

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee East Wednesday, 10th August, 2022**

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

**Council Chamber - Civic Offices  
on Wednesday, 10th August, 2022  
at 7.00 pm.**

**Georgina Blakemore  
Chief Executive**

**Democratic Services  
Officer:**

A Hendry, Democratic Services Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors I Hadley (Chairman), H Brady (Vice-Chairman), C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, P Keska, 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. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage <https://eppingforestdc-self.achieveservice.com/service/Member>Contact> to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council's website, at the bottom under 'Contact Us'  
<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**5. MINUTES (Pages 9 - 18)**

To confirm the minutes of the last meeting of the Sub-Committee held on 13 July 2022.

**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/0016/19 GYPSEY MEAD WORKS, ONGAR ROAD, FYFIELD, ONGAR CM5 0RB (Pages 19 - 40)

To consider the attached report on the proposed development of x 23 no. new homes with associated parking facilities, cycle stores and rubbish disposal.

## 10. PLANNING APPLICATION - EPF/0210/22 MULBERRY COTTAGE, FOREST SIDE, EPPING CM16 4ED (Pages 41 - 48)

To consider the attached report on the erection of a two storey side extension.

## 11. PLANNING APPLICATION - EPF/0653/22 21 WOBURN AVENUE, THEYDON BOIS, EPPING CM16 7JR (Pages 49 - 56)

To consider the attached report to extend an existing garden building.

## 12. PLANNING APPLICATION - EPF/0793/22 35 DUKES AVENUE, THEYDON BOIS, EPPING CM16 7HG (Pages 57 - 62)

To consider the attached report for a single storey outbuilding to replace existing outbuilding for use as a home gym and storage use with provision for solar on roof.

## 13. 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](mailto: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 2022-23  
 Members of the Committee and Wards Represented:

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

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Area Planning Sub-Committee East	<b>Date:</b>	Wednesday, 13 July 2022
<b>Place:</b>	Council Chamber - Civic Offices	<b>Time:</b>	7.00 - 8.23 pm
<b>Members Present:</b>	Councillors I Hadley (Chairman), C Amos, R Balcombe, N Bedford, P Bolton, P Keska, J McIvor, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse		
<b>Apologies:</b>	H Brady, L Burrows, C McCredie and B Rolfe		
<b>Officers Present:</b>	J Leither (Democratic Services Officer), J Rogers (Principal Planning Officer) and S Mitchell (PR Website Editor)		
<b>Officers Present (Virtually):</b>	A Marx (Development Manager Service Manager (Planning)), L Kirman (Democratic Services Officer) and M Rahman (Planning Officer)		

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### 13. 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.

### 14. ELECTION OF VICE-CHAIRMAN

In the absence of the Vice Chairman, the Sub-Committee appointed Councillor P Keska as Vice-Chairman for the duration of the meeting.

### 15. 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.

### 16. DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Code of Member Conduct, Councillor C Amos declared a personal non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant and other parties to the application. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:
  - EPF/0653/22 – 21 Woburn Avenue, Theydon Bois, Epping
- b) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/0653/22 – 21 Woburn Avenue, Theydon Bois, Epping
- c) Pursuant to the Council's Code of Member Conduct, Councillor P Stalker declared a non-pecuniary personal interest in the following item of the agenda. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:
- EPF/0653/22 – 21 Woburn Avenue, Theydon Bois, Epping
- d) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0653/22 – 21 Woburn Avenue, Theydon Bois, Epping
- e) Pursuant to the Council's Code of Member Conduct, Councillor H Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0653/22 – 21 Woburn Avenue, Theydon Bois, Epping
- f) Pursuant to the Council's Code of Member Conduct, Councillor J H Whitehouse declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that she would leave the meeting for the consideration of the application and voting thereon:
- EPF/0653/22 – 21 Woburn Avenue, Theydon Bois, Epping

## 17. RE-ORDER OF THE AGENDA

Councillor C Whitbread gave apologies for lateness for Councillor J Mclvor and Councillor N Bedford.

He stated that in the absence of the Ward Councillor, Councillor H Brady, Councillor J Mclvor as the County Councillor would like to speak on item EPF/0216/20 Land at Oak Hill Road, Stapleford Abbots RM4 1JH and asked if the item could be delayed until Councillor J Mclvor arrived.

### **AGREED:**

The Sub-Committee agreed to re-order the agenda.

## 18. MINUTES

### **RESOLVED:**

That the minutes of the Sub-Committee held on 15 June 2022 be taken as read and signed by the Chairman as a correct record subject to Councillor C Amos not being recorded as attending. Councillor Amos advised that he had spoken to the relevant Democratic Services Officer and that this had now been resolved.

**19. ANY OTHER BUSINESS**

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

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

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

[http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note\\_Mar-2018.pdf](http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

**21. SITE VISITS**

There were no formal site visits requested by the Sub-Committee.

**22. PLANNING APPLICATION - EPF/0492/22 LAND TO SOUTH OF NINE ASHES ROAD, NINE ASHES, INGATESTONE CM4 0JY**

<b>APPLICATION No:</b>	EPF/0492/22
<b>SITE ADDRESS:</b>	Land to South of Nine Ashes Road Nine Ashes Ingatestone CM4 0JY
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of land: agricultural field to dog walking field (Sui Generis)
<b>DECISION:</b>	Refused

**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=663773](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=663773)

**REASONS**

1. The proposed development is inappropriate development within the Green Belt, which is by definition harmful, and to which substantial weight against the development is attached. The proposal would result in a loss of openness to the Green Belt by reason of the proposed fencing. No very special circumstances exist to outweigh all harms identified. Therefore, the proposal is contrary to Policies GB2A & GB7A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF 2021.
2. The proposed intensification in the use of the agricultural land under consideration together with the associated (vehicle movements) comings and goings and hours of operation as proposed is considered to be wholly unacceptable, and would lead to increased noise & general disturbance to neighbouring amenities to their detriment,

contrary to Policies CP2, ST4, DBE2 & DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 & T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

**23. PLANNING APPLICATION - EPF/0216/20 LAND AT OAK HILL ROAD, STAPLEFORD ABBOTTS RM4 1JH**

<b>APPLICATION No:</b>	EPF/0216/20
<b>SITE ADDRESS:</b>	Land at Oak Hill Road Stapleford Abbots RM4 1JH
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed erection of x 42 no. residential units (including 1 no. caretakers home) together with associated landscaping; car parking & highway works.
<b>DECISION:</b>	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=633034](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=633034)

**CONDITIONS**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 048-GA-Loc, 048- GA-RF-P2, 048-GE-Extg, 048-GE-P2, 048-GS-Extg, 048-GS-P2, 048-Caretakers, 048-Type A, 048-TypeB, 048-Type C, 048-Type C (wch), 048-Type D, GA02, GP01 and 14017-100-WIE-ZZ-XX-DR-V-95006 rev A12
3. No development or preliminary groundworks can commence until, a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

No development or demolition shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

4. 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.
5. 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.
6. 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.
7. Prior to preliminary ground works taking place, details of surface water disposal including details of the proposed discharge location) 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.

8. Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
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). 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.
  11. Prior to any above ground works, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

12. 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.
13. 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. The details shall further include all works to the public open space fronting Oak Hill Road, including layout and equipment to the play area and street and other related site furniture. 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.
14. Prior to any above ground works, 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.
15. Prior to commencement of any above ground works, details of all external lighting shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No additional external lighting, including any lighting within the curtilage of any dwelling within the development shall thereafter be installed without prior consent from the local planning authority.
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.
17. 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.

18. No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared, provided a written report of confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, and that written confirmation has been approved by the Local Planning Authority
19. All material excavated from the below ground works hereby approved shall be removed from the site unless retention and re-use is agreed as part of any landscaping scheme approved for the site.
20. 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.
21. 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. 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.
22. Prior to completion of the development hereby permitted, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details
23. Prior to the first occupation of the development the access arrangements, as shown in principle on drawings no. 14107-WIE-ZZ-XX-DR-V-95018-A01 & 14107-WIE-ZZXX-DR-V-95012-A02, including, but not limited to the following:
  - 2.4m x 90m visibility splays clear to ground level in either direction;
  - A bell-mouth access with minimum radii of 6m, with a 5.5m carriageway and 2 x 2m footways into the site with an appropriate pedestrian dropped kerb crossing and tactile paving across the access;
  - The provision of three pedestrian dropped kerb crossing points with tactile paving:
    - i. Across Oak Hill Road between the access and Tysea Hill;
    - ii. Across Tysea Hill at the junction with Oak Hill Road;
    - iii. Across Oak Hill Road between Tysea Hill and the existing eastbound bus stop.
  - The removal and full reinstatement of the dropped kerb access opposite the existing bus stop on Oak Hill Road;
  - The relocation of the existing westbound bus stop and the provision of a new stop with raised kerbs, shelter, pole and flag as necessary.



shall be fully implemented, with all details being agreed with the Highway Authority. The approved details shall be retained as such in perpetuity.

24. Prior to the first occupation of the development the vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
25. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
26. The public open space area to the northern end of the site shall be retained in perpetuity for general public use and shall be enclosed nor access restricted without prior consent from the local planning authority through a planning application.
27. 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, E and F of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

#### **INFORMATIVE**

*The applicants are advised that the Council would seek the provision within the affordable housing element of 'Parish Homes' whereby nominations from existing residents within the Stapleford Abbots village are given priority.*

#### **24. PLANNING APPLICATION - EPF/0653/22 21 WOBURN AVENUE, THEYDON BOIS, EPPING CM16 7JR**

<b>APPLICATION No:</b>	EPF/0653/22
<b>SITE ADDRESS:</b>	21 Woburn Avenue Theydon Bois Epping Essex CM16 7JR
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Extend an existing garden building.
<b>DECISION:</b>	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=664317](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=664317)

**DEFERRED FOR SITE VISIT**

**CHAIRMAN**

## OFFICER REPORT

**Application Ref:** EPF/0016/19  
**Application Type:** Full planning permission  
**Case Officer:** Ian Ansell  
**Site Address:** Gypsey Mead Works  
Ongar Road  
Fyfield  
Ongar  
Essex  
CM5 0RB

**Proposal:** Proposed development of x 23 no. new homes with associated parking facilities, cycle stores and rubbish disposal.

**Ward:** Moreton and Fyfield  
**Parish:** Fyfield  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxY7>

**Recommendation:** Approve with Conditions

**AND subject to completion of a suitable legal agreement to secure contributions in respect of affordable housing provision, library upgrade, open space and green infrastructure, EFSAC mitigation, and monitoring fees.**

*This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval.*

*The application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least five non-councillor residents have objected on planning grounds material to the application.*

*(Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Description of Site:**

The application site lies to the west side of Ongar Road, and has a return frontage to the north side of Moreton Road. The southern part of the site on which built development is proposed comprises around 0.85ha and has historically been used for industrial and other commercial purposes including a restaurant with associated parking, but these uses have now ceased and most structures have been removed. The open areas contain mostly scrub and there are a number of protected trees across the site.

The site lies on the southern edge of Fyfield, such that properties opposite the entrance lie within the settlement (outside of the Green Belt). The site is adjoined by residential properties on Ongar Road, including a listed building (Mill Hatch) to the south on the corner of the junction and a locally listed building (Woolmongers Cottage) to the north. In the south west corner lies a two storey commercial property.

The site is allocated in the Local Plan Submission Version for residential development, and thus removal from the Green Belt. A public right of way runs along an access road which abuts the western site boundary. A number of significant protected trees lie within the site, and listed buildings adjoin.

### **Description of Proposal:**

The application proposes residential redevelopment of the southern part of the site to provide 23 dwellings comprising 5 x 2 bed, 13 x 3 bed and 5 x 4 bed. Included amongst these are 9 affordable units (3 x 2 bed, 6 x 3 bed). Vehicle access to the development utilises the existing entrance on Ongar Road where a two way route is provided, within the sites a one way route is devised around a central public amenity area which includes a number of the significant trees being retained; a pedestrian access is maintained to Moreton Road. A mix of garages, curtilage, courtyard and roadside parking is proposed comprising 52 spaces, including 6 visitor spaces.

Properties are primarily two storeys with pitched roofs, four of the dwellings (plots 8 and 9, and 13 and 16) are designed with accommodation in the roof space with front and rear dormer windows. Buildings are a mix of detached, semi-detached and a small terrace of 3 units on a similar materials palette designed to be tenure blind. All houses have private gardens.

The northern part of the site (which lies outside the LPSV allocation) is incorporated into the application as part of sustainable drainage proposals. An attenuation pond is to be created towards the north west corner of the site as part of a wider surface water management scheme, Otherwise, no development is proposed on this part of the site.

The application is accompanied by a number of reports, including updated documents following revisions during the application process, covering Arboriculture, Ecology (including bats, newts and badgers), Land Contamination, Drainage, Transport and Highways, and a Habitat Regulations Assessment

### **Relevant History:**

The scheme was the subject of pre-application discussions, including a Quality Review Panel.

### **Policies Applied:**

*Adopted Local Plan:*

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

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

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP5	Sustainable buildings
CP6	Achieving sustainable urban development patterns
CP7	Urban form and quality
CP9	Sustainable transport
GB2A	Development in the Green Belt
GB7A	Conspicuous development
GB16	Affordable housing
NC1	SPA's, SAC.s and SSSI's

NC3	Replacement of lost habitat
NC4	Protection of established habitat
NC5	Promotion of nature conservation schemes
RP4	Contaminated land
RP5A	Adverse environmental impacts
H3A	Housing Density
H5A	Provision of affordable housing
H6A	Thresholds for affordable housing
H7A	Levels of affordable housing
H8A	Availability of affordable housing in perpetuity
H9A	Lifetime Homes
U1	Infrastructure adequacy
U2B	Flood Risk assessment Zones
U3A	Catchment Effects
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE4	Design in the Green Belt
DBE5	Design and layout of new development
DBE6	Car parking in new development
DBE7	Public open space
DBE8	Private amenity space
DBE9	Loss of Amenity
LL1	Rural landscape
LL3	Edge of settlement
LL7	Planting protection and care of trees
LL10	Adequacy of provision for landscape protection
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST5	Travel plans
ST6	Vehicle parking
I1A	Planning Obligations

*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:

- 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:

2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12

- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – 174, 175, 179 - 182, 183, 185, 186

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

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

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

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

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

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

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

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

<b>No.</b>	<b>POLICY</b>
SP1	Presumption in favour of sustainable development
SP2	Spatial Development strategy
SP3	Place Shaping
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
H2	Affordable housing
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM20	Low carbon and renewable energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality
P12	Site selection process – Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbots
D1	Delivery of Infrastructure
D2	Essential facilities and services
D3	Utilities
D4	Community, Leisure and Cultural Facilities
D5	Communications Infrastructure
D6	Neighbourhood Planning

### **Consultation Carried Out and Summary of Representations Received**

Date of site visit: 17 February 2020  
 Number of neighbours consulted: 48  
 Site notice posted: 19 February 2019  
 Responses received: Objections received from 10 addresses  
 48 ALBION HILL, LOUGHTON  
 PENNYFEATHERS, CLATTERFORD END

YEW TREE HOUSE, DUNMOW ROAD  
WHITE LODGE, NORWOOD END  
2 LAMPETTS COTTAGES, MORETON ROAD  
CLATTERFORD LODGE ONGAR ROAD  
BEAUMONT, QUEEN STREET  
THE MILL HOUSE, QUEEN STREET  
3 WALKER AVENUE  
PARSONAGE HOUSE, WILLINGALE ROAD

Comments cover the following issues:

- Impact of character of Fyfield as a village
- Impact on local traffic, adequacy of parking provision
- Existence of a badger sett, impact on ecology from site clearance
- Impact on local services – schools, healthcare
- Flooding issues as a result of hard surfacing, ability of drainage infrastructure to cope
- Affordability of affordable housing units – particularly in relation to house types and specialist accommodation
- Building heights in comparison to existing
- Noise and disturbance to adjacent properties
- Overall scale of development on restricted site, above anticipated number of units

Parish Council: Fyfield Parish Council have objected to the revised scheme, making the following comments:

*Whilst the use of the site for future housing is not disputed, the scale and design of the proposed development is inappropriate. The construction of 24 homes on the site does represent high density development and the proposals advocate significant use of 2.5 storey housing within their design. The proposed layout and density is not in keeping with the design of existing housing in Fyfield with properties in the surrounding area being predominantly 1 or 1.5 storey and as such the proposals would not seem to meet the requirements of the Council's Housing Density Policy as set out in the existing Local Plan (Policies H3A and DBE1 refer). In addition, the Local Plan specified 14 houses on the site, whereas this application is for 23 or 24. It is not clear on the application if or where the 24th house would be built.*

*The Parish Council is also concerned that the proposals fail to address local housing need. The existing policy on the provision of affordable homes as set out in the Local Plan (Policies H4A and H5A) should apply and should ensure that the site provides an appropriate mix of dwellings. Questions were also raised about service charges. As noted on the application, the roads within the complex will not be adopted by the council, so charges would be applied for all residents for maintenance. How will this impact those in the affordable houses?*

*The issue of drainage provision was discussed at length at the Parish Council meeting. It is appreciated that such matters are often seen as a technical Building Regulation issue that can be managed on a site specific basis. In the case of this application for a site on higher ground in Fyfield may not seem to be problematic. However, The Parish Council is keen to ensure that this issue is considered very carefully in the wider context of the existing problems across the village. It is essential that this matter is considered carefully to ensure that any development does not increase the problems and risks to other existing residents in the village. Local knowledge indicates that other developments in Fyfield have made the local drainage issues worse and this cannot be allowed to occur again. Concern was raised about the pond which has been planned for taking away additional water. If this fills, the water will run downhill to an area that is already notorious for flooding (the B184 near the Environmental Station).*

*In respect of sewage/foul water, an email exchange between Mr Dick and Mr Bliss dated 18 August 2021 says that they "fully recognise a reinforcement system may be required". In view of the recent*



*failures of the sewage system in the village with sewage bursting out of pipes and sewage being transported by lorry from the Fyfield pumping station to the sewage treatment site in Willingale, the Parish Council must insist that serious improvements are made prior to any houses being completed, and will hold the developers, EFDC and Thames Water responsible for any failures in this matter.*

*The Parish Council does appreciate that the provision of an appropriate development on this site can add both to the local housing stock and can help to keep the local community viable and sustainable. However, there are questions about the poor pedestrian links. People moving into the houses will need to cross the main B184 to access the school, sports field, village hall and shop. The 30mph sign sits by the development, meaning that cars could still be travelling at 50mph as they pass the crossing point. The Parish Council would ask that the moving of the 30mph signs further south be considered. The Parish Council also questioned the amount of parking on the site. Fyfield is a rural community with sporadic bus service and therefore residents rely on cars. If each of the new houses has 3 cars, that is already 72 cars before adding visitors, deliveries etc. The surrounding roads are not suitable for overflow parking, and were they to be used, would cause even more congestion and danger for drivers and pedestrians. As the development will be un-adopted, all bins will have to be placed by the main road, and the bin, recycling and glass lorries will be parked for some time on the main road whilst collections are done, in an already difficult spot.*

*The Parish Council are keen to continue discussions with the developer to add value to the development and would welcome a more open approach. Residents are understandably concerned and have questions they would like to address to the developer.*

*The Parish Council would also question how the S106 funding will be allocated, and feel very strongly that in view of the significant percentage increase in houses to the village stock, it should be used for Fyfield and its residents, and not some project elsewhere.*

### **Main Issues and Considerations:**

#### *Housing delivery and the LPSV*

In considering the merits of the application, Members should have in mind the objectives of the Local Plan Submission Version in terms of housing delivery in general, and in the Fyfield settlement specifically.

Members will be aware of the national policy requirements to ensure a continuous supply of homes are delivered through the maintenance of a five year supply of housing land. Where such supply cannot be established, the presumption in favour of allowing development will take priority of most local plan policies. This leaves the Council currently vulnerable to development coming forward in locations where it would otherwise be resisted.

The LPSV seeks to provide inter alia new homes to meet the Council's national housing delivery targets. The Council has worked with neighbouring authorities to establish how these needs can be met while recognising differing environmental, policy and infrastructure constraints to arrive at a local requirement of around 11,400 homes. The Local Plan process has sought to further divide the allocation by a range of methods in order to identify sites capable of delivering the required number of homes over the plan period, including review of employment and other underused sites, and the Green Belt review, all of which will be familiar to Members. As a result, the plan identifies the need to supply around 175 of the required homes collectively in the settlements of Coopersale, Fyfield, High Ongar, Lower Sheering, Sheering and Stapleford Abbots.

The site allocation process seeks to meet these targets across the District. These allocations take account of the location of each site and its surroundings in terms of built character. The application site has been allocated due to its location adjacent to the existing settlement where it was considered appropriate to release land from the Green Belt to meet other pressing needs such as the need for

housing land. Such a policy has been applied across a range of sites allocated in the plan. The development of such sites would evidently relieve pressure to release other sites for development in other locations, particularly around the fringes of the settlement area where pressure may otherwise be exerted.

Thus, the early delivery of an allocated site, particularly with a level of development that is close to the allocation has significant benefit in housing delivery terms which should not be underestimated in the wider context. Officers will set out below why they consider the development is appropriate to the site and represents a practical solution to the constraints and opportunities, and why such a development outweighs the unknown alternatives.

### *Green Belt considerations*

As members consider the application at this meeting, the existing adopted Local Plan and Alterations remains the statutory development plan until such time as the LPSV formally replaces it. It is necessary therefore to address the broader context of the existing site allocation within the Green Belt.

In this historic context, a proposal for new residential development would be considered inappropriate and therefore harmful to the Green Belt, having an adverse impact on its openness. Substantial weight is given to this harm. Thus, the application must be considered in the context of paragraphs 148 and 149 of the NPPF 2021 which state that such development should only be approved where very special circumstances exist, which will not exist unless potential harm resulting from the development, particularly harm to the Green Belt, is clearly outweighed by other considerations.

The Green Belt Review as part of the Local Plan process recognised the need to review Green Belt boundaries in order to meet other plan objectives for housing delivery. The removal of sites and allocation for development recognises opportunities to promote settlement rounding in a lower performing Green Belt location immediately adjacent to the settlements. The LPSV recognises that the site assessment establishes that it meets the criteria in the site selection process as appropriate to remove the site from the Green Belt.

Paragraph 48 of the NPPF makes clear that policies at an advanced stage in the preparation process can be given increased weight taking account of the following issues – the stage the emerging plan has reached in the process, the extent of any objection to the allocation and the degree of consistency with the NPPF. Officers are satisfied that all these criteria are met – the LPSV is at a very advanced stage in the preparation process, there are no changes to the allocation of the application site before the Inspector in the main modifications submissions, and the plan is consistent with the NPPF in terms of policies to protect the wider Green Belt.

Members should also have regard in this context to the provisions of Paragraph 11 of the NPPF which promotes a 'tilted balance' in favour of development in sustainable locations where it can be demonstrated that policies are not up to date, and where the adverse effects of development significantly and demonstrably outweigh the benefits. Such a case was successfully argued in the appeal decision issued in October 2021 in relation to a scheme for 52 dwellings at Langley and Mile Nurseries, Waltham Abbey - a Green Belt site immediately adjacent to the settlement.

Officers also consider that the proposal would not set a precedent for development in the Green Belt, other than in the case of other sites proposed to be allocated for removal from the Green Belt in the LPSV. Officers conclude therefore that very special circumstances exist in that the site is to be removed from the Green Belt through its allocation within the LPSV. As a result of the site's removal from the Green Belt, any harm to the Green Belt would be greatly reduced and thus outweighed.

In broader terms, it should be noted that the LPSV is altering Green Belt boundaries and allocating land for a significant number of new homes in order to meet identified future housing requirements and is

critical to the Council's obligation under the NPPF in maintaining provision of a five year housing land supply.

### *Design, scale and form*

The application proposes a built form comprising mostly two storey dwellings with limited additional space at roof level. Such a scale of development is broadly consistent with a redevelopment on the edge of an existing rural settlement. Local comments refer to the scale of built development in the settlement as being lower scale which may be true of some parts, but there is far greater variety than is being suggested, properties in Walker Avenue include two storey terraced housing for example. The scale and density proposed are not inconsistent with the setting.

Consistent with the general local form, buildings on the road frontages are minimised, retaining an open spacious form, set back from the immediate kerbside. Buildings are of a variety of house types using a variety of materials consistent with the local area – brick, painted render, weatherboarding, tiled roofs. All dwellings are provided with private gardens of sufficient size for domestic use, with access to public open space.

Officers conclude therefore that the proposals are appropriate to the location.

### *Parking and access*

The development utilises the existing access on Ongar Road which has previously been used for commercial vehicle access. Subject to minor design details, this adequately serves as access for the level and type of development proposed. This is recognised by the Highway Authority which confirms that following a site visit and revisions to the scheme, the proposals satisfy highway safety criteria subject to detailed design matters covered by conditions.

The scheme has ample parking, equivalent to 2 per dwelling and 6 additional visitor spaces. While such provision is high in the context of current guidance to reduce the reliance on private car usage, it reflects the poor public transport accessibility of the site and does not unduly compromise other aspects of the development.

The Parish Council have commented on the accessibility of the site in relation to pedestrian access to the village. It should be noted that the main pedestrian footway from the site into the heart of the village lies on the west side of the road, the footway on the east side is not continuous. The road is relatively narrow and the site lies on a shallow curve in Ongar Road giving good visibility for pedestrians.

### *Trees, landscape and ecology*

The layout is heavily influenced by the number of significant, good quality trees on the site, and every effort has been made to retain a significant number of these. Trees are retained within public areas at the centre of the site and on the southern edge. At the eastern end of the site, plot 23 will have a number of trees within the garden area and buildings and hard surface areas outside the crown spread and root protection areas. Additional tree planting and general landscaping enhancements can be secured by condition.

The application was accompanied by a Preliminary Ecological Assessment, including reptile, bat and badger monitoring, which has been reviewed by the County Council Ecology Advisor. Other than existing scrub providing nesting opportunities for birds, no other activity by protected species was identified. The assessment recognises a need to secure biodiversity net gain within the scheme, and measures proposed include nesting boxes, wildlife sensitive lighting and habitat enhancement. These matters can be secured by condition.

### *Drainage issues*

In response to consultation, Thames water identified concerns at the capacity of the foul and surface water drainage network to accommodate the needs of the development and identified a need for reinforcement work to provide sufficient capacity. In order to reduce demand, measures including surface water run-off to greenfield sites and rainwater harvesting was recommended.

In relation to surface water drainage, site levels are such that there is no immediate risk of flooding if surface water is managed in a sustainable drainage system. Following extensive discussion, a drainage strategy and updated Flood Risk assessment has evolved to include underground cellular attenuation storage within the site connecting to a balancing pond on land to the north, where levels are such that the land falls from the site down to the pond. The principles have been found to be deliverable subject to detailed design.

The applicant have held initial discussions with Thames Water in relation to foul drainage capacity and this again is a matter of detailed design which it would not be reasonable to expect to be sufficiently advanced ahead of a decision on the principle of development. Thus, a condition in this regard condition is also appropriate.

### *Impact on EFSAC*

The site lies beyond the 3km core EFSAC area and has been assessed in terms of potential air quality impact only. Despite historic commercial uses on the site, it has been vacant for a number of years. As part of the wider air quality assessment, all sites allocated for development in the LPSV have been taken in consideration as to the allocated number of units. Thus, additional impact can be identified as a result of the number of units proposed, but this impact does not require additional mitigation beyond standard contributions and provision of electric vehicle charging points. In such circumstances, an appropriate assessment has been completed as under;

### **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 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 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.

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 of the 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 will 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. Therefore the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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 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.

### **Appropriate Assessment 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.

### *Other mitigation measures*

It is recognised that larger scale developments have potentially greater impacts on the wider environs beyond the site specific matters considered above. The Infrastructure Delivery Plan establishes the broad mechanism by which such matters can be resolved through appropriate contributions to improve local services and facilities to meet the increased needs placed on them by increased demand arising from development. Additional information from key service providers will inform the local requirements.

Discussions in relation to such impacts arising from the proposed development have resulted in a range of measures that would need to be addressed if development is to proceed, these can be secured by a s106 agreement. The following matters are included therefore as part of the application:

**AFFORDABLE HOUSING** – Nine units comprising 3 x 2 bed and 6 x 3 bed houses, provided by a partner from the Council's approved list

**LIBRARY IMPROVEMENTS** - £1,789 to improve, enhance and extend nearest library facilities.

OPEN SPACE AND GREEN INFRASTRUCTURE - £4,262 per dwelling as identified by the Infrastructure Delivery Plan.

EFSAC MITIGATION - £335 per dwelling.

MONITORING FEES - %5 of contributions to EFDC, £550 in respect of Library Contribution to ECC.

It should be noted that the development is not of sufficient scale to require other contributions, including education and health contributions in accordance with Community Infrastructure Levy Regulations.

#### *Neighbour amenities*

Officers note that surrounding occupiers have not raised concerns about direct physical impact from development (overshadowing etc) which reflects the lack of any direct relationship with surrounding properties. Comments in relation to noise and disturbance are noted, but the overall level of development and the use thereof is consistent with any residential location and the level of development will not result in disproportionate levels of noise and activity as to make this unacceptable.

#### *Heritage assets*

The site adjoins Mill Hatch, a Grade II listed building which has been substantially extended. Development has been carefully sited to maximise the separation between this building and any new properties such that the setting and curtilage of the listed building are not compromised.

#### *Land contamination issues*

An initial assessment of the potential for contamination has been undertaken. This recognises that historic uses have the potential to have resulted in contamination, and that future users could be vulnerable to any such contamination. Further detailed consideration of the issues is required, and can be dealt with by conditions.

#### **Conclusion:**

The application brings forward an allocated site in the draft Local Plan with a level of development which meets a number of objectives in terms of housing delivery in the settlement and the wider District. Although the Plan has not been finally adopted, modifications do not propose any amendments to this site allocation, either in terms of housing numbers or site boundaries, so should be given significant weight. The delivery of this site at an early stage in the life of the plan will significantly reduce pressure for development on other, less suitable sites around the settlement.

Any development of more than 10 units has the potential to create benefits and enhancements which need to be balanced against the compromises. Benefits arise from provision of a policy compliant level of affordable housing, the mix of which has been agreed with by Housing Officers, measures to manage surface water drainage within the site, biodiversity, ecological and landscape improvements, and relevant mitigation to ameliorate impact on wider community infrastructure. In comparison, compromises in terms of residential amenity are limited. The scheme has evolved during the application period to address concerns around highway issues and the character and form of the built development.

Officers therefore conclude that the positive benefits far outweigh the concerns and therefore recommend that permission is granted, subject to conditions and an appropriate legal agreement.

***Should you wish to discuss the contents of this report item please use the following contact details by 12pm on the day preceding the meeting at the latest:***

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

**Conditions: (31)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: MP-001 Rev C and MP002, 61238-C-100 Rev A and 200 Rev A, L8670/1 Rev 0, GM-A GA001, GM-B EL001 and GA001, GM-C EL001 and GA001, GM-D EL001 and GA001, GM-E EL001 and GA001, GM-F EL001 and GA001, GM-H GA001, GM-J EL001 and GA001, GM-C-001, 002, 0021, 003, 004, 005, 0051, 0052, 0053 and 006, and TCTC-18332-PL-02 Rev A and 03 Rev A.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 Development shall not commence until the developer has completed a binding agreement with an affordable housing provider agreed by the Council to facilitate delivery of the affordable housing units shown on the approved plans and required by the associated legal agreement accompanying this permission.

Reason: The development requires sufficient safeguards to ensure delivery of the affordable housing element in order to comply with policies H5A - H8A of the adopted Local Plan and Alterations, policies H1 and H2 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 4 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. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring

in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.

6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. Tree protection measures.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policies DM21 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 5 A construction environmental management plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the local planning authority. This should include, but is not limited to, precautionary working methods enabling mitigation of any potential impacts on retained habitats hedgerows and trees, nesting birds, bats, reptiles, great- crested newts, badgers and Priority species (Hedgehog).

The CEMP (Biodiversity) shall include the following.

- a)Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'
- c)Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d)The location and timing of sensitive works to avoid harm to biodiversity features.
- e)The times during construction when specialist ecologists need to be present on site to oversee works.
- f)Responsible persons and lines of communication
- g)The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h)Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason : To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 6 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.

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



7 Prior to the commencement of development , confirmation shall be provided that either:

1. Foul drainage capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with policy RP5A of the adopted Local Plan and Alterations, policy DM118 of the Local Plan Submission Version 2017, and the NPPF 2021.

8 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.

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

- 9 No development, including works of demolition or site clearance, shall take place until Tree Protection measures in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) have been installed in accordance with the details set out in the approved drawings and Arboricultural Assessment. The development shall be carried out only in accordance with the approved documents.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 10 Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

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

- 11 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). 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.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 12 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.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 13 Prior to commencement of slab level works, A Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal (Crossman Associates October 2021), and the Preliminary Ecological Appraisal (Open Spaces , April 2017). The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter

Reason : To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021 and in accordance with policies NC3, NC4 and NC5 of the adopted Local Plan and Alterations, policies DM1, DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF2021.

- 14 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.

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

- 15 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.

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

- 16 Prior to commencement of above ground works, 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.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies ST4 & DBE1 of the adopted Local Plan and Alterations 1998 & 2006, Policies T1 & DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 17 Prior to commencement of any above ground works, details of all external lighting shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No additional external lighting, including any lighting within the curtilage of any dwelling within the development shall thereafter be installed without prior consent from the local planning authority.

Reason : To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021, policies NC3, NC4, NC5 and DBE2 of the adopted Local Plan and Alterations, policies DM1, DM9 and DM210 of the Local Plan Submission Version 2021, and the NPPF 2021.

- 18 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 19 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 20 No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared, provided a written report of confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, and that written confirmation has been approved by the Local Planning Authority

Reason: To ensure adequate protection is afforded to local wildlife in accordance with policies NC3 and NC4 of the adopted Local Plan and Alterations, policy DM1 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 21 All material excavated from the below ground works hereby approved shall be removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies CP2, DBE1 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 22 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. 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 23 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

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

- 24 Prior to completion of the development hereby permitted, details of boilers shall be submitted to and approved in writing to the Local Planning Authority.  
The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details.

Reason: To help improve local environmental conditions and limit emissions to air as required by the national planning policy framework. Boilers can be a significant source of NO2 emissions and worsen local air quality. To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

- 25 Prior to the first occupation of the development the access arrangements, as shown in principle on the approved plans, shall be fully implemented. All details to be agreed with the Highway Authority, and must include, but not limited to, the following:
- A new bellmouth junction with suitable radii;
  - Pedestrian dropped kerbs with tactile paving across the bellmouth;
  - Provision of safe pedestrian access into the site;
  - A pair of pedestrian dropped kerb crossings with tactile paving across the B184 – exact location to be agreed;
  - Provision of new footway as necessary to implement the crossing point of the B184;

Reason: To ensure that safe, efficient and improved accessibility is provided for all highway users, in accordance with 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 and the NPPF 2021

- 26 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose..

Reason: In the interests of highway safety, in accordance with policies ST4 and ST6 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 27 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: To ensure that safe, efficient and improved accessibility is provided for all highway users, in accordance with 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 and the NPPF 2021

- 28 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, C and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with policies DBE2 and DBE 9 of the adopted Local Plan 1998 & 2006, Policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 29 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 plant, machinery, buildings or above ground structures shall be constructed on the land north of the residential curtilages of plots 4 - 6 on the approved plan without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties and the Green Belt, in accordance with policies GB2A, GB7A, DBE2 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM4, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 30 No increase in residential curtilages beyond those shown on drawing MP001 Rev C and MP002 shall take place without prior consent of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties and the Green Belt, in accordance with policies GB2A, GB7A, DBE2 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM4, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 31 The public open space areas within the site shall be retained in perpetuity for use by all residents of the development and shall be enclosed nor access restricted without prior consent from the local planning authority through a planning application.

This aspect of the application has been justified as a public facility and any change thereto requires appropriate consideration in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM5, DM9 and DM10 of the Local Plan Submission Version, and the NPPF 2021.

**Informatives: (4)**

- 32 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 33 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.
- 34 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 35
- i. The internal layout would not be considered for adoption by the Highway Authority.
  - ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
  - iii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.



## OFFICER REPORT

**Application Ref:** EPF/0210/22  
**Application Type:** Full planning permission  
**Case Officer:** Rhian Thorley  
**Site Address:** Mulberry Cottage  
Forest Side  
Epping  
CM16 4ED  
**Proposal:** Erection of two storey side extension.  
**Ward:** Broadley Common, Epping Upland and Nazeing;Theydon Bois  
**Parish:** Theydon Bois  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Ny0s>  
**Recommendation:** Approve with Conditions

*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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Site and Surroundings**

The site comprises of a two-storey detached Victorian dwelling, with a two-storey extension on the left-hand side (south) and a first-floor extension on the right-hand side to the rear (northwest). It is a locally listed building, located to the south of Forest Side in the Metropolitan Green Belt. It is not within a Conservation Area.

### **Proposal**

The proposal is for a double storey side extension.

Pre-application advice was sought in 2020 (ref. EF\2019\ENQ\01145) to understand the possibilities for extending the property to the side and rear at two storeys. The Conservation Team undertook a site visit on the 29th of January 2020, concluding that the building was little altered when compared with Ridge House and Brackley, and therefore, any future applications considering an extension should respect its original form and layout.

The application has been amended since its initial submission in March 2022 to address the Conservation Team's objections to the proposed design, scale, density, massing and height of the extension; and the proposed design, size and placement of the openings along the front and rear of the extension. This revised application follows a previous iteration of the same scheme.

The two-storey side extension has a maximum width of 4.5m and is set in at least 1.5m from the common boundary with Theydon Towers. The eaves and ridge height are lower than that of the existing dwelling.

### **Relevant Planning History**

EF\2019\ENQ\01145 - Retention of existing front facade, proposed two storey side and rear extensions  
– Pre-application advice given.

EF\2019\ENQ\01156 - Proposed two storey side & rear extensions with the retention of front façade –  
Pre-application advice given.

## **Development Plan Context**

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

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

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

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form & Quality
DBE9	Loss of Amenity
DBE10	Residential Extensions
GB2A	Development in the Green Belt
HC13A	Local List of Buildings

### *National Planning Policy Framework 2021 (NPPF)*

The 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 NPPF.

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

Paragraphs 147, 148 and 149; 184; 190, 192, 193 and 194.

### *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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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 Main Modifications, the highest weight should be accorded to LPSV policies in accordance with paragraph 48 of the NPPF. The following policies are relevant to the determination of this application;

DM4	Green Belt
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing Design and Quality

### **Summary of Representations**

Number of neighbours Consulted: 4. 0 responses received.

Site notice posted: No, not required.

**THEYDON BOIS PARISH COUNCIL – STRONG OBJECTION (Received prior to amended plans)**

Situated to the north of Theydon Bois on Forest Side in the Metropolitan Green Belt, Mulberry Cottage is a two-storey Victorian detached dwelling on a trapezoid shaped plot. The principal elevation of the house fronts on to Forest Side, and its rear boundary looks directly on to Epping Forest Special Area of Conservation. Of traditional Victorian villa design, the house is included on the Local List of Buildings of Special Architecture or Historic Interest.

The house sits comfortably within the landscape setting of its surroundings. The house has a single storey extension on its north elevation, which is set back from the principal elevation. The proposal seeks to alter the scale of the house by adding a substantial two-storey side extension with gable end pitch roof to its south elevation.

The roof design of the proposal is orientated at a right angle to the existing double pitch roof of the house. The Planning Committee feels that this gives the appearance of the roof of the extension being of greater height than that of the main roof, and that its differently angled orientation sits uncomfortably with the roof scape of the existing house. This being, in the Committee's opinion, contrary to a statement in the Design and Access Statement submitted with this application which says that "the roof is designed as a gable end extension to catch compatibility with the original house as well as the surrounding neighbourhood."

At more than 50 per cent of the size of the existing house, the proposal also appears – in the Committee’s view – to be disproportionately large and over dominant, creating the impression of being a separate building rather than a sympathetic extension that complements the scale and architecture of the existing house. The Committee takes issue with the statement in the Planning Statement submitted with this application which says: “The character and appearance of the proposed development would blend aesthetically with the host building and the wider scene ... it would be modest in scale and be a proportionate addition to the property.”

At two storeys, with a footprint of 4.6 metres wide and more than 12 metres deep, the proposal is evidently not modest in scale. It would enclose the plot on its southern side, thereby filling the visual gap that currently exists between Mulberry Cottage and the neighbouring property, Theydon Towers. Due to this infilling, the new addition would create the appearance of a cramped development, in conflict with the pattern of development in the locality. It is felt that this would also detract from the openness of the Green Belt.

In the Committee’s opinion, the appearance of the proposal does not complement that of the original house, and would represent an awkward and disproportionate addition, in terms of both its size and scale and its architectural design.

In conclusion, the proposal is considered to be of a poor quality of design, that would fail to respect and complement the form, setting and detailing of this Locally Listed house, and would thereby constitute inappropriate development in the Green Belt – contrary to the provisions of Policies DBE4, DBE10, GB2A, and GB7A of the Epping Forest District Current Local Plan, 1998 (with alterations of 2006); Policies DM 4, DM 9 and DM 10 E of the Epping Forest District New Local Plan (2011-2033) Submission Version, 2021; and the provisions of Paragraph 149 of the NPPF, 2021.

EFDC DRAINAGE TEAM – NO OBJECTION.

### **Planning Considerations**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) The impact on the living conditions of neighbouring properties;
- c) The impact on the Metropolitan Green Belt; and
- d) Representations received

#### *Character and Appearance*

The original scheme was not considered to respect the original form and layout of the existing building due to its inappropriately dominating frontage being unacceptable on scale and design terms.

With regards to scale, the extension’s eaves height and ridge line, along with the width, have been reduced as part of the amended scheme. The extension has also been set back from the front building line by 1m. These amendments result in the extension now appearing subordinate to the principal building and are considered acceptable to officers.

In terms of design, the original scheme appeared to be inspired by the principal building through the inclusion of quoins. In this instance however, they caused the extension to appear over-prominent and excessively decorated. This was particularly found to be the case at the rear (west) elevation, where the principal building does not include quoins. The amended scheme has removed the quoins and as such is considered to be a more sympathetic proposal to the appearance of the principal building form.

Officers also found the original scheme’s proposed placement openings at the front and rear of the extension to be unacceptable.

The opening to the front (east) of the new office space on the ground floor was considered to result in a disruptive and over-dominant feature to the front façade of the house, compromising the importance of the front door. It was also considered that the relationship of the extension to the principal building and the dwelling's relationship to the street would also be negatively affected as a result of this. This element of the proposal has been removed as part of the amended scheme, with the double doors being replaced by a single window. The continuation of the entry stairs at the front elevation was also objected to and removed from the amended scheme as a result. Similarly, the design and placement of the doors/windows to the rear (west) were found unacceptable and reduced in size as a result.

Further, the proposed use of a pair of double windows at the first-floor level at both the front and rear elevation was not considered sympathetic to the existing windows. The amended scheme proposes a traditional double-pitch roof with projecting rear dormer which is considered more subservient to the principal dwelling and more sympathetic as a result.

As a result of these changes, the amended scheme is considered acceptable by officers in terms of the design's character and appearance. This is supported by policies HC13A of the Adopted Local Plan and Alterations, policy DM7 of the Local Plan Submission Version, and paragraphs 184, 190, 192, 193 and 194 of the NPPF.

#### *Living Conditions*

The only property this proposal may impact on is Theydon Towers on the site's southern boundary. Theydon Towers is significantly larger than the host dwelling and has no windows on the adjacent flank wall. The proposed extension does not extend further forward or protrude further rearwards than Theydon Towers' front and rear elevation. As a result, the proposal would not cause material harm in terms of loss of light, loss of privacy, visual impact or be overbearing and is therefore in compliance with Policies CP7 & DBE9 of the Adopted Local Plan, Policy DM9 (H) of the Local Plan Submission Version and the NPPF.

#### *Green Belt*

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, however one of the exceptions to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Whilst the original property would be substantially extended as a result of the proposal, the existing extensions and the extension proposed as part of this application are set back and positioned in a way that enables them to appear proportionate. The site forms a row of detached dwellings on the outskirts of the main village and it is not considered that the proposed development would materially reduce the openness of the Green Belt, particularly given the extent at which neighbouring properties have been extended.

The proposed extension is not therefore considered to be a disproportionate addition and complies with local policies and the NPPF.

The proposal therefore complies with policies GB2A of the Adopted Local Plan and Alterations, policy DM4 of the Local Plan Submission Version (2017), and paragraphs 147, 148 and 149 of the NPPF (2021).

#### *Representations Received*

##### Theydon Bois Parish Council

The Parish Council objected to the application on the following grounds:

- *The roof design of the proposal is orientated at a right angle to the existing double pitch roof of the house. The Planning Committee feels that this gives the appearance of the roof of the*

*extension being of greater height than that of the main roof, and that its differently angled orientation sits uncomfortably with the roof scape of the existing house. This being, in the Committee's opinion, contrary to a statement in the Design and Access Statement submitted with this application which says that "the roof is designed as a gable end extension to catch compatibility with the original house as well as the surrounding neighbourhood.*

The roof design has been addressed in the amended scheme which addresses the matters raised by the Conservation Team and Parish Council.

- *At more than 50 per cent of the size of the existing house, the proposal also appears – in the Committee's view – to be disproportionately large and over dominant, creating the impression of being a separate building rather than a sympathetic extension that complements the scale and architecture of the existing house. The Committee takes issue with the statement in the Planning Statement submitted with this application which says: "The character and appearance of the proposed development would blend aesthetically with the host building and the wider scene ... it would be modest in scale and be a proportionate addition to the property.*

The extensions (existing and proposed) would exceed 50% of the size of the original dwelling, as would the extensions of many of the surrounding properties. However, as stated in the above Character & Appearance section, officers deem the amended scheme to address concerns around scale following the proposal's reduction in height and amended roof design.

- *At two storeys, with a footprint of 4.6 metres wide and more than 12 metres deep, the proposal is evidently not modest in scale. It would enclose the plot on its southern side, thereby filling the visual gap that currently exists between Mulberry Cottage and the neighbouring property, Theydon Towers. Due to this infilling, the new addition would create the appearance of a cramped development, in conflict with the pattern of development in the locality. It is felt that this would also detract from the openness of the Green Belt.*

Whilst the amended proposal has been reduced in size, it would still enclose the plot on its southern side filling the visual gap that currently exists between Mulberry Cottage and Theydon Towers. However, a number of properties in this row have been extended to this extent, and given their location and siting, this is not considered to materially reduce the openness of the Green Belt as detailed in the Green Belt section of this report.

- *In the Committee's opinion, the appearance of the proposal does not complement that of the original house, and would represent an awkward and disproportionate addition, in terms of both its size and scale and its architectural design.*

Officers deem the amended scheme to address concerns around the extension appearing disproportionate in scale and design, as detailed in the above Character & Appearance section of this report.

- *The Planning Committee of the Parish Council has raised objection to this application. We would be prepared to send a representative to an Area Planning Sub-Committee of EFDC, if this method of determination is deemed appropriate.*

#### EFDC Drainage Team

*The applicant is proposing to dispose of surface water by existing watercourse. However, our records do not indicate a watercourse at this location. 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, subject to the approval/implementation of the requirements set out above by this team.*

## **Conclusion**

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

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

**Planning Application Case Officer: Rhian Thorley**

**Direct Line Telephone Number: 01992 564115 or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

## **Conditions: (4)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 01- 00; 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 02- 01; 02; 03; 04; 05; 06; 07; 08; 09; 10.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 Photographed samples of the types and details of colours of all the external finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with policy HC10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM7 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

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

**Informatives: (1)**

- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



## OFFICER REPORT

**Application Ref:** EPF/0653/22  
**Application Type:** Full planning permission  
**Case Officer:** Alastair Prince  
**Site Address:** 21 Woburn Avenue  
Theydon Bois  
Epping  
Essex  
CM16 7JR  
**Proposal:** Extend an existing garden building.  
**Ward:** Theydon Bois  
**Parish:** Theydon Bois  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyxE>  
**Recommendation:** Approve with Conditions

*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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Additional Information:**

The application was previously deferred to allow a site visit by Members to take place, which is scheduled for 30<sup>th</sup> July 2022.

### **Description of Site:**

The application site is a two storey end of terrace residential dwelling with an existing outbuilding sited in the rear garden. The immediate area is characterised by terraced dwelling houses with long rear gardens and outbuildings sited within the rear gardens of several neighbouring properties. There are no Listed Buildings attributed to the site and it is not within a Conservation Area. The site is not within the metropolitan green belt.

### **Description of Proposal:**

Planning permission is sought for an extension to an existing outbuilding. The extension would measure 5 metres in depth (making the outbuilding a total of 8.7 metres in depth), 4.1 metres in width and 3.2 metres in overall height (2.47 metres to the eaves)

### **Relevant Site History:**

EPF/1734/20 - Application for a Certificate of Lawful Development for a Proposed single storey extension – Lawful

### **Policies Applied:**

National Planning Policy Framework 2021

Local Plan (1998) and Alterations (2006)

CP2 – Protecting the quality of the rural and built environment  
DBE2 - Effect on neighbouring properties  
DBE9 - Loss of amenity  
DBE10 – Design of Residential Extensions

Epping Forest Local Plan 2017 (submission version)

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

DM9 – High quality design

### **Summary of Representation**

No. of neighbours consulted – 3, 2 objections received

19 WOBURN AVENUE – STRONG OBJECTION: inaccurate information submitted on application form as the work appears to have been started without consent. Current (and proposed) use of the outbuilding should be classed as a business use. Concerns regarding exacerbated parking as a result of the building's use. Development would be contrary to policy E12 of the Adopted Local Plan (and Alterations) 2006. Development would cause harm to the character of the area and would cause harm to the living conditions of neighbours in relation to loss of light and visually overbearing. Concern regarding the section of the outbuilding utilised for storage of motorcycles.

23 WOBURN AVENUE – OBJECTION: The creation of a larger outbuilding would cause the existing business being operated from it to expand. Development would cause an unwanted precedent within the area. Parking concerns due to customers of the business occupying spaces. Concerned by the height of the proposal and would be visually overbearing and result in loss of privacy. Concern regarding oil, petrol and flammables housed within the storage part of the building.

PARISH COUNCIL – STRONG OBJECTION:

The proposed development would extend an existing outbuilding within a residential curtilage of a terraced property in Woburn Avenue, where neighbouring gardens are of a similarly narrow rectangular shape. In the planning committee's view the proposal would be an excessive and disproportionate addition to that outbuilding, given the constraints of the site.

The scale and massing would not relate positively to the built form within the vicinity and, given the narrowness of the plot, the extended structure would likely to have a negative impact on the amenity of the adjacent neighbours, appearing overly dominant, particularly when viewed from the garden of the adjoining property at number 19. There would be no planting to screen the building along the shared boundary, whilst the structure would be positioned to the south of that neighbour, casting further shade over the garden area.

The committee also questioned whether the location plan submitted with the proposal is accurately drawn to scale, since this would not appear to correspond with dimensions perceived to be visible on site from the photograph provided. Residents of the two immediate neighbouring properties-19 and 23 Woburn Ave-have contacted the Parish Council with concerns related to this proposal. Photographs

shared with the planning committee illustrates the dominant size of the extension, relative both to assign plot and to those of the neighbouring properties.

The height of the proposal-at 3200 mm-is presumed to be the current height of the existing building, which as photo one shows, is already significantly higher than neighbouring outbuildings-despite its not currently enjoying the benefit plan permission, while exceeding 2.5 m in height and being sited within 1 m of both neighbouring boundaries.

The proposal would extend the depth of the existing outbuilding from 3720 mm to 8720 mm-an increase of almost 135%. Although the footprint may not exceed 50% of the curtilage, the proposal would span the entire width of the plot and its significant depth would make it appear overbearing and visually dominant in the context of the narrow rear garden. Consequent loss of light to some house of the adjoining neighbour would be, the committee feels, a valid consideration.

The use of the garden building is also of particular concern, since it appears that the existing outbuilding may be used for commercial purposes. Advertisements for Pilates tuition-including one referring to a purpose-built studio set within a garden area-have been shared with committee members. The parish council feels that a business enterprise operates at the back garden, which entails bringing people onto the property, would set an unwelcome precedent, for which it does not wish to encourage.

More usual facilities for this kind of use would be those associated with the hiring of a whole, and there are three such community facilities within the village. Many of the period properties in this road-including the application site-have shallow front gardens and do not have the facility for offstreet parking. Spaces in the road for resident car parking provided via permit, being therefore limited and at a premium. The side access to rear garden of this property is particularly narrow and runs in tandem with the side access of 23 Woburn Ave. The occupant of this latter property feels that their privacy is being compromised by visitors to 21 Woburn Ave using the side access.

Granted planning permission, issued by EFDC for outbuildings within residential curtilage is, customarily include a condition regarding usage, such as:

*“the outbuilding hereby approved shall only be used for purposes incidental to the dwelling house on the site. It shall not be used to primary residential accommodation (for example, as a living room, bedroom or kitchen) and shall not be used for any business or commercial purposes any time.”*

However, notwithstanding the above concerns regarding the present or future use, the parish council strongly objects to the increased size of the proposed development, which it feels would be of a scale detrimental to the resident amenity of neighbouring properties and, therefore, contrary to policies DBE1 and DBE9 of the ‘Epping Forest District Local Plan 1998, with alterations of 2006’, Policy DM9 of the ‘Epping Forest District New Local Plan, Submission Version 2017’, and Paragraphs 126 and 130 of the NPPF, 2021.

### **Main Issues and Considerations**

The main issues to consider for the assessment of this application are as follows:

Design  
Impact on the Living Conditions of Neighbours  
Use

#### **Design**

Neighbours and the Parish Council have objected to the application stating that the design of the proposal would be detrimental to the character of the area.

The proposal would involve extending the existing outbuilding by 5 metres in depth and would be at the same height (3.2 metres) and width (4.1 metres) as the existing building. The external proposed materials would be timber weatherboarding with a felt gabled roof.

During a site visit, it was noted that several outbuildings sited at the rearmost part of gardens within Woburn Avenue (including both adjoining neighbours at no. 19 and 23 Woburn Avenue and beyond) were present and in a variety of designs. When viewing aerial photographs, it was clear to see that rear outbuildings are part of the street's character and have been constructed in a variety of shapes and sizes (a notable example being 43 Woburn Avenue). Furthermore, the site benefits from a long rectangular rear garden (approximately 31 metres in depth from the rear elevation of the existing dwelling to the rear boundary when measured from the block plan). If the extension is to be constructed, it would leave approximately 22 metres of garden space. This would ensure that the individual character of the site is maintained and would not be out of scale with the rest of the site or its surroundings. The height of the structure would be acceptable and would not be out of character with the surrounding area. It is considered that this proposal would not be detrimental to the character of the existing site or wider character of the surrounding area.

### Impact on living conditions

The Parish Council and neighbours have objected to the proposal stating that it would cause harm to the living conditions of neighbours in relation to loss of light, loss of privacy and loss of outlook.

As stated above, the extension would measure 5 metres in depth (making the outbuilding a total of 8.7 metres in depth), 4.1 metres in width and 3.2 metres in overall height (2.47 metres to the eaves). It would be 0.4 metres from the boundary with 23 Woburn Avenue and 0.12 metres from the boundary with 19 Woburn Avenue.

As part of their comments, the neighbours at 19 Woburn Avenue have stated that the primary use of their own outbuilding is as a study. In planning terms, this use is not classed as a habitable room, rather a space incidental to the enjoyment of the dwelling house.

The rear elevations on this side of Woburn Avenue are south facing, however the outbuildings are north facing and are unlikely to get an excessive degree of sunlight in any event. This, in combination with the fact that the neighbouring outbuildings are not used as habitable rooms (bedrooms, living rooms), would mean that the harm to living conditions in regard to loss of light is lessened. Furthermore, the application site and neighbouring properties benefit from large garden areas and whilst there may be some overshadowing, the majority of rear amenity space would not be affected and would not cause excessive harm to the living conditions of neighbours in relation to loss of light to habitable rooms. As the development would be site at the rearmost part of the garden, it is considered the proposal would be a sufficient distance away from the neighbouring dwellings so as to not cause excessive harm to neighbours in relation to loss of outlook.

In regard to loss of privacy, the neighbour at 23 Woburn Avenue have stated that the loss of privacy would occur when clients of the applicant are using the side access to use the outbuilding. This would not constitute a loss of privacy as the existing access is being used as a functional part of the site and it can be reasonably expected that it would not be used to look directly into neighbouring properties. The proposal would not cause excessive harm to neighbours in relation to loss of privacy.

### Use

The Parish Council and neighbours have objected to the proposal stating that the proposed use of the outbuilding would be for a commercial use and storage/workspace area to work on motorcycles.

It has been confirmed by the applicants that the intended use of the outbuilding would be for a commercial use (specifically, running pilates classes from home) and the applicants have specified that,

currently, there are 3 clients that attend the studio once a week for an hour session (two at 8:30am and one at 16:00pm) and the intention would be to rise this to a maximum of 6 clients per week. Clearly, there would be concerns at potential disturbance were this to be a use attracting a high number of callers and a rapid turnover. It evidently is not and conditions are available to safeguard against any significant change in character and pattern of activity.

The proposed use for storage/ use as a space to work on motorcycles would be considered as incidental to the enjoyment of the dwelling house and would be considered acceptable. There are conditions available to protect the amenity of neighbours from any excessive noise if considered necessary.

The objectors at 19 Woburn Avenue have referred to Policy E12 of the Adopted Local Plan and Alterations 2006 stating that the development would not be acceptable as it would not be compliant with that policy. A copy of the title deed was also provided whereby the following was highlighted:

*No lime kiln brick kiln brickyard or smith shall be constructed made or used at any time on the plots of land hereby conveyed.*

It should be put forward that the above is a very specific use. The intended use of the outbuilding clearly would not fall into the above statement shown on the title deed and is therefore not relevant.

Policy E12 states that:

*The Council will grant planning permission for small scale business activities outside the Green Belt, including (where necessary) consent for working from home, provided that the proposed development:*

- *Will not have a significantly adverse effect on either:*
  - a) *The amenities of any nearby property; or*
  - b) *The character of the surrounding area.*

*Any planning permission granted for working from home will:*

- *Be subject to the development remaining subsidiary to the residential use; and*
- *Relate solely to the person who occupies the dwelling and carries out the activity*

Evidently, the development would remain subsidiary to the main dwelling and relates solely to the applicant (who occupies the dwelling where the intended use is to take place) and would facilitate home working. If the outbuilding in question was let out for a commercial purpose and operated by persons that do not reside at 21 Woburn Avenue, then a change of use would occur. It would still remain as ancillary to the main dwelling and it has already been put forward above that the proposal would not amount to a significant change in character to the surrounding area. Neither will it have a significantly adverse effect on the amenities of neighbouring dwellings due to the sporadic nature of the use. It is considered that the intended use would be acceptable.

The objectors also refer to parking issues. There is no facility for off-street parking on the site and there is a parking permit scheme in place on Woburn Avenue, however it is considered on balance the low numbers of clients visiting the site as outlined above would not generate significant highway movements in the vicinity to be harmful to highway safety.

#### Other matters

The objectors have stated that the current outbuilding was erected without the benefit of planning permission which has not been regularized and that, by granting permission, an illegal building would be increased.

Whilst it is correct that the existing building has not been regularised by a lawful development certificate/planning permission, it should be submitted that it is possible to retrospectively grant planning permission for development that has been completed without the benefit of planning permission. As the extension is certainly part of the existing outbuilding, it is considered that the development would be exempt from enforcement action if planning permission is granted.

Any matters relating to maintenance or the construction work relating to the proposal are matters to be dealt with by Building Control and are not material planning considerations.

### **Conclusion**

It is recommended that planning permission is granted subject to conditions.

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

***Planning Application Case Officer: Alastair Prince  
Direct Line Telephone Number: 01992 564462***

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

### **Conditions: (7)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The use of the development hereby permitted shall only be operated by an occupier of the residential property 21 Woburn Avenue, Theydon Bois, CM16 and shall not be let or used independently thereof.

Reason: In order to protect the amenities of surrounding occupiers from any sub-division of the site, in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017 , and the NPPF.

- 4 The maximum number of clients using the outbuilding shall not exceed 6 persons in any week.

Reason: To protect the amenities of surrounding residents in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 5 No clients shall be permitted on the premises other than between 09:00 and 17:00 Mondays to Fridays.

Reason: To protect the amenities of surrounding residents in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Notwithstanding the provisions of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order, no advertisement other than an identification sign attached to the front of the outbuilding not exceeding 0.3m square in area shall be displayed at the property without prior consent from the Local Planning Authority by way of an appropriate application.

Reason: In the interest of general visual amenity, in accordance with policies DBE2, DBE9 and DBE13 of the adopted Local Plan and Alterations, policies DM9 and DM13 of the Local Plan Submission version 2017, and the NPPF.

- 7 No amplified music shall be played during the hours of operation between 8:30am and 8pm Mondays to Fridays, 9am and 5pm on Saturdays and Sundays, and at no time on Bank or Public Holidays.

Reason: To protect the amenities of surrounding residents in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

**Informatives: (1)**

- 8 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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## OFFICER REPORT

**Application Ref:** EPF/0793/22  
**Application Type:** Full planning permission  
**Case Officer:** Alastair Prince  
**Site Address:** 35 Dukes Avenue  
Theydon Bois  
Epping  
CM16 7HG

**Proposal:** Single storey outbuilding to replace existing outbuilding for use as a home gym and storage use with provision for solar on roof.

**Ward:** Theydon Bois  
**Parish:** Theydon Bois  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyzK>

**Recommendation:** Approve with Conditions

*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 (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)*

### **Description of Site:**

The application site is a two storey semi-detached dwelling located on the Western side of Dukes Avenue in the residential area of Theydon Bois. There are no Listed Buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt.

### **Description of Proposal:**

Single storey outbuilding to replace existing outbuilding for use as a home gym and storage use with provision for solar on roof. The outbuilding would be 6.5 metres in depth, 2.8 metres in width and 3.2 metres in height to the roof (3.87m in height to the top of the solar panels)

### **Relevant Site History:**

EPF/3301/21 - Part two storey part single storey rear extension – Grant Permission With Conditions  
EPF/0383/05 – First floor side extensions – Grant Permission With Conditions  
EPF/0695/92 – First floor side extension – Grant Permission With Conditions  
EPR/0366/49 – Garage – Grant Permission

### **Policies Applied:**

*Local Plan (1998) and Alterations (2006)*

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
DBE10	Design of Residential extensions

*National Planning Policy Framework (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	124
Paragraph	127
Paragraph	130
Paragraph	131

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

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

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

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

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

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:

SP1 - Presumption in Favour of Sustainable Development - Significant  
DM9 - High Quality Design - Significant

### **Summary of Representation:**

No. of neighbours consulted: 3, no comments received.

PARISH COUNCIL – OBJECTION:

In viewing this application, the Planning Committee took into consideration the application recently granted under EPF/3301/21. Whilst there is presently a garage sited alongside the boundary with the adjacent neighbour, at number 33, this would be removed in order to facilitate that new extension. Therefore, in proposing a further outbuilding, the new structure would be sited further rearwards.

The 'existing and proposed plans' submitted with this application do not give the height of five solar panels illustrated on the roof of the proposed outbuilding. However, there would be clearly visible in addition to the height of the new structure which, with a proposed roof height of 3.2 m, would already exceed that of the fence, and so be prominent above it. Notably, the land would need to be excavated in order to ensure that the building would not project even higher. The design of the panels would also not complement the structure of the building, a consideration that would undermine the suggested environmental benefit. It is noted that if "good design is a key aspect of sustainable development" (NPPF, paragraph 126) this needs to be taken into account when such proposals are put forward.

The Planning Committee feels that the additional height of the solar panels would make an already dominant outbuilding into a more overbearing form of development in this location, given the siting directly on the boundary with the neighbour and adjacent to their patio area. At a depth of 6.625 m, the design of the building, and the solar panels, is not felt to be in sympathy with the character of locality and would compromise the outlook and visual amenity of the immediate neighbours. There is already another larger outbuilding sited at the end of this garden, which could accommodate a proposed use.

Therefore the Parish Council objects to the proposal which, in its view, would not achieve a high level of design and would fail to protect the amenity of residents in neighbouring property-contrary to Policies DBE1 and DBE9 of the 'Epping Forest District Local Plan 1998, and Alterations 2006', Policy DM9 of the 'Epping Forest District New Local Plan, Submission Version 2017', and paragraphs 126 and 130 of the NPPF 2021.

Notwithstanding the above objections should application for an additional outbuilding be recommended for approval, the planning committee would wish the following to conditions to be included in any grant planning permission:

1. Excavation works this development are to be carried out strictly in accordance with the submitted plans, with level submitted to the local authority for Prior approval.

Reason: the proposed building is sited on rising land and would be particularly prominent if not built at a significantly lower level than the current ground level.

2. The outbuilding hereby approved shall only be used for purposes incidental to the dwelling house on the site. It shall not be used for primary residential accommodation (for example as a living room, bedroom or kitchen) and shall not be used for any business or commercial purposes at any time.

Reason: to protect the amenity and living conditions of immediate neighbours.

N.B. The Parish Council have stated they are willing to attend and speak at Committee.

## **Main Issues and Considerations:**

The main issues to consider for the assessment of the application are as follows:

### Design

Impact on Living Conditions of Neighbours

### Design

The proposed outbuilding would have a flat roof and solar panels affixed upon the roof. The outbuilding would be externally finished in brick (facing the neighbour at 33 Dukes Avenue) and timber cladding on all other elevations. The fenestration of the outbuilding would be uPVC.

The Parish Council have objected to the proposal stating that the scheme would be out of keeping with the existing dwelling. It is considered by officers that such developments are common within urbanised areas and the single storey nature of the development would not be out of keeping with the area's character. In regard to sustainability, the installation of solar panels would help the site's overall sustainability and should be supported. Whilst it is noted that some excavation would be necessary, it is possible for this to be managed via condition. The proposal would not be detrimental to the character and appearance of the wider area.

### Impact on Living Conditions

The Parish Council have objected to the proposal stating that the development would cause harm to the neighbours in regard to loss of outlook and visual amenity.

As stated above, the outbuilding would be 6.5 metres in depth, 2.8 metres in width and 3.2 metres in height to the roof (3.87m in height to the top of the solar panels) and would be adjacent to the boundary with 33 Dukes Avenue. Although the outbuilding would be located further back into the site (approximately 4.6 metres between the rear elevation of the dwelling and the nearest point of the outbuilding), it is considered that, due to the modest height of the outbuilding, it's siting close to the northern boundary with 33 Dukes Avenue and the distance between the development and neighbouring dwellings, the proposal would not cause excessive harm to the living conditions of neighbours in regard to loss of light, overlooking or loss of outlook.

## **Conclusion**

It is recommended that planning permission is granted subject to conditions for the reasons stated above.

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

***Planning Application Case Officer: Alastair Prince  
Direct Line Telephone Number: 01992 564462***

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

**Conditions: (5)**

1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 1.1/00

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

4 The building hereby permitted shall remain incidental to the enjoyment of the main dwelling house and shall not at any time be used as primary residential accommodation.

Reason: The development does not satisfy the standards considered acceptable by the Local Planning Authority for a separate unit of accommodation, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, Policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

5 All material excavated from the below ground works hereby approved shall be removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies CP2, DBE1 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF.

**Informatives: (1)**

6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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