

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 2nd November, 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, 2nd November, 2022
at 7.00 pm.**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer:**

R Perrin, Democratic Services Tel: (01992) 564243
Email: 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

This meeting is to be webcast and the Chairman will read the following announcement:

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

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on Zoom do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

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

Members are reminded to activate their microphones before speaking”.

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 - 36)

To confirm the minutes of the last meeting of the Sub-Committee held on 5 October 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/2122/20 11 KENDAL AVENUE, EPPING CM16 4PW (Pages 37 - 58)

To consider the attached report for a new detached four bedroom house to the rear of the site, including a raised driveway and a detached garage.

10. PLANNING APPLICATION - EPF/2408/20 8 KIMPTON CLOSE, ONGAR CM5 0BQ (Pages 59 - 70)

To consider the attached report on the construction of a two storey three bedroom house attached to the existing dwelling.

11. PLANNING APPLICATION - EPF/0770/22 67 HEMNALL STREET, EPPING CM16 4LZ (Pages 71 - 76)

To consider the attached report for a proposed outbuilding.

12. PLANNING APPLICATION - EPF/1289/22 41 DUKES AVENUE, THEYDON BOIS, EPPING CM16 7HQ (Pages 77 - 88)

To consider the attached report for the existing two storey side extension to be replaced with a new three bedroom detached dwelling.

13. PLANNING APPLICATION - EPF/1327/22 6 WILLOW TREE CLOSE, LAMBOURNE, ROMFORD RM4 1BL (Pages 89 - 94)

To consider the attached report for a loft conversion with a dormer on the rear and 3no. roof lights to the front elevation.

14. PLANNING APPLICATION - EPF/1505/22 LONDON ALPACAS, MOUNT ROAD, THEYDON MOUNT, EPPING CM16 7PL (Pages 95 - 102)

To consider the attached report on the use of land for agriculture including educational visits.

15. PLANNING APPLICATION - EPF/1602/22 MICKLEHAM, THEYDON ROAD, THEYDON BOIS, EPPING CM16 4EE (Pages 103 - 114)

To consider the attached report on the change of use of an existing annex building to a separate dwelling.

16. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

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

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

What can I say?

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

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

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

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

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

How are the applications considered?

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

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

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

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

Further Information

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee East 2022-23
 Members of the Committee and Wards Represented:

				
Chairman	Vice Chairman			
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	

This page is intentionally left blank

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Area Planning Sub-Committee East	Date:	Wednesday, 5 October 2022
Place:	Council Chamber - Civic Offices	Time:	7.00 - 8.35 pm
Members Present:	Councillors I Hadley (Chairman), H Brady (Vice-Chairman), R Balcombe, P Bolton, P Keska, C McCredie, J Mclvor, J Philip, B Rolfe, P Stalker, B Vaz, C Whitbread, H Whitbread and J M Whitehouse		
Members Present (Virtually):	Councillors R Morgan		
Apologies:	C Amos, N Bedford, L Burrows and J H Whitehouse		
Officers Present:	J Rogers (Principal Planning Officer), V Messenger (Democratic Services Officer) and N Cole (Corporate Communications Officer)		
Officers Present (Virtually):	A Marx (Development Manager Service Manager (Planning)) and J Leither (Democratic Services Officer)		

13. WEBCASTING INTRODUCTION

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

14. 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.

15. DECLARATIONS OF INTEREST

a) Pursuant to the Council's Members' Code of Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following items of the agenda. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/3291/21 - The Gate House, Coopersale Common, Coopersale, Epping CM16 7QT
- EPF/0045/22 - Southview, Coopersale Common, Coopersale, Epping CM16 7QT
- EPF/1355/22 - Tilegate Farm, Tilegate Road, Magdalen Laver, Ongar CM5 0EA

- b) Pursuant to the Council's Members' Code of Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of his past relationship with the Club, as a member and playing rugby. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/1400/20 - Upper Clapton Rugby Football, Club, 61 Upland Road, Epping Upland, Epping CM16 6NL
- c) Pursuant to the Council's Members' Code of Conduct, Councillor H Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of there being a past family relationship with the Club. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/1400/20 - Upper Clapton Rugby Football, Club, 61 Upland Road, Epping Upland, Epping CM16 6NL
- d) Pursuant to the Council's Members' Code of Conduct, Councillor J Philip declared a personal interest in the following item of the agenda. The Councillor had determined that he would leave the meeting for the consideration of the application:
- EPF/1430/22 - 52 Orchard Drive, Theydon Bois, Epping CM16 7DJ
- e) Pursuant to the Council's Members' Code of Conduct, Councillor P Stalker declared a personal interest in the following item of the agenda by virtue of a being a close friend of a neighbour. The Councillor had determined that he would leave the meeting for the consideration of the application:
- EPF/1430/22 - 52 Orchard Drive, Theydon Bois, Epping CM16 7DJ
- f) Pursuant to the Council's Members' Code of Conduct, Councillor H Brady declared a non-pecuniary interest in the following items of the agenda by virtue of knowing people involved with the applications, but she did not know them very well. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/1400/20 - Upper Clapton Rugby Football, Club, 61 Upland Road, Epping Upland, Epping CM16 6NL
 - EPF/3291/21 - The Gate House, Coopersale Common, Coopersale, Epping CM16 7QT
 - EPF/0045/22 - Southview, Coopersale Common, Coopersale, Epping CM16 7QT

16. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 7 September 2002 be taken as read and signed by the Chairman as a correct record.

17. ANY OTHER BUSINESS

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

18. 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>

19. SITE VISITS

Councillor H Whitbread proposed a site visit for agenda item 9, EPF/1400/20 – Upper Clapton Rugby Football Club, 61 Upland Road, Epping Upland, CM16 6NL. This was for a number of new members, who had not been present when the previous application had been heard, which was seconded by Councillor B Rolfe. Therefore, this item was deferred to the next meeting.

20. PLANNING APPLICATION - EPF/1400/20 UPPER CLAPTON RUGBY FOOTBALL CLUB, 61 UPLAND ROAD, EPPING UPLAND, EPPING CM16 6NL

Application Ref: EPF/1400/20

Application Type: Full planning permission

Case Officer: James Rogers

Site Address: Upper Clapton Rugby Football Club
61 Upland Road
Epping Upland
Epping
CM16 6NL

Proposal: Improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the club's function hall, golf range and current car parking including the addition of further car parking spaces and associated development, and enabling development in the form of the construction of 9 no. new dwellings and associated development

Ward: Epping Lindsey and Thornwood Common

Parish: North Weald Bassett

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NypV>

Decision: Deferred

Deferred for a site visit.

21. PLANNING APPLICATION - EPF/2309/20 ENVILLES BARN, TWO HOOTS BARN, ABBESS ROAD, LITTLE LAVER, ONGAR CM5 0JH

Application Ref: EPF/2309/20

Application Type: Full planning permission

Case Officer: Caroline Brown

Site Address: Envilles Barns, Two Hoots Barn
Abness Road
Little Laver
Ongar
CM5 0JH

Proposal: Proposed subdivision to create 2 dwellings.

Ward: Moreton and Fyfield

Parish: Fyfield; Moreton, Bobbingworth and the Lavers

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxLD>

Decision: Approve with Conditions

Conditions: (9)

- 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: 2311.6 B Amended Layout Plan (September 2022); 2311.4A; 2311.7A; 2311.1A; 2311.8A; 2311.5A; 2311.9A

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

- 3 Electric charging points shall be provided for 2 of the car parking spaces shown on drawing No. 2311.6B. The spaces shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To encourage the use of electric cars in order to reduce carbon emissions and help support improvements to air quality in accordance with Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017, and the NPPF.

- 4 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

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.

- 5 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.

- 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 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.

- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A-E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

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 Green Belt, in accordance with policy DBE9, GB7A; GB2A; of the adopted Local Plan 1998 & 2006, Policy DM4; DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (2)

- 10 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 11 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.

22. PLANNING APPLICATION - EPF/3050/21 4 KENDAL AVENUE, EPPING CM16 4PN

Application Ref: EPF/3050/21
Application Type: Full planning permission
Case Officer: Caroline Brown
Site Address: 4 Kendal Avenue
 Epping

Proposal: CM16 4PN
Demolition of existing dwelling and construction of a new dwelling.

Ward: Epping Hemnall

Parish: Epping

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxJo>

Decision: Approve with Conditions

Conditions: (16)

- 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: 2612 - 01; 02; 03; 04B; 05 B

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.
- 3 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) 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 window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

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

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.
- 5 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.

- 6 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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.

- 8 Prior to the first occupation of the development the existing access of Hartland Road shall be permanently closed off incorporating the reinstatement of the footway and kerbing to full height.

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.

- 9 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 10 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.

- 11 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.

- 12 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.

- 13 Tree protection shall be installed as shown on Moore Partners 'Tree Protection Plan' drawing number MP/4KA/02 (dated 3rd December 2021) prior to the commencement of development activities (including any demolition). The

methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

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.

- 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 [+ 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.

- 15 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.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, E and F of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To 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 policy DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (2)

- 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

- 18 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.

23. PLANNING APPLICATION - EPF/3291/21 THE GATE HOUSE, COOPESALE COMMON, COOPERSALE, EPPING CM16 7QT

Application Ref:	EPF/3291/21
Application Type:	Full planning permission
Case Officer:	Caroline Brown
Site Address:	The Gate House Coopersale Common Coopersale Epping CM16 7QT
Proposal:	The demolition of the existing dwelling and extensive outbuildings and the erection of a new detached traditional brick-built house. (replacement dwelling).
Ward:	Epping Hemnall
Parish:	Epping
View Plans:	https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nxxh0
Decision:	Approve with Conditions

Conditions: (17)

- 1 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.

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: (02)001, (02)003, (02)005, (02)006, (02)007, (02)008, (02)009, (02)010, (02)013 Rev B, (02)014 Rev B, (02)015 Rev B, (02)016 Rev B, (02)017 Rev B, (02)018 Rev B, (02)019 Rev B, (02)021 Rev B, (02)025 Rev B

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

- 3 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).

- 4 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) 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 window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

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.

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

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.

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

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.

- 7 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 8 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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.

- 9 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

- 10 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.

- 11 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.

- 12 Removal of excavated material Tree Protection Tree protection shall be installed as shown on the Writtle Forest Consultancy Ltd 'Arboricultural Method Statement & Tree Protection Plan Ref No: 220115' (drawing number '220115/01 Rev A') dated 3rd February 2022. prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

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.

- 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 The garage hereby approved shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling(s) and their visitors along with incidental storage and for no other purposes.

Reason: It is essential that the garage be retained for the storage of a motor vehicle to satisfy the requirements of the Council's adopted vehicle parking standards, in accordance with policy ST6 of the adopted Local Plan and Alterations, Policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 15 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

- 16 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, E and F of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To 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 policy DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (3)

- 18 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.

- 19 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

2 of 2

ii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public Footpath no.20 Epping, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

24. PLANNING APPLICATION - EPF/0045/22 SOUTHVIEW, COOPERSALE COMMON, COOPERSALE CM16 7QT

Application Ref: EPF/0045/22
Application Type: Full planning permission
Case Officer: Ian Ansell
Site Address: Southview
 Coopersale Common
 Coopersale
 Epping
 CM16 7QT

Proposal: The demolition of the existing dwelling and extensive outbuildings and the erection of three new detached traditional brick-built dwellings.

Ward: Epping Hemnall

Parish: Epping

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxyU>

Recommendation: Approve with Conditions

Conditions: (20)

- 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: 280/07 (02) - 001, 003, 004, 006, 008, 009, 012A, 013A, 014A, 015C, 016A, 017B, 018B, 025A, 026A, 027A, 028A, 029A, 035A, 036A, 037A, 038A, 039A, 040A, 045, 046, 047, 048, 049, 058A, 059A, and 100, and SJG3472

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

- 3 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.

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

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local

Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

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.

- 6 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.

- 7 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.

- 8 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.

- 9 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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

- 10 Prior to the commencement of development other than groundworks, details of the design of the vehicle access to Plot 1 including visibility splays shall be submitted to and approved by the Local Planning Authority. All works shall be fully implemented prior to first occupation of the dwelling.

Reason: To ensure that adequate vehicular access is provided to serve the development, in accordance with policies ST2 and ST7 of the adopted Local Plan and Alterations 1998 & 2006, policies T1 and DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 11 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.

- 12 All construction traffic and contractor vehicles shall enter and exit the site from the existing vehicle access.

Reason: 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.

- 13 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.

- 14 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.

- 15 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. 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.

- 16 Areas shown on the landscape plan 280/07 (02) 040 A as wildflower and fern meadows shall be protected by a fence, details of which shall be submitted to and approved by the Local Planning Authority prior to installation. All works shall be completed in accordance with the agreed details prior to first occupation of any of the dwellings hereby approved.

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.

- 17 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.

- 18 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed within the parking area of each dwelling and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 19 Any gates erected on the vehicular access to the Plot 1 shall be set back a minimum of 6 metres from the highway.

Reason: To allow vehicles to stand clear of the carriageway while gates open and 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 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: To 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 policy DBE2 and DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 and DM10 of the Local Plan Submission Version 2017,

and the NPPF.

Informatives: (3)

- 21 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.
- 22 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 23 Prior to commencing the development, the applicant is requested to liaise with Essex County Council and Epping Forest District Council regarding the delivery of local traffic calming infrastructure and other potential road safety projects for the area of Coopersale.

25. PLANNING APPLICATION - EPF/0761/22 LAUGHTERS FARM, FAGGOTTERS LANE, MATCHING TYE, HARLOW CM17 0NU

Application Ref: EPF/0761/22
Application Type: Full planning permission
Case Officer: Marie-Claire Tovey
Site Address: Laughters Farm
 Faggotters Lane
 Matching Tye
 Harlow
 Essex
 CM17 0NU

Proposal: Demolition of existing rear conservatory and replacing with new rear extension.

Ward: Moreton and Fyfield
Parish: Moreton, Bobbingworth and the Lavers
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nyyp>
Decision: Withdrawn from Agenda.

26. PLANNING APPLICATION - EPF/1355/22 TILEGATE FARM, TILEGATE ROAD, MAGDALEN LAVER, ONGAR, CM5 0EA

Application Ref: EPF/1355/22
Application Type: Removal/variation of conditions
Case Officer: Kie Farrell
Site Address: Tilegate Farm, Tilegate Road, Magdalen Laver, Ongar, CM5 0EA
Proposal: Application for variation of condition 2 of EPF/3231/21.
 (Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus annex and outbuilding together with reconfiguring of access road and landscaping)

Ward: Moreton and Fyfield
Parish: Moreton, Bobbingworth and the Lavers
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000001nb>
Decision: Approve with Conditions

Conditions: (9)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of permission EPF/1052/17 dated 01.06.2017.

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:

(02)003 G - Proposed Site Plan
(02)020 A - Proposed Main House Floor Plans
(02)024 A - Proposed Main House Elevations
(02)030 A - Proposed Garages and Tractor Store
(02)031 A - Proposed Garage and Tractor Store Elevations
(02)040 A - Proposed Annexe, Ground First and Roof Plans
(02)041 A - Proposed Annex Elevations
Covering Letter, rps, 14th June 2022

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

- 3 No construction works above ground level relating to the 'main house' shall take place until photographic and documentary evidence of the types, colours and details of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policy DBE1 of the adopted Local Plan and Alterations.

- 4 The flood risk assessment and management and maintenance plan measures approved under application EPF/0307/19, approved 29.05.19 shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason:- The development is of a size where it is likely to result in increased surface water run-off, in accordance with the guidance contained within the National Planning Policy Framework and policy U2B of the adopted Local Plan

and Alterations.

- 5 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 for the 'main house' / the remaining unbuilt elements, or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

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 the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

- 6 The development hereby approved shall be implemented in accordance with the foul and surface water disposal details approved under application EPF/0307/19, approved 29.05.19.

Reason:- To ensure satisfactory provision and disposal of foul and surface water in the interests of public health, in accordance with the guidance contained within the National Planning Policy Framework and policy RP3 of the adopted Local Plan and Alterations.

- 7 Development shall take place in accordance with details approved under application EPF/0307/19, approved 29.05.19 relating to wheel washing or other cleaning facilities for vehicles leaving the site during construction works. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with the guidance contained within the National Planning Policy Framework and policy ST4 of the adopted Local Plan and Alterations.

- 8 Hard and soft landscaping shall be carried out in accordance with details approved under application EPF/0307/19, approved 29.05.19.

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

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2 and LL11 of the adopted Local Plan and Alterations.

- 9 Screen walls, fences or such similar structures shall be erected in accordance with details approved under application EPF/0307/19, approved 29.05.19 and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.

Reason:- In the interest of visual amenity.

Informatives: (1)

- 10 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.

27. PLANNING APPLICATION - EPF/1430/22 52 ORCHARD DRIVE, THEYDON BOIS, EPPING CM16 7DJ

Application Ref: EPF/1430/22
Application Type: Removal/variation of conditions
Case Officer: Caroline Brown
Site Address: 52 Orchard Drive, Theydon Bois, Epping, CM16 7DJ
Proposal: Variation of condition 4 'materials' of EPF/0017/20 (Proposed two storey side and part single and two storey rear extension).
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000005ht>
Decision: Approve with Conditions

Conditions: (5)

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of the original decision notice (27/02/2020).

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

- 2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 2019.251.02, 2019.251.03, 2019.251.04, 2018.251.01b

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

- 3 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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.

- 5 The proposed first floor window opening in the flank elevation towards no.50 Orchard Drive shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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

Informatives: (1)

- 6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received

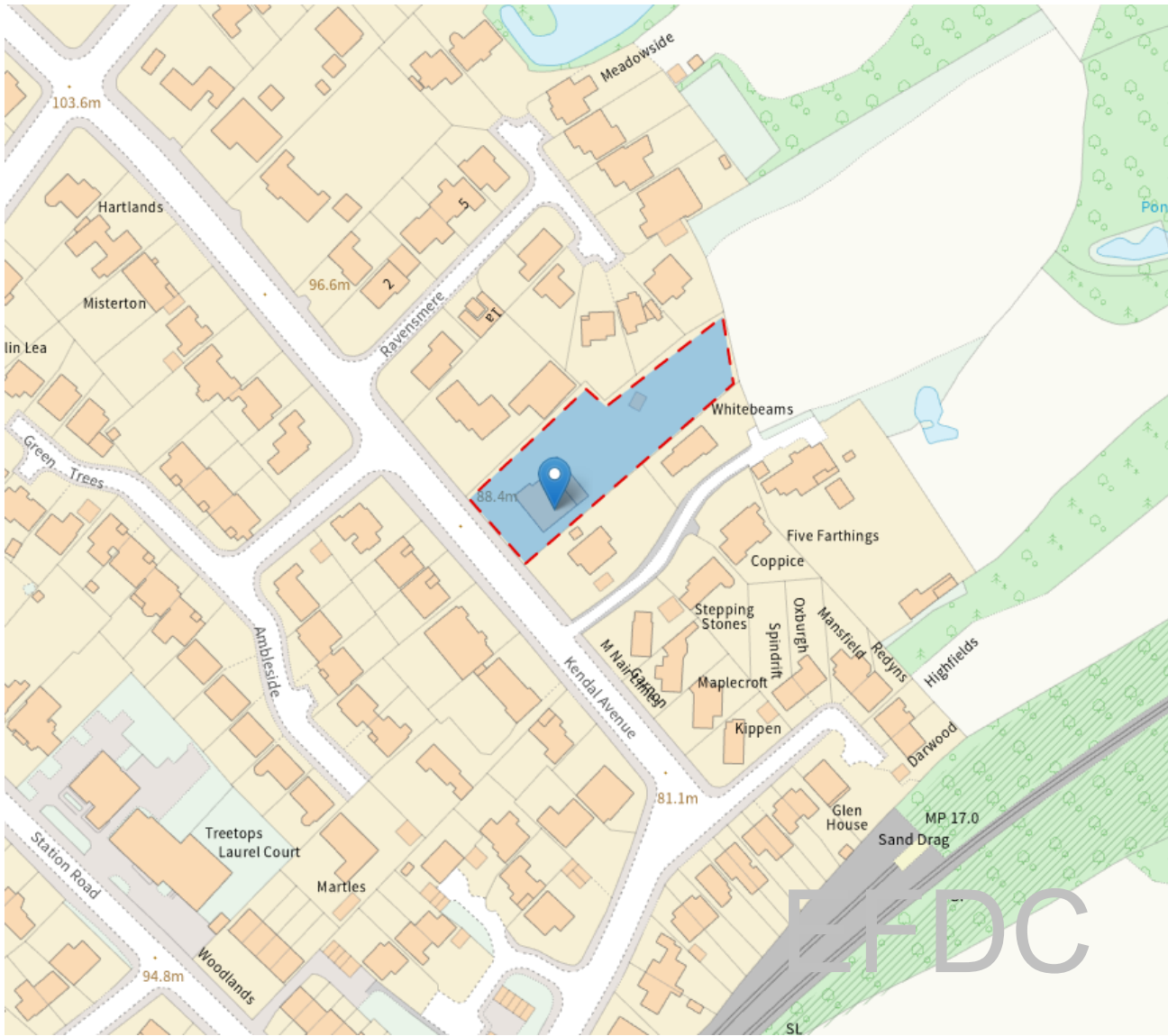
and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

CHAIRMAN

This page is intentionally left blank



EFDC



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Application Number:	EPF/2122/20
Site Name:	11 Kendal Avenue Epping CM16 4PW

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/2122/20
Application Type: Full planning permission
Applicant: Mr Martin Shipp
Case Officer: Cuma Ahmet
Site Address: 11 Kendal Avenue
Epping
CM16 4PW

Proposal: A new detached four bedroom house to the rear of the site, including a raised driveway and a detached garage.

Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nwsd>

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 part of the side and rear garden curtilage currently associated with No.11 Kendal Avenue, which is located in the Hemnall ward of Epping. Given its hillside location, site levels fall from northwest to southwest. Epping Town Centre and London Underground services at Epping Station are within walking distance of the site. On-street parking controls are in operation along Kendal Avenue.

In terms of site specific planning constraints, several protected trees (TPO) are located to the front and side garden boundary with No.11A Kendal Avenue. The site is however not within a conservation area nor the subject of statutory or non-statutory listings.

The area is also predominantly residential in character, made up of a mix of dwellings and apartments of various ages and styles. The existing streetscape of Kendal Avenue has a spacious feel due to the set back of buildings, established planting and the fact that many properties are sited on large plots (including No.11 Kendal Avenue).

Description of Proposal

Planning permission is sought for a new 4-bedroom dwelling with detached garage including new vehicle access adjacent to the existing vehicle access/driveway serving no.11 Kendal Avenue.

The proposed new dwellinghouse would have an overall width of 16.5m and a maximum depth of 17m, with the main part of the house measuring c.7.4m deep. The new property would have an eaves level of 2.95m, with a maximum ridge height of 7.183m. The proposed double garage measures 6m (w) x 6m (d) and 4.9m at its highest point.

Relevant Planning History

In chronological order, with the most recent application first:

EPF/1055/19: A new detached four bedroom house to the rear of the site, including a raised driveway with a detached garage (Revised application to EPF/3165/18). Refused (20/08/19) and subsequently dismissed at Planning Appeal (PINS Ref: APP/J1535/W/19/3239214). Appeal Costs Application partially awarded (PINS Ref: APP/J1535/W/19/3239214).

EPF/3165/18: A new detached four bedroom house to the rear of the site, including a raised driveway and a detached garage. Refused 12/03/19.

EPF/1500/17: (i) First floor side extension (ii) Two single storey rear extensions (iii) Linking of house to pool building, with two bedroom annex above pool building with external stair access (iv) Extension of loft area with additional dormer to front, two dormers to rear and dormer to side (v) Single storey side extension (vi) Ground floor pitched roof to front and side with car port under (vii) new rear terrace at ground floor (viii) first floor rear balcony area (ix) Changes to fenestration (x) New front gates and railings. Approved with conditions 01/08/17.

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 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
H3A Housing Density
H4A Dwelling Mix
H9A Lifetime Homes
DBE1 Design of New Buildings
DBE2 Effect on Neighbouring Properties
DBE3 Design in Urban Areas
DBE6 Car parking in new development
DBE8 Private Amenity Space
DBE9 Loss of Amenity
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 significant weight being afforded to them. They are:

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
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

Number of neighbours consulted: 13.

2 letters of objection have been received to date, from Epping Society and owner/occupier of Whitebeams, Kendal Avenue. Their main concerns are summarised below:

- Contrived, cramped design of the elevated driveway is unsightly and will have negative visual impact on the area;
- Design of ramp is impractical and will have an adverse impact on the trees;
- Proposed impacts on trees must be reviewed by Council's arboricultural officer.
- Loss of amenity to neighbours has not been addressed;
- Proposals inappropriate for an area of large family homes;
- Gross overdevelopment of a back garden site;
- Proposals create an unwelcome precedent;
- Proposals are too close and as such overbearing and unneighbourly and will block natural light to the kitchen, study and bedroom at Whitebeams; and
- Surface water run-off will go into lower-level properties particularly Whitebeams; Five Farthings; Coppice and Stepping Stones.

Epping Town Council: Objects on the following grounds:

- Vehicle access is tight and awkward;
- Design and construction of driveway is unsuitable for a conservation area;
- The revised submission information only addresses the impacts on the protection of trees;
- Other previous concerns of committee have not been addressed;
- Overdevelopment and over intensification of the garden site;
- Proposed dwelling is out of character resulting in cramped development and overly dominant; and
- Site was only designed for one dwelling.

EFDC Trees and Landscaping: No objections subject to tree protection and details of hard and soft landscaping conditions. A further non-standard condition is recommended to ensure that any below ground services to be installed within the root protection area of any retained trees are agreed in writing by the Council.

EFDC Land Contamination: No objections subject to a planning condition to address any unexpected contamination that may arise.

EFDC Land Drainage: No objections subject to planning conditions requiring a flood risk assessment to address opportunities for improving existing and additional surface water run off and foul water drainage before preliminary groundworks commence.

Essex County Council Highways: No objections.

Issues and Considerations

The main issues for consideration in this case are as follows:

- Effect of proposed development on the character and appearance of the area

- Design and layout including impact on protected trees
- Impact on amenities of neighbouring residents
- Highways and parking
- Land contamination and flood risks
- Impacts on EFSAC

Effect of proposed development on the character and appearance of the area

Members will have noted that the proposed scheme is the same (if not identical) to the appealed scheme (See LPA Ref: EPF/1055/19 and PINS Ref: APP/J1535/W/19/3239214 -both attached as Appendix 1a and 1b) that was ultimately dismissed by the Planning Inspector albeit on grounds unrelated to the concerns indicated by the Council in its reasons for refusal.

The appeal decision, whilst not binding on the Council, is helpful in that it clearly addresses the issues of concern at the time which were 1.) the unacceptable design and location of the driveway and its incongruous appearance within the streetscene; and 2.) the unacceptable design, scale, bulk, massing, position and proximity of the dwelling which would be overbearing and incongruous and detrimental to the amenities of Whitebeams as well as being out of context and proportion to its site and setting.

With regard to the first concern of the Council (“its first reason for refusal”) relating to both location and design of the new access and driveway, the Planning Inspector concludes as follows:

“8....a number of driveways that serve properties behind already exist on Kendal Avenue, for example at No 18A, to access No 3A & 3B, or to approach Whitebeams and others to the east of the appeal site. Each of these have a different appearance as they respond to the specific circumstances of their sites. However, they nonetheless mean that driveways running to the rear of frontage development are not alien in the streetscape.”

“9. The driveway would be on supports, but these would not be particularly high or prominent and so would not be visually incongruous. Moreover, I see no reason why its route between the boundary and the side of the dwelling would mean it appeared cramped as it would be set well back from the road at that point and the closest part of the house is not tall.”

On this basis, subject to planning conditions, officers also consider that the proposed new access and driveway would not be a visually incongruous addition to the area and/or streetscape and would not be cramped although details of its construction, impact on protected trees and appearance will need to be carefully controlled by planning conditions. Accordingly, if Members are minded to approve this application, it is recommended that tree protection measures including agreement for the installation of underground services as well as full details of hard and soft landscaping are included.

In respect to the second concern of the Council, (“its second reason for refusal”), which relates to the impacts of the location, size and design of the proposed new dwelling on both residential amenity (Whitebeams mainly) and the wider character and appearance of the area, the Planning Inspector concludes as follows:

“12. The new house would be behind the dwelling fronting the road, but from my appreciation of the area that is not an uncommon situation and would not be discordant. Moreover, as the proposal would be 1½ storeys high and would sit in relatively spacious grounds, it would not be cramped or dominate No 11.”

“13.the proposed development would not detract unacceptably from the character and appearance of the area”.

The impacts in terms of residential amenities (including Whitebeams specifically) is considered separately in the report.

In this particular instance, officers have previously noted that there are similar developments that have already taken place in close proximity, e.g. No.3, No,19 and Whitebeams, Kendal Avenue. On this basis, officers consider that the location and design of the new dwelling within the rear garden curtilage of No.11 Kendal Avenue would not be an uncommon situation and therefore would not upset the pattern of existing development in the area. If Members are minded to approve the application, further planning conditions are recommended in respect of external facing materials so that the future development can be successfully integrated into the existing environment.

Overall, officers consider that both the principle of residential development of this garden site and the effect it would have on the character and appearance of the immediate area is acceptable.

Design and layout including impacts on protected trees

The size and layout of the internal accommodation would meet minimum national and local planning requirements and is therefore acceptable. The proposed garden would be suitably private and usable. The applicant has proposed that external facing materials for both the dwellinghouse and garage would include render painted elevations with plain clay tiled roofs and aluminium glazing. Notwithstanding the information provided, officers consider that further samples and specifications of all external materials must be agreed to ensure that an exemplary standard of finish can be achieved. Therefore, a planning conditions has been included to secure details and samples of all external facing materials.

With respect to the impact on protected trees, the Council's Arboricultural Officer has reviewed the information provided, including the recommended driveway design by the applicant's consultant structural engineer's and arboricultural advisors and does not formally object in principle to the development. However, the Council's officer has recommended planning conditions (as discussed in the previous section) to ensure that the long-term health of the protected trees during both construction and occupation phases of development, can ensure that any short or long term impacts/harm are minimised.

Overall the proposed design quality and appearance and its impact on the existing streetscene is acceptable subject to conditions discussed and therefore would comply with the requirements of policies DBE1, DBE4 and DBE5 of the Adopted Local Plan and Alterations (2006) and policies DM9 and DM10 of the emerging SVLP (2017).

Impact on amenities of neighbouring residents

The new dwelling is sited to the northwest of the nearest neighbouring property at Whitebeams. As noted above, the Planning Inspector considered the impact of the proposed development on the living conditions of neighbouring properties and particularly at Whitebeams.

With regard to the dwellings to the north (Nos.13, 14 and 15 Ravensmere), the proposed development is at a relatively lower level and combined with the separation and its 1-1.5 storey height would not cause harm to the amenities of these residents.

Whitebeams currently sits at a lower level to the application site and its rear elevation is approximately 3m from the boundary. The Planning Inspectors conclusion regarding potential harm to the occupier/owner of Whitebeams in relation to its outlook, daylight and privacy is as follows:

"15. given the closeness to the boundary, the effect of the height difference, the presence of the 2m solid fence, and the fact that they would be adjacent to the hipped roof garage, I consider the development would affect neither the outlook from nor daylight to those windows. There are also windows on the side elevation of Whitebeams facing north-eastwards, but the new dwelling would only project a limited distance beyond this elevation, and, once the height difference, the fence and the separation are taken into account, there would be no harm to the living conditions provided by these windows."

The Planning Inspector also indicates that the impacts on the habitable room at first floor of the rear elevation of Whitebeams would not be impacted in terms of its outlook and daylight. Officers agree with this assessment.

Overall, officers have reviewed the circumstances onsite and agree with the conclusions reached by the Planning Inspector. Notwithstanding however, officers are mindful of the potential harm to residential amenities in the event that a future owner/occupier exercises their permitted development rights, particularly in respect to introducing new roof extensions. Therefore, officers have recommended a planning condition that would restrict the ability to add roof extensions without the prior permission of the LPA including a further restriction on addition of further/new windows in any of the elevations.

With regard to the potential for noise and disturbance from construction-related activities, officers have also recommended a planning condition to restrict the hours of operations.

Overall, the proposal will not have an adverse impact on the neighbouring living conditions and are therefore considered acceptable and would comply with policy DBE9 of the Adopted Local Plan and Alterations (2006) and policy DM9 of the emerging SVLP (2017).

Highways and parking

The design and position of the new access has not been objected to by Essex County Highways in respect to the safety and operation of the adjacent highway. Members will note that the proposed access and driveway is for the dedicated use of one additional dwelling and therefore in the opinion of officers would not lead to a situation where safety and function would be compromised. Adequate parking will be provided within the site in accordance with Essex Parking Standards (2014).

Accordingly, the impact of the proposals on the safety and operation of the highway including parking provision are acceptable and therefore comply with policies ST4 and ST6 of the Adopted Local Plan and Alterations (2006) and policy T 1 of the emerging SVLP (2017).

Land contamination and flood risks

With regard to contamination risk, the Council's Environmental Health specialist has advised that there is no evidence of historical uses that would have caused underlying pollution that is potentially harmful to sensitive uses such as residential. However, as a precaution it has recommended that a planning condition is included to deal with any unexpected contamination that arises at the point of implementation. Officers have included this condition.

The application site does not fall within a Council flood risk assessment zone or any Environment Agency flood zones. However, officers have noted the advice of the Council's drainage team which indicates that a development of this size would generate additional surface water run-off and that every opportunity should be taken to improve the situation. Therefore it is recommending that a Flood Risk Assessment is secured by planning condition including further details of how foul drainage and sustainable drainage can be incorporated.

Overall, the impact of the proposals in consideration of contamination and flooding 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).

Impacts on Epping Forest Special Area of Conservation (EFSAC)

The Planning Inspector dismissed the previous appeal solely for the reason that the appellant was unable to demonstrate that the project level and cumulative harm caused to the integrity of the Epping Forest SAC could be mitigated. However, as Members will now note, the Council's agreed strategies to

deal with both recreation and atmospheric pollution impacts of new developments allow for officers to address the relevant issues with more certainty.

Screening Assessment

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

a) The site lies within the Zone of Influence as identified in the updated Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (adopted by the Council on 11 April 2022) as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

b) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

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

Appropriate Assessment

Recreational Pressures

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

Atmospheric Pollution

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

Overall, officers are satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions such as ensuring electric vehicle charging infrastructure and enabling home working, the application proposals would not have an adverse effect on the integrity of the EFSAC. It therefore complies with Policy NC1 of the Adopted Local Plan and Alterations (2006) and Policy DM2 and DM22 of the emerging SVLP (2017).

Conclusion

The proposals would provide an additional residential dwellinghouse in a sustainable location and will positively contribute to local and districtwide housing needs. The proposed scale and design complements the character and form of existing housing in the area as well as ensuring that the living conditions of existing neighbours are not harmed. There are also no flooding or contamination concerns in principle that would restrict the development from coming forward. Accordingly, it is recommended that planning permission is granted subject to planning conditions and a Section 106 Agreement to secure recreation/visitor and air pollution mitigations in relation to the EFSAC.

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:

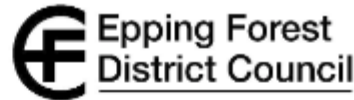
Planning Application Case Officer: Cuma Ahmet

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

APPENDIX 1a

Our Ref: EPF/1055/19

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning General Development Orders
PLANNING DECISION NOTICE



Planning Services Directorate
Civic Offices,
323 High Street,
Epping,
Essex CM16 4BZ

An electronic version of this
decision notice is available
on our website:
www.eppingforestdc.gov.uk/iplan

Case Officer was: Ishita Sheth
Direct Line: 01992564049
Email: isheth@eppingforestdc.gov.uk

To: M P Architects LLP
Great Basons
Basons Lane
Ongar
Essex
CM5 9AR

Proposal: A new detached four bedroom house to the rear of the site, including a raised driveway with a detached garage (Revised application to EPF/3165/18)

Location: 11 Kendal Avenue, Epping, Essex, CM16 4PW

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **REFUSE PERMISSION** for the development described above, for the reasons listed below.

Signed

A handwritten signature in black ink, appearing to read 'N. Richardson'.

N. Richardson
Planning Services Director.

Date: 07 August 2019

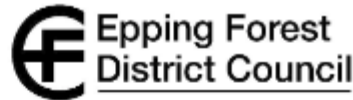
Reasons for Refusal

1

The proposed driveway access, by reason of its design and location, would appear incongruous within the street scene, given its artificially raised position and cramped within the site, given its relationship with the protected trees and existing fencing and garages. It would therefore be contrary to policy DBE1 of the Adopted Local Plan and Alterations and policy DM9 of the Local Plan Submission Version 2017.

Our Ref: EPF/1055/19

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning General Development Orders
PLANNING DECISION NOTICE



Planning Services Directorate
Civic Offices,
323 High Street,
Epping,
Essex CM16 4BZ

An electronic version of this
decision notice is available
on our website:
www.eppingforestdc.gov.uk/iplan

Case Officer was: Ishita Sheth
Direct Line: 01992564049
Email:
isheth@eppingforestdc.gov.uk

To: M P Architects LLP
Great Basons
Basons Lane
Ongar
Essex
CM5 9AR

Proposal: A new detached four bedroom house to the rear of the site, including a raised driveway with a detached garage (Revised application to EPF/3165/18)

Location: 11 Kendal Avenue, Epping, Essex, CM16 4PW

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **REFUSE PERMISSION** for the development described above, for the reasons listed below.

Signed

A handwritten signature in black ink, appearing to read 'N. Richardson'.

N. Richardson
Planning Services Director.

Date: 07 August 2019

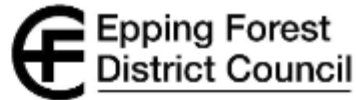
Reasons for Refusal

1

The proposed driveway access, by reason of its design and location, would appear incongruous within the street scene, given its artificially raised position and cramped within the site, given its relationship with the protected trees and existing fencing and garages. It would therefore be contrary to policy DBE1 of the Adopted Local Plan and Alterations and policy DM9 of the Local Plan Submission Version 2017.

Our Ref: EPF/1055/19

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning General Development Orders
PLANNING DECISION NOTICE



- 2 The proposed dwelling, by reason of its design, scale, bulk, massing, position and proximity, would be an overbearing incongruous development, detrimental to the amenities of Whitebeams and out of context and proportion to its site and setting. It would therefore be contrary to policy DBE1 of the Adopted Local Plan and Alterations and policy DM9 of the Local Plan Submission Version 2017.

Informatives:

This decision is made with reference to plan numbers: 1846/03, 1846/08, 1846/11 A, 1846/100 B, 1846/101 E, 1846/102 B, 17118/P001 F.

NOTES RELATING TO PLANNING APPLICATIONS TOWN AND COUNTRY PLANNING ACT 1990

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, he may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990. If an Enforcement Notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the Local Planning Authority's decision on your application, then you must do so within 28 days of the date of the Enforcement Notice or within 6 months of the date of this notice, whichever period expires earlier. In all other cases, if you want to appeal then you must do so within 6 months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0303 444 5000, or online at the following website: www.planningportal.gov.uk/pcs) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. There is no time limit for appealing against a decision relating to a Certificate of Lawful Use or Development.
2. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for Communities and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)



Appeal Decision

Site visit made on 15 January 2020

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2020

Appeal Ref: APP/J1535/W/19/3239214

11 Kendal Avenue, Epping CM16 4PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Shipp against the decision of Epping Forest District Council.
 - The application Ref EPF/1055/19, dated 23 April 2019, was refused by notice dated 7 August 2019.
 - The development proposed is a new detached 4-bedroomed house to the rear of the site, including a raised driveway and a detached garage.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Shipp against the Council. That application is the subject of a separate decision.

Main Issues

3. The main issues in this case are
 - a) the effect of the development on the character and appearance of the area;
 - b) the impact on the living conditions of neighbouring residents and
 - c) whether the development would be likely to affect the integrity of the Epping Forest Special Area of Conservation (the SAC).

Policy

4. I consider there is a reasonable likelihood that Policy DM9(H) in the emerging *Epping Forest District Local Plan* will be adopted in the form similar to that before me and so I afford it significant weight. However, the policies from the emerging Local Plan concerning issue (c) relate to some of the Actions suggested by the Inspector examining that plan and so could well change in the future in response to those Actions. The weight I have given them is therefore limited.

Reasons

Character and appearance

5. Kendal Avenue is a mature residential road that comprises a mix of dwellings and apartments of various ages and styles. The streetscape has quite a spacious feel

due to the set back of buildings, the established planting, and the fact that many properties, including No 11, sit in large plots.

6. The proposed house would be behind the existing dwelling, and to gain access a driveway would be formed along the western boundary. In order to safeguard the protected trees in that area and to account for the varied land levels, this driveway would be on supports.
7. The drive would not be apparent when coming from the north-west as it would be concealed by the solid fence separating the front garden of No 11 from the property next door.
8. It could be seen though when in front of No 11 and when coming from the south-east. However, a number of driveways that serve properties behind already exist on Kendal Avenue, for example at No 18A, to access No 3A & 3B, or to approach Whitebeams and others to the east of the appeal site. Each of these have a different appearance as they respond to the specific circumstances of their sites. However, they nonetheless mean that driveways running to the rear of frontage development are not alien in the streetscape.
9. The driveway would be on supports, but these would not be particularly high or prominent and so would not be visually incongruous. Moreover, I see no reason why its route between the boundary and the side of the dwelling would mean it appeared cramped as it would be set well back from the road at that point and the closest part of the house is not tall.
10. On the evidence before me I consider that, with the use of supports and suitable conditions requiring the agreement of details, the driveway would not damage the protected trees on this side of the appellant's front garden. In particular I note that the crowns of the trees to be retained appear high enough to allow traffic to pass underneath. It was said that service runs to the proposal could harm the roots, but again this could be controlled, and other routes, such as along the south-eastern boundary, may be possible.
11. A further concern was about how construction traffic would access the site of the proposed dwelling. That in itself is not a matter that affects the planning merits of this appeal. Clearly though if the building cannot be physically built then any permission would, in due course, lapse.
12. The new house would be behind the dwelling fronting the road, but from my appreciation of the area that is not an uncommon situation and would not be discordant. Moreover, as the proposal would be 1½ storeys high and would sit in relatively spacious grounds, it would not be cramped or dominate No 11.
13. Accordingly, I conclude that the development would not detract unacceptably from the character and appearance of the area, and so in this regard would not conflict with Policies CP2 and DBE1 in the *Epping Forest District Local Plan* (as altered in 2007) that seek to ensure development respects its setting and protects the quality of the built environment.

Living conditions

14. The new house would be to the north-west of Whitebeams, a 2-storey dwelling that sits at a slightly lower level with its rear elevation some 2-3m from the boundary.
15. At ground floor level Whitebeams appears to have 2 windows to habitable rooms looking towards the development. However, given the closeness to the boundary, the effect of the height difference, the presence of the 2m solid fence, and the fact

that they would be adjacent to the hipped roof garage, I consider the development would affect neither the outlook from nor daylight to those windows. There are also windows on the side elevation of Whitebeams facing north-eastwards, but the new dwelling would only project a limited distance beyond this elevation, and, once the height difference, the fence and the separation are taken into account, there would be no harm to the living conditions provided by these windows.

16. At first floor level there appears to be a further window to a habitable room on the rear elevation. That would look over the roof of the garage, and so any effect on outlook and day light would be extremely limited.
17. No windows are on the part of the proposal that is closest to Whitebeams and so those neighbours would suffer no loss of privacy.
18. The development would also be set at a lower level than the dwellings to the north. Given this, and mindful of the separation and its 1½ storey height, the proposal would not unreasonably affect the living conditions of those residents.
19. Accordingly, the development would not cause unacceptable harm to the living conditions of neighbouring residents. Whilst the Council has cited Local plan Policy DBE1 in its reason for refusal that does not appear to be relevant to this issue. However, I consider there would be no conflict with Policy DM9(H) of the emerging Local Plan, which seeks to protect neighbours' living conditions, or with the Framework.

The likely effect on the integrity of the SAC

20. The need to protect and safeguard Special Areas of Conservation arises not from the development plan framework but from national and European legislation. Any development proposals are therefore considered in the light of the *Conservation of Habitats and Species Regulations 2017* (the Regulations), with the aim of maintaining or restoring, at favourable conservation status, the natural habitats and species. Before deciding to give permission for a plan or project that is likely to have a significant effect on a European site, the decision-maker (competent authority) must make an appropriate assessment of the implications for the site in view of the site's conservation objectives. The competent authority can then only permit the plan or project after having ascertained there would be no adverse effect on the integrity of the site.
21. This SAC is one of the last areas of large-scale woodland pasture in the south of the country. Its designation is because of the presence of 3 qualifying habitats (Atlantic beech forest, European dry heaths and Northern Atlantic wet heaths), as well as one species (the stag beetle). The conservation objectives of the SAC are to ensure the integrity of the site is maintained or restored as appropriate and to ensure it contributes to achieving favourable conservation status of its qualifying features.
22. On the evidence before me, there are 2 ways in which residential development could impact the SAC. The first of these is through disturbance and damage from increased recreational activity by the visitors. The SAC is a popular place to walk and exercise, yet this can result in a pressure that causes harm to habitat and species through trampling, erosion, dog waste, general plant destruction and so on.
23. The second pathway that could result in effects on the SAC is from atmospheric pollution arising from increased car traffic, especially through the SAC and at the road junctions within the SAC. The qualifying features of the SAC are sensitive to atmospheric change as certain pollutants could accelerate or damage plant growth.

24. Surveys have shown that about half the visits to the SAC are made by those living within 3km of the boundary, and this would include the residents of the appeal site. Similarly, the closeness to the SAC and the importance of its roads in relation to Epping mean there is a strong probability that the traffic associated with this scheme would use them and so contribute to the atmospheric pollution. The development is therefore likely to contribute to further damage to the SAC.
25. In assessing these impacts, I appreciate that only one extra dwelling is proposed. However, under the Regulations the impact must be considered both alone and in combination with other plans and projects. Therefore, whilst the impact of this one house, by itself, may be slight, when taken with other similar proposals across the District there could be a cumulative harm to the integrity of the SAC.
26. No mitigation to address this has been put forward. Whilst a legal agreement has been suggested by the appellant one has not been forthcoming and in any event it is unclear as to how that would resolve the impact on each of these pathways. I have also considered a 'Grampian' condition to require development to commence only after this matter has been addressed. However, the need for off-site payments and an unspecified timescale to mitigate the harm through atmospheric pollution would render this course inappropriate.
27. I therefore conclude that, when considered in combination with other plans and projects, the development would adversely affect the integrity of the SAC and in the absence of mitigation I cannot conclude the proposal would not be likely to affect the integrity of the SAC. It would therefore be in conflict with the Regulations and the Framework.

Other matters

28. There may be a shortfall in housing land supply in the District. However, as the application of policies in the Framework provide a clear reason for refusing the development then the balance in favour of granting planning permission found in paragraph 11(d) of the Framework is not engaged. Moreover, although near to Epping town centre, under paragraph 177 of the Framework the presumption in favour of sustainable development does not apply.

Conclusions

29. Whilst I consider the effect on the character and appearance of the area and the neighbours' living conditions would not be unacceptable, the failure to find it would not be likely to affect the integrity of the SAC means I conclude the appeal should be dismissed.

Jeremy Sargent

INSPECTOR

Conditions: (16)

- 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:

100/REV B
101/REV F
102/REV C
17118/P001/REV G
17118/P002

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

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

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with policy DBE1 and DBE3 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 4 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason: The development is of a size where it is likely to result in increased surface water run-off, in accordance with policy U2B of the adopted Local Plan and Alterations 1998 & 2006, and policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that

order) no development permitted by virtue of Class B 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 policy DBE9 of the adopted Local Plan 1998 & 2006, policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on any elevation, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with policy DBE9 of the adopted Local Plan 1998 & 2006, policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 7 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.

- 8 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.

- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

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 No services shall be installed within the root protection area of any retained trees on or adjacent to the site unless the Local Planning Authority gives its prior written approval.

Reason: To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of tree(s) are safeguarded in accordance with the guidance contained within the National Planning Policy Framework, policy LL10 of the adopted Local Plan and Alterations, and policies DM 3 and DM 5 of the Epping Forest District Council Local Plan Submission Version 2017.”

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

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.

- 12 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.

- 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 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.

- 15 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.

- 16 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.

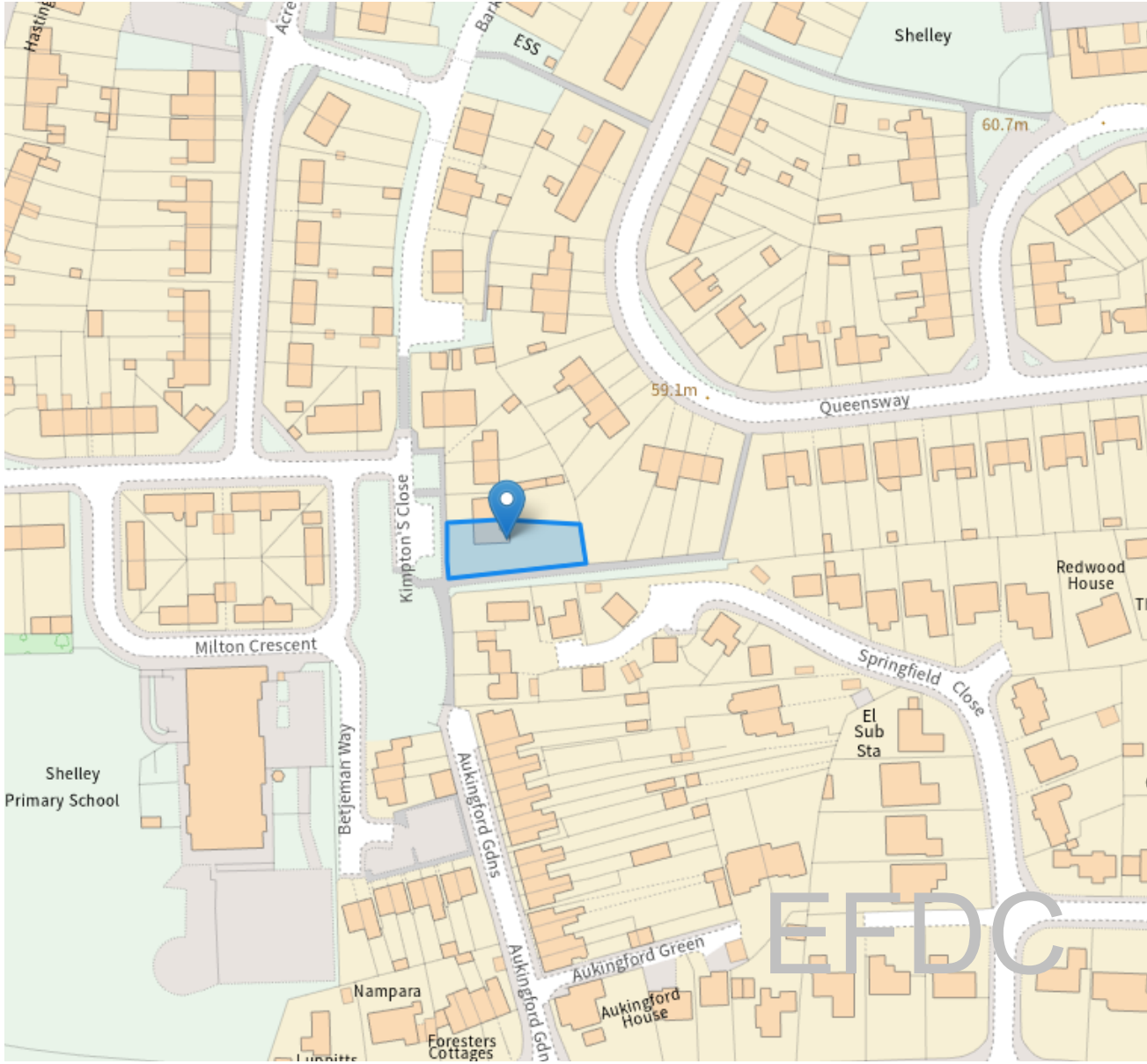
Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy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

Informatives: (4)

- 17 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.
- 18 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 or by post to:SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
- 19 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.
- 20 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.



EFDC



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Application Number:	EPF/2408/20
Site Name:	8 Kimpton Close Ongar CM5 0BQ

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/2408/20
Application Type: Full planning permission
Applicant: T Blackshaw
Case Officer: Cuma Ahmet
Site Address: 8 Kimpton Close
Ongar
CM5 0BQ
Proposal: Construction of a two storey three bedroom house attached to the existing dwelling.
Ward: Shelley
Parish: Ongar
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxMw>
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 the side garden curtilage currently associated to No.8 Kimpton Close, which is located within the Parish of Ongar. The site is currently laid to grass and enclosed to its southern boundary perimeter by 3m tall evergreen hedges. Parking is currently accommodated on-street within the cul-de-sac of Kimpton Close for approximately 6 spaces in total of which one space appears to be assigned for disabled users.

The surrounding area is an established residential estate, typically composed of post-war 1950s built local authority housing which are mostly 2-storeys in scale with modest sized gardens. In terms of appearance, existing housing are mainly brick facing with brown roof tiles.

There are no relevant planning constraints that apply to the application site.

Description of Proposal

Planning permission is sought for a new 3-bedroom dwelling which will adjoin No.8 Kimpton Close.

The proposed scheme has been amended on one occasion following its submission in order to address objections of the EFDC Trees and Landscape Officer. The nature of concerns are reported further below in the 'consultation responses' section.

The proposed building would have an overall width of c.6.3m and a maximum depth of c.11.5m with a similar footprint to No.8 Kimpton Close. The building would have an eaves level of c.5m and a maximum ridge of c.8m in height.

In terms of external design, the building will be completed in mainly render with plain roof tiles to match the host dwelling at No.8 Kimpton close.

Relevant Planning History

In chronological order, with the most recent application first:

EPF/0142/21: Application for a Lawful Development Certificate for a proposed loft conversion & rear flat roof dormer. Certificate granted 26/03/21.

EPF/2279/20: Two storey rear extension, with refurbishment and changes to the existing window and door layout in the existing building. Approved with conditions 3/12/20.

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 District Local Plan Submission Version (2017) and the Ongar Neighbourhood Plan (2020-2033).

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
H3A	Housing Density
H4A	Dwelling Mix
H9A	Lifetime Homes
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car parking in new development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL7	Planting, Protection and Care of Trees
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscape Schemes
LL12	Street Trees
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 significant weight being afforded to them. They are:

- 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
- 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

Ongar Neighbourhood Plan (2020-2033)

The Ongar Neighbourhood Plan was "made" on the 11th October at full Council and now forms part of the statutory development plan for Ongar. The following policies are relevant to the consideration of this planning application:

- ONG-RR3: Housing Mix and Standards
- ONG-RR4: Broadband
- ONG-ED1: Local Character and Design
- ONG-ED4: Sustainable Design
- ONG-ED5: Natural Environment
- ONG-ED6: Landscape and Amenity Buffer Zones
- ONG-CT3: Transport and Movement
- ONG-CT5: Footpaths and Cycle Route

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

Number of neighbours initially consulted: **9**

Further notification letters relating to the amendments to the scheme were also carried out in March 2021.

2 letters of objection have been received to date from the owner/occupiers of No.34 Springfield Close and 5 Kimpton close. Their concerns are summarised as follows:

- No.8 is being used as an HMO (not a C3 dwelling) and ask whether a license has been issued by EFDC for this purpose;
- Renovation and extension works at No.8 Kimpton has been intolerable for residents by reason of excessive noise; unsociable working hours and unkempt site;
- New dwelling is cramped in appearance and will come closer to existing housing in Springfield Close;
- Removal of Cherry tree should not be allowed;
- Will the new dwelling also be a HMO?
- Request CCTV is installed along the path to prevent/avoid anti-social behaviour;
- How could a HMO be permitted opposite a Primary/Pre-School?
- New dwelling is out of character as it will create a terrace;
- New dwelling is bulky as it is much longer in depth than other houses in the chain of houses on this side.

Ongar Parish Council: Objects due to overcrowding of the area and concerns raised by EFDC Trees and Landscaping in respect of the impact on trees.

EFDC Trees and Landscaping: No objection. Original concerns were made in relation to creation of a vehicle crossover/driveway and its impact on the Sycamore tree adjacent to the existing parking area. The applicant has since removed the proposed driveway/crossover and accordingly the tree and landscaping officer has retracted its objection subject to tree protection and details of hard and soft landscaping planning conditions.

EFDC Land Contamination: No objections subject to planning conditions to secure a risk assessment of contamination.

EFDC Land Drainage: No objections subject to planning conditions requiring details of how the applicant will address opportunities for improving existing and additional surface water run off.

Essex County Council Highways: No objections.

Issues and Considerations

The main issues for consideration in this case are as follows:

Principle of development
Design, layout and quality of residential accommodation
Impact on amenities of neighbouring residents
Highways and parking
Contamination and flood risks
Impacts on EFSAC

Principle of residential development

The principle of developing an existing side garden for additional housing within an established urban location would comply insofar as the District's aims and objectives for achieving sustainable development. The existing side garden is considered to be sufficiently capable of accommodating a single new dwelling although this will be subject to satisfying other planning policy aims and objectives in relation to the quality of residential design and accommodation, neighbouring amenities and highways and the effects on the EFSAC.

Design, layout and quality of residential accommodation

The gross internal size of the proposed 3 bed dwelling would exceed the minimum space requirement as set out in the National Prescribed Space Standards (March 2015) and is therefore acceptable. The proposed garden would be suitably private and usable, as would the resulting garden area for No.8 Kimpton Close.

With regard to the external facing materials, the applicant has proposed painted render for all the main elevations, plain roof tiles and UPVC framed fenestration, all of which would match the host dwelling at No.8 Kimpton Close. Notwithstanding the information provided, officers will ensure the external finish proposed is achieved by planning condition.

The mass, bulk and height of the dwelling repeats that at No.8 Kimpton Close and would not appear cramped within the existing parameters of the application site. With regard to objections raised in relation to the creation of a terrace and resulting harm to the regularity of housing character in this location, officers do not consider the impact would be visually intrusive and/or out of keeping.

With respect to the impact on trees, the Council's Arboricultural Officer has reviewed the arboricultural report accompanying the application and is satisfied that the impact of development is acceptable subject to planning conditions as indicated previously.

Concerns raised in respect of the proposed dwelling potentially being occupied as an HMO are noted. Under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, a C3 category use ("Dwelling-houses") can be lawfully occupied up to 6 residents before a separate planning permission is required. From review of the proposed layout and size of bedrooms, it is not likely that the maximum of 6 persons would be breached and therefore the proposals would still remain categorised as a C3 dwellinghouse. Members shall note that this assessment strictly applies to the planning regulations only and any further requirements under either the Environmental Health Act or Building Act would to be complied with separately.

Overall the proposed design quality and appearance and its impact on the existing streetscene is acceptable subject to conditions discussed and therefore would comply with the requirements of policies DBE1, DBE4, DBE5, LL10 and LL12 of the Adopted Local Plan and Alterations (2006) and policies DM9 and DM10 of the Epping Forest Local Plan Submission Version (2017).

Impact on amenities of neighbouring residents

The design and siting of the proposed dwelling relative to neighbouring dwellinghouses would not result in any additional overlooking and loss of privacy nor loss of daylight and sunlight to habitable areas.

Overall, the proposal will not have an adverse impact on the neighbouring living conditions and are therefore considered acceptable and would comply with policy DBE9 of the Adopted Local Plan and Alterations (2006) and policy DM9 of the Epping Forest Local Plan Submission Version (2017).

Highways and parking

Members will have noted that the applicant now proposes to rely on the existing parking provided within the cul-de-sac. Currently, the cul-de-sac provides for a total of 6 parking spaces of which one is assigned/designated as a disabled parking bay. Members should note that the designated disabled space is not proposed to be removed or altered as part of this scheme. Should this be the case the applicant would need to apply to the Highway Authority for permission to make these changes.

The Essex Parking Standards recommend sufficient parking provision is to be made in all new developments. In this instance officers consider that there is sufficient on-street capacity existing within the area to accommodate the small demand that would be generated by this proposal. This observation has been supported by the applicant's own parking stress survey which was carried out in the local surrounding roads (including Kimpton Close) over 2-evening periods in March 2021. The results of the survey indicated that the average on-street parking occupancy equates to 68.9% over the 2 evening periods meaning that there was on average 26 unoccupied spaces available. Therefore, on the basis of officer observations and parking survey evidence, it is considered that the parking related impacts of the proposals on this location would be acceptable.

Accordingly, the impact of the proposals on the safety and operation of the highway including parking provision are acceptable and therefore comply with policies ST4 and ST6 of the Adopted Local Plan and Alterations (2006) and policy T1 Epping Forest Local Plan Submission Version (2017).

Land contamination and flood risks

In terms of flood risk and contamination impacts the Council's respective technical teams do not object to the proposals in principle subject to appropriate planning conditions being included should Members grant planning permission.

Overall, the impact of the proposals in consideration of contamination and flooding 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 Epping Forest Local Plan Submission Version (2017).

Impacts on Epping Forest Special Area of Conservation (EFSAC)

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

The site lies outside of the 6.2 km Zone of Influence as identified in the updated Strategic Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' adopted by the Council on 11 April 2022 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 as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Overall, officers are satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions such as enabling home working, the application proposals would not have an adverse effect on the integrity of the EFSAC. It therefore complies with Policy NC1 of the Adopted Local Plan and Alterations (2006) and Policy DM2 and DM22 of the Epping Forest Local Plan Submission Version (2017).

Conclusion

The proposals would provide an additional residential dwellinghouse in a sustainable location and will positively contribute to local and districtwide housing needs. The proposed scale and design complements the character and form of existing housing in the area as well as ensuring that the living conditions of existing neighbours are not harmed. There are also no flooding or contamination concerns in principle that would restrict the development from coming forward. Accordingly, it is recommended that planning permission is granted subject to planning conditions and a Section 106 Agreement to secure financial contributions towards air pollution measures in respect of EFSAC.

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) and the Ongar Neighbourhood Plan (2020-2033) including overarching planning 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

Conditions: (9)

- 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:

4066_PL201
4066_PL203D
4066_P204A
4066_P205A
4066_PL206A

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 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.

- 5 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it

originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

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

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.

- 6 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.

- 7 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

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.

- 8 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.

- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

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.

Informatives: (2)

- 10 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.
- 11 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.

This page is intentionally left blank



EFDC



EFDC

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Application Number:	EPF/0770/22
Site Name:	67 Hemnall Street Epping CM16 4LZ

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/0770/22
Application Type: Full planning permission
Applicant: Mr Alan Curbishley
Case Officer: Alastair Prince
Site Address: 67 Hemnall Street
Epping
Essex
CM16 4LZ
Proposal: Proposed outbuilding.
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nyyy>
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 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

Description of Site:

The site is a detached two storey dwelling located on the Southern side of Hemnall Street in the urban area of Epping. 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. TPO protected trees exist on the site.

Description of Proposal:

Proposed outbuilding.

Relevant Site History:

EPF/0536/21 - Demolition of existing dwelling and erection of a two storey detached dwelling – Grant Permission (With Conditions)

EPF/2372/20 - Double storey front, side and rear extensions including Juliet balconies to rear and internal alterations. - Withdrawn

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Quality of rural and built environment
CP3 - New development
DBE2 - Effect on neighbouring properties
DBE8 - Private amenity space
DBE9 - Loss of amenity
DBE10 – Design of residential extensions
ST1 - Location of development
ST6 - Vehicle parking
LL10 - Adequacy of provision for landscape retention

National Planning Policy Framework (NPPF)

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

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

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

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

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

SP1 - Presumption in Favour of Sustainable Development
DM9 - High quality design

Summary of Representation:

No. of neighbours consulted: 10, 4 objections received.

65 HEMNALL STREET – OBJECTION – the proposal would cause harm to living conditions in regard to overbearing development

69 HEMNALL STREET – OBJECTION – development is too large and would be used for extra accommodation. Unclear as to how rainwater/ foul water shall be managed.

18 THEYDON PLACE – OBJECTION – scale of development out of keeping with the site.

17 THEYDON PLACE – OBJECTION – Development out of scale with surrounding properties and overbearing. Development would result in less open space

The Epping Society – OBJECTION – the development would be detrimental to the amenity of neighbouring properties.

TOWN COUNCIL – OBJECTION:

Committee OBJECT to this application

The proposed outbuilding will result in a loss of amenity for neighbouring properties, as it is too high and overbearing. This would result in a loss of natural light and overshadowing of the neighbouring gardens. The design of the outbuilding does not complement the setting, particularly as the building will be clearly visible to neighbouring properties due to its bulk and scale.

The orientation of the building on the site will exacerbate the issues highlighted above and consideration should be given to its position and orientation to minimise any negative effects on immediate neighbours.

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 this application are as follows:

Design
Impact on the Living Conditions of Neighbours
Trees and Landscaping
Land Drainage
Contaminated Land

Design

The majority of neighbouring objectors, the Town Council and the Epping Society have objected to the proposal stating that the development would be out of keeping with the surrounding area.

The proposal would involve the erection of a detached outbuilding outlined in an 'L' shape with a flat roof.

There is no strict design pattern found along Hemnall Street and, whilst the site is close to a Conservation Area, it is not within one and therefore does not need to adhere to any specific design principles in regard to preserving or enhancing the character and appearance of the area. The design of the outbuilding is a common one found within urban areas and it is considered that the scale, design and external materials would not be out of keeping with the surrounding area.

Impact on Living Conditions

Several neighbours and the Town Council have objected to the application stating that the scheme would cause harm to the living conditions of neighbouring properties in regard to loss of light, loss of visual outlook.

The proposed store element of the outbuilding would be 7 metres in width, 3.6 metres in depth and 3 metres in overall height. The proposal would be approximately 1 metre from the boundary with 65 Hemnall Street (approximately 12.7 metres from that dwelling) and 6.82 metres from the boundary with 69 Hemnall Street (approximately 19 metres from that dwelling). The rear elevation would be 1.25 metres from the rear boundary.

The proposed open covered area of the outbuilding would be 3.67 metres in width, 4 metres in depth and 3 metres in height. It would be approximately 1 metre from the boundary with 65 Hemnall Street (approximately 8 metres from that dwelling and 10 metres from the boundary with 69 Hemnall Street (approximately 17 metres from that dwelling)

Due to the modest size, bulk and scale of the proposed development, as well as its significant distance to the neighbouring dwellings, it is concluded that there will not be significant harm to their living conditions.

Other considerations

It has been suggested by neighbours that the development shall be utilised for extra accommodation. It is possible to add conditions restricting the use of the outbuilding to a purely incidental capacity to the host dwelling and its use as a separate accommodation would, in any event, would require planning permission in its own right.

Concern has also been raised in regard to the disposal of foul and rainwater. It is considered that conditions can be added to require details of how foul and surface water can be managed.

Conclusion:

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

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

Planning Application Case Officer: Alastair Prince

Direct Line Telephone Number: 01992 564462

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

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: 101/B, 102/A

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

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

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

- 4 Access to the flat roof over the outbuilding hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

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

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.

- 6 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 67 Hemnall Street, Epping, CM16 4LZ.

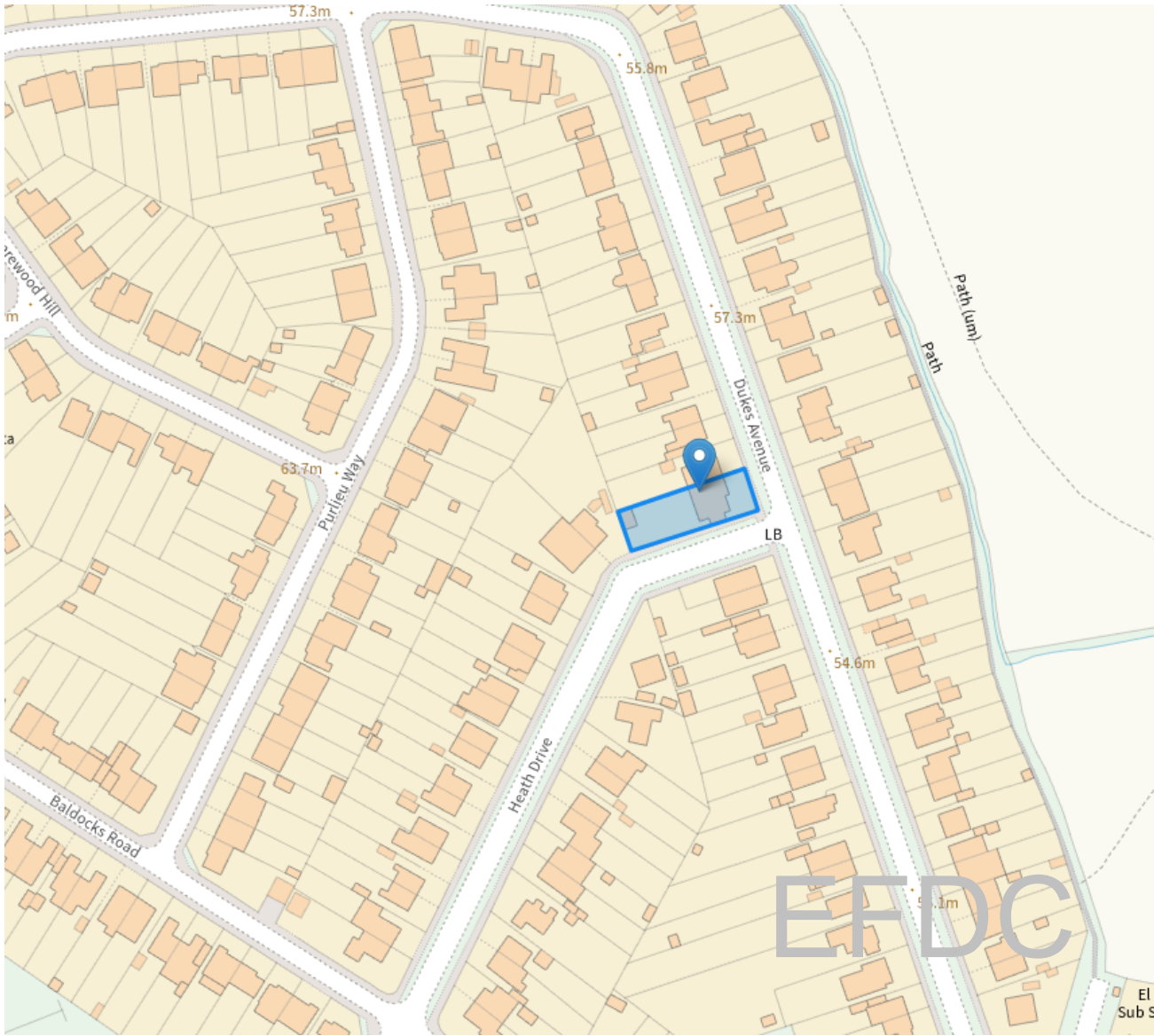
Reason: The development does not satisfy the standards considered acceptable by the Local Planning Authority for a separate unit of accommodation, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, Policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

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.



EFDC



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Application Number:	EPF/1289/22
Site Name:	41 Dukes Avenue Theydon Bois CM16 7HQ

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/1289/22
Application Type: Full planning permission
Applicant: K Britton
Case Officer: Muhammad Rahman
Site Address: 41 Dukes Avenue, Theydon Bois, Epping, CM16 7HQ
Proposal: Existing two storey side extension to be replaced with a new three bedroom detached dwelling
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d0000001CQ>
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 at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of residential garden space for 41 Dukes Avenue, located on the corner of Dukes Avenue and Heath Drive. It is not listed, nor within a conservation area, the Green Belt, or a flood zone. No protected trees lie within the site.

Proposal

The proposal is for an existing two storey side extension to the host house to be demolished and a new three-bedroom detached dwelling constructed.

This is a revised scheme to EPF/0959/20.

Relevant Planning History

EPF/0959/20 - Demolition of an existing garden room & erection of a x1 no. bedroom bungalow – Refused on Design, Impact on Neighbours and EFSAC.

EF\2022\ENQ\00147 - Pre application for a proposed removal of two storey side extension to existing dwelling to facilitate the development of a new detached three-bedroom dwelling - Advice Given

Development Plan Context

Local Plan & Alterations 1998 & 2006 (LP)

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

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

CP2 Protecting the Quality of the Rural and Built Environment
CP7 Urban Form and Quality
DBE1 Design of New Buildings
DBE8 Private Amenity Space
DBE9 Loss of Amenity
ST4 Road Safety
ST6 Vehicle Parking
LL10 Adequacy of provision for landscape retention
LL11 Landscaping schemes

National Planning Policy Framework 2021 (Framework)

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

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

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

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

Paragraphs 126 & 130
Paragraph 180

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

SP2 Spatial Development Strategy 2011-2033
H1 Housing Mix and Accommodation Types
T1 Sustainable Transport Choices
DM2 Epping Forest SAC and the Lee Valley SPA
DM3 Landscape Character, Ancient Landscapes and Geodiversity
DM5 Green and Blue Infrastructure
DM9 High Quality Design
DM10 Housing Design and Quality
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

Summary of Representations

Number of neighbours Consulted: 13. 2 response(s) received
Site notice posted: No, not required

43 DUKES AVENUE & 7 WOODLAND WAY – Objections - Summarised as:

- Impact on Street Trees;
- Unsustainable; and
- Cramped development / Out of character.

THEYDON BOIS PARISH COUNCIL – The Planning Committee is of the opinion that this proposal represents a cramped form of development, due to the scale of the proposed new dwelling in the context of its proposed plot size. Sited on a prominent open corner, its prominence exacerbated when viewed down from the raised Heath Drive, the proposal would fail to relate positively to its immediate setting, and thereby cause harm to the established character and appearance of the area.

The application site is a semi-detached two storey dwelling with a two-story side extension, situated on the western side of Dukes Avenue at its junction with Heath Drive. Traditionally, corner sites in Theydon Bois such as this provide visual gaps, designed to preserve the characteristic openness of the surrounding area. It is considered that this proposal fails to complement its prominent position in the street scene.

In the Committee's opinion the site is too confined for an additional two storey detached dwelling. The proposed new dwelling would appear to be squeezed into too small a space and to be at odds with, and so disrupt, the established pattern of development.

Contrary to the Planning Statement submitted with the application, the Committee does not agree that this proposal has parallels with a previous development on the opposite corner of Dukes Avenue, due to the fact that that pair of semi-detached houses – being 39 and 39A Dukes Avenue, which replaced a detached dwelling – are indistinguishable from the predominantly semi-detached pattern of development of the surrounding locality. A few detached dwellings are present here and there in Dukes Avenue, and in surrounding residential roads, but these are in the minority and none are sited on prominent corner positions. The planning history for this property includes an application for a two-storey side extension – EPF/0146/12 – which was dismissed at Appeal. In the dismissal of this Appeal (APP/J1535/D/12/2173698) the Inspector found:

“The appeal site is situated on a prominent open corner, which creates a visual gap in the built form. Its prominence is exacerbated when viewed down from the raised Heath Drive. I consider this gap makes an important contribution to the overall character and appearance of the area.” Further that, “... the open aspect of the corner location would be unacceptably eroded, to the detriment of the character and appearance of the surrounding area ... the proposal would have an adverse effect on the character and appearance of the surrounding area.”

A more subservient side extension development sited further away from the boundary with Heath Drive was subsequently approved, that development being significantly stepped back from the building line to preserve the openness of its prominent corner site. Consequently, when approaching this corner of Dukes Avenue from Heath Drive, the visual gap creates a pleasant open aspect.

The siting of three verge trees adjacent to the side boundary of 41 Dukes Avenue is mirrored by three trees on the opposite side of Heath Road. These trees make a positive contribution to the street scene and to spatial perception of the surrounding built environment. There are also two verge trees adjacent to the front boundary of 41 Dukes Avenue. Taken together, these five trees bordering 41 Dukes Avenue are of significant visual importance in the street scene, and their retention and protection are necessary to ensure continuity of symmetry within the streetscene.

The Committee and the Theydon Bois Tree Warden are disappointed to note that these trees are not shown on the proposed plans submitted with this application. Two of the five trees are relatively immature and vulnerable to damage, and it would seem likely that one tree might need to be removed if the proposal went ahead. The necessity of removing any tree has not been acknowledged by the application: in answer to the question on the application form “Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?”, the ‘NO’ box is ticked. The street trees in Theydon Bois are highly important to the local community, and any removal will interrupt the symmetry of verge plantings. There is no plan in place by Essex County Council for replacement planting of verge trees.

In conclusion, the Committee feels that the proposal is inappropriate for its prominent position, would introduce a cramped form of development to the proposal site, would be out of keeping with the prevailing form of development, and fails to safeguard verge trees – in conflict with Policies CP2(iv), CP7 and DBE1 of the Epping Forest District Local Plan 1998 with alterations of 2006 (the Current Local Plan), Policy DM9 of the Epping Forest District Local Plan, Submission Version 2017 (the New Local Plan), and provisions of the National Planning Policy Framework, 2021.

Notwithstanding the above, should EFDC recommend that this planning application be granted, the Planning Committee wishes to see the following three Conditions attached to any Grant of Planning Permission:

Condition 1: Removal of permitted development rights, with respect to both dwellings, under Schedule 2, Part 1, Classes A, AA, B and E of the General Permitted Development Order (‘GPDO’), 2015.
Reason: To enable the Local Authority to manage any future development proposals, in view of the reduced size of the donor property site, and the confined size of the proposed new dwelling site.

Condition 2: Removal of permitted development rights, with respect to both dwellings, under Schedule 2, Part 2, Classes A and B of the GPDO, 2015 (fences and crossovers). Reason: To protect the five street trees situated on verges adjacent to the front and side boundaries of the site, on Dukes Avenue and Heath Drive, and avoid any further sub-division of the application site other than by structures necessary to create the two new adjacent plots, as outlined on approved plans.

Condition 3: Strict adherence to an approved Tree Protection Plan, to be submitted and approved by the Local Authority prior to any works being carried out. 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 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.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) Highway safety and parking provision;
- c) The impact to the living conditions of neighbours;
- d) Standard of Accommodation for future occupiers; and
- e) The impact on the Epping Forest Special Area of Conservation.

The proposal follows on from a recent post-application exercise and officer recommendations are present within the scheme.

Character and Appearance

The donor site is fairly larger than neighbouring plots which are slightly narrower. Furthermore, the building typology on this street is predominantly pair of semis, with the distinct cat-slide feature and diamond shape window to the front elevations, although there are few detached dwellings within this street and the wider locality. Taking the above points into account, and the scale, design and siting of the proposed dwelling fronting Dukes Avenue, including the visual gap retained on both sides and the matching of the above mentioned distinct cat-slide feature and diamond shape window to the front elevation, the proposal, would have a neutral impact to the street scene and wider area. The proposed building would also follow the rear/front building line of neighbouring buildings.

Overall, the application site would be similar to other neighbouring plots on this street, so, the proposal would not appear as a cramped form of development, nor harmful overdevelopment of the site.

Highway safety and Parking Provision

The Highways officer has raised no objections and there is sufficient space to park a couple cars on the donor site, and the application site, although these additional spaces are located to the rear of the property, off Heath Drive.

Living Conditions of Neighbouring Properties

There will be no material impact to the occupiers of the host house, given that the proposed dwelling does not protrude past their front and rear building line, in addition to the visual gap of some 1.2m from the common boundary.

A condition requiring the flank window serving bedroom 1 of the proposed dwelling to be of obscure glazed has been added. This is to prevent harmful overlooking to the habitable room (Bedroom 2) of the host house, as their only window is on the flank elevation directly facing the window mentioned above.

There are no impacts to other neighbouring properties, given the siting of the proposed dwelling on a corner plot, and the significant separation distance.

Standard of Accommodation

The proposed development would have sufficient internal space for a 3 bedroom-5 person dwelling at some 108 m² in accordance with the National Described Space Standard as set out in Policy DM10 of the LPSV. The Policy requirement is 93 m².

Both the host house and proposed would have a good level of garden space, not dissimilar to other neighbouring plots in the locality.

Too add, given the orientation of the proposed dwelling facing northeast, it would receive sufficient day & sunlight, including that of the host house. It would also have a reasonable level of outlook, within this built up urban area.

Epping Forest SAC (EFSAC)

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

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

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

Stage 1: Screening Assessment

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

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

applications. In addition, the site lies within the parish of Theydon Bois. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

2) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. The applicant has agreed to make a financial contribution in accordance with the Interim Approach and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

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

Other Considerations

Officers note the concerns regarding the potential impact on the street trees adjacent the site, however, these trees lie outside the red line application site and are not within the control of the applicant. For clarity, there are no protected trees on or adjacent the site. They are however, maintained by the Council, so should there be any material impact to them, then other measures outside the Planning Regime can also be taken to remedy the action.

In any case, a tree protection condition has been added to ensure there is no damage to the street trees during the construction phase.

Conclusion

In summary, the proposal has overcome the previous reasons for refusal attached to EPF/0959/20, and Officer recommendations from the recent post-application exercise are present within the scheme.

For the reasons set out above, having regard to all the matters raised, it is recommended that conditional planning permission be granted subject to a s106 Legal agreement to secure contributions towards the EFSAC including monitoring fees.

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

Planning Application Case Officer: Muhammad Rahman on 01992 564415 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (14)

- 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: 21082_001, 21082_002, 21082_003, 21082_101, 21082_102, and 21082_103.

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

- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

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.

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

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

- 5 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

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.

- 6 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.

- 7 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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

- 8 Prior to first occupation of the building hereby permitted the window(s) in the flank elevation (facing the host house) at first floor level shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

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.

- 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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

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

- 11 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, AA, B & E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To 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 CP2, CP7, DBE1 & DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 12 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.

- 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 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. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

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 is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (3)

- 15 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.
- 16 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 or by post to:
SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
- 17 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.



EFDC



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Application Number:	EPF/1327/22
Site Name:	6 Willow Tree Close Lambourne RM4 1BL

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/1327/22
Application Type: Householder planning permission
Applicant: Miss Anita Mayer
Case Officer: Caroline Brown
Site Address: 6 Willow Tree Close, Lambourne, Romford, RM4 1BL
Proposal: Loft conversion with a dormer on the rear and 3no. roof lights to the front elevation
Ward: Lambourne
Parish: Lambourne
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O1L2>
Recommendation: Refuse

This application is before this Committee since it has been 'called in' by Councillor Rolfe (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

No. 6 Willow Tree Close is a modest 2 -storey 2- bed mid-terrace dwelling located to the west of Willow Tree Close. The property is sited within a row of 21st century terrace houses located within the Abridge Conservation Area. The neighbouring properties are similar in character

Willow Tree Close sits back from the main road (Market Place) within a built-up area in the northwest of the Conservation Area.

Description of Proposal:

Permission is sought for the construction of a loft conversion involving a rear dormer and 3no. roof lights to the front elevation to provide an additional 3rd bedroom and WC.

This application is a resubmission following refusal of EPF/0407/22 where the following amendments have been made:

- the depth of the proposed dormer has been reduced and set back from the existing eaves line; the glazed area has been reduced; the eaves of the dormer has been lowered; and the roof pitch of the dormer altered.

Relevant History:

- EPF/0407/22 - Loft conversion with a dormer on the rear and 3no. roof lights to the front elevation
- Refused 29th April 2022

The proposed rear dormer by reason of its design, scale, bulk, materials and siting is considered disproportionate for the size of the property and roof slope resulting in an excessively dominate and intrusive development that is detrimental to the character and appearance of the property and which fails to protect and enhance Abridge Conservation Area contrary to the requirements of policy DBE9, DBE10, HC6 and HC7 of the adopted Local Plan 1998 & 2006, policy DM10 and DM7 of the Local Plan Submission Version 2017 and the NPPF 2021.

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) and Alterations (2006)

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

CP2: Protecting the Quality of the Rural and Built Environment

CP6 Achieving sustainable urban development patterns

CP7 Urban Form and Quality

DBE3 - Design in Urban Areas

DBE9: Neighbouring residential amenity

HC6 & HC7- Conservation Areas

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

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

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

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd of 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 the Inspectors final conclusion.

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application.

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

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP6 Green Belt	Significant
DM7- Heritage Assets	Significant
DM9 -High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received

LAMBOURNE PARISH COUNCIL: No Objection

Site Notice Displayed and application Advertised 20th July 2022

Neighbours consulted: 6: No objection received.

Main Issues and Considerations:

The main issues for consideration in this case are as follows:

- Impact of the development on the character and appearance of the property and conservation area.
- Impact on the amenity of neighbouring residents.

Design and Impact on Conservation Area

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

In line with the 'Listed Buildings and Conservation Areas Act 1990', the Council will seek to ensure that all development respects and preserves the Listed Building and the setting of the conservation area and that important views are preserved.

Planning permission was refused for a similar proposal, (ref. EPF/0407/22) in April 2022 due to the design, scale, bulk, materials and siting of the proposed rear dormer. A minor amendment was submitted regarding the proposed material finish, but this was not considered sufficient to address all the concerns raised.

The design of this modern terrace was informed by the Essex Design Guide, (EDG) ensuring its suitability to the associated setting and context. While there is no objection to a loft conversion in principle, the

altering of the roof line with introduction of a dormer of such scale and disproportionality attached to the ridge line and using most of the height of the roof slope is an inappropriate and unacceptable design.

Dormer windows should be modest in appearance and a subordinate addition to the roof. The dormer should be positioned a clear distance from the ridgeline, significantly clear of the boundary parapets and above the line of the eaves. The design of the dormer window should be in keeping with the original dwelling and relate to the windows of the house in proportion, detailing and position.

The siting of the proposed dormer should take into account the composition of the window immediately below it on the elevation; they should be line up with and be no wider. As a result, the window of the dormer should be narrower than the window on the main building. The solid surrounds (cheeks) of the dormer should be as slender as possible; simple lead/tile cheeks with a flush side casement window. Except for the window frame and cheeks, there should not be any solid face.

In this particular context with the relatively shallow roof slope, the design, height and scale of a dormer window and extension would be unsympathetic to the host building and wider setting as a terrace, as well as the intended building form. Alternatively, roof lights of good quality could be introduced as a lighting solution.

The applicant refers to a similar example of a dormer to No. 17 Willow Tree Close however this is not directly comparable with two different key considerations. In design terms the loft conversion in the form of a gable end, essentially forms an extension of the roof, incorporating materials to match existing, that, with its setting being an end terrace and its neighbouring dwelling already incorporating multiple gabled roof elements.

We acknowledge that there have been minor alterations to the design of the dormer as part of the current proposal, i.e., the depth of the proposed dormer has been reduced and set back from the existing eaves line; the glazed area has been reduced; the eaves of the dormer has been lowered; and the roof pitch of the dormer altered. However, these alterations do not address the primary objections regarding the substantial scale, design, and placement of the dormer which, as proposed, erodes the built form of the existing terrace within a designated heritage asset (conservation area). Acceptable architectural standards in this regard have been set by the EDG.

Furthermore, proposed development affecting a designated heritage asset is expected to maintain a particularly high standard of design. The Local Planning Authority is required by the Planning (Listed Buildings and Conservation Areas) Act 1990 to evaluate proposals to ensure that they either preserve the existing special character, appearance and setting of a designated heritage asset or, ideally, that they enhance these features. The applicant is of the opinion that a loft conversion incorporating a large gable end extension at a nearby dwelling serves as reasonable justification for the current proposal. This assertion ignores the key differentiating factors of that property's-built form; its context and immediate setting (neighbouring properties) and the differing design elements of that proposal. Any further applications incorporating the objectionable elements as outlined above will similarly be deemed unacceptable.

Neighbouring Amenity

The proposed development does not result in any significant harmful amenity implications in terms of, overlooking or privacy. Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level in accordance with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

Conclusion:

The proposed rear dormer by reason of its design, excessive scale, bulk, width, height and siting is considered disproportionate for the size of the property and roof slope resulting in an excessively dominate, intrusive development that is detrimental to the character and appearance of the property and which fails to preserve and protect Abridge Conservation Area contrary to the requirements of policy DBE9, DBE10, HC6 and HC7 of the adopted Local Plan (1998 & 2006), and policy DM10 and DM7 of the Local Plan Submission Version, 2017 and the NPPF 2021. In the light of the above considerations, it is recommended that planning permission is refused.

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

Planning Application Case Officer: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Refusal Reason(s): (1)

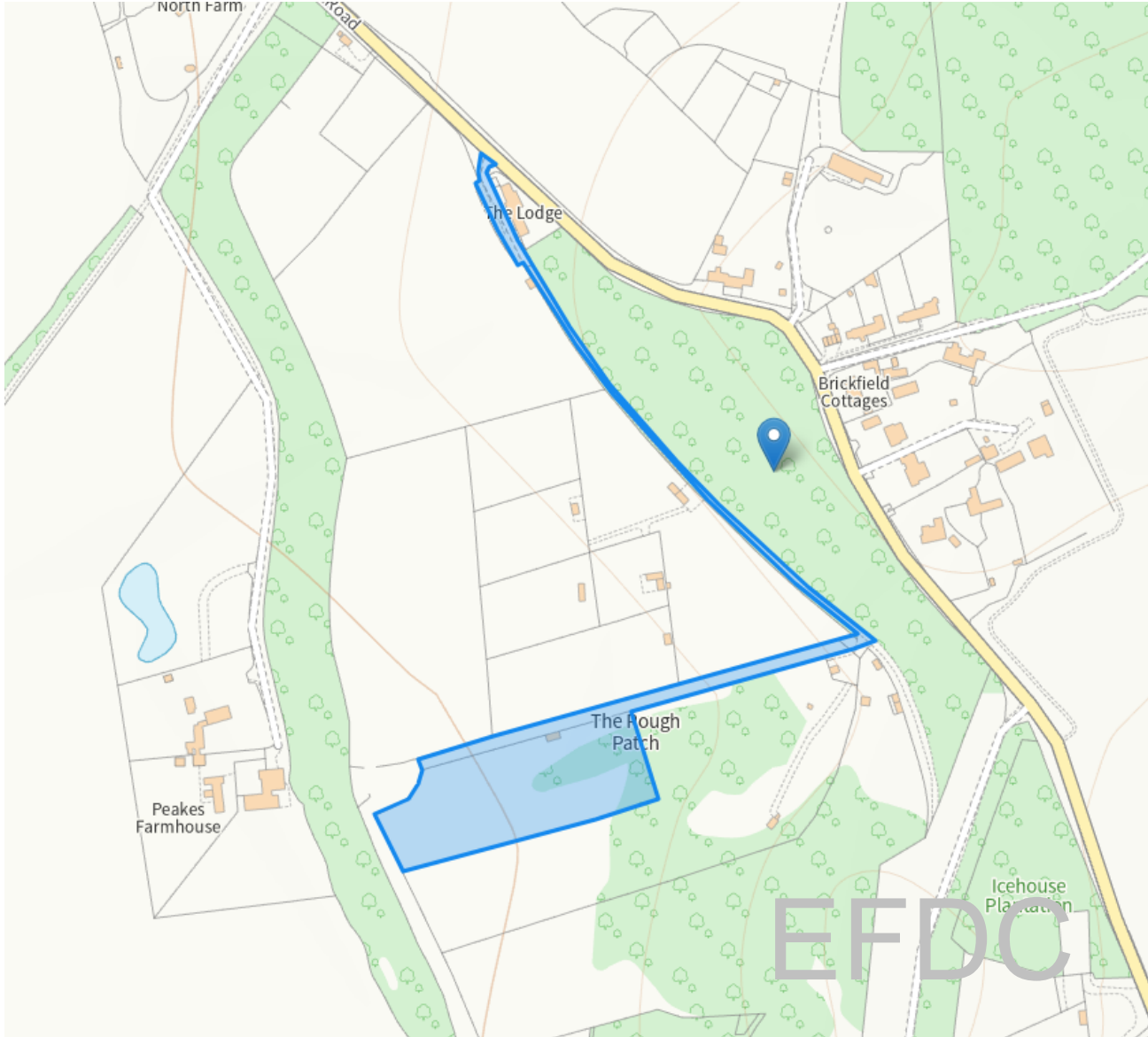
- 1 The proposed rear dormer by reason of its design, excessive scale, bulk, height and siting is considered disproportionate for the size of the property and roof slope resulting in an excessively dominate and intrusive development that is detrimental to the character and appearance of the property and which fails to protect and enhance Abridge Conservation Area contrary to the requirements of policy DBE9, DBE10, HC6 and HC7 of the adopted Local Plan 1998 & 2006, policy DM10 and DM7 of the Local Plan Submission Version 2017 and the NPPF 2021.

Informatives: (2)

- 2 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development.
- 3 This decision is made with reference to the following plan numbers: 1010-22-PL001; 002 Rev D; 003 Rev K; 004 Rev H; 005 Rev H; 006; 007 Rev B;



EFDC



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Application Number:	EPF/1505/22
Site Name:	London Alpacas, Mount Road, Theydon Mount, Epping, CM16 7PL

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/1505/22
Application Type: Full planning permission
Applicant: Mr S. Van Oorschot
Case Officer: Ian Ansell
Site Address: London Alpacas, Mount Road, Theydon Mount, Epping, CM16 7PL
Proposal: Use of land for agriculture including educational visits
Ward: Passingford
Parish: Theydon Mount
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OAU>
Recommendation: Approve with Conditions

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

Description of Site:

The site comprises of a parcel of land of approximately 1 hectare (2.43acres). It forms part of an extensive area of pastureland which has been sub-divided into smaller parcels of land, a number of which are used to graze horses. The application site is divided into two sections, the smaller managed area includes a shelter housing the alpacas within a closely cut grassed area, this area also currently houses a caravan used for associated storage. The southern area is used for grazing and is retained as a less managed pasture.

Access to the site is through a gate adjacent to a dwelling known as “The Lodge” via a muddy track. Several trees with preservation orders line the access track. The site is wholly within the Green Belt, forms part of the Hill Hall Conservation Area and within the Grade II listed Registered Park and Garden of Hill Hall, a landscaped parkland which retains late 17th century features. The listed hill hall sits in an elevated position overlooking the site from the south and has been divided into a number of separate units.

Description of Proposal:

The application seeks to regularise the mixed use of the land for the breeding and keeping of alpacas (the present lawful use) with educational / promotional visits.

The application sets out the broad details. The site is primarily used for the keeping of alpacas and related activities – breeding including for sale, production of fleece and fleece products, and collection of animal waste as fertiliser. The site has a maximum capacity for 15 animals to be kept on the site.

Educational visits take the form of small groups coming to the site to learn about the animals, how to keep them and the wider function. Groups comprise an average of four people at a time for around two hours. Visitors spend time with the animals are invited to carry out some of the site activities during their visit, including collecting animal waste. Not more than 6 visits a week are anticipated, with a meeting point either at the site or at a suitable local pick up point being agreed with each group.

Relevant History:

EPF/0882/21 Application for a Lawful Development Certificate for existing use of land for agricultural purposes, including Alpaca experiences. LDC refused on grounds the use was not ancillary to the agricultural use and resulted in a material change of use. A subsequent appeal was dismissed.

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
RST1	Recreational, sporting and tourist facilities
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
LL1	Rural landscape
ST2	Accessibility of development
ST6	Vehicle parking

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
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 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
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
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: 22 September 2022
Number of neighbours consulted: Four
Site notice posted: No, not required

Responses received: The application has generated comments both in favour of and against the application. 10 objections have been received from the following:

THE LODGE, MOUNT ROAD
43 BRICKFIELD COTTAGES
COPPERS THEYDON MOUNT
GRAZEBROOK, THEYDON MOUNT
1 BEACHET COTTAGE THEYDON MOUNT
7 HILL HALL COTTAGES
21 MIDDLE COTTAGE HILL HALL
NORTH LODGE, COLEMANS FARM
SHALESMEERE COTTAGE EPPING LANE
116 DRYSDALE AVENUE CHINGFORD.

Objections cover the following grounds:

- commercial use is inappropriate in the historic parkland
- business elements of the use are out of character with the setting, fields are primarily being used for grazing of horses privately owned
- lack of parking results in the blocking of the access (objectors comment that visitors have parked adjacent to The Lodge on the highway verge and visitors coming to be manure and other products have parked or blocked nearby properties)
- increased traffic generally arising from the use
- Lack of on-site facilities (toilets, hand washing) and inaccessibility to wheelchairs and emergency vehicles)
- Concerns at longer term plans, including potentially a dwelling.

In addition, 6 responses have expressed support for the application, submitted by:
THE ROUGH PATCH THEYDON MOUNT

90 TOWER ROAD, EPPING
124 LONGFIELDS, MARDEN ASH
HILLYFIELDS WELLINGTON HILL HIGH BEACH
41 RIDGEWAYS HARLOW
24 HONEYCROFT LOUGHTON

It is noted that these responses are generally from further afield and are primarily previous visitors to the site. They comment:

- The primary use is a local farming activity on land used for livestock over many years
- The use is sustainable in terms of the by-products generated
- The educational element is of high value to local children in particular
- Access to the site is allowed under covenant
- The activity is low-key and can only accommodate small groups of visitors

Parish Council: Theydon Mount Parish Council Have objected to the application, commenting as under:

The Alpacas are grazed on land which forms part of the Historic Parkland formerly within the curtilage of Hill Hall which is a Grade 1 listed Elizabethan Mansion. The Parkland was designed by the renowned landscape architect Humphrey Repton and is very important in placing the house in its historic setting. The field in which the Alpacas live is clearly visible from the mansion and its immediate surroundings. Previously other parts of the Parkland have been sold off leaving the Alpacas in an area of only two or three acres. The application anticipates an increase in the number of Alpacas and other activities within this limited area of land and there is concern that this would lead to over stocking and the need to install stables and barns which would look unsightly and out of keeping with the Grade 1 listed house. It is understood that the owners of the land do not live locally and on welfare grounds it would appear to be inappropriate to undertake unsupervised breeding of livestock. The Parish Council believes that the site is too small to incorporate the parking of vehicles and it is understood that there is no permission to park vehicles on the access drive. The only entrance to the site is through the front garden of a private property known as The Lodge. Any commercial business would cause disruption of the lives of the occupants having a negative impact on their quality of life. In summary the Parish Council is strongly of the view that this is not a suitable site for the proposed business and you are requested to refuse the application.

Main Issues and Considerations:

This is not an attempt to reconsider the previous LDC application. That was rejected as a matter of fact and degree that the educational element went beyond ancillary activity and required planning permission. The submission of this application therefore accepts that the proposal amounts to a mixed use and seeks to regularise this.

The appeal decision is however informative in considering the current application. The Inspector accepts that the keeping of alpacas on the site amounts to an agricultural use, and that the breeding of animals for sale, the storage and sale of fleeces, production of yarn therefrom and production of fertilisers from waste material would form part of that use. As a result, some of the issues raised in the consultation responses lie outside of this application.

Thus, Members should focus on the specific visits for educational and recreational purposes. It is evident that the scale of the use is modest, the number of animals on site is limited and therefore would only be expected to attract groups commensurate with the overall scale and character of the use. Officers are also persuaded that such visits will last at least two hours, taking account of the specific purpose and format of such visits. This is not the type of use that will attract large numbers of visitors on a daily basis. Other factors that should provide reassurance on the level of use include the difficulty of

accessing the site, the impact of weather conditions and the general care and welfare needs of the animals.

The applicant is unable to provide parking and again it is important to distinguish between vehicles generated by farming activities (which objectors comments appear to refer to primarily) and those for visitors on longer visits. Parking is not possible on the road, and the applicants have a system in place for collecting visitors from other locations. The area around the entrance is in the control of the landowner who can take steps to discourage and or prevent long-term parking on the land. For the level of activity proposed, officers consider a parking objection difficult to justify.

A number of comments refer to concerns at future potential developments, both in terms of visitor facilities and accommodation. No such facilities are proposed at this time. Should future applications be submitted then these will have to be considered on their merits at the relevant time.

Conclusion:

The primary use for farming alpacas was considered lawful by the previous Inspector and nothing in the application suggests this use could not continue. The additional elements proposed by the application remain low key in the context of number of visitors and the nature of the activity proposed, such that this remains complementary to the use of the site and the overall local character.

The application is specific and conditions can be imposed to set parameters for the visits, and with such controls in place, the application can be approved.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

Conditions: (1)

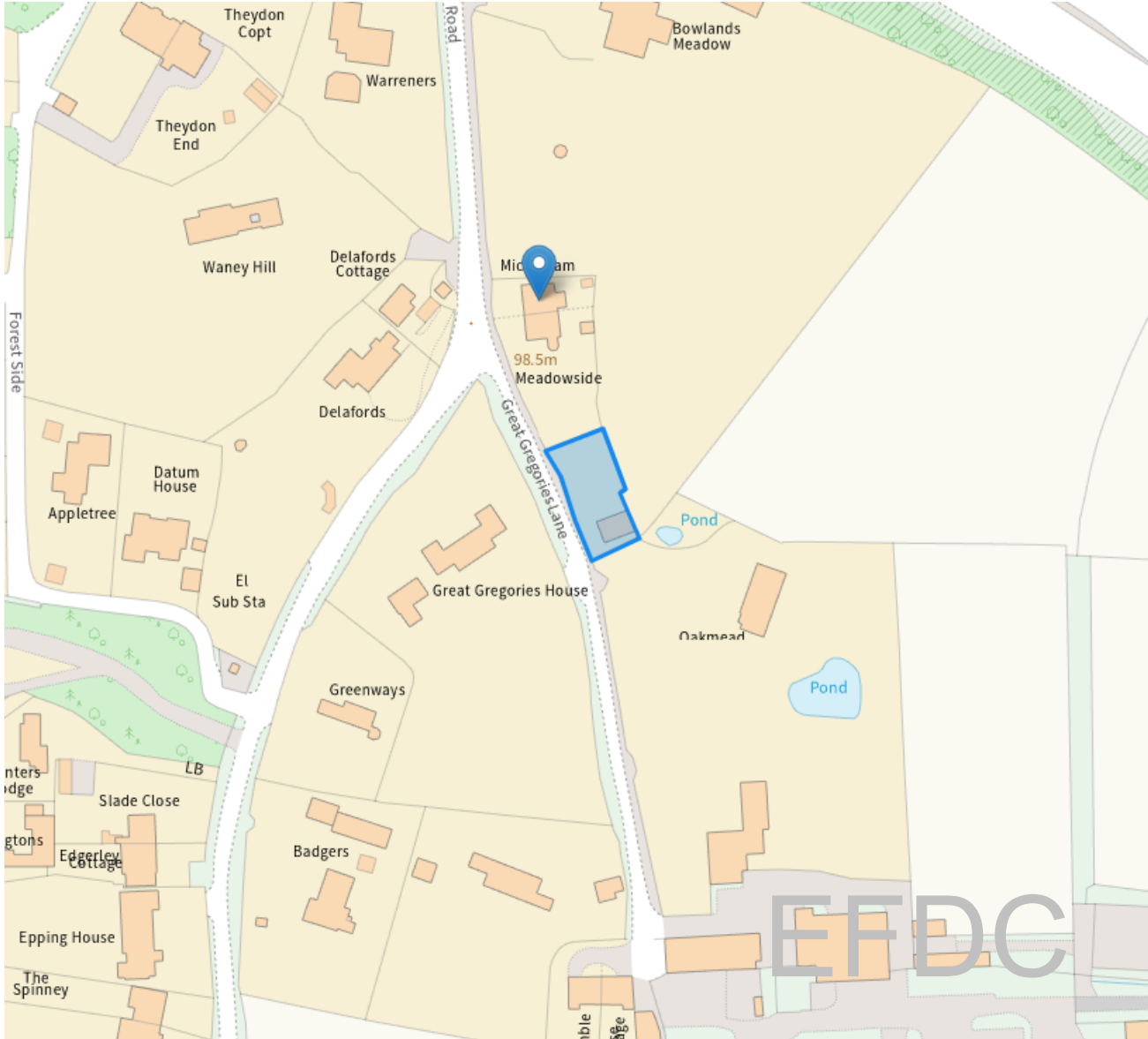
- 1 Educational visits to the site as defined by the application shall be limited to one group of visitors not exceeding six people on any day, such visits only to take place between 09.00hrs and 18.00hrs.

Reason: To protect the amenities of local residential occupiers in accordance with policy DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017, and the NPPF2021.

This page is intentionally left blank



EFDC



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
 Crown Copyright 2013 EFDC License No:
 100018534

Application Number:	EPF/1602/22
Site Name:	Mickleham, Theydon Road, Theydon Bois, Epping, CM16 4EE

Contains Royal Mail Data. © Royal Mail
 Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/1602/22
Application Type: Full planning permission
Applicant: Mr Bond
Case Officer: Muhammad Rahman
Site Address: Mickleham, Theydon Road, Theydon Bois, Epping, CM16 4EE
Proposal: The change of use of an existing annex building to a separate dwelling.
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OFnz>
Recommendation: Approve with Conditions

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

Site and Surroundings

The site comprises of an ancillary detached single storey building serving the Host house Mickleham. The subject site is wholly within the Green Belt. It is not listed, nor in a conservation area.

Under EPF/0692/74 permission was granted to merge Meadowside and Mickleham into a single dwelling.

Proposal

The proposal is for the change of use of residential annexe to a single detached dwellinghouse.

Relevant Planning History

EPF/0692/74 - Conversion of Meadowside and Mickleham to form one dwelling - Approve with Conditions

EPF/0900/13 - Demolition of the existing garage and replacement with a garden room/annexe - Approve with Conditions

EPF/0313/14 - Demolition of the existing garage and replacement with a garden room/annexe. (Revisions to EPF/0900/13) - Approve with Conditions

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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

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

CP2 Protecting the Quality of the Rural and Built Environment
CP7 Urban Form and Quality
H2A Previously Developed Land
U3B Sustainable Drainage Systems
GB2A Green Belt
DBE1 Design of New Buildings
DBE8 Private Amenity Space
DBE9 Loss of Amenity
LL10 Adequacy of Provision for Landscape Retention
LL11 Landscaping Schemes
ST4 Road Safety
ST6 Vehicle Parking

National Planning Policy Framework 2021 (Framework)

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

a) approving development proposals that accord with an up-to-date development plan without delay; or
b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

Paragraphs 126 & 130
Paragraphs 133, 147 - 150
Paragraph 180

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

SP2 Spatial Development Strategy 2011-2033
H1 Housing Mix and Accommodation Types
T1 Sustainable Transport Choices
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
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality
P9 Roydon

Summary of Representations

Number of neighbours Consulted: 4. 1 Response Received
Site notice posted: Yes

GREAT GREGORIES HOUSE - Support

THEYDON BOIS PARISH COUNCIL – OBJECTION - The Planning Committee perceived that the only difference between the amended plans now submitted with this application and the original (superseded) plans is that one additional parking space has been added to the proposal – in response to comment by the Highway Authority that one parking space, as proposed on the original plans, was insufficient and could lead to vehicles parking on Great Gregories Lane.

The Committee also noted that this amendment has necessitated relocation of the 'proposed bin store and cycle store' – originally to be positioned directly behind the single parking space – to be now sited immediately behind the front boundary hedge.

Theydon Road is one of the main access roads into the village of Theydon Bois and links the parish with that of Epping. Being on the edge of settlement, all properties within the locality are situated within the

Green Belt, and in close proximity to Epping Forest. The host dwelling faces onto Theydon Road, whilst its annexe is located within the adjacent narrow turning of Great Gregories Lane, which enjoys a highly valued rural aspect. The lane leads one of the last working farms in the locality, now under the management of the City of London for the over-wintering of Longhorn cattle. Pleasant countryside views from the lane take in surrounding open fields and the Epping Forest Buffer Lands, which stretch to the south towards Theydon Bois village.

The Parish Council objects to this change of use application, which seeks to overturn Condition 3 attached to the Grant of Planning Permission under EPF/0313/14 – for the demolition of what was, at that time, an existing garage and its replacement with a larger annexe building. Condition 3 states:

“The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwellinghouse known as Mickleham [underscore, our emphasis]. Reason: The site is situated in the Metropolitan Green Belt where the creation of new residential units is not normally permitted.”

If this current application were to be granted, there is concern that the new planning unit could also potentially be sub-divided again in the future, leading to the possibility of further infilling and encroachment into the Metropolitan Green Belt. There would also be a likely requirement for additional extensions and/or outbuildings to serve either the host dwelling or the new bungalow. The Planning Officer’s Report for EPF/0313/14 now seems to be prescient where it states that any concerns regarding future subdivision could be dealt with by Condition. There is no explanation given as to why this building could not remain as an annexe, since it was constructed for this purpose, and it is reasonable to conclude that its use is unlikely to have fallen dormant within such a limited timeframe.

The ‘Design and Access Statement’ submitted with this current application suggests that “Due to the mature hedgerows surrounding the property, only glimpses of the bungalow are possible from the street scene”. The Planning Committee noted that the additional parking space proposed with this amended application has necessitated the removal of the proposed bin store and cycle store from the driveway area to a position directly behind the front boundary hedgerow. The Committee is of the view that this hedgerow, which borders Great Gregories Lane along the whole frontage of Mickelham’s extensive curtilage, should be subject to a specific Condition, in order to ensure that it is retained at a minimum height of 1.5m and protected in perpetuity. The biodiversity and visual amenity benefits provided by the hedgerow are a key component of the uniquely pleasant rural feel of Great Gregories Lane.

However, by virtue of the fact that this application seeks to sub-divide the planning unit in order to create a separate dwelling, the Planning Committee considers that this change of use, for a building previously approved as an annexe because it was specifically deemed not to create a new property, would therefore do so and, as a result, would now constitute inappropriate development in the Green Belt, causing significant harm to its character and openness, contrary to Policies GB2A, GB7A, LL1 and LL2 of the adopted Epping Forest District Local Plan, 1998 (with alterations of 2006), and Policies DM3 and DM4 of the Epping Forest District New Local Plan (Submission Version 2017), and provisions of the NPPF (2021).

Notwithstanding the above objection, should approval be recommended for this proposal, the Planning Committee wishes to ensure that Permitted Development Rights – as now covered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (with amendments, including those of 2020) - including Schedule 2, Part 1, Classes A, AA, B, C and E – are removed from both the host dwelling and the newly-created property.

Likewise, the Committee wishes to see that no additional built structures, such as fences or walls, are further added to sub-divide either property (except with respect to that indicated as a dividing hedge on the plans), and that no other crossovers onto Great Gregories Lane are permitted without consultation with the Local Authority, since this road is also a public highway. This therefore relates to the removal of

Permitted Development Rights under Schedule 2, Part 2, Classes A and B. Reason: To protect the visual amenity of the street scene and to allow the Local Authority to manage any further development.

Finally, the Committee noted the two other Conditions that were also added to the earlier Grant (specifically under EPF/0313/14), which should be carried over to any new proposal, as follows:

(Notwithstanding the detail on the approved plans) no outward opening gate shall be erected or installed at any time whatsoever. Any gate must be less than 1m high should open only inwards into the site, unless further consent is sought.

and:

The hedging on the boundary with Oakmead shall be permanently retained at a height of 1.5m or greater at all times. Reason: Failure to retain the hedging would result in an unacceptable loss of neighbour amenity, contrary to Policy DBE9 of the adopted Local Plan and Alterations.

Planning Considerations

The main issues for consideration in this case are:

- a. The impact on the Green Belt;
- b. The impact on the character and appearance of the area
- b. The impact to the living conditions of neighbours;
- c. Standard of Accommodation for future occupiers;
- d. Highway safety and parking provision;
- e. Trees and landscaping; and
- e. The impact on the Epping Forest Special Area of Conservation.

Green Belt

The proposal is associated with the separation of the building from an ancillary residential use to a primary residential use. Officers are of the view that ancillary buildings are not residential in nature and only become so by association with the main dwelling. Nor are they houses in their own right.

As such, the relevant exception to development would be Paragraph 150 d) of the Framework, which states; the re-use of buildings provided that the buildings are of permanent and substantial construction. It could be argued that Para 150 e) change of use may apply, however, the above exception is most relevant here.

The existing building has been present at its current location for a number of years and is of a permanent and substantial construction. No further external or internal works are proposed other than the addition of a bin/cycle store to the front of the site.

Therefore, it is considered that there would be no material impact to the openness of the Green Belt, both in spatial and visual terms from its use as a separate dwelling. So, the proposal is not inappropriate development within the Green Belt.

Officers note the concerns raised by the Parish, however, much of it is speculation as any proposals to sub-divide the site is subject to a further planning application.

Too add, in the interest of the Green Belt, it is necessary to remove further permitted development rights for additions/extension and outbuildings to the proposed dwelling and host house. This has been secured via a condition.

Character and Appearance

No external changes are proposed, so there would be no harmful impacts to the wider rural locality, although it is necessary to have further details of any future boundary treatments and landscaping. A condition has been added to such effect.

Some of the relevant conditions from the original consent EPF/0313/14 has been carried over to this application.

Living Conditions/Standard of Accommodation

The building is sited a significant distance from nearby neighbors to have any detrimental impact to them, and it would have ample external amenity space, and also meet the internal space standards for a 2-bedroom unit at some 63m², as set out in Policy DM10 of the LPSV. It would have a reasonable level of outlook and receive sufficient daylight & sunlight, due to its orientation facing southwest. The host house would have ample garden space retained.

Highway Safety & Parking Provision

The proposal would have adequate parking provision for the future occupiers, and no change is proposed to the existing accessway, nor has the highways officer raised objections to the proposal.

EFSAC

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

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

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

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

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

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

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

Stage 1: Screening Assessment

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

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

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. The applicant has agreed to make a financial contribution in accordance with the Interim Approach and the Green Infrastructure Strategy.

Consequently, the Council is satisfied that the application proposal would not have an adverse effect on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

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

Conclusion

For the reasons set out above, having regard to all the matters raised, it is recommended that conditional planning permission be granted, subject to a s106 agreement to secure contributions toward the EFSAC including monitoring fees.

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest.

Case Officer: Muhammad Rahman | mrahman@eppingforestdc.gov.uk. If no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (13)

- 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: 232-PL-11 Rev A, 232-PL-12 Rev A, 232-PL-13 Rev A, and 232-PL-14 Rev A.

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

- 3 Prior to first occupation, details of the proposed landscaping of the site, including retention of trees and other natural features and the proposed times of planting (linked to the development schedule), shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at the agreed times. If any plant dies, becomes diseased or fails to thrive within a period of 5 years

from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and 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, so as to safeguard and enhance the visual amenities of the area 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, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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

- 5 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

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.

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

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.

- 7 Prior to first occupation, details and location of the parking spaces (including garages) for the proposed dwelling & host house 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 Notwithstanding the removal of part of the roadside hedge to facilitate the proposal, the remaining hedge/trees along the front boundary shall be retained in perpetuity. The hedge/ trees shall be kept at a minimum height of 1.5 metres, to ensure that the rural nature of street scene is retained. If any tree, shrub or hedge along the frontage is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation.

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.

- 9 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, AA, B & E of Part 1 & Classes A & B of Part 2 to schedule 2 shall be undertaken for the proposed dwelling & the host house, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the Green Belt & highway safety, in accordance with policies ST4 & GB2A of the adopted Local Plan 1998 & 2006, Policies T1 & DM4 of the Local Plan Submission Version 2017, and the NPPF.

- 10 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.

- 11 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.

- 12 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.

- 13 Any gates provided at the vehicular access shall be inward opening only and no higher than 1m, unless further consent is sought, in writing.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with policies ST2 and ST7 of the adopted Local Plan and Alterations 1998 & 2006, policies T1 and DM9 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (2)

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