



Epping Forest District Council



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Application Number:	EPF/2874/22
Site Name:	8 Kimptons Close Ongar CM5 0BQ

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OFFICER REPORT

Application Ref: EPF/2874/22
Application Type: Full planning permission

Applicant: Mr T Blackshaw
Case Officer: Muhammad Rahman
Site Address: 8, Kimpton's Close, Ongar, CM5 0BQ
Proposal: Construction of a two storey three bedroom house (Revised scheme to EPF/2408/20).
Ward: Shelley
Parish: Ongar
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UxIP>
Recommendation: Approve with Conditions (Subject to s106 Legal Agreement)

This application was deferred from the 5th July 2023 meeting for a Members Site Visit which was arranged for Wednesday 26th July 2023.

Officer report has been reproduced below.

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

Site and Surroundings

The site comprises of residential garden space for the host house 8 Kimptons Close, located within a built-up area of Ongar. It is not listed nor in a conservation area, nor the Green Belt. No protected trees lie within the site. A public right of way runs across the front of the site.

Proposal

The proposal is for the Construction of a two storey three-bedroom house. This is a revised scheme to EPF/2408/20. The main amendments are;

1. Addition of rear box dormer; and
2. Internal layout changes.

Relevant Planning History

EPF/2408/20 - Construction of a two storey three-bedroom house attached to the existing dwelling - Approved subject to s106 Legal Agreement.

EPF/2279/20 - Two storey rear extension, with refurbishment and changes to the existing window and door layout in the existing building - Approve with Conditions

EPF/2930/22 - Application for Approval of Details reserved by conditions 4"details of surface water disposal", 5"contamination" & 9"Tree Protection Pan & Arboricultural Method Statement" for EPF/2408/20. (Construction of a two storey three-bedroom house attached to the existing dwelling.) – Details Approved

EPF/0142/21 - Application for a Lawful Development Certificate for a proposed loft conversion & rear flat roof dormer – Lawful

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023);

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

SP1 Spatial Development Strategy 2011-2033
H1 Housing Mix and Accommodation Types
T1 Sustainable Transport Choices
DM2 Epping Forest SAC and the Lee Valley SPA
DM3 Landscape Character, Ancient Landscapes and Geodiversity
DM5 Green and Blue Infrastructure
DM9 High Quality Design
DM10 Housing Design and Quality
DM11 Waste Recycling Facilities on New Development
DM15 Managing and Reducing Flood Risk
DM16 Sustainable Drainage Systems
DM17 Protecting and Enhancing Watercourses and Flood Defences
DM18 On Site Management of Wastewater and Water Supply
DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality

National Planning Policy Framework 2021 (Framework)

Paragraph 11
Paragraphs 126 & 130
Paragraph 180

Ongar Neighbourhood Plan 2020 - 2033 (2022)

ONG-RR3 Housing Mix
ONG-RR4 Broadband
ONG-ED1 Design
ONG-ED4 Sustainability
ONG-CT3 Transport

Summary of Representations

Number of neighbours Consulted: 27. 12 response(s) received.
Site notice posted: Yes.

MULTIPLE OBJECTIONS RECEIVED – Summarised as:

- Overlooking;
- Loss of blossom tree;
- Parking provision/Highway safety;
- Out of character/overdevelopment; and
- Other comments on matters not related to proposal.

ONGAR TOWN COUNCIL – No comments received at the time of writing this report.

Planning Considerations

As mentioned above, the only change to the recent approved consent EPF/2408/20 is the addition of a rear box dormer and internal layout changes.

Thus, the key focus is whether the proposed amendments are acceptable. These amendments raise no design concerns as it will match that of the host house, nor to the other matters assessed under the above application, in Officers opinion.

Furthermore, Officers note the concerns raised by local residents on various matters, however, with the fallback position under EPF/2408/20 there is no material ground to refuse this application that could be defended well on appeal.

Too add, much of the comments relate to a possible HMO conversion, however, the proposal relates to a new dwelling including the above amendments, not a proposal for a new HMO dwelling. As such Members will need to determine the application against the submitted plans.

Notwithstanding the above, if Members deem it necessary due to the potential parking issues with having 2 running HMO's then permitted development rights for a HMO conversion can be removed, via a suitably worded condition.

For clarity, as this application will result in a new planning permission, a new s106 legal agreement will need to be entered into with the applicant to secure the required financial contributions as per the agreed mitigation measures towards the Epping Forest Special area of Conservation.

Conclusion

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

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

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

Conditions: (12)

- 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_PL501, 4066_PL502, 4066_PL503, 4066_PL504, 4066_PL505, and 4066_PL506.

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

- 3 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 Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Tree protection shall be installed as shown on Andrew Day Arboricultural Consultancy Ltd 'Tree Protection Plan' Rev A (dated 19th December 2022) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 An assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) 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 Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) 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, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (1)

- 13 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.