss of light or outlook) of Nos. 42 and 44 Ongar Road or any other neighbouring residential property.

Quality of Accommodation

The proposed dwellings exceed the minimum national residential space standards for 4-bedroom houses.

The rear gardens of both houses are over 400 sq. m in area which is well in excess of the required amenity area for a 4-bedroom house.

All habitable rooms benefit from good levels of light and outlook.

The proposed dwellings are acceptable in terms of quality of accommodation.

Epping Forest Special Area of Conservation:

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

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies outside the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development would not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS.

The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Conclusion:

Recommended for approval subject to conditions and legal agreement.

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:

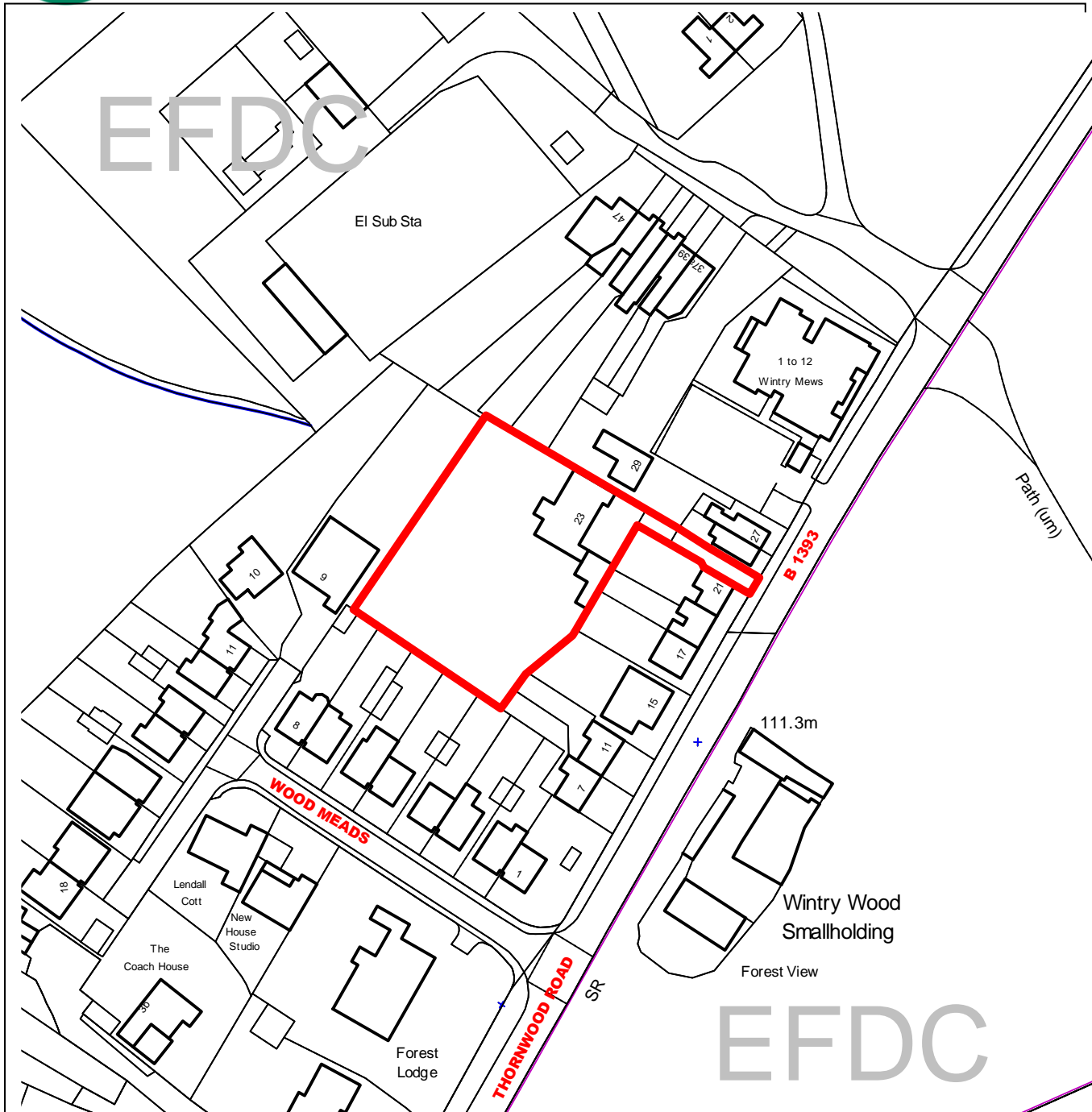
Planning Application Case Officer: Kie Farrell Telephone Number: 01992 564000 Ext 2025.

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

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Epping Forest District Council



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	Site Name:	23 Thornwood Road Epping CM16 6SY
	Scale of Plot:	1:1250

Report Item No: 16

APPLICATION No:	EPF/1716/21
SITE ADDRESS:	23 Thornwood Road Epping CM16 6SY
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Louise Radford
DESCRIPTION OF PROPOSAL:	Single storey side and rear extension and loft conversion with front and rear dormers.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=654064

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 shall be carried out and retained strictly in accordance with the following approved plans:

Drawing No. HP/2105/SP1 - Location and Block Plan
Drawing No. HP/2105/1 - Existing Plans
Drawing No. HP/2105/2 - Existing Elevations
Drawing No. HP/2105/3 - Proposed Plans
Drawing No. HP/2105/3 - Proposed Plans (Second Floor)
Drawing No. HP/2105/5 - Proposed Elevations 1 of 2
Drawing No. HP/2105/5 - Proposed Elevations 2 of 2
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, those specified on the approved plans, or those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be inserted in the extensions hereby approved without the prior written agreement of the Local Planning Authority.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings:

The subject property is a detached two storey dwelling on the northern side of Thornwood Road, set well back from the road.

The house benefits from a large garden extending to the rear and side of the house.

The surrounding area is residential.

Description of Proposal:

Development description: *Single storey side and rear extension and loft conversion with front and rear dormers.*

The loft conversion comprises a hip to gable roof extension with the introduction of one front dormer window and three rear dormer windows. The left side gable would include a large window facing the garden.

The single storey ground floor extension takes the form of a side and rear wraparound along the full depth and width of the existing house.

The front door would be relocated to be on the front elevation.

Relevant History:

Planning Applications:

EPF/0394/07 - Extension to replace existing conservatory. Approved 13/04/2007.

EPF/1170/89 - First floor rear extension. Approved 18/08/1989.

EPF/0476/87 - First floor side extension. Approved 22/05/1987.

EPF/0526/81 - Extensions (garage, kitchen, morning room, bathroom, bedroom). Approved 20/07/1981.

Enforcement:

ENF/0203/21 - Large structure erected in rear garden over 8ft high. No breach – Outbuilding is Permitted Development. Closed 07/06/2021.

Policies Applied:

Epping Forest Local Plan and Alterations 1998/2006

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

National Planning Policy Framework (NPPF) (July 2021)

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:
- c)
 - 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 (LPSV) (2017)

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

DM9 – High Quality Design
DM10 – Housing Design and Quality.

Consultation Carried Out and Summary of Representations Received:

EPPING TOWN COUNCIL: No Objection: Committee have no objection to this application. Committee would request that no further trees are removed as it has been reported that a number of trees have already been felled on this site in the past.

17 neighbours consulted: 6 responses received comprising 6 objections.

45 Thornwood Road - Objection:

Concerns regarding loss of privacy, views and light.

7 Woodmeads - Objection:

Concerns regarding loss of privacy, views, light and trees. Impact on value of property.

8 Woodmeads - Objection:

Concerns regarding highway safety, loss of trees, light and privacy. Overshadowing.

29 Thornwood Road - Objection:

Concerns regarding visual impact, highway safety, loss of trees.

37A Thornwood Road - Objection:

Concerns regarding possible insertion of additional windows in the future and resulting loss of privacy.

4 Woodmeads - Objection:

Concerns regarding noise during construction, loss of privacy and trees.

Issues and Considerations:

The main issues to consider relate to Character and Appearance and Residential Amenity

Character and Appearance

The proposed extensions are considered to be suitable proportionate additions which are in keeping with the design of the existing house.

Due to its position set well back from the road, views of the house in the streetscene are limited.

It is considered that the proposal would not have a harmful impact on the character or appearance of the site or surrounding area and is therefore acceptable in this respect.

Residential Amenity

Due to its single storey nature and separation distance from neighbouring houses it is considered that the ground floor side and wraparound extension would not have a harmful impact on the visual or residential amenities of any neighbouring residential properties.

The proposed roof extension / loft conversion would not result in a harmful loss of light or outlook to any neighbouring properties.

The loft conversion would include the introduction of front and rear dormers and a large window in the left side gable looking over the garden. However, due to the separation distances to neighbouring properties it is considered that no harmful overlooking or loss of privacy will arise.

The proposed development is considered to be acceptable in terms of impact on residential amenity.

Response to objections

- Character and appearance and Residential Amenity issues addressed above
- Loss of views are not a material planning consideration
- Non protected trees can be removed from a garden without permission
- The outbuilding does not form part of this planning application. In any case the outbuilding was recently subject of an enforcement investigation which found that it is lawful
- Access is considered to be sufficient for construction purposes

Conclusion:

The proposed extension is considered to comply with relevant Local Plan policies and the guidance set out in the NPPF and the application is therefore recommended for approval subject to conditions.

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

Planning Application Case Officer: Kie Farrell Telephone Number: 01992 564000 Ext 2025.

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