

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee East Wednesday, 7th September, 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, 7th September, 2022  
at 7.00 pm.**

**Georgina Blakemore  
Chief Executive**

**Democratic Services  
Officer:**

L Kirman, 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 - 24)**

To confirm the minutes of the last meeting of the Sub-Committee held on 10 August 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/2364/19 SITE ADJACENT TO GREAT NOTTS, MORETON ROAD, BOBBINGWORTH CM5 0LU (Pages 25 - 38)**

To consider the attached report on the proposed conversion of an existing barn to form a single detached residential unit, retaining existing access and on-site car parking.

#### **10. PLANNING APPLICATION - EPF/1713/20 12-14 BRICKFIELD ROAD, COOPERSALE, EPPING CM16 7QX (Pages 39 - 52)**

To consider the attached report on the proposed demolition of existing two dwellings and associated structures and redevelopment to provide four new dwellings, associated gardens and infrastructure.

#### **11. PLANNING APPLICATION - EPF/0726/22 MAGNOLIA HOUSE, ABRIDGE ROAD, THEYDON BOIS, EPPING CM16 7NR (Pages 53 - 60)**

To consider the attached report for the construction of a pond and associated landscaping and drainage works.

#### **12. PLANNING APPLICATION - EPF/1015/22 94 COOPERSALE COMMON, COOPERSALE, EPPING CM16 7QU (Pages 61 - 66)**

To consider the attached report on the proposed conversion of an existing detached garage to a two storey integrated studio (Revised application to EPF/0444/22).

#### **13. PLANNING APPLICATION - EPF/1203/22 13 DUKES AVENUE, THEYDON BOIS, EPPING CM16 7HG (Pages 67 - 76)**

To consider the attached report for the retention of decorative railings at first floor level.

#### **14. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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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## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Area Planning Sub-Committee East	<b>Date:</b>	Wednesday, 10 August 2022
<b>Place:</b>	Council Chamber - Civic Offices	<b>Time:</b>	7.00 - 8.17 pm
<b>Members Present:</b>	Councillors I Hadley (Chairman), H Brady (Vice-Chairman), C Amos, R Balcombe, N Bedford, P Keska, C McCredie, J McIvor, R Morgan, J Philip, B Rolfe, P Stalker, B Vaz and J M Whitehouse		
<b>Members Present (Virtually):</b>	Councillors		
<b>Other Councillors:</b>	Councillors		
<b>Other Councillors (Virtual):</b>	Councillors		
<b>Apologies:</b>	P Bolton, L Burrows, C Whitbread, H Whitbread and J H Whitehouse		
<b>Officers Present:</b>	G Courtney (Planning Applications and Appeals Manager (Development Management)), A Buckley (Higher Level Apprentice (Internal Communications)), A Hendry (Democratic Services Officer) and A Prince (Planning Officer)		
<b>Officers Present (Virtually):</b>	A Marx (Development Manager Service Manager (Planning)) and J Leither (Democratic Services Officer)		

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### 25. 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.

### 26. 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.

The Chairman informed the meeting that items 10, EPF/0210/22 – Mulberry Cottage, Forest Side, Epping; and 12, EPF/0793/22 – 35 Dukes Avenue, Theydon Bois, had been withdrawn from the agenda as the Parish Council who had initially made an objection to these applications had withdrawn them before the meeting. As a result, they would now be delegated down to officer level for a decision.

**27. MINUTES****RESOLVED:**

That the minutes of the Sub-Committee held on 13 July 2022 be taken as read and signed by the Chairman as a correct record subject to the word “not” being added to item 26 on page 9 of the minutes to read “...and shall ‘not’ be enclosed nor access restricted...”

**28. DECLARATIONS OF INTEREST**

- a) Pursuant to the Council’s Members’ Code of Conduct, Councillors Stalker, Amos and Philip declared a personal interest in the following item of the agenda. The Councillors had determined that they would leave the meeting for the consideration of the application and voting thereon:

- EPF/0653/22 – 21 Woburn Avenue, Theydon Bois

**29. ANY OTHER BUSINESS**

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

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

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

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

**31. SITE VISITS**

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

**32. PLANNING APPLICATION - EPF/0016/19 GYPSEY MEAD WORKS, ONGAR ROAD, FYFIELD, ONGAR CM5 0RB**

**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>

**Decision:**        **Approve with Conditions Subject to S106 agreement**

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.

36 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.

**33. PLANNING APPLICATION - EPF/0210/22 MULBERRY COTTAGE, FOREST SIDE, EPPING CM16 4ED**

**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:** Theydon Bois

**Parish:** Theydon Bois

**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Ny0s>

**Decision:** Approve with Conditions

**ITEM REMOVED FROM AGENDA AND DECIDED UNDER DELEGATED POWERS**

**34. PLANNING APPLICATION - EPF/0653/22 21 WOBURN AVENUE, THEYDON BOIS, EPPING CM16 7JR****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>**Decision: Approve with Conditions**

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 subdivision 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 08:00 and 18:00 Mondays to Fridays and between 09:00 and 12:00 on Saturdays.

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 08:00 and 18:00 Mondays to Fridays and between 09:00 and 12:00 on Saturdays.

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.

**35. PLANNING APPLICATION - EPF/0793/22 35 DUKES AVENUE, THEYDON BOIS, EPPING CM16 7HG**

**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>  
**Decision:** Approve with Conditions

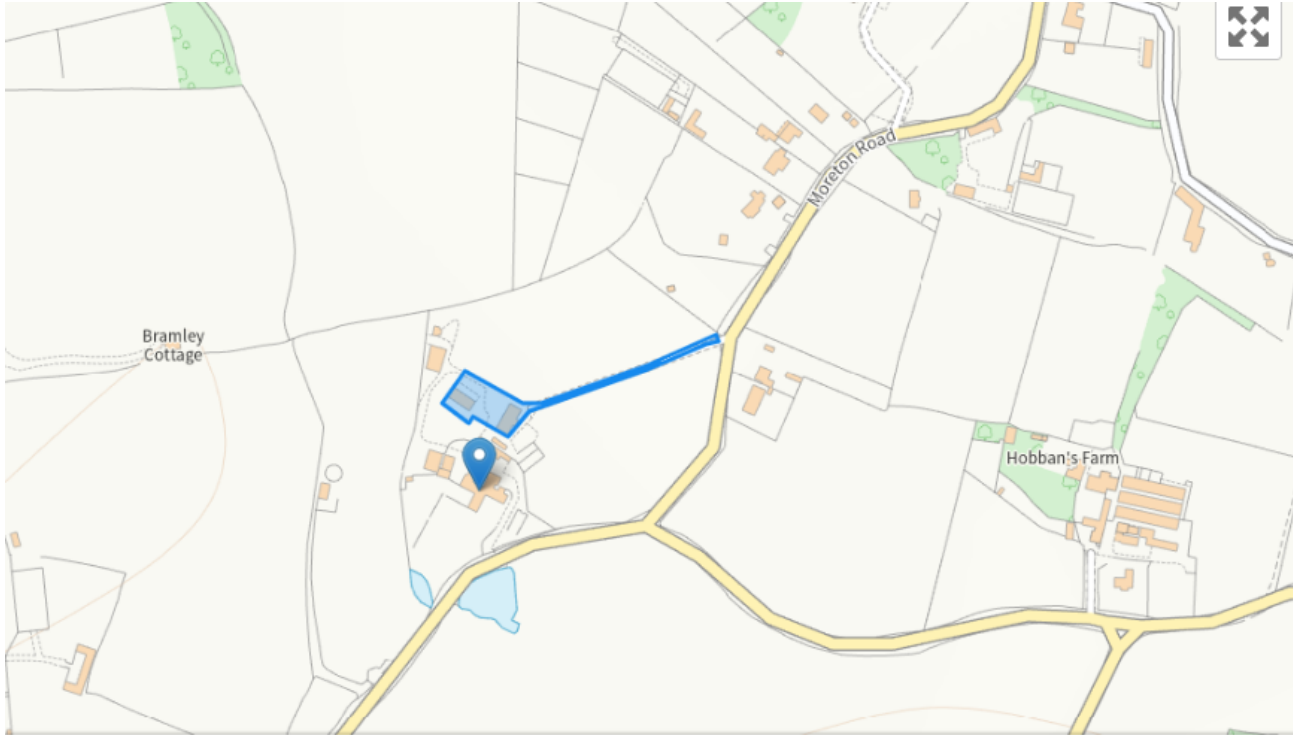
**ITEM REMOVED FROM AGENDA AND DECIDED UNDER DELEGATED POWERS**

**CHAIRMAN**





EFDC



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Application Number:	EPF/2364/19
Site Name:	Site adjacent to Great Notts Moreton Road Bobbingworth CM5 0LU

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# OFFICER REPORT

**Application Ref:** EPF/2364/19  
**Application Type:** Full planning permission  
**Applicant:** Mrs Shirley Bates  
**Case Officer:** Cuma Ahmet  
**Site Address:** Site adjacent to Great Notts  
Moreton Road  
Bobbingworth  
Ongar  
CM5 0LU

**Proposal:** Proposed conversion of an existing barn to form a single detached residential unit, retaining existing access & on-site car parking.

**Ward:** Moreton and Fyfield  
**Parish:** Moreton, Bobbingworth and the Lavers  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyP5>  
**Recommendation:** Approve with Conditions

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and an objection has been received from at least one non-Councillor resident material to the planning merits of the proposal. (Pursuant to The Constitution, Part Three: Scheme of Delegation from Full Council).*

## **Description of Site**

The application site comprises an existing 2-storey former barn including associated outbuilding to rear with hardstandings, located off Moreton Road in Bobbingworth, Ongar.

The building was erected approximately 20 years ago and together with other outbuildings nearby were comprised within the former agricultural smallholding of Great Notts. 'Great Notts' lies c.26m south-west of the barn which is also c.10m from the shared boundary. The site is accessed independently via a shingle/hardcore driveway off Moreton Road.

The building is located within the Metropolitan Green Belt and no heritage constraints currently apply. The site is however within a consultation zone concerning nearby gas pipeline infrastructure.

## **Description of Proposal**

Planning permission is sought for the conversion of an existing barn into a single residential dwellinghouse, including retention of the associated existing access/driveway and on-site car parking. The large outbuilding to the rear is included within the red line and therefore by default would be retained as an incidental purpose to residential use of the site.

The main body of the barn measures a maximum width of 18.5m, a maximum depth of 8.6m, and eaves height of 5m with a hipped pitched roof with pitch height of 9.7m. The gable-end projection on the east side elevation measures a maximum width of 4.5m, a maximum depth of 2.1m, and eaves height of 5m with a pitch height of 7.8m.

Whilst internal alterations are proposed the overall mass and footprint of the existing building remains unchanged. The materials remain as existing with farmhouse mixed red profiled roof tiles, stock facing bricks and black stained timber weatherboarding to the main elevations.

The east elevation would involve the replacement of the metal shutter door with a feature door and window along with the insertion of 7 additional windows at ground and first floor levels.

The west elevation would see the insertion of a large feature window straddling the ground and first floor with 2 entrances proposed at ground level along with 8 additional windows at ground and first floor levels.

The roof slope of the west elevation would include a dormer window set in from the eaves and below the pitch flanked on either side by two pairs of rooflights as well as a soil vent pipe. The north elevation would have 2 windows at ground level and 2 windows at first floor level with a chimney flue on the roof. The south elevation would remain unchanged.

The applicant has agreed via a S106 Unilateral Undertaking to provide financial contributions towards the Council's strategic EFSAC related air pollution measures.

### **Relevant Planning & Enforcement History**

EPF/0904/18 and PINS REF: APP/J1535/W/19/3220256 - Proposed conversion of existing barn to form a single detached residential unit, retaining existing access and on-site car parking. **Appeal Dismissed on 07/06/2019.**

EPF/0790/07 - Change of use of existing barn to provide a leisure annexe to be used in connection with main house: Refused Planning Permission 24/05/07. **(Dismissed on Appeal 29/02/08).**

EPF/0597/06 - Change of use of existing barn to provide a leisure annexe to be used ancillary to main residence: Refused Planning Permission 17/05/06.

EPF/0438/05 - Change of use from agricultural barn/store to residential occupation. **Refused Planning Permission 29/04/05.**

EPF/1493/99 - Demolition of sheds and replace with two storey barn. **Conditional Planning Permission 24/03/00.**

ENF/0721/11 and PINS REF: APP/J1535/C/13/2207922 – Appeal decision against Enforcement Notice served by the LPA to cease mixed residential and agricultural use of barn. **Terms of notice upheld but varied 22/05/14.**

### **Development Plan**

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

#### **Epping Forest Local Plan (1998) and Alterations (2006)**

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- CP9 – Sustainable transport
- GB2A – Development in the Green Belt
- GB7A – Conspicuous development
- GB8A – Change of use or adaptation of buildings
- GB9A – Residential conversions
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties

DBE4 Design in the Green Belt  
DBE5 Design and Layout of New Development  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
H2A - Previously Developed Land  
H4A - Dwelling Mix  
H9A - Lifetime Homes  
NC1 - SPA's, SAC's and SSSI's LL10 – Provision for landscape retention  
LL11 - Landscaping schemes  
ST1 - Location of Development  
ST2 - Accessibility of Development  
ST4 - Road Safety  
ST6 - Vehicle Parking  
U2B - Flood risk assessment zones  
U3B - Sustainable Drainage Systems  
RP3 – Water quality  
RP4 – Contaminated land  
I1A - Planning Obligations  
U1 - Infrastructure Adequacy

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

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

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

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

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

The following policies in the LPSV are considered to be of relevance to the determination of this application, with significant weight being afforded by officers. They include as follows:

SP1 - Presumption in Favour of Sustainable Development  
SP2 - Spatial Development Strategy 2011-2033  
SP6 - Green Belt and District Open Land  
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure  
H1 - Housing Mix and Accommodation Types  
T1 - Sustainable Transport Choices  
D3 - Utilities  
DM1 - Habitat Protection and Improving Biodiversity  
DM2 - Epping Forest SAC and the Lee Valley SPA

DM3 - Landscape Character, Ancient Landscapes and Geodiversity  
DM4 - Green Belt  
DM5 - Green and Blue Infrastructure  
DM9 - High quality design  
DM10 - Housing design and quality  
DM11 - Waste Recycling Facilities on New Development  
DM15 - Managing and Reducing Flood Risk  
DM16 - Sustainable Drainage Systems  
DM18 - On Site Management of Waste Water and Water Supply  
DM19 - Sustainable Water Use  
DM20 - Low Carbon and Renewable Energy  
DM21 - Local Environmental Impacts, Pollution and Land Contamination  
DM22 - Air Quality

#### National Planning Policy Framework (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.

#### **Summary of Representations**

4 neighbouring residents were consulted. To date 3 objections have been received from the owner/occupiers of Windy Ridge; Ty Gwyn and Highfield. The grounds of objection submitted include:

- Inappropriate development in the Green Belt;
- Change of use to barn should not be allowed to happen as it will set a precedent for more development;
- Access road is used by the Camping and Caravanning Club which causes noise pollution and is a nuisance;
- Land between entrance gate and Moreton Road is not owned by applicant and was previously used as a lay-by for passing traffic; and
- Concerned that area opposite home will become developed as a holiday campsite.

Moreton, Bobbingworth & The Lavers Parish Council – Support on the following grounds that:

- the proposed conversion to residential occupation is made conditional on the continued use of the site as a caravan park and that the barn cannot be sold separately from the business; and
- should the site cease to be used as a caravan park then the barn should revert to agricultural use.

***The applicant has indicated that the current application for residential change of use is independent of the management/operation of the adjacent camping/caravan park and therefore must be considered in that context.***

EFDC Land Drainage: No objection subject to planning condition to secure details of foul and surface water drainage.

EDFC Land Contamination: No objection subject to planning condition to ensure potential contamination risks to future users are minimised.

Cadent (Gas)/National Grid: No objection.

ECC Highways: No objection.

Natural England: No objection subject to officer's assessment of impacts under relevant regulations.

### **Main Issues and Considerations**

The main issues in the determination of this application are as follows:

1. Principle of residential reuse of the barn in the Metropolitan Green Belt (MGB);
2. Design and appearance;
3. Impact on amenities;
4. Highways and parking;
5. Environmental matters; and
6. Epping Forest Special Area of Conservation (EFSAC)

#### **Principle of residential re-use of barn in the Metropolitan Green Belt**

Members will have noted that the barn building has been the subject of an extensive planning (and enforcement) history. In summary, the main issue in this case has always concerned whether the building was used for agricultural purposes and/or whether it had actually been put to alternative uses such residential/office.

Dealing with the facts, the building was granted planning permission in March 2000 as an agricultural barn which was then part of an agricultural small holding at Great Notts. The building and its curtilage has since been split away from Great Notts and the original small holding no longer exists. Despite this, the original permitted use of the barn for agricultural use still applies.

Officers are aware that the applicant also owns and manages the adjacent camping/caravan club to the west of the site including land to the north and east. Concerns from third parties in relation to justifying a residential use in the Green Belt and the potential impacts of this in terms of the current operation of the camping/caravan site on amenities are considered separately. Therefore, the acceptability of the current proposals for residential occupation with workshop/office must be assessed within the remit of current national and local planning policies unless other material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) sets out under paragraph 150 that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

Similar (if not the same) provisions to the NPPF are set out under Policy DM4 (part D, iv) of the Submission Version Local Plan (2017) and under Adopted Local Plan Policies GB8A and GB9A.

In addition to the above, the application proposes alterations to the building to facilitate the re-use of the building for residential occupation. Paragraph 149 part c of the NPPF (and similarly Policies GBC8A and GBC9A of the adopted local plan and Policy DM4 part C, iii of the SVLP 2017) state that extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, would not constitute inappropriate development.

In both instances, officers are satisfied that the proposals would represent the re-use of a permanent and substantial building and that the alterations proposed to the building as part of its conversion would not result in disproportionate additions to it. Therefore, in accordance with the provisions of paragraph 149 of the NPPF and both adopted and Submission Version Local Plans, the last issue to consider is whether the proposed re-use of the building would preserve the Green Belt's openness.

In this regard, the proposed re-use of the building would not generate a noticeable or significant increase in traffic movements or parked vehicles such that openness would be compromised. It is also reasonable to assume that the building, used in its current agricultural capacity, would generate vehicle movements and lead to the parking of vehicles on the site. On this basis, officers are satisfied that the proposal would preserve the Green Belt's openness and would not conflict with the purposes of including land within it. For the above reasons, the proposal would not be inappropriate development in the Green Belt and it would accord with national and adopted and emerging local plan policies as mentioned.

The conclusion reached by officers is consistent with the Planning Inspectors' opinion on the dismissed appeal under EPF/0904/18 (see planning history above) where it was similarly considered that the reuse of the barn including alterations would be eligible under paragraphs 149 and 150 of the NPPF provisions as well as both adopted and emerging Local Plan Policies.

The Parish Council's initial support is predicated on restricting the residential use of the building to the operation of the adjacent camping/caravan use including a further provisos that ensure it cannot be sold independently of that use. Officers consider that there are no technical, legal or planning policy basis to justify these requirements. Any future use of this particular site for activities associated to the continued operation of the camping/caravanning use (beyond the ancillary office as proposed) would need separate planning permission.

On the basis of the above considerations, it is considered that the proposed change of use to residential use is not inappropriate development and will not have a materially greater impact on the Green Belt in physical terms and therefore complies in principle with Polices CP1, CP2, GB8A, GB9A of the Adopted Local Plan and Alterations (2006); Policy DM4 of the Submission Version Local Plan (2017) and Green Belt aims and objectives as prescribed in the NPPF.

### Design and appearance

Policies DBE4 and DBE8 of the Adopted Local Plan (2006) including Submission Version Local Plan Policies DM9 and DM10 seeks to ensure that new development is satisfactorily located; is of a high standard of design and layout; and be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

The proposed conversion would retain the existing built footprint and would see no increase in height. The elevational design, comprising new windows and doors including a feature dormer opening (west elevation) are compatible and in keeping with the existing agricultural style and therefore acceptable.

The proposed internal layout and design complies with national space standards. There is sufficient space within the site to accommodate private amenity albeit this has not been shown. Should planning

permission be granted, a planning condition should be included to secure details of the layout and landscaping of private amenity.

Overall, the proposals comply with the aims and objectives of Policies DBE4 and DBE8 of the Adopted Local Plan and Alterations (2006) including Policies DM9 and DM10 of the Submission Version Local Plan (2017).

#### Impact on amenities

Given the location and position of the barn building, it is unlikely that a loss of privacy through overlooking to surrounding (existing) residential properties would occur.

Officers have noted the concerns submitted in respect of potential noise and disturbance from the use of the proposed access by camping/caravan visitors. However, there is no evidence that this is and/or has occurred recently and it is equally important to note that the camping/caravan club has an existing independent access from the application site (also from Moreton Road) to the south. Notwithstanding, should Members be minded to grant planning permission, a planning condition has been recommended to restrict use of the proposed access in connection to the residential occupation of the property only.

Overall, the impact of the proposals on the amenities of the adjoining occupiers is considered acceptable and therefore comply with Policy DBE9 of the Adopted Local Plan and Alterations (2006) including Policy DM9 of the Submission Version Local Plan (2017).

#### Highways and parking

Essex County Council Highways (the Highway Authority) has raised no objections in respect to the potential impacts of the proposals on Moreton Road.

The current existing access and driveway including associated parking area indicated are of sufficient size and design to cater for the needs of the proposed residential use. Details of surfacing materials and turning areas are recommended to be secured by planning condition to ensure an enhanced appearance that is in keeping with the character of the location can be achieved.

Accordingly, the impact of the proposals on the existing single vehicle access are acceptable and therefore comply with Policies ST2, ST4 and ST6 of the Adopted Local Plan and Alterations (2006) and Policy T1 of the Submission Version Local Plan (2017).

#### Environmental matters

The Council's Contaminated Land Officer has advised that given that the land has been associated with a former farm use, there is potential for contamination to be present onsite which may be a risk to human health. It has therefore recommended that a planning condition is included to ensure any risk can be minimised.

The proposal is in close proximity to a High-Pressure Gas Pipeline. National Grid (Cadent Gas) has raised no objection to the proposal provided that works are carried out in strict adherence to their standard guidelines. This standard guidance can be included as an informative to any planning permission that may be given.

With regard to potential flood risk, the site lies within an Epping Forest Assessment Zone and therefore would require that any works within 8 metres of an open/piped watercourse obtains Land Drainage consent from the Council. This matter can be secured by an informative. The Land Drainage team has also advised that the proposed use of a septic tank to treat/discharge foul sewage into watercourses is no longer acceptable and therefore requires further alternative details for agreement before occupation commences. In addition, the team would also require to see details of the applicant's sustainable



drainage method for written agreement. Both matters can be appropriately addressed via planning condition.

Overall, the impact of the proposals in terms of contamination, flood and strategic gas infrastructure risks are acceptable and therefore would comply with Policies U2B and U3B of the Adopted Local Plan and Alterations (2006) and Policies DM15, DM16 and DM21 of the Submission Version Local Plan (2017).

### Epping Forest Special Area of Conservation (EFSAC)

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.

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

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

#### *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 including electric car charging infrastructure and home working. Officers are therefore satisfied that, subject to the Section 106 planning obligation (secured) and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC and therefore complies with Policy NC1 of the Adopted Local Plan (2006) and Policy DM2 and DM22 of the emerging SVLP (2017).

### **Conclusion**

In conclusion the proposal would not constitute inappropriate development that is harmful to the Green Belt and therefore is acceptable. The conversion/alterations would enable a high standard of residential accommodation to be secured with adequate private amenity for its future occupiers. The proposed development will not cause harm to existing neighbouring amenities or highway safety. Accordingly, it is recommended that planning permission is granted subject to planning conditions and the completed Section 106 Agreement which secures developer contributions towards the continued monitoring and implementation of air pollution mitigation measures in respect of the Epping Forest SAC.

**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: Cuma Ahmet**

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

**Conditions: (12)**

- 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:

18/31008/101  
18/31008/102  
18/31008/104  
18/31008/006  
18/31008/007A  
18/31008/008A

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 of the existing building [or those specified on the approved plans, or 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 [or DBE1 if structure is not a residential extension] of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 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.

- 5 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to an 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.

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

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed

and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

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.

- 7 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

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.

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

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.

- 9 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.

- 10 The driveway access shall be used for purposes connected to the occupation of the residential use of the site and for no other purpose.

Reason: To ensure the use of the vehicle access is connected to the residential occupation of the development and for no other purpose and/or associated uses.

- 11 Prior to any above groundworks of the development hereby permitted, details of provision for adequate storage for waste and recycling for the residential units hereby permitted shall be submitted to and approved by the Local Planning Authority. The measures as agreed shall be complete and available for use prior to first occupation of the residential units and thereafter maintained in accordance with the agreed details.

Reason: To ensure adequate provision is made in a suitable location in accordance with Policy DBE3 of the adopted Local Plan 1998 & 2006, Policy DM11 of the Local Plan Submission Version 2017, and the NPPF.

- 12 Prior to occupation of development, the applicant shall provide details of private garden amenity provision within the site including any landscaping thereof for the written agreement of the Local Planning Authority. The details approved shall be implemented before first occupation and maintained for the life of the development.

Reason: To ensure suitable private garden amenity can be provided for its future occupiers in accordance with Policies DBE4 and DBE8 of the Adopted Local Plan and Alterations (2006) and Policies DM9 and DM10 of the Submission Version Local Plan (2017).

**Informatives: (4)**

- 13 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.
- 14 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.
- 15 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.

- 16 The applicant is advised to note the advice provided by National Grid in relation to the presence of a nearby high pressure gas pipeline. Should the applicant be unsure of the impacts its development may have on the abovementioned infrastructure, you should contact National Grid in the first instance before any works are carried out and/or continued.



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Application Number:	EPF/1713/20
Site Name:	12-14 Brickfield Road Coopersale Epping CM16 7QX

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# OFFICER REPORT

**Application Ref:** EPF/1713/20  
**Application Type:** Full planning permission  
**Applicant:** The Chisenhale-Marsh Estates Company  
**Case Officer:** Cuma Ahmet  
**Site Address:** 12-14 Brickfield Road  
Coopersale  
Epping  
CM16 7QX

**Proposal:** Proposed demolition of existing two dwellings and associated structures and redevelopment to provide four new dwellings, associated gardens and infrastructure.

**Ward:** Epping Hemnall  
**Parish:** Epping  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nvml>  
**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, supported by 9 local residents (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

## **Description of Site**

The application site comprises a pair of semi-detached cottages located on the south side of Brickfield Road in Coopersale. The pair of cottages date back to the early 20<sup>th</sup> Century and are built in a traditional vernacular comprising part brick and rendered facades, timber sash windows and plain tiled roofs. Each cottage accommodates off-street parking.

The surrounding area is predominantly residential in character with the addition of Coopersale and Theydon Garnon Primary School (including its playing field/grounds). The architectural styles and materials of residential properties is mixed.

The application site and its buildings are neither statutorily or locally listed nor designated within a Conservation Area.

**This application is part of the backlog of applications that have been held in abeyance due to the EFSAC.**

## **Description of Proposal**

The planning application has been amended on one previous occasion at the request of planning officers.

The amended proposals seek planning permission to demolish and replace the existing pair of cottages with two pairs of semi-detached dwellings. A typical dwelling would measure approximate dimensions of 8m in height, 5.3m width and 9.2 metres in depth. The proposed development is finished in brick and render with plain tiled roofs. The frontage to the properties would be paved to accommodate 2 vehicles per dwelling (8 spaces in total). The rear gardens will be laid to grass with a mix of 1.8m high fencing and hedging to all boundaries.



## **Relevant History**

No relevant planning history.

## **Development Plan**

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

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

CP1 - Achieving Sustainable Development Objectives  
CP3 - New Development  
CP5 - Sustainable Building  
CP6 - Achieving Sustainable Urban Development Patterns  
CP7 - Urban Form and Quality  
CP9 - Sustainable Transport  
NC1 - SPAs, SACs and SSSIs  
NC4 - Protection of Established Habitat  
H2A - Previously Developed Land  
H3A - Housing Density  
H4A - Dwelling Mix  
H9A - Lifetime Homes  
DBE1 - Design of New Buildings  
DBE2 - Effect of Neighboring Properties  
DBE3 - Design in Urban Areas  
DBE6 - Car parking in new development  
DBE8 - Private Amenity Space  
DBE9 - Loss of Amenity  
DBE11- Sub-Division of Properties  
LL7 - Planting, Protection and Care of Trees  
LL10 - Adequacy of Provision for Landscape Retention  
LL11 - Landscape Schemes  
ST1 - Location of Development  
ST4 - Road Safety  
ST6 - Vehicle Parking  
I1A - Planning Obligations  
U2A - Development in Flood Risk Areas  
U2B - Flood Risk Assessment Zones  
U3B - Sustainable Drainage Systems

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

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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

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

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight being afforded by your officers in this particular case indicated:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy 2011-2033
- SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure
- H1 - Housing Mix and Accommodation Types
- T1 - Sustainable Transport Choices
- DM1 - Habitat Protection and Improving Biodiversity
- DM2 - Epping Forest SAC and the Lee Valley SPA
- DM3 - Landscape Character, Ancient Landscapes and Geodiversity
- DM7 - Heritage Assets
- DM9 - High Quality Design
- DM10 - Housing Design and Quality
- DM11 - Waste Recycling Facilities on New Development
- DM15 - Managing and Reducing Flood Risk
- DM16 - Sustainable Drainage Systems
- DM18 - On Site Management of Waste Water and Water Supply
- DM19 - Sustainable Water Use
- DM21 - Local Environmental Impacts, Pollution and Land Contamination
- DM22 - Air Quality
- D1 - Delivery of Infrastructure
- D3 - Utilities

#### National Planning Policy Framework (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.

#### **Summary of Representations & Technical Consultation Responses**

12 neighbours were consulted of which 9 objections have been received to date raising the following concerns:

- On-street parking availability is currently oversubscribed;
- Safety of children during drop-off/pick-up will be made worse by additional/increased on-street parking;
- Overdevelopment of site; and
- Existing properties should be retained and refurbished.

**Epping Society:** Objects on grounds that the replacement of a pair of characterful cottages with a block of bleak and dull ones is unacceptable including the impact on the amenity of the streetscene in respect to the proposed solid row of parking to the front of proposals.

**Epping Town Council:** Objects on grounds that the existing buildings contribute to local distinctiveness and should be preserved. They also advise that they will attend committee to make their objections.

**EFDC Trees and Landscaping:** No objections subject to tree protection and details of hard and soft landscaping conditions.

**EFDC Land Contamination:** No objections subject to a planning condition to address any unexpected contamination that may not have been identified in the Phase 1 desktop study.

**EFDC Land Drainage:** No objection subject to planning condition requirement agreement of a surface water drainage strategy.

**EFDC Conservation:** Objects to the loss of the existing properties upon grounds that they could be regarded as a potential non-designated heritage asset and also cites that adequate justification has not been made to overcome this concern.

**Essex County Place Services:** No objections subject to inclusion of planning conditions to secure recommended biodiversity/ecological enhancement measures before commencement and financial contributions towards mitigating impacts on EFSAC.

**Essex County Council Highways:** No objections subject to planning conditions to secure reinstatement of kerbing and footway prior to occupation of dwellings and restrictions on use of unbound materials for driveways.

### **Issues and Considerations**

The main issues to consider are as follows:

1. Principle of redevelopment to provide 4 new dwellings;
2. Layout, design and appearance;
3. Neighbouring amenities;
4. Land contamination, flood risk and biodiversity;
5. Highways and parking; and
6. Impacts on Epping Forest Special Area of Conservation (EFSAC).

#### **Principle of redevelopment to provide 4 new dwellings**

The application site comprises previously developed land within the boundaries of an existing settlement (Coopersale) and therefore in principle could be suitable for redevelopment subject to satisfying all other relevant policies of the adopted and emerging Local Plans.

Members will also have noted the objection from the Council's Senior Conservation Officer (SCO) (vis-à-vis Epping Town Council and Epping Society) which advises that the existing pair of cottages could be regarded as non-designated heritage assets (NDHA), and given the inadequate justification for the loss and impact on the streetscene, the proposed redevelopment should be resisted.

Paragraph 203 of the NPPF is specifically relevant and states in this instance that “*the effect of applications on the significance of a NDHA should be taken into account in determining the application...and....a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*”

With regard to the architectural and historic significance of the pair of cottages to be demolished, and their potential eligibility for inclusion on the Council’s Local List, part (a) must be satisfied and either parts (b) or (c) of the following published criteria.

**(a) authenticity** – buildings should be recognisably of their time, or of a phase in their history. If they have been unsympathetically altered, the change should be easily reversible. A building which is substantially unaltered, or retains the majority of its original features, qualifies under this criterion.

**(b) architectural, local or townscape significance** – the building must be a good example of a particular local building type or style, or display good quality local craftsmanship and detailing.

**(c) historical significance** – the building should display physical evidence of periods of local economic, technical or social significance, well-known local people or historic events.

The SCO indicates that the existing buildings could satisfy parts (a) and (b) of the criterion on the basis that:

- The pair of cottages remain mostly unaltered and that any noticeable changes that have occurred can be easily reversed; and
- The presence of a similar pair of cottages down the road at Nos.3 and 4 Brickfield Road reinforces the townscape.

Officers are sympathetic to the fact the existing pair of cottages could be eligible for local listing, although the following considerations are equally relevant and must be equally weighed against the potential harm that may be caused by their loss. These are:

- The SCO states that these “*could be regarded as non-designated heritage assets*”, which is far from definitive. Furthermore, original comments were received in November 2020 and, whilst the same objection was raised at this time, during this time the properties have not been added to the Local List.
- The amended external design includes clear references to the architectural forms/features of the existing pair of cottages.
- The proposals would secure a net addition of 2 dwellings on previously developed land; and
- The dwellings would be constructed to higher energy efficiency standards which in turn minimises their carbon footprint,

Members will be aware that even if a local listing were to succeed, this would not prohibit any future redevelopment of the site and/or indeed its demolition (subject to obtaining the relevant approvals) under the regulations.

Therefore, on balance of the above reasons given, it is considered that the principle of redeveloping the site to provide 4 new dwellings is acceptable. Accordingly, the proposals comply with Policies CP1, CP3, CP5 and CP6 of the Adopted Local Plan and Alterations (2006); Policies SP1 and SP2 of the emerging Submission Version Local Plan (2017) and the National Planning Framework which advocates the presumption in favour of sustainable development.

#### Layout, design and appearance

The proposed development would be set back further into the site to follow the established building line of its nearest neighbours at Nos.8 and 8a Brickfield Road. The combination of setting back the buildings, scale and separation between the pairs would adequately respect the existing pattern of development in the area as well as maintain the streetscene.

The proposed internal accommodation is suitably arranged and would comply with the national prescribed space standards for 2-bedroom dwellings. Adequately sized garden amenity for each dwelling would also be provided.

In terms of external appearance and materials, the buildings would incorporate part brick and render finished elevations (similar to the existing pair of cottages) and similar proportioned window openings with brown plain roof tiles. Features that have been reincorporated as part of the requested amendments to improve the quality of the external design include part pitched roofs and porchways. Officers consider that the proposals (as amended) are well designed and would enhance the quality and character of residential development in the area.

Whilst a proposed landscape strategy plan has been provided it will need to be updated to be consistent with the amended layout. Therefore, details of hard and soft landscaping and tree protection during works are included as planning conditions in the event planning permission is given.

Overall the quality of design and appearance of the proposed development is acceptable and therefore would comply with the requirements of Policies DBE1, DBE3 and DBE5 of the Adopted Local Plan and Alterations (2006) and Policies DM 9 and DM 10 of the emerging Submission Version Local Plan (2017).

#### Neighbouring amenities

The nearest neighbours are Nos.8 and 8a Brickfield Road, sited to the east. The mutual siting and separation would ensure that existing and future amenities are not adversely impacted.

The impact on existing residential amenities is therefore acceptable and comply with Policy DBE9 of the Adopted Local Plan and Alterations (2006) and Policy DM 9 of the emerging Submission Version Local Plan (2017).

#### Land contamination, flood risk and biodiversity

In terms of flooding and contamination risks the Council's respective technical teams do not object to the proposals in principle subject to appropriate planning conditions being included.

The applicant's Preliminary Ecological Appraisal recommends further surveys for protected species prior to development in respect of bats. In addition to this, it advises precautionary measures for birds and hedgehogs are observed. Additional biodiversity enhancements have also been recommended, e.g. site boundary vegetation retained and enhanced to create corridors and shelter for wildlife; bird and bat boxes and the incorporation of native landscaping. These bat survey and recommended enhancements can be secured by planning conditions should planning permission be given.

Overall, subject to the inclusion of the aforementioned planning conditions, the impact of the proposals on surface water flooding, human health risks and biodiversity is acceptable and would comply with Policies U2B and U3B and NC4 of the Adopted Local Plan and Alterations (2006) and Policies DM1, DM15, DM16 and DM21 of the Submission Version Local Plan (2017).

#### Highways and parking

The application provides 8 parking spaces in total of which 2 spaces will be assigned to each property. The quantum and minimum parking bay specifications complies with the requirements of the Essex Parking Standards (2009). The requirement to install a larger crossover to facilitate off-street parking is supported by ECC Highways subject to conditions relating to reinstatement of the kerbing and footways.

Third party objections in relation to potential road congestion and road safety as a result of this development, particularly at peak times during the school term and parking by users of the local cricket club are acknowledged. However, there is limited evidence to suggest the proposed development would

exacerbate the current circumstances, particularly as it would accommodate all its parking demands/needs off-street.

Accordingly, the impact of the proposals on highways and parking are acceptable and therefore comply with policy ST6 of the adopted local plan (2008) and policy T 1 of the emerging SVLP (2017).

### Impacts on Epping Forest Special Area of Conservation (EFSAC)

#### *Screening Assessment*

The site lies within the 3km - 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications.

As of April 2022, the Partnership Agreement between neighbouring competent authorities formally replaced the Interim Approach and further set out updates to the Site Access Management and Monitoring Strategy (SAMM) to ensure that financial contributions can be collected and spent in accordance with purposes it has been secured. Notwithstanding, this development is considered to result in likely significant effects on the integrity of the EFSAC as a result of recreational pressures.

The development has also the potential to result in a net increase in traffic using roads through the EFSAC. Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

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

#### *Appropriate Assessment*

##### *Recreational Pressures*

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the latest SAMM Strategy and in doing so would require the applicant to make financial contributions towards mitigating the effects of the proposed development. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation to secure financial contributions.

##### *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 such as electric car charging infrastructure and enabling home working. Consequently, the Council is satisfied that the application proposal would

not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

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

### **Conclusion**

This application proposals provide a well-designed residential scheme that makes good use of an existing urban site. Concerns relating to the loss of a potential non designated heritage asset are considered on balance to be outweighed by other planning benefits of the scheme. The proposed design in terms of its layout and appearance including its relationship with neighbouring buildings is acceptable as are the impacts on neighbouring amenities. The proposed development will not cause harm to highway safety and the level of parking is also acceptable. Accordingly, it is recommended that planning permission is granted subject to planning conditions and a Section 106 Agreement to secure the relevant recreation and air pollution mitigations in respect of minimising the impacts on the Epping Forest SAC.

For the reasons outlined above this proposal complies with the relevant policies under both the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006), the Epping Forest Local Plan Submission Version 2017 as well as guidance contained in the NPPF.

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

### **Conditions: (15)**

- 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:

FYU 2 P1B\_2  
FYU 2 P1B\_4  
FYU 2 P1B\_5  
FYU 2 P1B\_6  
FYU 2 P1B\_7  
FYU 2 P1B\_8

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

- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 [+ DBE4 when located in the Green Belt] of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.

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.

- 5 Notwithstanding the landscape strategy details submitted, 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.

- 6 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/Arboricultural Method Statement reports unless the Local Planning Authority gives prior written approval to any alterations. Tree



protection shall be installed as shown on Hayden's Arboricultural Consultants drawing number 8077-D-AIA rev A dated 20th April 2020.

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.

- 7 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.

- 8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

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

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

10 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

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.

11 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.

12 Prior to above ground works, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (James Blake Associates Ltd, April 2020) and Bat Emergence Survey (James Blake Associates Ltd, July 2020), as already submitted with the planning application and agreed in principle with the Local Planning Authority .

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with policy DM1 of the Local Plan Submission Version 2017, and the NPPF.

13 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.

- 14 Prior to the first occupation of the development any redundant dropped kerbs shall be fully reinstated, including footway construction and full height kerbing.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 15 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

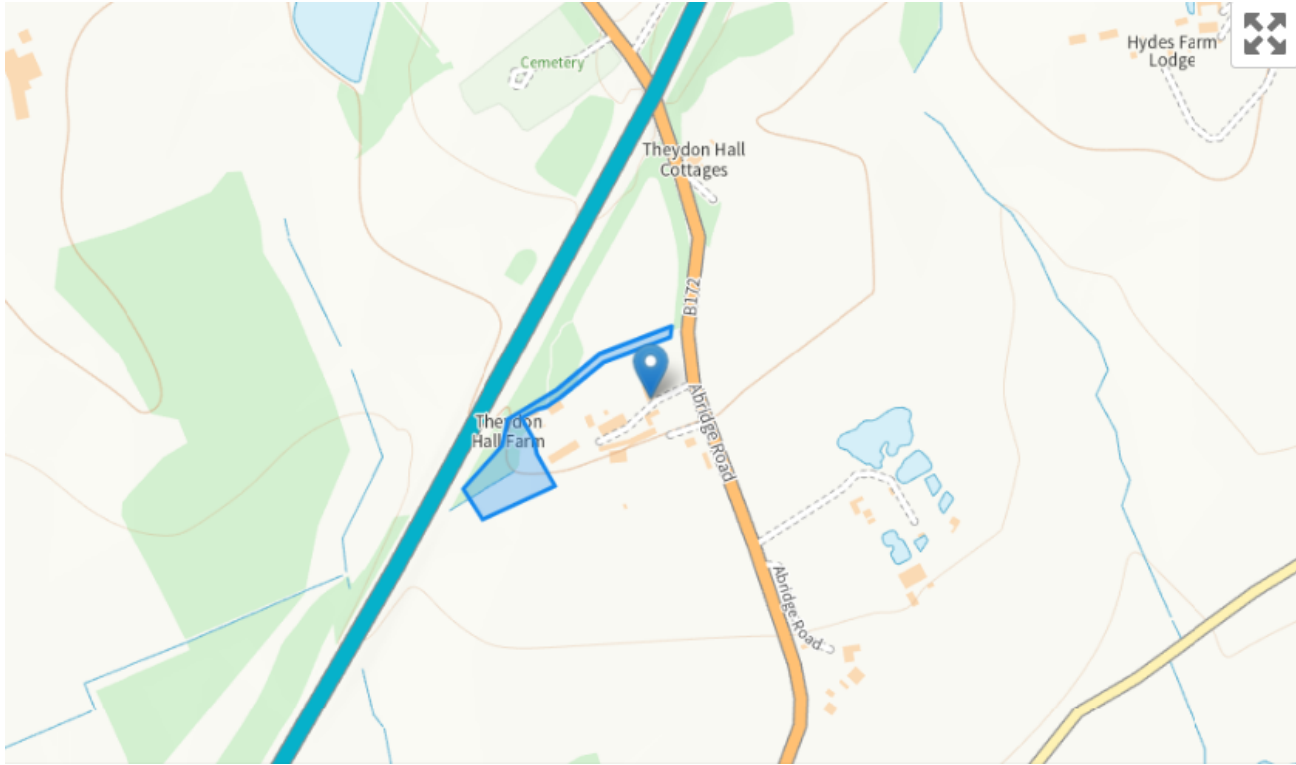
**Informatives: (3)**

- 16 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.
- 17 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) or by post to:  
SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
- 18 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.

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Application Number:	EPF/0726/22
Site Name:	Magnolia House Abridge Road Theydon Bois CM16 7NR

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# OFFICER REPORT

**Application Ref:** EPF/0726/22  
**Application Type:** Full planning permission  
**Applicant:** Mr & Mrs E & M Maxwell  
**Case Officer:** Ian Ansell  
**Site Address:** Magnolia House  
Abridge Road  
Theydon Bois  
Epping  
Essex  
CM16 7NR  
**Proposal:** Construction of Pond and Associated Landscaping and Drainage Works.  
**Ward:** Theydon Bois  
**Parish:** Theydon Bois  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyyH>  
**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)).*

## **Description of Site:**

Site lies on the west side of Abridge Road, originally part of Theydon Hall Farm complex. The residential property is detached and is accessed directly off the road. The wider site includes land to the north and west of the historic farm within which lie buildings with lawful use for commercial storage, accessed via a separate road and entrance on the open land to the north.

The site lies to the north of converted residential buildings with separate access. The M11 passes within 30m of the western side of the site.

All land the subject of the application lies within the Green Belt.

## **Description of Proposal:**

The application site is defined as the access road and land at the western end of the site, comprising around 0.65ha. The works proposed are the construction of a pond with associated landscaping and drainage works.

Supporting information explains the pond will provide sustainable drainage system for the access road with a gravel access road. It is submitted that ground conditions elsewhere are 'unfavourable' to allow other drainage direct from the access. The pond is indicated as having graded banks with a maximum depth of 3m and anticipated permanent water depth of around half of this.

## **Relevant History:**

Other than domestic extensions to and within the curtilage of the house:

EPF/1005/16 – Certificate of Lawful Development for existing use of site for B8 storage purposes.  
Lawful

EPF/2882/16 – Construction of access way to serve existing storage buildings – refused, allowed on appeal May 2017

EPF/3002/19 – Redevelopment of storage buildings as 6 dwellings – withdrawn

EPF/0524/20 – Approval of details in relation to access road

EPF/0892/21 – LDC change of use of storage buildings to offices - lawful

### **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:

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous development
NC5	Promotion of nature conservation schemes
U3B	Sustainable Drainage Systems
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
LL1	Rural landscape
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes

#### *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

- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 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 – paragraphs 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:



No.	POLICY
SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
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
DM18	On site management of waste water and water supply
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

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

Date of site visit: 13 September 2021 (for pre-app)  
Number of neighbours consulted: 12  
Site notice posted: No, not required  
Responses received: No response received from neighbours.

Other comments:

Theydon Bois Action Group – Object – question the justification for the development and the location – why are ground conditions elsewhere unfavourable, access across the field previously was not impacted by poor drainage – consider works unnecessary, inappropriate given archaeological and historic interest of wider site and query whether this is intended to facilitate redevelopment of the commercial buildings.

Theydon Bois & District RPS – Object – roadway not built, light access across fields suggest no drainage issues, unnecessary for level of activity, insufficient evidence pond will be accessed as a run off from access, inappropriate in Green Belt.

Theydon Bois Parish Council: Objection – no very special circumstances to support, insufficient information on ground conditions to support given existing run off, pond excessively large, use as offices likely to generate less activity

Response – applicant has responded to Parish comments arguing that a pond and associated landscaping meet NPPF requirements on retaining openness and should be regarded as an engineering operation. The site is predominantly clay and levels either side are almost flat, preventing natural run off, and pond lies at lowest point of the land. Work on the road is said to have commenced, and the scheme allows surface water run off to a single point rather than ad hoc as at present. The applicants further confirm the change of use to offices has not taken place. The comment concludes by highlighting SUDS, landscape and ecology benefits.

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

In broad terms, the provision of a pond on open land would not seem to raise any significant issues around appearance and openness in the Green Belt. The broad works can be seen to have general visual interest, and ecological enhancements from the new habitat.

The applicants argue that the works should be treated as an engineering operation under para 150 of NPPF. The policy is not specific, nor does it require any weight to be given to need for the works, or whether an alternative may be available. The application is weak on this – while it is accepted the levels across the field are very flat, and the surrounding ground is clay, of itself this would not seem to preclude some other method of surface water drainage elsewhere, or along the flanks of the access.

It is not difficult to recognise the concerns raised by the objectors, that ultimately the pond is intended to serve a redevelopment of the commercial buildings to provide residential accommodation (see withdrawn 2019 application), but no such scheme is before us and would be dealt with on its own merits. Thus, the works are an engineering operation, and thereby not inappropriate in the Green Belt, nor do the works unduly impact openness and character.

The pond is some distance from the made surface of the approved road and the drainage plan indicates water being piped from this point. Once constructed, there is nothing to suggest additional hard surfacing will be required to access the pond as maintenance will be minimal (The agent has confirmed this). A condition can be used to ensure any such change is considered by an application. Similarly, no above ground plant is indicated and this can also be dealt with by condition.

Otherwise, there are no neighbouring amenity issues that arise.

### **Conclusion:**

While the case for an attenuation pond to serve the access road is not particularly convincing, however on the broad planning merits the provision of a pond in this location does not adversely affect the openness and character of the Green Belt, and can be considered to have broad ecological benefits.

Thus, subject to conditions, the application should be approved.

### **Conditions: (8)**

- 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: 1962 SK07 Rev B, SK09 and SK10, 3331/42, and TCTC-18277-L-01 Rev A

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

- 3 i. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of

investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

- ii. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
- iii. The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: In order that such features of importance can be recorded for the benefit of posterity, in accordance with policy HC1 of the adopted Local Plan 1998 & 2006, Policy DM7 of the Local Plan Submission Version 2017, and the NPPF.

- 4 All works in constructing the pond hereby approved and associated drainage shall be carried out strictly in accordance with the SuDS Strategy Letter produced by EAS Ltd dated 10th November 2021 submitted with the application, unless otherwise agreed by the Local Planning Authority through an appropriate application.

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.

- 5 Hard and soft landscaping shall be implemented as shown on Tracy Clarke Tree Consultancy 'Landscape masterplan – proposed balancing pond' drawing number 'TCTC-18277-L-01 Rev A' (dated January 2022); and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. 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, 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 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 6 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.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), other than as shown on drawing number 1962 SK07 Rev B, no additional hard surface areas shall be laid between the access road shown on the plan and the pond hereby approved, unless otherwise agreed by the Local Planning Authority through an appropriate application.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and the Green Belt], in accordance with policies GB2A and GB7A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no above ground plant machinery or other similar equipment relating to the works hereby permitted shall be installed without the prior agreement of the Local Planning Authority through an appropriate application.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and the Green Belt], in accordance with policies GB2A and GB7A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF.

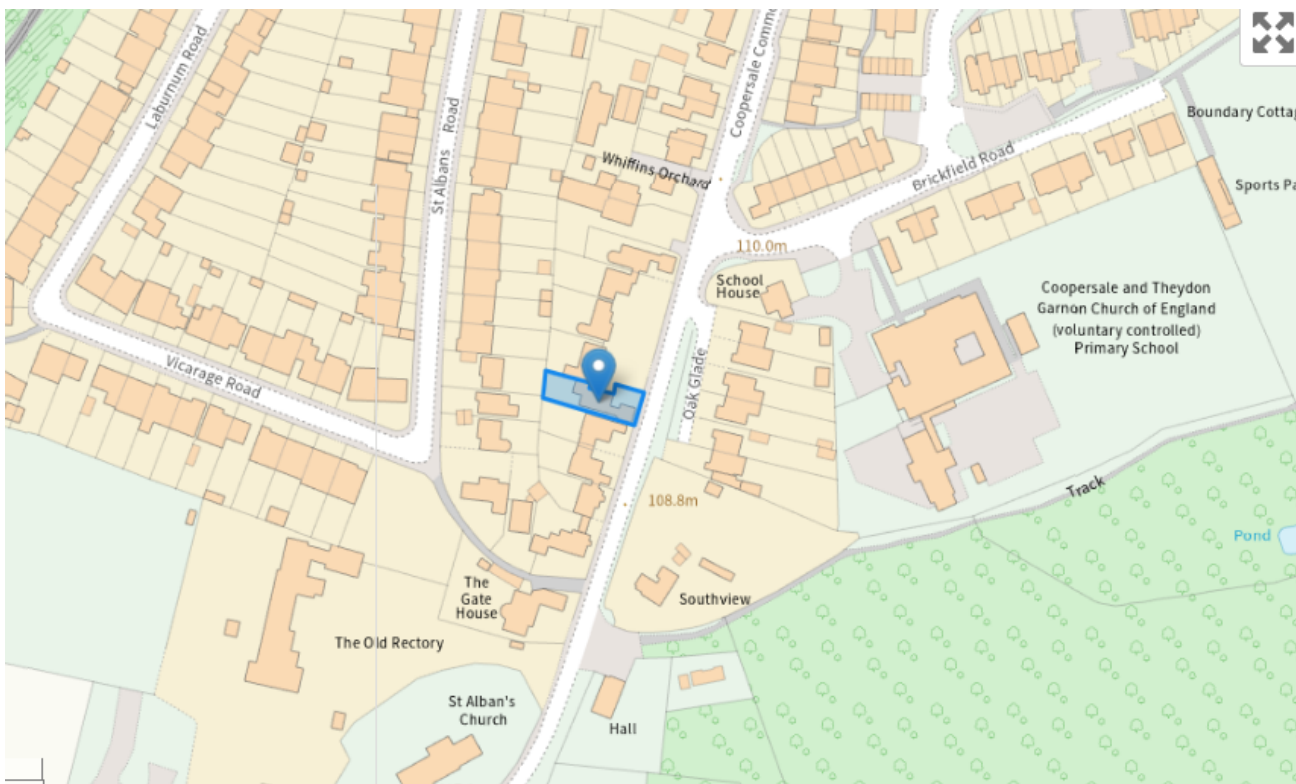
**Informatives: (2)**

- 9 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.
- 10 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.

Further information is available at <https://www.eppingforestdc.gov.uk/environment/land-drainage-consent/>



# EFDC



# EFDC

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Application Number:	EPF/1015/22
Site Name:	94 Coopersale Common Coopersale CM16 7QU

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# OFFICER REPORT

**Application Ref:** EPF/1015/22  
**Application Type:** Full planning permission  
**Applicant:** Mr Parul Patel  
**Case Officer:** Alastair Prince  
**Site Address:** 94 Coopersale Common  
Coopersale  
Epping  
Essex  
CM16 7QU  
**Proposal:** Proposed conversion of an existing detached garage to a two storey integrated studio (Revised application to EPF/0444/22)  
**Ward:** Epping Hemnall  
**Parish:** Epping  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nz04>  
**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 site is a two storey semi-detached dwelling with a detached garage located on the western side of Coopersale Common in Coopersale. There are no listed buildings on the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt.

## **Description of Proposal:**

Proposed conversion of an existing detached garage to a two storey integrated studio (Revised application to EPF/0444/22)

## **Relevant Site History:**

EPF/0444/22 - Proposed conversion of an existing detached garage to a two storey integrated studio – Refuse Permission:

1. The proposal, by reason of the materials to be used for the roof panels, would represent an incongruous addition out of keeping with the character of the existing dwelling and wider character of the area. The development would be contrary to Policies DBE10 of the Adopted Local Plan and Alterations 2006 and DM9 of the Epping Forest District Local Plan (Submission Version) 2017.

EPF/1475/18 – Existing conservatory to be demolished and a single storey rear extension to be constructed – Grant Permission (With Conditions)

## **Policies Applied:**

Epping Forest Local Plan and Alterations (1998/2006)

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

DBE2- Effect on neighbouring properties.

DBE9- Loss of Amenity

DBE10- Design of Residential Extensions

Epping Forest District Local Plan (Submission Version) 2017

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

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

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

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

DM9 - High Quality Design

### **Summary of Representation:**

No. of neighbours consulted: 7, no comments received

TOWN COUNCIL – OBJECTION:

Committee OBJECT to this application.

Committee note and agree with the new plans for changes to the roof materials which conform to the rest of the street scene. However, the Committee still consider this proposal constitutes overdevelopment of the site in terms of its size and bulk. The volume of development would have implications on the street scene and the character of this rural area. However, if this application is granted, Committee request a condition be placed on this application that this proposed development is an ancillary building to the applicant's dwelling and not sold as a separate dwelling in the future.

Relevant policies: CP2 (iv), CP7, DBE1, DBE2, DBE9, DBE10 (Adopted Local Plan) Emerging Local Plan: H1A (ii) and (iii)

NPPF: Para 8 (b), 9, 120 (e), 127

(Epping Town Council confirm they will attend and speak at Plans East to object to this proposal).

## **Main Issues and Considerations:**

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

Principle

Design

Impact on Living Conditions of Neighbours

### Principle

The Town Council objected stating that the proposal would constitute overdevelopment.

It is considered that the proposal, whilst raising the height of the eaves, would be to the same overall height and width of the existing garage and would not constitute overdevelopment. It has been stated within the Design and Access Statement would be used for elderly relatives in conjunction with the host dwelling. Suitable conditions restricting the use of the building as solely ancillary to the host dwelling and not as a separate dwelling can be added to any planning permission if the Local Planning Authority are minded to grant permission.

### Design

The Town Council objected to the proposal stating that the scheme would be detrimental to the street scene character.

The proposed development would entail the extension of the garage to be in line with the main dwelling and raising of the eaves height to allow for a dual-pitched roof. A dormer window would be added to the West facing roof slope of the building. The existing link from the garage to the main dwelling would be altered by replacing the existing roof with a flat roof. The proposed materials would differ from the existing garage by including external render to the walls clay roof tiles for the roof and dormer cheeks.

Policy DBE10 of the Adopted Local Plan and Alterations 2006 states that a residential extension will be required to complement and, where appropriate, enhance the appearance of the street scene, existing building and the green belt. This shall be achieved by close attention to the scale, form, detail, elevations, materials, roof treatment, and fenestration of the existing building.

Policy DM9 of the Epping Forest District Local Plan (Submission Version) 2017 states that all development must achieve a high specification of design and contribute to the distinctive character and amenity of the local area. The Council will require all development proposals to be design-led and make a positive contribution to a place. Development proposals must relate positively to their locality, having regard to building heights, the form, scale and massing prevailing around the site and distinctive local architectural styles, detailing and materials.

The dwelling house, along with surrounding dwellings, are characterised by a mixture of externally facing brickwork and render to the external walls and clay roof tiles to the rooves. The rendering of the walls may be acceptable and would not appear overly bulky, furthermore the revision of the proposal to include a fully clay tiled roof would overcome the previous reason for refusal and would be considered as acceptable.

The existing garage is situated behind an established hedge that screens the majority of the building, and a condition has been suggested to ensure that this hedge remains. With the hedge in place views of the proposed extended building would be limited, primarily consisting of the roof area. Due to the above mentioned amendments, it is not considered that the development would cause any significant harm to the character and appearance of the wider street scene.



## Impact on Living Conditions

Due to the maintenance of the existing height and width of the outbuilding and the sufficient distance away from neighbouring properties, it is considered that the development would not cause excessive harm to the living conditions of neighbours in relation to loss of outlook and loss of light. Whilst the proposed dormer window would directly look into a first floor window of the host dwelling, adequate conditions can be added to any planning permission that would obscure glaze the dormer window to negate any perceived overlooking. This can be achieved as the dormer window is not considered to be a primary window and the first floor would benefit from rooflights and an opening with a Juliet Balcony to the front elevation.

### **Conclusion:**

It is recommended that planning permission is granted for the reasons outlined 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: (6)**

- 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: 00.001, 00.100, 50.100

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 on the approved plans.

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 not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 94 Coopersale Common, Epping, CM16 7QU, and shall not be used for any separate residential or commercial purposes.

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 Prior to first occupation of the building/extension hereby permitted the windows in the flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

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

- 6 The existing hedge to the front of the site, adjacent to Coopersale Common, shall be retained and suitably protected during construction works. If the hedge 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 hedge of the same size and species shall be planted within 3 months at the same place.

Reason: To ensure that the building continues to be screened in order to reduce its impact on the character and appearance of the street scene, in accordance with policy DBE10 of the adopted Local Plan and Alterations 1998 & 2006, and policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

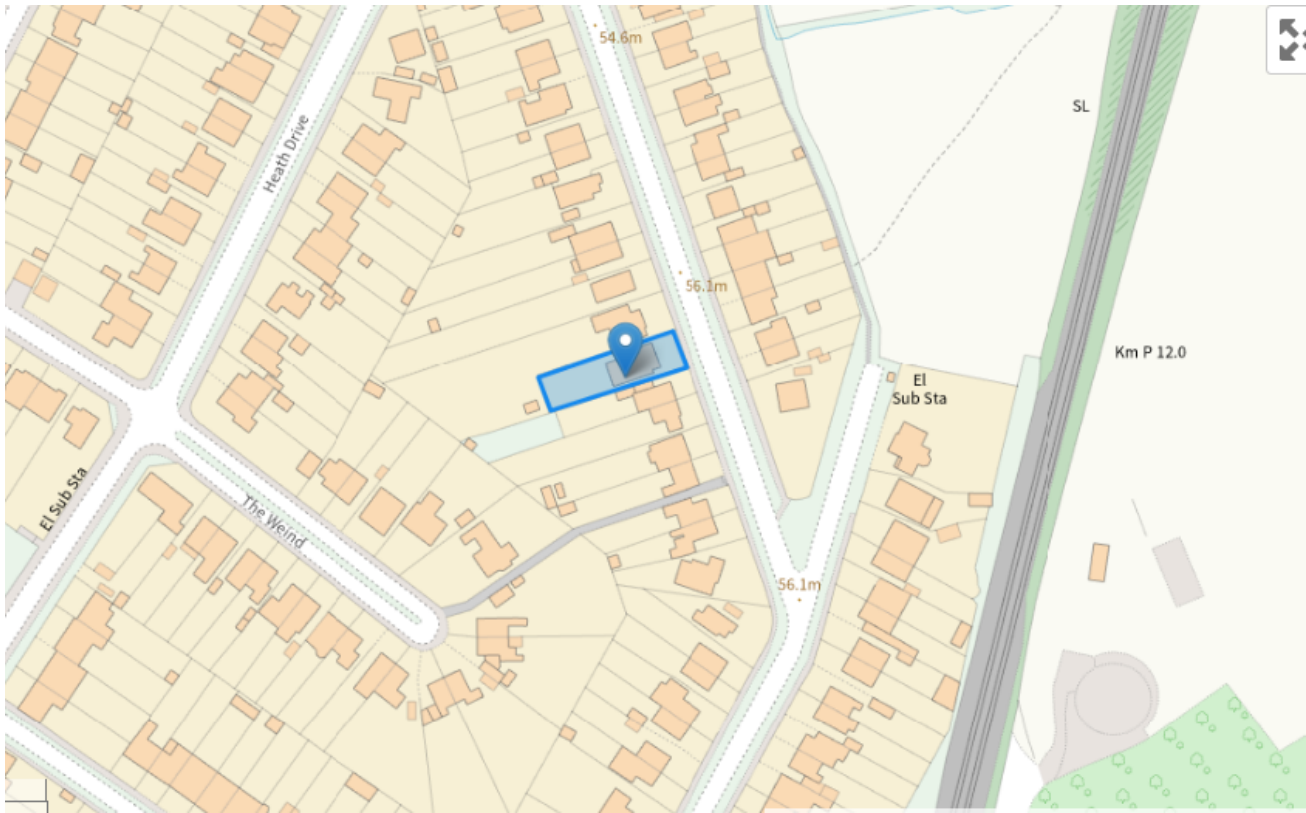
**Informatives: (1)**

- 7 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.

# Epping Forest District Council



# EFDC



# EFDC

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Application Number:	EPF/1203/22
Site Name:	13 Dukes Avenue Theydon Bois CM16 7HG

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# OFFICER REPORT

**Application Ref:** EPF/1203/22  
**Application Type:** Householder planning permission  
**Applicant:** Sukhbir Kaur  
**Case Officer:** Rhian Thorley  
**Site Address:** 13 Dukes Avenue  
Theydon Bois  
Epping  
CM16 7HG  
**Proposal:** Retention of decorative railings at first floor level  
**Ward:**  
**Parish:** Theydon Bois  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzMA>  
**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 a former bungalow which has been extensively extended and is now a two-storey detached dwelling located to the south of Dukes Avenue. It is not a locally listed building nor is it within a Conservation Area. It is not within the Metropolitan Green Belt. Site Visit was conducted on 1 August 2022 however access was not gained inside or to the rear of the property.

## **Proposal**

The proposal seeks retrospective consent for the installation of black painted metal railings which are 900mm high.

## **Relevant Planning History**

EPF/2368/21 - Erection of two side dormer windows and one rear dormer window to facilitate a loft conversion – Approve with conditions.

EPF/3041/20 - Double hip to gable roof alteration (both sides) and rear dormer including Juliet balcony – Refuse.

EPF/3040/20 - Single storey rear conservatory extension – Refuse.

EPF/1940/20 - Certificate of Lawful Development for a proposed rear dormer window in connection with a loft conversion – Not Lawful.

EPF/1675/98 - Extensions to convert bungalow to dwellinghouse – Approve with conditions.

EPF/0402/98 - Conversion of existing bungalow into house – Refuse.

EPF/1268/75 - Erection of a single storey rear extension – Approve with conditions.

EPR/0032/49 – Extension – Approve.

### **Planning Enforcement History**

ENF/0128/22 - Erection of metal roofing around flat roof – In progress.

### **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

#### *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.

#### *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;

DM9	High Quality Design
DM10	Housing Design and Quality

### **Summary of Representations**

Number of neighbours Consulted: 2. 1 response received.

Site notice posted: No, not required.

#### **15 DUKES AVENUE – OBJECTION**

THEYDON BOIS PARISH COUNCIL – STRONG OBJECTION. The Parish Council objects to this proposal, which it is concerned could become an unwelcome precedent for development of this nature in Theydon Bois. This current retrospective planning application seeks to regularise a previous report submitted to EFDC's Enforcement Team at the time when the development was first being carried out. The addition of railings has effectively created a roof terrace to the rear of 13 Dukes Avenue, directly above the flat roofed part of the ground floor rear extension of that property. The railings would facilitate use of the roof in question as an outdoor living or recreation space. The Planning Committee did not feel that these would be simply 'decorative'. Railings are not usually inserted around single-storey flat-roofed structures and these would appear to be there to facilitate use of the flat roof. The negative impact of this development on the amenity and privacy of residents at adjacent property 15 Dukes Avenue is severe, as outlined by the neighbours in their letter to EFDC dated 22 July, which they have shared with the Planning Committee. The flat roof around which the railings have been constructed directly overlooks primary ground and first floor habitable rooms of 15 Dukes Avenue, and the railings are visually conspicuous above the garden patio area of that property in an overly dominant manner. The level of consequent intrusion suffered by the residents of 15 Dukes Avenue can be deduced from the photographs provided with their letter to EFDC of 22 July. It is also possible that the amenity of the neighbouring property at 11 Dukes Avenue could be negatively affected by this development, albeit to a lesser extent. 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 Subcommittee of EFDC, if this method of determination is deemed appropriate. It should be noted that when 13 Dukes Avenue was extensively extended from being a bungalow to a substantial dwellinghouse, no windows were permitted to be added to the flank walls of the dwelling under Condition 3 of the Grant of Planning Permission for planning application EPF/1675/98, with the stated given reason being "To safeguard the privacy of adjacent properties." Therefore, this development has a detrimental effect on neighbour amenity. The Parish Council is of the view that it also represents an intensification of use that has resulted in a

significant loss of amenity to at least one adjacent neighbouring property in terms of visual impact, overlooking, and potential light and noise nuisance. The Committee noted that the proposal may also be of poor, and potentially unsafe, design and that it fails to safeguard and enhance the setting and character of the local environment. The roof around which the railings have been installed was unlikely to have been constructed to be a weight bearing terrace. As a result, the Planning Committee finds no part of this proposal to be acceptable in terms of its effect on the immediate neighbouring properties, and that its construction, and the use it facilitates, are both out of keeping with built development within the vicinity. The Committee therefore strongly objects to this proposal, believing it to be contrary to Policies CP2(iv), DBE1, DBE2, DBE9 and DBE10 of the Epping Forest District Local Plan 1998 with alterations of 2006 (the Current Local Plan), with policies DM9 and DM10E of the Epping Forest District Local Plan, Submission Version 2017 (the New Local Plan), and provisions of the National Planning Policy Framework, 2021.

### **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) Representations received

#### *Character and Appearance*

The railings are located to the rear of the application site and are not visible from the highway. They project from the first-floor rear elevation and wrap around a ground floor extension. In terms of their character and appearance, the railings are not at odds with the application dwelling and are therefore considered acceptable. The railings are not visible from the highway and are not considered to disrupt or set an unwanted precedent in the street scene.

#### *Living Conditions*

The main properties to consider as part of this application are No.15 and No.11 Dukes Avenue, and No.3 The Weind.

##### No.15 Dukes Ave:

Whilst the application dwelling is detached, it is in very close proximity to No.15, leaving very little space between the two properties. No.15 has a ground-floor flank window and first-floor flank window which face the application dwelling. Whilst visible from No.15, the railings are less than 1m high and are not therefore considered to have a detrimental impact on the occupants in terms of visual impact or loss of daylight/sunlight.

Should the area enclosed by these railings be used as balcony or terrace however, the users would have a direct view of No.15's ground-floor lounge window and first-floor bedroom window. The impact of such overlooking into habitable rooms is considered an excessive loss of privacy for the occupants of No.15. Further, any users of the enclosed area would overlook much of No.15's rear garden which wraps around the application site's northern and western boundaries.

Notwithstanding the above, the submitted plans show no access from the host dwelling to the area enclosed by the railings. This has been confirmed by the Enforcement Officer who attended site in April 2022. Given that this demonstrates that the railings have been installed for decorative purposes only, the impact on neighbour amenity in terms of overlooking, loss of privacy and increased noise and disturbance is negated. In light of this, the proposal is deemed acceptable, and a condition will be recommended to prevent the use of this area for amenity purposes.

No.11 Dukes Ave:

This property sits further back than the application dwelling. It is separated from the application dwelling by a driveway and from the enclosed area by the application dwelling's existing extension. Its impact is therefore considered limited in terms of overlooking, loss of privacy, visual amenity, and loss of daylight/sunlight.

No.3 The Weind:

Given that the site is separated from this property by No.15 Dukes Avenue's rear garden, and the distance between the properties, it is not considered to have a detrimental impact on the amenities of the occupants.

### *Representations Received*

#### No.15 Dukes Avenue

- *“The railings have substantially harmed the visual amenity of our property. They are particularly visible from our ground and first floor bedrooms, lounge, dining area and patio, in a position where you would not normally expect to see railings (decorative or otherwise) and we believe have no architectural or decorative merit. Due to the slope of Dukes Avenue, the first floor of 13 Dukes Avenue starts at a level half way up the first floor of our property (15 Dukes Ave). This results in the railings having an even more imposing presence.”*

The railings are less than 1m high and are of a relatively simple design. They are not considered to cause an excessive loss of amenity and do not therefore warrant a refusal on these grounds.

- *“Whilst the planning application refers to these as ‘decorative railings’ it is clear that their presence provides a means for a change of use to the first-floor flat roof, either for plants or relaxation. Anyone on this roof area would look directly into our bedroom windows on ground and first floor level, our downstairs living room, downstairs dining area, and completely overlook our patio. We believe this would be an unacceptable invasion of our privacy.”*

The speculative use of the railings is not material to the determination of this application. The submitted plans show no access from the host dwelling to the area enclosed by the railings, as confirmed and photographed by the Enforcement Officer who attended site in April 2022. A condition is recommended preventing any future use of the area for amenity purposes.

- *“When the original bungalow on the 13 Dukes Ave site was converted to a 4 bedroom house, it was on condition that only a single storey extension was built on our side to avoid unacceptable invasion of privacy to habitable rooms.”*

Whilst the use of the area as a balcony or first-floor terrace would have an unacceptable impact on No.15's amenities, there is no evidence to suggest such a use and a condition is recommended to prevent this use.

- *“The use of this enclosed roof area, overlooking and elevated above the adjoining gardens provides a platform from which increased noise and disturbance will be broadcast across neighbouring properties.”*

The speculative use of the railings is not material to the determination of this application. The submitted plans show no access from the host dwelling to the area enclosed by the railings, as confirmed and photographed by the Enforcement Officer who attended site in April 2022. A condition is recommended preventing any future use of the area for amenity purposes.



- *“Additions to 13 Dukes Ave that have already been made (side & front dormers, front sky light (without planning permission), a mix of different styles and frame colours of windows) have already detracted from the appearance of this property. The addition of the railings has confounded this.”*

The railings are not visible from the highway and do not disrupt the street scene as a result. At less than 1m high and of a relatively simple design, they are not considered to cause an excessive loss of amenity and do not therefore warrant a refusal on these grounds.

- *“If approved, we believe this addition of railings would set an unwanted precedent within the village and to the wider community.”*

The railings are not visible from the highway, street scene or wider area. Whilst the inclusion of a balcony may be considered an unwanted precedent, this speculative use of the railings is not material to the determination of this application.

#### Theydon Bois Parish Council

- *“The addition of railings has effectively created a roof terrace to the rear of 13 Dukes Avenue, directly above the flat roofed part of the ground floor rear extension of that property. The railings would facilitate use of the roof in question as an outdoor living or recreation space. The Planning Committee did not feel that these would be simply ‘decorative’. Railings are not usually inserted around single-storey flat-roofed structures and these would appear to be there to facilitate use of the flat roof.”*

The speculative use of the railings is not material to the determination of this application. The submitted plans show no access from the host dwelling to the area enclosed by the railings, as confirmed and photographed by the Enforcement Officer who attended site in April 2022. A condition is recommended preventing any future use of the area for amenity purposes.

- *“The negative impact of this development on the amenity and privacy of residents at adjacent property 15 Dukes Avenue is severe, as outlined by the neighbours in their letter to EFDC dated 22 July, which they have shared with the Planning Committee. The flat roof around which the railings have been constructed directly overlooks primary ground and first floor habitable rooms of 15 Dukes Avenue, and the railings are visually conspicuous above the garden patio area of that property in an overly dominant manner. The level of consequent intrusion suffered by the residents of 15 Dukes Avenue can be deduced from the photographs provided with their letter to EFDC of 22 July. It is also possible that the amenity of the neighbouring property at 11 Dukes Avenue could be negatively affected by this development, albeit to a lesser extent.”*

Whilst the use of the area as a balcony or first-floor terrace would have an unacceptable impact on neighbouring amenities, there is no evidence to suggest such a use and a condition is recommended to prevent this use.

- *“It should be noted that when 13 Dukes Avenue was extensively extended from being a bungalow to a substantial dwellinghouse, no windows were permitted to be added to the flank walls of the dwelling under Condition 3 of the Grant of Planning Permission for planning application EPF/1675/98, with the stated given reason being “To safeguard the privacy of adjacent properties.” Therefore, this development has a detrimental effect on neighbour amenity. The Parish Council is of the view that it also represents an intensification of use that has resulted in a significant loss of amenity to at least one adjacent neighbouring property in terms of visual impact, overlooking, and potential light and noise nuisance.”*

Whilst the use of the area as a balcony or first-floor terrace would have an unacceptable impact on neighbouring amenities, there is no evidence to suggest such a use and a condition is recommended to

prevent this use. Further, the development is not considered to cause excessive harm in terms of visual impact or loss of daylight/sunlight as stated in the Neighbouring Amenity section of this report.

- *“The Committee noted that the proposal may also be of poor, and potentially unsafe, design and that it fails to safeguard and enhance the setting and character of the local environment. The roof around which the railings have been installed was unlikely to have been constructed to be a weight bearing terrace.”*

The application is for the retention of decorative railings. There is no evidence to suggest that the area enclosed by the railings will be used as a balcony or first-floor terrace and a condition is recommended to prevent such use.

### **Conclusion**

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted with planning 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: 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: (2)**

- 1 The development hereby permitted shall be retained strictly in accordance with the following approved plans:  
PL.1A; PL.2A; PL.3A; PL.4A; PL.5A; PL.6A; PL.8A; PL.9A; PL.10A; PL.11A.

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

- 2 Access to the area enclosed by the decorative railings permitted shall be for maintenance or emergency purposes only. The area enclosed by the decorative railings permitted shall not be used for ancillary purposes including as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: The development does not satisfy the standards considered acceptable by the Local Planning Authority for a balcony or first floor terrace, 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.

### **Informatives: (1)**

- 3 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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