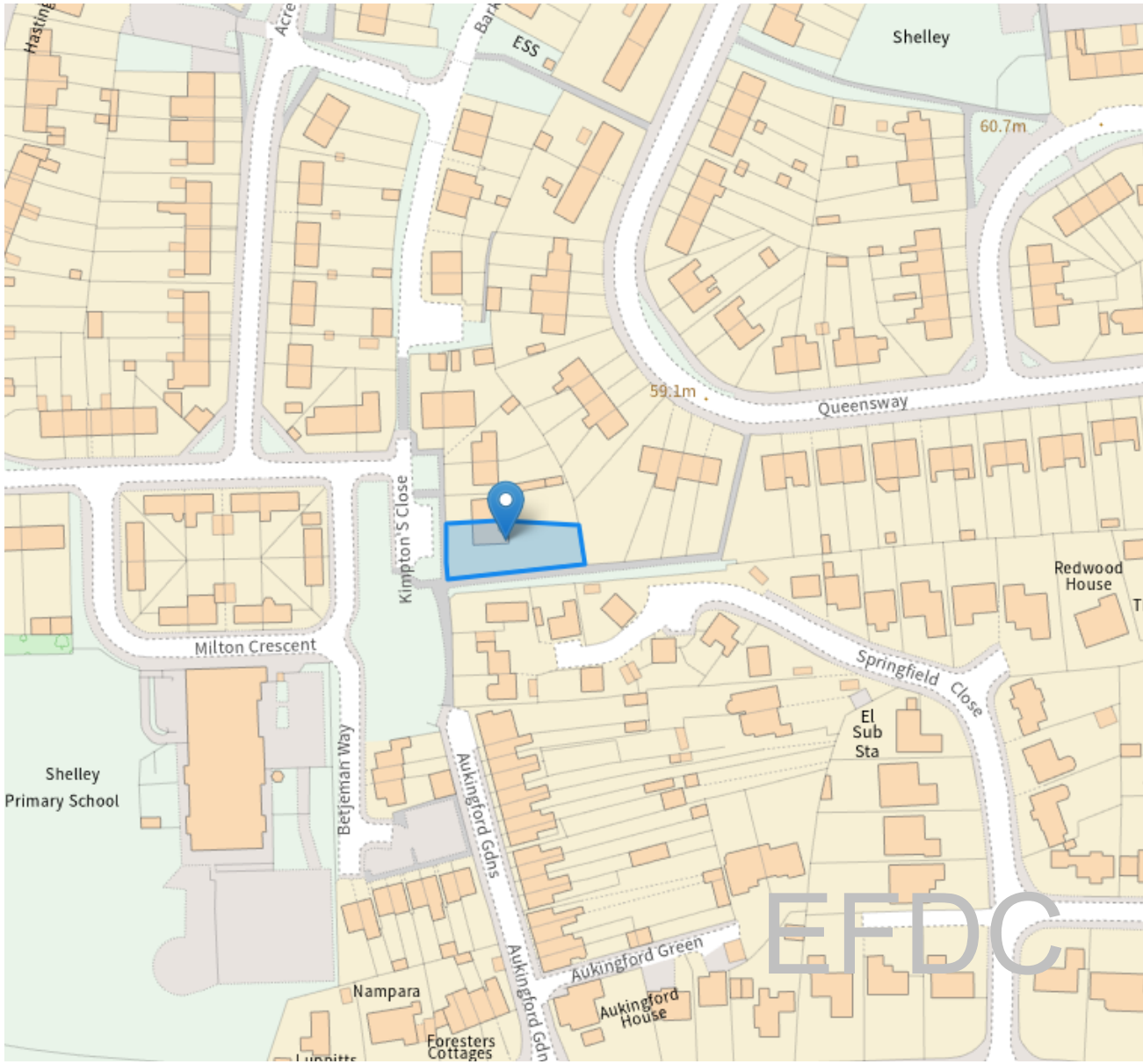




EFDC



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

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OFFICER REPORT

Application Ref: EPF/2408/20
Application Type: Full planning permission
Applicant: T Blackshaw
Case Officer: Cuma Ahmet
Site Address: 8 Kimpton Close
Ongar
CM5 0BQ
Proposal: Construction of a two storey three bedroom house attached to the existing dwelling.
Ward: Shelley
Parish: Ongar
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxMw>
Recommendation: Approve with Conditions

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

Description of Site

The application site comprises the side garden curtilage currently associated to No.8 Kimpton Close, which is located within the Parish of Ongar. The site is currently laid to grass and enclosed to its southern boundary perimeter by 3m tall evergreen hedges. Parking is currently accommodated on-street within the cul-de-sac of Kimpton Close for approximately 6 spaces in total of which one space appears to be assigned for disabled users.

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

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

Description of Proposal

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

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

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

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

Relevant Planning History

In chronological order, with the most recent application first:

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

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

Development Plan

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006); Epping Forest District Local Plan Submission Version (2017) and the Ongar Neighbourhood Plan (2020-2033).

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

CP1	Achieving Sustainable Development Objectives
CP3	New Development
CP5	Sustainable Building
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
CP9	Sustainable Transport
NC1	SPAs, SACs and SSSIs
H3A	Housing Density
H4A	Dwelling Mix
H9A	Lifetime Homes
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car parking in new development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL7	Planting, Protection and Care of Trees
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscape Schemes
LL12	Street Trees
ST1	Location of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations
U2A	Development in Flood Risk Areas
U2B	Flood Risk Assessment Zones
U3B	Sustainable Drainage Systems

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

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

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

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

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

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

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

Ongar Neighbourhood Plan (2020-2033)

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

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

National Planning Policy Framework (July 2021)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

Summary of Representations

Number of neighbours initially consulted: **9**

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

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

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

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

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

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

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

Essex County Council Highways: No objections.

Issues and Considerations

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

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

Principle of residential development

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

Design, layout and quality of residential accommodation

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

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

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

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

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

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

Impact on amenities of neighbouring residents

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

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

Highways and parking

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

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

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

Land contamination and flood risks

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

Overall, the impact of the proposals in consideration of contamination and flooding risks are acceptable and therefore would comply with policies U2B and U3B of the Adopted Local Plan and Alterations (2006) and policies DM15, DM16 and DM21 of the Epping Forest Local Plan Submission Version (2017).

Impacts on Epping Forest Special Area of Conservation (EFSAC)

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

The site lies outside of the 6.2 km Zone of Influence as identified in the updated Strategic Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' adopted by the Council on 11 April 2022 as a material consideration in the determination of planning applications. Consequently, the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

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

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

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

'Appropriate Assessment' - Atmospheric Pollution

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

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

Conclusion

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

For the reasons outlined above this proposal complies with the relevant policies under both the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006); the Epping Forest Local Plan Submission Version (2017) and the Ongar Neighbourhood Plan (2020-2033) including overarching planning guidance contained in the NPPF.

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

Planning Application Case Officer: Cuma Ahmet

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

Conditions: (9)

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

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

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

4066_PL201
4066_PL203D
4066_P204A
4066_P205A
4066_PL206A

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building [or those specified on the approved plans, or those specified in the submitted application form].

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 [or DBE1 if structure is not a residential extension] of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

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

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

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

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

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

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

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are

complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

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

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

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

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

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (2)

- 10 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 11 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.