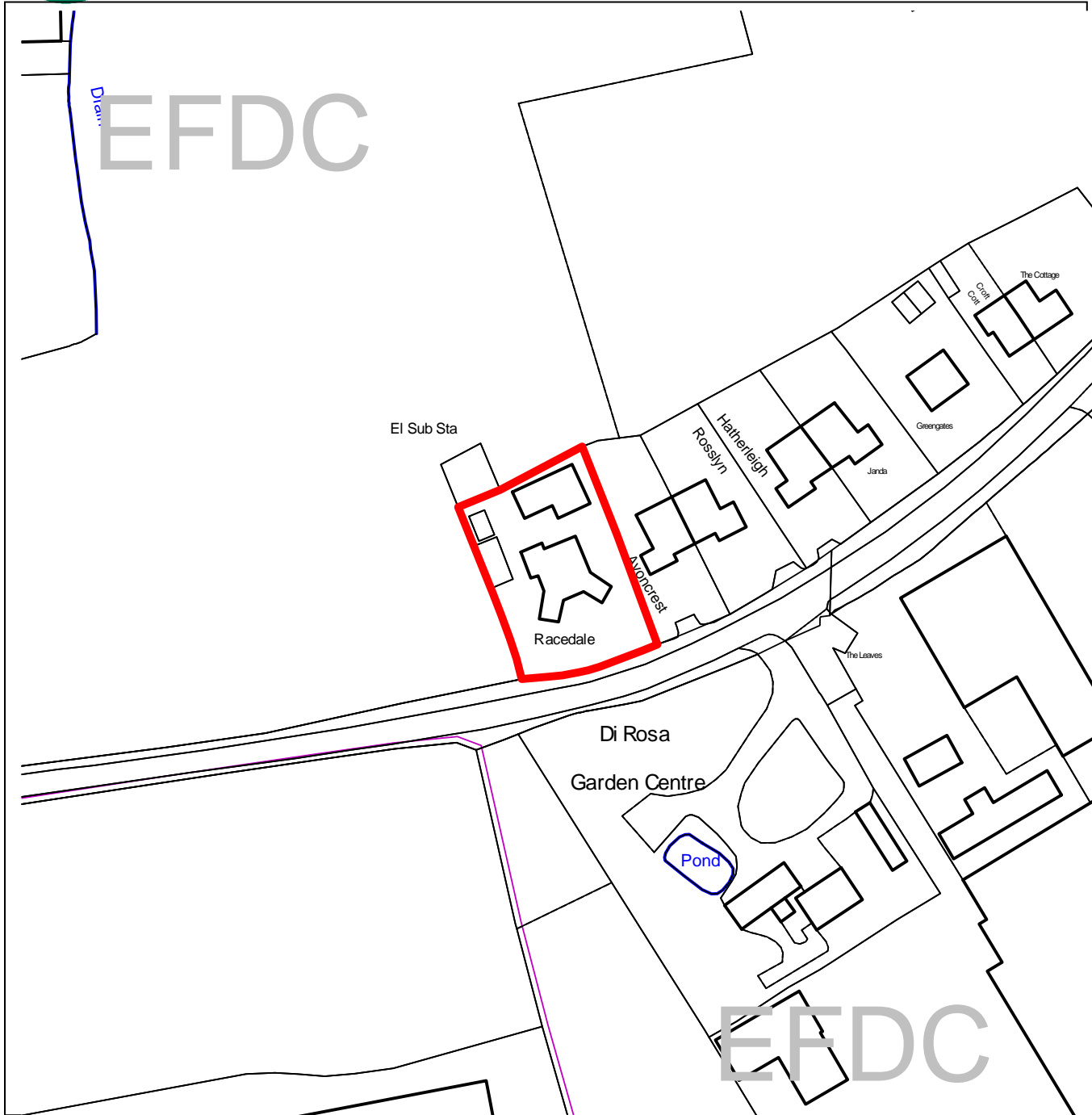




# Epping Forest District Council



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Application Number:	EPF/1549/18
Site Name:	Racedale Tylers Road Roydon, CM19 5LJ
Scale of Plot:	1:1250

**Report Item No:**

<b>APPLICATION No:</b>	EPF/1549/18
<b>SITE ADDRESS:</b>	Racedale Tylers Road Roydon Essex CM19 5LJ
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr & Mrs J Cain
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and erection of two detached dwellings ** SAC case now progressing **
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=610393](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=610393)

**CONDITIONS**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: CA 0318.01, 02, 03, 04, 05 & 06
3. Samples of the types and colours of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
4. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The

remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

5. Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
6. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
7. If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. 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.
8. Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. 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, unless the Local Planning Authority gives its written consent to any variation
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 unless the Local Planning Authority gives its written consent to any variation.

10. 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.
11. Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
12. No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
13. Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include: - Location of active and passive charging infrastructure; - Specification of charging equipment; and - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
  - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
  - b) How charging point usage will be charged amongst users;
  - c) The process and the triggers for identifying when additional passive charging points will become activated; and
  - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date
14. Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
15. Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
16. The proposed new roof light shall be of the conservation type and shall be installed so

that it is not any higher than the surrounding roof tiles.

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

***This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)***

### **Description of site**

The application site is located on Tylers Road, a ribbon of residential development within the Roydon Hamlet and is entirely within the Green Belt. The existing building is a large, detached dwelling which has been extended and altered significantly over time. Until recently, the rear garden curtilage was covered by various outbuilding/structures although only one of these now remain in situ.

Whilst the site falls within the designated Nazeing and South Roydon Conservation Area the building (or curtilage) is not statutorily or locally listed.

### **Description of proposal**

The proposed development is to demolish the existing buildings and replace with a pair of detached dwellings.

### **Development Plan**

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
GB2A	Development In the Green Belt
GB7A	Conspicuous Development
HC7	Development within Conservation Areas
HC9	Demolition in Conservation Areas
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H9A	Lifetime Homes
NC1	SPA's, SAC's and SSSI's
UA1	Infrastructure Adequacy
U2B	Flood Risk Assessment Zones
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings

DBE2	Effect on Neighbouring Properties
DBE4	Design In The Green Belt
DBE5	Design and Layout of New Development
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
LL7	Planting, Protection and Care of Trees
LL10	Adequacy of Provision for Landscape Retention
L11	Landscaping Schemes
ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

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

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

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

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

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

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

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

The following policies are relevant to the determination of this application:

- SP1 - Presumption in Favour of Sustainable Development
- SP6 - Green Belt and District Open Land
- SP7- The Natural Environment, Landscape Character and Green and Blue Infrastructure

H1 – Housing Mix and Accommodation Types  
T1 - Sustainable Transport Choices  
DM1 – Habitat Protection and Improving Biodiversity  
DM2 – Epping Forest SAC and Lee Valley SPA  
DM3 - Landscape Character, Ancient Landscapes and Geodiversity  
DM4 - Green Belt  
DM5 - Green and Blue Infrastructure  
DM7 – Heritage Assets  
DM9 - High Quality Design  
DM10 - Housing Design and Quality  
DM11 - Waste Recycling Facilities on New Development  
DM15 – Managing and Reducing Flood Risk  
DM16 – Sustainable Drainage Systems  
DM18 - On Site Management of Waste Water and Water Supply  
DM22- Air Quality  
D1- Delivery of Infrastructure  
D3 – Utilities

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

**EFDC Arboricultural Officer** – No objections subject to conditions to secure tree protection, hard and soft landscaping and retention of trees that die or are removed within 5 years of planting.

**EFDC Land Contamination** – No objections subject to conditions to secure a Flood Risk Assessment and details of surface water drainage prior to development.

**EFDC Environmental Health** – No objections subject to conditions to secure a Phase 1 and 2 contamination appraisal.

**EFDC Conservation Officer** - No objections subject to inclusion of planning conditions to secure details of materials; rooflight type and hard and soft landscaping details.

**ROYDON PARISH COUNCIL** – Object – Overdevelopment of the site and highway safety concerns.

**NEIGHBOURS** – 7 properties consulted and 1 response received –

Avoncrest, Tylers Road – The flank gable wall of the proposed development adjacent to my property will be full height, close to, and directly opposed to the flank window of my lounge, obliterating a crucial light source for what is already a dark room due to the direction it faces.

The existing properties along this stretch of road are bungalows with a shallow pitched roof. Racedale is no exception and is currently situated a considerable distance from the border fence.

Additionally the rear projection of the proposed property will extend back beyond the rear line of my property, again at two storey height (currently single storey flat roof) affecting the primary light source to this room being the double glazed doors at the back.

### **Issues and considerations**

The main issues to consider are the potential impacts on the Metropolitan Green Belt, the housing type, the living conditions of the neighbours and its design in relation to the character and appearance of the area.

## Metropolitan Green Belt

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

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

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

However paragraph 149 part (e) of the NPPF allow certain exceptions to inappropriate development one of which is the:

**limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:**

- **not have a greater impact on the openness of the Green Belt than the existing development; or**
- **not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.**

The first point to address with this application is that it constitutes previously developed land since it is not in an agricultural use. The building is a residential dwelling and there is photographic and aerial evidence showing that the rear curtilage was covered by large outbuildings. Despite the fact that the majority of these buildings have since been removed by the applicants, these building were in situ at the time of the submission of the application. In these circumstances, officers consider it is reasonable to assess the total combined nature/effect of this previously built form.

In order to fulfil the exception set out above, the redevelopment of the site cannot have a materially greater impact on the Green Belt. The total approximate footprint of the previous and existing buildings (bungalow plus outbuildings) equates to approximately 300 square metres. The proposed new dwellings would also have an approximate combined footprint of 300 square metres as well. The proposed height of the new dwellings would be slightly taller, than the existing house, however the proposal would see a more compact form of development generally.

Officers would also recommend that any future potential householder extensions that would normally be permitted under the GPDO (as amended) are restricted by planning condition in order to maintain the openness of this Green Belt location.

It is therefore concluded that the new development will not have a materially greater impact on the Green Belt in physical terms and complies in principle with Policies CP1, CP2, GB2A and H2A of the Adopted Local Plan and Alterations (2008); Policy DM4 of the Submission Version Local Plan (2017) and Green Belt objectives set out in the NPPF.



### Housing type

The existing property is a largely single storey sprawling building with additional space within the roof space to the rear. This would meet the definition of a 'bungalow', and as such is protected by Policy H 1 of the Submission Version Local Plan 2017. Whilst the proposal would result in the loss of this bungalow, the first floor of the two new dwellings would be largely accommodated within the roof slope.

This factor, along with the other benefits of this particular scheme, are considered sufficient to address policy H 1(F) of the Submission Version Local Plan 2017.

### Design and character

The proposed new dwellings are similar in neighbouring dwellings. The houses feature elements common to the Essex vernacular and would appear appropriate within their setting beside the existing dwelling on the site. At present the detracts from this part of the conservation which is considered to be of a low quality and would go some way to improve the existing situation. The Council's Conservation Officer does not object to the demolition and replacement of the existing building subject to securing high quality external construction materials as well as agreement to hard and soft landscaping.

It is therefore concluded that the design and character of the dwellings including their impact on the Roydon Conservation Area are acceptable and complies with Policies HC7, HC9, DBE1, DBE4, DBE5, DBE6 and DBE8 of the Adopted Local Plan and Alterations; Policies DM7, DM9 and DM10 of the Submission Version Local Plan 2017 and the aims and objectives of the NPPF.

### Living conditions of the neighbours

The proposed dwellings would be set away from neighbouring dwellings, at over a metre away from the shared boundary with Avoncrest and would be of a scale appropriate to the site. Whilst neighbours are concerned about a loss of light, this would be to secondary windows adjacent the boundary fence and flank of the existing dwelling and it is not considered that the proposed dwelling would have any significant impact on these windows. Whilst it is recognised that the development would be deeper within the site these elements would be located where there are existing outbuildings and would be set well away from neighbouring dwellings, not visible from 45-degree lines of sight from neighbouring windows.

The impact on residential amenities are acceptable and therefore comply with Policy DBE2 of the Adopted Local Plan and Alterations (2008) and Policy DM9 of the Submission Version Local Plan (2017).

### Landscaping

There are no objections to the landscaping of the proposal subject to the recommended conditions indicated by the Council's arboricultural officer.

### Flood Risk and Land Contamination

No objections have been made to the proposals on flood risk or land contamination grounds provided the above recommended planning conditions are secured on the grant of planning permission.

In this regard the proposals would comply with Policies U2B and U3B of the Adopted Local Plan and Alterations (2008) and Policies DM15, DM16 and DM21 of the Submission Version Local Plan (2017).

### Epping Forest Special Area of Conservation

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

a. The site lies outside of the 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

b. The development has the potential to result in a net increase in traffic using roads through the EFSAC. Therefore, the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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

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

### *Atmospheric Pollution*

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

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

### **Conclusions**

The redevelopment of this previously developed site to provide two new dwellings can be considered an exception to inappropriate development under emerging local plan policy DM4 (part C (vi)) and paragraph 149 of the NPPF and is therefore acceptable in principle. The scale and design of the dwelling, through the reduction of the existing built form on site would achieve a development that would be maintain the openness of the Green Belt. The scale, design and appearance of the proposals are also considered compatible to the conservation area and would not cause significant harm to existing residential amenities in terms of daylight, sunlight and outlook. The impact of the proposed development on the EFSAC can be avoided and mitigated by

securing relevant financial contributions under S106 Agreement including the imposition of planning conditions that will support electric car charging and home working.

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

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

**Planning Application Case Officer: Cuma Ahmet Telephone Number: 01992 564000 (x2581).**

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

