

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee East Wednesday, 30th 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, 30th November, 2022**  
at **7.00 pm**.

**Georgina Blakemore**  
Chief Executive

**Democratic Services  
Officer:**

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

#### **Members:**

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

#### **WEBCASTING/FILMING NOTICE**

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

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

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

**If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564542.**

**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](https://eppingforestdc-self.achieveservice.com/service/Member_Contact) to ensure your query is properly logged.

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

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**5. MINUTES (Pages 9 - 24)**

To confirm the minutes of the last meeting of the Sub-Committee held on 2 November 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/1400/20 UPPER CLAPTON RUGBY FOOTBALL CLUB, 61 UPLAND ROAD, EPPING UPLAND, EPPING CM16 6NL (Pages 25 - 40)**

To consider the attached report for 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.

**10. PLANNING APPLICATION - EPF/0332/22 ROSARIO, HIGH ROAD, THORNWOOD, EPPING CM16 6LU (Pages 41 - 64)**

To consider the attached report on an outline application for proposed demolition of existing buildings followed by comprehensive development of up to 62 new homes (inclusive of 40% onsite affordable housing), landscaping, community orchard, new access, parking and circa 1.9 ha of public open space.

**11. PLANNING APPLICATION - EPF/0674/22 4 THEYDON PRIORY, COOPERSALE LANE, THEYDON GARNON, EPPING CM16 7NU (Pages 65 - 74)**

To consider the attached report for a proposed side extension to the main dwelling.

**12. PLANNING APPLICATION - EPF/0676/22 4 THEYDON PRIORY, COOPERSALE LANE, THEYDON GARNON, EPPING CM16 7NU (Pages 75 - 84)**

To consider the attached report for a carport on owners land.

**13. PLANNING APPLICATION - EPF/1298/22 AMESBURY HOUSE, THEYDON ROAD, THEYDON BOIS, EPPING CM16 4EF (Pages 85 - 92)**

To consider the attached report for a side extension providing new first floor master bedroom over existing garage and rear extension providing family room and extension to first floor.

**14. PLANNING APPLICATION - EPF/1327/22 6 WILLOW TREE CLOSE, LAMBOURNE, ROMFORD RM4 1BL (Pages 93 - 98)**

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

**15. EXCLUSION OF PUBLIC AND PRESS**

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

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

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

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

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

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

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

### **Are the meetings open to the public?**

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

### **When and where is the meeting?**

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

### **Can I speak?**

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

### **Who can speak?**

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

### **What can I say?**

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

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

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

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

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

## **How are the applications considered?**

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

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

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

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

## **Further Information**

Further information can be obtained from Democratic Services.

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

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

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Area Planning Sub-Committee East	<b>Date:</b>	Wednesday, 2 November 2022
<b>Place:</b>	Council Chamber - Civic Offices	<b>Time:</b>	7.00 pm - 9.40 am
<b>Members Present:</b>	Councillors I Hadley (Chairman), H Brady (Vice-Chairman), C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, P Keska, J McIvor, R Morgan, J Philip, B Rolfe, C Whitbread, J H Whitehouse and J M Whitehouse		
<b>Members Present (Virtually):</b>	Councillors C McCredie		
<b>Apologies:</b>	P Stalker and H Whitbread		
<b>Officers Present:</b>	A Marx (Development Manager Service Manager (Planning)), R Moreton (Corporate Communications Officer) and R Perrin (Democratic and Electoral Services Officer)		
<b>Officers Present (Virtually):</b>	G Courtney (Planning Applications and Appeals Manager (Development Management)), C Ahmet (Planning Officer), L Kirman (Democratic Services Officer) and M Rahman (Planning Officer)		

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### 28. 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.

### 29. 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.

### 30. DECLARATIONS OF INTEREST

a) Pursuant to the Council's Members' Code of Conduct, Councillor C Amos declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Theydon Bois Parish Council Planning Committee. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1289/22 41 Dukes Avenue, Theydon Bois, Epping.
- EPF/1602/22 – Mickleham, Theydon Road, Theydon Bois, Epping.

b) Pursuant to the Council's Members' Code of Conduct, Councillor J Philip declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1289/22 41 Dukes Avenue, Theydon Bois, Epping.
- c) Pursuant to the Council's Members' Code of Conduct, Councillor J Whitehouse declared a non-pecuniary interest in the following item of the agenda by virtue of living in the same street. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/1289/22 41 Dukes Avenue, Theydon Bois, Epping.
- d) Pursuant to the Council's Members' Code of Conduct, Councillor H Brady declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of Theydon Mount Parish Council. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/1505/22 – London Alpacas, Mount Road, They Mount, Epping.
- e) Pursuant to the Council's Members' Code of Conduct, Councillor B Rolfe declared a pecuniary interest in the following item of the agenda. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:
- EPF/0770/22 – 67 Hemnall Street, Epping.

### 31. MINUTES

#### RESOLVED:

That the minutes of the Sub-Committee held on 5 October 2022 be taken as read and signed by the Chairman as a correct record.

### 32. ANY OTHER BUSINESS

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

### 33. 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>

### 34. SITE VISITS

There were no formal site visits requested by the Sub-Committee at this point in the agenda.

### 35. PLANNING APPLICATION - EPF/2122/20 11 KENDAL AVENUE, EPPING CM16 4PW

Application Ref: EPF/2122/20  
Application Type: Full planning permission

**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>  
**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:

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 Classes, A B and E of Part 1 to Schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with 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](mailto: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.

### 36. PLANNING APPLICATION - EPF/2408/20 8 KIMPTON CLOSE, ONGAR CM5 0BQ

**Application Ref:** EPF/2408/20  
**Application Type:** Full planning permission  
**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>  
**Decision:** Approve with Conditions

#### Conditions: (10)

- 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.

- 10 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: 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.

**Informatives: (2)**

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

**37. PLANNING APPLICATION - EPF/0770/22 67 HEMNALL STREET, EPPING CM16 4LZ**

**Application Ref:** EPF/0770/22  
**Application Type:** Full planning permission  
**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>  
**Decision:** Refused

**Reason (1)**

1. The proposed outbuilding, due to its design and location would result in harm to the amenity of neighbouring properties, contrary to Policy DM 9 Section H (Privacy and Amenity) of the Local Plan Submission Version 2017

**Informatives (2)**

2. The Local Planning Authority has identified matters of concern and clearly set out the reason for refusal within the decision notice.
3. This decision is made with reference to the following plan numbers: 101/B, 102/A

**38. PLANNING APPLICATION - EPF/1289/22 41 DUKES AVENUE, THEYDON BOIS, EPPING CM16 7HQ**

**Application Ref:** EPF/1289/22

**Application Type:** Full planning permission  
**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/a0h8d000000O1CQ>  
**Deferred:** Deferred

The Committee voted to refuse the application although four members stood immediately to refer the application to DDMC for consideration.

**39. PLANNING APPLICATION - EPF/1327/22 6 WILLOW TREE CLOSE, LAMBOURNE, ROMFORD RM4 1BL**

**Application Ref:** EPF/1327/22  
**Application Type:** Householder planning permission  
**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>  
**Decision:** Deferred

Deferred for Site Visit

**40. PLANNING APPLICATION - EPF/1505/22 LONDON ALPACAS, MOUNT ROAD, THEYDON MOUNT, EPPING CM16 7PL**

**Application Ref:** EPF/1505/22  
**Application Type:** Full planning permission  
**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/a0h8d000000OAUJ>  
**Decision:** Refused

**Reasons (4)**

- 1 The proposed use, due to its remote location in relation to public transport facilities and lack of provision to meet other sustainable transport objectives will result in an increase in vehicle journeys at and in the vicinity of the site to the detriment of the local rural character of the locality and to general amenity, contrary to policies CP1, CP9, DBE2, DBE9, LL2, ST1, ST2 and ST4 of the adopted Local Plan and Alterations, policies SP1, T1, DM3 and DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.
- 2 The proposed use results in a significant increase in activity at and in the vicinity of The Lodge arising from pedestrian and vehicle movements and associated activity to the detriment of residents amenity, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.
- 3 The application provides insufficient information on the operation of the commercial use, in relation to welfare of visitors and other commercial sales, such that the Local Planning Authority is unable to fully consider the wider impact of the use and is concerned that future inappropriate development may be required as a result of a decision to permit the use. As such, the proposal would be contrary to policies GB2A, HC2, DBE2, DBE4, DBE9, LL10 and ST1 of the adopted Local Plan and Alterations, policies SP6, SP7, DM3, DM4 and T1 of the Local Plan Submission Version 2017 and the NPPF 2021.
- 4 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such the proposed development is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

#### **Informatives (2)**

- 5 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.
- 6 This decision is made with reference to the following plans: Location plan and Block plan

#### **41. PLANNING APPLICATION - EPF/1602/22 MICKLEHAM, THEYDON ROAD, THEYDON BOIS, EPPING CM16 4EE**

**Application Ref:** EPF/1602/22  
**Application Type:** Full planning permission

**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>  
**Decision:** Refused

### Reasons (3)

1. The change of use of the ancillary building to a primary residential use, creating a new and additional residential planning unit, will result in increased residential paraphernalia and increased activity, harming the openness of the Green Belt. Consequently, the proposal is inappropriate development within the Green Belt. No very special circumstances exist that outweigh the harm. The development constitutes inappropriate development in the Green Belt. The proposal is therefore contrary to Policies GB2A & GB7A of the adopted Local Plan 1998 & 2006, Policy DM 4 of the Local Plan Submission Version 2017, and Paragraphs 133 & 150 (d & e) of the NPPF 2021.
2. In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.
3. 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

### Informative (1)

4. This decision is made with reference to the following plan numbers: 232-PL-11 Rev A, 232-PL-12 Rev A, 232-PL-13 Rev A, and 232-PL-14 Rev A

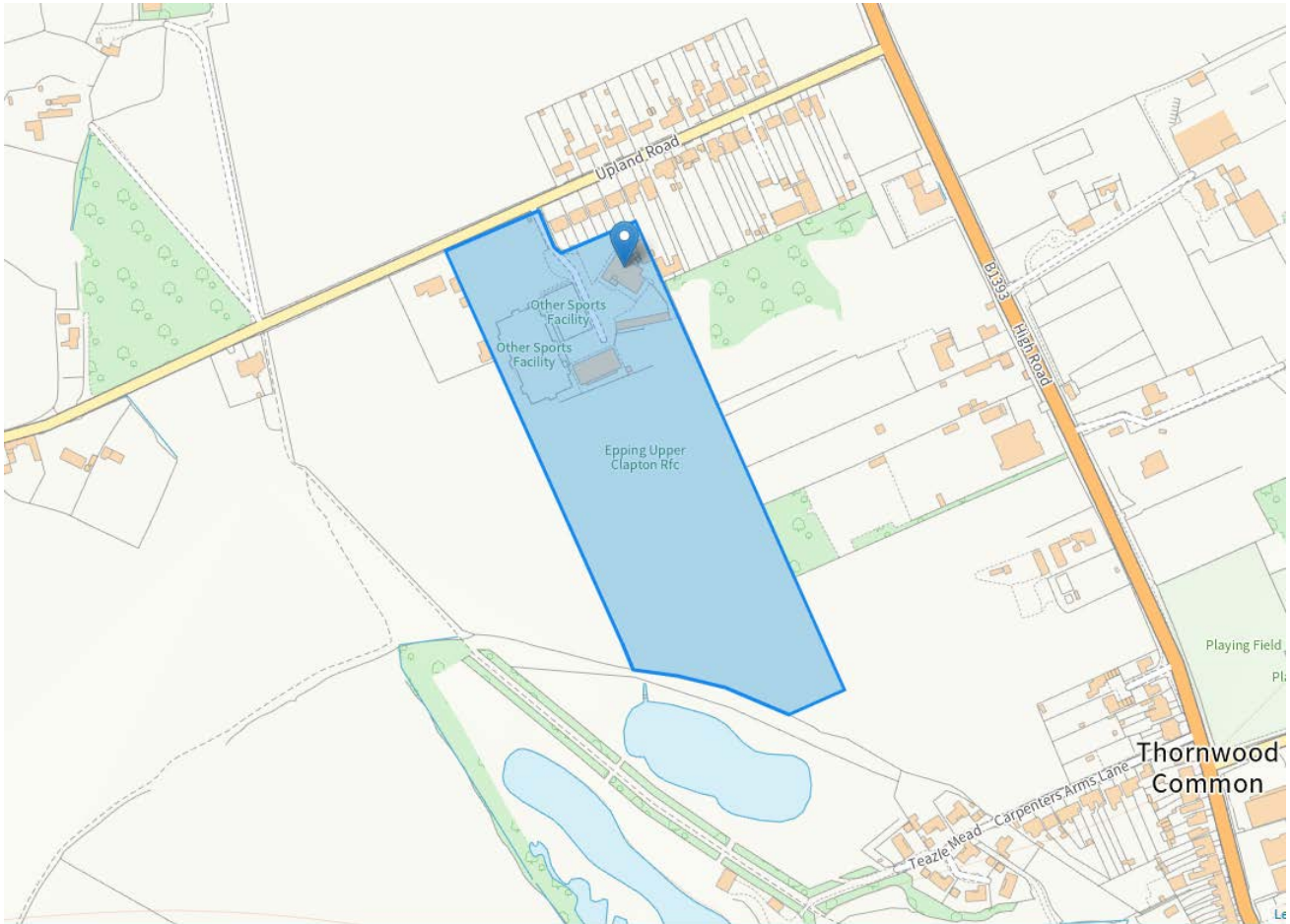
**CHAIRMAN**

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Application Number:	EPF/1400/20
Site Name:	Upper Clapton Rugby Football Club, 61 Upland Road Epping Upland CM16 6NL

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# OFFICER REPORT

**Application Ref:** EPF/1400/20  
**Application Type:** Full planning permission  
**Applicant:** Epping Upper Clapton Rugby Football Club (on behalf of Trustees)  
**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>

**Recommendation:** Refuse

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

## Site and Surroundings

Upper Clapton Rugby Club is located on the southern side of Upland Road which is located within the settlement of Thornwood. To the east of the site there are a number of detached and semi detached dwellings in a linear formation fronting onto the road. The sports facilities on the site are set away from the front of the road and there is an open field adjacent to the main road. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

## Proposal

The proposed development is for Improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the existing club house, erection of a new function hall, demolition of the existing golf range, the addition of further car parking spaces and associated development, and construction of 9 new dwellings.

## Relevant Planning History

EPF/0817/12 - Replacement club house and associated development and outline planning for enabling residential development. – Approved

EPF/0917/18 - Construction of 10 dwellings with associated access road and landscaping – Refused

## 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).

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
GB2A	Development in The Green Belt
GB7	Conspicuous Development
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
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

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

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

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

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

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

Paragraph	108 - 110
Paragraph	117
Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131
Paragraph	133
Paragraph	143 - 145

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

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

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

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

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

The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant

DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

## Summary of Representations

Number of neighbours Consulted: 24

86 Letters of support received including:

- The rugby club is a valued community facility and facilitates good physical, mental and social wellbeing for the community
- The development is critical to the continued use of the site for sport and recreation
- The upgrades to the club will prevent matches being postponed and allow expansion of existing operations
- The club upgrades will allow for more visiting teams to use the facilities
- The new facilities will allow a wider range of sports to be played
- The proposal will ensure the long term financial viability of the club
- The increased parking will be a benefit to the local area

8 letters of objection received including:

- The proposal is inappropriate development in the Green Belt
- Loss of local wildlife
- inadequate drainage facilities
- increased traffic
- Loss of existing trees and hedging

North Weald Parish Council – No objection

## Planning Considerations

The report will now consider the application against the requirements of the Development Plan and the emerging Local Plan.

### *Principle*

This application site has not been proposed for allocation in the emerging Local Plan to deliver new housing in the District. A small number of windfall sites have been assumed in the Local Plan, but they are not required for the Council to meet its objectively assessed housing need. However since the Local Plan assumes a certain number of windfall sites will be delivered during the Plan Period, it follows that such sites can be acceptable, providing an application for such development complies with the requirements of the Development Plan and emerging Local Plan when considered as a whole. This issue is considered further in the final planning balance section of this report.

Turning to the potential improvements to the rugby club, such improvements to an existing sports facility can be acceptable in principle however they will need to be considered against the requirements of the Development Plan and emerging Local Plan as a whole.

### *Green Belt*

The National Planning Policy Framework (NPPF) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Firstly considering the proposed improvements to the Rugby Club, it is proposed to provide a new all weather pitch, including the relocation of existing flood lights, proposed improvements to the existing club house, a new function hall, the removal of the existing golf driving range and former club house and the provision of new parking.

The NPPF sets out that the construction of new buildings should be regarded as inappropriate development unless they are for one of a set of purposes. One of these exceptions is:

*Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*

For clarity, the laying of an artificial grass pitch is an engineering operation since it changes the physical nature of the land. The proposed all-weather pitch would be used for a variety of different outdoor sports such as football, hockey and rugby and comfortably fulfils the first part of this exception.

Following on from the judgement from Fordent Holdings Ltd Vs SSCLG and Cheshire West and Chester Council, it is clear that paragraph 89 relates solely to buildings, therefore this exception relates to 'facilities' that are buildings. Paragraph 90 of the NPPF sets out other forms of development that are also not inappropriate, providing that they preserve openness and do not conflict with the purpose of including land within it. This includes, amongst other things, engineering operations.

In terms of appropriateness, the proposed new pitch can be considered as an engineering operation and its very nature of being open will ensure it will not cause material harm to the characteristics of the Green Belt.

The proposed function room is clearly inappropriate development since it goes beyond what could reasonably be considered necessary to facilitate outdoor sport and recreation. Since it does not fulfil this exception, nor any other as given by the NPPF it is concluded that it is inappropriate development, which is, by definition, harmful to the Green Belt.

However the planning application granted in 2013 gave consent for the function room in the exact position as the one proposed in this application as well as for floodlighting. Whilst these elements have not yet been erected; since the permission has been implemented they could still be built. In any event the proposed function room in this application is a little smaller than the already approved building and

thus would have a lesser impact on openness. In addition the Council could impose a legal mechanism whereby the already approved flood lighting could not be carried out were this proposal to be granted.

Turning to the parking, it is proposed to increase the number of formalised spaces by 116 spaces to bring it to a total of 216 spaces. The new spaces would be contained within the existing site, where there is already existing hardstanding. Consequently the increased provision will not cause material harm to the Green Belt.

Finally and most substantially, the proposed erection of 9 new dwellings on the site is clearly inappropriate development. In addition it would cause significant additional harm to the openness of the Green Belt both spatially and visually, resulting in a conspicuous form of development on open Green Belt land. It would also directly conflict with the fundamental purposes of the Green Belt and would cause significant additional residential paraphernalia and domestic activity to the area thereby cause an additional significant adverse impact on the character of the Green Belt.

#### Impact on the surrounding area

Regarding the proposed new dwellings, the site currently consists of an open field which is currently used as an informal parking area from time to time by the rugby club. Set directly behind the site to the south is an existing 3G pitch also used by the club, with associated fencing and flood lighting. The site is however located within a predominately rural setting, which has open land directly opposite and, save from the single bungalow to the west, open land to the south west. To the immediate east is a cluster of houses which form a continuous frontage on both sides of Upland Road. The new dwellings will front onto Upland Road and would effectively follow this continuous pattern of linear development on this side of the road and although it would extend beyond the existing extent of development on the opposite side of the road, which emphasises its impact in Green Belt terms however it would be respectful to the prevailing pattern of residential development.

In terms of detailed design, each of the proposed new dwellings would effectively mirror the design of the existing dwellings to the east of the site and whilst the lack of variation in their architectural style is recycled and uninspiring, they are conventional and of a scale and size not dissimilar to the character or appearance of the street scene.

Turning to the proposed improvements to the rugby club, they will all be contained within the context of the existing club and in general terms would be well integrated within the existing site..

The proposal is therefore compliant with the design policies of the ALP, the EFDLP and the NPPF.

#### Living conditions of neighbours and standard of accommodation proposed

The existing dwellings which are located adjacent to the site are a significant distance from the edge of the closest of the proposed new dwellings. Therefore there will not be any significant harm caused to their living conditions either through overlooking or any other harm. The new dwellings would each offer a good standard of living accommodation for new residents.

Whilst the improvements to the rugby club could increase general activity in and around the site, this will not cause significant harm to the existing or new residents through general disturbance. Regarding the proposed new floodlighting, a condition could be attached to ensure that they are not used at unsociable times.

#### Highway and parking

The Essex County Council highway engineer has commented that the proposed access will have good visibility splays and will not cause harm to the safety or efficiency of the public

## Land Drainage

The Land Drainage Team consider that the proposal is acceptable subject to planning conditions to ensure that there is a sustainable drainage strategy in place in accordance with the submitted Flood Risk Assessment.

## Land Contamination

1940-1970 historic photographs show small buildings, disturbed ground & imported soils present along the Northern & North eastern boundary, 1990 photograph shows the onsite disposal of additional soils during construction of the offsite car park to the East, 2001-2004 photographs show a track created across the top of the site and down the Western side of the site between these dates, and more recent photography shows that made ground has been spread across the site following construction of the 4 dwellings on the former car park to the East.

It is reported that ground gas mitigation measures suitable for Characteristic Situation 2 are to be installed in lieu of additional ground gas monitoring (only a single round of gas monitoring reported to have been previously undertaken) in order to remove the accumulation and inhalation risks to occupiers pathway, which is acceptable provided that a verified proprietary gas membrane with a Gas Protection Score of 2 is used in addition to a very well ventilated beam & block floor void (the use of 1200g or 2000g polythene membranes is no longer acceptable).

Apart from ground gases, the submitted report has not mentioned any specific contaminants associated with former potentially contaminating uses (e.g. Made Ground: *asbestos, PAH, metals & inorganics* or the Electric Substation: *Petroleum Hydrocarbons & PCBs*) and the Qualitative Risk Assessment presented in Table C5 has not been carried out in accordance with the Classification of Severity criteria presented in Table C3 which classifies short term acute potential exposure risks as Severe (e.g. inhalation of asbestos fibres and explosive/asphyxiant accumulation/inhalation ground gas risks) and chronic exposure risks as Moderate (e.g. Lead and Benzo(a)pyrene) which if there is considered to be a Low Likelihood of an event occurring, would result in a Moderate risk for exposure to asbestos and a Low/Moderate risk with respect to other made ground potential contaminants (PAH, Metals & Inorganics) and organic contaminants (PCBs & petroleum hydrocarbons) which would require further investigation.

Provided that a detailed list of potential pollutant linkages is submitted with the required Phase 2 investigation protocol, it should not be necessary for a Phase 1 condition to be added to any approval granted.

## The Epping Forest Special Area of Conservation

Biodiversity features within, or associated with, a Special Area of Conservation are given the highest level of protection under UK law, and national planning policy in England. The provisions of the EU Habitats Directive are given effect in UK law by the Conservation of Habitats and Species Regulations 2017, as amended ("the Habitats Regulations").

Under the Habitats Regulations, the EFSAC is classified as a 'European Site' and, as such, any plans and projects (including applications for planning permission) that are likely, either alone or in combination with other plans or projects, to have a significant effect on the EFSAC must be subject to an assessment, known as an Appropriate Assessment ("AA"). The purpose of an AA is to ascertain whether any plan or proposal, either alone or in combination, will have an adverse effect the integrity of the European Site.

The Council has a legal duty as the 'competent authority' under the Habitats Regulations (2017) to protect the EFSAC from the effects of development (both individually and in combination) having regard to the representations of Natural England ("NE").



Two specific issues relating to new development within the District have been identified as being likely to have a significant effect on the integrity of the EFSAC. Firstly, as a result of increased levels of visitors using the EFSAC for recreation arising from new development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the Forest from atmospheric pollution generated by motor vehicles (referred to as "air quality"). Policies DM 2 and DM 22 of the EFDLP provide the policy context for dealing with the effect of development on the integrity of the EFSAC outlined above.

The LPSV was supported by a Habitats Regulations Assessment dated June 2021 ("the HRA 2021"). Two specific 'pathways of impact' relating to new development within the District were identified as being likely to have a significant effect on the integrity of the EFSAC. Firstly, an 'urbanisation' pathway of impact primarily as a result of increased levels of visitors using the EFSAC for recreation arising from new residential development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the EFSAC from an atmospheric pollution 'pathway of impact' (referred to as "air quality") caused primarily by motor vehicles using roads within 200m of it. The HRA 2021 undertook an Appropriate Assessment of the planned development proposed within the LPSV, including the effect of that development on the EFSAC. The HRA 2021 concluded that, subject to securing urbanisation/recreational pressure and air quality mitigation measures the adoption of the Local Plan will have no adverse effect on the EFSAC. Subject to the suitable delivery of such measures, NE have agreed that an adverse effect on the EFSAC can be ruled out.

### Recreational pressure

With regards to recreational pressure, the site is located within the 6.2km zone of influence to the EFSAC and as such new occupants of the development have the potential to use it for recreational purposes, which as noted above has the potential to cause it irreversible harm. However the Council does have a recreation strategy to mitigate against such potential adverse effects. The strategy includes various mitigation measures, including a Strategic Access Management and Monitoring Strategy ("SAMM strategy"). The measures identified require financial contributions from new residential development in the order of £343.02 per dwelling. This is of course dependent on an appropriate method to deliver such financial contributions, which can only be through either a S106 legal agreement or a unilateral undertaking on behalf of the applicant and both are dependent on planning permission being granted.

### Air Quality

The HRA 2021 advises that without appropriate mitigation measures, new development proposed in the District would cause harm to the integrity of the EFSAC as a result of atmospheric pollution. A key contributor to atmospheric pollution arises from vehicles using roads in close proximity (i.e. within 200m of the EFSAC).

The Council undertook further technical work in relation to the atmospheric pollution 'pathway of impact' to provide the evidence base to support the development of the Air Pollution Mitigation Strategy (APMS), which has now been endorsed by the Council as a material consideration of significant weight. The APMS identifies a number of mitigation measures, a number of which are required to be delivered as part of individual planning applications alongside strategic initiatives and monitoring requirements, the implementation of which will require a financial contribution to be secured from individual developments.

The evidence base that has been developed to inform the APMS has taken into account Annual Average Daily Traffic (AADT) that would arise from proposed allocations in the EFDLP. The use of AADT is the appropriate method for understanding the effects of atmospheric pollution on both human and ecological health. The APMS therefore provides the mechanism by which the Council can arrive at a conclusion of no adverse effect on the EFSAC as a result of planned development.

The applicant has submitted that the proposal involves the demolition of an existing driving range which is not proposed to be replaced. However the application includes an additional 116 car parking spaces which increases the capacity of the site at peak times for use by the ruby club. The golf driving range is evidently a high traffic generating use and includes a relatively high turnover of vehicles throughout the day. Therefore, whilst the overall level of parking provision is higher, the turnover of comings and goings will be lower with the spaces being utilised solely by members of the rugby club.

Overall the applicant has demonstrated that there will be a net reduction of 114 AADT movements compared to the existing use. As such the proposal can be screened out beyond reasonable scientific doubt as not having an adverse effect on the EFSAC providing that the golf driving range is demolished and entirely removed from site prior to the first operation of the proposed development and this can be secured through condition.

*Very special circumstances advanced*

Since the proposal constitutes inappropriate development in the Green Belt, which causes additional harm to its openness and conflicts with its fundamental purposes the applicant must advance very special circumstances to clearly outweigh these harms.

The applicant contends that the erection of the 9 new dwellings would serve as an enabling development, to finance further development on and general improvements to the rugby club. The notion of an enabling development is addressed in paragraph 208 of the NPPF which states:

*Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*

The Government therefore considers that such development can be acceptable, contrary to a development plan where there would be a heritage asset which would otherwise be at risk. There is no provision for the same principle to be applied for the improvement of sporting or community facilities. However there have been High Court judgements which have suggested that other forms of development can also be considered against this principle, such as in (Thakeham Village Action Ltd) v Horsham DC [2014] EWHC 67 (Admin) where the judge concluded that:

*I do not believe that the principles of enabling development are limited to ventures that would protect a heritage asset or a facility that serves or is accessible to the public. And I also reject the submission that those principles do not extend to a financial contribution that would support development undertaken by another company on another site. The jurisprudence does not support either of those concepts.*

*The scope for enabling development is wide. There are many ways in which it may serve a proper planning purpose. It may fund works of repair or improvement to a listed building. It may fund the protection of a particular habitat. It may fund the provision of a swimming pool for public use, or some other public facility. But that is far from being an exhaustive list of the benefits it may help to provide*

Clearly, the notion of an enabling development to fund a community facility can be acceptable depending on the specific circumstances of the case. The enabling development must however be demonstrably in the public interest for such a proposal to clearly outweigh significant policy objections. It must therefore be demonstrated that without the proposed works to the rugby club, that its long term future will be compromised.

The starting point for this assessment is that the Council has previously accepted the notion of allowing an inappropriate enabling development on the land to the east of the application site to fund what the Council considered to be much needed improvements to the rugby club, an important community facility (EPF/0817/12). Under normal circumstances however, if any facility is to develop, expand or otherwise

improve their services they would be expected to meet their own costs without requiring inappropriate forms of development.

Whilst the Council accepted the previous application on the grounds that very special circumstances existed, sufficient to outweigh the harm to the Green Belt, this proposal is to be assessed on its own merits. The bar for allowing inappropriate development in the Green Belt is rightly, very high. The question before members is whether the proposed upgrades to the rugby club are absolutely essential for its long term future and are they so fundamental that it justifies the significant harm that would be caused to the Green Belt.

Firstly it is important for Members to understand where the money from the previous application was spent and for an explanation as to why further inappropriate development is now proposed. so far the costs are as follows:

- Clubhouse - £868,971.14
- Enabling works – 131,492
- All weather pitch - £237,511.15
- Other costs (hot water cylinders, cabling, earthmoving, geogrid car park, all weather pitch equipment, legal fees) - £169,000
- Sinking fund - £70,000
- **Total - £1,476,974.29**

In this new proposal, the applicant contends that the enabling development which was previously approved did not allow all the necessary works to be undertaken to the club, this was in part due to alleged rising construction costs and lack of anticipated grant funding, the issue of grant funding is considered later in this report.

At the request of officers, the applicant has provided a financial breakdown of the estimated cost of the proposed works to the club as follows:

- Demolition of old clubhouse - £25,000
- Car parking provision - £261,090
- Netball court alterations - £10,000
- Car park lighting - £19,992
- Function hall - £547,794
- Upgrades to clubhouse (air conditioning, first floor toilets, boot clean extension) - £122,790
- Stormwater attenuation and drainage - £30,000
- Flood lighting - £691,198
- Cycle stands - £6,405
- Pitch improvements - £55,723
- Sinking fund (10-year maintenance for AWP) - £240,000
- **Total - £2,009,992**

Officers also requested a commentary from the applicant on why these works are essential for the long term future of the club. The applicant summarised that:

*The Club is the largest community facility in Epping and during the peak rugby season it has circa 1000 people through the door over a weekend and the current facilities simply cannot cater for this. The overriding factor is that the club wants to future proof itself and become self-sustaining rather than relying on land disposals. We would also refer to the very successful example of Chigwell Grange. This is home to Colebrook Royals football club and was provided by enabling development. The facilities here are amazing and the club has 32 teams, clubhouse, nature reserve and is self-sustaining now.*

Further justification was provided by the applicant that without the removal of the old clubhouse the increased parking cannot be provided; that the increased parking is essential to the ongoing success of

the rugby club, that the function hall is required for improving financial viability of the club and that the new all-weather pitch will prevent events being cancelled in wet weather.

It is not disputed that the works noted above are desirable for the club, but their nature and the justification offered by the applicant for them are thoroughly unconvincing. Not a single element of the works noted above have been demonstrated to be essential for the continued use of the site as a sporting facility, which continues to operate despite them not currently being on site at present. On the contrary to the assertions of the applicant, the vast majority of the improvements are considered to be non-essential for its long term viability and should be funded through means other than inappropriate development.

Members attention should be drawn to the previously approved application (EPF/0817/12) where it was concluded that very special circumstances existed. In this previous application the main thrust of the justification was the need for a new clubhouse, which was in a poor state of repair and did not offer suitable changing facilities, as well as the delivery of the new all weather pitch. The need for the new clubhouse was fully supported by Sport England and the RFU as they concluded that:

*The clubhouse is no longer fit for purpose, beyond economic repair, is not energy efficient and there are problems with maintaining energy services. From a user perspective, the facilities are considered to significantly fall short of meeting the clubs current needs in terms of scale and quality... The quality of these facilities is considered to be poor due to the age and condition of the building and the design/layout of the clubhouse would not accord with Sport England or Rugby Football Union (RFU) guidance*

In addition a structural report was undertaken which demonstrated that the previous clubhouse had structural issues which were considerably more than cosmetic and a new building was required. This formed a key material consideration in the previous application when the Council considered that very special circumstances existed which clearly outweighed the substantial harm caused by the enabling development.

The replacement clubhouse was designed to meet the clubs current and future needs and would address all of the deficiencies of the existing facilities. The clubhouse has now been completed other than the installation of air conditioning and first floor toilets. There is no evidence to suggest that either of these elements are essential for the continued use of the site as a sports club. It appears that rather being essential, they are non-essential albeit desirable elements for the applicant. Similarly the delivery of a function hall (which does not directly facilitate the use of the site for outdoor sport), increased parking and a sinking fund cannot be considered to be essential.

Again, it is acknowledged that these works would be desirable for the club and would provide it with increased revenue streams, which in itself contributes to its long term future. However there is little evidence that the club is struggling financially, or with its member base and there is very little justification that without these works that the future of the club would be at risk. This position is taken in the context where the Council has already accepted that this is a valued community facility through the original consent and its long term survival is a strong material consideration. However, in light of the above, it does not follow that a refusal of planning permission would necessarily compromise the long-term viability of this facility and thus the works cannot reasonably be considered to be essential, resulting in a tangible public benefit.

Inappropriate enabling development in the Green Belt should be the last resort to bridging a funding gap and other means of funding should be thoroughly and extensively explored before this option can be favourably considered. So, turning to the proposed quantum of inappropriate development, the applicant has provided financial information which shows that the level of housing proposed would deliver the majority of the desired works to the rugby club, however officers are unconvinced that other potential sources of funding have been appropriately sought, in particular through grant funding or low interest loans.

The rugby club has previously sought and received grant funding from the following sources:

- £115,000 from the RFU in 2013
- £50,000 from Sport England in 2013
- £10,000 from ECC in 2013
- £5,000 from Grange Farm in 2013
- £5,000 from EFDC in 2014

These grants were made to contribute towards the delivery of the new all-weather pitch and new clubhouse, which as previously identified were accepted in the previous application as being essential infrastructure for the long term future of the rugby club. Again, to reiterate both of these elements have now been delivered on site.

It is noted that some grant requests made by the club have been refused, however the last of these requests was made in 2015. No grant requests have been sought since this time and as a result it cannot be concluded with conviction that there are no other potential sources of funding for the desired works.

Finally the applicant points to the Council's lack of a 5 year housing supply. Paragraph 74 of the Framework identifies that strategic policies should include a trajectory of expected housing delivery over the plan period. Local Planning Authorities should ensure that there is a supply of deliverable sites sufficient to provide for a minimum of five years worth of housing against their objectively assessed housing requirement.

The Council has a history of not meeting this target and that under existing Development Plan, cannot currently demonstrate a five year supply of sites against the housing requirement. However, as previously noted, the EFDLP is now at a very advanced stage in its production, with a new round of Main Modifications currently being consulted on at the time of writing this report.

The Inspectorate has confirmed in correspondence their acceptance of the Council's intention to deliver new housing through a "stepped" trajectory, where delivery of new housing will come forward relatively slowly in the first years after adoption and then significant delivery thereafter. Whilst under the existing Development Plan the Council concedes that it cannot provide for a five year supply of deliverable sites, upon adoption of the EFDLP the Council will have a clear strategy for delivering the necessary new homes through a plan led approach and through an adopted "stepped" trajectory.

In any event, the delivery of 9 new dwellings through this application will not significantly add to the existing housing stock within the District and therefore this only attracts moderate weight.

### Sport England

Since the proposal would result in the loss of land which has been used as a playing field, consultation with Sport England is necessary. In summary, Sport England have offered no objection as a statutory consultee subject to:

- Sports Facilities Delivery
- Artificial Grass Pitch Design Specifications;
- Artificial Grass Pitch Certification;
- Natural Turf Pitch Improvement Scheme;
- Construction Phasing;
- Community Use Agreement;

Sport England have also offered support for the scheme as a non statutory consultee. Sport England seek to protect existing sport facilities and enhance the quality, accessibility and management of existing facilities and provide new facilities to meet demand. Sport England consider that the proposal

has the potential to deliver enhanced sporting facilities that would make a major contribution towards meeting identified community sports facility needs in Epping Forest District. It is clear therefore that the desired improvements to the club have some merit and would provide benefit when considering the application purely from a sporting perspective.

### **Overall planning balance and conclusion**

As previously identified in this report, the proposal constitutes inappropriate development in the Green Belt, which causes additional harm to its openness, conflicts with its fundamental purpose and introduces an increased amount of residential paraphernalia and domestic activity to the site causing harm to its character. In accordance with paragraph 148 of the NPPF, the decision maker must attach substantial weight to these harms and the applicant must advance very special circumstances to clearly outweigh them. (Officer emphasis)

The stringent test articulated by Sullivan, J in *R (Chelmsford) v First Secretary of State and Draper* [2003] EWHC 2978, which concerned national Green Belt policy in Planning Policy Guidance Note 2 (which has been replaced by the Framework however, for present purposes, current national Green Belt planning policy has not changed), states within paragraph 58:

*"58. The combined effect of paragraphs 3.1 and 3.2 [of PPG2] is that, in order to justify inappropriate development in the Green Belt, (a) there must be circumstances which can reasonably be described not merely as special but as very special, and (b) the harm to the Green Belt by reason of inappropriateness and any other harm must be clearly outweighed by other considerations. Those other considerations must be capable of being reasonably described as very special circumstances. If they are capable of being so described, whether they are very special in the context of the particular case will be a matter for the decision maker's judgment."*

In *R (Basildon District Council) v First Secretary of State and Temple* [2004] EWHC 2759 (Admin), Sullivan, J clarified the test for demonstrating very special circumstances by confirming that it was not necessary for each factor, of itself, to be 'very special' and that factors which individually were otherwise quite ordinary could cumulatively become very special circumstances.

Clearly therefore, In order to amount to very special circumstances the applicant has to demonstrate that the material considerations they rely upon clearly outweigh the harm by way of inappropriateness and any other harm.

It is not disputed that the proposed improvements to the club would be desirable and, with particular emphasis on the delivery of the proposed all weather pitch adjacent to the clubhouse, would contribute to enhancing the existing sport offer in the area and would reduce the likelihood of matches being postponed due to bad weather.

However in this instance the sheer quantum of development proposed (9 new houses) and its impact on the openness of the Green Belt is clearly disproportionate to the benefits that will be accrued from the development proposed. It has been demonstrated in this report that the benefits of granting planning permission are for the most part, very limited, non essential albeit desirable elements for the rugby club and are not overtly within the public interest to justify inappropriate development and the other harms to the Green Belt. In addition, the applicant has not adequately examined other potential sources of funding, as the last request for grant funding came in 2015.

In previously accepting development of 8 semi detached houses on the adjacent site as enabling development to secure improvements to the club, Members of this committee considered that the quantum was acceptable, given the very poor state of the existing facilities and the very clear argument put forward at the time that the 8 houses would secure the long term future of the club. In addition, the previously approved application was sited on previously developed land, albeit a car park, and further somewhat mitigated by the fact that development did not extend much further west than the established

residential development opposite the site, and essentially therefore completed the ribbon development fronting the road. Neither of these factors apply to the current proposal.

The applicant has set out a number of considerations which they believe clearly outweighs the identified harm and these have been carefully considered, however when considered individually or in combination it is clear that they do not outweigh, never mind clearly outweigh the very significant harm caused by way of a substantial amount of inappropriate development, additional harm to openness, a significant conflict with the fundamental purposes of the Green Belt and further harm caused by increased residential paraphernalia and domestic activity. As such very special circumstances do not exist and the proposal therefore conflicts with policies GB2A and GB7A of the ALP, with policy DM4 of the EFDLP and with the Green Belt requirements of the NPPF. As such planning permission should be refused.

### **Recommended reasons for refusal**

1. The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. In addition, the proposal would cause significant additional harm to its openness and would conflict with its fundamental purpose of keeping land permanently open. The nature of the proposal would cause a significant increase in the residential paraphernalia in and around the site which would cause additional significant harm to the character of the Green Belt. The very special circumstances advanced by the applicant do not clearly outweigh these identified harms to the Green Belt. The proposal is therefore contrary to policy DM 4 of the Epping Forest District Local Plan Submission Version (2017), with policies GB2A and GB7A of the Adopted Local Plan and Alterations (2006) and with the requirements of chapter 13 of the National Planning Policy Framework (2021).
2. Since there is no appropriate mechanism to secure the necessary financial contribution towards managing the effects of recreational pressure on the Epping Forest Special Area of Conservation, the proposal fails to demonstrate its compliance with policies DM 2 and DM 22 of the Epping Forest District Local Plan, policy NC1 of the Adopted Local Plan and Alterations (2006), with paragraphs 181 and 182 of the National Planning Policy Framework (2021) and with the requirements of the Habitat Regulations (2017)

### **Refusal Reason(s): (2)**

- 1 The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. In addition, the proposal would cause significant additional harm to its openness and would conflict with its fundamental purpose of keeping land permanently open. The nature of the proposal would cause a significant increase in the residential paraphernalia in and around the site which would cause additional significant harm to the character of the Green Belt. The very special circumstances advanced by the applicant do not clearly outweigh these identified harms to the Green Belt. The proposal is therefore contrary to policy DM 4 of the Epping Forest District Local Plan Submission Version (2017), with policies GB2A and GB7A of the Adopted Local Plan and Alterations (2006) and with the requirements of chapter 13 of the National Planning Policy Framework (2021).
- 2 Since there is no appropriate mechanism to secure the necessary financial contribution towards manging the effects of recreational pressure on the Epping Forest Special Area of Conservation, the proposal fails to demonstrate its compliance with policies DM 2 and DM 22

of the Epping Forest District Local Plan, policy NC1 of the Adopted Local Plan and Alterations (2006), with paragraphs 181 and 182 of the National Planning Policy Framework (2021) and with the requirements of the Habitat Regulations (2017)





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Application Number:	EPF/0332/22
Site Name:	Rosario, High Road Thornwood CM16 6LU

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# OFFICER REPORT

**Application Ref:** EPF/0332/22  
**Application Type:** Outline Planning Application  
**Applicant:** Epping Road Ltd  
**Case Officer:** Ian Ansell  
**Site Address:** Rosario  
High Road  
Thornwood  
Epping  
Essex  
CM16 6LU

**Proposal:** Outline Application for proposed demolition of existing buildings followed by comprehensive development of up to 62 new homes (inclusive of 40% onsite affordable housing), landscaping, community orchard, new access, parking and circa 1.9 ha of public open space.

**Ward:** Epping Lindsey and Thornwood Common  
**Parish:** North Weald Bassett  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NySH>

**Recommendation:** Approve with Conditions (Subject to s106 Legal Agreement)

*This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

## **Description of Site:**

The site is located on land west of High Road, Thornwood and comprises around 4.1 ha total area. Existing buildings comprise a detached two storey dwelling known as Rosario located almost centrally on the road frontage with associated outbuildings predominantly immediately adjacent to the house, and extensive hardstandings. There are other large structures within the grounds of the main house, outbuildings and significant areas of hard surfacing. There are also remnants on site of historic uses including remains of a clay pigeon shooting club use and abandoned vehicles.

The site is situated on the northern end of the Thornwood settlement, in a mixed use area that includes commercial and residential development to the north and south, and Thornwood Springs Trout Fishery and Epping Upper Clapton Rugby Club are to the west.

Existing vehicular and pedestrian access is provided from High Road, Thornwood, and there is a further gated access onto Carpenters Arms Lane to the south.

The site and much of the surrounding area lies within the Green Belt. The eastern part of the site, including all existing buildings, comprising around 1.59ha is allocated in the Local Plan Submission Version for residential development.

### **Description of Proposal:**

The application is submitted in outline and proposes a comprehensive re-development of the site to provide a residential led development. The application seeks only to formalise the extent of the developable area and means of access to the site.

The wider proposed development includes –

- Demolition of existing buildings on-site.
- Development of around 2.2 ha of the total site to provide 62 dwellings (including policy compliant 40% onsite affordable housing). Density and storey height parameter plans indicate a predominantly 2 and 2.5 storey development, with a limited element of 3 storey building.
- New vehicle access from High Road serving the whole development with pedestrian and cycle access to Carpenters Arms Lane
- A new 1.9 ha community public open space with walkways and community orchard, incorporating sustainable urban drainage measures.
- All infrastructure as required, with car parking, cycle stores and refuse areas.
- New landscaping and tree planting throughout.

The application is accompanied by a number of detailed reports including Design & Access Statement, Contaminated Land Report, Flood Risk and Drainage Assessment, Tree and Arboricultural Assessment, Archaeology and Heritage Statement, Energy and Sustainability Report, Transport Assessment, Preliminary Ecological Assessment and Air Quality Assessment.

### **Relevant History:**

None

### **Policies Applied:**

#### *Adopted Local Plan:*

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

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

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP3 New Development
- CP6 Achieving Sustainable Urban Development Patterns
- CP7 Urban Form and Quality
- GB2A Development in The Green Belt
- GB7 Conspicuous Development
- NC1 SPA's, SAC's and SSSI's
- NC3 Replacement of lost habitat
- NC4 Protection of established habitat
- RP4 Contaminated land
- H2A Previously Developed Land
- H3A Housing Density
- H4A Dwelling Mix
- H5A Provision for Affordable Housing
- U3B Sustainable Drainage Systems

DBE1 Design of New Buildings  
 DBE2 Effect on Neighbouring Properties  
 DBE3 Design in Urban Areas  
 DBE4 Design in the Green Belt  
 DBE6 Car Parking in New Development  
 DBE7 Public Open Space  
 DBE8 Private Amenity Space  
 DBE9 Loss of Amenity  
 LL1 Rural landscape  
 LL10 Adequacy of Provision for Landscape Retention  
 LL11 Landscaping Schemes  
 ST1 Location of development  
 ST2 Accessibility of development  
 ST4 Road Safety  
 ST5 Travel plans  
 ST6 Vehicle Parking  
 I1A Planning Obligations

*NPPF (July 2021):*

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 109, 110, 111, 112
- 11 Making effective use of land – paragraphs 117, 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 127, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

*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
SP2	Spatial Development Strategy
SP3	Place Shaping
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
H2	Affordable housing
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt

DM5	Green and Blue Infrastructure
DM6	Designated and undesignated open spaces
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM20	Low carbon and renewable energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality
P11	Thornwood
D1	Delivery of infrastructure
D2	Essential facilities and services
D4	Community. Leisure and Cultural Facilities
D7	Monitoring and Enforcement

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

**Date of site visit: 09 May 2022**

**Number of neighbours consulted: 43**

**Responses received: Objections have been received from 15 properties including the following: No. 3, MOOLTAN, NEW HOUSE, PENDRE, RED MEET and THE MEADOWS, CARPENTERS ARMS LANE**

**39 DUCK LANE**

**22 ROWLEY MEAD**

**1, 2 and 3 SMITHS COURT, HIGH ROAD**

**No.5 and GATE HOUSE, TEAZLE MEAD**

**37 UPLAND ROAD**

### **Comments cover a range of issues as below:**

- Access from Carpenters Arms Lane – most objectors pick up on a comment in the application that access from Carpenters Arms Lane could be used for emergency access. This is opposed as the road is narrow with no footways. Objectors suggest no access, including pedestrian and cycle access, should be provided from this route.
- Traffic and highway issues – matters raised include increased vehicle activity on High Road and local road network, adequacy of the proposed access in relation to highway safety issues due to traffic speeds and lack of safe pedestrian access.
- Level of development in the context of the settlement is considered excessive
- Loss of additional Green Belt land beyond the allocated site
- Question of prematurity ahead of adoption of the Local Plan and any Neighbourhood Plan
- Drainage and flooding concerns arising from existing site conditions and level of built development
- Impact on local infrastructure – schools, doctors etc.
- Adequacy of on site parking, risk of overspill parking
- Direct amenity impacts on immediate neighbours – in particular visual impact from Smiths Court and potential overlooking raised by Carpenters Arms lane resident.
- Issues around construction disturbance

Other specific comments have been received from two parties:

Camfaud Concrete Pumps Ltd, northern neighbours to the site comment as under:

*As a local business providing employment to the local community for over 30 years, we are concerned that any residential development will raise objections to a long-established Plant Hire Company, offering essential services to the Construction Industry. Due to the nature of our business, we have a large workshop facility carrying out heavy engineering repairs, as well as multiple vehicle movements every day.*

*We would think it prudent, therefore, that no application is granted without adequate sound protection constructed along the perimeter between Rosario and Camfaud boundaries.*

**Agent for potential developer of the site opposite the application site (allocated in the LPSV for residential development as site THOR.R1). Discussions have taken place around the relative locations of the site access, including Essex Highways, and the Council should satisfy itself that approving the current application does not preclude development on the other allocated site.**

**Parish Council: North Weald Parish Council submitted a detailed response, set out below. The Parish Council raised NO OBJECTION to the application subject to the following matters being agreed to make the application acceptable in planning terms:**

- The proposal includes an area of Open Space to the west of the proposed site which we understand may not be proposed should only the LPSV allocated site be developed. Agreement should be reached that this green space should remain in perpetuity on site, and to ensure this is the case and to ensure the area is appropriately managed on behalf of the community, a management plan needs to be put forward with stewardship of the area being provided to the Parish Council for an agreed number of years, with an ongoing financial contribution to ensure its maintenance. This would be subject to a formal written Legal Agreement.
- The following points must be negotiated and secured by way of S106 agreements as follows:
  - o The Lowering of the Speed Limit along an agreed section of the B1393 to 30mph, this had previously been looked at by the local highway authority, but we had been advised that would need a small number of additional properties to be built to make it viable for the speed to be lowered to 30mph
  - o The installation of a New Speed Camera close to the Development
  - o A New Pedestrian Crossing along the B1393 close to the Development
  - o New Footways Along the B1393
  - o A New Bus Shelter on the B1393
- The 40% Social Housing MUST be for local Parish Families
- The Parish Council would not support any access, be it on foot, by car, or emergency service access to the proposal site from Carpenters Arms Lane. Carpenters Arms Lane already suffers from significant problems in terms of access, especially since the building of three new homes which have encroached onto the private access road causing safety issues with vehicles both entering and exiting the site.

The Parish Council asks that a meeting takes place with the Parish Council, the Developer, the Planning Officer responsible for this application, and the District Councillors for this site, to ensure all the above points are duly considered and agreed before and if any application is decided. If necessary, the District Council should request an extension of determination time with the Developer to allow these discussions to take place

The Parish Council is aware that this application goes against the LPSV Policy for this site, specifically in terms of the number of homes being proposed (62 instead of the allocation of 48), and that the development encroaches into the Green Belt. The Parish Council has considered all elements of this proposal, both positive and negative, and the conclusion reached is that the benefits the proposal would bring to the community (assuming the points raised in part A are agreed) would make the proposal more acceptable to the local community.

B) The following CONCERNS and OBSERVATIONS were made by both Councillors and the 13 Members of Public who were in attendance at the Planning Committee meeting at which this planning application was considered:

- Concern at the Viability of the Site, especially if the site were to be sold on and how any S106 agreement reached would be secured in this scenario.
- Concern at the Quantum of Development, this being from 48 homes to 62
- Financial Viability of the Developers – would they be able to deliver what they have promised within the proposal.
- How the maintenance service charge of the proposed open space would be levied if this space is not managed and maintained by the Parish Council. Who would oversee this?
- Would the Open Space be subject to future Housing Proposals?
- There should be no visitors parking along Carpenters Arms Lane
- There is a general concern at the Increase in Traffic along the B1393.
- Any access arrangements to the site should not prejudice access to site THOR.1 (SVLP), being as the access point to this site would be directly opposite this proposal. Highways should be consulted in this regard.
- The New Homes Bonus of £7k which is allocated per house should be allocated and secured towards Community Benefit for Thornwood.
- All Proposed Sites for the Parish Should be looked at collectively in conjunction with one another and the Traffic from each site must viewed and considered as a whole. For example Traffic from the Latton Priory Site MUST be looked at in terms of how it affects Traffic flow along the B1393 in conjunction with Traffic coming from this site.
- The Parish Council has a Policy of not supporting 3 Storey Properties If this application goes to a Planning Committee or a District Development Committee of the District Council, then the Parish Council would like to attend.

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

#### *LPSV Housing Delivery Considerations*

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

The Council is required to deliver new housing in accordance with the national policy requirements to ensure a continuous supply of homes are delivered through the maintenance of a five year supply of housing land. Where such supply cannot be established, the presumption in favour of allowing development will take priority of most local plan policies. Existing policy provision falls short of meeting this target, leaving the District vulnerable to development coming forward in locations and of a form which would otherwise be resisted.

The LPSV seeks to provide inter alia new homes to meet the Council's national housing delivery targets. The Local Plan process has sought to further divide the allocation by a range of methods in order to identify sites capable of delivering the required number of homes over the plan period, including review of employment and other underused sites, and the Green Belt review, all of which will be familiar to Members. As a result, the plan identifies the need to supply around 172 of the required homes in the Thornwood settlement.

The plan identifies two sites on the northern edge of Thornwood which meet the criteria established for removal from the Green Belt. The two sites are capable of delivering the LPSV requirement for the settlement. The development of such sites would evidently relieve pressure to release other sites for



development in other locations, particularly around the fringes of the settlement area where pressure may otherwise be exerted.

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

The latest main modifications to the LPSV currently before the Local Plan Inspector do not specifically impact the application site or the amount of development anticipated.

### *Green Belt considerations*

The application does however extend beyond the site allocation boundary proposing development on around 0.63 ha of land outside of the parameters of the allocated site. Consideration of the impact on the Green Belt should therefore focus on this additional area, in that the allocated site includes the previously developed part of the site.

In broad terms, new residential development within the Green Belt should be treated as inappropriate, unless very special circumstances exist, or it meets the exceptions set out in paragraph 149 of the NPPF 2021 (with which emerging policy DM4 is wholly consistent). One such exception would apply to the redevelopment of previously developed land, provided this *would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

In terms of any case of very special circumstances, paragraph 148 of the NPPF sets out that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In considering the extent of the allocated site, a number of considerations arise. The western boundary of the site has been established in a somewhat arbitrary fashion, following a line established by rear garden boundaries of the adjoining properties to the south. The purpose of establishing new Green Belt boundaries is stated as being to establish a new defensible boundary to the west of the site. As such, the key consideration is not necessarily where the boundary is ultimately located, but that it serves the purpose of creating a strong defensible boundary to the Green Belt, either physically or visually. Officers consider the development serves this purpose.

Development also provides an opportunity to make significant enhancements to the character and form of the Green Belt through the proposals for the open part of the site. The land currently comprises low grade open scrubland. Within the centre of the plot lies a single tree but otherwise debris from previous uses remains indicating a mixed history (ie the land has not been used for cultivation). Comments from consultees suggest the ground performs poorly in terms of natural drainage, likely as a result of compacting of the surface and general lack of maintenance.

The development envisages a comprehensive enhancement of the land including areas of new landscaping, ecological enhancement including new habitat friendly planting and provision for a SuDs attenuation scheme. The parameter plan accompanying the application indicates a visual break between development and open land and presents an opportunity for natural surveillance.

Taking these matters collectively, officers consider that extending the site beyond the proposed allocation of itself has a limited impact on the character and openness of the Green Belt. The broad

proposals will achieve the key objective of creating a new defensible boundary to the Green Belt as well as significantly enhancing the character and appearance of the site, which in turn will strengthen its Green Belt function. When added to the delivery of a policy compliant affordable housing scheme, the opportunity to provide a SuDs solution to any site drainage concerns, and the wider protection to more sensitive sites in and around Thornwood from delivering more than the site allocation, officers consider that very special circumstances exist to support the minor incursion into the Green Belt.

### *Impact on surrounding area*

As a result of the limited area being proposed for development, potential direct impact is very limited. Adjoining properties at Smiths Court do not have main windows facing directly onto the developable area. Discussions on detailed layout have indicated that buildings immediately adjacent to this boundary would not be considered and that private gardens are likely to abut the boundary. As a result, neighbouring residents are not significantly affected.

The application is submitted with a Landscape Visual Impact Assessment (LVIA) which assesses the proposed developments impact on the wider area in visual terms.

The LVIA confirms that the site is visually enclosed with mature existing vegetation along all the site's boundaries. There are some natural gaps within the existing vegetation through which only brief and glimpsed views into the site can be afforded.

Any residual impacts would be limited to only close range visual receptors, those being receptors along High Road and potentially for residential receptors with north-facing windows and gardens along with Smiths Court, Carpenters Arms Lane and Teazle Meade.

Impacts on the wider landscape are limited due to a combination of undulating topography, scale, distance of view and existing vegetation and built form that is found within the landscape surrounding Thornwood. With the incorporation of appropriate mitigation, including retention and enhancements of landscape boundaries, the proposal would have a very limited impact on the openness of the Green Belt and the wider landscape character.

### *Parking and traffic*

The proposals are made in outline form seeking permission for access only.

The location of the proposed access has been agreed with the highway authority with a view to meeting visibility splays for vehicles approaching and exit the site from both north and south. The position of the access does not compromise future access to the allocated development site opposite. Highway Authority guidance in this regard is that the junctions should be staggered and that right turning traffic should reach its junction first, to minimise disruption to traffic flow. This objective is met.

A number of highway works are required to make the development acceptable, in terms of managing the junction an improving pedestrian access and safety. These comprise:

- Provision of 2m wide footways along the frontage and into the site
- Provision and implement of a 1.8m wide minimum pedestrian refuge island to the south of the proposed access with a pair of pedestrian dropped kerb crossing points across the High Road
- Introduce a new 30mph speed limit through Thornwood, from approximately the point just to the north of the proposed pedestrian refuge island, to a point just south of the junction of Woodside, approx. 300m in length, to coincide with the start of the development, with appropriate signing and lining as necessary, and gateway features to the north and south at the new 30mph signs.
- Provision of a new shelter with integrated Real Time Passenger Information screen for the northbound stop.
- Provision of a 28" in shelter stretch display for Real Time Passenger Information for the southbound stop

Such works have been agreed in principle and will be secured through a legal agreement and conditions as appropriate.

Car parking within the site will be for the reserved matters application, and would be expected to include curtilage and street parking, all within the development area.

### *Impact on EFSAC*

The application includes information to assess potential impact on the EFSAC. The site lies within 6km and now falls to be considered in terms of in terms of both recreational pressure and air quality impact. An HRA report accompanies the application and has been reviewed by specialist consultants. Existing modelling for air quality takes account of the allocation, and it is concluded that the additional development results in marginal differences in AADT movements within the EFSAC area. As a result, no additional provision is required beyond standard contributions and electric vehicle charging points to all dwellings. Relevant contributions have been agreed by the developer.

As a result, an Appropriate Assessment can be completed.

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

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

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

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

### **Stage 1: Screening Assessment**

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

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

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

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

## **Stage 2: 'Appropriate Assessment'**

### Recreational Pressures

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

### Atmospheric Pollution

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

### *Drainage*

Notwithstanding comments from residents, the site is located in flood zone 1 and has had no history of flooding. The increase in built development would however result in a change in the natural drainage of the land and the application considers this in terms of the site and surroundings.

The gradual fall in levels means that it is suitable to provide a suds area within the southern corner of the site which will be installed as part of this comprehensive scheme.

The supporting technical reports confirm that a Surface Water Drainage Strategy can be secured to demonstrate that a sustainable drainage solution can be provided for the proposed development. The Surface Water Drainage Strategy has been designed in accordance with current sustainable development best practice and meets the requirements of Essex County Council (as the LLFA) and the District Council's requirements.



- Provision and implement of a 1.8m wide minimum pedestrian refuge island to the south of the proposed access with a pair of pedestrian dropped kerb crossing points across the High Road
  - Introduce a new 30mph speed limit through Thornwood, from approximately the point just to the north of the proposed pedestrian refuge island, to a point just south of the junction of Woodside, approx. 300m in length, to coincide with the start of the development, with appropriate signing and lining as necessary, and gateway features to the north and south at the new 30mph signs.
  - Provision of a new shelter with integrated Real Time Passenger Information screen for the northbound stop.
  - Provision of a 28" in shelter stretch display for Real Time Passenger Information for the southbound stop
- Monitoring fees – EFDC 5% of total (£8,276.02)), ECC £550 per contribution (£4,400)

#### *Other matters*

Initial assessment of historic records indicate low potential for archaeological remains to be present on the site. However, the application presents an opportunity for further investigation through trial trenches prior to main excavations. These requirements can be adequately addressed through condition.

An initial study for potential contaminants has found some evidence of potential contaminants being present. Further development in the form of a remediation strategy is recommended in order to carry out a more comprehensive assessment of this risk, in light of the sensitive nature of residential uses. This can also be covered by condition.

#### **Conclusion:**

As the application is in outline, only matters of general principle can be considered.

Development on the allocated site is acceptable in principle, the LPSV carries significant weight in this regard. The application proposes additional development beyond the boundaries of the site allocation which for the reasons set out above is acceptable in Green Belt terms. The delivery of the level of development proposed will make a significant contribution to overall housing targets across the District and also in terms of the settlement, reducing local pressure for further inappropriate development.

The scheme delivers other benefits too in terms of a policy compliant level of affordable housing, enhancements to the western portion of the site in removing the existing low grade scrubland and introducing new a landscape and ecological feature, and delivering mitigation for wider impacts on local infrastructure.

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

***Should you wish to discuss the contents of this report item please use the following contact details by 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](mailto:contactplanning@eppingforestdc.gov.uk)***

**Conditions: (32)**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be designed in accordance with the details set out in the following approved plans: 21006- 01 - 05 inclusive. and 05667-TR-003-P4

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

- 3 Prior to commencement of the development, details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority for approval before the expiration of three years from the date of this permission, and the development shall be carried out in accordance with the details so approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4 Development shall not commence until the developer has completed a binding agreement with an affordable housing provider agreed by the Council to facilitate delivery of 25 affordable housing units comprising an agreed mix of house types and tenures required by the associated legal agreement accompanying this permission.

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

- 5 Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:  
a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

- 6 No development shall take place on site unless and until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation. No development or demolition shall take place other than in

accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

Reason: The site is an Archaeological site where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed, in accordance with policy HC1 of the adopted Local Plan 1998 & 2006, Policy DM of the Local Plan Submission Version 2017, and the NPPF.

7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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



groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

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

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

- 9 No development, including works of demolition or site clearance, shall take place until 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 Prior to preliminary ground works taking place, details of surface water disposal, including measures to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution 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.

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

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

- 12 Prior to the commencement of any above ground works, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 13 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.

- 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 and DBE4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM4 and DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 15 Prior to the commencement of any above ground works, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are

likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

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

- 16 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

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.

- 17 Prior to their installation, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NO<sub>x</sub> emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details.

Reason: To help improve local environmental conditions and limit emissions to air as required by the national planning policy framework. Boilers can be a significant source of NO<sub>2</sub> emissions and worsen local air quality. To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

- 18 Prior to construction of any residential curtilage, a plan indicating the position, design, materials and type of all boundary walls, fences or other means of enclosure (including an acoustic barrier to the northern site boundary) to be erected within the development, shall have been submitted

to and approved by the Local Planning Authority. The approved boundary treatments shall be implemented prior to the occupation of the development and thereafter permanently retained.

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

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

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

- 20 If any tree, shrub or hedge shown to be retained in any agreed 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.

- 21 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.

- 22 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.

- 23 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.

- 24 Prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use, a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity to be provided by the new landscaping is achieved and safeguarded, and to ensure a satisfactory appearance to the development, in accordance with policies LL7 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.

- 25 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking 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 the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

- 26 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.

- 27 Prior to the first occupation of the development the access arrangements, as shown in principle on PJA drawing no. 05667-TR-0003 Rev P4, shall be fully implemented and retained for the life of the development. All details to be agreed with the Highway Authority, and to include, but not limited to the following:

- Provision of minimum visibility splays of 2.4m x 110m clear to ground level
- A bellmouth with minimum radii of 6m with dropped kerb crossing points across it
- Provision of 2m wide footways along the frontage and into the site

- Provision and implement of a 1.8m wide minimum pedestrian refuge island to the south of the proposed access with a pair of pedestrian dropped kerb crossing points across the High Road
- Introduction of a new 30mph speed limit through Thornwood, from approximately the point just to the north of the proposed pedestrian refuge island, to a point just south of the junction of Woodside, approx. 300m in length, to coincide with the start of the development, with appropriate signing and lining as necessary, and gateway features to the north and south at the new 30mph signs.

Reason: To ensure that safe, efficient and improved accessibility is provided for all highway users, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policies T1 and T2 of the Local Plan Submission Version 2017 and the NPPF 2021

- 28 Prior to the first occupation of the development the developer shall provide the following improvements, to Highway Authority specification, to the existing Carpenters Arms bus stops, to the south of the site, either side of the High Road:
- Provision of a new shelter with integrated Real Time Passenger Information screen for the northbound stop.
  - Provision of a 28" in shelter stretch display for Real Time Passenger Information for the southbound stop.

Reason: In the interests of reducing the need to travel to the site by car and promoting sustainable and accessible development and transport, for the development and the locality in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policies T1 and T2 of the Local Plan Submission Version 2017 and the NPPF 2021

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan, policies T1 and T2 of the Local Plan Submission Version 2017 and the NPPF 2021

- 30 The open space area at the western end of the site shall be retained in perpetuity for general public use, and shall not be enclosed nor access restricted without prior consent from the local planning authority through a planning application.

Reason This aspect of the application has been justified as a public facility and any change thereto requires appropriate consideration in accordance with policies DBE2 and DBE9 of the

adopted Local Plan and Alterations, policies DM5, DM9 and DM10 of the Local Plan Submission Version, and the NPPF 2021.

- 31 All parking areas within the development hereby permitted shall be provided prior to the first occupation of the dwellings they serve and shall be retained free of obstruction for the parking of residents and visitors vehicles only.

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

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

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with policies DBE2 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021.

**Informatives: (5)**

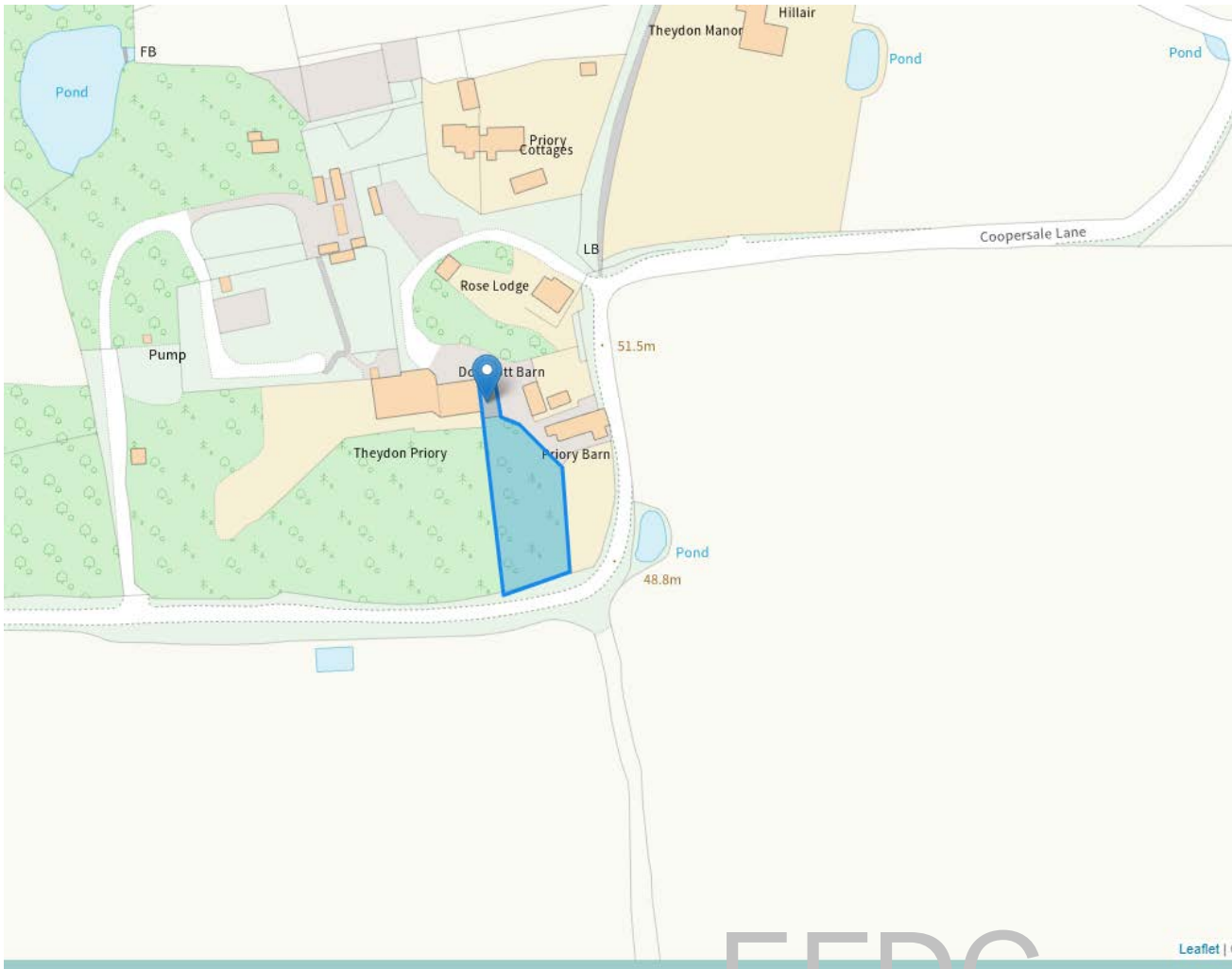
- 33 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 34 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 35 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.
- 36 Pursuant to condition 10 above , the detailed surface water drainage scheme will be required to be designed in accordance with the flood risk assessment (Flood Risk Assessment and Drainage Strategy, Ref: 05667/R-02-A/FRA v2) submitted with the application unless otherwise agreed in writing with the Local Planning Authority. The details will also be required to include information contained in the Lead Local Flood Authority's comments dated 07 June 2022.
- 37 The following informatives are included by the Highway Authority:  
i. Notwithstanding the submitted access details, it would be prudent to consider reducing the radii of the new bellmouth at the detailed design stage, so as to help facilitate pedestrian movement rather than accommodating fast vehicle turning.

- ii. Please note that as the application is outline, access only, no detailed assessment of the internal layout has been undertaken at this time.
- iii. There shall be no discharge of surface water onto the Highway from the site.
- iv. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- vi. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.





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Application Number:	EPF/0674/22
Site Name:	4 Theydon Priory Coopersale Lane ,Theydon Garnon CM16 7NU

# OFFICER REPORT

**Application Ref:** EPF/0674/22  
**Application Type:** Full planning permission  
**Applicant:** Mr Jay Sangar  
**Case Officer:** Caroline Brown  
**Site Address:** 4 Theydon Priory  
Coopersale Lane  
Theydon Garnon  
Epping  
CM16 7NU  
**Proposal:** Proposed side extension to the main dwelling.  
**Ward:** Passingford  
**Parish:** Theydon Garnon  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyxT>  
**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:**

No. 4 is a two-storey dwelling located on the western side of Coopersale Lane. The property forms part of a Grade II Listed building, formerly part of a rectory of 17<sup>th</sup> century origin with later alterations. It is timber framed with red brick facing and stands at two storeys under a plain clay tiled roof. The site also lies within the Metropolitan Green Belt and not within a conservation area.

## **Description of Proposal:**

Permission is sought for planning permission and Listed Building Consent for the construction of a side extension to the main dwellinghouse to the east boundary measuring 2.8 x 5m at a ridge height of 3.0m.

This application follows a refused scheme, ref. EPF/2331/21 and EPF/2339/21 for a rear extension where the crown roof form was deemed unacceptable. Planning permission for a rear summerhouse has recently been approved.

## **Relevant History:**

EPF/0675/22- Construction of a rear summer house - Approved

EPF/2331/21 and EPF/2339/21- Rear extension, carport and summer house and Grade II listed building consent for a rear extension, carport and summer house- Refused - 07/02/2022

*The proposed development fails to conserve this Grade II Listed heritage asset and will cause harm to its special appearance and character. The proposal therefore fails to comply with policies DBE10, HC10 and HC12 of the Epping Forest Local Plan and Alterations (1998 and 2006), policies DM7 and DM10 of the Local Plan Submission Version (2017), and the NPPF (2021).*

EPF/1514/21 - Application for a Grade II Listed Building for proposed internal alterations and works of renovation. - Grant Permission (With Conditions)

EPF/0616/08 - Grade II listed building application to create a hole at the front of the house, closed with an air brick, to facilitate kitchen extractor and also a 50mm hole at ground level for grey water pipe. - Grant Permission (With Conditions)

EPF/2254/06 and EPF/2255/06 - Single storey rear extension and Grade II listed building application for a single storey rear extension. - Refuse Permission and dismissed at appeal

EPF/1364/06 and EPF/1365/06 - Erection of a side/rear conservatory and Grade II listed building application for the erection of a rear/side conservatory – Both withdrawn

EPF/1031/03 and EPF/1075/03 - Loft conversion and Grade II Listed building application for a loft conversion. - Grant Permission (With Conditions)

EPF/0750/98 - Erection of garden shed. - Grant Permission (With Conditions)

EPF/0503/97 - Alterations to kitchen windows, small bay and french door to south elevation. – Grant Permission (with conditions).

### **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

GB2A Development within the Green Belt

GB7A Conspicuous Development

HC10 Works to Listed Buildings

HC12 Development Affecting the setting of a Listed Building

LL10 -Adequate provision for landscape retention

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 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> 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
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM7- Heritage Assets	Significant
DM9 -High Quality Design	Significant
DM10 Housing Design and Quality	Significant

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

Site Notice Displayed and Advertised 14<sup>th</sup> July 2022

Neighbours consulted: 3:

5 objections have been received that raise the following concerns:

## 2 Theydon Priory:

- The building is listed and, further extension work should not be added to damage the character of the heritage building.

To the rear of the priory there are low level boundary fences between 2,3,4 gardens. The addition of the extended kitchen (side extension), carport and summerhouse will be clearly visible across all properties and will be an eyesore, tarnishing the natural aesthetics of the area.

no consideration with construction and building work of the proposed

## 3 Theydon Priory:

- We live in a beautiful landscape with Grade II listed properties that have been preserved for many years. Anyone buying these properties knows the limitations and I feel should stick to them. There is also a tree which would be uprooted to provide the space for this which is a beautiful Willow Tree and has stood for many years.

## Dovecote:

- 4 Theydon Priory is approximately 9 metres opposite us (Dovecote Barn), and the fence leading to the garden is approximately 6-7 metres. Should any works be given approval, the disruption is right outside my front door.

I have a window that looks out towards 4 Theydon Priory fence, and they front room, I am able to currently look at trees and greenery and my fellow other neighbours' gardens. This view would be blocked outright, the amount of greenery that would have to be removed would be copious.

The whole outlook would change the entire Priory look from the back and the low fences that the other neighbours have means it will allow them to see all of these new structures several trees would have to be taken down unnecessarily, this will ruin and spoil the view from upstairs for all neighbours.

impact on my light and views let alone the disturbance to my home and family.

## Priory Barn Coopersale Lane:

- We object to a side extension on this property. It will change the natural view and beauty for all the adjacent properties in particular No.3, No.2. our property Priory Barn and Dovecote Barn. It is a beautiful Grade II listed building and together with a proposed carport it will bring a modern feel totally out of place with the Priory.

The entrance to our property is small and at an angle making it tricky to enter and exit. The building workforce will add unacceptable frustration to us while entering and leaving our property.

## **Main Issues and Considerations:**

- The impact on the Metropolitan Green Belt
- The impact on the character and amenity of the Listed Building
- Impact on the amenities of the adjoining properties.

## **Impact on the Metropolitan Green Belt**

The National Planning Policy Framework, (NPPF), 2021 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 133 -149 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special

circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

Paragraph 147 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt. Exceptions to this are extensions or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy GB2A of the Local Plan seeks to resist inappropriate extensions to dwellings which would create a building of significantly larger or different in character when assessed against the original house.

No. 4 Theydon Priory is sited within the Metropolitan Green Belt and in terms of the additional floor space, the approved summerhouse and proposed side extension would cumulatively result in some 29% increase above the original floor space and 21.5% in volume resulting in limited impact on the character and visual appearance of the Green Belt. The proposal is not considered to result in any significant additional material harm to the openness of the Green Belt and accords with the requirements of chapter 13 of the NPPF, Policy GB2A and GB7A of the adopted Local Plan and Alterations (2006-2008) and policy DM4 of the Local Plan (Submission Version), 2017.

#### Design and Impact on Listed Building

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.

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.

Planning permission was refused for a similar proposal, (alongside the proposed rear and summerhouse ref. EPF/2331/21 & EPF/2339/21 in April 2022) due to the design of the rear extension. The proposed replacement of the crown roof by a lean-to pitched roof has addressed the concerns previously raised and is now considered to be acceptable as it would preserve the special historic and architectural character of the listed building and is supported by the Councils Conservation Team and complies with policy HC12 of our Adopted Local Plan and Alterations (1998 and 2006); policy DM7 of our Submission Version Local Plan (2017); and the NPPF (2021).

#### 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.

In response to the objections received, the proposed scheme has addressed previous concerns raised and is considered to preserve the special historic and architectural character of the listed building.

Having regard to the nature of the proposal and its surroundings, it is not considered that the scale and siting of the extension would give rise to any significant demonstrable harm to neighbour's amenity. Appropriate conditions, such as hours of construction can be restricted to protect the amenities of surrounding neighbours. Overall, the proposed extension is considered to comply with the requirements of Local Plan policies.

## Trees and Landscaping

The proposal shows the removal of a contorted willow tree as it is in direct conflict with the car port. As part of the landscaping scheme at least one replacement tree should be included within the planting proposals to ensure that there is no reduction of green infrastructure within the site. Given that the tree to be removed is described as a mature, 13metre tall tree, we would expect a minimum sized replacement tree to be an extra heavy standard (i.e., 14-16cm girth).

Trees and Landscape raise no objection subject to the attachment of conditions and a Tree Protection Plan and Method Statement' drawing number TCTC-18268-PL-03-02 (dated May 2022) to comply with policy LL10 of the adopted Local Plan 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

### **Conclusion:**

The proposal is considered appropriate in its context and would not result in any additional harmful impact on the openness of the Green Belt. It meets expectations both in terms of design and appearance and maintains an acceptable level of amenity to adjoining properties; other aspects in relation to landscaping are considered satisfactory and supported by the policies of the adopted Local Plan and Alterations (1998 & 2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In light of the above considerations, it is recommended that planning permission and Listed Building Consent is approved subject to conditions

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

**Planning Application Case Officer: Caroline Brown**  
**Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

### **Conditions: (6)**

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

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: P.01.03; P.00.01; P.00.02 Rev A; P.01.05; P.01.04; P.09.01; P.09.02; P.09.03; Tree Protection Plan

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 HC10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM7 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 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.

- 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.

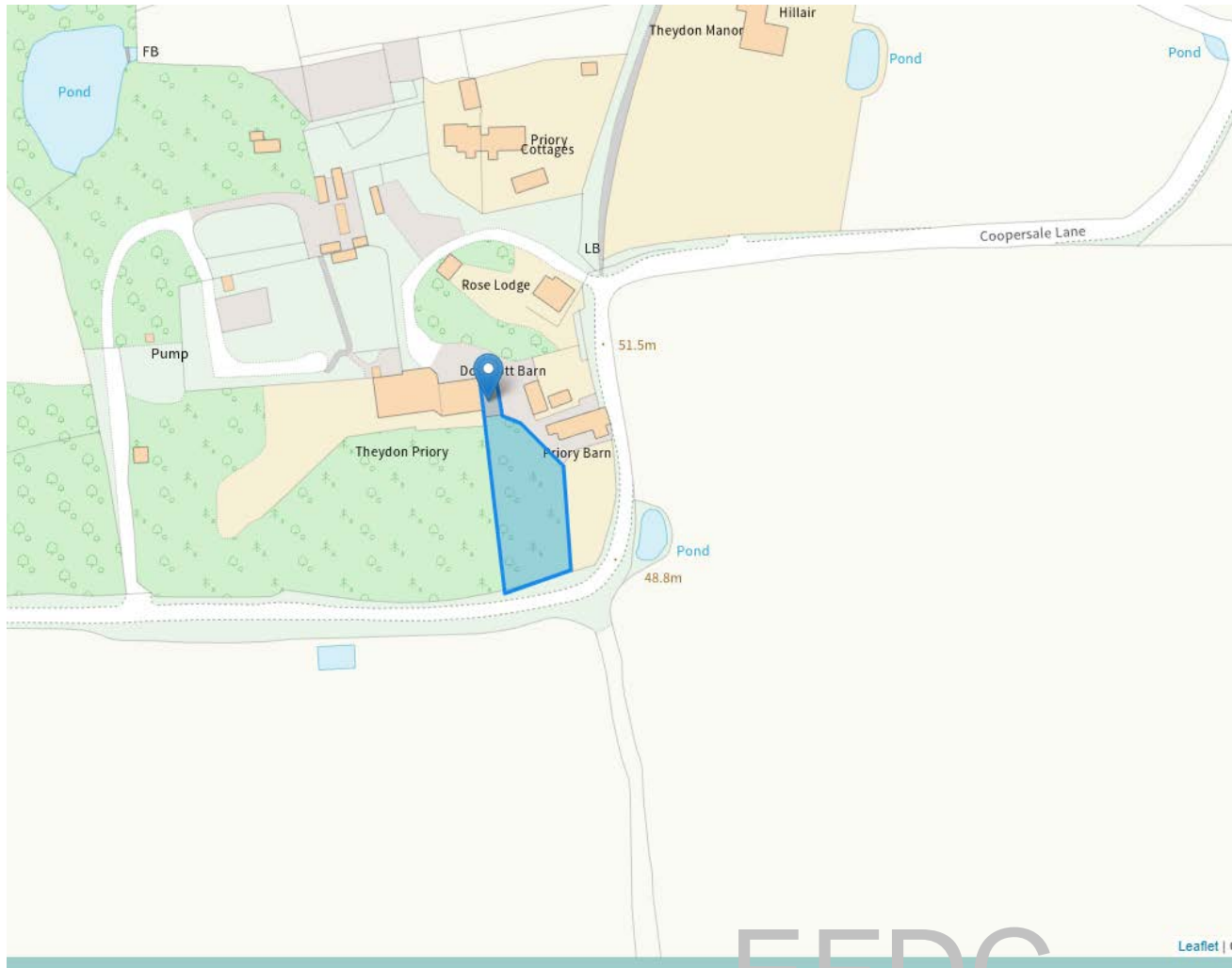
**Informatives: (1)**

- 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.

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Application Number:	EPF/0676/22
Site Name:	4 Theydon Priory Coopersale Lane, Theydon Garnon CM16 7NU

# OFFICER REPORT

**Application Ref:** EPF/0676/22  
**Application Type:** Full planning permission  
**Applicant:** Mr Jay Sanger  
**Case Officer:** Caroline Brown  
**Site Address:** 4 Theydon Priory  
Coopersale Lane  
Theydon Garnon  
Epping  
CM16 7NU  
**Proposal:** Carport on owners land.  
**Ward:** Passingford  
**Parish:** Theydon Garnon  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyxV>  
**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:**

No. 4 is a two-storey dwelling located on the western side of Coopersale Lane. The property forms part of a Grade II Listed building, formerly part of a rectory of 17<sup>th</sup> century origin with later alterations. It is timber framed with red brick facing and stands at two storeys under a plain clay tiled roof.

The site also lies within the Metropolitan Green Belt and not within a conservation area.

## **Description of Proposal:**

Permission is sought for the construction of a carport sited in the rear garden to the east boundary measuring 6.4m x 7.5m at a ridge height of 3.2m.

This application follows a refused scheme, ref. EPF/2331/21 and EPF/2339/21 where the flat roof form was deemed unacceptable.

## **Relevant History:**

EPF/0675/22- Construction of a rear summer house- Approved

EPF/2331/21 and EPF/2339/21- Rear extension, carport and summer house and Grade II listed building consent for a rear extension, carport and summer house- Refused - 07/02/2022

*The proposed development fails to conserve this Grade II Listed heritage asset and will cause harm to its special appearance and character. The proposal therefore fails to comply with policies DBE10, HC10 and HC12 of the Epping Forest Local Plan and Alterations (1998 and 2006), policies DM7 and DM10 of the Local Plan Submission Version (2017), and the NPPF (2021). -*

EPF/0503/97 - Alterations to kitchen windows, small bay and french door to south elevation. – Grant Permission (with conditions).

EPF/0750/98 - Erection of garden shed. - Grant Permission (With Conditions)

EPF/1031/03 and EPF/1075/03 - Loft conversion and Grade II Listed building application for a loft conversion. - Grant Permission (With Conditions)

EPF/1364/06 and EPF/1365/06 - Erection of a side/rear conservatory and Grade II listed building application for the erection of a rear/side conservatory. – Both withdrawn

EPF/2254/06 and EPF/2255/06 - Single storey rear extension and Grade II listed building application for a single storey rear extension. - Refuse Permission and subsequently dismissed at appeal

EPF/0616/08 - Grade II listed building application to create a hole at the front of the house, closed with an air brick, to facilitate kitchen extractor and also a 50mm hole at ground level for grey water pipe. - Grant Permission (With Conditions)

EPF/1514/21 - Application for a Grade II Listed Building for proposed internal alterations and works of renovation. - Grant Permission (With Conditions)

### **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

GB2A Development within the Green Belt

GB7A Conspicuous Development

HC10 Works to Listed Buildings

HC12 Development Affecting the setting of a Listed Building

LL10 Adequate provision for landscape retention

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 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> 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
DM4- Green Belt	Significant
DM5- Green and Blue Infrastructure	Significant
DM7- Heritage Assets	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

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

Site Notice Displayed and application Advertised 14<sup>th</sup> July 2022

Neighbours consulted: 3:

5 objections have been received that raise the following concerns:

2 Theydon Priory:

- The carport is unnecessary and changes the aspect of the Priory. All four houses of the Priory have two designated parking spaces each.
  - The Priory has an ancient history and traditional aspect, which the neighbours are trying to preserve. Adding a modern carport as well as the other two planned developments is to the detriment of the heritage of the Priory.
- A carport suggests the owners are planning to use the summer house that is also being proposed as a separate dwelling with its own parking spaces.
- The carport will involve the uprooting of a mature willow tree that stands in the proposed area.

3 Theydon Priory:

- The building is listed and although number 4 was considered a "modern extension" and not part of the original building dating back to the 17th century, further extension work should not be added to damage the character of the heritage building. The addition of the extended kitchen (side extension), carport and summerhouse will be clearly visible across all properties and will be an eyesore, tarnishing the natural aesthetics of the area. no consideration with construction and building work of the proposed structures.

1 Theydon Priory:

- Grade II listed properties that have been preserved for many years. Anyone buying these properties knows the limitations and I feel should stick to them as all previous owners have been made to do so in the past.

Dovecote Barn Coopersale Lane:

- 4 Theydon Priory is approximately 9 metres opposite us (Dovecote Barn), and the fence leading to the garden is approximately 6-7 metres. There is only room for one vehicle to pass our front door, should any works be given approval, the disruption is right outside my front door. Access is going to be a problem for the diggers and lorries
  - A car port seems odd seeing the owner already has made an additional 2 spaces totalling to 4 parking spaces, it's been reported that the owner is a second-hand car dealer, and I am very suspicious of them storing cars should they be granted more spaces for more cars.
  - Several trees would have to be taken down unnecessarily, this will ruin and spoil the view. Theydon Priory is not a place for multiple cars to be parked, in stunning woodland and its beautiful, with nature around us.
- A carport in a garden is out of place.

Priory Barn Coopersale Lane:

- The entrance to our barn is adjacent to the proposed location of the carport, it will change the view of this end of the priory. Every couple of years we lower the height of our laurel hedge between our two gardens and when we do that the carport will undoubtedly block the light into our side room of the barn. uprooting of a much-loved tree is unacceptable. No other house/Barn has a carport it will completely look out of place.

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

- The impact on the Metropolitan Green Belt
- The impact on the character and amenity of the Listed Building
- Impact on the amenities of the adjoining properties.

### **Impact on the Metropolitan Green Belt**

The National Planning Policy Framework, (NPPF), 2021 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green

Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 133 -149 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

Paragraph 147 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt. Exceptions to this are extensions or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy GB2A of the Local Plan seeks to resist inappropriate extensions to dwellings which would create a building of significantly larger or different in character when assessed against the original house.

No. 4 Theydon Priory is sited within the Metropolitan Green Belt and in terms of the additional floor space, the approved summerhouse and proposed carport would cumulatively result in some 54% increase above the original floor space and 30% in volume resulting in limited impact on the character and visual appearance of the Green Belt. The proposal is not considered to result in any significant additional material harm to the openness of the Green Belt and accords with the requirements of chapter 13 of the NPPF, Policy GB2A and GB7A of the adopted Local Plan and Alterations (2006-2008) and policy DM4 of the Local Plan (Submission Version), 2017.

#### Design and Impact on Listed Building

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.

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.

Planning permission was refused for a similar proposal, (alongside the proposed side and summerhouse (ref. EPF/2331/21 & EPF/2339/21) in April 2022) due to the design, scale and bulk of the carport. Whilst the principle of the carport was acceptable the proposed flat roof form was deemed unacceptable. The introduction of a traditional catslide roof has reduced the roof form and bulk and overcomes the concerns previous raised and considered acceptable as it would preserve the special historic and architectural character of the listed building and is supported by the Councils Conservation Team and complies with policy HC12 of our Adopted Local Plan and Alterations (1998 and 2006); policy DM7 of our Submission Version Local Plan (2017); and the NPPF (2021).

#### 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.



In response to the objections received, the proposed scheme has addressed previous concerns raised and is considered to preserve the special historic and architectural character of the listed building. Appropriate conditions would ensure that the carport is only used for purposes ancillary to the dwellinghouse. Furthermore, other conditions such as hours of construction can be restricted to further protect the amenities of surrounding neighbours. Overall, the proposed use is considered to comply with the requirements of the Local Plan policies.

### Trees and Landscaping

The proposal shows the removal of a contorted willow tree as it is in direct conflict with the car port. As part of the landscaping scheme, at least one replacement tree should be included within the planting proposals to ensure that there is no reduction of green infrastructure within the site. Given that the tree to be removed is described as a mature, 13metre tall tree, we would expect a minimum sized replacement tree to be an extra heavy standard (i.e., 14-16cm girth).

Trees and Landscape raise no objection subject to the attachment of conditions and a Tree Protection Plan and Method Statement' drawing number TCTC-18268-PL-03-02 (dated May 2022) to comply with policy LL10 of the adopted Local Plan 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

### Conclusion:

The proposal is considered appropriate in its context and would not result in any additional harmful impact on the openness of the Green Belt. It meets expectations both in terms of design and appearance and maintains an acceptable level of amenity to adjoining properties; other aspects in relation to landscaping are considered satisfactory and supported by the policies of the adopted Local Plan and Alterations (1998 & 2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In light of the above considerations, it is recommended that planning permission is approved subject to conditions

***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](mailto:contactplanning@eppingforestdc.gov.uk)***

### **Conditions: (11)**

- 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: P.00.01; P.00.02; P.0106 Rev A; P.01.07 Rev A; Tree Survey Plan TCTC.18268.PL.03.02

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

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

Reason: It is essential that the carport 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.

- 4 The carport hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Theydon Priory .

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 and GB7A; GB2A of the adopted Local Plan 1998 & 2006, Policies DM4, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

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

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

- 6 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.

- 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 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.

- 9 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

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.

- 10 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the carport hereby approved shall be retained as an open canopy without enclosed doors, capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

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 the guidance contained within the National Planning Policy Framework, policy ST6 of the adopted Local Plan and Alterations, and Policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017

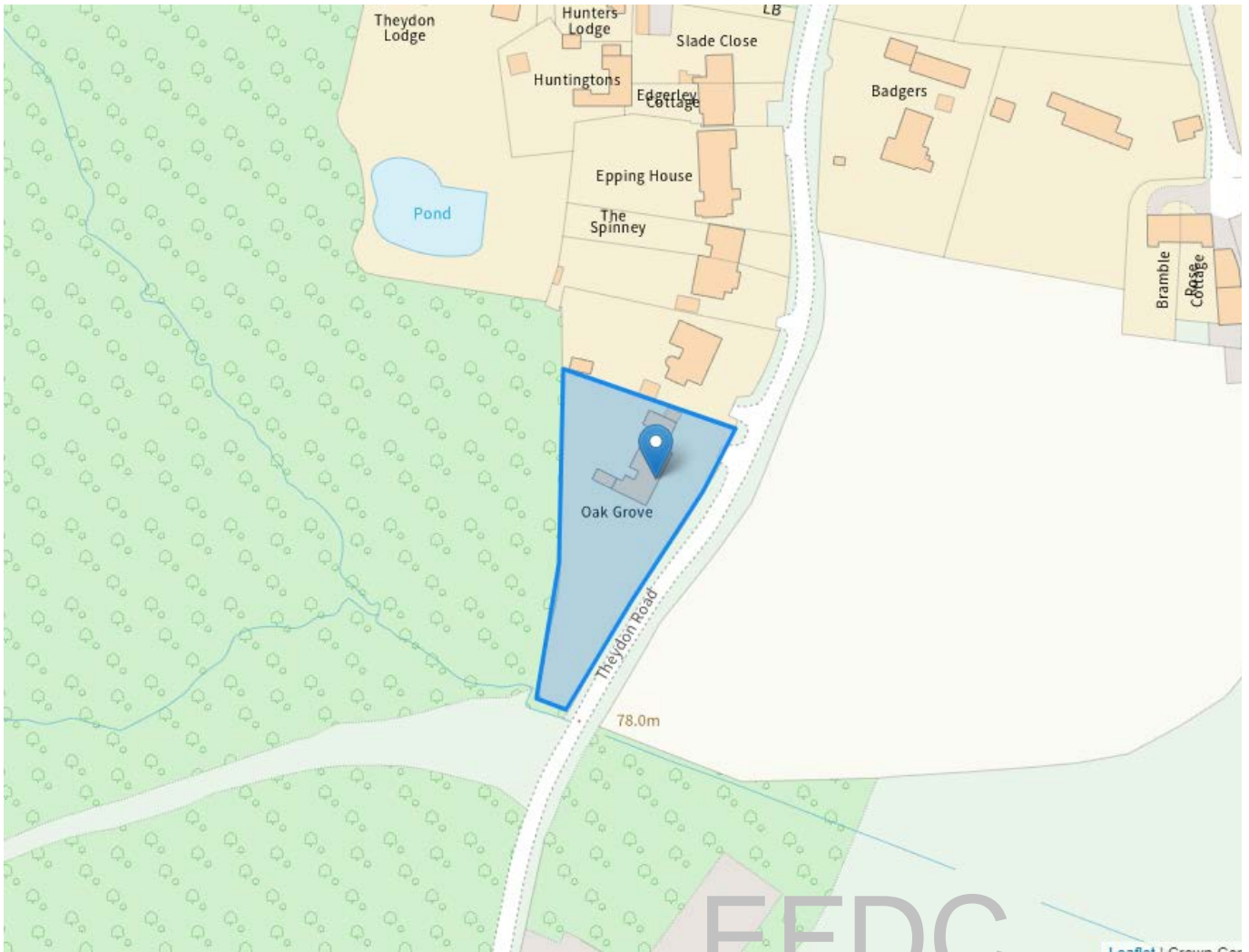
- 11 Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan and Method Statement' drawing number TCTC-18268-PL-03-02 (dated May 2022) prior to the commencement of development activities (including any demolition). The methodology for development (including 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

**Informatives: (1)**

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



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Application Number:	EPF/1298/22
Site Name:	Amesbury House ,Theydon Road, Theydon Bois, Epping, CM16 4EF

# OFFICER REPORT

**Application Ref:** EPF/1298/22  
**Application Type:** Householder planning permission  
**Applicant:** Mr Matthew Thompson

**Case Officer:** Marie-Claire Tovey  
**Site Address:** Amesbury House ,Theydon Road, Theydon Bois, Epping, CM16 4EF  
**Proposal:** Side extension providing new first floor Master Bedroom over existing garage and rear extension providing Family Room and extension to first floor.

**Ward:** Theydon Bois  
**Parish:** Theydon Bois  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000001lc>  
**Recommendation:** Approve with Conditions

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council, supported by at least one non-councillor resident, with material planning reasons, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

## **Description of Site:**

The application site is a roughly triangular plot containing a large detached dwelling to the north of the site with the triangle site area tapering to the south.

The house is at the end of a ribbon of development and is opposite open land. The site is within the Metropolitan Green Belt but not a Conservation Area. There are preserved trees close to the boundary with the neighbour to the north.

## **Description of Proposal:**

The application seeks consent for a first floor side extension and single storey rear extension. The side extension measures a maximum of 8.4 wide and depth of 9.7m. The side extension will have a crown roof, behind a parapet wall to a maximum height of 7.9 (current height 4.3m). To the rear the ground floor element extends a maximum of 5.2m, 10.1m wide with a height of 3.3 with a lantern above.

## **Relevant History:**

Various applications for extensions and works within the grounds, the most relevant of which:  
EPF/1029/22 - Replacement of the existing timber garden fence with new brickwork garden fence - Concurrent Application  
EPF/0343/22 - First floor side extension and single storey rear extension – Refused  
EPF/0534/16 - Rebuilding of garage with linkage to house and with accommodation over garage within sloping roof, erection of ground floor rear extension, provision of terraces at first and second floor rear and erection of 6 dormer windows at second floor with 4 at the front and 2 at the rear – Part implemented (dormers and link)

## **Policies Applied:**

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

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

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

CP2 – Protecting the quality of the Rural and Built Environment  
DBE2 - Effect on neighbouring properties  
DBE5 – Design and Layout of new development  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development in the Green Belt  
ST01 – Location of Development  
ST06 – Vehicle Parking  
LL10 – Adequacy of provision for landscape retention

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

<b>Policy</b>		<b>Weight</b>
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM9	High Quality Design	Significant

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

Number of neighbours consulted: 2  
One response received

### THEYDON CROFT, THEYDON ROAD: Objection

Concern around the impact on the TPO tree and around loss of privacy and loss of light. Also consider this to be overdevelopment in the Green Belt and raised concerns of drainage.

### THEYDON BOIS PARISH COUNCIL: OBJECTION

Ambresbury House (formerly known as Oak Grove), is a handsome period property in a small enclave of built development within the Metropolitan Green Belt, directly abutting the Epping Forest Special Area of Conservation. The site is located on Theydon Road, to the south of Epping and to the north of Theydon Bois. In its current form, it is believed that the property dates from 1925, with a dwelling having occupied the site since c 1860 when it was built as part of five Georgian 'Villas' to the West of Gregories Farm.

The existing house comprises the original two storey dwelling, with a side extension providing gym facilities (being originally detached garaging) and two rear extensions providing a breakfast room and an orangery. The current proposal – for a ground floor rear extension and a first floor side extension (over the former garage) – is a revised scheme of planning application EPF/0343/22 that was refused by EFDC earlier this year.

Reasons for refusal of EPF/0343/22 included:

- (1) "... the proposed extensions and those to be retained result in disproportionate additions above that of the 'original' dwelling and are therefore inappropriate development by definition harmful."
- (2) "The proposed first floor addition by reason of its width and height is an unacceptable addition to the host property and within the streetscene."
- (3) "Due to the height of the proposed side extension, the proposal is likely to result in the need for ongoing works to the neighbouring preserved tree to the detriment of the appearance of the tree in the streetscene."

While the Committee notes that reason (3) for refusal quoted above may have been overcome, it is not convinced that reasons for refusal (1) and (2) have been sufficiently addressed and that the proposed side extension could still be considered to not be a subservient addition to the main house.

The Committee therefore remains of the view that the proposed extensions under consideration, when counted together with previous extensions to the property, may constitute additions disproportionate to the original building, and therefore inappropriate development by definition harmful – contrary to the provisions of Paragraph 149 of the NPPF, 2021, Policies GB2A and GB7A of the Epping District Local Plan 1998 (with Alterations 2006) ('the Epping Forest District Current Local Plan'), and Policy DM 4 of the Epping Forest District New Local Plan (Submission Version, 2017).

However, notwithstanding this Objection, should the Planning Officer recommend that Planning Permission be granted, the Parish Council would wish 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 Ambresbury House, to allow the Local Authority to manage any future proposals for further extensions to the property, or within its residential curtilage, given the sensitive location of this Green Belt site.

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

#### **Green Belt**

The site is wholly within the Metropolitan Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and substantial weight should be given to that harm. Exceptions to inappropriate development include extensions to buildings within the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original building.

The property has been extended in the past with two rear elements and the linking of the garage to the previous garage (now a gym) to the main house. This resulted in a 33% increase in floor area over and above the original dwelling. Further extensions were permitted in 2016 that further increased the size of the dwelling, however this consent was only partially implemented.

This current proposal includes two elements - a single storey rear and a first floor side extension. The first floor side extension has been reduced in width and height for this submission from the previously refused application. Taken with the previous additions, the proposal will increase the floor area of the original dwelling by approximately 70%, which includes the incorporation of the previously detached garage. This is a reduction over the previously refused scheme. Furthermore, this figure is based on floor area rather than volume, the latter of which is a more accurate means of calculating impact in terms of openness.

Figures have been provided by the agent that suggest the proposed extension would have a volumetric increase of circa 31% over and above the original dwelling, however this excludes the garage since this



was on site prior to 1948 and, despite now being incorporated into the dwelling, the argument is that this is 'original' in terms of its impact on openness.

The level of extension is considered to be high, however there are a number of factors that should be considered. Firstly, the site is situated within a built-up enclave and as such it is considered that the property can accommodate a larger level of extension without causing significant harm to the openness of the Green Belt. Secondly, whilst still a significant increase, the height and width of the extensions have been reduced from the previously refused scheme. Finally, the original dwelling is significant in size and appears to benefit from permitted development rights. Whilst it has previously been extended, there is still potential scope for a sizeable side extension and additional rear extensions, along with the erection of outbuildings and extensions to the roof. Since the proposal is larger than would usually be accepted in Green Belt, it is considered justified to restrict permitted development as part of this approval which, combined with the other factors stated above, would be sufficient to outweigh any harm from this development.

### **Design**

To the rear the design of the proposal is broadly in keeping with the host property and therefore not considered unacceptable.

With regards to the first floor side extension, this has been reduced in width by 2.8m and height by 0.4m and it is considered that these reductions are a move towards a more proportionate addition. The reduction in height and width and set back from the main front wall adds to this overall subservience. The reduction in width also creates a clearer distinction between this and the neighbouring property ensuring a degree of openness is retained between the two.

It is also considered that the previously approved 2016 application (part implemented) goes some way to justify this first floor proposal which allowed for a crown roof above the garage. Although taller than that approval it is less wide and it is considered, on balance, given the overall reduction in size of the first floor element and the fall back of the 2016 application that the proposals can be considered acceptable.

The proposed materials are the same as existing so it will appear as a cohesive part of the main property.

### **Impact on Amenity**

The rear element is not considered to raise any amenity concerns. The side element is forward of Theydon Croft to the north, however, as there will be some 10m plus between the two it is not considered that there will be any excessive loss of light. There are no flank windows proposed and as such no overlooking to the neighbouring property.

### **Impact on Trees**

A revised Arboricultural Report and Tree Protection Plan was submitted as part of this application and the Council's Tree Officer has no objection subject to conditions ensuring tree protection and the retention of trees and shrubs. The reduction in width and height of the proposed first floor extension has removed concerns relating to the proximity to the neighbouring preserved tree.

### **Conclusion:**

Given the above discussion, it is recommended that planning permission is, on balance, 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: Marie-Claire Tovey***

**Direct Line Telephone Number: 01992 564414**

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

**Conditions: (6)**

1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 500, 501, 1000, 1001, 1002, 1003, 1100, 1101, 1102, 1103, 1200, 601a, 2000a, 2001a, 2002a, 2003a, 2100a, 2101a, 2102a, 2103a and 2200a Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

2 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).

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 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.

5 Tree protection shall be installed as shown on MWA Arboriculture Ltd Tree Protection Plan, Project Ref: DEV220218-911 Drawing No: MWA TPP 03, dated 31st July 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, Ref: DEV220218-911 Rev02 dated 31st July 2022.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed

development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 6 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 extensions or outbuildings permitted by virtue of Class A, AA, B or 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 openness of the Green Belt, in accordance with policy GB2A of the adopted Local Plan 1998 & 2006, Policy DM 4 of the Local Plan Submission Version 2017, and the NPPF.

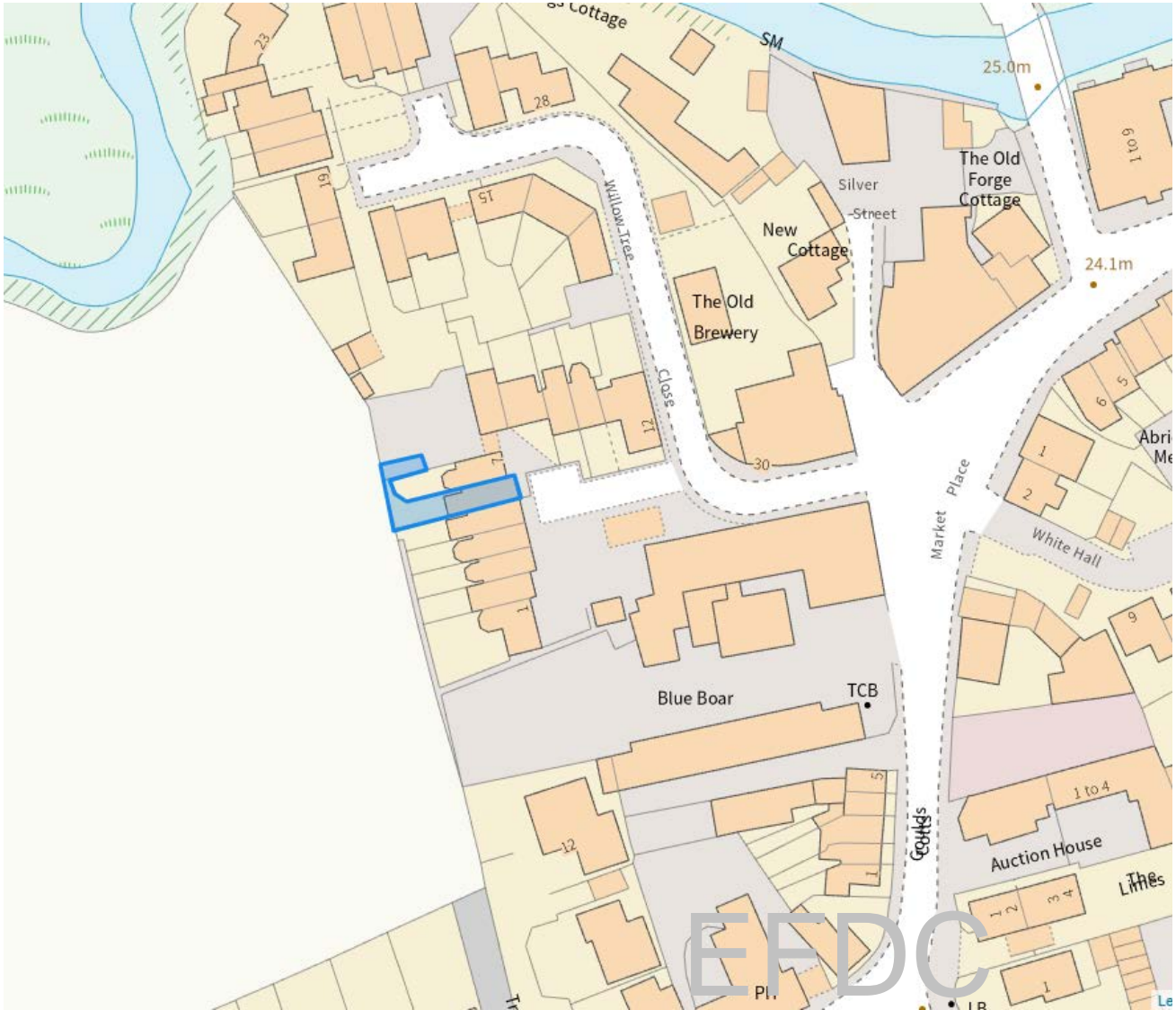
**Informatives: (1)**

- 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.

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

# 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/a0h8d0000001L2>  
**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)).*

## **Additional Information:**

This application was deferred from Area Planning Sub-Committee East on 02 November 2022 to enable a Members site visit to take place. This was arranged for 26 November 2022.

## **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 21<sup>st</sup> 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 29<sup>th</sup> 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 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> 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 20<sup>th</sup> 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](mailto: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;