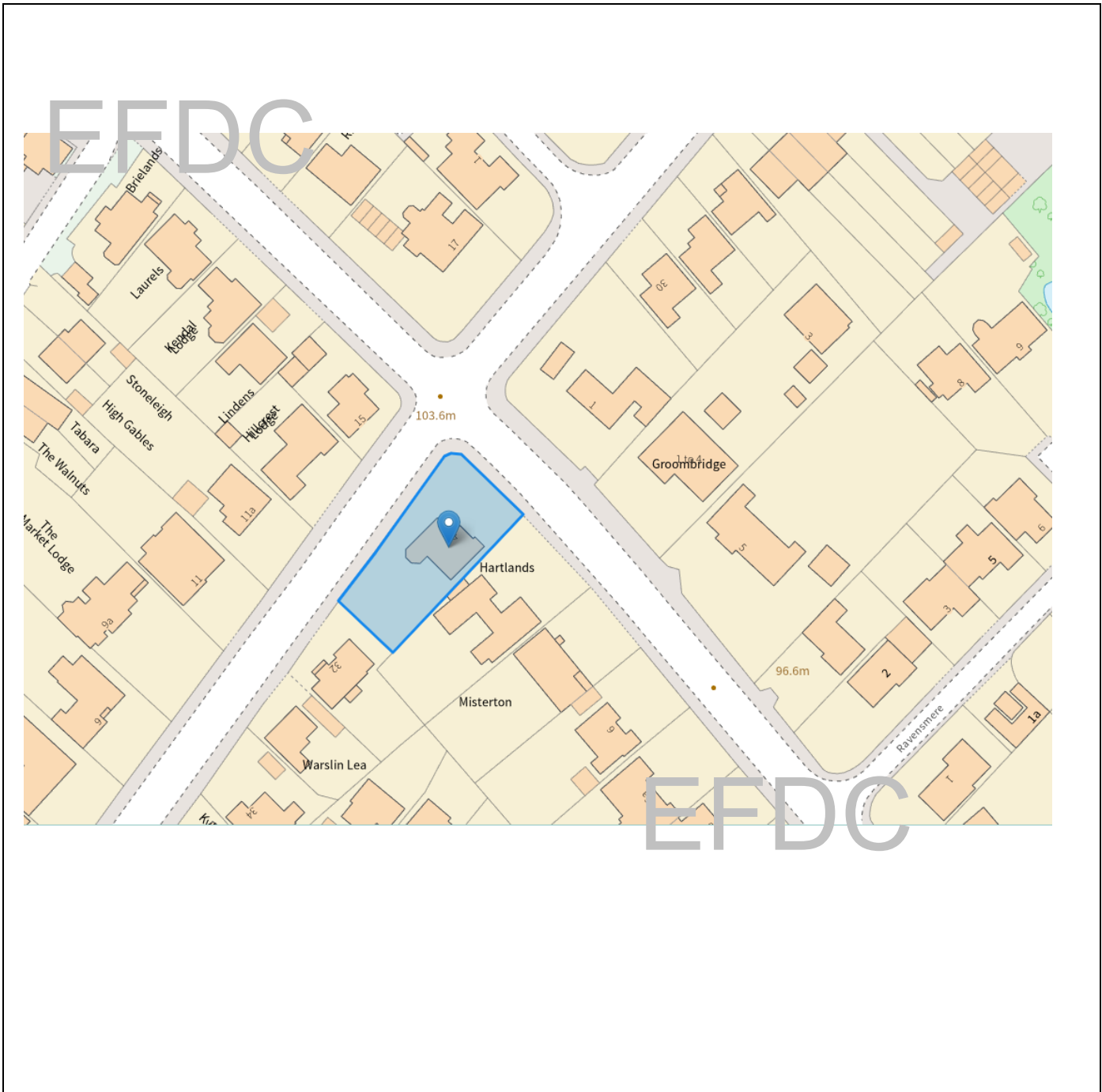




Epping Forest District Council



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Application Number:	EPF/0597/23
Site Name:	4 Kendal Avenue Epping CM16 4PN

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OFFICER REPORT

Application Ref: EPF/0597/23
Application Type: Removal/variation of conditions

Applicant: Mr Virk
Case Officer: Caroline Brown
Site Address: 4, Kendal Avenue, Epping, CM16 4PN
Proposal: Removal of condition 8 existing access and variation to condition 2 on planning permission EPF/3050/21 (Demolition of existing dwelling and construction of a new dwelling)
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Vi3o>
Recommendation: Approve

The 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).

Site and Surroundings

No. 4 Kendal Avenue comprises of a two-storey detached dwellinghouse set in a large curtilage to the west of Kendal Avenue which is residential in character defined by predominantly detached houses that vary in design, size and spacing with some benefiting from larger separation distances than others and well set back from the highway. The site is within an urban built area which is outside of a conservation area and is not listed.

This application site currently has 2 access/egress points with one fronting onto Kendal Avenue and the other Hartland Road.

The property lies outside of a conservation area and is not listed.

Proposed Development

The proposal seeks consent for the removal of condition 8 attached to the previous approval ref: EPF/3050/21 for a replacement dwellinghouse at the site which reads:

“Prior to the first occupation of the development the existing access off Hartland Road shall be permanently closed off incorporating the reinstatement of the footway and kerbing to full height. Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.”

Condition 2 would also be altered to incorporate the revised plans showing the access being retained.

The Planning Statement confirms that the applicant wishes to retain the existing entrance to improve and maximise vehicular access/egress to the property which works with the proposed new dwelling. The vehicular entrance will remain the same as it does at present, and it will not be altered in any way.

Relevant History

EPF/3050/21 - Demolition of existing dwelling and construction of a new dwelling.- approved
11/10/2022.

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.

Epping Forest District Local Plan (2011-2033) (March 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 are relevant to this application:

CP7- Urban Form and Quality
T1 - Sustainable transport choices
DM9 - Amenity

NPPF, 2021

The NPPF is a material consideration in determining planning applications. The following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 126-7 - Achieving well designed Places.

CONSULTATION CARRIED OUT & SUMMARY OF REPRESENTATIONS RECEIVED:

Epping Town Council – Objection and confirm they will attend and speak at Plans East to object to this proposal.

- The condition as it was put in place by Epping Forest District Council as advised by Essex County Council's Highways department. for traffic management "to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety."

Epping Society

- The application does not offer any reasons to disregard the Highway condition.

14 adjoining neighbours were notified, and 2 resident objections received.

Hillcrest Lodge Hartland Road:

- As you can see from their revised drawing, people turning into the property would have to stop on this blind corner and wait for the electric gates to open. There is no justification to changing the original

agreed plans, and permission should definitely not be granted. Clearly, the next step will be to convert the new building into flats which would involve additional cars into and out of the property.

- Both Highways and EFDC put this condition in place in the 'interest of highway safety'. Nothing has changed to alter this situation. It would be ludicrous to allow this condition to be changed. This corner of Hartland and Kendal is an accident black spot. Let us not get to a situation where someone has to die to acknowledge this.

11 Hartland Road, Epping:

- The reason given by EFDC for condition 8 is to "ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety. On this basis, the condition should clearly remain in place. This junction continues to be an accident hotspot and removing this condition is not in the interest of highway safety.

Planning Considerations:

The main issues for consideration in this case are:

- Highway and Safety Aspects

Highway Considerations

No. 4 Kendal Avenue is sited on a corner adjacent to Hartland Road which comprises of residential properties that have vehicle accesses onto Hartland Road.

No. 4 has two existing vehicular access points, one onto Kendal Avenue and the other Hartland Road. Essex County Council Highways have not raised any objection to the retention of the existing vehicle access onto Hartland Road, which complies with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

The original application ref: EPF/3050/21 proposed the closure of the second access. This was not requested by the LPA or the Highway Authority. The reason that Highways requested that condition 8 to be placed on the approval for the construction of the new dwellinghouse was that, since the scheme sought to include the closure of the existing access onto Hartland Road it was therefore appropriate to ensure that the access was removed completely and that the footpath and kerb was reinstated to the full height in the interest of highway safety.

There was no objection from Highways or suggestion that the existing access was unsafe or resulted in a detrimental impact on the highway, nor is there any objection to the retention of the existing access. The proposal would offer no change from what currently exists and therefore there is no justification to refuse the retention of both access points.

In line with the above, the removal of the condition is supported as it complies with policy T1 of the Epping Forest Local Plan (2011-2033) and of the NPPF 2021.

Impact on Neighbours' Amenities

In terms of amenity, the removal of Condition 8 is not considered to give rise to any harmful amenity implications to the living conditions of neighbouring properties and complies with policy DM9 of the adopted Local Plan (2011-2033).

The comments of the Parish Council and neighbouring properties are noted. However, Highways have no objection to the existing vehicle access on safety grounds. However, if it was to be removed then they

wanted to ensure that the pavement and kerb were completed to a satisfactory highway standard, hence the condition.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DM9 of the adopted Local Plan (2011-2033) and policy DBE9 of the Local Plan and Alterations (1998-2006).

Conclusion

For the reasons set out above, having regard to all matters raised, it is recommended that condition 8 is removed from the original consent.

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

Conditions: (15)

1. The development hereby permitted shall begin not later than 11 October 2025.

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: 2612 - 01; 02; 03; 04C; 05 B

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

3. Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), 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 policies DM16 and DM18 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

5. 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 DM19 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

6. Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point 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 policies T1 and DM22 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

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

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

8. 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

9. 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

10. 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 DM3 and DM5 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

11. 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 DM3 and DM5 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

12. Tree protection shall be installed as shown on Moore Partners 'Tree Protection Plan' drawing number MP/4KA/02 (dated 3rd December 2021) 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 policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

13. Prior to any above ground works, documentary and photographic details of the type and colours of all 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

14. 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 DM9 and DM 21 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF.

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

Reason: 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)

- 1 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.