

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 1st February, 2023

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, 1st February, 2023**
at **7.00 pm**.

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

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

Members:

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

WEBCASTING/FILMING NOTICE

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

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

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

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 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 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 - 22)

To confirm the minutes of the last meeting of the Sub-Committee held on 4 January 2023.

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/1323/22 COOPERSALE HALL FARM, UNIT 10, FLUXS LANE, EPPING CM16 7PE (Pages 23 - 32)

To consider the attached report on the conversion of existing ancillary building to dwelling with associated amenity space and parking for use by site manager. (Revised application to EPF/3076/20).

10. PLANNING APPLICATION - EPF/2343/22 1 THEYDON PLACE, EPPING CM16 4NH (Pages 33 - 42)

To consider the attached report on proposed alterations to garage, fenestration and construction detailing including enlarged and additional windows and rooflights within the first floor. Amended application to planning permission reference EPF/3219/17 – Retrospective.

11. PLANNING APPLICATION - EPF/2559/22 38 FOREST DRIVE, THEYDON BOIS, EPPING CM16 7EZ (Pages 43 - 50)

To consider the attached report on the retrospective application for alterations to approved boundary wall.

12. PLANNING APPLICATION - EPF/2709/22 14 FOREST DRIVE, THEYDON BOIS, EPPING CM16 7EY (Pages 51 - 58)

To consider the attached report on the application for a proposed change of hours from 6pm to 10pm.

13. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of

business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

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

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

What can I say?

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

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

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

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

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

How are the applications considered?

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

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

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

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

Further Information

Further information can be obtained from Democratic Services.

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

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

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Area Planning Sub-Committee East	Date:	Wednesday, 4 January 2023
Place:	Council Chamber - Civic Offices	Time:	7.00 - 7.53 pm
Members Present:	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, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse		
Members Present (Virtually):	Councillors		
Other Councillors:	Councillors		
Other Councillors (Virtual):	Councillors		
Apologies:	J Philip, P Stalker and B Vaz		
Officers Present:	I Ansell (Senior Planning Officer), A Hendry (Democratic Services Officer) and S Mitchell (PR Website Editor)		
Officers Present (Virtually):	A Marx (Development Manager Service Manager (Planning)) and L Kirman (Democratic Services Officer)		

55. 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.

56. 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.

57. DECLARATIONS OF INTEREST

a) Pursuant to the Council's Members' Code of Conduct, Councillors C McCredie, C Whitbread and H Brady declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1323/22 – Coopersale Hall Farm, Unit 19, Fluxs Lane, Epping

58. MINUTES**RESOLVED:**

That the minutes of the Sub-Committee held on 30 November 2022 be taken as read and signed by the Chairman as a correct record.

59. ANY OTHER BUSINESS

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

60. 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>

61. SITE VISITS

Councillor C McCredie proposed a site visit for agenda item 10, EPF/1323/22, Coopersale Hall Farm, Unit 10, Fluxs Lane Epping, which was seconded by Councillor J H Whitehouse, and agreed by the meeting. This item was deferred to the next meeting.

62. PLANNING APPLICATION - EPF/0332/22 ROSARIO, HIGH ROAD, THORNWOOD, EPPING CM16 6LU

Application Ref: EPF/0332/22

Application Type: Outline Planning Application

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>

Decision: Approved with Conditions (Subject to s106 Legal Agreement)

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 NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details.

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

- 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: (7)

- 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
- 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.

- 38 The applicant is advised that the Council will seek agreement to priority of allocation of affordable homes to local parish residents as part of its consideration of details under condition 4.
- 39 Area Planning Committee strongly urge the developers to pursue discussions with the Highway Authority over the provision of a pedestrian crossing along the frontage of the application site.

63. PLANNING APPLICATION - EPF/1323/22 COOPERSALE HALL FARM, UNIT 10, FLUXS LANE, EPPING CM16 7PE

Application Ref: EPF/1323/22
Application Type: Full planning permission
Case Officer: Caroline Brown
Site Address: Coopersale Hall Farm,
Unit 10, Fluxs Lane,
Epping, CM16 7PE
Proposal: Conversion of existing ancillary building to dwelling with associated amenity space and parking for use by site manager.

Ward: (Revised application to EPF/3076/20).
Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O1Ki>
Decision: Deferred

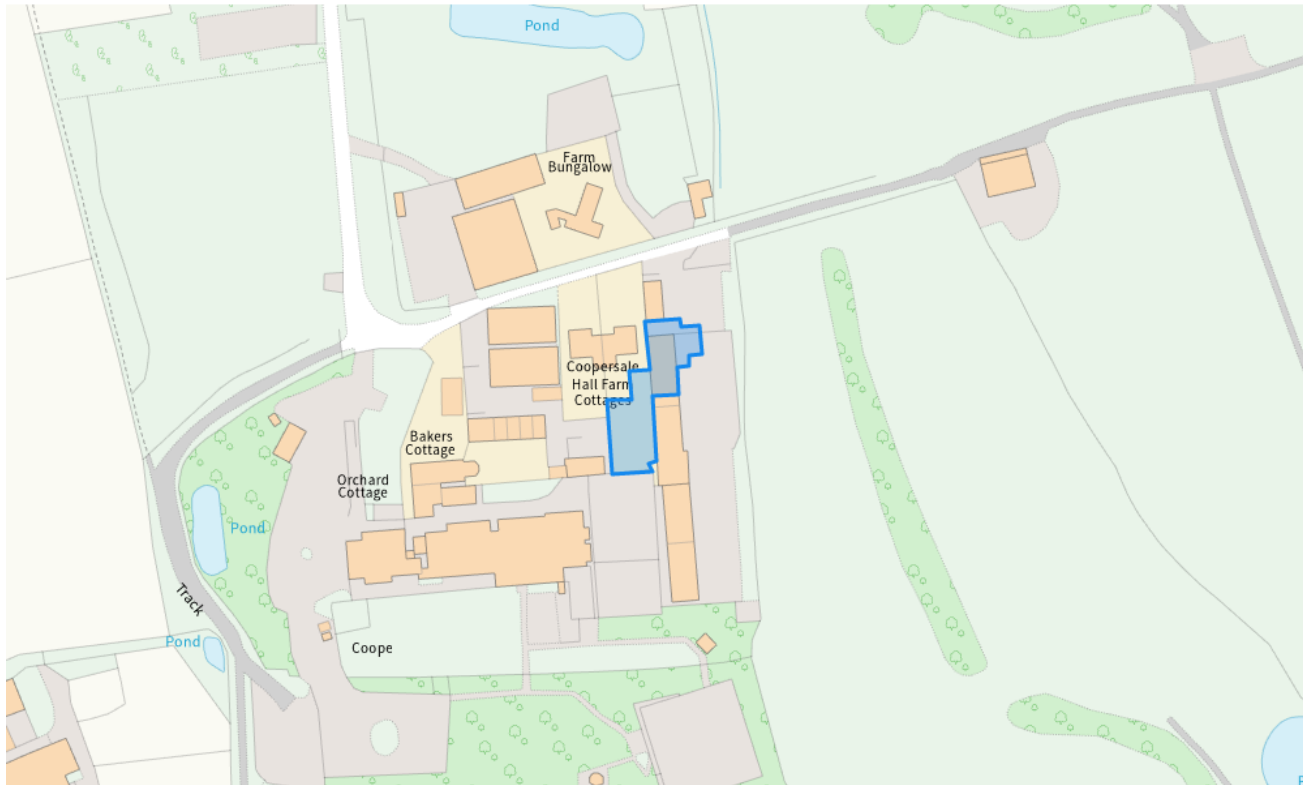
**Deferred for Site
Visit**

CHAIRMAN



Epping Forest District Council

EFDC



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Application Number:	EPF/1323/33
Site Name:	Coopersale Hall Farm, Unit 10, Fluxs Lane, Epping, CM16 7PE

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OFFICER REPORT

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Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O1Ki>
Recommendation: Refuse

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

Additional:

This application was deferred from Area Planning Sub-Committee East on 04 January 2023 for a site visit, which has been arranged for 28 January 2023.

Description of Site:

Land at Coppersale is sited to the southeast of Flux Lane, (1.80ha) in area, a designated 'Employment Site' (EPP.E2) as identified in the Epping Forest Submission Version, 2017 which comprises of a number of industrial buildings, sporadic residential dwellings and Coopersale Hall School with associated additional buildings that provide educational facilities.

The site lies within the boundaries of the Metropolitan Green Belt.

Description of Proposal:

The proposal is a resubmission following a previous refusal Ref: EPF/3076/20 for the conversion of part of an existing ancillary building formerly used as an office and a gym (with the office use still in use) to form a dwellinghouse (180m²) with associated amenity space and parking for use by site manager and employees to allow for the better management of the existing commercial site and increased security

The only external alteration would be the provision of an entrance canopy with amenity space sited to the rear of the accommodation with direct access from the living area. Three car parking spaces would be provided to the front of the dwellinghouse.

The difference between this application and the previous refusal is that the rear amenity space has been reduced in size and sited solely to the rear of the proposed residential accommodation.

Relevant History:

EPF/3076/20 - Conversion of existing ancillary building to dwelling with associated amenity space and parking for use by site manager - Refused 02/12/21

1 The development would result in the unacceptable loss of employment floorspace within a designated employment site and insufficient robust evidence has not been advanced that clearly and reasonably demonstrates the need for a dwellinghouse involving a site manager that would outweigh this harm. The principle of residential is also deemed inappropriate out of context and contrary to policy CP1, CP2, CP9, ST1 and E1 of the adopted Local Plan & Alterations (1998-2006), and E1, SP1, SP2 of the Submission Version, 2017 and the National Planning Policy Framework, 2021.

2 The proposed dwellinghouse by reason of its design and siting would result in the inappropriate siting of the amenity area in association with the dwelling resulting in overlooking and a loss of privacy to the adjoining occupiers and would suffer a loss of overlooking and privacy from the windows to the existing offices contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006) and policy DM9 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupiers.

3 Substantial weight is also attributed to the potential impact on the Epping Forest SAC where it has not been demonstrated beyond reasonable scientific doubt to satisfy the Council as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation. In the absence of such information, and / or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of recreational and air pollution, the development is contrary to Policies NC1, CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policy DM2 and DM22 of the Epping Forest District Local Plan Submission Version (2017), and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

Applied Policies:

Development Plan Context

Local Plan (1998) and Alterations (2006)

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

CP1 Achieving sustainable development objectives.
CP2 Protecting the Quality of the rural and Built Environment
DBE2 Effect on neighbouring properties
GB2A Development in the Green Belt
GB7A Conspicuous Development.
DBE8 Private Amenity Space
DBE9 Neighbouring Residential amenity
E1 Employment Site
RP4 Contaminated Land
LL11 Landscaping schemes
ST1: Location of development
ST2 Accessibility of Development
ST4 Road Safety
ST6 Vehicle Parking

National Planning Policy Framework (NPPF), 2021

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

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

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

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

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

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

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

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

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

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion, and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan have been put forward without prejudice to the Inspector's final conclusions on the Plan.

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

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Development Strategy 2011-2033
SP5 Green Belt and District Open Land
SP6 Green Belt
T1 Sustainable Transport
DM2 Epping Forest SAC
DM4 Green Belt
DM9 High Quality Design
DM21 Land Contamination
DM22 Air Quality
E1 Employment Sites

Consultation Carried Out and Summary of Representations Received:

Epping Town Council - No objection.

20 adjoining neighbours were notified, and no representations have been received.

Issues and Considerations:

The main issues to consider are:

- Impact on the Metropolitan Green Belt.
- Retention of an employment Site; principle of residential
- Impact on the amenity of neighbouring properties.
- Form of Accommodation.
- Parking and highway safety.
- Contamination
- Drainage
- Epping Forest Special Area of Conservation

Impact 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 147-149 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 is clearly outweighed by other considerations.

Local Plan policies and the National Planning Policy Framework (NPPF) allow for the change of use or adaptation of buildings in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Paragraph 146 states that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it.

d) of 146 states that the reuse of buildings is not inappropriate development provided that the buildings are of permanent and substantial construction; provided they preserve its openness and does not conflict with the purposes of including of land within it.

The application site is wholly within the Metropolitan Green Belt. The submitted Statement states that the existing building is currently used as an office and a vacant gym, a substantial building that is capable of conversion to residential use. The only external alteration to the building would be the addition of a limited depth entrance canopy, which would not cause any detrimental impact on the openness of the Green Belt.

The use would not result in any increase in floor area or intensification of use above the previous use and therefore would preserve the openness of the Green Belt but would conflict with the purposes of including land within it. Therefore, this application would constitute an exception to inappropriate development as outlined in para.146(d) of the NPPF.

Principle of Residential - Employment Site

PMW Garages, Flux's Lane is a designated employment site (EPP.E2) within the Submission Version of the Local Plan, 2017 comprising a mix of established industrial and horticulture buildings.

Policy E1 of the adopted Local Plan 1998-2006 seeks to protect the existing contribution made by employment uses within the site to the district's existing employment stock. It states that sites currently or last in use for employment but outside the defined employment areas will be safeguarded from redevelopment or change of use to other land-uses unless it can be proven that there is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the plan period; and there are very significant development or infrastructure constraints, making the site unsuitable or uneconomic to redevelop for employment purposes.

Policy E1 of the Submission Version, 2017, seeks to support, retain, and enhance existing employment sites and premises recognising their vital role in meeting the employment growth required over the Local Plan. 'Proposals for the redevelopment, renewal intensification or extension of existing employment sites and premises for their existing use will be encouraged, 'the redevelopment of existing sites or premises or their change of uses other than business, general industry or warehousing will not be permitted.

The submitted Statement by the applicant indicates that the proposed change of use to a dwellinghouse is '*...specifically for the manager of the site and would therefore be associated with the wider business use of the site. The proposal would allow for the better management of the existing commercial site, would increase security, and the applicant is willing to agree a planning condition restricting the occupation of the new dwelling (much the same as an agricultural occupation condition would be utilised). Due to the exceptional circumstances of this application, it is not considered that this proposal should be viewed as a loss of commercial floorspace but rather as a way to protect the long-term viability of this existing commercial site. As such, it is not considered that this proposal would be contrary to policy E 1*'.

Policy E1 of the Submission Version also states that the change of use of existing employment sites will not normally be permitted unless the applicant can demonstrate through evidence, including marketing of the site, that there is no longer a reasonable prospect of the site being used for the existing authorised employment use or alternative uses of an employment nature before the Council will consider potential release to other uses. The Council does not consider that this requirement has been met.

The applicant draws a parallel of this application to an agricultural workers dwellinghouse in the Green Belt where a planning condition restricting the residential occupation to the business could be applied. Policy GB17A of the adopted Local Plan sets out the circumstances when planning permission may be granted for a dwelling for a horticultural worker:

The Local Authority has to be completely satisfied that:

1. The dwelling is essential taking into account the nature of the enterprise, possible reorganisation of the existing labour force, the potential offered by existing residential accommodation on the holding and the outcome of any approach made to the Council as a housing authority.
2. If (1) is inconclusive there is firm evidence of the viability of the horticultural enterprise at the time of application and continued viability in the long term.
3. Genuine and sustained efforts have been made to find alternative accommodation within reasonable travelling distance (unless the accommodation is required to house a specialist worker who needs to live on the holding).
4. The floor area of the living accommodation does not exceed 150m²

Policy DM4 of the SVLP and policy E3 of the SVLP states that there has to be clear and robust evidence which shows that the lack of on-site accommodation is rendering the existing use unviable and there is no other alternative suitable accommodation within a reasonable distance for purchasing/ renting.

In this instance, no robust evidence has not been advanced that clearly and reasonably demonstrates the requirement for on-site residential accommodation for a site manager or employees that would outweigh the harm.

The siting and size of the accommodation is not considered commensurate with the needs and scale of the enterprise in the applicant's ownership. The floor area of the unit is in excess of 150m² and no evidence of the financial position of the business and of the continued viability in the long term because of the dwellinghouse or clear evidence of genuine efforts to find alternative residential accommodation within a reasonable travelling distance has been submitted for consideration.

The site is foremost a designated existing employment site in the Local Plan Submission Version and the site is positively occupied, and there is local market demand. The introduction of residential uses on the site fails to perform an enabling role to the renewal of the employment function of the site resulting in the unacceptable loss of employment floorspace within a designated employment site. The development is therefore inconsistent with the Council's approach to meeting the district's employment needs to support economic growth required, as outlined in Policy E1, E2, E4A of the Adopted Local Plan and E1 of the Local Plan Submission Version.

Furthermore, the principle of residential does also not accord with the Council's spatial development strategy for residential sites and is deemed inappropriate out of context in an area designated as an Employment site (EPP.E2) of the SVLP, 2017 and where the applicant has not submitted sufficient detailed information to demonstrate very special circumstances to justify the change of use of the building to residential and conflicts with policy ST1 (iii) and SP2 of the Submission Version, 2017 and the National Planning Policy Framework, 2021.

Neighbouring Amenity and the form of Accommodation.

The site is a self-contained employment site. The existing building lies adjacent to no. 2 Coopersale Hall Farm Cottage, a 2 storey dwellinghouse owned by the applicant.

The existing rear windows to Unit 10 currently look out over the rear garden of no. 2. The proposed use of these windows are to give light to habitable rooms which would look directly over the rear garden of no. 2 resulting in a loss of amenity in the form of overlooking and privacy. In addition, the proposed dwelling would be served by a limited size amenity space which is taken from the rear garden of No. 2 Coopersale Hall Farm Cottage, and which would be overlooked from the rear windows of No. 2.

The close proximity of Unit 2 would result in a poor form of accommodation and relationship for adjoining and future occupiers of the proposed development. The proposal is therefore considered contrary to Policies DBE9 and DM9 of the Local Plan, and the provisions of the NPPF in this regard.

Essex County Council Highways Authority

The proposed development has an existing vehicle access onto Flux's Lane and Essex County Council Highways have no objection in terms of highway safety which accords with the requirements of ST4 and ST6 of the Local Plan and policy T1 of the Local Plan Submission Version, 2017.

Contaminated Land

The Phase I Report, dated 25th February 2021, relating to potential contamination issues at the site above has been reviewed. The report satisfies the requirements for submission of a Phase I contaminative study, in that it is signed, countersigned, and dated, contains: relevant information and evidence of a site walkover performed; background information for the site and surrounding area; a detailed conceptual site model (CSM); and a preliminary risk assessment identifying and assessing potential contaminant linkages. Due to the sensitive nature of the proposed residential use, conditions and an informative should be attached at approval in accordance with the guidance contained within the National Planning Policy

Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

Land Drainage

The development will not significantly impact on the current surface water drainage arrangements, nor will it materially increase flood risk to the surrounding area, therefore the Environmental Protection and Drainage Team have no objections.

Impact on the Special Area of Conservation

The Forest is defined as a Special Area of Conservation (SAC) because it is an important conservation site, and a SAC falls within the definition of a European site.

The Conservation of Habitats and Species Regulations 2017 requires that where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, an appropriate assessment must be made in view of that site's conservation objectives. Circular 06/2005 sets out that the decision on whether or not an appropriate assessment is necessary should be made on a precautionary basis.

Policy NC1 of the Epping Forest Local Plan 1998 (the adopted Local Plan) states that the Council will comply with the UK's international obligations for SAC's and the Framework requires that if significant harm to biodiversity cannot be avoided, for example through mitigation, planning permission should be refused. Policies DM 2 and DM 22 of the emerging plan, which are material considerations, also require that development proposals conserve the SAC in terms of access management and monitoring of visitors and that the SAC is not adversely impacted in terms of air quality. The proposal would be likely to result in an increase in traffic in close proximity to the SAC, which on its own or in combination with other plans or projects, could lead to impacts on the SAC in terms of both air quality and recreational pressure.

With respect to recreational pressure, the Council has adopted an Interim Approach to Managing Recreational Pressures on the SAC. The site lies within the 3km zone of influence and as such a financial contribution per dwelling is required to mitigate the impacts arising from the harm the proposal will bring to recreational receptors within the SAC. Since this application is being recommended for refusal, there is no mechanism to secure such a contribution and therefore it cannot be ascertained that there would not be harm caused to the SAC. The Council has a statutory duty to ensure that there would be no adverse effect on the integrity of the SAC and adopting a precautionary approach, it cannot be concluded that the proposal will not cause harm to the SAC. The proposal is therefore contrary to policy NC1 of the Adopted Local Plan and with policies DM 2 and DM 22 of the LPSV.

Conclusion

The previous reasons for refusal have not been addressed. The principle of residential is deemed inappropriate and comprises of an unsatisfactory form of accommodation to adjoining and future occupiers. In addition, there is no suitable mechanism to secure the required mitigation which is required to ensure that there would not be harm to the Epping Forest SAC. The proposal is therefore contrary to policies of the adopted Local Plan and Alterations (1998-2006) and of the Local Plan Submission Version, 2017. There are no substantive reasons to depart from the policies of the development plan. 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: contacttplanning@ppingforestdc.gov.uk

Refusal Reason(s): (3)

- 1 The previous reasons for refusal have not been fully addressed and the development would result in the unacceptable loss of employment floorspace within a designated employment site. Insufficient robust evidence has not been advanced that clearly and reasonably demonstrates the need for a dwellinghouse involving a site manager/employees that would outweigh this harm. The principle of residential is also deemed inappropriate out of context and contrary to policy CP1, CP2, CP9, ST1 and E1 of the adopted Local Plan & Alterations (1998-2006), and E1, SP1, SP2 of the Submission Version, 2017 and the National Planning Policy Framework, 2021
- 2 The proposed dwellinghouse by reason of its design and siting would result in n overlooking and a loss of privacy to the adjoining occupiers and an unsatisfactory form of accommodation to the future occupiers of the development. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006) and policy DM9 and DM10 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupiers
- 3 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 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.

Informatives: (2)

- 4 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 has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 5 This decision is made with reference to the following plan numbers: PS0001A; PS002A; Location Plan

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Application Number:	EPF/2343/22
Site Name:	1, Theydon Place, Epping, CM16 4NH

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OFFICER REPORT

Application Ref: EPF/2343/22
Application Type: Householder planning permission
Applicant: Mr and Mrs Paul and Lisa Saggars
Case Officer: Caroline Brown
Site Address: 1, Theydon Place, Epping, CM16 4NH
Proposal: Proposed alterations to garage, fenestration and construction detailing including enlarged and additional windows and rooflights within the first floor.- Amended application to planning permission reference EPF/3219/17.- Retrospective
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001ULDQ>
Recommendation: Approve with Conditions

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3:)

Description of Site:

No.1 Theydon Place is a detached bungalow with rooms in the roof space located to the northwest side of Theydon Place, a residential cul-de-sac of 11 detached dwellings many of the which have been extended and modernised over the years. The properties have deep frontages well set back from the highway and separated by a wide grass verge and pavement. There is a large mature tree located to the front of the site which partially screens the front of the building.

The Bell Common Conservation Area runs along the rear and side boundaries of the site. There is a Horse Chestnut with a Tree Preservation Order on it within the rear garden.

Description of Development:

Planning permission was granted in February 2018 for a loft conversion which included the raising of the height of the dwelling and single storey sides and rear extensions Ref: EPF/3219/17 which has been implemented.

This application seeks to regularise an existing development which involves a number of minor alterations to the approved scheme of 2018 which are summarised as follows:

- Conversion of garage located to the northwest into living accommodation
- Change to the ground floor windows and front porch
- Flat roof side extension built up to the northeast boundary replaced by a flat roof side garage which is a reduction in width by 0.9m from the northeast boundary
- Replace a window in the existing front roof apex to an enlarged window and a small window.
- An increase in the number of rooflights to the west roof slope from 2 high level rooflights to one high level and 4 lower small rooflights. The rooflights are solar powered and will provide additional natural ventilation and daylight to reduce the reliance on electricity.
- Change to the ground floor rear openings
- Replace narrow window to the rear roof apex to a larger opening.
- A parapet wall has been constructed around the dwelling

History:

EPF/3219/17- Loft conversion including raising the height of the dwelling and single storey extension to sides and rear.- Approved - 08/02/18
EPF/1333/76 - Car port – Approved
EPU/0090/71 - Conservatory with glass roof - Approved

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) & Alterations (2006)

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

CP1- Achieving sustainable development objectives
CP2 - Protecting the quality of the rural and built environment
DBE2 Impact on Neighbouring Properties
DBE3 Design in Urban Areas
DBE9 Loss of Amenity
DBE10 - Residential Extensions
LL10 - Adequacy of provision for landscape retention

NPPF 2021

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

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

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

Paragraph 126-7 - Achieving well designed Places

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

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

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

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

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

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

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

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

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

DM9 - High Quality Design
DM10 - Housing Design and Quality

Summary of Representations

Epping Town Council – Object and confirm that they will attend and speak at Plans East to object to the proposal.

- Due to objectors comments the Council are unable to support the application without the technical assistance of officers. Accordingly, the Town Council object to the application on the basis that it would be appropriate that the issues raised by all the parties were properly considered by Plans East.
- Committee oppose retrospective applications such as this. All applications should be made prior to commencement of works and follow the correct procedures.

8 neighbours consulted – 6 objections have been received that raise the following concerns:

Epping Society:

- This application comes well over four years after the original was approved at Plans East
- This application shows a lack of respect for the planning process and our District Planning Department.
- This new structure is visible from at least five properties, with direct overlooking into three others, as well as over Bell Common. The sheer size of the windows to the front and rear is astonishing.
- The consequent overlooking into private amenity areas and Bell Common is unneighbourly.
- Theydon Place is a near uniform cul-de-sac. The low-rise designs were evidently designed to minimise the impact on the setting given the slightly higher ground levels across the site. Although, we understand that all applications are decided without reference to others approved nearby-an approval create an unwelcome precedent.

77 Hemnall Street, Epping.

- The new building is not appropriate in appearance to the area. In effect they have demolished the previous bungalow and built a two-story house.
- This cul-de-sac is predominantly a retirement community of bungalows a much-needed type of dwelling for Epping.
- The chimney stack (not in the original plans) is of industrial proportions, some 4m high into the skyline and can be seen from Neighbours in Theydon Place, Hemnall Street and Bell Common (conservation area).
- industrial sized chimney will cause pollution to the area.
- The new development includes a gable end window to the rear that is 10 times larger than the original plans. This overlooks our garden causing a loss of privacy.
- The building is bulky, overbearing and out of scale with neighbouring properties.

71 Hemnall Street:

- The new 2 storey build is not appropriate as it is in a cul de sac comprising exclusively of bungalows.
- Pollution due to the oversized chimney stack.
- The development has caused overlooking and a loss of privacy in our garden.
- There are now 7 Velux windows in the roof.
- The building is bulky, overbearing and out of scale with neighbouring properties. We are astonished that this development has been allowed to get this far and so big.
- It is so out of scale from the original plans.
- The advanced stage of the build was undertaken without submission of a new planning application which was only prompted by the neighbours raising of the issue.

6 Theydon Place:

- There is a chimney clearly shown on the rear elevation we would see from our house and from the road in front of the property.
- Object to the very large rear window overlooking Bell Common and the side wall which rises considerably higher than was foreshadowed in the original planning application.
- Impacts on the privacy of the neighbouring properties, particularly No 2 Theydon Place and to the rear of No.1, Hemnall Street.
- The change to the front window materially alters the impression of the property from the street. The arguments submitted in support of this change seem to be based on two storey properties elsewhere in the district, and not considered relevant.
- The bungalows on Theydon Place were originally built in a small number of distinct and uniform styles many of which have been extended or modernised but the front elevations particularly at upper level under the eaves have remained within certain clear design parameters and we think that the same criteria that

were applied between the 1960s and now should be retained when considering the front elevation plans for Number 1 Theydon Place.

- the height of the wall immediately adjacent to number 2 is quite considerably higher than was permitted in the original plans and aesthetically unpleasant and overbearing and must surely negatively impact the amount of light that the neighbours receive.

10 Theydon Place:

- our privacy would be impacted being overlooked by the additional large window.
- the examples of large window installations with feature glazing detailed in the planning statement are relevant to the cul-de-sac which consists solely of bungalows albeit with some of them having made utilisation of the original roof/loft space.
- The comparison in the planning statement to the front window addition at No.2 Theydon Place is not a like for like comparison due to the additional height of No1 Theydon Place whereas the height of No2 has not been altered.
- over-development to a bungalow that is now set to become a house in all, but name (not just a loft conversion) has set an unnecessary precedent.

12 Theydon Place:

- No objections to the original proposal that had a very small window facing my property. The new application (EPF/2343/22) has an additional window, which is significantly larger than the one approved on the original plan with an area some 700% larger than the one originally proposed.
- The statement states: "The proposed rooflights are at a high level to ensure that there would be no overlooking or loss of privacy to neighbours." it makes no mention of the huge windows front and rear which result in a loss of privacy.
- the Corporation of London have not been consulted regarding the revised application, as they were in the original plan. The large rear window, for which retrospective planning is requested, now overlooks the public amenity that is Bell Common, and is a significant change from the original proposal.
- In the revised application, a number of developments have been listed where installation of large windows is implied to set a precedent for the development at No 1 Theydon Place. However, all of these "precedents" are for areas which are almost exclusively large two storey houses. There are no precedents where a bungalow has been so developed in an area that is exclusively bungalows (as is the case for Nos. 1 through 11 Theydon Place).
- Additionally, the cul-de-sac is described as being " a mix of single storey and two storey bungalow /chalet bungalow with significant variation in design and appearance" which is misleading.

4 Letters in Support of the development have been submitted

8 Theydon Place:

- Alterations are in keeping with the character and appearance of the area; retained a side access way
- The chimney is well designed in matching brickwork to the house; the larger front and improves the appearance of the property.

11 Theydon Place:

- I Live directly opposite No 1 and consider the alterations to be an improvement

1 Boundary Court, Epping.

- I note that the window at first floor level to the rear has been made bigger and I think that it looks really attractive and looks like so many windows nowadays on the fronts and backs of properties. In fact, when I walk along Bell Common, which is a conservation area, there is a reasonably new white house with big windows front and rear and it looks fabulous.
- They have formed a side way to the left side of the property looking from Bell Common which will obviously be useful for the applicants for purposes of access (wheelie bins, lawnmower etc).
- They have built a very ornamental chimney, beautifully designed, and in the same brickwork as the property. This chimney fits well with the chimney on a neighbouring property at 77 Hemnall Street. If you

look around there are various houses within the vicinity which have ornamental chimneys and I am sure this is something which was considered by the applicants when designing the chimney.

- The bigger front window at first floor level looks very attractive and is a vast improvement on the original approved first floor window. There is a vast array of planting in the centre of the front garden including some very large trees which means that the first-floor window cannot be seen from the street by neighbours or passers-by and vice versa.
- The applicants have moved the garage to the right-hand side as you look at the property from the road and this looks much better; it is away from their neighbours at 2 Theydon Place so will not impact them.
- the small changes which have been made greatly enhance the design of the property and are not detrimental in any way.

Paul Rogers:

- The changes from the previously approved application in 2017 have no adverse impact and the design quality and appearance of the house in this road is improved

Issues and Considerations:

The main issues to be addressed are:

- Effect on character and appearance of the property and the surrounding area
- Effect on neighbour's amenity

Impact of the alterations to the property and surrounding area

Epping Forest adopted 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.

The surrounding area is characterised by urban built form. Theydon Place is a small cul de sac comprising of predominantly detached residential bungalows although some of the properties have extended into the roof to provide habitable rooms involving additional apex roof windows and rooflights.

The development at No.1 Theydon Place involves a number of minor alterations to the approved scheme of 2018 which involves an increase in the scale and number of windows/rooflights which are mainly located at ground floor level to give light to non-habitable room involving no increase in floor area or height or the general overall design of the property. The low-level siting of the ground floor rooflights prevents any immediate visibility from any public viewpoints aided by the large mature tree located to the front of the site which partially screens the front of the property and where appropriate conditions would be secured to protect and retain the existing trees and landscaping within the site.

The enlargement of the approved front and rear roof apex windows to the property are not considered out of character within Theydon Place where a similar example of front roof glazing can be found at No. 2 Theydon Place that gained approval in 2007 for a loft conversion, which including raising the height of the dwelling and front and rear glazing to the roof apex. (Ref: EPF/3124/17).

Similarly, rooflights are also an existing feature in Theydon Place and the increase in the number of rooflights to the west roof slope, 4 of which are sited low down in the roof slope and give only light to the ground floor non habitable rooms, is acceptable.

In terms of its design and form, the alterations are modest improvements which maintain the established visual character and appearance of development in Theydon Place and the wider area and complies satisfactorily with policies CP2, DBE9, DBE10 of the adopted Local Plan and policies of the adopted Local Plan (1998) and Alterations (2006) and policy, DM9 and DM10 of the Local Plan Submission Version,

2017 and does not conflict with the design objectives of the National Planning Policy Framework., 2021 that seeks to ensure, amongst other things, that new development is of a high quality design that respects its setting and the character and environment of the locality.

Effect on neighbours Amenity

Policy DBE9 seeks to ensure that an extension would not result in an excessive loss of amenity for neighbouring properties.

In terms of impact on the neighbours, the siting of the roof lights to the west roof slope are of a height sited above 1.7m from the internal floor areas of the ground floor non habitable rooms (kitchen, bathroom and WC) and also to the first-floor stairway rooflight which is again a non-habitable room where nothing other than sky can be viewed internally.

Given that the properties have deep frontages, are well set back from the highway, separated by wide grass verges and pavement, the enlargement of the roof apex window to No. 1 and the separation distance between the properties is greater than most other properties that face onto each other. Therefore, the alterations are not considered to result in any greater demonstrable harm in the form of overlooking or loss of privacy above the previously approved front roof apex window of 2018.

Similarly, the enlarged rear roof apex window is wider than what was originally approved but again results in no greater form of overlooking or loss of privacy above the approved roof apex window of 2018. The property backs onto open land and the residential properties located to the immediate northeast of no. 1 are 2 storey dwellings, which also have first floor rear windows looking over onto no. 1 and the cul de sac.

A BRE Daylight and Sunlight Assessment has been provided for the scheme. This concludes that *"the proposed development slightly reduces the Vertical Sky Component (VSC) available from 35.9 to 29.9 (total loss of 5 VSC) to windows at 2 Theydon Place Epping SM16 4NH but nonetheless remains in excess of the minimum of 27% required against BRE guidelines, as per the 3D modeling in the analysis. As such, the impact of the proposed development at 1 Theydon Place Epping CM16 4NH, in light terms would be within BRE Guidelines, therefore acceptable and satisfying Epping Council's adopted Planning criteria"*. the report also concludes that the development does not create any additional overlooking or loss of privacy above what previously existed.

In summary, the alterations would not result in any demonstrable harm to the living conditions of the adjoining occupiers, and meets BRE Sunlight and Daylight guideline objectives. Therefore, the neighbouring properties amenity is 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.

The objections and comment from the Parish Council and neighbour are noted. The development does not result in an increase in floor area or height above what has been previously approved. Windows to the front and rear roof apex of the property have already been approved and the enlargement of them is not considered as resulting in any increased form of harm to the character and appearance of the area or neighbouring properties. Amended drawings show the chimney stack to both the front and rear elevations of the property. The alterations overall are modest and respect the overall scale, height and relationship of the dwelling to its plot boundaries and to the surrounding built form and accords with the requirements of the adopted Local Plan and Local Plan submission Version, 2017.

Impact on Trees

Trees and Landscape have not raised any objection subject to conditions to safeguard and enhance the visual amenities of the area 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.

Conclusion:

The alterations to the approved scheme of 2018 are considered appropriate in design and scale, in keeping with the character and appearance of the property and wider area and maintains an acceptable level of amenity to adjoining properties, which is supported by policies of the adopted Local Plan and Alterations (1998-2006), and of the Local Plan (Submission Version) 2017, and the guidance as set out in the National Planning Policy Framework, 2021. In the light of the above considerations, it is recommended that planning permission is approve subject to conditions

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

Planning Application Case Officer: Caroline Brown

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

Conditions: (5)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 1 TPCM16/17/P/001; 1 TPCM16/17/P/002; 1 TPCM16/17/P/003; Site Plan; 1 Rev A ;2 Rev A;3

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

- 2 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 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 3 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.

- 4 Tree protection shall be installed as shown on Moore Partners Ltd Tree Protection Plan, drawing Ref: PS/TPI/01 dated 30/11/2020, 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.

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

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

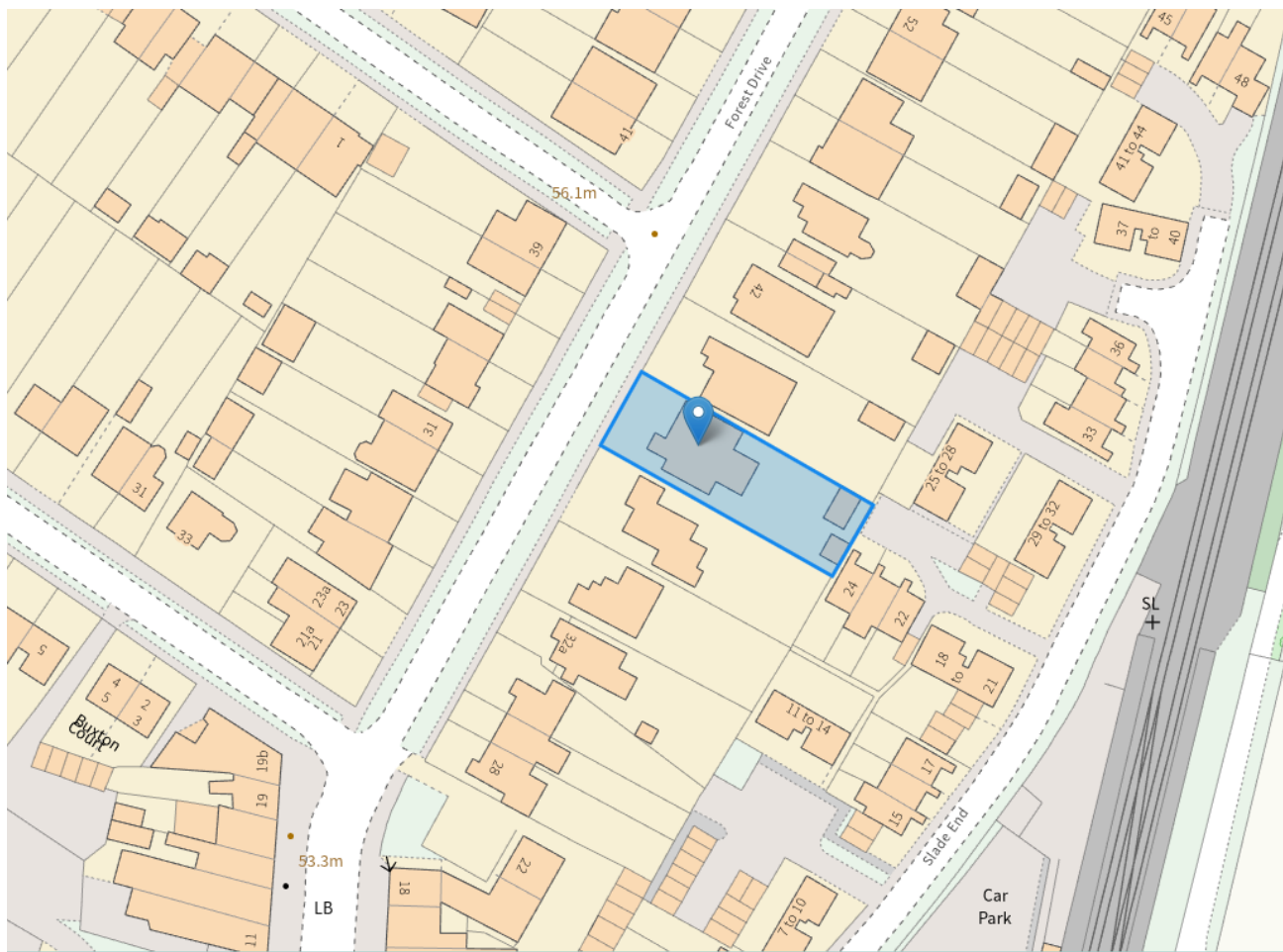
Informatives: (1)

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



Epping Forest District Council

EFDC



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Application Number:	EPF/2559/22
Site Name:	38, Forest Drive, Theydon Bois, Epping, CM16 7EZ

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OFFICER REPORT

Application Ref: EPF/2559/22
Application Type: Householder planning permission
Applicant: Mr Peter Larcher

Case Officer: Sukhvinder Dhadwar
Site Address: 38, Forest Drive, Theydon Bois, Epping, CM16 7EZ
Proposal: Retrospective application for alterations to approved boundary wall.
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Uca4>
Recommendation: Approve with Conditions

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

Description of Site:

The proposal site comprises a detached bungalow on the eastern side of Forest Drive. The land on the site falls in an easterly direction.

The application bungalow is situated within a group of 7 similar types of properties. It appears that 6 of the bungalows were built around the 1920's and 32A was built more recently, it however it has a design which follows the principles of the previous bungalows. The wider street is characterised by two storey dwellings.

The site falls within the urban area of Theydon Bois. It has no heritage designation.

Description of Proposal:

Retrospective permission is sought for alterations to the approved boundary wall.

Relevant History:

EPF/1112/19 Demolition of existing garage and store to construct extensions to the side, rear and roof.
Approved

DEVELOPMENT PLAN

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

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

CP2 Protecting the Quality of the Rural and Built Environment
CP7 Urban Form and Quality
DBE2 Effect on Neighbouring Properties
DBE3 Design in Urban Areas
DBE6 Car Parking in New Development
DBE8 Private Amenity Space
DBE9 loss of Amenity
DBE10 Residential extensions
LL11 Landscaping schemes
ST4 Road Safety
ST6 Vehicle Parking

NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

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

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

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

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

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

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

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

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

The Council has prepared a number of changes, known as Main Modifications (MM) to the Epping Forest District Local Plan Submission Version 2017 (LPSV) to address issues of soundness and/or legal

compliance identified by the Inspector. These were put forward without prejudice to the Inspector's final conclusions on the Plan.

Representations were invited on the Main Modifications and supporting documents only, and the consultation ran for 10 weeks from Thursday 15 July 2021 to 5pm on Thursday 23 September 2021.

The most recent update dated 16 June 2022 (ED141) outlines that changes are required to the text of the submitted Plan and the Main Modifications (consulted upon in 2021) in order to meet the tests of soundness as set out in the National Planning Policy Framework. The note sets out a number of Actions for the Council and requires a new schedule of Main Modifications to be produced and consulted upon. The Council is immediately directing resources to be able to respond on all of the Inspector's Actions as swiftly as possible and, upon agreement to a new schedule of Main Modifications, to undertake the required consultation in order to be able to move towards the conclusion of the Examination and the final adoption of the Plan as quickly as possible'. It is therefore at an advanced stage of preparation.

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.

DM9 - High Quality Design

Consultation Carried Out and Summary of Representations Received

Site notice posted: No, not required

Responses received: None from neighbours,

PARISH COUNCIL OBJECTION

This application seeks to regularise planning breaches reported to Epping Forest District Council (EFDC) by Theydon Bois Parish Council in April 2021 and in June 2022, in response to the erection of railings to the front boundary wall of 38 Forest Drive – this being in direct breach of Conditions 2, 3, 4 and 5 of the Grant of Planning Permission under EPF/1112/19.

The Parish Council objects to this proposal. The Conditions attached to the above referenced grant are clear, and the Planning Committee does not believe it is acceptable for these Conditions to be disregarded. The property is one of a group of six uniquely characterful bungalows. Significant time and effort has been expended by the Planning Inspectorate, EFDC and the Parish Council to ensure that development proposals to these properties has been undertaken sympathetically so as to retain the positive contribution that they, as a cohesive group, make to the streetscene.

38 Forest Drive is one of an original group of six bungalows, of a distinctive design, which are well known locally. Dating from the 1920s they share a number of architectural features, of similar design and proportions, such that they form a cohesive group. The Planning Inspector, when considering refusal of a replacement bungalow at adjacent property 40 Forest Drive observed "the lively character which the group presently establishes" and how they are "noticeably more perky in character than that of the semi-detached houses which dominate the rest of the street."

The proposal under EPF/1112/19 for a low boundary wall to the front of 38 Forest Drive, with the planting of a substantial 1.4 m high evergreen hedge behind – as shown on drawing 04A submitted with that planning application – was originally considered by the Parish Council in the light of previous concerns raised during the construction of a boundary wall to No. 42 Forest Drive. The Planning Committee was therefore content to note that Planning Permission Grant EPF/1112/19 includes the following Conditions:

2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 01, 04A, 05 and 06. Reason – To ensure the proposal is built in accordance with the approved drawings.

3. *Materials to be used for the external finishes of the proposed development shall be as stated in the application form (boundary walls – stock brick) and (outbuildings – timber finish), unless otherwise agreed in writing by the Local Planning Authority. Reason – To safeguard the visual amenities of the locality ...*

4. ***The evergreen hedge behind the proposed front boundary wall shall be retained, at an approximate height of 1.4 metres, on a permanent basis. If any plant dies, it shall be replaced with another of the same or similar species. Reason – In order to soften the appearance of this new front boundary wall and to safeguard the character and appearance of the area.***

5. ***No railings shall be attached at any time to the proposed front boundary wall, without the prior written approval of the Local Planning Authority. Reason – in the interests of safeguarding the visual amenity in the street scene. [emboldening = Parish Council emphasis]***

There is no ambiguity here – the Conditions make it perfectly clear that an evergreen hedge is to be planted, and that metal railings are not to be attached to the boundary wall *at any time*. However, the evergreen hedge remains absent, and railings were first erected in April 2021, then temporarily removed on the advice of EFDC Planning Enforcement, before being reinstated this summer. The cover letter submitted with this current proposal states:

“Our client has built something ever so slightly different from this approval. He has lowered the height of the brick walls and installed black metal railings. Whilst this is slightly different from the approval this is not out of keeping. There are several houses nearby which have railings to the front of their sites.”

The Planning Committee strongly disagrees with the above statement. The development as built cannot be said to be “ever so slightly different from [EPF/1112/19] approval”. A brick wall with utilitarian black metal railings attached is not a soft boundary treatment, and is clearly contrary to Conditions 4 and 5 of the Planning Permission Grant under EPF/1112/19.

None of this group of six characterful bungalows have metal railings attached to their front boundaries. Proposed railings to the front boundary of No 42 Forest Drive were objected to by the Parish Council, and the subsequent grant of planning permission under EPF/1492/22 for that property includes the same two conditions regarding the planting of an evergreen hedge and the non-attachment of railings as included under EPF/1112/19. The Parish Council has always encouraged the retention of lower boundary treatments with hedging to enhance the rural feel and essentially open character of frontages within the village.

The Planning Committee is mindful of the full and proper consideration to be given to safeguarding and enhancing the visual amenities of the area and to ensuring a satisfactory appearance, in accordance with policy LL11 of the adopted Local Plan 1998 & 2006, policy DM3 of the Local Plan Submission Version 2017, and provisions of the NPPF (2021). This proposal is in conflict with these policies and with recently granted planning permission. The Parish Council therefore urges EFDC to refuse the application.

Main Issues and Considerations:

The key considerations for the determination of this application are the proposal's impact on the character and appearance of the area and neighbouring residential amenity.

Character and appearance

The property is located within a built-up area with no heritage designation.

In their consultation response to planning application EPF/1112/19. Theydon Bois Parish Council suggested two conditions to minimise the impact of the proposal on the character and appearance of the wider area. These conditions were added to the decision notice as conditions 4 and 5. (Please see

above Theydon Bois Parish Council's comments for full wording). Condition 4 required an evergreen hedged to be planted and Condition 5 of this permission prevented the installation of railings above the brick wall.

This decision permitted a brick wall which had a height of 0.82m with 1.35m high brick piers set around 3.4m apart. Behind this front boundary was a 1.4m green hedge. Condition 5 of this permission prevented the installation of railings above the brick wall.

The applicant however installed a front boundary treatment which did not accord with this permission and as a result of enforcement action now seeks retrospective permission for the front boundary treatment as installed. Its design includes brick piers that have a maximum height of 1.45m, a 1.35m high gate made up simple black painted railings, the brick wall inset between the piers has been reduced in height to between 0.41m and 0.61m and is now topped with simple black painted railings resulting in this element having a maximum total height of 1.42m.

Whilst the boundary treatment installed differs significantly from that which was previously permitted and is a clear breach of the previous consent, the scheme presented must be assessed on its own merits. The reduction in the height of the wall and installation of railings has resulted in a front boundary treatment which is less solid and still allows views of the dwelling to be had through the railings.

Although not currently installed, the application continues to propose the provision of a 1.4m hedge behind the wall which will help soften its appearance once planted. The planting of this hedge continues to be considered necessary and therefore a condition is recommended to ensure that this part of the permission is implemented.

Whilst the front boundary treatment of other properties along Forest Drive predominately consists of low-level brick walls or verdant frontages, there are some examples of similar boundary treatments to this, including two doors down at number 42 Forest Drive (granted consent under EPF/1492/17), which benefits from a similar gate and high walls with hedging behind, although this does not include railings atop the wall; and at 84 Forest Drive Theydon Bois (granted consent under EPF/0790/14). Plans indicate that the piers, gates, railings and wall at 84 Forest Drive have dimensioned height of 1.45m, however due to the drop in land levels from the west to the east of the site, the maximum height of this front boundary treatment is 1.52m. To a degree, the boundary treatments at numbers 49 and 70 Forest Drive are also similar, although these are more historic examples and do not include gates. Nonetheless, these permissions are a material consideration in the determination of this application.

Although the previously approved boundary treatment is preferable, in order to restrict the use of railings it must be demonstrated that this restriction is necessary and relevant. Given that there are other examples of similar front boundary treatment in Forest Drive, it is considered unreasonable to not allow the applicant to do the same. However, as was the case at number 42 Forest Drive, and as previously determined on this site, it is necessary to provide planting behind the wall in order to soften its appearance.

It is for these reasons considered that subject to the installation of an evergreen hedge, the development will not have a significant detrimental impact on the distinctive local character of this street. The proposal is therefore considered to comply with the requirements of CP2, CP7 and DBE10 of the Local Plan and DM9 of the SVLP.

Neighbour Amenity

There is no harm to the living conditions of neighbours by this application and therefore accords with DBE 9 of the Local Plan.

Highway Safety

The proposal will not adversely impact on highway safety and therefore accords with ST4 of the Local Plan.

Conclusion:

Given the above, and subject to the planting of suitable landscaping, the railings, piers, wall and gate are considered to be acceptable in design. It is therefore recommended that planning permission is granted.

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

***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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

Conditions: (3)

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

2056 04 B, 2056 07, cover letter.

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

- 2 Within six months of the date of this decision notice, a 1.4m high evergreen hedge shall be planted in accordance with the details shown on plan no. 2056 04B. If within a period of five years from the date of planting any part of the hedges, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another hedge of the same species and size as that originally planted shall be planted at the same place.

To safeguard the visual amenities of the locality, in accordance with the guidance contained within the National Planning Policy Framework and policy CP2 of the adopted Local Plan and Alterations.

- 3 Other than shrub or tree planting, the front boundary railings and gates hereby permitted shall not be infilled or enclosed by, or supplemented by any fence, screen or other means of enclosure without prior consent from the local planning authority through submission of a planning application.

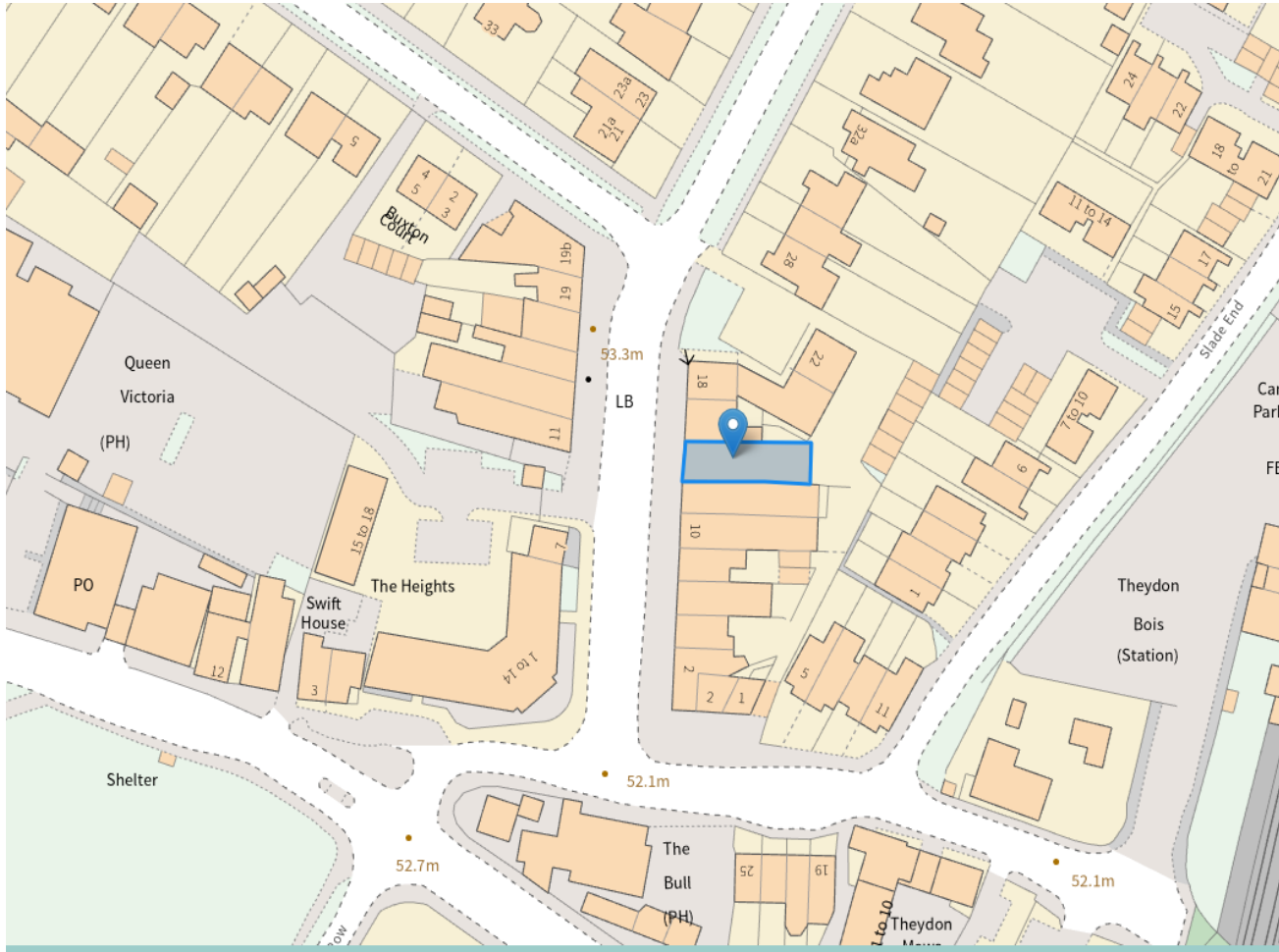
Reason: To ensure the development has a satisfactory appearance in the street scene, in accordance with policy CP2 (iv) and (v) of the adopted Local Plan 1998 & 2006, Policies DM9 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

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



EFDC



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Application Number:	EPF/2709/22
Site Name:	14, Forest Drive, Theydon Bois, Epping, CM16 7EY

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OFFICER REPORT

Application Ref: EPF/2709/22
Application Type: Full planning permission
Applicant: Mr Chris Keen
Case Officer: Ian Ansell
Site Address: 14, Forest Drive, Theydon Bois, Epping, CM16 7EY
Proposal: Application for a proposed change of hours from 6pm to 10pm.
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Ung3>
Recommendation: Approve with Conditions

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site lies on the east side of Forest Drive and comprises a ground floor single shop unit within the established commercial centre. The existing café use has facility for external seating on the frontage within the forecourt which is surrounded by a low wall.

The site forms part of a three storey block with residential accommodation on the upper floors independently accessed from the northern end of the block that comprises three shops, properties to the south are also three storey comprising shops and accommodation above.

The shopping area comprises a mix of local service shops, including some restaurant businesses.

Description of Proposal:

The application seeks to extend operating hours of the premises until 10pm on all trading days. No other works are proposed with the application.

The application states that the additional hours seek to facilitate meeting additional costs. The nature of the business, as a café serving food and drink, is not intended to change.

Relevant History:

EPF/0190/09 Continuance of use of premises as a mixed use for purposes within Use Class A1 (shops) and as a cafe within Use Class A3 (restaurants and cafes) and retention of an outside freezer unit approved subject to conditions including hours restriction.

EPF/2591/15 Use of area at front of shop as an enclosed seating area - approved

Policies Applied:

Adopted Local Plan:

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

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

CP2	Protecting the quality of the rural and built environment
TC3	Town Centre Function
TC6	Local Centres and Corner and Village Shops
DBE9	Loss of Amenity
ST1	Location of development
ST2	Accessibility of development
ST4	Road Safety

NPPF (July 2021):

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

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 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
E2	Centre Hierarchy / Retail Policy
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM9	High Quality Design

Consultation Carried Out and Summary of Representations Received

Date of site visit: 09 January 2023

Number of neighbours consulted: Eleven

Site notice posted: No, not required

Responses received: Two response received from residents at 14a FOREST DRIVE and 67 THEYDON PARK ROAD. Both raise concerns around potential noise disturbance, particularly from playing of music within the building until the later closing time.

Parish Council: Theydon Bois Parish Council have objected to the application commenting as under:

Situated in the centre of a small parade of shops in Forest Drive, Theydon Bois, 'Bonhomie' is a café selling drinks, pastries and cakes, and brunch/deli-style hot and cold food. The business has the informal atmosphere of a café and is popular with families. The current Premises Licence for Bonhomie has opening times at 08:00 until 18:30 hours Monday to Sunday. This planning application is to extend opening times from 08:00 until 22:00 hours Monday to Sunday, and also to extend by the same hours

the Sale by Retail of Alcohol, the Provision of Late Night Refreshment, and the Provision of Recorded Music.

The two storey flats above Bonhomie are in residential occupancy and the locality enjoys a quiet ambience both during the daytime and in the evening. If this planning permission was to be granted, Bonhomie would be the only establishment on this side of Forest Drive to remain open after 6pm. We have noted that the current opening hours of this business appear to be Monday to Saturday 07:30 – 16:30, Sunday – Closed.

The café is currently licensed to serve alcohol from 08:00 to 18:00 hours. There are two dine-in restaurants on the opposite side of Forest Drive: one of these is licensed to open and serve alcohol from 11:00 to 22.30 (Il Bacio restaurant at 19B Forest Drive – to 23.00 Friday and Saturday); the other restaurant is licensed to open and serve alcohol from 12:00 to 23:00 (formerly Kuzine / Mazaca restaurant at 13 Forest Drive, just recently reopened as Filika).

The application is seeking to serve drinks and food both inside the premises, and outside the premises on the outdoor seating area. The disturbance to residents of the flats above, and also to residents of flats located above premises on the opposite side of the road, would be unacceptable. The whole feel of this predominantly quiet neighbourhood would change. Noise nuisance in the evening caused by music and customers inside Bonhomie would inevitably reverberate around several of the residential flats above. Customers eating and drinking outside during the evening, and arriving and leaving by car, would cause a serious disruption to all nearby residents – including those living further along Forest Drive and in Buxton Road.

There have been issues in the past whereby customers of the Il Bacio restaurant at 19B Forest Drive caused a public nuisance through drinking on the forecourt area immediately outside that restaurant. Following a hearing, EFDC Licensing imposed strict conditions on the Il Bacio premises licence whereby no food or drinks can be served outside the restaurant after 16:00 hours, and any doors to the restaurant must remain closed at all times. Smoking immediately outside the restaurant is restricted to 5 people at any time and must be supervised by a member of staff. The restaurant situated at 13 Forest Drive does not serve food or drinks outside at all.

For Bonhomie to trade into the evening and serve food and drink inside and outside would be an anomaly and set an extremely unwelcome precedent. It would negatively change the pleasant and predominantly tranquil atmosphere of the village's parade of shops – and the peaceful environment that is returned to its residents in the evening. Lighting of the premises into the evening is also a concern and conflicts with the Theydon Bois Dark Skies Policy.

If the business was to be open 7 days a week from 08:00 in the morning to 22:00 at night, serving alcohol and playing recorded music, it would be impossible to not cause disturbance to nearby residents, nor to avoid creating a negative impact on the amenity of residents. This quiet location is clearly not suitable for the proposed evening operation, which does not, in the Parish Council's view, have regard to the proximity of residential development, and conflicts with Policy DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006, and with Policy DM14B of the Epping Forest District Local Plan (Submission Version 2017). The Parish Council requests that Epping Forest District Council refuses this proposed change of hours planning application.

Main Issues and Considerations:

It is accepted that small businesses such as this are faced with increased costs and there is a need for greater flexibility in order for such businesses to continue to operate. The planning system should seek to help build in such flexibility where it can.

The site is located within the core commercial area of the settlement. In the context of the function of the business area, such uses are better suited to being located within the centre. In addition to the two

premises referred to in the Parish Council response that currently operate beyond the hours proposed in this application, the Bull Pub lies at the southern end of Forest Drive. Such a mix of uses and trading hours is not uncommon.

Concerns are raised about potential harm from the evening activity, but it is noted that the premises are not overly large in floorspace or seating capacity and a steady flow of customers would not be expected to result in a concentration of noise or activity that may be expected to be unduly intrusive.

Safeguards can be introduced through conditions. Noting the restrictions imposed of the restaurant at 19B Forest Drive, a restriction on the use of the forecourt would be appropriate. The Licensing Sub-Committee at its last meeting granted a new premises license which restricted use of the forecourt to no later than 9pm and officers would recommend a consistent approach in this location. A restriction on the use of amplified sound equipment is also appropriate, and could extend throughout operating hours in light of comments raised by local respondents. Such restrictions will address what appear to be the primary concerns raised by the limited increase in hours proposed

Conclusion:

The proposed extension to the trading hours provides an opportunity for the business to respond to current market challenges. Sufficient controls can be put in place through conditions to safeguard residential amenities.

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

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

Conditions: (4)

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

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

- 2 The use hereby permitted shall only be open to customers between the hours of 0800hrs to 2200hrs on any day of the week.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 3 Notwithstanding condition 2 above, no food or drink shall be served or consumed on the forecourt area other than between the hours of 0800hrs to 2100hrs on any day of the week.

Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Any amplified sound equipment installed on the premises shall be operated so as to be inaudible above ambient noise levels from within any residential property.

Reason: Reason: In order to minimise disturbance to local residents, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (2)

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

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